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11 TWITCH INTERACTIVE, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 PERSONAL WEB TECHNOLOGIES, LLC ET
AL., PATENT LITIGATION,

16 AMAZON.COM, INC., and AMAZON WEB
17 SERVICES, INC.,

18 Plaintiffs

19 v.

20 PERSONALWEB TECHNOLOGIES, LLC and
LEVEL 3 COMMUNICATIONS, LLC,

21 Defendants.

22 PERSONALWEB TECHNOLOGIES, LLC, and
LEVEL 3 COMMUNICATIONS, LLC,

23 Plaintiffs,

24 v.

25 TWITCH INTERACTIVE, INC.,

26 Defendant.

Case No.: 5:18-md-02834-BLF

Case No.: 5:18-cv-00767-BLF

Case No.: 5:18-cv-05619-BLF

**CORRECTED OPPOSITION OF
AMAZON.COM, INC., AMAZON WEB
SERVICES, INC., AND TWITCH
INTERACTIVE, INC. TO SECOND
MOTION TO WITHDRAW
AS COUNSEL BY STUBBS ALDERTON
& MARKILES, LLP**

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1 This motion is the sixth filing by Stubbs Alderton and Markiles, LLP (“SAM”) seeking to
2 withdraw. (See Dkts. 674, 678, 679, 683, 688, 728.) The Court already ruled that SAM may
3 withdraw when substitute counsel appears. (Dkt. 694.) The Court did not permit unconditional
4 withdrawal because that would prejudice Amazon: PersonalWeb is an LLC which cannot represent
5 itself, and SAM’s involvement allows the Court to preserve a line of communication with
6 PersonalWeb. (*Id.* at 3–4.) SAM points to no valid reason for the Court to reconsider this ruling.

7 Since May 2021, a receiver has *exclusive control* over PersonalWeb. The PersonalWeb
8 principals used an asset protection scheme to obtain this receivership shortly after this Court
9 awarded Amazon over \$5 million in fees. Their purpose was to protect new payments to SAM and
10 other attorneys pursuing PersonalWeb’s patent lawsuits, while shielding those payments and
11 PersonalWeb assets from this Court’s judgment. The PersonalWeb principals treated the
12 receivership as a sham—they continued operating PersonalWeb despite being divested of that
13 authority. SAM, for its part, participated in this arrangement for nine months: it took orders from
14 the principals, not the receiver; it argued that any attempt to enforce this Court’s discovery orders
15 would put Amazon in contempt; and it waited until *after* approval of up to \$1 million in new
16 payments to SAM and others before claiming that the *same basic facts it knew in mid-2021*—i.e.,
17 Mr. Bermeister’s interference with the receivership and this Court’s discovery orders—only just
18 now create a conflict that justifies SAM’s unconditional withdrawal.

19 The Court should deny the motion. SAM’s request rests on the vague claim that
20 “PersonalWeb representatives” caused it to disobey the Court’s orders and the state court
21 injunction, thereby placing SAM at risk of violating professional responsibility rules. SAM cites
22 no authority that these professional responsibility rules trump Ninth Circuit law directing that
23 PersonalWeb must have counsel. If the Court accepted SAM’s view it would mean that *no counsel*
24 could represent PersonalWeb because that attorney would stand in the same place that SAM does
25 now. But more important, SAM’s premise is mistaken. The party controlling PersonalWeb is the
26 receiver, an officer of the California Superior Court—not PersonalWeb’s “representatives,” who
27 consented to the receiver’s control and ceded their own authority voluntarily. And the receiver
28 confirmed that he never directed SAM to violate the Court’s orders or refused to turn over

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