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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 TELEPHONIC
CONFERENCE**

GUARDIAN PROTECTION PRODUCTS,
INC.,

Counterclaimant,

v.

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

Counter-defendant.

On January 16, 2020, the Court held a telephonic conference to discuss setting both the
remanded claims for trial and a settlement conference in the case. Colleen Bal, Esq. and John Flynn,

1 Esq., appeared on behalf of Plaintiff/Counter-defendant G.P.P., Inc. d/b/a Guardian Innovative
2 Solutions (“GIS”). Calvin Davis, Esq., and Aaron Rudin, Esq., appeared on behalf of
3 Defendant/Counterclaimant Guardian Protection Products, Inc. (“Guardian”). Following the
4 conference, the Court hereby ORDERS as follows:

5 1. A Settlement Conference is SET for **March 19, 2020, at 1:30 P.M.**, in Bakersfield,
6 California, 510 19th Street before Magistrate Judge Jennifer L. Thurston. The parties shall advise
7 the Court as soon as is practicable, but in any event no later than March 5, 2020, whether they intend
8 to proceed with private mediation in lieu of the Settlement Conference.

9 2. The Pretrial Conference is SET for **July 22, 2020, at 3:30 P.M.** in Courtroom 7 before the
10 Honorable Sheila K. Oberto, United States Magistrate Judge. The parties are ordered to file a Joint
11 Pretrial Statement pursuant to Local Rule 281(a)(2). The parties are further directed to submit a
12 digital copy of their Pretrial Statement in Word format, directly to Magistrate Judge Oberto’s
13 chambers by email at SKOorders@caed.uscourts.gov. Counsel’s attention is directed to Rules 281
14 and 282 of the Local Rules for the Eastern District of California, as to the obligations of counsel in
15 preparing for the Pretrial Conference. The Court will insist upon strict compliance with those rules.
16 In addition to the matters set forth in the Local Rules the Joint Pretrial Statement shall include a
17 Joint Statement of the case to be used by the Court to explain the nature of the case to the jury during
18 voir dire.

19 3. Jury trial is SET for **September 8, 2020, at 8:30 a.m.** in Courtroom 7 before the Honorable
20 Sheila K. Oberto, United States Magistrate Judge. Counsel’s attention is directed to Local Rule 285
21 for the Eastern District of California.

22 4. GIS’s request to file a **Motion for Leave to File a Supplemental Pleading Pursuant to**
23 **Federal Rule of Civil Procedure 15(d)** is GRANTED. The Ninth Circuit remanded for trial the
24 issues of whether the Florida, Alabama, and Tennessee Agreements require GIS to meet per-territory
25 or aggregate purchase quotas and whether those Agreements were breached by Guardian’s alleged
26 wrongful termination. (*See* Doc. 344 at 3). Those issues may also pertain to Pennsylvania, the Cook
27 County, the Mid-Atlantic, the Indiana, and the Midwest Agreements, thus addressing them at this
28 juncture may promote judicial efficiency and economy. *See Planned Parenthood of S. Arizona v.*

1 *Neely*, 130 F.3d 400, 402 (9th Cir. 1997). Accordingly, GIS is permitted to file a motion for leave
2 to supplement the Second Amended Complaint (Doc. 67) to allege claims for breach of contract as
3 a result of Guardian's alleged post-trial conduct of wrongfully terminating the Pennsylvania, the
4 Cook County, the Mid-Atlantic, the Indiana, and the Midwest Agreements.

5 5. GIS shall file its motion for leave to file a supplemental pleading by no later than **February**
6 **10, 2020**. Guardian SHALL file its opposition by no later than **March 2, 2020**. An optional reply
7 brief may be filed **March 9, 2020**. The Court shall set a hearing, if it deems appropriate, once the
8 briefing is completed. Otherwise, the motion will be deemed submitted as of that date.

9
10 IT IS SO ORDERED.

11 Dated: **January 17, 2020**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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