

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
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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:

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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.

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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.