

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	ED CM 16-10-SP	Date	March 21, 2016
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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
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Present: The Honorable	SHERI PYM, United States Magistrate Judge
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Kimberly I. Carter	N/A
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Applicant:

None

Attorneys Present for Respondent:

None

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

Please read below regarding a reduction in the number of seats from what was previously reported as available to view the proceedings, and a change regarding the permitted use of electronic devices.

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 amended 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 with respect to the

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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:

1. Only counsel for the United States and counsel for Apple will be allowed to argue and examine witnesses at the hearing.

2. 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.<sup>1</sup>

3. 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. Additional seats will be specially allocated to representative members of the media and others, in Courtroom 4 and the overflow courtrooms.

d. Approximately 30 seats are expected to remain in Courtroom 4,

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<sup>1</sup> 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.

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which will be granted on a first come basis, as described below.

4. In addition to Courtroom 4, there will be two overflow courtrooms in which the hearing will be shown via closed circuit live audio/video feed. The two overflow courtrooms together will be able to accommodate approximately 100 additional spectators.

5. Admission tickets for seats in all the courtrooms will be distributed outside the Riverside federal courthouse starting at 7:00 a.m. on March 22, 2016. Individuals 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. The courtrooms will be closed until noon. At noon, the escort of persons with tickets to the courtrooms will commence, from the courtyard inside the courthouse. All persons with tickets should plan to allow plenty of time to pass through security to enter the courthouse.

7. 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 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. Spectators in the overflow courtrooms may use electronic devices during the hearing, provided that use is not disruptive and that any recording feature is turned off. *See* Local Civil Rule 83-6 for additional information.