

PAULEY, J.

DAVIS & GILBERT LLP
Sara Edelman (SE 2540)
1740 Broadway
New York, New York 10019
(212) 468-4800

USDC SDNY
DOCUMENT
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DATE FILED: 12/8/05

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RALPH VARGAS, and
BLAND-RICKY ROBERTS,

Plaintiffs,

-against-

PFIZER INC., PUBLICIS, INC., FLUID MUSIC,
EAST WEST COMMUNICATIONS, INC. and
BRIAN TRANSEAU p/k/a "BT,"

Defendants.

04 CV 9772 (WHP)

**STIPULATION AND ORDER OF
SUBSTITUTION OF COUNSEL**

ECF CASE

Vargas et al v. Pfizer Inc. IS 41 **IT IS HEREBY CONSENTED AND AGREED** by the undersigned that Davis & Gilbert LLP, 1740 Broadway, New York, New York, 10019 be and hereby is substituted as attorney of record for defendant Alanda Music, Ltd. d/b/a Fluid Music in the above-entitled action in place and instead of Tiajolloff & Kelly, The Chrysler Building, 405 Lexington Avenue, New York, New York 10174, respectively, as of the date hereof. Doc. 64

Gilbert LLP, 1740 Broadway, New York, New York, 10019 be and hereby is substituted as attorney of record for defendant Alanda Music, Ltd. d/b/a Fluid Music in the above-entitled action in place and instead of Tiajolloff & Kelly, The Chrysler Building, 405 Lexington Avenue, New York, New York 10174, respectively, as of the date hereof.

Dated: November 21, 2005

DAVIS GILBERT LLP

By: *Sara Edelman*
Sara Edelman (SE 2540)
1740 Broadway
New York, New York 10019
(212) 468-4800

SO ORDERED:

William H. Pauley III
WILLIAM H. PAULEY III U.S.D.J.
December 6, 2005

TIAJOLOFF & KELLY

By: Edward Kelly
Edward Kelly (EK 8430)

The Chrysler Building
405 Lexington Avenue
New York, New York 10174
(212) 490-3285

SO ORDERED:

Hon. William H. Pauley, U.S.D.J.

W

DAVIS & GILBERT LLP
Sara Edelman (SE 2540)
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New York, New York 10019
(212) 468-4800

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RALPH VARGAS and
BLAND-RICKY ROBERTS,

Plaintiffs,

-against-

PFIZER INC., PUBLICIS, INC., FLUID MUSIC,
EAST WEST COMMUNICATIONS, INC. and
BRIAN TRANSEAU p/k/a "BT,"

Defendants.

04 CV 9772 (WHP)

**AFFIDAVIT OF SARA EDELMAN
PURSUANT IN SUPPORT OF
APPLICATION TO SUBSTITUTE
COUNSEL**

ECF CASE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

SARA EDELMAN, being duly sworn, deposes and states:

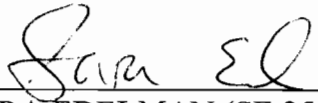
1. I am an attorney with the law firm of Davis & Gilbert LLP. I submit this affidavit pursuant to Local Rule 1.4 of the Rules of this Court and in support of the application of defendant Alanda Music, Ltd. d/b/a Fluid Music for an Order substituting Davis & Gilbert LLP for Tiajolloff & Kelly as attorneys of record for Alanda Music, Ltd. d/b/a Fluid Music.

2. The substitution of Davis & Gilbert LLP is being effected upon the consent of Alanda Music, Ltd. and Tiajolloff & Kelly.

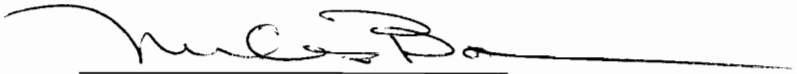
3. A stipulation providing for substitution of counsel executed by Tiajolloff & Kelly and Davis & Gilbert LLP accompanies this affidavit.

4. Substitution at this time will neither delay nor prejudice the prosecution of this action. Fact discovery in this action is ongoing and no trial date has been set. In addition, I have been representing defendant Publicis, Inc. since the commencement of this action and, therefore, am fully familiar with the facts of this case.

WHEREFORE, I respectfully request that this application be granted and the Order of Substitution entered.


SARA EDELMAN (SE 2540)

Sworn to and subscribed before me this
21st day of November, 2005



Notary Public
MILES BAUM
Notary Public, State of New York
No. 00845216336
Qualified in Nassau County
Commission Expires June 30, 2006

DECLARATION OF SERVICE

I, Sara Edelman, declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

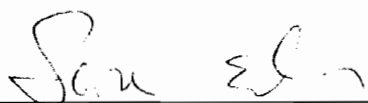
That on the 22nd day of November 2005, I caused the annexed document to be served by first-class U.S. mail on the following individuals:

Bruce P. Keller (BK 9300)
Debevoise & Plimpton LLP
919 Third Avenue
New York, New York 10022
(212) 909-6000
Attorneys for Defendant Pfizer, Inc.

Samuel M. Leaf, Esq. (SL 06033)
Eric Stahl (of counsel)
Davis Wright Tremaine, LLP
1633 Broadway
New York, New York 10019
Attorneys for Defendant East West Communications, Inc. and
Defendant Brian Transeau

Paul A. Chin, Esq. (PC 9656)
Law Offices Of Paul A. Chin
The Woolworth Bldg.
233 Broadway, 5th Floor
New York, New York 10279
Attorneys for Plaintiffs

Dated: New York, New York
November 22, 2005



Sara Edelman