

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

ROBERT BURCK
d/b/a THE NAKED COWBOY,

Plaintiff,

v.

MARS, INCORPORATED

and

CHUTE GERDEMAN, INC.,

Defendants.

Case Number: 08 CIV 1330

Judge Denny Chin

NOTICE OF MOTION FOR ADMISSION *PRO HAC VICE*

PLEASE TAKE NOTICE that upon the Declaration of Leslie K. Mitchell dated March 18, 2008, and the certificate of good standing of Joseph R. Price, annexed thereto, the undersigned shall move this Court, the Honorable Denny Chin, United States District Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, at such date and time as the Court directs, for an order pursuant to Local Rule 1.3(c) of this Court, admitting Joseph R. Price to the bar of this Court *pro hac vice* for the purpose of making appearance in this action on behalf of Defendants Mars, Incorporated.

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 U.S. DISTRICT COURT
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Dated: March __, 2008

ARENT FOX LLP

By: Leslie K. Mitchell
Leslie K. Mitchell, N.Y. Bar No. LM2811
ARENT FOX LLP

1675 Broadway
New York, New York 10019
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Counsel for Defendant Mars, Incorporated

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

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**CERTIFICATION OF JOSEPH R. PRICE
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

I, Joseph R. Price, hereby certify as follows:

1. I am an attorney at the law firm of Arent Fox LLP, 1050 Connecticut Avenue, NW, Washington, DC 20036-5339, and I make this certification in support of my application for admission *pro hac vice* to this Court pursuant to Local Rule 1.3(c)
2. I am a member of good standing of the State Bar of the Commonwealth of Virginia since 1996, and the Bar of the District of Columbia since 1998. I am admitted to practice before the United States Supreme Court, the United States Courts of Appeal for the District of Columbia, Fourth and Fifth Circuits, and the United States District Courts for the Eastern and Western Districts of Virginia, the District of Maryland and the District of Columbia.
3. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction.

4. I have been retained to represent Mars, Incorporated ("Mars"), in the above captioned matter.


5 This matter arises from Plaintiff's claim of alleged trademark infringement and violation of right of publicity against Mars.

7. Given my experience in litigating such claims and my familiarity with the issues involved in this matter, my admission *pro hac vice* will serve the interest of Mars and will also facilitate the efficient litigation of the matter.

8. I further agree to abide by the New York court rules: notify the Court immediately of any matter effecting my standing at the bar of any other court; and to have pleadings, briefs and other papers filed with the Court signed by an attorney of record authorized to practice in New York, upon approval by the Court admitting me to practice *pro hac vice*.

I certify that the foregoing statements made by me are true.

Dated: March 5, 2008

By: 
ARENT FOX LLP
Joseph R. Price
1050 Connecticut Avenue
Washington, D.C. 20006
(202) 775-5769
(202) 857-6395 facsimile

**UNITED STATES DISTRICT COURT
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**DECLARATION IN SUPPORT OF DEFENDANTS MOTION FOR
ADMISSION *PRO HAC VICE* OF JOSEPH R. PRICE**

LESLIE K. MITCHELL, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am a member of the bar of this Court and am a partner at Arent Fox LLP, attorneys for Defendants Mars, Incorporated (“Mars”). I respectfully submit this declaration in support of the admission *pro hac vice* of Joseph R. Price, pursuant to Local Rule 1.3(c) of this Court, for the purpose of making appearances on behalf of Mars in this action.

2. Joseph R. Price is a member in good standing of the bar of the District of Columbia. See Certificate of Good Standing, attached hereto at Exhibit A. Mr. Price is a partner at Arent Fox LLP. A proposed Order granting his admission *pro hac vice*, pursuant to Local Rule 1.3(c) of this Court, is attached hereto at Exhibit B.

WHEREFORE, it is respectfully requested that this Court enter an Order granting the admission *pro hac vice* of Joseph R. Price pursuant to Local Rule 1.3(c) of this Court.

Executed this 18th day of March 2008.

Leslie K. Mitchell
Leslie K. Mitchell, N.Y. Bar No. LM2811
ARENT FOX LLP
1675 Broadway
New York, NY 10019
212-484-3900
212-484-3990 facsimile



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

JOSEPH R. PRICE

was on the 11TH day of SEPTEMBER, 1998
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on March
11, 2008.

GARLAND PINKSTON, JR., CLERK

By: [Signature]
Deputy Clerk

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[PROPOSED] ORDER

THIS MATTER, having been opened to the Court by Leslie K. Mitchell, attorney for Defendants Mars, Incorporated ("Mars"), by way of motion for the *pro hac vice* admission of Joseph R. Price ("Counsel"), and the court having considered the certifications of the attorney in support of the motion, it is hereby ORDERED that:

1. Counsel is hereby admitted pro hac vice, to appear in this matter on behalf of Mars;
2. Counsel is hereby required to abide by the rules of this Court and the rules governing the courts of the State of New York including all disciplinary rules;
3. Counsel is hereby required to notify the Court of any matter affecting his standing at the bar in any Court;
4. Counsel shall have all pleadings, briefs and other papers filed with the Court signed by an attorney of record authorized to practice in this State; and

5. Counsel shall comply with the obligations of any attorney admitted to practice in the Court.

Dated: _____, 2008

Denny Chin
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the *Notice of Motion For Admission Pro Hac Vice, Certification of Joseph R. Price In Support of Motion For Admission Pro Hac Vice, Declaration in Support of Defendants Motion for Admission Pro Hac Vice of Joseph R. Price, and Proposed Order* was served on March 19, 2008 upon Plaintiff's attorneys of record via first-class mail at the following addresses:

Kevin T. Mulhearn, P.C.
60 Dutch Hill Road, Suite 8
Orangeburg, NY 10962

Scott M. Rothman, Esq.
Halberstadt Curley LLC
100 E. Hector Street
Suite 425
Conshohocken, PA 19428

And upon:

Timothy C. Long, Esq.
455 South Ludlow Alley
Columbus, Ohio 43215

By: Leslie K. Mithcell
Leslie K. Mithcell