

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

OPINION

Roberts

PER CURIAM.

UNITED STATES DISTRICT COURT oS 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, this 2A day _~= Geoffrey W. Crawford, Judge United States District Court