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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

G.P.P., INC. d/b/a GUARDIAN
INNOVATIVE SOLUTIONS,

Plaintiff,

v.

GUARDIAN PROTECTION PRODUCTS,
INC., RPM WOOD FINISHES GROUP,
INC.,

Defendants.

Case No. 1:15-cv-00321-SKO

ORDER FOLLOWING REMAND

(Docs. 344 & 347)

GUARDIAN PROTECTION PRODUCTS,
INC.,

Counterclaimant,

v.

G.P.P., INC. d/b/a GUARDIAN
INNOVATIVE SOLUTIONS,

Counter-defendant.

1 Following the United States Court of Appeals for the Ninth Circuit’s Mandate (Doc. 347)
2 and Memorandum (Doc. 344) reversing in part the Court’s “Order Granting in Part and Denying in
3 Part the Parties’ Motions for Summary Judgment” (Doc. 133) and the Court’s granting in part and
4 denying in part Defendants’ motion for judgment as a matter of law pursuant to Fed. R. Civ. P. 50(a)
5 (Doc. 266 at 15–16), and remanding for trial (1) Plaintiff/Counter-defendant G.P.P., Inc. d/b/a
6 Guardian Innovative Solutions’ (“GIS”) First Cause of Action; (2) Defendant/Counterclaimant
7 Guardian Protection Products, Inc.’s (“Guardian”) First Counterclaim, insofar as Guardian
8 requested declaratory relief regarding “[w]hether the [electronic] furniture protection plans qualify
9 as a Guardian Product within the scope of the rights granted by the” Florida, Mid-Atlantic, and Cook
10 County Agreements; and (3) GIS’s Third Cause of Action, insofar as GIS alleged that Guardian
11 breached the Bob’s Discount Furniture Agreement by selling products to Bob’s Discount Furniture
12 in the geographic areas covered by the Florida, Mid-Atlantic, and Cook County Agreements
13 (collectively, the “Remanded Claims”), the Court ORDERS as follows:

14 1. The Amended Final Judgment in a Civil Action (Doc. 334) is hereby SET ASIDE.
15 See Fed. R. Civ. P. 54(b). The prior adjudications of the parties’ claims not included within the
16 Remanded Claims shall remain in full force and effect;

17 2. The STAY (Doc. 341) of the parties’ bills of costs (Docs. 312, 313, & 314) and
18 motions for attorney’s fees (Docs. 338 & 339) is LIFTED, and the bills of costs and motions for
19 attorney’s fees are hereby DENIED WITHOUT PREJUDICE to renewal following trial of the
20 Remanded Claims; and

21 3. A telephonic conference to discuss setting both the Remanded Claims for trial and a
22 Settlement Conference is hereby SET for January 9, 2020, at 10:30 A.M. (dial-in number: 1-
23 888-557-8511; passcode: 6208204#).

24
25 IT IS SO ORDERED.

26 Dated: December 13, 2019

/s/ Sheila K. Oberto
27 UNITED STATES MAGISTRATE JUDGE

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