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

10 NORMAN ZWICKY,) NO. CV2015-051911
11)
12 Plaintiff,)
13 v.) **STIPULATION RE STIPULATED**
14) **ORDER RE CONFIDENTIALITY**
15 PREMIERE VACATION COLLECTION)
16 OWNERS ASSOCIATION, f.k.a. Premiere) (Assigned to the Honorable Theodore
17 Vacation Club, an Arizona nonprofit) Campagnolo)
18 corporation,)
19 Defendant.)
20)
21)
22)
23)

19 The parties, through counsel undersigned, stipulate to and agree to entry of the
20 Stipulated Order Re Confidentiality attached hereto as Exhibit A. Accordingly, the parties
21 respectfully request that the Court enter said Stipulated Order.

22 RESPECTFULLY REQUESTED this 16th day of August, 2018.

23 **COPPERSMITH BROCKELMAN PLC**

24
25 By /s/Katherine L. Hyde
26 John E. DeWulf
27 Katherine L. Hyde
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By: /s/ Jon L. Phelps (with permission)

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ORIGINAL e-filed and e-mailed this
16th day of August, 2018, to:

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Exhibit A

Exhibit A

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19 **SUPERIOR COURT OF ARIZONA**
20 **MARICOPA COUNTY**

21 NORMAN ZWICKY,) NO. CV2015-051911
22)
23 Plaintiff,)
24)
25 v.) **STIPULATED ORDER**
26)
27 PREMIERE VACATION COLLECTION)
OWNERS ASSOCIATION,)
28)
Defendant.)
)

1 The Court having considered Defendant's Motion Requesting that the Court
2 Preserve Confidential Designation and Nature of Certain Documents, Plaintiff's Response,
3 and Defendant's Reply, and having held an evidentiary hearing on the matter, considered
4 arguments of counsel, reviewed documents in evidence and filed under seal, and good
5 cause appearing;

6 **IT IS ORDERED** granting in part the Defendant's Motion.

7 **IT IS ORDERED** that the following documents designated by PVCOA as
8 confidential shall be maintained in confidence by the Plaintiff and not disclosed to anyone
9 except the Plaintiff, his attorneys, accountants or other experts retained to assist them in
10 the representation, and the personnel of the attorneys' and experts' firms:

- 11 • Annual financial reports for PVCOA and its resorts for the period from 2011
12 through 2015 (PVCOA000048–588; PVCOA001270–1304);
- 13 • Indirect Corporate Costs spreadsheet (PVCOA000589–592);
- 14 • Interval Assignment and Recovery Agreements for PVCOA and its resorts for the
15 period from 2011 through 2015 (PVCOA000593–718);
- 16 • Management Agreements for PVCOA and its resorts for the period from 2011
17 through 2015 (PVCOA000719–832; PVCOA001252–69);
- 18 • Management Fees report (PVCOA000833);
- 19 • Occupancy and Revenue report (PVCOA001206–51).

20 **IT IS FURTHER ORDERED** that the Plaintiff may use the information covered
21 by the protective order to formulate his proposed complaint. For example, the protective
22 order will not prevent the Plaintiff from alleging in a complaint that the management costs
23 that the members were actually paying were materially greater than what was disclosed.

24 **IT IS FURTHER ORDERED** that the portion of the Court's previous order
25 permitting the Plaintiff and his attorneys to quote confidential information in a complaint
26 or other court filing in other litigation will not be reinstated. Plaintiff may not quote from
27 or attach the confidential documents to a complaint and may not include specific numerical

1 figures derived from the confidential documents in a complaint. The Plaintiff may verbally
2 describe the allegations based on that information.

3 **IT IS FURTHER ORDERED** that the portion of the Court's previous order
4 limiting the duration of this protective order will not be reinstated. It will be up to the court
5 in which any prospective litigation may be filed to determine the extent to which the
6 confidentiality order shall remain in effect.

7 **IT IS FURTHER ORDERED** that this order is subject to modification by another
8 court upon appropriate application. The Plaintiff need not return to this Court to seek
9 modification of this order.

10 This Order concludes all matters before the Court and is a final order pursuant to
11 Rule 54(c).

12 DATED: _____

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Theodore Campagnolo
Maricopa County Superior Court Judge

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