

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

WECO SUPPLY COMPANY, INC., a
California corporation

Plaintiff,

v.

THE SHERWIN-WILLIAMS
COMPANY,

Defendant.

1:10-CV-00171 AWI BAM

ORDER REGARDING
DEFENDANT’S REQUEST
FOR CLARIFICATION

(Doc. No. 82)

AND RELATED CROSS-ACTION

On January 3, 2013, the Court issued an Order denying Defendant and Cross-Claimant Sherwin-Williams’ Motion for Attorney’s Fees. *See* Court’s Docket, Doc. No. 81. Sherwin-Williams’ Motion for Attorney’s Fees requested both attorney’s fees and expert fees under California Civil Code § 3426.4. *See id.*, Doc. No. 74. Sherwin-Williams now seeks clarification of the Court’s ruling on the requested \$13,361.50 in expert fees, and requests a supplemental order awarding Sherwin-Williams the expert fees. *See id.*, Doc. No. 82. Finding that there was no showing of subjective bad faith, as required under § 3426.4, the Court’s Order expressly stated, “[a]ccordingly, Sherwin-Williams’ motion for attorneys’ fees *and expert fees* pursuant to California Civil Code § 3426.4 is denied.” *See id.*, Doc. No. 81, 6:3-5. Thus, no clarification or modification of the Court’s Order is necessary. Sherwin-Williams’ request for expert fees remains DENIED.

IT IS SO ORDERED.

Dated: January 11, 2013



UNITED STATES DISTRICT JUDGE

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