

Robert S. Weisbein (RW 0080)  
 FOLEY & LARDNER LLP  
 90 Park Avenue  
 New York, NY 10016-1314  
 Phone: 212-338-3400  
 Facsimile: 212-687-2329  
 Email: rweisbein@foley.com  
*Attorneys for Plaintiff*  
*Instead Sciences, Inc.*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 :  
 INSTEAD SCIENCES, INC., a California :  
 Corporation, :  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 ReProtect, Inc., a Maryland corporation, Ultrafem :  
 Inc., a Delaware corporation, Dr. Richard Cone :  
 And Dr. Thomas Moench, :  
 :  
 Defendants. :  
 ----- X

Civil Action No.: 08 CV 5236 (DC)

**MOTION TO ADMIT  
 PRO HAC VICE**

JUL 1 10 55 AM '08  
 U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Robert S. Weisbein, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

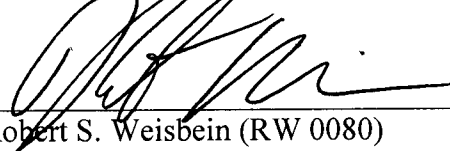
Applicant's Name: Victor A. Vilaplana  
 Firm Name: Foley & Lardner LLP  
 Address: 402 West Broadway  
 Suite 2100  
 City/State/Zip: San Diego, CA 92101-3542  
 Phone Number: (619) 234-6655  
 Fax Number: (619) 234-3510

JUL 1 10 55 AM '08  
 U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

Victor A. Vilaplana is a member in good standing in the Bar of the State of California, the United States District Court, Central District of California, and the United States District Court, Southern District of California. There are no pending disciplinary proceeding against Victor A. Vilaplana in any State or Federal court.

Dated: July 172008  
New York, New York

FOLEY & LARDNER LLP



Robert S. Weisbein (RW 0080)

FOLEY & LARDNER LLP

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New York, NY 10016-1314

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*Attorneys for Plaintiff*

*Instead Sciences, Inc.*

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Civil Action No.: 08 CV 5236 (DC)

**AFFIDAVIT OF ROBERT S.  
 WEISBEIN IN SUPPORT OF  
 WRITTEN MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

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

Robert S. Weisbein, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Foley & Lardner LLP, counsel for Plaintiff Instead Sciences, Inc. 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 Plaintiff's motion to admit Victor A. Vilaplana as counsel pro hac vice to represent Plaintiff Instead Sciences, Inc. 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 January 1983. 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. Victor A. Vilaplana is Of Counsel at Foley & Lardner LLP in San Diego, California.
4. Victor A. Vilaplana is a member in good standing of the Bar of the State of California, the United States District Court, Central District of California, and the United States District Court,

Southern District of California. Certificates of Good Standing from the Bar of the State of California, the United States District Court, Central District of California, and the United States District Court, Southern District of California are attached as Exhibit A.

5. I understand Mr. Vilaplana to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure. I know of no reason why Mr. Vilaplana should not be admitted pro hac vice.

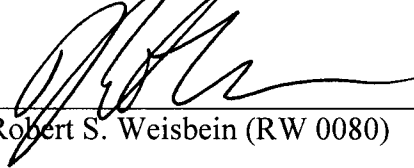
6. Accordingly, I am pleased to move the admission of Victor A. Vilaplana, pro hac vice.

7. I respectfully submit a proposed order granting the admission of Victor A. Vilaplana, pro hac vice, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Victor A. Vilaplana, pro hac vice, to represent Defendants Instead Sciences, Inc. in the above captioned matter, be granted.

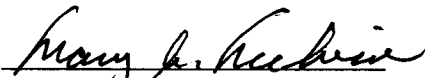
Dated: July 17, 2008  
New York, NY

Respectfully submitted,



Robert S. Weisbein (RW 0080)

Sworn to before me this  
17<sup>th</sup> day of July 2008



Notary Public, State of New York

MARY A MELVIN  
Notary Public, State of New York  
No 01ME4724081  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires October 31, 192010



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

July 3, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, VICTOR ARMANDO VILAPLANA, #058535 was admitted to the practice of law in this state by the Supreme Court of California on December 18, 1973; that from the date of admission to May 1, 1979, he was an ACTIVE member of the State Bar of California; that on May 1, 1979, he transferred at his request to the INACTIVE status as of January 1, 1979; that from that date to November 19, 1979, he was an INACTIVE member of the State Bar of California; that on November 19, 1979, he transferred at his request to the ACTIVE status; that he has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

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# United States District Court

Central District of California

## CERTIFICATE OF GOOD STANDING

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I, SHERRI R. CARTER, Clerk of this Court, certify that

Victor A. Vilaplana, Bar No. 58535

was duly admitted to practice in this Court on February 10, 1983

and is in good standing as a member of the Bar of this Court.

Dated at Los Angeles, California.

on June 25, 2008  
DATE

SHERRI R. CARTER, CLERK

By   
Lupe Thrasnow  
Deputy Clerk  
1200

**CERTIFICATE OF GOOD STANDING**

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA

}

ss.

I, W. Samuel Hamrick, Jr., Clerk of the United States District Court for the Southern District of California,

DO HEREBY CERTIFY That Victor Vilaplana was duly admitted to practice in said Court on 12/18/1973, and is in good standing as a member of the bar of said Court

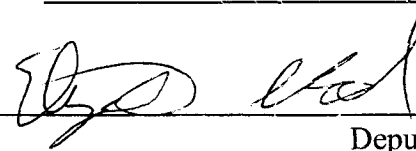
Dated at San Diego, CA

W. SAMUEL HAMRICK, JR.

Clerk

on June 27, 2008

By

 \_\_\_\_\_ ,  
Deputy Clerk

Robert S. Weisbein (RW 0080)  
FOLEY & LARDNER LLP  
90 Park Avenue  
New York, NY 10016-1314  
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*Attorneys for Plaintiff*  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INSTEAD SCIENCES, INC., a California  
Corporation,

Plaintiff,

v.

ReProtect, Inc., a Maryland corporation, Ultrafem  
Inc., a Delaware corporation, Dr. Richard Cone  
And Dr. Thomas Moench,

Defendants.

----- X

Civil Action No.: 08 CV 5236 (DC)

**ORDER FOR ADMISSION  
PRO HAC VICE ON  
WRITTEN MOTION**

Upon the motion of Robert S. Weisbein, attorney for Plaintiff Instead Sciences, Inc. and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Victor A. Vilaplana  
Firm Name: Foley & Lardner LLP  
Address: 402 West Broadway  
Suite 2100  
City/State/Zip: San Diego, CA 92101-3542  
Phone Number: (619) 234-6655  
Fax Number: (619) 234-3510

is admitted to practice pro hac vice as counsel for Plaintiff Instead Sciences, Inc. 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 this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing



(ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov).

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

Dated: July \_\_\_\_, 2008  
New York, New York

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United States District/Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INSTEAD SCIENCES, INC., a California Corporation,	:
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Plaintiff,	:
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v.	:
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ReProtect, Inc., a Maryland corporation, Ultrafem Inc., a Delaware corporation, Dr. Richard Cone And Dr. Thomas Moench,	:
	:
Defendants.	:
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Civil Action No.: 08 CV 5236 (DC)

**AFFIDAVIT OF SERVICE**

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

AVA M. BESSEL, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 400 East 50<sup>th</sup> Street, New York, NY 10022.

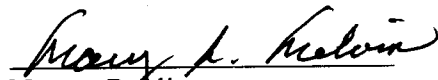
That on the 17<sup>th</sup> day of July, 2008, deponent caused to be served a copy of the **Notice of Motion and Affidavit of Robert S. Weisbein in Support of Written Motion to Admit Victor A. Vilaplana Pro Hac Vice** upon all counsel of record at their last address as follows via First Class Mail:

Eric J. Lobenfeld and Dillon Kim  
Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, NY 10022

the attorneys authorized to accept service on behalf of the defendants.

  
AVA M. BESSEL

Sworn to before me this  
17<sup>th</sup> day of July, 2008

  
Notary Public

MARY A MELVIN  
Notary Public, State of New York  
No 01ME4724081  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires October 31, 18~~2008~~ 2010