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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

Anthony & Sylvan Pools Corporation
(successor to General Aquatics, Inc. and
KDI Sylvan Pools, Inc.),

Plaintiff,

vs.

Outdoor Sports Gear, Inc. (successor to
K2 Inc. and Anthony Industries Inc.),

Defendant.

CASE NO. CV 16-6658-R

JUDGMENT

Outdoor Sports Gear, Inc. (successor to
K2 Inc. and Anthony Industries Inc.),

Counter-claimant,

vs.

Anthony & Sylvan Pools Corporation
(successor to General Aquatics, Inc. and
KDI Sylvan Pools, Inc.),

Counter-defendant.

1 WHEREAS, on July 31, 2017, the Court issued an order granting Plaintiff and
2 Counter-defendant Anthony & Sylvan Pools Corporation’s (“Plaintiff”) motion for
3 partial summary judgment on liability regarding Plaintiff’s First Cause of Action
4 (breach of contract) and its Third Cause of Action (declaratory relief). Dkt. No. 57.

5 WHEREAS, on October 3, 2017, the Court issued an order granting
6 Plaintiff’s motion for partial summary judgment in part on Defendant and Counter-
7 claimant Outdoor Sports Gear, Inc.’s (“Defendant”) counterclaims for breach of
8 contract and declaratory judgment (as to Section 2.03(b) of the 1996 Asset Purchase
9 Agreement (“1996 APA”)), and Defendant’s counterclaim for equitable
10 indemnification. Dkt. No. 81.

11 WHEREAS, Plaintiff withdrew its Second Cause of Action for equitable
12 indemnification. *See* Dkt. No. 91 at 2.

13 WHEREAS, on May 8, 2018, the Court issued an order following the bench
14 trial granting judgment to Plaintiff on Defendant’s counterclaims for breach of
15 contract and declaratory relief (as to Section 10.07 of the 1996 APA); awarding
16 Plaintiff damages in the amount of \$415,835.30 and prejudgment interest in the
17 amount of \$149,803.14 through March 23, 2018, in addition to a per diem rate of
18 \$113.93 through the date of this judgment; and denying Plaintiff’s request for
19 attorney’s fees for prosecuting this action. *See* Dkt. No. 111.

20 IT IS HEREBY ORDERED AND ADJUDGED that:

21 1. Final judgment is entered in favor of Plaintiff and against Defendant for
22 damages in the amount of \$415,835.30 and prejudgment interest in the amount of
23 \$155,727.50 through May 14, 2018, in addition to a per diem rate of \$113.93
24 through the date of this judgment.

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2. Post-judgment interest shall accrue thereon pursuant to 28 U.S.C. § 1961.

IT IS SO ORDERED.

Dated: May 21, 2018



Hon. Manuel L. Real
United States District Judge