

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ASSOCIATION FOR MOLECULAR :
PATHOLOGY; AMERICAN COLLEGE OF :
MEDICAL GENETICS; AMERICAN SOCIETY :
FOR CLINICAL PATHOLOGY; COLLEGE OF :
AMERICAN PATHOLOGISTS; HAIG :
KAZAZIAN, MD; ARUPA GANGULY, PhD; :
EL WENDY CHUNG, MD, PhD; HARRY :
OSTRER, MD; DAVID LEDBETTER, PhD; :
STEPHEN WARREN, PhD; ELLEN MATLOFF, :
M.S.; ELSA REICH, MS.; BREAST CANCER :
ACTION; BOSTON WOMEN'S HEALTH BOOK :
COLLECTIVE; LISBETH CERIANI; RUNI :
LIMARY; GENAE GIRARD; PATRICE :
FORTUNE; VICKY THOMASON; KATHLEEN :
RAKER, :

Plaintiffs,

vs.

UNITED STATES PATENT AND TRADEMARK :
OFFICE; MYRIAD GENETICS; LORRIS BETZ, :
~~ROGER BOYER, JACK BRITTEAN, ARNOLD B.~~ :
COMBE, RAYMOND GESTELAND, JAMES U. :
JENSEN, JOHN KENDALL MORRIS, THOMAS :
PARKS, DAVID W. PERSHING, and MICHAEL :
K. YOUNG, in their official capacity as Directors of :
the University of Utah Research Foundation, :

Defendants.

09-CV-4515 (RWS)

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

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, Mark D. Shtilerman, 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: Barbara A Caulfield
Firm Name: Dewey & LeBoeuf LLP
Address: 1950 University Avenue, Suite 500
City/State: East Palo Alto, CA 94303
Phone No.: 650-845-7000
Fax No.: 650-845-7333
E-Mail: bcaulfield@dl.com

-and-

Applicant's Name: Michael J. Malecek
Firm Name: Dewey & LeBoeuf LLP
Address: 1950 University Avenue, Suite 500
City/State: East Palo Alto, CA 94303
Phone No.: 650-845-7000
Fax No.: 650-845-7333
E-Mail: mmalecek@dl.com

-and-

Applicant's Name: Stephen C. Holmes
Firm Name: Dewey & LeBoeuf LLP
Address: 1950 University Avenue, Suite 500
City/State: East Palo Alto, CA 94303
Phone No.: 650-845-7000
Fax No.: 650-845-7333
E-Mail: sholmes@dll.com

Barbara A Caulfield is a member in good standing of the State Bars of Alaska, California and Illinois, Michael J. Malecek and Stephen C. Holmes are members in good standing of the

State Bar of California. There are no pending disciplinary proceedings against Barbara A. Caulfield, Michael J. Malecek or Stephen C. Holmes in any State or Federal Court.

Dated: August 20, 2009

DEWEY & LEBOEUF LLP

By: 

Mark D. Shtilerman
Dewey & LeBoeuf LLP
1301 Avenue of Americas
New York, NY 10019-6092
212-259-8000 (phone)
212-2596333 (fax)
mshtilerman@dl.com

*Counsel for Amici Curiae, March of Dimes,
Claire Altman Heine Foundation, Inc.,
Massachusetts Breast Cancer Coalition,
National Organization for Rare Disorders,
National Tay-Sachs & Allied Diseases
Association and other persons and
organizations who may join them as Amici*

To: Christopher A. Hansen
Aden Fine
American Civil Liberties Union
125 Broad Street - 18th floor
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212-549-2606
chansen@aclu.org
afine@aclu.org

Lenora M. Lapidus
Sandra S. Park
Women's Rights Project
American Civil Liberties Union
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New York, NY 10004
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Beth E. Goldman
Assistant United States Attorney
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Tel. No.: (212) 637-2732
beth.goldman@usdoj.gov
Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
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EL WENDY CHUNG, MD, PhD; HARRY	:
OSTRER, MD; DAVID LEDBETTER, PhD;	:
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LIMARY; GENAE GIRARD; PATRICE	:
FORTUNE; VICKY THOMASON; KATHLEEN	: 09-CV-4515 (RWS)
RAKER,	:
	:
Plaintiffs,	: DECLARATION OF MARK D.
	: SHTILERMAN IN SUPPORT OF
vs.	: MOTION TO ADMIT COUNSEL
	: PRO HAC VICE
	:
UNITED STATES PATENT AND TRADEMARK	:
OFFICE; MYRIAD GENETICS; LORRIS BETZ,	:
ROGER BOYER, JACK BRITTAIN, ARNOLD B.	:
COMBE, RAYMOND GESTELAND, JAMES U.	:
JENSEN, JOHN KENDALL MORRIS, THOMAS	:
PARKS, DAVID W. PERSHING, and MICHAEL	:
K. YOUNG, in their official capacity as Directors of	:
the University of Utah Research Foundation,	:
	:
Defendants.	:
-----X	

I, Mark D. Shtilerman, declare under penalty of perjury as follows:

1. I am an associate with the law firm of Dewey & LeBoeuf LLP, counsel for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici. I make this

declaration based on information and belief of the facts set forth herein and in support of the motion to admit Barbara A Caulfield, Michael J. Malecek and Stephen C. Holmes as counsel pro hac vice to represent Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici, in this matter.

2. I am a member in good standing of the bar of the State of New York. 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. Ms. Caulfield is a Partner at Dewey & LeBoeuf LLP.

4. Ms. Caulfield is a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

5. Accordingly, I am pleased to move for the admission of Barbara A. Caulfield, pro hac vice.

6. I respectfully submit a proposed order granting the admission of Barbara A. Caulfield, pro hac vice, which is attached hereto as Exhibit A.

7. Mr. Malecek is a Partner at Dewey & LeBoeuf LLP.

8. Mr. Malecek is a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

9. Accordingly, I am pleased to move for the admission of Michael J. Malecek, pro hac vice.

10. I respectfully submit a proposed order granting the admission of Michael J. Malecek, pro hac vice, which is attached hereto as Exhibit B.

11. Mr. Holmes is a Counsel at Dewey & LeBoeuf LLP.

12. Mr. Holmes is a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

13. Accordingly, I am pleased to move for the admission of Stephen C. Holmes, pro hac vice.

14. I respectfully submit a proposed order granting the admission of Stephen C. Holmes, pro hac vice, which is attached hereto as Exhibit C.

Dated: August 20, 2009

DEWEY & LEBOEUF LLP

By: 

Mark D. Shtilerman
Dewey & LeBoeuf LLP
1301 Avenue of Americas
New York, NY 10019-6092
212-259-8000 (phone)
212-2596333 (fax)
mshtilerman@dl.com

*Counsel for Amici Curiae, March of Dimes,
Claire Altman Heine Foundation, Inc.,
Massachusetts Breast Cancer Coalition,
National Organization for Rare Disorders,
National Tay-Sachs & Allied Diseases
Association and other persons and
organizations who may join them as Amici*

THE SUPREME COURT OF THE STATE OF ALASKA

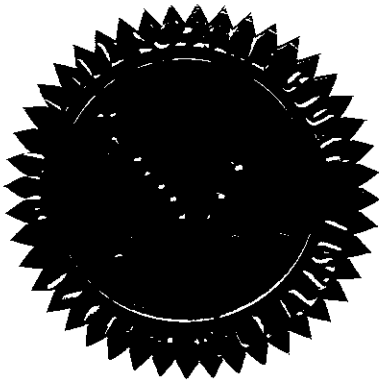
CERTIFICATE OF GOOD STANDING

I, Marilyn May, Clerk of the Supreme Court of the State of Alaska, do
hereby certify that:

Barbara A. Caulfield

was admitted to practice before all courts of the State of Alaska on October 31,
1983; that Barbara A. Caulfield's professional character appears to be good; and
that she is presently in good standing in this court.

Dated at Anchorage, Alaska on August 11, 2009.



MARILYN MAY
Clerk of the Supreme Court

By: Cindy Crooks
Cindy Crooks, Deputy Clerk

Certificate of Good Standing

United States of District Court)

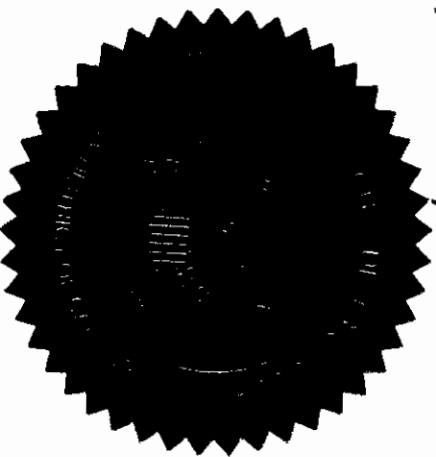
) ss.

Northern District of California)

I, Richard W. Wicking, Clerk of the United States District Court for the Northern District of California, do hereby certify that Barbara M. Caulfield, Bar No. 108999 was duly admitted to practice in said Court on June 30, 1983, and is in good standing as a member of the bar of said Court.

Dated at San Francisco on August 14, 2009

Richard W. Wicking
Clerk





ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, IL 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

One North Old Capitol Plaza, Suite 333
Springfield, IL 62701
(217) 522-6838 (800) 252-8048
Fax (217) 522-2417

Blair Brownlee
Two Prudential Plaza
180 N. Stetson, Suite 3700
Chicago IL 60601

Chicago
Tuesday, August 11, 2009

In re: Barbara A. Caulfield
Admitted: 11/27/1972
Attorney No. 0415693

To Whom It May Concern:

The records of the Clerk of the Supreme Court of Illinois and of this office indicate that the attorney named above was admitted to the practice of law in Illinois; is currently registered on the master roll of attorneys entitled to practice law in this state; and has never been disciplined; and is in good standing.

Very truly yours,
Jerome Larkin
Administrator

By: 
Roxanne Trenter
Deputy Registrar

RT

Certificate of Good Standing

United States of District Court)

) ss.

Northern District of California)

I, Richard W. Wicking, Clerk of the United States District Court for the Northern District of California, do hereby certify that *Michael J. Malecek, Bar No. 171034* was duly admitted to practice in said Court on *October 31, 1994*, and is in good standing as a member of the bar of said Court.

Dated at San Francisco on August 14, 2009

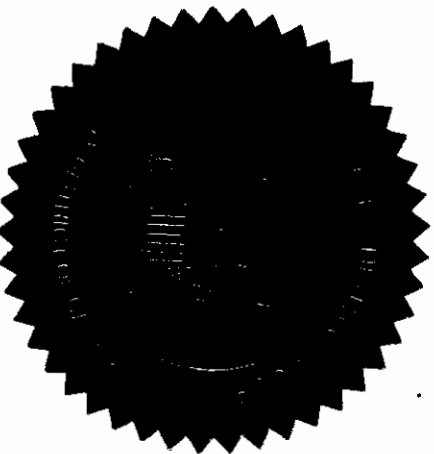
Richard W. Wicking
Clerk



United States of District Court)
Northern District of California)
) xi.

Dated at San Francisco on August 14, 2009

Richard W. Wiering
Private



-----X

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PATHOLOGY; AMERICAN COLLEGE OF :
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KAZAZIAN, MD; ARUPA GANGULY, PhD; :
EL WENDY CHUNG, MD, PhD; HARRY :
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ACTION; BOSTON WOMEN'S HEALTH BOOK :
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LIMARY; GENAE GIRARD; PATRICE :
FORTUNE; VICKY THOMASON; KATHLEEN : 09-CV-4515 (RWS)
RAKER, :

Plaintiffs, :

vs. :

UNITED STATES PATENT AND TRADEMARK :
OFFICE; MYRIAD GENETICS; LORRIS BETZ, :
ROGER BOYER, JACK BRITTAIN, ARNOLD B. :
COMBE, RAYMOND GESTELAND, JAMES U. :
JENSEN, JOHN KENDALL MORRIS, THOMAS :
PARKS, DAVID W. PERSHING, and MICHAEL :
K. YOUNG, in their official capacity as Directors of :
the University of Utah Research Foundation, :

Defendants. :

-----X

Upon motion of Mark D. Shtilerman, attorney for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

Applicant's Name: Barbara A Caulfield
Firm Name: Dewey & LeBoeuf LLP
Address: 1950 University Avenue, Suite 500
City/State: East Palo Alto, CA 94303
Phone No.: 650-845-7000
Fax No.: 650-845-7333
E-Mail: bcaulfield@dl.com

is admitted to practice pro hac vice as counsel for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici, 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 Court.

August _____, 2009

New York, NY

United States District/Magistrate Judge

-----X

ASSOCIATION FOR MOLECULAR :
PATHOLOGY; AMERICAN COLLEGE OF :
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FORTUNE; VICKY THOMASON; KATHLEEN : 09-CV-4515 (RWS)
RAKER, :
:
Plaintiffs, : **ORDER FOR ADMISSION PRO**
:
vs. : **HAC VICE ON WRITTEN**
:
:
UNITED STATES PATENT AND TRADEMARK :
OFFICE; MYRIAD GENETICS; LORRIS BETZ, :
ROGER BOYER, JACK BRITTAIN, ARNOLD B. :
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:
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Upon motion of Mark D. Shtilerman, attorney for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

Applicant's Name: Michael J. Malecek

Firm Name: Dewey & LeBoeuf LLP

Address: 1950 University Avenue, Suite 500

City/State: East Palo Alto, CA 94303

Phone No.: 650-845-7000

Fax No.: 650-845-7333

E-Mail: mmalecek@dl.com

is admitted to practice pro hac vice as counsel for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici, 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 Court.

August ____, 2009

New York, NY

United States District/Magistrate Judge

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:
Defendants. :
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Upon motion of Mark D. Shtilerman, attorney for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as amici, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

Applicant's Name: Stephen C. Holmes

Firm Name: Dewey & LeBoeuf LLP

Address: 1950 University Avenue, Suite 500

City/State: East Palo Alto, CA 94303

Phone No. : 650-845-7000

Fax No.: 650-845-7333

E-Mail: sholmes@dl.com

is admitted to practice pro hac vice as counsel for Amici Curiae, March of Dimes, Claire Altman Heine Foundation, Inc., Massachusetts Breast Cancer Coalition, National Organization for Rare Disorders, National Tay-Sachs & Allied Diseases Association and other persons and organizations who may join them as Amici, 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 Court.

August ____, 2009

New York, NY

United States District/Magistrate Judge

AFFIDAVIT OF SERVICE

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

GEORGE W. SIKES, being duly sworn, deposes and says: I am not a party to the action, am over 18 years of age and am employed by the law firm Dewey & LeBoeuf LLP.

On the 20th of August, 2009 I served a true and correct copy of the foregoing MOTION TO ADMIT COUNSEL PRO HAC VICE (Barbara A. Caulfield, Michael J. Malecek, and Stephen C. Holmes) upon the following attorneys via First Class Mail and electronic mail.

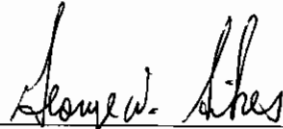
Christopher A. Hansen
Aden Fine
American Civil Liberties Union
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chansen@aclu.org
afine@aclu.org

Lenora M. Lapidus
Sandra S. Park
Women's Rights Project
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Daniel B. Ravicher
Public Patent Foundation (PUBPAT)
Benjamin N. Cardozo School of Law
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barryrsatine@jonesday.com
lacoruzzi@jonesday.com

Beth E. Goldman
Assistant United States Attorney
86 Chambers Street -- 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2732
beth.goldman@usdoj.gov



GEORGE W. SIKES
Lic. No. 1279828

Sworn to before me this
20th day of August, 2009


NOTARY PUBLIC

JUDITH L. STRIGARO
NOTARY PUBLIC, State of New York
No. 01ST4684806
Qualified in New York County
Commission Expires February 28, 2011