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9 *Attorneys for Plaintiffs and Counter-Defendants*

10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 BENNION & DEVILLE FINE  
13 HOMES, INC., a California  
14 corporation, BENNION & DEVILLE  
15 FINE HOMES SOCAL, INC., a  
16 California corporation, WINDERMERE  
17 SERVICES SOUTHERN  
18 CALIFORNIA, INC., a California  
corporation,

19 Plaintiffs,

20 v.

21 WINDERMERE REAL ESTATE  
22 SERVICES COMPANY, a Washington  
23 corporation; and DOES 1-10

24 Defendant.

25 AND RELATED COUNTERCLAIMS  
26  
27  
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Case No. 5:15-CV-01921 R (KKx)

*Hon. Manual L. Real*

**B&D PARTIES' PROPOSED  
WITNESS LIST**

Courtroom: 8

Action Filed: September 17, 2015

Pretrial Conf.: September 19, 2016

Trial: October 18, 2016

1 Pursuant to Local Rule 16-2.4, Plaintiffs/Counter-Defendants Bennion &  
2 Deville Fine Homes, Inc., Bennion & Deville Fine Homes SoCal, Inc.,  
3 Windermere Services Southern California, Inc., and Counter-Defendants Robert L.  
4 Bennion and Joseph R. Deville (all collectively referred to herein as the “B&D  
5 Parties”) hereby provide the following list of prospective trial witnesses that are  
6 anticipated to be called either live or live and/or via deposition, not including  
7 impeachment witnesses. The B&D Parties reserve the right to amend, modify, or  
8 supplement this witness list following the completion of expert discovery that is  
9 currently underway. An asterisk has been placed next to the names of those  
10 witnesses whom the B&D Parties may call only if the need arises.

- |    |                      |                              |
|----|----------------------|------------------------------|
| 11 |                      |                              |
| 12 | 1. Robert L. Bennion | Live testimony               |
| 13 | Live testimony       | 10. Greg Barton              |
| 14 | 2. Joseph R. Deville | Live testimony               |
| 15 | Live testimony       | 11. Gretchen Pierson         |
| 16 | 3. Eric Forsberg     | Live testimony               |
| 17 | Live testimony       | 12. Richard King             |
| 18 | 4. Patrick Robinson  | Live testimony               |
| 19 | Live testimony       | 13. Geoff Wood               |
| 20 | 5. Paige Tyley       | Live testimony               |
| 21 | Live testimony       | 14. Paul Drayna              |
| 22 | 6. Kirk Gregor       | Live testimony               |
| 23 | Live testimony       | 15. Peter Wrobel             |
| 24 | 7. Chris Anderson    | Live testimony               |
| 25 | Live testimony       | 16. Franchise Expert*        |
| 26 | 8. Robert Sunderland | Live testimony               |
| 27 | Live testimony       | 17. Rebuttal Expert Witness* |
| 28 | 9. Gerard P. Davey   | Live testimony               |

1 DATED: August 29, 2016

**MULCAHY LLP**

2  
3 By: /s/ James M. Mulcahy  
4 James M. Mulcahy  
5 Kevin A. Adams  
6 *Attorneys for Plaintiffs/Counter-*  
7 *Defendants Bennion & Deville Fine*  
8 *Homes, Inc., Bennion & Deville Fine*  
9 *Homes SoCal, Inc., Windermere*  
10 *Services Southern California, Inc.,*  
11 *and Counter-Defendants Robert L.*  
12 *Bennion and Joseph R. Deville*

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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the County of Orange, State of California. I am over the age of 18 and not  
4 a party to the within action; my business address 4 Park Plaza, Suite 1230, Irvine, CA 92614.

5 On August 29, 2016, I served document(s) described as **B&D PARTIES' PROPOSED**  
6 **WITNESS LIST**, on the following person at the addresses and/or facsimile number below:

7 Pérez Wilson Vaughn & Feasby  
8 John Vaughn  
9 750 B. Street, 33<sup>rd</sup> Floor  
10 San Diego, CA 92101  
11 vaughn@perezwilson.com

12 [ ] VIA FACSIMILE – Based on an agreement by the parties to accept service by fax  
13 transmission, I faxed the documents from a fax machine in Irvine, California, with the  
14 number 949-252-0090, to the parties and/or attorney for the parties at the facsimile  
15 transmission number(s) shown herein. The facsimile transmission was reported as complete  
16 without error by a transmission report, issued by the facsimile transmission upon which the  
17 transmission was made, a copy of which is attached hereto.

18 [ X ] BY ELECTRONIC SERVICE – Based on a court order or agreement of the parties to accept  
19 service by electronic transmission, I caused the documents to be sent to the persons at the  
20 electronic notification addresses listed herein on the above referenced date. I did not receive,  
21 within a reasonable time after the transmission, any electronic message or other indication  
22 that the transmission was unsuccessful.

23 [ ] BY MAIL - I am "readily familiar" with the firm's practice of collection and processing  
24 correspondence for mailing. Under that practice it would be deposited with the U.S. postal  
25 service on that same day, with postage thereon fully prepaid, at Irvine, California in the  
26 ordinary course of business. I am aware that on motion of the party served, service is  
27 presumed invalid if postal cancellation date or postage meter date is more than one day after  
28 date of deposit for mailing in affidavit.

[ ] BY CERTIFIED MAIL - I am "readily familiar" with the firm's practice of collection and  
processing correspondence for mailing. Under that practice it would be deposited with the  
U.S. postal service on that same day, with postage thereon fully prepaid, at Irvine, California  
in the ordinary course of business. I am aware that on motion of the party served, service is  
presumed invalid if postal cancellation date or postage meter date is more than one day after  
date of deposit for mailing in affidavit.

[ ] BY FEDERAL EXPRESS – I am readily familiar with the firm's practice of collection and  
processing correspondence for Federal Express. Under that practice it would be deposited  
with Federal Express on that same day in the ordinary course of business for overnight  
delivery with delivery costs thereon fully prepaid by sender, at Irvine, California.

1 [ ] BY MESSENGER SERVICE – I served the documents by placing them in an envelope or  
2 package addressed to the persons at the addresses listed herein and providing them to a  
3 professional messenger service for service. A declaration by the messenger service will be  
4 filed separately.

5 I declare under penalty of perjury under the laws of the State of California and the United  
6 States of America that the above is true and correct.

7 Executed on **August 29, 2016** at Irvine, California.

8 By: /s/ Barbara Calvert  
9 Barbara Calvert