

IN THE SUPREME COURT OF THE UNITED STATES

No. 16-1276

DIGITAL REALTY TRUST, INC., PETITIONER

v.

PAUL SOMERS

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION FOR LEAVE TO PRESENT ORAL ARGUMENT PRO HAC VICE

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, if the government wishes to file a brief as amicus curiae in support of respondent and a motion for divided argument, it must do so on or before October 17, 2017, which is seven days after the respondent's brief on the merits is due to be filed. Pursuant to Rule 6 of the Rules of this Court, however, if the government wishes to move for leave to present oral argument pro hac vice, it must do so on or before October 10, 2017, which is the date on which respondent's brief on the merits is due to be filed. Accordingly, out of an abundance of caution, I request that Christopher G. Michel, a member of my staff, be authorized to argue this case for the government in the event that the government files a brief as amicus curiae in support of respondent and successfully moves for divided argument. Oral argument in this case has been

scheduled for November 28, 2017, before Mr. Michel will be eligible for admission to the Bar of this Court.

Mr. Michel graduated from Yale Law School in 2013. After graduation he served for one year as a law clerk to Judge Brett M. Kavanaugh of the United States Court of Appeals for the District of Columbia Circuit, and for one year as a law clerk to Chief Justice John G. Roberts, Jr. He then practiced as an associate with law firms in Washington, D.C., before joining the staff of the Office of the Solicitor General in September 2017. Mr. Michel is a member of the Virginia State Bar, to which he was admitted in October 2015, which is separate from the Bar of the Supreme Court of Virginia, to which he was admitted in December 2015.

Mr. Michel would be thoroughly familiar with the facts and issues in this case, having participated in the preparation of any brief submitted by the government. Because of his knowledge of the case and his legal ability, Mr. Michel would be especially qualified to present oral argument for the government.*

* This Court has authorized pro hac vice argument by the Office of the Solicitor General on a number of previous occasions. See, e.g., United States ex rel. Eisenstein v. City of New York, 556 U.S. 1163 (2009) (granting a motion under circumstances analogous to those in this case); Comm'r v. Banks, 542 U.S. 964 (2004); Sattazahn v. Pennsylvania, 537 U.S. 807 (2002).

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

OCTOBER 2017