

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CM 16-10-SP	Date	February 24, 2016
Title	In the matter of the search of an Apple iPhone seized during the execution of a search warrant		

Present: The Honorable	SHERI PYM, United States Magistrate Judge
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Kimberly I. Carter

Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Applicant:

None

Attorneys Present for Respondent:

None

Proceedings: (In Chambers) Order Denying Pro Hac Vice Application Without Prejudice

On February 19, 2016, attorney Marc J. Zwillinger filed an application to appear pro hac vice in this case. The fee for this application was paid on February 22, 2016. On review of the application, however, it appears that it does not comply with the requirement in Local Rule 83-2.1.3.3(d) that, with such application, the applicant must submit a Certificate of Good Standing from each state bar in which the applicant is a member. In particular, there is no Certificate from the Illinois state bar, although Mr. Zwillinger lists active admission to practice before the Illinois Supreme Court.

Accordingly, as filed, Mr. Zwillinger's pro hac vice application is denied without prejudice. If a Certificate of Good Standing from the Illinois Supreme Court is filed within seven days, the court will reconsider Mr. Zwillinger's application. Otherwise, the application will be denied and the fee returned.

Jeffrey G. Landis
 ZWILLGEN PLLC
 1900 M Street, NW, Suite 250
 Washington, DC 20036
 jeff@zwillgen.com
 (202) 296-3585

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 ON
 A BLACK LEXUS IS300, CALIFORNIA
 LICENSE PLATE 35KGD203

CASE NUMBER

ED No. CM 16-10

APPLICATION OF NON-RESIDENT ATTORNEY
 TO APPEAR IN A SPECIFIC CASE
 PRO HAC VICE

INSTRUCTIONS FOR APPLICANTS

- (1) Complete Section I of this Application, sign the certification in Section II, and have your designated Local Counsel sign in Section III; note that electronic signatures are not accepted. Space to supplement your responses is provided in Section IV. Attach a Certificate of Good Standing (issued within the last 30 days) from every state bar to which you are admitted. Scan the completed and signed Application, with attachment(s), to a single Portable Document Format (PDF) file.
- (2) Have your Local Counsel e-file your Application, using the Court's CM/ECF System, and submit a Proposed Order (using Form G-64 ORDER, available from the Court's website).
- (3) Submit payment in the amount of \$325 for each case in which you file an Application. Payment may be submitted at the time of e-filing through Pay.gov, or by delivering payment to the Clerk's Office (Attn: Fiscal) with a copy of the e-filed Application. If your payment is not received within 5 days of the filing of your Application, your Application may be rejected. You will not be allowed to participate as an attorney of record in this case until your payment is received.

SECTION I - INFORMATION

LANDIS, JEFFREY G.

Applicant's Name (Last Name, First Name & Middle Initial)
ZWILLGEN PLLC

Firm Name
1900 M Street, NW, Suite 250

(202) 296-3585

(202) 706-5298

Telephone Number

Fax Number

Street Address
Washington, DC 20036

jeff@zwillgen.com

City, State, Zip Code

E-Mail Address

I have been retained to represent the following parties:

APPLE, INC.

Plaintiff Defendant Other:

Plaintiff Defendant Other:

Name(s) of Party(ies) Represented

List all courts to which you have been admitted and the current status of your membership:

<u>Name of Court</u>	<u>Date of Admission</u>	<u>Active Member in Good Standing? (if not, please explain)</u>
U.S. District Court for District of Maryland	02/02/2009	ACTIVE
U.S. District Court for E.D. Michigan	07/00/2014	ACTIVE
U.S. District Court for S.D. N.Y.	09/11/2015	ACTIVE
U.S. Court of Appeals for 1st Circuit	06/30/2015	ACTIVE
U.S. Court of Appeals for 11th Circuit	11/19/2014	ACTIVE

List all cases in which you have applied to this Court for *pro hac vice* status in the previous three years:

<u>Case Number</u>	<u>Title of Action</u>	<u>Date of Application</u>	<u>Granted / Denied?</u>
None			

If any *pro hac vice* applications submitted within the past three (3) years have been denied by the Court, please explain:

N/A

Have you previously registered as a CM/ECF user in the Central District of California? Yes No

If yes, was your CM/ECF User account associated with the e-mail address provided above? Yes No:

Previous E-Mail Used (if applicable)

You must be registered for the Court's Case Management/Electronic Case Filing ("CM/ECF") System to be admitted to practice pro hac vice in this Court. Submission of this Application will constitute your registration (or re-registration) as a CM/ECF User. If the Court signs an Order granting your Application, you will either be issued a new CM/ECF login and password, or the existing account you identified above will be associated with your case. Pursuant to Local Rule 5-3.2.2, registering as a CM/ECF User is deemed consent, for purposes of Fed. R. Civ. P. 5(b)(2)(E), to electronic service of documents through the CM/ECF System. You have the right to withhold or revoke your consent to electronic service at any time; simply complete and return a Central District Electronic Service Exemption Form (Form G-05, available from the Court's website). If the Court receives an Electronic Service Exemption Form from you, you will no longer receive notice by e-mail when Court orders or other documents are filed in cases in which you are counsel of record; instead, copies of such documents will be sent to you through the mail.

SECTION II - CERTIFICATION

I declare under penalty of perjury that:

- (1) All of the above information is true and correct.
- (2) I am not a resident of the State of California. I am not regularly employed in, or engaged in substantial business, professional, or other activities in the State of California.
- (3) I am not currently suspended from and have never been disbarred from practice in any court.
- (4) I am familiar with the Court's Local Civil and Criminal Rules, the Federal Rules of Civil and Criminal Procedure, and the Federal Rules of Evidence.
- (5) I designate the attorney listed in Section III below, who is a member in good standing of the Bar of this Court and maintains an office in the Central District of California for the practice of law, as local counsel pursuant to Local Rule 83-2.1.3.4.

Dated February 24, 2016

Jeffrey G. Landis

Applicant's Name (please type or print)

Jeffrey G. Landis
Applicant's Signature

SECTION III - DESIGNATION OF LOCAL COUNSEL

HANNA, Nicola T.

Designee's Name (Last Name, First Name & Middle Initial)

Gibson, Dunn & Crutcher

Firm Name

3161 Michelson Drive

(949) 451-4270

Telephone Number

(949) 475-4621

Fax Number

nhanna@gibsondunn.com

E-Mail Address

Street Address

Irvine, CA 92612-4412

130694

Designee's California State Bar Number

City, State, Zip Code

I hereby consent to the foregoing designation as local counsel.

Dated **February 24, 2016**

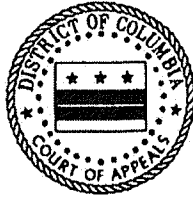
Nicola T. Hanna

Designee's Name (please type or print)

Designee's Signature

SECTION IV - SUPPLEMENT ANSWERS HERE (ATTACH ADDITIONAL PAGES IF NECESSARY)

Empty rectangular box for supplement answers.



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

JEFFREY G. LANDIS

was on OCTOBER 4, 2004 duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

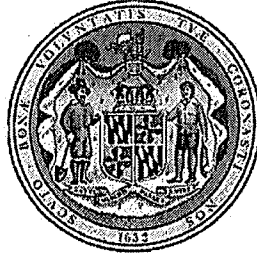
In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on February 24, 2016.

JULIO A. CASTILLO
Clerk of the Court

By:

Monette Lane
Deputy Clerk

**Court of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the sixteenth day of December, 2003,*

Jeffrey Greg Landis

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

**In Testimony Whereof, I have hereunto
set my hand as Clerk, and affixed the Seal
of the Court of Appeals of Maryland, this
twenty-third day of February, 2016.**

Bessie M. Decker

Clerk of the Court of Appeals of Maryland



State of New York
Supreme Court, Appellate Division
Third Judicial Department

I, Robert D. Mayberger, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that

Jeffrey G. Landis

having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 28th day of March, 2013, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court, at the City of Albany, this 22nd day of February, 2016.



Robert D Mayberger

Clerk

Jeffrey G. Landis
ZWILLGEN PLLC
1900 M St., NW, Suite 450
Washington, DC 20036
(202) 296-3585
jeff@zwillgen.com

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

**IN THE MATTER OF THE SEARCH OF AN
APPLIE IPHONE SEIZED DURING THE
EXECUTION OF A SEARCH WARRANT
ON A BLACK LEXIS IS300, CALIFORNIA
LICENSE PLATE 35KGD203**

CASE NUMBER

ED No. CM 16-10

**(PROPOSED) ORDER ON APPLICATION
OF NON-RESIDENT ATTORNEY TO APPEAR
IN A SPECIFIC CASE PRO HAC VICE**

The Court, having reviewed proof of payment of the applicable fee and accompanying Application of Non-Resident Attorney to Appear in a Specific Case *Pro Hac Vice* filed by

Landis, Jeffrey G.

of

Applicant's Name (Last Name, First Name & Middle Initial)

ZWILLGEN PLLC
1900 M St., NW, Suite 250
Washington, DC 20036

(202) 296-3585

(202) 706-5298

Telephone Number

Fax Number

jeff@zwillgen.com

Firm Name & Address

E-Mail Address

for permission to appear and participate in this case on behalf of

APPLE, INC.

Name(s) of Party(ies) Represented

Plaintiff Defendant Other: _____

and designating as Local Counsel

Hanna, Nicola T.

of

GIBSON DUNN & CRUTCHER
3161 Michelson Drive
Irvine, CA 92612-4412

Designee's Name (Last Name, First Name & Middle Initial)

130694

(949) 451-4270

Designee's Cal. Bar Number

Telephone Number

(949) 475-4621

Fax Number

Firm Name & Address

nhanna@gibsondunn.com

E-Mail Address

hereby ORDERS the Application be:

- GRANTED.
- DENIED. Fee shall be returned by the Clerk.
- DENIED, for failure to pay the required fee.

Dated _____

U.S. District Judge/U.S. Magistrate Judge

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THEODORE B. OLSON, SBN 38137
tolson@gibsondunn.com
THEODORE J. BOUTROUS JR., SBN 132099
tboutrous@gibsondunn.com
NICOLA T. HANNA, SBN 130594
nhanna@gibsondunn.com
ERIC D. VANDELDELDE, SBN 240699
evandelde@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

MARC J. ZWILLINGER (*Pro Hace Vice pending*)
ZwillGen PLLC
1900 M Street, NW, Suite 250
Washington, DC 20036
Telephone: 202.706.5202
Facsimile: 202.706.5298

Attorneys for APPLE INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

IN THE MATTER OF THE SEARCH
OF AN APPLE IPHONE SEIZED
DURING THE EXECUTION OF A
SEARCH WARRANT ON A BLACK
LEXIS 9S300, CALIFORNIA LICENSE
PLATE 35KGD203

ED No. CM 16-10-SP
NOTICE OF ERRATA
Honorable Sheri Pym

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
TAKE NOTICE THAT:

Apple Inc.'s Application of Non-Resident Attorney Marc J. Zwillinger to
Appear in a Specific Case *Pro Hac Vice* inadvertently omits his notice of Good
Standing from the Supreme Court of Illinois. Accordingly, Apple Inc. attaches as
Exhibit A a Corrected Application of Non-Resident Attorney Marc J. Zwillinger to
Appear in a Specific Case *Pro Hac Vice*, which includes a Notice of Good
Standing from the Supreme Court of Illinois.

Dated: February 23, 2016

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Nicola T. Hanna
Theodore B. Olson
Theodore J. Boutrous, Jr.
Nicola T. Hanna
Eric D. Vandavelde

Attorneys for Apple, Inc.

EXHIBIT A

Marc J. Zwillinger
 ZWILLGEN PLLC
 1900 M Street, NW, Suite 250
 Washington, DC 20036
 marc@zwillgen.com
 (202) 296-3585

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 ON
 A BLACK LEXUS IS300, CALIFORNIA
 LICENSE PLATE 35KGD203

CASE NUMBER

5:16-cm-00010 SP

CORRECTED
 APPLICATION OF NON-RESIDENT ATTORNEY
 TO APPEAR IN A SPECIFIC CASE
 PRO HAC VICE

INSTRUCTIONS FOR APPLICANTS

- (1) Complete Section I of this Application, sign the certification in Section II, and have your designated Local Counsel sign in Section III; note that electronic signatures are not accepted. Space to supplement your responses is provided in Section IV. Attach a Certificate of Good Standing (issued within the last 30 days) from every state bar to which you are admitted. Scan the completed and signed Application, with attachment(s), to a single Portable Document Format (PDF) file.
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SECTION I - INFORMATION

ZWILLINGER, MARC J.

Applicant's Name (Last Name, First Name & Middle Initial)
ZWILLGEN PLLC

Firm Name
1900 M Street, NW, Suite 250

(202) 296-3585

(202) 706-5298

Telephone Number

Fax Number

Street Address
Washington, DC 20036

marc@zwillgen.com

City, State, Zip Code

E-Mail Address

I have been retained to represent the following parties:
APPLE, INC.

Plaintiff Defendant Other: _____

Plaintiff Defendant Other: _____

Name(s) of Party(ies) Represented

List all courts to which you have been admitted and the current status of your membership:

<u>Name of Court</u>	<u>Date of Admission</u>	<u>Active Member in Good Standing? (if not, please explain)</u>
U.S. District Ct. for District of Columbia	07/12/2010	Active
U.S. District Ct. for E.D. Michigan	07/11/2014	Active
U.S. District Ct. for Colorado	03/18/2000	Active
U.S. District Ct. for N.D. Illinois	11/08/1995	Active

List all cases in which you have applied to this Court for *pro hac vice* status in the previous three years:

<u>Case Number</u>	<u>Title of Action</u>	<u>Date of Application</u>	<u>Granted / Denied?</u>
None			

If any *pro hac vice* applications submitted within the past three (3) years have been denied by the Court, please explain:

N/A

Have you previously registered as a CM/ECF user in the Central District of California? Yes No
 If yes, was your CM/ECF User account associated with the e-mail address provided above? Yes No:

Previous E-Mail Used (if applicable)

You must be registered for the Court's Case Management/Electronic Case Filing ("CM/ECF") System to be admitted to practice pro hac vice in this Court. Submission of this Application will constitute your registration (or re-registration) as a CM/ECF User. If the Court signs an Order granting your Application, you will either be issued a new CM/ECF login and password, or the existing account you identified above will be associated with your case. Pursuant to Local Rule 5-3.2.2, registering as a CM/ECF User is deemed consent, for purposes of Fed. R. Civ. P. 5(b)(2)(E), to electronic service of documents through the CM/ECF System. You have the right to withhold or revoke your consent to electronic service at any time; simply complete and return a Central District Electronic Service Exemption Form (Form G-05, available from the Court's website). If the Court receives an Electronic Service Exemption Form from you, you will no longer receive notice by e-mail when Court orders or other documents are filed in cases in which you are counsel of record; instead, copies of such documents will be sent to you through the mail.

SECTION II - CERTIFICATION

I declare under penalty of perjury that:

- (1) All of the above information is true and correct.
- (2) I am not a resident of the State of California. I am not regularly employed in, or engaged in substantial business, professional, or other activities in the State of California.
- (3) I am not currently suspended from and have never been disbarred from practice in any court.
- (4) I am familiar with the Court's Local Civil and Criminal Rules, the Federal Rules of Civil and Criminal Procedure, and the Federal Rules of Evidence.
- (5) I designate the attorney listed in Section III below, who is a member in good standing of the Bar of this Court and maintains an office in the Central District of California for the practice of law, as local counsel pursuant to Local Rule 83-2.1.3.4.

Dated February 23, 2016

Marc J. Zwillinger

 Applicant's Name (please type or print)



 Applicant's Signature

SECTION III - DESIGNATION OF LOCAL COUNSEL

Hanna, Nicola T.
Designee's Name (Last Name, First Name & Middle Initial)
Gibson, Dunn & Crutcher

Firm Name
3161 Michelson Drive

Telephone Number **(949) 451-4270** *Fax Number* **(949) 475-4621**

E-Mail Address
nhanna@gibsondunn.com

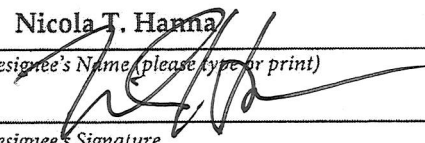
Street Address
Irvine, CA 92612-4412

City, State, Zip Code

Designee's California State Bar Number
130694

I hereby consent to the foregoing designation as local counsel.

Dated February 23, 2016 Nicola T. Hanna
Designee's Name (please type or print)


Designee's Signature

SECTION IV - SUPPLEMENT ANSWERS HERE (ATTACH ADDITIONAL PAGES IF NECESSARY)

CONTINUATION OF COURTS TO WHICH MARC J. ZWILLINGER HAS BEEN ADMITTED:

<u>Name of Court</u>	<u>Date Admitted</u>	<u>Status</u>
Supreme Court of Illinois	11/10/1994	Active
Supreme Court of United States	06/09/2008	Active
1st Circuit Court of Appeals	02/10/1995	Active
3rd Circuit Court of Appeals	11/09/2004	Active
5th Circuit Court of Appeals	10/13/2004	Active
7th Circuit Court of Appeals	09/15/2006	Active
9th Circuit Court of Appeals	04/14/2005	Active
10th Circuit Court of Appeals	01/22/2007	Active
11th Circuit Court of Appeals	08/24/2005	Active



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS
www.iardc.org

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Marc J Zwillinger
ZwillGen PLLC
1900 M Street, NW
Suite 250
Washington, DC 20036

Via Electronic Mail and United States Postal Service

Chicago
Tuesday, February 23, 2016

In re: Marc J Zwillinger
Admitted: 11/10/1994
Attorney No. 6226447

To Whom It May Concern:

The records of the Clerk of the Supreme Court of Illinois and of this office indicate that the attorney named above was admitted to the practice of law in Illinois; is currently registered on the master roll of attorneys entitled to practice law in this state; and has never been disciplined; and is in good standing.

Very truly yours,
Jerome Larkin
Administrator

By: Angelia Butler
Tangella Butler
Deputy Registrar

TB



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

MARC J. ZWILLINGER

*was on **JULY 12, 1996** duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.*

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on February 18, 2016.

JULIO A. CASTILLO
Clerk of the Court

By: *Monette Lane*
Deputy Clerk

Name and address:
 Marc J. Zwilling
 ZWILLGEN PLLC
 1900 M. Street, NW Suite 250
 Washington, DC 20036
 marc@zwillgen.com
 (202) 296-3585

**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).

**(PROPOSED) ORDER ON APPLICATION
 OF NON-RESIDENT ATTORNEY TO APPEAR
 IN A SPECIFIC CASE PRO HAC VICE**

The Court, having reviewed proof of payment of the applicable fee and accompanying Application of Non-Resident Attorney to Appear in a Specific Case *Pro Hac Vice* filed by

Zwilling, Marc J.
Applicant's Name (Last Name, First Name & Middle Initial)
 (202) 296-3585 (202) 706-5298
Telephone Number Fax Number
 marc@zwillgen.com
E-Mail Address

of ZWILLGEN PLLC
 1900 M Street, NW, Suite 250
 Washington, DC 20036
Firm Name & Address

for permission to appear and participate in this case on behalf of

APPLE. INC.

Name(s) of Party(ies) Represented Plaintiff Defendant Other: _____

and designating as Local Counsel

Hanna, Nicola T.
Designee's Name (Last Name, First Name & Middle Initial)
 130694 (949) 451-4270
Designee's Cal. Bar Number Telephone Number
 (949) 475-4621
Fax Number

of GIBSON, DUNN & CRUTCHER LLP
 3161 Michelson Drive
 Irvine, CA 92612-4412
Firm Name & Address

nhanna@gibsondunn.com
E-Mail Address

hereby ORDERS the Application be:

- GRANTED.
- DENIED. Fee shall be returned by the Clerk.
- DENIED, for failure to pay the required fee.

Dated _____

U.S. District Judge/U.S. Magistrate Judge