

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC.,	)	Case No.: C 11-1846 LHK (PSG)
	)	
Plaintiff,	)	<b>ORDER RE: ATTORNEY</b>
v.	)	<b>ADMISSION</b>
	)	
SAMSUNG ELECTRONICS CO., LTD, a	)	<b>(Re: Docket No. 1604)</b>
Korean corporation; SAMSUNG	)	
ELECTRONICS AMERICA, INC., a New York	)	
corporation; and SAMSUNG	)	
TELECOMMUNICATIONS AMERICA, LLC,	)	
a Delaware limited liability company,	)	
Defendants.	)	

Yesterday the parties presented arguments on Samsung’s motion for an adverse inference jury instruction.<sup>1</sup> That motion is now under submission.

In reviewing the docket, it appears that the Samsung attorney presenting Samsung’s argument has not entered any appearance in this case. Ordinarily under these circumstances, the court would simply remind all counsel of this obligation and request that this error be corrected without undue delay. The presiding judge has made clear, however, her expectation that such

<sup>1</sup> See Docket No. 1388 (Samsung’s Mot. for Spoliation Adverse Inference Instruction Against Apple); Docket No. 1604 (Aug. 7, 2012 Mot. Hr’g on Samsung’s Mot. for Spoliation Adverse Inference Instruction Against Apple ).

1 appearances precede any presentation in this court, and that all counsel be admitted to practice in  
2 this court.<sup>2</sup>

3 Upon further review the court has discovered that not only did counsel present arguments  
4 without first entering an appearance, there is no record in the court's database that she is admitted  
5 to practice in this court. This is potentially a more serious breach. While the requirements for  
6 admission to this district's bar may not be particularly onerous for one licensed to practice law in  
7 the State of California,<sup>3</sup> they are no mere formality. Before rushing to judgment, however, the court  
8 must consider the possibility that perhaps the error lies with the court and its recordkeeping. If that  
9 is indeed the case, the court apologizes here and now to counsel for the inconvenience and any  
10 insinuation of impropriety. But if the court's records are not in error, the court will proceed to  
11 consider what further measures should be taken.

12 No later than tomorrow at 5 p.m. PST, counsel shall file a declaration either confirming or  
13 refuting the absence of any admission in the court's records. Counsel should also present any  
14 evidence in her possession confirming her admission and identify any previous appearances in this  
15 district.

16 **IT IS SO ORDERED.**

17 Dated: August 8, 2012

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20 PAUL S. GREWAL  
21 United States Magistrate Judge

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27 <sup>2</sup> See Docket No. 1426 (Minute Order and Case Mgmt. Order) at 1 (“All trial lawyers must make  
appearances in this case and must be admitted in this District.”).

28 <sup>3</sup> See Civ. L.R. 11-1.