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and ASIL GOKCEBAY (a.k.a. BILL GORDON)

14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 OJMAR U.S., LLC, ) CASE NO. 4:16-cv-04948-HSG  
19 )  
Plaintiff, ) Judge: Hon. Haywood S. Gilliam  
20 )  
vs. ) **DEFENDANTS SECURITY PEOPLE,**  
21 ) **INC. AND ASIL GOKCEBAY'S EX**  
SECURITY PEOPLE, INC., and ASIL ) **PARTE APPLICATION FOR AN**  
22 ) **ORDER Permitting Telephonic**  
GOKCEBAY (a.k.a. BILL GORDON), et al., ) **Appearance By Asil Gokcebay At The**  
23 ) **Upcoming Motion Hearings Pursuant To**  
Defendants. ) **Local Rule 7-10; ORDER**  
24 )  
25 ) Date: April 5, 2018  
26 ) Time: 2:00 pm  
27 )  
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1           **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2           Defendants SECURITY PEOPLE, INC. and ASIL GOKCEBAY (collectively,  
3 “Defendants”) respectfully submit this *ex parte* application for an order that ASIL GOKCEBAY  
4 be permitted to appear by telephone for the hearings scheduled for April 5, 2018, at 2:00 p.m. In  
5 support of this request, undersigned counsel represents that (1) counsel for Plaintiff OJMAR U.S.  
6 LLC and counsel Forrest Hainline, Esq. of Goodwin Procter do not object to this request;  
7 (2) Defendant will be represented at the hearing by counsel appearing in-person from Gordon &  
8 Rees; and (3) Mr. Gokcebay is Defendants’ person most knowledgeable about the facts related to  
9 the motions and seeks to appear for this hearing by telephone because he and all of his staff are  
10 in Hong Kong and unable to appear in person.

11                           **MEMORANDUM OF POINTS AND AUTHORITIES**

12           **I. INTRODUCTION**

13           Goodwin Procter’s Motion to Withdraw and Defendants’ related Motion to Continue  
14 Trial are both set for hearing on April 5, 2018. On April 3, 2018, the Court issued an Order  
15 requiring that a client representative for Defendants with knowledge regarding the factual basis  
16 for those motions personally attend the hearings. Asil Gokcebay is the person with knowledge of  
17 those facts and he is available telephonically but not available to attend in person in Oakland,  
18 California, on April 5. Immediately after receipt of the Order requiring a client representation  
19 attend, Gordon & Rees contacted Mr. Gokcebay. Mr. Gokcebay is out of the country, in Hong  
20 Kong, along with all of his staff, leaving no one with the necessary knowledge who can  
21 personally attend the hearing on Thursday as required by the Order. Mr. Gokcebay has advised  
22 that he can appear by phone, and Defendants therefore request that the Court issue an order that  
23 Mr. Gokcebay be permitted to attend the hearing telephonically.

24           **II. ARGUMENT**

25           Pursuant to Local Rule 7-10 and the Court’s inherent authority to issue orders controlling  
26 its process, Defendants seek relief from the Order requiring that an employee of Security  
27 People/Digilock personally attend the hearings on the pending motion to withdraw and motion to  
28 continue as no such person is in the country.

1 On April 3, 2018, the Honorable Court issued an Order requiring that “[a] client  
2 representative of Defendant Digilock with knowledge of the matters described in the pending  
3 motion to withdraw (Dkt. No. [177]) and motion to continue trial date (Dkt. No. [179])” appear  
4 in person at the hearings of those motions on April 5, 2018, at 2:00 p.m. Dkt. No. 189.  
5 Defendants represent that Asil Gokcebay is the client representative with the most knowledge  
6 regarding the facts contained in the motions. Declaration of Craig J. Mariam at ¶ 2. Immediately  
7 following receipt of the Order, counsel for Defendants communicated with Mr. Gokcebay, who  
8 represented that he is in Hong Kong, along with all of his staff, and therefore neither he, nor any  
9 other Security People/Digilock employee with knowledge pertinent to the hearing, is available to  
10 attend the hearings in person. *Id.* Mr. Gokcebay represented that he would be available to call in  
11 for the hearing at 2:00 p.m. PDT, which will be approximately 5:00 a.m. local time in Hong  
12 Kong. *Id.* at ¶ 3. Counsel for Defendants then immediately communicated these facts to counsel  
13 for Plaintiff and co-defense counsel at Goodwin Procter to advise them of the issue and inquired  
14 whether they objected to Mr. Gokcebay appearing by phone. *Id.* at ¶ 4. Both counsel affirmed  
15 that they did not object to this request given the foregoing. *Id.*

16 As Mr. Gokcebay and all of his staff will be in Hong Kong at the date and time set for  
17 hearing on this motion, and as no counsel objects to the request, Defendants ask for relief from  
18 the Order requiring that a Security People/Digilock employee attend the hearing in person, and  
19 request that Mr. Gokcebay instead be permitted to appear by phone.

20 Counsel from Gordon & Rees will attend in person, and we understand counsel from  
21 Goodwin Procter and counsel for Plaintiff Ojmar will also attend in person. One attorney for  
22 Plaintiff Ojmar will be attending via telephone. Dkt. No. 188.

23 **III. CONCLUSION**

24 Based upon the foregoing, Defendants respectfully request that Asil Gokcebay be  
25 permitted to appear by telephone for the hearings scheduled for April 5, 2018, at 2:00 p.m.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of April, 2018, the foregoing pleading was electronically filed with the Clerk of the Court using the CM/ECF system, and a true and correct copy of the foregoing pleading was forwarded by electronic CM/ECF notification to the attorneys for the parties at the address listed in the Service List.

Dated: April 4, 2018

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Craig J. Mariam  
CRAIG J. MARIAM  
Attorneys for Defendants  
SECURITY PEOPLE, INC., and ASIL  
GOKCEBAY (a.k.a. BILL GORDON)

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**ORDER**

ORDER FOR DEFENDANT ASIL GOKCEBARY TO APPEAR BY TELEPHONE

Defendants Security People Inc. and Asil Gokcebay's request for Mr. Gokcebay to appear by telephone for the hearing scheduled for April 5, 2018 at 2:00 p.m. is hereby GRANTED. Good cause appearing from the *ex parte* application of Defendants SECURITY PEOPLE INC. and ASIL GOKCEBAY, it is hereby ORDERED that ASIL GOKCEBAY is permitted to appear by phone at the hearings on the Motion to Withdraw (Dkt. No. 177) and the Motion to Continue Trial Date and Modify Scheduling Order (Dkt. No. 179) on Thursday, April 5, 2018, at 2:00 pm.

Mr. Gokcebay or his counsel shall contact CourtCall at (866) 582-6878 to make arrangements for the telephonic appearance.

Dated: April 5, 2018

  
Hon. Haywood S. Gilliam, Jr.  
United States District Court Judge