

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SHEPARD FAIREY and OBEY GIANT ART,
INC.,

Plaintiffs,

v.

THE ASSOCIATED PRESS,

Defendant and
Counterclaim Plaintiff,

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.

MANNIE GARCIA,

Defendant, Counterclaim
Plaintiff and Cross Claim
Plaintiff/Defendant,

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,

THE ASSOCIATED PRESS,

Cross Claim
Plaintiff/Defendant.

Case No. 09-1123 (AKH)

MOTION TO ADMIT COUNSEL

PRO HAC VICE

FILED
U.S. DISTRICT COURT
2010 MAY 10 PM 3:34
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, George F. Carpinello, a member in good

MAY 10 2010

825-902788


standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of the individual listed below:

D. Michael Underhill, Esq.
Boies, Schiller & Flexner, LLP
5301 Wisconsin Avenue, N.W.
Suite 800
Washington, D.C. 20015
(202) 237-2727
(202) 237-6131
E-mail: munderhill@bsfllp.com

D. Michael Underhill is a member in good standing of the Bar of the District of Columbia. There are no pending disciplinary proceedings against D. Michael Underhill in any State or Federal Court.

Dated: May 6, 2010
Albany, NY

BOIES, SCHILLER & FLEXNER LLP


George F. Carpinello
SDNY Bar No.: GC4229
10 North Pearl Street, 4th Floor
Albany, New York 12207
(518) 434-0600
(518) 434-0665

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**AFFIDAVIT OF GEORGE F.
CARPINELLO IN SUPPORT OF
MOTION TO ADMIT COUNSEL
PRO HAC VICE**

I, George F. Carpinello, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Boies, Schiller & Flexner L.L.P., counsel for Defendant, Counterclaim Plaintiff and Cross Claim Plaintiff/Defendant Mannie Garcia in the above-referenced caption. 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 Mr. Garcia's motion to admit D. Michael Underhill as counsel pro hac vice to represent Mr. Garcia 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 February 18, 1976.

3. I have known D. Michael Underhill since 2007.

4. Mr. Underhill is a partner at Boies, Schiller & Flexner, LLP in Washington, D.C.

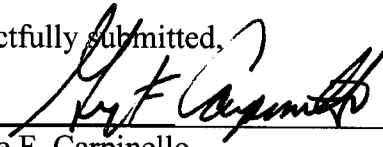
5. I have found Mr. Underhill to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of D. Michael Underhill, pro hac vice.

7. I respectfully submit a proposed order granting the admission of D. Michael Underhill, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit D. Michael Underhill, pro hac vice, to represent Defendant, Counterclaim Plaintiff and Cross Claim Plaintiff/Defendant Mannie Garcia in the above-captioned matter, be granted.

Dated: May 6, 2010
Albany, NY

Respectfully submitted,


George F. Carpinello
SDNY Bar No.: GC4229



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

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

D. MICHAEL UNDERHILL

was on the 13TH day of DECEMBER, 1982

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 April 12, 2010.

GARLAND PINKSTON, JR., CLERK

By: *A. Charles*
Deputy Clerk

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

Upon the motion of George F. Carpinello, attorney for Defendant, Counterclaim Plaintiff and Cross Claim Plaintiff/Defendant Mannie Garcia and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

D. Michael Underhill, Esq.
Boies, Schiller & Flexner, LLP
5301 Wisconsin Avenue, N.W.
Suite 800
Washington, D.C. 20015
(202) 237-2727
(202) 237-6131

E-mail: munderhill@bsflp.com

is admitted to practice pro hac vice as counsel for Defendant, Counterclaim Plaintiff and Cross Claim Plaintiff/Defendant Mannie Garcia 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: _____, 2010

SO ORDERED.

United States District/Magistrate Judge

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CERTIFICATE OF SERVICE

I, Maria A. Maselli, being duly sworn deposes and says that I am over the age of eighteen (18); that on this 6th day of May, I served the documents entitled Motion and Affidavit of George F. Carpinello with proposed Order in support of the Admission Pro Hac Vice of D. Michael Underhill

in the above-referenced action by delivering true and correct copies via electronic mail upon the following individuals:

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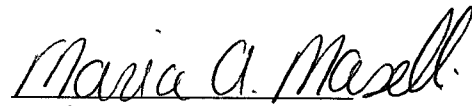
*Attorneys for Shepard Fairey and Obey Giant
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Maria A. Maselli