

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE PERSONAL WEB
TECHNOLOGIES, LLC ET AL., PATENT
LITIGATION

Case No. 18-md-02834-BLF

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

Plaintiffs

v.

PERSONALWEB TECHNOLOGIES, LLC
and LEVEL 3 COMMUNICATIONS, LLC,

Defendants.

**ORDER DENYING STUBBS,
ALDERTON & MARKILES LLP'S
WITHDRAWAL AS COUNSEL FOR
PERSONALWEB; STRIKING STUBBS,
ALDERTON & MARKILES LLP'S
NOTICE OF WITHDRAWAL
WITHOUT PREJUDICE**

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

PERSONALWEB TECHNOLOGIES, LLC
and LEVEL 3 COMMUNICATIONS, LLC,

Plaintiffs

v.

TWITCH INTERACTIVE, INC.,

Defendant.

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

On June 24, 2022, the Court conditionally granted Stubbs, Alderton & Markiles LLP's ("SAM") motion to withdraw as counsel for PersonalWeb Technologies, LLC ("PersonalWeb"). See *In re PersonalWeb Technologies, LLC et al., Patent Litigation*, No. 18-md-02834 ("Lead Case"), ECF No. 760. The Court indicated that SAM may withdraw "upon notice of appearance by replacement counsel for PersonalWeb[.]" See *id.* at 8. On July 26, 2022, Robert M. Charles, Jr. and Patrick Emerson McCormick of Lewis Roca Rothgerber ("Lewis Roca") filed a notice of appearance in *Amazon.com, Inc. et al v. PersonalWeb Technologies, LLC et al*, No. 5:18-cv-00767 ("Amazon

1 Case”). *See* Amazon Case, ECF No. 314. The Notice indicated that Mr. Charles and
2 Mr. McCormick’s representation is “a limited scope representation as permitted by Cal. R. Ct. 3.35
3 with respect to post-judgment discovery, including responding to discovery demands, reviewing and
4 producing documents, preparing privilege logs, meeting and conferring on discovery matters, and
5 engaging in motion practice relating to post-judgment discovery as necessary.” *See id.*

6 Following the filing of the notice of appearance by Mr. Charles and Mr. McCormick, SAM
7 filed a notice of withdrawal as counsel for PersonalWeb on August 2, 2022. *See* Lead Case, ECF
8 No. 767. In response, Amazon.com, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc.
9 (collectively, “Amazon”) filed an objection, identifying three deficiencies with Mr. Charles and
10 Mr. McCormick’s notice of appearance. *See* Objection, Lead Case, ECF No. 768. First, Amazon
11 notes that Mr. Charles and Mr. McCormick’s notice of appearance is not filed in the Lead Case, so
12 permitting SAM to withdraw would leave PersonalWeb without any representation as to the multi-
13 district litigation. *See id.* at 1. Second, Amazon notes that Lewis Roca is limiting its representation
14 in a similar way to how PersonalWeb had previously divided its representation between SAM and
15 Ronald Richards to avoid judgment enforcement. *See id.* Third, Amazon notes that Lewis Roca
16 has limited its representation to certain judgment enforcement tasks, potentially to the exclusion of
17 other issues like those concerning any remand of the fee award from the Federal Circuit. *See id.*
18 Amazon requests that the Court require PersonalWeb to comply with its prior order before allowing
19 SAM to withdraw. *See id.*

20 The Court agrees with Amazon. Before SAM is allowed to withdraw, replacement counsel
21 for PersonalWeb must file a notice of appearance in the Lead Case as well as the member cases—
22 *i.e.*, the Amazon Case and *PersonalWeb Technologies, LLC et al v. Twitch Interactive, Inc.*,
23 No. 5:18-cv-05619 (“Twitch Case”). Further, any replacement counsel for PersonalWeb must have
24 a fuller scope of representation than the one indicated in Mr. Charles and Mr. McCormick’s notice
25 of appearance. The Court conditionally allowed SAM to withdraw in order to prevent undue
26 prejudice to Amazon based on PersonalWeb’s efforts to “thwart[] Amazon’s legitimate interest in
27 collecting its judgment.” *See* Order, Lead Case, ECF No. 694 at 3. The Court noted that “[i]t

1 represent it in post-judgment proceedings while stalling on having its new attorney file an
2 appearance.” *See id.* As outlined in Amazon’s objections, Lewis Roca’s limited representation of
3 PersonalWeb poses a danger of becoming PersonalWeb’s latest attempt to slow-roll and thwart
4 Amazon’s efforts to collect its judgment. Accordingly, SAM SHALL not be permitted to withdraw
5 as counsel for PersonalWeb until a notice of appearance indicating a fuller scope of representation
6 for replacement counsel is filed.

7 Based on the above reasoning, SAM’s withdrawal from this case is DENIED and SAM’s
8 notice of withdrawal is hereby STRICKEN in the Lead Case, Amazon Case, and Twitch Case
9 WITHOUT PREJUDICE to SAM filing a further notice of withdrawal once the Court’s
10 requirements outlined above are met.

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12 **IT IS SO ORDERED.**

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14 Dated: August 3, 2022



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16 **BETH LABSON FREEMAN**
United States District Judge

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