

Mark Cuker, Esquire
WILLIAMS CUKER BEREZOFSKY
 Woodland Falls Corporate Center
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 Cherry Hill NJ 08002-1163
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Stephen Gardner, Esquire
 Director of Litigation
CENTER FOR SCIENCE IN THE PUBLIC INTEREST
 5646 Milton Street, Suite 211
 Dallas, Texas 75206
 214-827-2774 (voice)
 214-827-2787 (fax)
 Application *pro hac vice* pending

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

Center for Science in the Public Interest,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No.: 1:07-cv-539
	§	
The Coca-Cola Company, Nestlé USA, Inc.,	§	
and Beverage Partners Worldwide,	§	
Defendants.	§	

**NOTICE OF MOTION FOR ADMISSION OF STEPHEN GARDNER, ESQUIRE
PRO HAC VICE**

TO: Warren W. Faulk
 BROWN & CONNERY, ESQS.
 360 Haddon Avenue
 P.O. Box 539
 Westmont, NJ 08108

PLEASE TAKE NOTICE that on June 1, 2007 the undersigned, Mark Cuker, Esquire, of the law firm of WILLIAMS CUKER BEREZOFSKY, co-counsel for Plaintiff, Center for Science in the Public Interest, shall make application before the United States District Court for the District of New Jersey, for an Order admitting Stephen Gardner, Esquire, to appear and participate in the within civil action Pro Hac Vice on behalf of Plaintiff, and to speak in this matter in the same manner as an attorney of this State who is authorized to practice in this State, pursuant to L.Civ.R. 101.1 of the New Jersey Federal Practice Rules. In support of this motion, the undersigned shall rely upon the Affidavit submitted by Stephen Gardner. A proposed form of Order is also attached.

PLEASE TAKE FURTHER NOTICE that the within application is made upon the papers, and unless counsel for the defendants otherwise object, no oral argument is requested.

WILLIAMS CUKER BEREZOFSKY
Co-counsel for Plaintiffs

By: 

Mark Cuker

DATED: May 4, 2007

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Motion for Pro Hac Vice admission and all papers submitted in support thereof has been served upon defendants via ECF upon the following counsel:

Warren W. Faulk
Brown & Conner, Esqs.
360 Haddon Avenue
P.O. Box 539
Westmont, NJ 08108



Mark Cuker, ESQ.

DATED: May 4, 2007

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Center for Science in the Public Interest,

Plaintiff,

v.

**The Coca-Cola Company, Nestlé USA, Inc.,
and Beverage Partners Worldwide,**
Defendants.

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§
§

Civil Action No.: 1:07-cv-539

**AFFIDAVIT OF MARK R. CUKER, ESQUIRE IN SUPPORT
OF MOTION FOR ADMISSION *PRO HAC VICE* OF STEPHEN GARDNER**

MARK R. CUKER, ESQUIRE., in lieu of oath or affidavit, hereby certifies and
says:

1. I am a partner at the firm of Williams Cuker Berezofsky, attorneys for Plaintiffs in the within matters listed in Schedule "A" attached hereto. I submit this Certification in support of Plaintiffs' Motion for Order admitting Stephen Gardner, Esquire, as counsel *pro hac vice* in the within matters pursuant to R. 1:21-2. I am personally familiar with the facts set forth herein.

2. Attached hereto as Exhibits A is the Certification of Stephen Gardner, Esquire.

3. It is respectfully submitted that the attached Certification sets forth good cause for the admission *pro hac vice* of Stephen Gardner, Esquire. He has an existing attorney-client relationship with the Plaintiff. Accordingly, Mr. Gardner possesses knowledge and expertise that will be of considerable assistance in the handling of this matter.

4. Thus, in light of the established attorney-client relationships and the involvement he has in representing Plaintiff in this litigation, it is respectfully requested that the Court grant Plaintiffs' request that Stephen Gardner, Esquire be admitted *pro hac vice*.

5. If the Court grants the above-referenced motion for *pro hac vice* admission, either I or another New Jersey attorney of Williams Cuker Berezofsky will continue to serve as local counsel of record in this matter, will review and sign all pleadings, briefs, and other papers filed with the Court, will be responsible for the conduct of this action and for the conduct of the attorneys admitted *pro hac vice*, and will otherwise comply with all of the terms and conditions of the Rules of Court.

I hereby certify that all of the foregoing statements made by me herein are true and accurate. I further certify that I am aware that if any of the statements made by me herein are willfully false, I am subject to punishment.



MARK R. CUKER, ESQUIRE

Dated: May 4, 2007May 4, 2007

Mark Cuker, Esquire
Michael J. Quirk, Esquire
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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Center for Science in the Public Interest,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 1:07-cv-00539-JHR-JS
	§	
The Coca-Cola Company, Nestlé USA,	§	
Inc., and Beverage Partners Worldwide,	§	
	§	
Defendants.	§	

**AFFIDAVIT OF STEPHEN GARDNER ESQUIRE IN SUPPORT
OF MOTION FOR ADMISSION *PRO HAC VICE***

STATE OF TEXAS:

ss.

COUNTY OF DALLAS:

Stephen Gardner, Esq., of full age, being duly sworn according to law, upon his oath

deposes and says:

1. I am a member in good standing of the Bars of the State of Texas; the State of New York; the District of Columbia; the United States Supreme Court; the Courts of Appeal for the Second, Third, Fifth, Seventh, Eighth, Ninth, Eleventh, and District of Columbia Circuits; and numerous federal district courts.

2. I am Director of Litigation for the Center for Science in the Public Interest, Plaintiff in this case.

3. There is cause for my admission *pro hac vice* in the matter in that I am familiar with the facts of the case and practice in the area of consumer class action litigation.

4. If I am admitted to appear in this matter *pro hac vice*, I agree to abide by the New Jersey Rules of Court, including all disciplinary rules, to consent to the appointment of the Clerk of the Supreme Court as agent upon whom the service of process may be made for all actions against me or my firm that may arise out of my participation in this matter, to notify the Court immediately of any matter affecting my standing at the Bar of any other court, and to have all pleadings and other papers filed with the Court signed by Mark Cuker, Esquire, whose office is located at 210 Lake Shore Drive East, Suite 101, Cherry Hill, New Jersey, who shall be held responsible for the conduct of the cause and for my conduct in this matter.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. I declare under penalty of perjury that the foregoing is true and correct. Executed on May 1, 2007.



Stephen Gardner

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Civil Action No.: 1:07-cv-539

**ORDER GRANTING ADMISSION OF STEPHEN GARDNER, ESQUIRE
PRO HAC VICE**

THIS MATTER having come before the Court on the motion of Mark Cuker, co-counsel for the Plaintiff, Center for Science in the Public Interest, upon notice to all counsel, and the Court having considered the motion papers and supporting Affidavit,

and the Court having found that Stephen Gardner, Esquire is a member in good standing before the Bar of Texas, and for good cause shown.

IT IS on this ____ day of _____, 2007;

ORDERED that Stephen Gardner, Esquire shall be permitted pro hac vice to speak in this matter in the same manner as attorneys of this State who are authorized to practice in the State pursuant to L.Civ.R. 101.1 of the New Jersey Federal Practice Rules, and to appear and participate in the preparation of trial of the within matter;

AND IT IS FURTHER ORDERED that Stephen Gardner, Esquire will:

1. Abide by the New Jersey Rules of Court, including all disciplinary rules;
2. Consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against him or his firm that may arise out of his participation in this matter;
3. Notify the Court immediately of any matter affecting his standing at the Bar of any courts; and
4. Have all pleadings and other papers filed with the Court signed by Mark Cuker, Esquire, whose office is located at 210 Lake Drive East, Suite 101, Cherry Hill, New Jersey 08002, attorney of record authorized to practice in New Jersey, who shall be responsible for his conduct and that of the cause and of the admitted attorneys therein.
5. Stephen Gardner, Esq. shall make payment of fees to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Court Rule 1:28-2.

U.S.D.C.M.J.

() Opposed

() Unopposed