

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

FILED

17 NOV 29 AM 8:25

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY LC

DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LEADERSHIP STUDIES INC.,

Plaintiff,

v.

BLANCHARD TRAINING AND
DEVELOPMENT,
INCORPORATED, and Does 1-10
inclusive,

Defendants.

CASE NO. 15-cv-1831-WQH-MDD
ORDER

BLANCHARD TRAINING AND
DEVELOPMENT,
INCORPORATED,

Counterclaim-Plaintiff,

v.

LEADERSHIP STUDIES INC.,

Counterclaim-Defendant.

HAYES, Judge:

The matter before the Court is the Ex Parte Application for Oral Argument and Stay of Expert Dates (ECF No. 120) filed by Blanchard Training and Development, Incorporated (“Blanchard Inc.”) on November 20, 2017.

1 **I. Discussion**

2 On September 25, 2017, the Court issued an Order (ECF No. 108) granting in
3 part and denying in part Blanchard Inc.'s Motion for Summary Judgment on Claim
4 Seven (ECF No. 63). The Court granted Blanchard Inc. summary judgment on
5 Leadership Studies, Inc.'s copyright infringement claims based on original material
6 contained in four works, one of which was Dr. Paul Hersey's 1975 Doctoral
7 Dissertation (the "Dissertation"). (ECF No. 108 at 9). The Court also denied
8 Blanchard Inc.'s motion for summary judgment on Leadership Studies, Inc.'s claims
9 for copyright infringement based on two other works: *Leader Behavior* and *The*
10 *Situational Leader*. *Id.*

11 On October 23, 2017, Blanchard Inc. filed a Motion for Reconsideration of that
12 Order. (ECF No. 117). "Specifically, Blanchard [Inc.] seeks reconsideration of the
13 Court's decision with respect to *Leader Behavior* and *The Situational Leader*." *Id.* at
14 2.

15 On November 20, 2017, Blanchard Inc. filed the Ex Parte Application for Oral
16 Argument and Stay of Expert Dates (ECF No. 120). Blanchard Inc. moves the Court
17 to (1) set a date for oral argument on the Motion for Reconsideration (ECF No. 117)
18 and (2) stay the December 1, 2017 deadline for the disclosure of rebuttal expert
19 evidence. (ECF No. 120 at 2).

20 Blanchard Inc. contends that "oral argument is necessary to address [Leadership
21 Studies, Inc.'s] pursuit of a copyright infringement claim [based on the Dissertation]
22 in direct violation of this Court's Order[] (ECF No. 108)." *Id.* However, Blanchard
23 Inc.'s Motion for Reconsideration (ECF No. 117) does not ask the Court to reconsider
24 its decision that Leadership Studies, Inc. ("Leadership") cannot pursue copyright
25 infringement claims based on original material in the Dissertation. Consequently, oral
26 argument on Blanchard Inc.'s Motion for Reconsideration would not address
27 Leadership's pursuit of a copyright infringement claim based upon original material in
28 the Dissertation. The Court denies Blanchard Inc.'s motion for oral argument.

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

Blanchard Inc. further contends that

Leadership Studies' expert reports conclusively establish that Leadership Studies is relying on the Dissertation and the "original material" contained therein to support its copyright infringement claim, and Blanchard Training faces imminent prejudice as a result of Leadership Studies' conduct. Absent immediate relief, Blanchard Training will be forced to expend substantial resources relating to rebuttal expert reports and expert depositions to address a copyright infringement claim that violates this Court's MSJ Order.

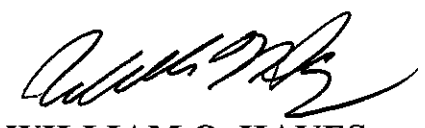
ECF No. 120 at 4 (footnote omitted). The Court finds that any "prejudice" that may result from Leadership providing expert reports that discuss the Dissertation does not justify staying the December 1, 2017 deadline for the disclosure of rebuttal expert evidence. Accordingly, the Court denies Blanchard Inc.'s motion to stay that deadline.

II. Conclusion

Blanchard Inc's Ex Parte Application for Oral Argument and Stay of Experts Dates (ECF No. 120) is DENIED.

DATED:

11/28/17



WILLIAM Q. HAYES
United States District Judge