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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PAUL GUZMAN, *et al.*,  
  
Plaintiffs,  
  
v.  
  
POLARIS INDUSTRIES, INC., *et al.*,  
  
Defendants.

Case No. 8:19-cv-01543-FLA (KESx)

**SUPPLEMENTAL ORDER  
REGARDING DEFENDANTS’  
MOTION FOR SUMMARY  
JUDGMENT [DKTS. 85, 153]**

On November 14, 2022, the court reopened the action and ordered the parties to meet and confer and submit a joint statement regarding what issues, if any, remain to be decided in connection with Defendants’ Motion for Summary Judgment (Dkt. 85). Dkt. 165. On December 2, 2022, the parties filed a response to the court’s November 14, 2022 Order. Dkt. 167.

Having reviewed and considered the Ninth Circuit’s Orders (Dkts. 163, 164), the parties’ response (Dkt. 167), the court’s May 12, 2021 Order granting summary judgment in Defendants’ favor (Dkt. 153), the parties’ papers in connection with Defendants’ Motion for Summary Judgment (Dkt. 85), and all relevant documents, the

1 court hereby ORDERS as follows:

- 2 1. Defendants’ Motion for Summary Judgment (Dkt. 85) is DENIED with
- 3 respect to Plaintiff Paul Guzman (“Plaintiff” or “Guzman”). The court
- 4 finds genuine disputes of material fact exist regarding Guzman’s reliance
- 5 on the ROPS label and whether Plaintiff obtained the benefit of his
- 6 bargain with Defendants. *See* Dkt. 85-1 at 16–19; Dkt. 118-1 at 17–21;
- 7 Dkt. 164 at 3.
- 8 2. In light of Plaintiff’s statement that he will voluntarily dismiss without
- 9 prejudice his equitable monetary relief claims under Cal. Bus. & Prof.
- 10 Code §§ 17200 et seq. (the California Unfair Competition Law, “UCL”) and
- 11 17500 et seq. (the California False Advertising Law, “FAL”), Dkt.
- 12 167 at 2, the court DISMISSES without prejudice Plaintiff’s claims for
- 13 monetary relief in connection with the second and third causes of action.
- 14 Plaintiff’s claims for injunctive relief in connection with the second and
- 15 third causes of action remain at issue.<sup>1</sup>

16 IT IS SO ORDERED.

17  
18 Dated: April 19, 2023



19 FERNANDO L. AENLLE-ROCHA  
20 United States District Judge

21  
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23 \_\_\_\_\_  
24 <sup>1</sup> Unlike with former Plaintiff Jeremy Albright (“Albright”), Defendants did not  
25 identify in their moving papers any evidence to suggest Guzman did not intend to  
26 purchase Defendants’ products in the future. *See* Dkt. 85-1 at 22–24. The court,  
27 therefore, will not grant summary judgment in Defendants’ favor on Plaintiff  
28 Guzman’s claims for injunctive relief in connection with Plaintiff’s second and third  
causes of action. *Cf.* Dkt. 153 at 15–17 (granting summary judgment as to Albright’s  
injunctive relief claims because he admitted he likely would not purchase another  
Polaris vehicle).