

1 KELLY M. KLAUS (State Bar No. 161091)
kelly.klaus@mto.com
2 BRYAN H. HECKENLIVELY (State Bar No. 279140)
bryan.heckenlively@mto.com
3 ROSE LEDA EHLER (State Bar No. 296523)
rose.ehler@mto.com
4 MUNGER, TOLLES & OLSON LLP
560 Mission Street
5 Twenty-Seventh Floor
San Francisco, California 94105-2907
6 Telephone: (415) 512-4000
Facsimile: (415) 512-4077
7

8 Attorneys for Proposed Intervenor National Fire
Protection Association, Inc.

9 LOUIS Y. LEE (State Bar No. 315753)
louis.lee@morganlewis.com
10 MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
11 San Francisco, CA 94105-1596

12 J. KEVIN FEE (*pro hac vice* forthcoming)
kevin.fee@morganlewis.com
13 JANE W. WISE (*pro hac vice* forthcoming)
jane.wise@morganlewis.com
14 MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave. NW
15 Washington, DC 20004-2541

16 Attorneys for Proposed Intervenor
International Code Council, Inc.

17
18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF SACRAMENTO

20 Public.Resource.Org., Inc.,
21 Petitioner,
22 vs.
23 California Office of Administrative Law, and
the California Building Standards
24 Commission,
25 Respondents.

Case No. 34-2021-80003612.
**DEFENDANTS' NOTICE OF HEARING
AND MOTION FOR JANE W. WISE TO
APPEAR AS COUNSEL PRO HAC VICE;
MEMORANDUM OF POINTS &
AUTHORITIES; VERIFIED
APPLICATION OF JANE W. WISE TO
APPEAR AS COUNSEL PRO HAC VICE;
DECLARATION OF LOUIS Y. LEE**
Date: August 27, 2021
Time: 10:00 a.m. BY FAX
Dept.: 27
Judge: Hon. Steven M. Gevercer

Action Filed: March 17, 2021

FILED
Superior Court Of California,
Sacramento
08/03/2021
lcrowther
By _____, Deputy
Case Number:
34-2021-80003612

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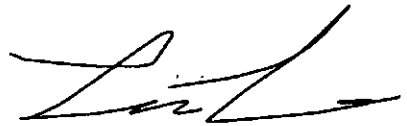
TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on August 27, 2021, at 10:00 a.m. in Department 27 of the California Superior Court, County of Sacramento, located at Gordon D. Schaber Sacramento County Courthouse, 720 9th Street, Sacramento, CA 95814, Proposed Intervenor International Code Council, Inc. will move for an order granting the application of Jane W. Wise to appear as counsel *pro hac vice* ("Motion"). This Motion is made on the grounds that Proposed Intervenor International Code Council, Inc. have engaged Jane W. Wise in connection with this action and the proposed representation comports with the requirements of Rule 9.40 of the California Rules of Court.

This Motion is based on this Notice and on the attached Memorandum of Points and Authorities in support thereof, attached Verified Application of Jane W. Wise, attached Declaration of Louis Y. Lee, all files and records in this action, and any further evidence or argument that the Court may properly receive at or before the hearing on this Motion.

DATED: August 3, 2021

MORGAN, LEWS & BOCKIUS LLP

By: 

LOUIS Y. LEE
Attorneys for Proposed Intervenor International Code Council, Inc.

1 MEMORANDUM OF POINTS & AUTHORITIES

2 It is proper for Jane W. Wise to appear in this action as counsel *pro hac* vice pursuant to
3 Rule 9.40(a) of the California Rules of Court, which state, in part, that:

4 A person who is not a member of the State Bar of California but
5 who is a member in good standing of and eligible to practice before
6 the bar of any United States court or of the highest court in any state,
7 territory or insular possession of the United States, and who has
8 been retained to appear on a particular cause pending in a court of
9 this state, may in the discretion of such court be permitted upon
written application to appear as counsel *pro hac* vice, provided that
an active member of the State Bar of California is associated as
attorney of record.

10 A party's right to appear by counsel of its own choice, including counsel appearing *pro hac*
11 *vice*, is a right of paramount importance. *Cornish v. Superior Court* (1990) 209 Cal.App.3d 467,
12 478. "That right should not be abrogated absent some indication that the adverse party will be
13 unfairly disadvantaged." *Id.* Only "extreme circumstances" can possibly justify denial of a *pro*
14 *hac* *vice* application. *Magee v. Superior Court* (1973) 8 Cal.3d 949, 953.

15 It is appropriate that this application be heard and granted, as Proposed Intervenor
16 International Code Council, Inc. expect that Ms. Wise's participation and appearance may be
17 required on their behalf from time to time throughout the course of this action. Proper and timely
18 notice of this application has been given to all parties that have appeared in this cause and upon
19 the State Bar of California at its San Francisco office. The required fee has also been sent to the
20 State Bar of California.

21 As set forth in the attached Verified Application of Jane W. Wise and supporting
22 Declaration of Louis Y. Lee, the requirements of California Rule of Court 9.40 have been met
23 with respect to this motion. Accordingly, Proposed Intervenor International Code Council, Inc.
24 respectfully request that Jane W. Wise be permitted to appear as counsel *pro hac* *vice*, in
25 association with the law firm of Morgan, Lewis & Bockius LLP, attorneys of record for Proposed
26 Intervenor International Code Council, Inc. in this action.

1 DATED: June 28, 2021

MORGAN, LEWS & BOCKIUS LLP

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By: 

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LOUIS Y. LEE

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Attorneys for Proposed Intervenor International Code
Council, Inc.

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DECLARATION OF LOUIS Y. LEE


I, Louis Y. Lee, declare:

1. I am an active member in good standing of the State Bar of California (Bar No. 315753) and admitted to practice before this Court. I am an attorney at Morgan, Lewis & Bockius LLP, counsel of record for Proposed Intervenor International Code Council, Inc. in this action. I submit this Declaration in support of the Verified Application of Jane W. Wise to appear as counsel *pro hac vice* on behalf of Proposed Intervenor International Code Council, Inc. in this action. I have personal knowledge of the facts stated below and, if called upon, could and would testify competently thereto.

2. I consent to the association of Jane W. Wise as counsel for Proposed Intervenor International Code Council, Inc. in this action.

3. Pursuant to California Rule of Court 9.40, a copy of Ms. Wise's Verified Application and the notice of the hearing on the motion for Mr. Fee to appear as counsel *pro hac vice* have been served via mail on all parties who have appeared in this action (and no parties have opposed Ms. Wise's application) and to the State Bar of California at its San Francisco office. In addition, payment of the required \$50.00 filing fee has been sent to the State Bar of California at its San Francisco address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this declaration on June 28, 2021 at Dublin, California.



Louis Y. Lee

1 **PROOF OF SERVICE**

2 I, Davace Chin, am a citizen of the United States and reside in San Francisco County,
3 California. My business address is Morgan, Lewis & Bockius, LLP, One Market, Spear Street
4 Tower, San Francisco, CA 94105. I am over the age of 18 years and not a party to the above-
entitled action.

5 On August 3, 2021, I deposited with Federal Express, a true and correct copy of the within
6 document to the addresses below:

7 NOTICE OF HEARING AND MOTION FOR JANE W. WISE TO APPEAR AS
8 COUNSEL PRO HAC VICE; MEMORANDUM OF POINTS AND AUTHORITIES;
9 VERIFIED APPLICATION OF JANE W. WISE TO APPEAR AS COUNSEL PRO HAC
VICE ADMISSION; DECLARATION OF LOUIS Y. LEE

9 Matthew Caplan, Joseph Mornin and
10 Ryan O'Hollaren
11 COOLEY LLP
101 California Street, Fifth Floor
San Francisco, CA 94111

Kelly Klaus, Bryan Heckenlively and
Rose Leda Ehler
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105

12 Matthew Rodriquez
13 CALIFORNIA DEPARTMENT OF JUSTICE
1515 Clay Street, Suite 2000
14 Oakland, CA 94612

Michelle Mitchell, Keith Wurster and
Laura Randles-Little
CALIFORNIA DEPARTMENT OF JUSTICE
1300 I Street, 10th Floor
Sacramento, CA 95814
Pro Hac Vice Admissions

15 THE STATE BAR OF CALIFORNIA
16 180 Howard Street
San Francisco, CA 94105

17 Following ordinary business practices, the envelope was sealed and placed for collection
18 by Federal Express on this date, and would, in the ordinary course of business, be retrieved by
19 Federal Express for overnight delivery on this date. I declare under penalty of perjury under the
laws of the State of California that the above is true and correct.

20 I declare under penalty of perjury under the laws of the State of California that the above is
21 true and correct. Executed on August 3, 2021, at San Francisco, California.

22 
23 _____
24 Davace Chin