

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL, INC., :
COMEDY PARTNERS, COUNTRY :
MUSIC TELEVISION, INC., :
PARAMOUNT PICTURES :
CORPORATION, and BLACK :
ENTERTAINMENT TELEVISION :
LLC, :

Case No.: 1:07-CV-02103 (LLS)
(Related Case No.: 1:07-CV-03582
(LLS))

Plaintiffs,

NOTICE OF MOTION FOR
ADMISSION *PRO HAC VICE* OF
RUSSELL J. FRACKMAN

v.

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Paul D. Montclare dated May 12,
2010, the accompanying Declaration of Russell J. Frackman dated May 13, 2010, and the exhibit
annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the
Local Rules for the United States District Court for the Southern District of New York, admitting
Russell J. Frackman to the Bar of this Court *pro hac vice* to appear and participate as counsel for
amicus curiae the Washington Legal Foundation in the above-captioned action.

Dated: New York, New York
May 17, 2010

MITCHELL SILBERBERG & KNUPP LLP

By: 

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC.,
COMEDY PARTNERS, COUNTRY MUSIC
TELEVISION, INC, PARAMOUNT
PICTURES CORPORATION and BLACK
ENTERTAINMENT TELEVISION LLC,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC and
GOOGLE, INC .,

Defendants.

INDEX NO. 1:07-CV-02103 (LLS)
(Related Case No.: 1:07-CV-03582 (LLS))

**NOTICE OF MOTION FOR ADMISSION PRO HAC VICE OF RUSSELL J.
FRACKMAN**

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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VIACOM INTERNATIONAL, INC.,	:	
COMEDY PARTNERS, COUNTRY	:	
MUSIC TELEVISION, INC.,	:	Case No.: 1:07-CV-02103 (LLS)
PARAMOUNT PICTURES	:	(Related Case No.: 1:07-CV-03582
CORPORATION, and BLACK	:	(LLS))
ENTERTAINMENT TELEVISION	:	
LLC,	:	
	:	
	:	DECLARATION OF PAUL D.
Plaintiffs,	:	MONTCLARE IN SUPPORT OF
v.	:	MOTION FOR ADMISSION <i>PRO HAC</i>
	:	<i>VICE</i> OF <u>RUSSELL J. FRACKMAN</u>
YOUTUBE, INC., YOUTUBE, LLC,	:	
and GOOGLE, INC.,	:	
	:	
Defendants.	:	
-----	x	

PAUL D. MONTCLARE, declares under the penalties of perjury as follows:

1. I am a member of the law firm of Mitchell Silberberg & Knupp LLP, counsel for *amicus curiae* the Washington Legal Foundation (“WLF”). I submit this declaration in support of the motion, pursuant to Rule 1.3(c) of the Local Civil Rules of the United States District Court for the Southern District of New York, for an order granting Russell J. Frackman, Esq., admission to the Bar of this Court *pro hac vice* for the purpose of allowing him to appear on behalf of the *amicus curiae* WLF in the above-captioned matter, and to appear before this Court.
2. I am a member in good standing of the Bar of this Court.
3. I have reviewed the Declaration of Russell J. Frackman in support of the Motion for Admission *Pro Hac Vice* submitted herewith, and I believe that the Declaration is true and correct.

4. Mr. Frackman is a partner, through his professional corporation, in the law firm of Mitchell Silberberg & Knupp LLP, located at 11377 West Olympic Boulevard, Los Angeles, CA 90064. He is experienced and familiar with the matter which is pending before this Court.

5. No previous application has been made for the relief requested herein.

6. Accordingly, I respectfully request that Russell J. Frackman be admitted to the Bar of this Court *pro hac vice*.

7. Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury under the laws of the United States, that the foregoing statements are true and correct.

Executed on May 17, 2010 in New York, New York



Paul D. Montclare

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC.,
COMEDY PARTNERS, COUNTRY MUSIC
TELEVISION, INC, PARAMOUNT
PICTURES CORPORATION and BLACK
ENTERTAINMENT TELEVISION LLC,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC and
GOOGLE, INC.,

Defendants.

INDEX NO. 1:07-CV-02103 (LLS)
(Related Case No.: 1:07-CV-03582 (LLS))

**DECLARATION OF PAUL D. MONTCLARE IN SUPPORT OF MOTION FOR
ADMISSION PRO HAC VICE OF RUSSELL J. FRACKMAN**

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
VIACOM INTERNATIONAL, INC.,	:	
COMEDY PARTNERS, COUNTRY	:	
MUSIC TELEVISION, INC.,	:	Case No.: 1:07-CV-02103 (LLS)
PARAMOUNT PICTURES	:	(Related Case No.: 1:07-CV-03582
CORPORATION, and BLACK	:	(LLS))
ENTERTAINMENT TELEVISION	:	
LLC,	:	
	:	
	:	DECLARATION OF RUSSELL J.
Plaintiffs,	:	FRACKMAN IN SUPPORT OF
v.	:	MOTION FOR ADMISSION
	:	<u>PRO HAC VICE</u>
YOUTUBE, INC., YOUTUBE, LLC,	:	
and GOOGLE, INC.,	:	
	:	
	:	
Defendants.	:	
	:	
-----	X	

RUSSELL J. FRACKMAN, applicant herein for admission *pro hac vice*, declares under the penalties of perjury as follows:

1. I am a partner, through my professional corporation, in the law firm Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, CA 90064.
2. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, for an Order granting Russell J. Frackman admission *pro hac vice* to the Bar of the United States District Court for the Southern District of New York to appear and participate as counsel for Plaintiffs in the above-captioned action.
3. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California. I am also a member in good standing of the Bars for the United States District Courts for the Eastern, Central and Northern

Districts of California, the United States District Courts of Appeals for the Second and Ninth Circuits and the United States Supreme Court.

4. There are no pending disciplinary proceedings against me in any State or Federal Court.

WHEREFORE, your applicant respectfully requests to be admitted to practice before this Court *pro hac vice* in the above-captioned matter on behalf of Plaintiffs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 13, 2010 in Los Angeles, California


RUSSELL J. FRACKMAN



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

May 5, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, RUSSELL JAY FRACKMAN, #049087 was admitted to the practice of law in this state by the Supreme Court of California on February 26, 1971; and 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

Kath Lambert
Custodian of Membership Records

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
VIACOM INTERNATIONAL, INC., :
COMEDY PARTNERS, COUNTRY :
MUSIC TELEVISION, INC., :
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ENTERTAINMENT TELEVISION :
LLC, :

Case No.: 1:07-CV-02103 (LLS)
(Related Case No.: 1:07-CV-03582
(LLS))

Plaintiffs, :

ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION

v. :

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

----- X

Upon the motion of Paul D. Montclare, attorney for *amicus curiae* the Washington Legal Foundation (“WLF”) in the above-captioned action, and said sponsor attorney’s declaration in support:

IT IS HEREBY ORDERED that:

Russell J. Frackman, Esq.
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Tel: 310-312-3119
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is admitted to practice pro hac vice as counsel for the Plaintiffs 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. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

Dated: May __, 2010
New York, New York

United States District Court Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC.,
COMEDY PARTNERS, COUNTRY MUSIC
TELEVISION, INC, PARAMOUNT
PICTURES CORPORATION and BLACK
ENTERTAINMENT TELEVISION LLC,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC and
GOOGLE, INC.,

Defendants.

INDEX NO. 1:07-CV-02103 (LLS)
(Related Case No.: 1:07-CV-03582 (LLS))

ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION

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AFFIDAVIT OF SERVICE

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

Derek Piasecki, being duly sworn, deposes and says:

1. I am not a party to this action, am over the age of 18 and reside at New York County, New York.

2. On this 17th day of May, 2010, I served a copy of *NOTICE OF MOTION FOR ADMISSION PRO HAC VICE OF RUSSELL J. FRACKMAN, DECLARATION OF PAUL D. MONTCLARE IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE OF RUSSELL J. FRACKMAN, and PROPOSED ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION* by Regular Mail upon:

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Derek Piasecki

Sworn to before me this
17th day of May, 2010.


NOTARY PUBLIC

ALESSANDRA LOVREN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 31-4981830
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MAY 20, 20 11