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

BENNION & DEVILLE FINE HOMES, INC., a California corporation, BENNION & DEVILLE FINE HOMES SOCAL, INC., a California corporation, WINDERMERE SERVICES SOUTHERN CALIFORNIA, INC., a California corporation,

Plaintiffs,

v.

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

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 5:15-CV-01921 R (KKx)

Hon. Manual L. Real

[PROPOSED] ORDER GRANTING PLAINTIFFS AND COUNTER-DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Date: November 21, 2016
Time: 10:00 a.m.
Courtroom: 8

Action Filed: September 17, 2015
Pretrial Conf.: November 14, 2016
Trial: January 31, 2017

Plaintiffs/Counter-Defendants Bennion & Deville Fine Homes SoCal, Inc. ("B&D SoCal") and Windermere Services Southern California, Inc. ("Services SoCal"), and Counter-Defendants Robert Bennion ("Bennion") and Joseph R. Deville ("Deville") (all collectively, the "B&D Parties") Motion for Partial Summary Judgment as to Defendant/Counterclaimant Windermere Real Estate

1 Services Company's ("WSC") First, Second, Third, and Fourth Claims for Relief
2 in the First Amended Counterclaim ("FACC") came regularly before this Court on
3 November 21, 2016, the Honorable Manual L. Real presiding. Attorney Kevin A.
4 Adams appeared on behalf of the B&D Parties. Attorney Jeff Feasby appeared on
5 behalf of WSC.

6 After full consideration of the papers submitted by the parties, the oral
7 arguments of counsel, and the evidence presented, IT IS HEREBY ORDERED
8 THAT the B&D Parties' Motion for Partial Summary Judgment is GRANTED and
9 the B&D Parties are entitled to judgement as a matter of law on the following
10 claims in the FACC:

- 11 • Count One: the claims set forth in paragraphs 118 through 125
12 as to Bennion and Deville;
- 13 • Count Two: the claims set forth in paragraphs 130 and 133
14 through 140 in their entirety;
- 15 • Count Three: the claims set forth in paragraphs 148 through
16 156 in their entirety; and
- 17 • Count Four: as to Services SoCal in its entirety.

18
19 **SO IT IS ORDERED.**

20
21 Dated:

22 Hon. Manual L. Real
23 United States District Court Judge

24
25 Respectfully submitted by:

26 /s/ Kevin A. Adams
27 **MULCAHY LLP**
28 James M. Mulcahy (SBN 213547)

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