

1  
2  
3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 MAXILL INC., an Ohio corporation,  
7 Plaintiff,

8 v.

9 LOOPS, LLC; and LOOPS  
10 FLEXBRUSH, LLC,

11 Defendants.

C17-1825 TSZ

(consolidated with C18-1026 TSZ)

12 LOOPS, L.L.C.; and LOOPS  
13 FLEXBRUSH, L.L.C.,

14 Plaintiffs,

15 v.

16 MAXILL INC., a Canadian corporation,  
17 Defendant.

MINUTE ORDER

18 The following Minute Order is made by direction of the Court, the Honorable  
19 Thomas S. Zilly, United States District Judge:

20 (1) The motion for extension of time to file a notice of appeal, docket no. 138,  
21 brought by Loops, L.L.C. and Loops Flexbrush, L.L.C. is GRANTED in part, and  
22 DENIED in part, as follows:

23 (a) In light of the intervening holidays, an extension is GRANTED.  
Any notice of appeal shall be filed within fourteen (14) days of the date of this  
Minute Order. *See* Fed. R. App. P. 4(a)(5)(C).

(b) The request to extend the time to file a notice of appeal until  
Saturday, February 1, 2020, is DENIED. Judgment in this matter was entered on  
December 2, 2019. The 30-day period prescribed in Federal Rule of Appellate  
Procedure 4(a)(1)(A) for filing a notice of appeal expires on January 1, 2020, or  
effectively, January 2, 2020. *See* Fed. R. App. P. 26(a)(1)(C). Any extension of  
this deadline could not exceed 30 days, *see* Fed. R. App. P. 4(a)(5)(C), which  
would mean, at the latest, a deadline of January 31, 2020, or possibly February 3,

1 2020, if Federal Rule of Appellate Procedure 26, concerning the computation of  
2 time, was liberally construed. The pending motion for reconsideration, docket  
3 no. 126, which is the stated reason for seeking an extension of the time to file a  
4 notice of appeal, has a noting date of Friday, January 31, 2020, and briefing will  
5 not be complete until midnight on that day. Thus, the first opportunity for the  
6 Court to consider the motion for reconsideration will be on Monday, February 3,  
7 2020. Even if the Court were to grant the maximum extension, a ruling on the  
8 motion for reconsideration is unlikely to issue before such deadline for filing a  
9 notice of appeal expired. Given the jurisdictional nature of the timeliness of any  
10 appeal, the Court declines to create uncertainty regarding when a notice of appeal  
11 is due.

12 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
13 record.

14 Dated this 27th day of December, 2019.

15 William M. McCool  
16 Clerk

17 s/Karen Dews  
18 Deputy Clerk