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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES OF THE
CALIFORNIA WINERY WORKERS' PENSION
TRUST FUND,

Plaintiff,

v.

GUIMARRA VINEYARDS CORPORATION,
and GIUMARRA INVESTMENTS, LLC,

Defendants.

Case No. 1:17-cv-00364-SAB

ORDER GRANTING DEFENDANTS'
REQUESTED MODIFICATIONS TO
PRETRIAL ORDER

Having considered Defendants' Requested Modifications to the Pretrial Order, and good cause appearing therefor, the Pretrial Order in this matter shall be modified at follows:

1. Section V of the Pretrial Order, "Points of Law," at page 5:6-13, is modified so that Defendants' Points of Law, para. 4, shall read instead as follows:

The Court's allowing the requested relief would be so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable, and thus an unconstitutional violation of Defendants' due process rights. See Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 276 (1989); St. Louis, I. M. & S. Ry. Co. v. Williams, 251 U.S. 63, 67 (1919); Sw. Tel. & Tel. Co. v. Danaher, 238 U.S. 482, 490 (1915), cited with approval in TXO Prod. Corp. v. All. Res. Corp., 509 U.S. 443, 454 (1993); W. Coast Prods., Inc. v. Garrett, 2014 WL 752670, at *1 (E.D.Mo. 2014); Golan v. Veritas Entertainment, 2017 WL 3923162, at *4 (E.D. Mo. Sept. 7, 2017).

1 2. Section V of the Pretrial Order, "Points of Law," at page 5:20-23, is modified so that
2 Defendants' Points of Law, para. 6, shall read instead as follows:

3 If the Fund secures a judgment in the amount of the total mass withdrawal liability, or some
4 portion thereof, any interest award would be unconstitutional for the reasons noted in par. 4; however, if
5 any interest is allowed by the Court, it should be calculated as simple interest, and only at a constant rate
6 of 3.25%. See J-19; see generally 29 C.F.R. sec. 4219.32(c).

7
8 IT IS SO ORDERED.

9 Dated: July 30, 2018


UNITED STATES MAGISTRATE JUDGE