

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

POWELL'S BOOKS, INC., et al.,

Plaintiffs-Appellants,

-against-

JOHN KROGER, et al.,

Defendants-Appellees.

No. 09-35153

**NOTICE OF APPEARANCE AND
NOTICE OF SUBSTITUTION OF
COUNSEL FOR
PLAINTIFFS-APPELLANTS**

PLEASE TAKE NOTICE that Richard M. Zuckerman, a member of the Bar of this Court, hereby appears in this action as counsel for Plaintiffs-Appellants Powell's Books, Inc.; Old Multnomah Book Store, Ltd., d/b/a Annie Bloom's Books; Dark Horse Comics, Inc.; Colette's: Good Food + Hungry Minds, LLC; Bluejay, Inc., d/b/a Paulina Springs Books; St. John's Booksellers, LLC; American Booksellers Foundation For Free Expression; Association Of American Publishers, Inc.; Freedom To Read Foundation, Inc.; and Comic Book Legal Defense Fund. Mr. Zuckerman is registered for CM/ECF in this Court.

Michael A. Bamberger, who has previously appeared as counsel, continues to be counsel for these parties.

Mr. Zuckerman is appearing in place of Rachel G. Balaban, who is no longer counsel in this case.

May 19, 2009

Respectfully submitted,

s/ Richard M. Zuckerman

Michael A. Bamberger

Richard M. Zuckerman

Sonnenschein Nath & Rosenthal LLP

1221 Avenue of the Americas

New York, New York 10020

Tel: (212) 768-6756

Fax (212) 768-6800

Attorney for Plaintiffs-Appellants Powell's Books,

Inc., et al. in 09-35153

CERTIFICATE OF SERVICE
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U.S. Court of Appeals Docket Number(s): 09-35153

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on May 19, 2009.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature: s/Richard M. Zuckerman