

*MC*  
 Robert J. Bernstein (RB 4230)  
 THE LAW OFFICE OF ROBERT J. BERNSTEIN  
 488 Madison Avenue, 9th Floor  
 New York, NY 10022  
 (212) 705-4811

Attorneys for Defendant Google Inc.

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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THE MCGRAW-HILL COMPANIES, INC.	x	:	
PEARSON EDUCATION, INC., PENGUIN	:	:	
GROUP (USA) INC.,	:	:	
SIMON & SCHUSTER, INC., and	:	:	
JOHN WILEY & SONS, INC.,	:	:	
Plaintiffs,	:	:	Civil Action No. 05 CV 8881
v.	:	:	
GOOGLE INC.,	:	:	
Defendant.	:		

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**NOTICE OF MOTION**  
**TO ADMIT COUNSEL**  
**PRO HAC VICE**

The McGraw-Hill Companies, Inc. et al v. Google Inc.

Doc. 6

**TO:**

Bruce P. Keller  
 Jeffrey P. Cunard  
 James J. Pastore, Jr.  
 Debevoise & Plimpton LLP  
 919 Third Avenue  
 New York, NY 10022

Counsel for Plaintiffs

PLEASE TAKE NOTICE that upon the annexed affidavit of Robert J. Bernstein and the annexed declaration of Joseph M. Beck in support of this motion and the Certificates of Good Standing annexed thereto we will move this Court before the Honorable John E. Sprizzo, Judge

of the United States District Court for the Southern District of New York, at the United States Courthouse, 40 Centre Street, New York, New York, for an order pursuant to Rule 1.3(c) of the Rules of this Court allowing the admission of Joseph M. Beck, a member of the firm of Kilpatrick Stockton LLP and a member in good standing of the Bar of the State of Georgia, as attorney pro hac vice for defendant Google Inc. to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against Joseph M. Beck in any State or Federal court.

DATED: This 7<sup>th</sup> day of November, 2005.  
New York, New York

Respectfully submitted,

  
\_\_\_\_\_  
Robert J. Bernstein (RB 4230)  
THE LAW OFFICE OF ROBERT J. BERNSTEIN  
488 Madison Avenue, 9th Floor  
New York, NY 10022  
(212) 705-4811  
Attorneys for Defendant Google Inc.

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Attorneys for Defendant Google Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE MCGRAW-HILL COMPANIES, INC.	:	x
PEARSON EDUCATION, INC., PENGUIN	:	
GROUP (USA) INC.,	:	
SIMON & SCHUSTER, INC., and	:	
JOHN WILEY & SONS, INC.,	:	
Plaintiffs,	:	Civil Action No. 05 CV 8881
v.	:	
GOOGLE INC.,	:	<b>AFFIDAVIT OF</b>
	:	<b>ROBERT J. BERNSTEIN IN</b>
	:	<b>SUPPORT OF MOTION FOR</b>
	:	<b>ADMISSION OF ATTORNEY</b>
	:	<b>PRO HAC VICE</b>
Defendant.	:	
	x	

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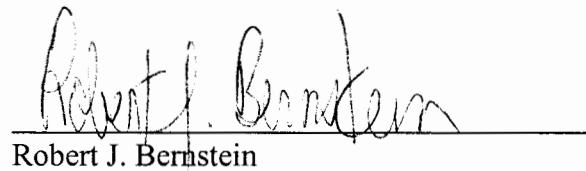
ROBERT J. BERNSTEIN, being duly sworn, deposes and says:

1. I am a member in good standing of the bar of this Court.
2. This affidavit is made in support of a motion seeking admission *pro hac vice*

in this action, pursuant to Rule 1.3(c) of the Rules of the United States District Court for the Southern District of New York, of Joseph M. Beck.

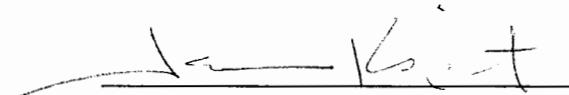
3. I am aware that Joseph M. Beck is a Partner of the law firm Kilpatrick Stockton LLP, and practices in its Atlanta office. I am advised that he is a member in good standing of the bar of the State of Georgia (admitted in 1969).

4. I believe that Joseph M. Beck will conduct himself in a manner required of attorneys admitted to practice in this Court *pro hac vice*, and I therefore respectfully request that he be allowed to practice *pro hac vice* in this manner for the purposes of representing defendant Google Inc. in this action.



\_\_\_\_\_  
Robert J. Bernstein

Sworn to and subscribed before me,  
this 7<sup>th</sup> day of November, 2005.



\_\_\_\_\_  
Notary Public  
My commission expires:

JEANNE KISPERT  
Notary Public, State of New York  
No. 31-4516960  
Qualified in New York County  
Commission Expires December 31, 2006

Robert J. Bernstein (RB 4230)  
 THE LAW OFFICE OF ROBERT J. BERNSTEIN  
 488 Madison Avenue, 9th Floor  
 New York, NY 10022  
 (212) 705-4811

Attorneys for Defendant Google Inc.

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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THE MCGRAW-HILL COMPANIES, INC.	:	x
PEARSON EDUCATION, INC., PENGUIN	:	
GROUP (USA) INC.,	:	
SIMON & SCHUSTER, INC., and	:	
JOHN WILEY & SONS, INC.,	:	
	:	Civil Action No. 05 CV 8881
Plaintiffs,	:	
v.	:	
GOOGLE INC.,	:	<b>DECLARATION OF            JOSEPH M. BECK IN            SUPPORT OF MOTION FOR            ADMISSION PRO HAC VICE</b>
	:	
Defendant.	:	
	x	

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JOSEPH M. BECK hereby declares as follows:

1. I am a member of the law firm of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, GA 30309-4530, telephone number (404) 815-6500.
2. I submit this Declaration in support of my motion for admission to practice *pro hac vice* as counsel to defendant Google Inc. in the above-captioned matter, for the purpose of appearing on behalf of defendant and to try this case in whole or in part on behalf of defendant.
3. I am a member in good standing of the Bar of the State of Georgia, where I was admitted to practice in 1969.

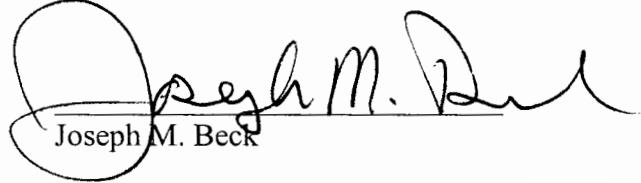
4. Attached hereto as Exhibit A are original certificates of good standing from the Supreme Court of the State of Georgia, issued on October 28, 2005; the United States District Court for the Northern District of Georgia, issued on October 28, 2005; and the State Bar of Georgia, issued on October 28, 2005.

5. I hereby certify that I have read and am familiar with the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

6. I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* on behalf of defendant Google, Inc. in this case.

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

Executed on October 31, 2005.



Joseph M. Beck



NORMAN S. FLETCHER, CHIEF JUSTICE  
LEAH WARD SEARS, PRESIDING JUSTICE  
ROBERT BENHAM  
CAROL W. HUNSTEIN  
GEORGE H. CARLEY  
HUGH P. THOMPSON  
P. HARRIS HINES  
JUSTICES

Supreme Court  
State of Georgia  
STATE JUDICIAL BUILDING  
Atlanta 30334

SHERIE M. WELCH, CLERK  
WM. SCOTT HENWOOD, REPORTER

October 28, 2005

I hereby certify that Joseph M. Beck, Esq., was admitted on the eighth day of October, 1971, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court hereto affixed the day and year first above written.

  
Nathaniel Middleton  
Deputy Clerk, Supreme Court of Georgia



## CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA }  
} ss.  
NORTHERN DISTRICT OF GEORGIA }

I, Luther D. Thomas, Clerk of the United States District Court for the Northern District of Georgia,

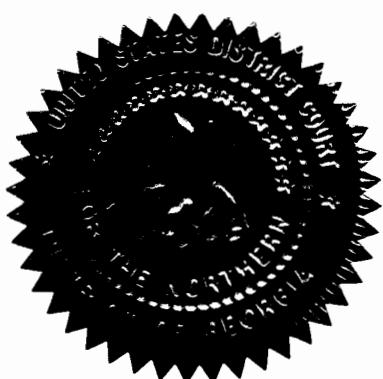
**DO HEREBY CERTIFY** that **JOSEPH M. BECK, State Bar No. 46000**, was duly admitted to practice in said Court on January 2, 1974, and is in good standing as a member of the bar of said Court.

Dated at Atlanta, Georgia, this 28th day of October, 2005.

LUTHER D. THOMAS  
CLERK OF COURT

By:

Luis Perez  
Deputy Clerk





# STATE BAR OF GEORGIA

*Lawyers Serving the Public and the Justice System*

**Mr. Joseph M. Beck**  
**Kilpatrick Stockton LLP**  
**1100 Peachtree Street, N.E., Suite 2800**  
**Atlanta, GA 30309-4530**

**CURRENT STATUS:** Active Member-Good Standing

**DATE OF ADMISSION TO PRACTICE:** 03/19/1969

**Attorney Bar Number:** 046000

**Today's Date:** October 28, 2005

Listed below are the disciplinary actions, if any, which have been taken against this member:

Supreme Court Docket #	State Disciplinary Board Docket #	Disposition
NA	NA	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (**Reciprocity**).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is **an arm of the Supreme Court of Georgia**.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. The Attorney may upon application, if they so choose apply for admission to the Supreme, District and the Georgia Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by State Bar Rule 1-204. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

This document hereby certifies that the above-mentioned individual is a registered member of the State Bar of Georgia and is currently in good standing.

## STATE BAR OF GEORGIA

Brinda Lovvorn

Official Representative of State Bar of Georgia

### HEADQUARTERS

104 Marietta Street, Suite 100  
 Atlanta, Georgia 30303  
 (404) 527-8700 ■ (800) 334-6865  
 FAX (404) 527-8717  
 www.gabar.org

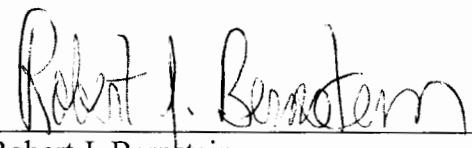
### SOUTH GEORGIA

244 E. Second Street (Zip 31794)  
 P.O. Box 1390  
 Tifton, Georgia 31793-1390  
 (229) 387-0446 ■ (800) 330-0446  
 FAX (229) 382-7435

**CERTIFICATE OF SERVICE**

I declare, under penalty of perjury, that on November 7, 2005, the attached Notice of Motion to Admit Counsel Pro Hac Vice was served by hand upon counsel for plaintiff at their addressee listed below:

Bruce P. Keller  
Jeffrey Cunard  
James J. Pastore, Jr.  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, New York 10022

  
\_\_\_\_\_  
Robert J. Bernstein