

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 RE: DEADLINE FOR
REOPENED DISCOVERY**

_____/

GUARDIAN PROTECTION PRODUCTS,
INC.,

Counterclaimant,

v.

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

Counter-defendant.

_____/

On May 26, 2020, the Court reopened discovery “for the limited purpose of addressing the issue of damages that have occurred since the trial in this case and as a result of the additional alleged

1 breaches,” and ordered such discovery be completed by no later than June 30, 2020. (Doc. 366 at
2 14.) A dispute thereafter arose as to the scope of the discovery permitted, and the parties filed cross-
3 motions to compel. (*See* Docs. 373 & 374.)

4 On July 9, 2020, the Court denied Defendant/Counterclaimant Guardian Protection
5 Products, Inc. (“Guardian”)’s motion to compel and granted in part Plaintiff/Counter-defendant
6 G.P.P., Inc. d/b/a Guardian Innovative Solutions (“GIS”)’s motion to compel. (*See* Doc. 378.) The
7 Court also extended the deadline by which to complete the reopened discovery to August 7, 2020,
8 and continued the Pretrial Conference to September 2, 2020 accordingly. (*See id.* at 10.)

9 On July 17, 2020, GIS moved for reconsideration of the portion of the Court’s July 9, 2020
10 order denying GIS permission to seek discovery of lost commissions for sales made within all
11 territories covered by the Bob’s Agreement, not just the territories covered by the Florida, Mid-
12 Atlantic, and Cook County Agreements. (*See* Doc. 379.) GIS’s motion for reconsideration is
13 noticed for hearing on August 19, 2020—twelve days after the deadline to complete the reopened
14 discovery.

15 On July 29, 2020, Guardian filed an “Ex Parte Motion to Modify the Scheduling Order”
16 pursuant to Fed. R. Civ. P. 16(b)(4), seeking an extension of the August 7, 2020 discovery deadline
17 and leave to conduct additional discovery, in view of having “recently discovered information
18 pertaining to its defense in this matter that had not been previously disclosed by GIS.” (Doc. 380.)
19 Guardian did not seek an order shortening the time for its motion to be heard. (*See* Local Rule
20 144(e).)

21 Both GIS’s motion for reconsideration and Guardian’s ex parte motion to modify the
22 scheduling order seek permission to conduct discovery *beyond the current deadline*. Since both
23 parties have effectively requested the Court to enlarge the discovery deadline, they are hereby
24 ORDERED to meet and confer to reach an agreement on such deadline.

25 By no later than August 7, 2020, the parties SHALL inform the Court of their agreed-upon
26 discovery deadline. In the event the parties are unable to agree upon a date, they SHALL, by no
27
28

1 later than August 7, 2020, file a joint statement of no more than five (5) pages in length, setting forth
2 their meet and confer efforts and respective positions.¹

3
4 IT IS SO ORDERED.

5 Dated: July 31, 2020

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 ¹ Guardian's ex parte motion to modify the scheduling order pursuant to Fed. R. Civ. P. 16(b)(4) (Doc. 380) is DENIED
28 as MOOT insofar as it seeks to enlarge the August 7, 2020 discovery deadline. The Court does not consider Guardian's
request for additional relief in its motion (*see* Doc. 380-1 at 13), as such does not fall within the scope of relief available
under Rule 16(b)(4).