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9 **SUPERIOR COURT OF ARIZONA**  
10 **MARICOPA COUNTY**

11 NORMAN ZWICKY, ) NO. CV2015-051911  
12 )  
Plaintiff, )  
13 ) **DEFENDANT’S OBJECTION TO**  
v. ) **PLAINTIFF’S PROPOSED FORM OF**  
14 ) **ORDER**  
PREMIERE VACATION COLLECTION )  
15 OWNERS ASSOCIATION, f.k.a. Premiere ) (Assigned to the Honorable John Hannah)  
16 Vacation Club, an Arizona nonprofit )  
corporation, )  
17 )  
Defendant. )  
18 )  
19 )

20 Defendant Premiere Vacation Collection Owners Association objects to the proposed  
21 form of order submitted by the Plaintiff Norman Zwicky in the interest of clarity and because  
22 Plaintiff’s proposed order does not accurately reflect the Court’s rulings regarding the scope of  
23 the protective order.

24 First, Defendant proposes that the order clearly set forth which documents are  
25 designated as confidential and subject to the protective order. Identifying those documents by  
26 category and Bates number is the clearest way to do so. For that reason, Defendant’s proposed  
27 form of order, attached hereto, identifies the documents subject to the protective order by  
28 category and Bates number.

1 Second, Plaintiff's proposed form of order unreasonably weakens the protection the  
2 Court ordered for confidential documents as reflected in the Court's minute entries. On  
3 page 2 lines 9-15, Plaintiff's proposed order allows the Plaintiff to share the confidential  
4 information with "persons similarly situated to Plaintiff who may retain Plaintiff's  
5 counsel services in the future." That language was not included in the original protective  
6 order as set forth the 5/6/16 minute entry or the recent 6/19/18 minute entry, and is not  
7 warranted by the Court's rulings. Instead, Defendant proposes using the same language  
8 from the 5/6/16 minute entry regarding the persons with whom Plaintiff may share  
9 confidential information.

10 Third, the paragraph on page 2 lines 17-23 of Plaintiff's proposed order similarly  
11 does not reflect the Court's minute entries or oral rulings. Therefore, Defendant proposes  
12 using the Court's language from the 6/19/18 minute entry on pages 2-3: "IT IS  
13 FURTHER ORDERED that the plaintiff may use information covered by the protective  
14 order to formulate his proposed complaint. For example, the protective order will not  
15 prevent the plaintiff from alleging in a complaint that the management costs that the  
16 property owners were actually paying were materially greater than what was disclosed."

17 Defendant's proposed form of order is submitted herewith. Defendant's proposed  
18 form of order accurately reflects the scope of the protective order as set forth in the  
19 Court's rulings and clearly describes the documents covered by the protective order, in  
20 the event of any future dispute.

21 DATED this 2<sup>nd</sup> day of July, 2018.

22 **COPPERSMITH BROCKELMAN PLC**

23 By /s/ Katherine Hyde

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2 **COPY** mailed and e-mailed this 2<sup>nd</sup> day of July, 2018, to:

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16 /s/Felicia Kaufman

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