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11 GUARDIAN PROTECTION PRODUCTS, INC. and  
12 RPM WOOD FINISHES GROUP, INC.

13 UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 G.P.P., Inc., d/b/a GUARDIAN INNOVATIVE ) CASE NO. 1:15-cv-00321 SKO  
16 SOLUTIONS )  
17 )  
18 Plaintiff, )  
19 )  
20 v. )  
21 )  
22 GUARDIAN PROTECTION PRODUCTS, INC. )  
23 and RPM WOOD FINISHES GROUP, INC. )  
24 )  
25 Defendants. )  
26 )  
27 )  
28 )

**STIPULATION AND ORDER  
SHORTENING TIME ON  
APPLICATION FOR  
RECONSIDERATION;  
DECLARATION OF AARON P.  
RUDIN IN SUPPORT**

Judge: Hon. Sheila K. Oberto  
Courtroom: 7 (Sixth Floor)

AND RELATED COUNTERCLAIM

Pursuant to Local Rule 144(e), Plaintiff G.P.P., Inc. d/b/a Guardian Innovative Solutions (“Plaintiff”) and Defendants Guardian Protection Products, Inc. and RPM Wood Finishes Group (collectively “Defendants”) hereby submit the following stipulation to shorten time on Defendants’ Application for Reconsideration of the Court’s Order Re Cross-Motions for Attorney’s Fees.

WHEREAS, on September 12, 2023, Plaintiff and Defendants filed their respective cross-motions for attorney’s fees, Docs. 532, 534;

WHEREAS, on November 15, 2023, the Court issued its Order Re Cross Motions for Attorney’s Fees, Doc. 545;

1 WHEREAS, on November 20, 2023, Defendants filed an Application for  
2 Reconsideration of Order Re Cross Motions for Attorney’s Fees (“Application for  
3 Reconsideration”), Doc. 546;

4 WHEREAS, on November 21, 2023, the Court issued its Order continuing the hearing  
5 on Defendants’ Application for Reconsideration to December 27, 2023, Doc. 547;

6 WHEREAS, under Federal Rule of Appellate Procedure, Rule 4, Defendants understand  
7 that they have until December 15, 2023, to file a Notice of Appeal of the Order Re Cross  
8 Motions for Attorney’s Fees which would divest this Court of jurisdiction to hear the  
9 Application for Reconsideration;

10 WHEREAS, on November 21, 2023, counsel for Defendants asked counsel for Plaintiff  
11 if Plaintiff would stipulate to shorten time on the hearing of its Application for Reconsideration  
12 to on or before December 14, 2023;

13 WHEREAS, on November 22, 2023, counsel for Plaintiff indicated Plaintiff would not  
14 oppose the hearing date on Defendants’ Application for Reconsideration to on or before  
15 December 14, 2023, as long as it did not impact the time Plaintiff currently has to file an  
16 opposition (which is currently December 4, 2023);

17 THEREFORE, the parties hereby stipulate and respectfully request that the Court order  
18 that the hearing date of Defendants’ Application for Reconsideration be shortened to a date on  
19 or before December 14, 2023 and that Plaintiff’s opposition to the Application for  
20 Reconsideration shall remain due no later than December 4, 2023.

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22 **IT IS SO STIPULATED.**

23 Dated: November 29, 2023

GORDON REES SCULLY MANSUKHANI,  
LLP

24

By: /s/ Aaron P. Rudin  
Calvin E. Davis  
Aaron P. Rudin  
Attorneys for Defendants GUARDIAN  
PROTECTION PRODUCTS, INC. and  
RPM WOOD FINISHES GROUP, INC.

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Dated: November 29, 2023

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Dylan Liddiard

*Attorneys for Plaintiff*  
(as authorized on November 27, 2023)

**ORDER**

Pursuant to the parties' stipulation (Doc 548), the hearing on Defendants' Application for Reconsideration (Doc. 546) shall be set for December 13, 2023, at 9:30 a.m. Any Opposition by Plaintiff to Defendants' Application for Reconsideration shall remain due on December 4, 2023. Any Reply by Defendants to Plaintiff's Opposition to the Application for Reconsideration shall be due no later than December 8, 2023.

IT IS SO ORDERED.

Dated: November 29, 2023

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

**DECLARATION OF AARON P. RUDIN**

I, Aaron P. Rudin, declare as follows:

1. I am an attorney at law licensed to practice before the United States District Court for the Eastern District of California and am a Partner with the law firm of Gordon & Rees, LLP, attorneys of record for defendant and counterclaimant Guardian Protection Products, Inc. (“Guardian”) and defendant RPM Wood Finishes Group, Inc. (“RPM”), in the above-captioned action. I am familiar with the facts and circumstances in the above-entitled matter as they relate to this declaration, and if called upon, I could and would competently testify thereto.

2. On September 12, 2023, Plaintiff and Defendants filed their respective cross-motions for attorney’s fees, Docs. 532, 534.

3. On November 15, 2023, the Court issued its Order Re Cross Motions for Attorney’s Fees, Doc. 545.

4. On November 20, 2023, Defendants filed an Application for Reconsideration of Order Re Cross Motions for Attorney’s Fees (“Application for Reconsideration”), Doc. 546;

5. On November 21, 2023, the Court issued its Order continuing the hearing on Defendants’ Application for Reconsideration to December 27, 2023, Doc. 547.

6. Under Federal Rule of Appellate Procedure, Rule 4, it is my understanding that Defendants have until December 15, 2023 to file a Notice of Appeal of the Order Re Cross Motions for Attorney’s Fees which would divest this Court of jurisdiction to hear the Application for Reconsideration.

7. It is also my understanding that it is unsettled whether a Rule 60(b) motion extends the time to appeal an Order on attorney’s fees. *See Miller v. Marriott Int’l, Inc.*, 300 F.3d 1061, 1064, n. 2 (9th Cir. 2002); *Jones v. UNUM Life Ins. Co. of Am.*, 223 F.3d 130, 137–138 (2d Cir. 2000) (“a motion under Civil Rule 60(b) filed within 10 days of the entry of judgment might not extend the time for appeal if it seeks only attorneys' fees”).

8. Since the current hearing date on the Application for Reconsideration appears to be after Defendants’ deadline to file a notice of appeal, on November 21, 2023, I asked counsel for Plaintiff if Plaintiff would stipulate to shorten time on the hearing of Defendants’ Application for

1 Reconsideration to on or before December 14, 2023.

2 9. On November 22, 2023, counsel for Plaintiff indicated Plaintiff would not oppose  
3 the hearing date on Defendants' Application for Reconsideration to on or before December 14,  
4 2023, as long as it did not impact the time Plaintiff currently has to file an opposition (which is  
5 currently December 4, 2023).

6  
7 I declare under penalty of perjury under the laws of the United States that the foregoing is  
8 true and correct and that this declaration was executed on November 27, 2023, in Los Angeles,  
9 California.

10 /s/ Aaron P. Rudin  
11 Aaron P. Rudin, Declarant

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