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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 08 2012

M. Gibson

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Attorneys for Defendants, PEGGY SHAMBAUGH, an individual; BENNION & DEVILLE FINE HOMES, INC., doing business as WINDERMERE REAL ESTATE COACHELLA VALLEY, a corporation; WINDERMERE REAL ESTATE SERVICES COMPANY; and JOSEPH R. DEVILLE (erroneously sued as Bob Deville)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE**

TWENTY-NINE PALMS BAND OF MISSION INDIANS OF CALIFORNIA; TWENTY-NINE PALMS ENTERPRISES CORPORATION; and ECHO TRAIL HOLDINGS, LLC, a limited liability company,

Plaintiffs,

vs.

DAVID ALAN HESLOP, an individual; DIVERSIFICATION RESOURCES, LLC, a limited liability company; NATIONAL DEMOGRAPHICS, INC., a corporation; PEGGY SHAMBAUGH, an individual; BENNION & DEVILLE FINE HOMES, INC., doing business as WINDERMERE REAL ESTATE COACHELLA VALLEY, a corporation, and DOES 1 through 100, inclusive

Defendants.

ECHO TRAIL HOLDINGS, LLC, a limited liability company,

Plaintiff,

CASE NO.: RIC 10006101
(Consolidated with Case No. RIC 10019843)

NOTICE OF MOTION AND MOTION OF DEFENDANTS PEGGY SHAMBAUGH, BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE REAL ESTATE COACHELLA VALLEY, WINDERMERE REAL ESTATE SERVICES COMPANY and JOSEPH R. DEVILLE TO STAY PROCEEDINGS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; NOTICE OF LODGMENT OF EXHIBITS IN SUPPORT THEREOF; REQUEST FOR JUDICIAL NOTICE; DECLARATION OF CHERYL D. DAVIDSON IN SUPPORT THEREOF

DATE: July 6, 2012
TIME: 8:30 a.m.
JUDGE: Hon. John Vineyard
DEPT. #07-02

Complaint Filed: 10/07/09
Trial Date: Not Yet Assigned

BY FAX

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vs.

BENNION & DEVILLE FINE HOMES,
INC., doing business as WINDERMERE
REAL ESTATE COACHELLA VALLEY, a
corporation, and Does 1 through 100,

Defendants.

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on July 6, 2012 at 8:30 a.m., Defendants PEGGY SHAMBAUGH, JOSEPH R. DEVILLE, BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE REAL ESTATE COACHELLA VALLEY and WINDERMERE REAL ESTATE SERVICES COMPANY (collectively "Moving Parties") will appear in Department 7 of the Riverside County Superior Court located at 4050 Main Street, Riverside, California, to move, and hereby do move, this Court for an order to Stay the Proceedings until resolution of the companion criminal matter.

This motion is made pursuant to the Court's authority to Stay civil proceedings where defendants are also the subject of criminal investigation and/or prosecution and that Staying this action will benefit all parties to this action, promote court efficiency, preserve resources and serve public policy interests of justice and fairness. In the alternative, if the Court is not inclined to stay this matter in its entirety, it is requested that this action be stayed as to Moving Parties only.

This motion will be based upon this Notice of Motion, Motion, Memorandum of Points & Authorities in support thereof, the Exhibits lodged with the Court in support thereof, Request for Judicial Notice, and Declaration of Cheryl D. Davidson in support thereof, as well as the papers

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and pleadings on file in this action and any oral and documentary evidence and argument presented at the hearing.

DATED: June __, 2012

SUNDERLAND | McCUTCHAN, LLP

By: Cheryl D. Davidson
Robert J. Sunderland
Cheryl D. Davidson

Attorneys for Defendants, PEGGY SHAMBAUGH,
BENNION & DEVILLE FINE HOMES, INC., dba
WINDERMERE REAL ESTATE COACHELLA
VALLEY, WINDERMERE REAL ESTATE
SERVICES COMPANY and JOSEPH R.
DEVILLE