

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THE SHERWIN-WILLIAMS COMPANY,

Plaintiff / Counterclaim
Defendant,

v.

PPG INDUSTRIES, INC.,

Defendant / Counterclaim
Plaintiff.

Case No. 2:17-cv-01023-JFC
Hon. Joy Flowers Conti

**PPG INDUSTRIES, INC.’S MOTION TO CONTINUE
FEBRUARY 22, 2021 TRIAL DATE**

PPG Industries, Inc. (“**PPG**”) files this motion to continue the trial date for this action and in support of thereof, states as follows:

1. This case is currently scheduled to begin a jury trial on February 22, 2021. (ECF No. 656.) The Court has reserved nine days for the trial. (*See* ECF 550.)

2. PPG submits that the COVID-19 pandemic, which continues to worsen, requires that the February 22 jury trial be continued.

3. On October 30, 2020, the Chief Judge of the Western District issued an “Administrative Order Concerning Jury Trial and Other Proceedings Relative to Covid-19 Matters” (the “Order”). (Misc. No. 2:20-mc-394-MRH, ECF No. 17.) The Order continued all civil and criminal jury selections (with certain exceptions) scheduled to begin (before February 8, 2021).

4. Since the Chief Judge issued this order, the Commonwealth of Pennsylvania’s COVID-19 mitigation procedures continue to require significant restrictions in business, work,

school, child care, and congregate settings. These restrictions mandate, among other things, that “[t]elework must continue unless impossible,” that “[u]nnecessary travel should be limited,” and that “[f]ace coverings” be worn when outside of the home. *See* <https://www.pa.gov/guides/responding-to-covid-19/#COVIDMitigationinPennsylvania>. Further, many of the parties’ counsel and proposed witnesses reside outside of Pennsylvania and are thus additionally subject to the Commonwealth of Pennsylvania’s quarantine and testing requirements for travelers. *See* <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Travelers.aspx>.

5. In view of the foregoing, and to conserve the resources of the parties, the Court, the prospective jurors, and the witnesses scheduled to appear, PPG respectfully requests that the Court continue the trial in this matter until jury trials can resume with safe and equitable procedures.

6. PPG proposes that the Court and the parties convene at a status conference in the spring of 2021 to discuss the then-current state of the COVID-19 pandemic and the scheduling of the trial.

7. PPG does not seek an extension of any of the Court’s ordered pre-trial submission deadlines, although it respectfully submits that the Court continue the final pretrial conference if the Court deems it so desirable.

8. PPG has conferred with counsel for Sherwin-Williams regarding this motion. Sherwin has indicated that “because this case has been pending for a very long time, it would like a resolution as soon as practical and safe. Sherwin defers to the Court with regard to whether that is on the currently scheduled date or some date thereafter.”

WHEREFORE, PPG respectfully requests that the Court grant this motion and enter the attached proposed order.

Dated: January 5, 2021

Respectfully submitted,

/s/ Celine Jimenez Crowson

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CERTIFICATE OF SERVICE

I certify that on January 5, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Celine Jimenez Crowson