

FILED

KING COUNTY WASHINGTON

APR 14 2014

SUPERIOR COURT CLERK

BY ~~DAVID TODDS~~

Schmidt DEPUTY

**SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY**

MOVE, INC., et al,

Plaintiffs,

v.

ZILLOW, INC., a Washington corporation,
and ERROL SAMUELSON, an individual,

Defendants.

NO. 14-2-07669-0 SEA

**ORDER DENYING PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

THIS MATTER came before the Court on plaintiffs Move, Inc., RealSelect, Inc., Top Producer Systems Company, National Association of Realtors®, and Realtors® Information Network, Inc.'s (plaintiffs) Motion for Preliminary Injunction against defendants Zillow, Inc., and Errol Samuelson (defendants).

The Court considered the following documents:

1. Plaintiffs' Motion for Preliminary Injunction;
2. Declaration of Steven Berkowitz, with exhibits;
3. Declaration of Carol Brummer, with exhibits;
4. Declaration of Warren Cree, with exhibits;
5. Declaration of Oussama R. El-Khoury, with exhibit;

- 1 6. Declaration of Rachel Glaser;
- 2 7. Declaration of Robert Goldberg;
- 3 8. Redacted Declaration of Ernie Graham;
- 4 9. Declaration of David Ryan Green;
- 5 10. Declaration of Robert Greenspan;
- 6 11. Declaration of Joseph Hanauer;
- 7 12. Declaration of Eugene Hernandez;
- 8 13. Declaration of Angeline Krishan, with exhibit;
- 9 14. Declaration of Jack Lovejoy, with exhibits;
- 10 15. Declaration of Nidine Mann;
- 11 16. Declaration of Patricia Smith;
- 12 17. Defendant Zillow's Opposition to Plaintiffs' Motion for Preliminary Injunction;
- 13 18. Declaration of Spencer Rascoff;
- 14 19. Declaration of Bruce Michael Cross, with exhibits;
- 15 20. Defendant Samuelson's Opposition to Plaintiffs' Motion;
- 16 21. Declaration of Errol Samuelson;
- 17 22. Plaintiffs' Reply; and
- 18 28. The records and file herein.

21 The Court heard oral argument of the parties on April 4, 2014 and deems itself fully advised,
22 now, therefore

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1 THE COURT FINDS:

2 Plaintiffs cannot rely on declarations that have not been disclosed to defendants and
3 as to which defendants have not had a proper opportunity to contest. Plaintiffs have not
4 carried their burden of proving:

5 1) That the confidential information they contend that defendant Samuelson
6 possesses constitutes protectable trade secrets;

7 2) That defendant Samuelson has misappropriated or threatened to
8 misappropriate trade secrets; nor
9

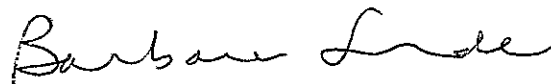
10 3) That the equities favor injunctive relief sought.

11 The Court declines to invoke the "inevitable disclosure" doctrine. Further, plaintiffs
12 have not shown that defendant Samuelson will inevitably disclose plaintiffs' trade secrets.

13 For these reasons, now, therefore, it is hereby

14 ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Preliminary Injunction
15 is DENIED.

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17 DATED this 14 day of April, 2014.

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20 JUDGE BARBARA LINDE