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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEA FARM TECHNOLOGIES, INC., a  
Delaware corporation,

Plaintiff,

v.

STEVEN PEEPLES, an individual; and  
DOES 1 through 10, exclusive,

Defendants.

No. 1:18-cv-00756-DAD-EPG

ORDER PURSUANT TO STIPULATION  
GRANTING TEMPORARY RESTRAINING  
ORDER AND SETTING BRIEFING  
SCHEDULE ON MOTION FOR  
PRELIMINARY INJUNCTION

(Doc. No. 27)

On June 4, 2018, GEA Farm Technologies, Inc. (“plaintiff”) filed the complaint in this action against Steven Peeples (“defendant”). (Doc. No. 1.) At the same time plaintiff filed a motion for temporary restraining order (“TRO”) and/or preliminary injunction seeking an order prohibiting defendant from using or destroying plaintiff’s allegedly confidential information, as well as other preliminary relief. (Doc. No. 2.) On June 6, 2018, the court set a hearing on the motion for a TRO on June 12, 2018. (Doc. No. 7.) Defendant filed an opposition to plaintiff’s motion on June 12, 2018. (See Doc. No. 18.) Plaintiff filed a reply on June 12, 2018. (Doc. No. 19.)

At the June 12, 2018 hearing on the motion for a TRO, attorneys Jack McCann, Megan Burnett, and Andrew Jaramillo appeared telephonically on behalf of plaintiff and attorney

1 Howard Sagaser appeared in person on behalf of defendant. (Doc. No. 23.) Near the conclusion  
2 of the hearing, the possibility of the parties agreeing to a stipulated TRO and a proposed briefing  
3 schedule for the motion for preliminary injunction was discussed. (*See id.*) On June 13, 2018,  
4 the parties filed such a stipulation and proposed order. (Doc. No. 27.)

5 The court has reviewed the parties' stipulation and pursuant thereto finds it appropriate to  
6 order the following:<sup>1</sup>

- 7 1. Defendant shall refrain from deleting, destroying, tampering with, or removing any  
8 GEA files that are in his possession, custody, or control including, but not limited  
9 to, those that reside on any email accounts (including, but not limited to, the email  
10 account peeples.steven@gmail.com), servers, computers, external drives or other  
11 devices in defendant's personal possession, custody and control (collectively  
12 "Peeples' accounts and devices");
- 13 2. Effective upon the entry of this order, defendant shall not access or use for any  
14 purpose, or otherwise disclose or transmit to any person any GEA files, except that  
15 he may disclose GEA files to his counsel for purposes of defending this litigation  
16 under the guidance of the stipulated protective order (Doc. No. 24);
- 17 3. GEA will not distribute copies of this stipulation and order to any third parties,  
18 without first obtaining permission of the court. This order shall remain in effect  
19 until whichever is earlier: a ruling on GEA's motion for preliminary injunction or  
20 any final resolution and dismissal of this case;

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26 <sup>1</sup> For purposes of this stipulation and order, the term "GEA files" shall mean any form of paper  
27 or electronic files or records pertaining to GEA's business that defendant had access to, or  
28 otherwise obtained during the course of his former employment, or has otherwise obtained prior  
to the date of this order. The GEA files include, but are not limited to, the eleven GEA files  
identified in Exhibit 1 to the Declaration of Amy Verhoeven (Doc. No. 2-9).

1           4. The court adopts this modified version of the briefing schedule stipulated to by the  
2 parties (*See* Doc. No. 27 at 3–4):

- 3           • June 25, 2018: Deadline for exchange of preliminary witness lists.
- 4           • June 25, 2018–July 16, 2018: Limited discovery period.<sup>2</sup>
- 5           • July 20, 2018: Deadline for filing supplemental briefing in support of and  
6 in opposition to the motion for preliminary injunction (Doc. No. 2).<sup>3</sup>
- 7           • Two weeks prior to the hearing date for the motion for preliminary  
8 injunction, the parties will exchange final witness lists and exhibit lists for  
9 use in the preliminary injunction hearing.
- 10          • September 5, 2018 at 1:30 p.m.: Hearing date on the motion for  
11 preliminary injunction.<sup>4</sup>

12 IT IS SO ORDERED.

13 Dated: June 14, 2018

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15 \_\_\_\_\_  
16 UNITED STATES DISTRICT JUDGE

17 \_\_\_\_\_  
18 <sup>2</sup> The parties agree to meet confer regarding an agreed scope and form of discovery limited to the  
19 issues raised by the motion for preliminary injunction. If unable to reach agreement, the parties  
20 will notify Magistrate Judge Erica P. Grosjean of any disagreements on or before June 25, 2018  
21 and seek a teleconference hearing with Magistrate Judge Grosjean to promptly resolve any such  
22 disputes.

23 <sup>3</sup> As stipulated by the parties, the supplemental briefs are designed simply to supplement and not  
24 replace the previously filed application for a TRO, opposition, and reply. The parties will file the  
25 supplemental briefs simultaneously, and the supplemental briefs are limited to ten pages in length.  
26 Responses to points raised in the supplemental briefs shall be addressed at the hearing on the  
27 motion for preliminary injunction, and no additional written memoranda will be filed prior to the  
28 hearing.

<sup>4</sup> This hearing date was selected because the undersigned is currently scheduled to be in trial  
continuously from August 7, 2018 through the end of the month. If the parties desire to advance  
the hearing, they may remain in contact with the undersigned's courtroom deputy by email to  
determine if any of the currently scheduled trials do not go forward allowing this hearing to be  
advanced. In addition, although the parties requested a full-day evidentiary hearing, out of  
necessity due to its heavy docket, the court must limit the hearing to a maximum of three hours.