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

BENNION & DEVILLE FINE ) Case No. 5:15-cv-01921-R-KK  
HOMES, INC., a California ) *Hon. Manual L. Real*  
corporation, BENNION & DEVILLE )  
FINE HOMES SOCAL, INC., a ) **ORDER GRANTING JOINT**  
California corporation, ) **STIPULATION FOR (i) PLAINTIFFS**  
WINDERMERE SERVICES ) **TO FILE FIRST AMENDED**  
SOUTHERN CALIFORNIA, INC., a ) **COMPLAINT; AND (ii)**  
California corporation, ) **COUNTERCLAIMANT**  
 ) **WINDERMERE REAL ESTATE**  
Plaintiffs, ) **SERVICES COMPANY TO**  
 ) **VOLUNTARILY DISMISS COUNTS**  
v. ) **FIVE, SIX, AND SEVEN OF FIRST**  
 ) **AMENDED COUNTERCLAIM**  
WINDERMERE REAL ESTATE )  
SERVICES COMPANY, a )  
Washington corporation; and DOES ) Complaint filed: September 17, 2015  
1-10. )  
 ) First Amended Counterclaim filed:  
Defendants. ) October 14, 2015  
 )  
AND RELATED COUNTERCLAIMS )  
 )

Plaintiffs/Counter-Defendants Bennion & Deville Fine Homes, Inc., Bennion &  
Deville Fine Homes SoCal, Inc., Windermere Services Southern California, Inc.,  
(collectively, "Plaintiffs") Counter-Defendant Robert L. Bennion, and

1 Defendant/Counter-Claimant Windermere Real Estate Services Company's ("WSC")  
2 Joint Stipulation was filed with this Court on November 11, 2015. Having reviewed and  
3 considered the Joint Stipulation, the pleadings and files in this case, the Court rules as  
4 follows:

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6 The Court finds that the parties have shown good cause for the request and,  
7 therefore, ORDERS that:

- 8 1. Plaintiffs shall have up to and including November 16, 2015 to file a  
9 First Amended Complaint;
- 10 2. WSC shall have 21 days from the date of the filing of the First Amended  
11 Complaint in order to respond to that complaint as it deems proper;
- 12 3. Plaintiffs' counts five (Breach of Contract – Confidentiality  
13 Agreement), six (Intentional Interference with Contractual Relations),  
14 and seven (Intentional Interference with Prospective Economic  
15 Advantage) of the Complaint [D.E. 1] are hereby dismissed, *without*  
16 *prejudice*;
- 17 4. WSC's counts five (Violation of the Anticybersquatting & Consumer  
18 Protection Act), six (Federal Trademark Infringement), and seven  
19 (Unfair Business Practices – Cal. Bus. Pro. Code §§ 17200 *et seq.*) of  
20 the First Amended Counterclaim [D.E. 16] are hereby dismissed,  
21 *without prejudice*, as to all Counter-Defendants;
- 22 5. Plaintiffs shall have 14 days from the date the Court enters the Order  
23 on this Joint Stipulation to answer the First Amended Counterclaim;
- 24 6. Counter-Defendant Bennion shall have 14 days from the Date the  
25 Court enters the Order on this Joint Stipulation to answer or otherwise  
26 respond to the First Amended Counterclaim; and  
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1 7. WSC's motion to dismiss the Complaint [D.E. 14] is deemed withdrawn.  
2 Plaintiffs' motion to dismiss the First Amended Counterclaim [D.E. 26] is  
3 deemed withdrawn.  
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5 IT IS SO ORDERED.

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7 Dated: November 12, 2015  
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9 Hon. Manual L. Real  
10 United States District Judge  
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