

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

The Hoehl Family Foundation v. John P. Aubin and Kevin D. Gaboriault

The Hoehl Family Foundation v. Aubin, No. 5:19-cv-229 (D. Vt. Jan. 22, 2026) · No. 5:19-cv-229 · Decided January 22, 2026

SUMMARY

The United States District Court for the District of Vermont partially grants the plaintiff's motion to adopt a pretrial schedule. The court prohibits further discovery, sets a deadline for summary judgment motions, reappoints an early neutral evaluation evaluator, and adopts a June 5, 2026 trial-readiness date. The underlying case concerns alleged fiduciary-duty breaches and self-dealing related to a \$1 million investment in G-Form, LLC.

CASE DETAILS

COURT	United States District Court for the District of Vermont
WRITING FOR THE COURT	Geoffrey W. Crawford
JURISDICTION	United States District Court for the District of Vermont
DECIDED	January 22, 2026
DOCKET	5:19-cv-229
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to adopt a proposed pretrial schedule that contemplated additional fact and expert depositions, a trial-readiness date, and a deadline for defendants' summary-judgment motions. Defendants objected to further discovery. The district court granted the motion in part and entered a revised schedule.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	The Hoehl Family Foundation v. John P. Aubin, Kevin D. Gaboriault

TOPICS

[discovery dispute](#) [summary judgment](#) [civil procedure](#) [commercial litigation](#) [breach of fiduciary duty](#)

PRACTICE AREAS

[civil procedure](#) [commercial litigation](#) [breach of fiduciary duty](#)

QUESTIONS PRESENTED

1. Whether the court should permit additional fact and expert discovery as part of the proposed pretrial schedule.
2. What deadlines and trial-readiness schedule should govern the case after the stay.

HOLDINGS

1. No further discovery is permitted because discovery concluded in 2023 after extensive document production and depositions.
2. The motion to adopt the pretrial schedule is granted in part, subject to the court's prohibition on further discovery and the schedule established in the order.

KEY QUOTATIONS

“Discovery concluded in this case in 2023. Both the production of documents and the depositions of parties and witnesses were very extensive. No further discovery is permitted.” (Order ¶ 1)

“The court GRANTS IN PART Plaintiff’s Motion to Adopt Pretrial Schedule (Doc. 266) and orders as follows:” (Order)

FACTUAL BACKGROUND

The action concerns alleged breach of fiduciary duty and self-dealing arising from the investment of \$1 million in G-Form, LLC. Related losses sustained by BDP Holdings, LLC resulted in a substantial New Hampshire judgment against Ronald Roberts and investment-management entities associated with him, and that judgment was affirmed on appeal. Roberts later died, the entities ceased doing business, and the parties represented that recovery against those defendants was unlikely, leaving Aubin and Gaboriault as the remaining defendants.

PROCEDURAL HISTORY

The case involves breach-of-fiduciary-duty and self-dealing claims concerning a \$1 million investment in G-Form, LLC. The court previously continued and then stayed the case while related New Hampshire litigation proceeded; during the stay, defendant Ronald Roberts died and two investment-management entities ceased doing business. After the court requested a proposed pretrial schedule, plaintiff submitted the pending motion, which the court resolved by prohibiting additional discovery, setting a summary-judgment deadline, reappointing an ENE evaluator, and adopting a trial-readiness date.

DISPOSITION

other

CASES CITED

- BDP Holdings, LLC v. Eideard Grp., LLC, No. 2024-0046, 2025 WL 2181225 (N.H. Aug. 1, 2025)

OPINION

Roberts

PER CURIAM.

UNITED STATES DISTRICT COURT of TRICE ☐☐

FOR THE ☐☐☐☐

DISTRICT OF VERMONT .. ib JAN 22 A ☐☐☐

THE HOEHL FAMILY FOUNDATION,) CLERK

Plaintiff, 5 kw V. Case No. 5:19-cv-229 JOHN P. AUBIN and KEVIN D.

GABORIAULT,)

‘Defendants.

ORDER ON MOTION TO ADOPT PRETRIAL SCHEDULE

(Doc. 266) This case concerns claims of breach of fiduciary duty and self-dealing arising out of the investment of \$1 million in an athletic safety equipment start-up called “G-Form, LLC.” Plaintiff is a charitable foundation created by members of the Hoehl family. Defendant Ronald Roberts, now deceased, invested the money through his investment management firm Eideard Group, LLC. Mr. Roberts also advised individual members of the Hoehl family concerning investments they made through BDP Holdings, LLC. Losses sustained by BDP Holdings resulted in a verdict in New Hampshire state court in November 2023 against Ronald Roberts, The Eideard Group, LLC, and Roberts Asset Mgt., LLC in the amount of \$27,631,816. This verdict has since been sustained on appeal to the New Hampshire Supreme Court. BDP Holdings, LLC v. Eideard Grp., LLC, No. 2024-0046, 2025 WL 2181225 (N.H. Aug. 1, 2025). In August 2023, this court set a trial date of January 20, 2024. (Doc. 194.) In November 2023, Plaintiffs lead counsel, Navah Spero, was appointed as a Vermont Superior Court Judge. Plaintiff moved to continue the trial. (Doc. 205.) The court reset the trial date for May 6, 2024. (Doc. 210.) As that date approached, Plaintiff returned to court and sought a stay of the case until the appeal was resolved in the New Hampshire case. As Plaintiff explained, if sustained, the judgment in New Hampshire will exhaust the assets of Mr. Roberts and the two investment management entities many times over. (Doc. 234 at 2.) The court granted the motion, and the case has remained stayed until now. It has now been pending for seven years. Since the court granted the stay, Mr. Roberts has died and the two investment management companies have ceased doing business. The parties have represented that no recovery is likely against Mr. Roberts’ estate or his companies. That leaves Mr. Aubin and Mr. Gaboriault as the sole remaining defendants. (See Doc. 265.) Both were employees in Mr. Roberts’ investment business. In previous filings with the court, Plaintiff’s counsel has discounted the likelihood of recovering significant funds from either individual. On December 4, 2025, the court entered an order requesting a proposed pre-trial schedule within 30 days. (Doc. 265.) This order resulted in the pending “Motion to Adopt Pre-trial Order” submitted by new counsel for Plaintiff. (Doc. 266.) The proposed order contemplates additional depositions, both fact and expert, and a trial readiness date of June 5, 2026. It also set a deadline for the individual defendants to file motions for summary judgment. Defendants responded by objecting to any

further discovery. They intend to file summary judgment motions. (See Doc. 267.) The court GRANTS IN PART Plaintiff's Motion to Adopt Pretrial Schedule (Doc. 266) and orders as follows:

1. Discovery concluded in this case in 2023. Both the production of documents and the depositions of parties and witnesses were very extensive. No further discovery is permitted.

2. Any motions for summary judgment shall be filed not later than February 16, 2026.

Normal response and reply times apply.

3. The court reappoints Michael Marks as ENE Evaluator. Mr. Marks previously served in this case in June 2020. (Doc. 21.) The court would welcome his assistance in bringing this case to a conclusion. The parties will divide the cost of his services evenly. Subject to Mr. Marks' schedule, the court requests that the parties meet with him within 30 days.

4. The court adopts the proposed trial readiness date of June 5, 2026, and will schedule a two-week trial during the summer months if settlement is not possible. SO ORDERED. nd Dated at Burlington, in the District of Vermont, this2A day _~= Geoffrey W. Crawford, Judge United States District Court