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FILED

MAY 28 2013

RECEIVED
MAY 24 2013
DEPT. 10

THOMAS R. FALLOUST, Judge Linda G. Thompkins
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

CARYL HELLER,

Plaintiff,

vs.

VESTUS, LLC, a Washington limited liability company; BRIAN SANDUSKY and JANE DOE SANDUSKY, individually and the marital community composed thereof; and AARON CUNNINGHAM and JANE DOE CUNNINGHAM, individually and the marital community comprised thereof,

Defendants.

No. 13-2-00611-6

STIPULATED MOTION FOR PROTECTIVE ORDER ON SPOKANE ASSOCIATION OF REALTORS RECORDS

I. STIPULATION

Defendants Brian Sandusky, Jane Doe Sandusky, Aaron Cunningham, and Jane Doe Cunningham issued a subpoena to the Spokane Association of Realtors regarding various ethics complaints filed by plaintiff Caryl Heller and non-party Curtis Price. Declaration of Allison J. Moon in support of stipulated motion for protective order; Exhibit 1. The Spokane Association of Realtors has requested that these records be subject to a protective order. Therefore, the parties, through their respective counsel, and counsel for the Spokane Association of Realtors have agreed to the following protective order regarding the use of the Spokane Association of Realtors' records in this litigation.

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LEE SMART
P.S., Inc. • Pacific Northwest Law Offices
1000 One Convention Place • 701 Pike Street • Seattle • WA • 98101-3929
Tel. 206.624.7990 • Toll Free 877.624.7990 • Fax 206.624.5944

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Dated this 13th day of May, 2013.

PAUKERT & TROPFMANN, PLLC

LEE SMART, P.S., INC.

By: [Signature]
Breann L. Beggs, WSBA No. 20795
Andrea L. Asan, WSBA No. 35395
Attorneys for Plaintiff Caryl Heller

By: [Signature]
Jeffrey P. Downer, WSBA No. 12625
Allison J. Moon, WSBA No. 41876
Attorneys for Defendants Sandusky
and Cunningham

DEMCO LAW FIRM, P.S.

LUKINS & ANNIS, P.S.

By: [Signature]
Lars E. Neste, WSBA No. 28781
Attorney for Defendant Vestus, LLC

By: attached
Kelly E. Konkright, WSBA No. 33544
Attorney for non-party Spokane
Association of Realtors

II. ORDER

The parties to the above-captioned lawsuit and counsel for the Spokane Association of Realtors stipulate and agree to the terms of the protective order below regarding the Spokane Association of Realtors' records produced in response to Defendants Sandusky and Cunningham's subpoena.

1. **Scope.** The provisions of this order apply to "confidential documents and information."

2. **Definition.** This order relates to "confidential documents and information." The terms "confidential documents and information" as used herein shall mean all documents produced by the Spokane Association of Realtors in response to Defendants Sandusky and Cunningham's subpoena. Any oral communication regarding these documents is included

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within the definition. These records are distinct from other records in that they are confidential in nature, the disclosure of which to other persons will cause damage to the Spokane Association of Realtors and/or its members.

3. Use in this litigation only and under the terms described herein. Except with prior written consent of the Spokane Association of Realtors, the confidential documents and information may be disclosed only to counsel who files an appearance for the parties.

The confidential documents and information shall be used by the party to whom the documents are disclosed solely for the purposes of this lawsuit, and may not be copied, filed in court, disseminated, published, communicated, distributed or otherwise used except as provided in this order. Use of the confidential documents and information for oral and/or written dissemination to any member of the public; any member of the media including radio, television, print digital optical, or otherwise via computer, telephone, facsimile, or any other communication medium; or to any person not otherwise specifically authorized herein is strictly prohibited.

If the confidential documents and information are used in a deposition, the court reporter shall be asked to designate the deposition exhibit or that portion of the transcript as "Confidential." That portion shall be sealed in an envelope marked "Confidential" at the conclusion of the deposition and shall only be accessed by legal counsel as necessary for purposes of this litigation consistent with the manner set forth in this order. The confidential deposition exhibits and portions of the deposition transcript shall not be filed in court, further distributed, communicated, reproduced, or stored in any manner and are considered confidential documents and information.

Counsel of record may use these confidential documents of record for the purposes of this litigation only and may not be filed in court unless the documents are filed under seal and in compliance with GR 15, 31 and applicable case law.

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6. Non-waiver of objections to discovery. Nothing herein shall affect any party's or person's right to object to any discovery request, including the right to assert that no discovery should be had of certain documents or information.

7. Destruction of documents and termination. The provisions of this order shall not terminate at the conclusion of this litigation and continue to be binding. This court retains and shall have jurisdiction over the parties, their attorneys and all recipients of the confidential documents and information for the enforcement of the provisions of this order following termination of this case. The confidential documents and information shall be returned to the Spokane Association of Realtors within 30 days following the completion of the lawsuit, including any Appellate review.

8. Enforcement. If the provisions of this order have not been adhered to, the Spokane Association of Realtors may seek relief from the court. The parties agree that the court should enforce any clear violations of the order.


DONE IN OPEN COURT this 24th day of May, 2013.

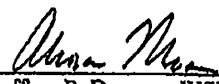

Hon. Linda G. Thompkins

Presented by:

PAUKERT & TROPFMANN, PLLC

LEE SMART, P.S., INC.

By: 
Breean L. Beggs, WSBA No. 20795
Andrea L. Asan, WSBA No. 35395
Attorneys for Plaintiff Caryl Heller


By: 
Jeffrey P. Downer, WSBA No. 12625
Allison J. Moon, WSBA No. 41876
Attorneys for Defendants Sundusky and Cunningham

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DEMCO LAW FIRM, P.S.

By: 
Lars E. Nestle, WSBA No. 28781
Attorney for Defendant Vestus, LLC

LUKINS & ANNIS, P.S.

By: 
Kelly E. Konkright, WSBA No. 33544
Attorney for non-party Spokane
Association of Realtors

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Dated this 13th day of May, 2013.

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LEE SMART, P.S., INC.

By: _____
Brecan L. Beggs, WSBA No. 20795
Andrea L. Asan, WSBA No. 35395
Attorneys for Plaintiff Caryl Heller

By: Alan Moon
Jeffrey P. Downer, WSBA No. 12625
Allison J. Moon, WSBA No. 41876
Attorneys for Defendants Sandusky
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