

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAR 29 2010

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SHEPARD FAIREY and OBEY GIANT)
ART, INC.,)
)
Plaintiffs,)
)
v.)
)
THE ASSOCIATED PRESS,)
)
Defendant/Counterclaim)
Plaintiff,)
)
v.)
)
SHEPARD FAIREY, OBEY GIANT ART,)
INC., OBEY GIANT LLC, STUDIO)
NUMBER ONE, INC. and ONE 3 TWO,)
INC. (d/b/a OBEY CLOTHING),)
)
Counterclaim Defendants,)
)
and)
)
MANNIE GARCIA,)
)
Defendant/Intervener and)
Counterclaim/Cross claim)
Plaintiff,)
)
v.)
)
SHEPARD FAIREY AND OBEY GIANT)
ART, INC.,)
Counterclaim Defendants,)
)
and)
)
THE ASSOCIATED PRESS,)
)
Crossclaim Defendant.)
----- x

Civil Action No.: 09-1123 (AKH)

**MOTION FOR ADMISSION OF EVAN
M. SIMON *PRO HAC VICE***

FILED
2010 MAR 29 PM 2:56
S.D. OF N.Y.

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, Chris J. Lopata, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

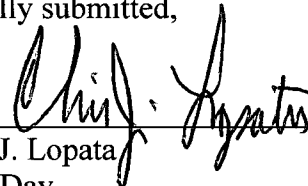
Evan M. Simon
Jones Day
3161 Michelson Dr., Suite 800
Irvine, CA 92612
Phone: (949) 851-3939
Fax: (949) 553-7539
Email esimon@jonesday.com

Mr. Simon is a member in good standing of the State Bar of California and there are no pending disciplinary proceedings against Mr. Simon in any state or Federal court.

This motion is based upon the accompanying Declaration of Chris J. Lopata and upon all other papers and proceedings in this action.

Dated: March 29, 2010

Respectfully submitted,



Chris J. Lopata
Jones Day
222 East 41st Street
New York, NY 10017
Facsimile: (212) 755-7306

Attorneys for Plaintiffs and Counterclaim
Defendants
*SHEPARD FAIREY, OBEY GIANT ART,
INC., OBEY GIANT LLC and STUDIO
NUMBER ONE, INC.*

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

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Civil Action No.: 09-1123 (AKH)

[PROPOSED ORDER]

Upon consideration of the Motion of Plaintiffs and Counterclaim Defendants Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC and Studio Number One, Inc for Admission *Pro Hac Vice*, and the Declaration of Chris J. Lopata, submitted in support thereof, and good cause having been shown, it is SO ORDERED that Evan M. Simon is admitted to the bar of this Court *pro hac vice* this ___ day of _____, 2010.

United States District Judge

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Civil Action No.: 09-1123 (AKH)

**DECLARATION OF CHRIS J.
LOPATA**

I, Chris J. Lopata, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney with the firm of Jones Day, counsel for Plaintiffs and Counterclaim Defendants Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC and Studio Number One, Inc. in the above-captioned action. I am admitted to practice in, and a member in good standing of, the bars of the State of New York and the United States District Court for the Southern District of New York. I respectfully submit this Declaration in support of Plaintiffs and Counterclaim Defendants Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC and Studio Number One, Inc.'s motion, pursuant to Local Civil Rule 1.3(c), for the admission of Evan M. Simon to the bar of this Court *pro hac vice*.

2. Mr. Simon is an attorney of the law firm of Jones Day and is a resident in the firm's Irvine office. He is a member in good standing of the bar of the State of California and is admitted to practice in the courts of the State of California. Attached hereto as Exhibit A is Mr. Simon's certificate of good standing for the bar of the State of California. He is familiar with the Federal Rules of Civil Procedure and the Local Civil Rules of this Court.

3. For the reasons set forth above, I respectfully request that Mr. Simon be admitted to the bar of this Court *pro hac vice*.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed on this 29th day of March, 2010.

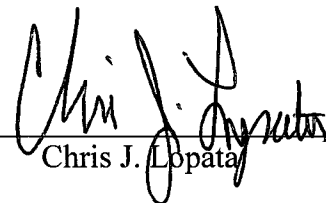

Chris J. Lopata

EXHIBIT A



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

March 24, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, EVAN MARK SIMON, #246455 was admitted to the practice of law in this state by the Supreme Court of California on December 5, 2006; 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

CERTIFICATE OF SERVICE

The undersigned, an attorney authorized to practice law before this Court, hereby certifies that on March 29, 2010, a true copy of the foregoing **Motion for Admission of Evan M. Simon Pro Hac Vice, Declaration of Chris J. Lopata** and the [**Proposed Order**] were served upon all counsel identified on the following service list by email.

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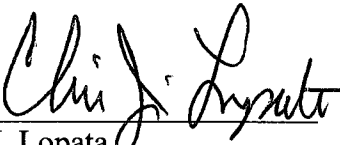
Bradford E. Kile

~~1200 New Hampshire Ave., NW~~

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Email: fugate@caldwell-leslie.com

Attorneys for One 3 Two, Inc.


Chris J. Lopata