

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CM 16-10-SP	Date	March 17, 2016
Title	In the Matter of the Search of an Apple iPhone Seized During the Execution of a Search Warrant on a Black Lexus IS300, California License Plate 35KGD203		

Present: The Honorable	SHERI PYM, United States Magistrate Judge
-------------------------------	---

Kimberly I. Carter

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Applicant:

Attorneys Present for Respondent:

None

None

Proceedings: **(In Chambers) Order Setting Procedures Governing March 22, 2016 Hearing**

The court has received a number of inquiries regarding various aspects of the logistical and other procedures that will be in place at the March 22, 2016 hearing in this matter. The court issues this order to clarify for all interested persons what those procedures will be.

As an initial matter, the court notes that there are only two parties to this matter: the United States of America, the applicant; and Apple Inc., the respondent. Although a great number of individuals and entities were granted leave to file briefs as amici curiae, the amici are not parties to this action. Having received and reviewed the amicus briefs, the court will not entertain further argument or submission from any of the amici.

In addition, the court recognizes there has been substantial public interest in this case, and there are many individuals and entities – including the victims of the San Bernardino shooting, the various other amici, and members of the media – who believe they have a strong interest in being present at the hearing. The court appreciates this interest; however, the Riverside federal courthouse has limitations on the number of people it can safely and securely accommodate, particularly in the courtroom in which the hearing will take place, Courtroom 4.

With these and other interests in mind, the court has determined the following procedures will apply to the March 22 hearing:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. ED CM 16-10-SP Date March 17, 2016

Title In the Matter of the Search of an Apple iPhone Seized During the Execution of a Search Warrant on a Black Lexus IS300, California License Plate 35KGD203

1. The hearing will take place at 1:00 p.m. on March 22, 2016 in Courtroom 4 of the Riverside federal courthouse, located at 3470 12th Street in Riverside, California.
2. Only counsel for the United States and counsel for Apple will be allowed to argue and examine witnesses at the hearing.
3. Only counsel for the United States and counsel for Apple will be permitted to sit beyond the bar in Courtroom 4. In addition, given the space limitations, each side will be limited to 10 attorneys sitting in the area beyond the bar.¹
4. Courtroom 4 can accommodate 54 individuals sitting in the gallery. These 54 seats will be allotted as follows:
 - a. The United States will be granted 9 of these seats, which they may give to any individuals they wish, to sit in the first row bench on the plaintiff's side of the courtroom, behind the United States.
 - b. Apple will be granted 9 of these seats, which they may give to any individuals they wish, to sit in the first row bench on the defendant's side of the courtroom, behind Apple.
 - c. The remaining 36 seats will be granted on a first come basis, to be distributed as set forth below.
5. In addition to Courtroom 4, there will be additional overflow rooms in which the hearing will be shown on video screens. All of these rooms together can accommodate up to a total of 324 spectators. Admission tickets for these seats will be distributed outside the courthouse starting at 7:00 a.m. on March 22, 2016. Individuals

¹ If any of the counsel for the amici who applied for and were granted permission to appear pro hac vice did so under the misimpression that such admission would grant them a seat in Courtroom 4 or the opportunity to speak at the hearing, they may, if they wish, apply to withdraw their pro hac vice admission and receive a refund of the pro hac vice application fee.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CM 16-10-SP	Date	March 17, 2016
Title	In the Matter of the Search of an Apple iPhone Seized During the Execution of a Search Warrant on a Black Lexus IS300, California License Plate 35KGD203		

interested in receiving such a ticket may queue outside the courthouse at the spot that will be indicated. Only one ticket will be given to each individual, and persons may not hold places in line for others.

6. After receiving a ticket, an individual may enter the courthouse when he or she wishes. All interested spectators should plan to allow plenty of time to pass through security to enter the courthouse. This may be a very slow process, as there is only one security line, and typically only 50 persons can pass through the line in an hour. The hearing will start regardless of whether spectators are still waiting to get through security.

7. Courtroom 4 and the overflow rooms will be closed until noon. At noon, the escort of persons with tickets to Courtroom 4 and the other rooms will commence, from the courtyard inside the courthouse. Persons waiting in the courthouse should be aware the courthouse offers a limited number of vending machines, but no cafeteria or other food service.

8. No recording of the hearing will be permitted. Counsel for the United States and Apple may use electronic devices during the hearing. All spectators in Courtroom 4 and the overflow rooms (which are also considered courtrooms for this proceeding) will be required to power down all electronic devices – including all wireless communication devices such as laptops, tablets, and smart phones – before the hearing begins. *See* Local Civil Rule 83-6 for these and other restrictions.

Name and address:
 MARK YOHALEM (SBN 243596)
 Assistant United States Attorney
 1500 United States Courthouse
 312 N. Spring St.
 Los Angeles, CA 90012
 (213) 894-2400

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

In the matter of the search of an Apple iPhone seized during the execution of a search warrant...

CASE NUMBER:

5:16-CM-00010 SP

v. PLAINTIFF(S)

DEFENDANT(S)

**NOTICE OF APPEARANCE OR
 WITHDRAWAL OF COUNSEL**

INSTRUCTIONS

Appearance of Counsel:

Attorneys may use this form to enter an appearance in a case, or to update the docket of a case to reflect a prior appearance. To do so, complete Sections I, II, and IV of this form, then file and serve the form in the case. (Using an attorney's CM/ECF login and password to file this form will expedite the addition of that attorney to the docket as counsel of record.)

Withdrawal of Counsel:

This form may be used to terminate an attorney's status as counsel of record for a party in three situations: (1) the attorney being terminated has already been relieved by the Court, but the docket does not yet reflect that fact; (2) at least one member of the attorney's firm or agency will continue to represent that party and the withdrawing attorney is not the only member of the Bar of this Court representing that party; or (3) the represented party has been dismissed from the case, but the attorneys are still receiving notices of electronic filing. For any of these situations, complete Sections I, III, and IV of this form, then file and serve the form in the case.

Note: In situations not covered above, attorneys seeking to withdraw from a case must first obtain permission from the Court. In such circumstances, attorneys should complete and file a "Request for Approval of Substitution or Withdrawal of Counsel" (Form G-01) rather than this "Notice of Appearance or Withdrawal of Counsel" (Form G-123). See Form G-01 for further information.

SECTION I - IDENTIFYING INFORMATION

Please complete the following information for the attorney you wish to add or remove (if removing an attorney, provide the information as it currently appears on the docket; if appearing pro hac vice, enter "PHV" in the field for "CA Bar Number"):

Name: Mark Yohalem CA Bar Number: 243596

Firm or agency: United States Attorney's Office

Address: 312 N. Spring St., Los Angeles, CA 90012

Telephone Number: 213-894-2400 Fax Number: 213-894-0141

Email: Mark.Yohalem@usdoj.gov

Counsel of record for the following party or parties: United States of America

SECTION II - TO ADD AN ATTORNEY TO THE DOCKET

Please select one of the following options:

- The attorney listed above has already appeared as counsel of record in this case and should have been added to the docket. The date of the attorney's first appearance in this case: _____.
- The filing of this form constitutes the first appearance in this case of the attorney listed above. Other members of this attorney's firm or agency have previously appeared in the case.
- The filing of this form constitutes the first appearance in this case of the attorney listed above. No other members of this attorney's firm or agency have previously appeared in the case.
- By order of the court dated _____ in case number _____ (see attached copy), the attorney listed above may appear in this case without applying for admission to practice *pro hac vice*.
- This case was transferred to this district by the Judicial Panel on Multidistrict Litigation ("JPML") pursuant to 28 U.S.C. § 1407 from the _____ District of _____, where it was assigned case number _____. The attorney listed above is counsel of record in this case in the transferee district, and is permitted by the rules of the JPML to continue to represent his or her client in this district without applying for admission to practice *pro hac vice* and without the appointment of local counsel.
- On _____, the attorney listed above was granted permission to appear in this case *pro hac vice* before the Bankruptcy Court, and L.Bankr.R. 8 authorizes the continuation of that representation in this case before the District Court.

In addition, if this is a criminal case, please check the applicable box below. The attorney listed above is:

- USAO
- FPDO
- CJA Appointment
- Pro Bono
- Retained

SECTION III - TO REMOVE AN ATTORNEY FROM THE DOCKET

Please select one of the following options:

- The attorney named above has already been relieved by the Court as counsel of record in this case and should have been removed from the docket. Date of the order relieving this attorney: _____.
- Please remove the attorney named above from the docket of this case; at least one member of the firm or agency named above, and at least one member of the Bar of this Court, will continue to serve as counsel of record for the party or parties indicated.
(Note: if you are removing yourself from the docket of this case as a result of separating from a firm or agency, you should consult Local Rules 5-4.8.1 and 83-2.4 and Form G-06 ("Notice of Change of Attorney Business or Contact Information"), concerning your obligations to notify the Clerk and parties of changes in your business or contact information.)
- The represented party has been dismissed from the case, but the attorneys are still receiving notices of electronic filing. Date party was dismissed: _____.
- The attorney named above was appointed on appeal and the appeal has been adjudicated. Date the mandate was filed: _____.

SECTION IV - SIGNATURE

I request that the Clerk update the docket as indicated above.

Date: 3/18/2016

Signature: /s/

Name: Mark Yohalem

Name and address:

STEPHANIE CHRISTENSEN (SBN 236653)
 Assistant United States Attorney
 1500 United States Courthouse
 312 N. Spring St.
 Los Angeles, CA 90012
 (213) 894-2400

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

In the matter of the search of an Apple iPhone seized during the execution of a search warrant...

CASE NUMBER:

5:16-CM-00010 SP

v. PLAINTIFF(S)

DEFENDANT(S)

**NOTICE OF APPEARANCE OR
 WITHDRAWAL OF COUNSEL**

INSTRUCTIONS

Appearance of Counsel:

Attorneys may use this form to enter an appearance in a case, or to update the docket of a case to reflect a prior appearance. To do so, complete Sections I, II, and IV of this form, then file and serve the form in the case. (Using an attorney's CM/ECF login and password to file this form will expedite the addition of that attorney to the docket as counsel of record.)

Withdrawal of Counsel:

This form may be used to terminate an attorney's status as counsel of record for a party in three situations: (1) the attorney being terminated has already been relieved by the Court, but the docket does not yet reflect that fact; (2) at least one member of the attorney's firm or agency will continue to represent that party and the withdrawing attorney is not the only member of the Bar of this Court representing that party; or (3) the represented party has been dismissed from the case, but the attorneys are still receiving notices of electronic filing. For any of these situations, complete Sections I, III, and IV of this form, then file and serve the form in the case.

Note: In situations not covered above, attorneys seeking to withdraw from a case must first obtain permission from the Court. In such circumstances, attorneys should complete and file a "Request for Approval of Substitution or Withdrawal of Counsel" (Form G-01) rather than this "Notice of Appearance or Withdrawal of Counsel" (Form G-123). See Form G-01 for further information.

SECTION I - IDENTIFYING INFORMATION

Please complete the following information for the attorney you wish to add or remove (if removing an attorney, provide the information as it currently appears on the docket; if appearing pro hac vice, enter "PHV" in the field for "CA Bar Number"):

Name: Stephanie Christensen CA Bar Number: 236653

Firm or agency: United States Attorney's Office

Address: 312 N. Spring St., Los Angeles, CA 90012

Telephone Number: 213-894-2400 Fax Number: 213-894-0141

Email: stephanie.christensen@usdoj.gov

Counsel of record for the following party or parties: United States of America

SECTION II - TO ADD AN ATTORNEY TO THE DOCKET

Please select one of the following options:

- The attorney listed above has already appeared as counsel of record in this case and should have been added to the docket. The date of the attorney's first appearance in this case: _____.
- The filing of this form constitutes the first appearance in this case of the attorney listed above. Other members of this attorney's firm or agency have previously appeared in the case.
- The filing of this form constitutes the first appearance in this case of the attorney listed above. No other members of this attorney's firm or agency have previously appeared in the case.
- By order of the court dated _____ in case number _____ (see attached copy), the attorney listed above may appear in this case without applying for admission to practice *pro hac vice*.
- This case was transferred to this district by the Judicial Panel on Multidistrict Litigation ("JPML") pursuant to 28 U.S.C. § 1407 from the _____ District of _____, where it was assigned case number _____. The attorney listed above is counsel of record in this case in the transferee district, and is permitted by the rules of the JPML to continue to represent his or her client in this district without applying for admission to practice *pro hac vice* and without the appointment of local counsel.
- On _____, the attorney listed above was granted permission to appear in this case *pro hac vice* before the Bankruptcy Court, and L.Bankr.R. 8 authorizes the continuation of that representation in this case before the District Court.

In addition, if this is a criminal case, please check the applicable box below. The attorney listed above is:

- USAO
- FPDO
- CJA Appointment
- Pro Bono
- Retained

SECTION III - TO REMOVE AN ATTORNEY FROM THE DOCKET

Please select one of the following options:

- The attorney named above has already been relieved by the Court as counsel of record in this case and should have been removed from the docket. Date of the order relieving this attorney: _____.
- Please remove the attorney named above from the docket of this case; at least one member of the firm or agency named above, and at least one member of the Bar of this Court, will continue to serve as counsel of record for the party or parties indicated.
(Note: if you are removing yourself from the docket of this case as a result of separating from a firm or agency, you should consult Local Rules 5-4.8.1 and 83-2.4 and Form G-06 ("Notice of Change of Attorney Business or Contact Information"), concerning your obligations to notify the Clerk and parties of changes in your business or contact information.)
- The represented party has been dismissed from the case, but the attorneys are still receiving notices of electronic filing. Date party was dismissed: _____.
- The attorney named above was appointed on appeal and the appeal has been adjudicated. Date the mandate was filed: _____.

SECTION IV - SIGNATURE

I request that the Clerk update the docket as indicated above.

Date: 3/18/2016

Signature: /s/

Name: Stephanie Christensen

Name and address:
 ANTHONY LEWIS (SBN 231825)
 Assistant United States Attorney
 1500 United States Courthouse
 312 N. Spring St.
 Los Angeles, CA 90012
 (213) 894-2400

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

In the matter of the search of an Apple iPhone seized during the execution of a search warrant...

CASE NUMBER:

5:16-CM-00010 SP

v. PLAINTIFF(S)

DEFENDANT(S)

**NOTICE OF APPEARANCE OR
 WITHDRAWAL OF COUNSEL**

INSTRUCTIONS

Appearance of Counsel:

Attorneys may use this form to enter an appearance in a case, or to update the docket of a case to reflect a prior appearance. To do so, complete Sections I, II, and IV of this form, then file and serve the form in the case. (Using an attorney's CM/ECF login and password to file this form will expedite the addition of that attorney to the docket as counsel of record.)

Withdrawal of Counsel:

This form may be used to terminate an attorney's status as counsel of record for a party in three situations: (1) the attorney being terminated has already been relieved by the Court, but the docket does not yet reflect that fact; (2) at least one member of the attorney's firm or agency will continue to represent that party and the withdrawing attorney is not the only member of the Bar of this Court representing that party; or (3) the represented party has been dismissed from the case, but the attorneys are still receiving notices of electronic filing. For any of these situations, complete Sections I, III, and IV of this form, then file and serve the form in the case.

Note: In situations not covered above, attorneys seeking to withdraw from a case must first obtain permission from the Court. In such circumstances, attorneys should complete and file a "Request for Approval of Substitution or Withdrawal of Counsel" (Form G-01) rather than this "Notice of Appearance or Withdrawal of Counsel" (Form G-123). See Form G-01 for further information.

SECTION I - IDENTIFYING INFORMATION

Please complete the following information for the attorney you wish to add or remove (if removing an attorney, provide the information as it currently appears on the docket; if appearing pro hac vice, enter "PHV" in the field for "CA Bar Number"):

Name: Anthony Lewis CA Bar Number: 231825

Firm or agency: United States Attorney's Office

Address: 312 N. Spring St., Los Angeles, CA 90012

Telephone Number: 213-894-2400 Fax Number: 213-894-0141

Email: Anthony.Lewis@usdoj.gov

Counsel of record for the following party or parties: United States of America

SECTION II - TO ADD AN ATTORNEY TO THE DOCKET

Please select one of the following options:

- The attorney listed above has already appeared as counsel of record in this case and should have been added to the docket. The date of the attorney's first appearance in this case: _____ .
- The filing of this form constitutes the first appearance in this case of the attorney listed above. Other members of this attorney's firm or agency have previously appeared in the case.
- The filing of this form constitutes the first appearance in this case of the attorney listed above. No other members of this attorney's firm or agency have previously appeared in the case.
- By order of the court dated _____ in case number _____ (see attached copy), the attorney listed above may appear in this case without applying for admission to practice *pro hac vice*.
- This case was transferred to this district by the Judicial Panel on Multidistrict Litigation ("JPML") pursuant to 28 U.S.C. § 1407 from the _____ District of _____, where it was assigned case number _____. The attorney listed above is counsel of record in this case in the transferee district, and is permitted by the rules of the JPML to continue to represent his or her client in this district without applying for admission to practice *pro hac vice* and without the appointment of local counsel.
- On _____, the attorney listed above was granted permission to appear in this case *pro hac vice* before the Bankruptcy Court, and L.Bankr.R. 8 authorizes the continuation of that representation in this case before the District Court.

In addition, if this is a criminal case, please check the applicable box below. The attorney listed above is:

- USAO FPDO CJA Appointment Pro Bono Retained

SECTION III - TO REMOVE AN ATTORNEY FROM THE DOCKET

Please select one of the following options:

- The attorney named above has already been relieved by the Court as counsel of record in this case and should have been removed from the docket. Date of the order relieving this attorney: _____ .
- Please remove the attorney named above from the docket of this case; at least one member of the firm or agency named above, and at least one member of the Bar of this Court, will continue to serve as counsel of record for the party or parties indicated.
(Note: if you are removing yourself from the docket of this case as a result of separating from a firm or agency, you should consult Local Rules 5-4.8.1 and 83-2.4 and Form G-06 ("Notice of Change of Attorney Business or Contact Information"), concerning your obligations to notify the Clerk and parties of changes in your business or contact information.)
- The represented party has been dismissed from the case, but the attorneys are still receiving notices of electronic filing. Date party was dismissed: _____ .
- The attorney named above was appointed on appeal and the appeal has been adjudicated. Date the mandate was filed: _____ .

SECTION IV - SIGNATURE

I request that the Clerk update the docket as indicated above.

Date: 3/18/2016

Signature: /s/

Name: Anthony Lewis