

1 COLLEEN BAL (SBN 167637)
JOHN P. FLYNN (SBN 141094)
2 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
3 One Market Plaza
4 Spear Tower, Suite 3300
San Francisco, California 94105
5 Telephone: (415) 947-2000
Facsimile: (415) 947-2099
6 Email: jflynn@wsgr.com; cbal@wsgr.com

STUART A. WILLIAMS (*pro hac vice*)
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
375 Southpointe Boulevard
Canonsburg, Pennsylvania 15317
Telephone: (917) 288-5094
Facsimile: (212) 999-5899
Email: swilliams@wsgr.com

7 DYLAN J. LIDDIARD (SBN 203055)
8 WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
9 650 Page Mill Road
Palo Alto, California 94304
10 Telephone: (650) 493-9300
Facsimile: (650) 565-5100
11 Email: dliddiard@wsgr.com

12 *Attorneys for Plaintiff*

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 FRESNO DIVISION

16 _____)
G.P.P., INC. d/b/a GUARDIAN INNOVATIVE)
17 SOLUTIONS,)
18 Plaintiff,)
19 v.)
20 GUARDIAN PROTECTION PRODUCTS, INC.,)
21 and RPM WOOD FINISHES GROUP, INC.,)
22 Defendants.)
23 _____)

Case No. 1:15-cv-00321-SKO
**STIPULATION AND ORDER
REGARDING BILL OF COSTS AND
FEE MOTIONS**
(Doc. 505)
Courtroom: 7 (Sixth Floor)
Judge: Hon. Sheila K. Oberto

1 WHEREAS, after the first trial in this case, the parties submitted bills of costs and cross-
2 motions for attorneys' fees, Dkts. 312, 313, 314, 320, 338, 339;

3 WHEREAS, on February 16, 2018, the Court stayed and held in abeyance the parties' bills
4 of costs and cross-motions for attorneys' fees until resolution of GIS's first appeal, finding in
5 relevant part that:

6 The outcome of GIS's appeal could affect any part of the Amended
7 Final Judgment, which would necessarily affect the Court's
8 determination of which party prevailed on which causes of action,
9 and ultimately the amount of costs and fees to which the parties are
10 entitled. To make such determinations now would not only be
11 premature, but it would also waste judicial resources, particularly
12 given the amounts requested and the volume of briefing in support
13 of the parties' respective requests. ...

14 As such, the Court finds that the parties' bills of costs and motions
15 for attorneys' fees are best adjudicated following a resolution of
16 GIS's appeal, and therefore defers ruling on the Bills of Costs and
17 the Motions until the appeal is resolved.

18 Dkt 341 at 4-5;

19 WHEREAS, the Court entered judgment following the second trial in this matter on
20 December 13, 2021, Dkt. 499;

21 WHEREAS, the current deadline to file bills of costs and motions for attorneys' fees is 28
22 days after the Court's ruling on GIS's pending motion for a new trial and renewed motion for
23 judgment as a matter of law, Dkt. 501;

24 WHEREAS, depending on the outcome of GIS's pending motion, one or both parties may
25 file notices of appeal;

26
27
28

1 WHEREAS, for substantially the same reasons provided by the Court in its February 16,
2 2018 Order, the parties believe there is good cause to stay the current deadline to file bills of costs
3 and motions for attorneys' fees until after all issues concerning the merits of this action are fully
4 resolved, including GIS's pending motion and any resulting appeals by either party;

5 THEREFORE, the parties hereby stipulate and respectfully request that the Court order as
6 follows: (a) if a notice of appeal is filed by either party after resolution of GIS's pending motion,
7 the deadline to file bills of costs and motions for attorneys' fees shall be stayed until (i) 28 days
8 after the appeal is fully resolved and a mandate is issued by the Ninth Circuit, or (ii) if the Ninth
9 Circuit remands for a new trial or other further proceedings in the trial court, until after such new
10 trial or further proceedings have concluded; and (b) if neither party files a notice of appeal after
11 resolution of GIS's pending motion, the deadline to file bills of costs and motions for attorneys'
12 fees shall be extended until 28 days after the deadline for filing a notice of appeal has passed.

13
14 **IT IS SO STIPULATED.**

15 Dated: February 2, 2022

Respectfully submitted,

16 WILSON SONSINI GOODRICH & ROSATI
17 Professional Corporation

18 By: s/ Dylan Liddiard

19 *Attorneys for Plaintiff*

20
21 GORDON & REES LLP

22 By: s/ Aaron Rudin
23 (as authorized on February 2, 2022)

24 *Attorneys for Defendants*
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the foregoing stipulation (Doc. 505), IT IS HEREBY ORDERED that, if a notice of appeal is filed by either party after resolution of GIS’s pending motion for a new trial and renewed motion for judgment as a matter of law (Doc. 502), the deadline to file bills of costs and motions for attorneys’ fees shall be stayed until (i) 28 days after the appeal is fully resolved and a mandate is issued by the Ninth Circuit, or (ii) if the Ninth Circuit remands for a new trial or other further proceedings in the trial court, until after such new trial or further proceedings have concluded. If neither party files a notice of appeal after resolution of GIS’s pending motion, the deadline to file bills of costs and motions for attorneys’ fees shall be extended until 28 days after the deadline for filing a notice of appeal has passed.

IT IS SO ORDERED.

Dated: February 3, 2022

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE