

1 John E. DeWulf (#006850)  
Katherine Hyde (#025441)  
2 **COPPERSMITH BROCKELMAN PLC**  
3 2800 North Central Avenue, Suite 1900  
Phoenix, Arizona 85004  
4 T: (602) 224-0999  
5 F: (602) 224-6020  
[jdewulf@cblawyers.com](mailto:jdewulf@cblawyers.com)  
6 [khyde@cblawyers.com](mailto:khyde@cblawyers.com)  
*Attorneys for Defendant*

7  
8 Jon L. Phelps (#027152)  
Shannon A. Lindner (#026688)  
9 **PHELPS & MOORE**  
4045 E. Union Hills Drive, Suite A-102  
10 Phoenix, Arizona 85050  
11 [jon@phelpsandmoore.com](mailto:jon@phelpsandmoore.com)  
[shannon@phelpsandmoore.com](mailto:shannon@phelpsandmoore.com)  
12 T: (602) 788-2089  
*Attorneys for Plaintiff*

13  
14 Edward L. Barry  
**LAW OFFICE OF EDWARD L. BARRY**  
15 2120 Company Street, Third Floor  
16 Christiansted, Virgin Islands 00820  
T: (340) 719-0601  
17 [ed@attorneyedbarry.com](mailto:ed@attorneyedbarry.com)  
*Co-Counsel for Plaintiff*

18  
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: \_\_\_\_\_

13

14

15

\_\_\_\_\_  
Theodore Campagnolo  
Maricopa County Superior Court Judge

16

17

18

19

20

21

22

23

24

25

26

27

28

# eSignature Page 1 of 1

Filing ID: 9633955 Case Number: CV2015-051911  
Original Filing ID: 9621623

---

Granted as Submitted



/S/ Theodore Campagnolo Date: 8/21/2018  
Judicial Officer of Superior Court

**ENDORSEMENT PAGE**

CASE NUMBER: CV2015-051911

SIGNATURE DATE: 8/21/2018

E-FILING ID #: 9633955

FILED DATE: 8/23/2018 8:00:00 AM

JON L PHELPS

KATHERINE L HYDE