

The Honorable Sean O'Donnell
Noted for hearing: February 5, 2016
WITH ORAL ARGUMENT

FILED
KING COUNTY WASHINGTON

MAR 16 2016

SUPERIOR COURT CLERK
BY Rianne Rubright
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MOVE, INC., a Delaware corporation,
REALSELECT, INC., a Delaware
corporation, TOP PRODUCER SYSTEMS
COMPANY, a British Columbia unlimited
liability company, NATIONAL
ASSOCIATION OF REALTORS®, an
Illinois non-profit corporation, and
REALTORS® INFORMATION
NETWORK, INC., an Illinois corporation,

Plaintiffs;

v.

ZILLOW, INC., a Washington corporation,
and ERROL SAMUELSON, an individual,
CURT BEARDSLEY, an individual, and
DOES 1-20,

Defendants.

Case No. 14-2-07669-0 SEA

IN PART

ORDER GRANTING SAMUELSON'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT DISMISSING COMMON LAW
CLAIMS FOR ALLEGED
MISAPPROPRIATION OF INFORMATION

~~(PROPOSED)~~ 

THIS MATTER came on regularly for hearing on Samuelson's Motion for Partial Summary Judgment Dismissing Common Law Claims for Alleged Misappropriation of Information. The Court has considered the records and files herein, including the Second Amended Complaint and the following:

IN PART

ORDER GRANTING SAMUELSON'S MTN FOR PARTIAL
SUMMARY JUDGMENT RE COMMON LAW CLAIMS FOR
MISAPPROPRIATION OF INFORMATION - 1

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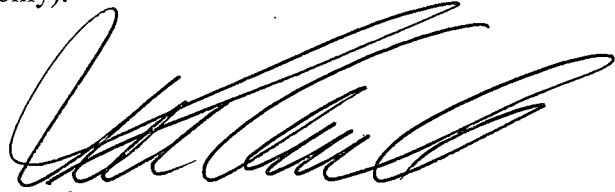
- 1 • Samuelson's Motion for Partial Summary Judgment Dismissing Common Law
- 2 Claims for Alleged Misappropriation of Information
- 3 • Defendant Zillow, Inc.'s Motion for Partial Summary Judgment Regarding Uniform
- 4 Trade Secrets Act Preemption of Common Law Claims
- 5 • Defendant Curt Beardsley's Motion for Partial Summary Judgment Dismissing
- 6 Common Law Claims for Alleged Misappropriation of Information
- 7 • Declaration of Kathleen M. O'Sullivan submitted in support of Defendant Zillow,
- 8 Inc.'s Motion for Partial Summary Judgment Regarding Uniform Trade Secrets Act
- 9 Preemption of Common Law Claims, with exhibits thereto
- 10 • Declaration of Estera Gordon Supporting Samuelson's Motion for Partial Summary
- 11 Judgment, with exhibits thereto
- 12 • Plaintiff's opposition
- 13 • Decl. of David Singer ISO plaintiff's opposition
- 14 • Def's Reply
- 15 • Supp. Decl. of Kathleen O'Sullivan

16 NOW THEREFORE, being fully advised in the premises, the Court holds that as to
 17 Plaintiffs' common law claims for alleged misappropriation of information, there are no genuine
 18 issues of material fact and Samuelson is entitled to judgment as a matter of law. Samuelson's
 19 Motion for Partial Summary Judgment Dismissing Common Law Claims for Alleged
 20 Misappropriation of Information is granted accordingly, and the following claims asserted
 21 against Samuelson in the Second Amended Complaint are hereby dismissed with prejudice:

- 22 • Cause of Action 2: Conspiracy to Violate the Washington Trade Secrets Act, RCW
- 23 19.108 (alleged against all Defendants);
- 24 • ~~Cause of Action 4: Breach of Fiduciary Duty (alleged against Samuelson and Beardsley);~~ (P)
- 25 • Cause of Action 9: Trespass to Chattels re data and computer devices (¶¶ 3.77-3.79, 3.81,
- 26 3.85) (alleged against Samuelson only); and

- Cause of Action 10: Conversion re data and computer devices (¶¶ 3.89-3.91, 3.93-3.94, 3.98-3.99) (alleged against Samuelson only).

DATED: March 16, 2016



JUDGE SEAN O'DONNELL
King County Superior Court

Presented by:

s/Clemens H. Barnes

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IN PART

ORDER GRANTING SAMUELSON'S MTN FOR PARTIAL
SUMMARY JUDGMENT RE COMMON LAW CLAIMS
FOR MISAPPROPRIATION OF INFORMATION - 3

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