

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

700437 25 SEP 2 2009 CL

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The Authors Guild, Inc., Association of American :
Publishers, Inc., Associational Plaintiffs, and :
:
Herbert Mitgang, Betty Miles, Daniel Hoffman, :
Paul Dickson, Joseph Goulden, The McGraw-Hill :
Companies, Inc., Pearson Education, Inc., Penguin :
Group (USA) Inc., Simon & Schuster, Inc., and :
John Wiley & Sons, Inc., individually and on :
behalf of all others similarly situated, :
:
Plaintiffs, :
:
v. :
:
Google Inc., :
:
Defendant. :
:
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Case No. 05 CV 8136 (DC)

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

FILED
SEP 2 2009
CLERK OF COURT
SOUTHERN DISTRICT OF NEW YORK

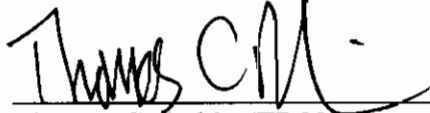
Pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the
The Author's Guild et al v. Google Inc.
Southern and Eastern Districts of New York, I, Thomas C. Rubin, a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of Charles
B. Casper of Montgomery, McCracken, Walker & Rhoads, LLP, 123 South Broad Street,
Philadelphia, PA 19109, 215-772-1500.

Doc. 731

Charles B. Casper is a member in good standing of the bars of the Commonwealth of
Pennsylvania and the States of New Jersey and Utah. His status in Utah is inactive. There are
no pending disciplinary proceedings against Charles B. Casper in any State or Federal court.

Dated:
September 18, 2009
Redmond, Washington

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas C. Rubin', written over a horizontal line.

Thomas C. Rubin (TR8845)
Chief Counsel for Intellectual Property Strategy
Microsoft Corporation
Legal and Corporate Affairs
One Microsoft Way
Redmond, WA 98052
(425) 882-8080
tom.rubin@microsoft.com

UNITED STATES DISTRICT COURT
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Herbert Mitgang, Betty Miles, Daniel Hoffman, Paul Dickson, Joseph Goulden, The McGraw-Hill Companies, Inc., Pearson Education, Inc., Penguin Group (USA) Inc., Simon & Schuster, Inc., and John Wiley & Sons, Inc., individually and on behalf of all others similarly situated,	:	Case No. 05 CV 8136 (DC)
	:	
Plaintiffs,	:	DECLARATION OF
	:	THOMAS C. RUBIN
v.	:	IN SUPPORT OF MOTION
	:	TO ADMIT COUNSEL
	:	CHARLES B. CASPER
Google Inc.,	:	<i>PRO HAC VICE</i>
	:	
Defendant.	:	
	:	
-----X	:	

Thomas C. Rubin hereby declares, pursuant to 28 U.S.C. § 1746:

1. I am counsel for objector Microsoft Corporation (“Microsoft”) in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Microsoft’s motion to admit Charles B. Casper as counsel *pro hac vice* to represent Microsoft in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1989. I am also admitted to the bars of the State of Washington and this Court. I am in good standing with both. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Charles B. Casper since January 2009. Some of my colleagues in Microsoft’s Legal and Corporate Affairs Department have known him for more than a decade.

4. Mr. Casper is a partner of Montgomery, McCracken, Walker & Rhoads, LLP in Philadelphia, Pennsylvania. He is admitted to practice law in Pennsylvania, New Jersey and Utah. His status in Utah is inactive. Certificates of good standing for these states are attached as Exhibits A, B, and C. I am informed that Mr. Casper has never been reprimanded, nor has he had a grievance, complaint or order of discipline of any kind filed against him in any jurisdiction.

5. I have found Mr. Casper to be a skilled attorney and a person of integrity. He has a reputation for both among my colleagues in Microsoft's Legal and Corporate Affairs Department. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

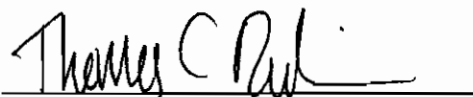
6. Accordingly, I am pleased to move the admission of Charles B. Casper, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Charles B. Casper, *pro hac vice*, which is attached hereto as Exhibit D.

WHEREFORE it is respectfully requested that the motion to admit Charles B. Casper, *pro hac vice*, to represent Microsoft in the above-captioned matter, be granted.

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

Executed on September 18, 2009.



Thomas C. Rubin (TR8845)
Chief Counsel for Intellectual Property Strategy
Microsoft Corporation
Legal and Corporate Affairs
One Microsoft Way
Redmond, WA 98052
(425) 882-8080
tom.rubin@microsoft.com

CERTIFICATE OF SERVICE

I, Thomas C. Rubin, hereby certify that on this 21st day of September 2009, I caused to be served a copy of the foregoing Motion to Admit Counsel *Pro Hac Vice* and Declaration in Support of Motion to Admit Counsel Charles B. Casper *Pro Hac Vice* on the following individuals by first-class U.S. Mail, postage prepaid:

Michael J. Boni, Esquire
Joanne Zack, Esquire
Joshua Snyder, Esquire
Boni & Zack LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004
bookclaims@bonizack.com
Counsel for the Author Sub-Class

Jeffrey P. Cunard, Esquire
Bruce P. Keller, Esquire
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
bookclaims@debevoise.com
Counsel for the Publisher Sub-Class

Daralyn J. Durie, Esquire
Joseph C. Gratz, Esquire
Durie Tangri LLP
332 Pine Street, Suite 200
San Francisco, CA 94104
bookclaims@durietangri.com
Counsel for Google Inc.



Thomas C. Rubin



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Charles B. Casper, Esq.

DATE OF ADMISSION

February 15, 1985

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: September 8, 2009

A handwritten signature in cursive script, reading "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

Supreme Court of New Jersey



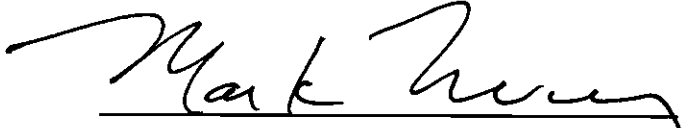
Certificate of Good Standing

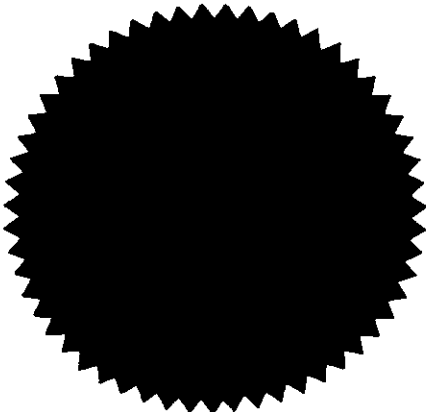
This is to certify that **CHARLES BLAINE CASPER**
(No. **006701990**) *was constituted and appointed an Attorney at Law of New Jersey on* **June 07, 1990** *and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.*

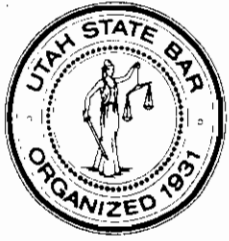
I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the Supreme Court, at Trenton, this 10TH day of September, 20 09.


Clerk of the Supreme Court





Utah State Bar

645 South 200 East, Suite 310 • Salt Lake City, Utah 84111-3834
Telephone: 801-531-9077 • Fax: 801-531-0660
www.utahbar.org

John C. Baldwin
Executive Director

September 11, 2009

To Whom It May Concern:

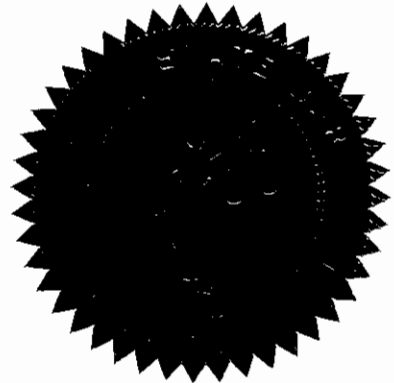
This is to certify that **Charles B. Casper**, Utah State Bar No. **00592**, was admitted to practice law in Utah on **September 20, 1977** and is an inactive member of the Utah State Bar in good standing. "Good standing" is defined as a lawyer who is current in the payment of all Bar licensing fees, has met mandatory continuing legal education requirements, if applicable, and is not disbarred, presently on probation, suspended, or has not resigned with discipline pending, from the practice of law in this state.

No public disciplinary action involving professional misconduct has been taken against the license of **Charles B. Casper** to practice law.

Katherine A. Fox
General Counsel
Utah State Bar

Board of Commissioners

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Thomas W. Seiler
Rodney G. Snow
E. Russell Vetter



UNITED STATES DISTRICT COURT
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Group (USA) Inc., Simon & Schuster, Inc., and :
John Wiley & Sons, Inc., individually and on : **[PROPOSED] ORDER FOR**
behalf of all others similarly situated, : **ADMISSION *PRO HAC VICE***
 :
Plaintiffs, :
 :
v. :
 :
Google Inc., :
 :
Defendant. :
 :
-----X

Upon the motion of Thomas C. Rubin, attorney for objector Microsoft Corporation and
declaration in support:

IT IS HEREBY ORDERED THAT

Charles B. Casper
Montgomery, McCracken, Walker & Rhoads, LLP
123 South Broad Street
Philadelphia, PA 19109
Telephone: 215-772-1500
Facsimile: 215-731-3750
ccasper@mmwr.com

is admitted to practice *pro hac vice* as counsel for objector Microsoft Corporation in the above-
captioned case in the United States District Court for the Southern District of New York. All
attorneys appearing before this Court are subject to the Local Rules of the court, including the
Rules governing discipline of attorneys. This action is assigned to the Electronic Case Filing

(ECF) system and counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

SO ORDERED.

Dated:
New York, New York

United States District Judge