

ORIGINAL

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FILED
2007 DEC -6 PM 3:46
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
J

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9 ATTORNEYS FOR PODFITNESS, INC.

Free
Pd

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 APPLE, INC.,
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15 Plaintiff,
16
17 v.
18 PODFITNESS, INC., and DOES 1-100,
19 Inclusive
20
21 Defendants.

Case No. 4:06-cv-05805 SBA
**APPLICATION FOR ADMISSION OF
ATTORNEY *PRO HAC VICE***

Signature via facsimile

KERR
&
WAGSTAFFE
LLP

1 Pursuant to Civil L.R. 11-3, Jason A. McNeill, an active member in good standing of the
2 State Bar of Utah, hereby applies for admission to practice in the Northern District of California
3 on a *pro hac vice* basis representing in the above-entitled action.

4 In support of this application, I certify on oath that:

5 1. I am an active member in good standing of a United States Court or of the highest
6 court of another State or the District of Columbia, as indicated above;

7 2. I agree to abide by the Standards of Professional Conduct set forth in Civil Local
8 Rule 11-4, to comply with General Order No. 45, Electronic Case Filing, and to become familiar
9 with the Local Rules and the Alternative Dispute Resolution programs of this Court; and,

10 3. An attorney who is a member of the bar of this Court in good standing and who
11 maintains an office within the State of California has been designated as co-counsel in the above-
12 entitled action. The name, address and telephone number of that attorney is James M.
13 Wagstaffe, Esq., Kerr & Wagstaffe LLP, 100 Spear Street, Suite 1800, San Francisco, CA
14 94105, telephone (415) 371-8500.

15 I declare under penalty of perjury that the foregoing is true and correct.

16
17 Dated: December 5, 2007



Jason A. McNeill

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PROOF OF SERVICE

I, Sarah Smoot, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Kerr & Wagstaffe LLP, 100 Spear Street, Suite 1800, San Francisco, California 94105.

On December 5, 2007, I served the following document(s):

- **Application for Admission of Attorney *Pro Hac Vice***

on the parties listed below as follows:

David J. Miclean Fish & Richardson P.C. 500 Arguello Street, Suite 500 Redwood City, CA 94063	Lisa M. Martens Andrew M. Abrams Fish & Richardson P.C. 12390 El Camino Real San Diego, CA 92130
William S. Farmer Jacob Alpern Collette Erickson Farmer & O'Neill LLP 235 Pine Street, Suite 1300 San Francisco, CA 94104-2733	Charles J. Veverka Robert A. Aycock Mark W. Ford Brett I. Johson Workman, Nydegger & Seeley P.C. 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111
James E. Magleby Jason A. McNeill Magleby & Greenwood, P.C. 170 South Main Street, Suite 350 Salt Lake City, Utah 84101	

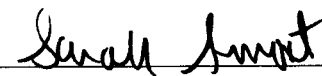
By first class mail by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

By facsimile machine (FAX) by personally transmitting a true copy thereof via an electronic facsimile machine.

By Federal Express or overnight courier.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 5, 2007, at San Francisco, California.



Sarah Smoot

Court Name: U.S. District Court, NDCA
Division: 4
Receipt Number: 44611001506
Cashier ID: lenahac
Transaction Date: 12/06/2007
Payer Name: Kerr and Wagstaffe LLP

PRO HAC VICE

For: Jason A. McNeill
Case/Party: D-CAN-4-07-CV-005005-001
Amount: \$210.00

CHECK

Check/Money Order Num: 9518
Amt Tendered: \$210.00

Total Due: \$210.00
Total Tendered: \$210.00
Change Amt: \$0.00

4:06-cv-5005-SBA

Checks and drafts are accepted
subject to collections and full
credit will only be given when the
check or draft has been accepted by
the financial institution on which
it was drawn.