

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEBEWOHL, UNCLE ABIES DELI  
INC. d/b/a 2<sup>nd</sup> AVE DELI, UNCLE ABIES  
DELI ON FIRST INC., and UNCLE ABIES  
DELI SANDWICH TRADEMARKS LLC,

CIVIL ACTION NO: 11-CIV-3153

Plaintiffs,

v.

HEART ATTACK GRILL LLC, HAG LLC,  
and JON BASSO,

Defendants.

NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE

To: William W. Chuang, Esq.  
Jakubowitz & Chuang LLP  
401 Broadway  
Suite 408  
New York, NY 10013  
Attorneys for Plaintiffs

FILED  
SOUTHERN DISTRICT COURT  
2011 JUN 20 PM 3:00  
S.D. OF N.Y.

PLEASE TAKE NOTICE that upon the annexed affidavit of movant in support of this motion and the Certificate(s) of Good Standing annexed thereto we will move this Court 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 for an Order allowing the admission of movant, Robert C. Kain, Jr. a member of the firm of Kain & Associates, Attorneys at Law, P.A. and a member in good standing of the Bar(s) of the State(s) of New York, Florida and Washington, D.C. and U.S. District Court, Southern District of Florida as attorney pro hac vice to argue or try this case in whole or in part as counsel for defendants. There are no pending disciplinary proceedings against me in any State or Federal court.

JUN 20 2011  
1609671  
25-

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

Jeremy Lebewohl, et al. Plaintiff,

- against -

Heart Attack Grill, LLC, Defendant.  
et al

11 cv 3153 (LAK) LAK

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

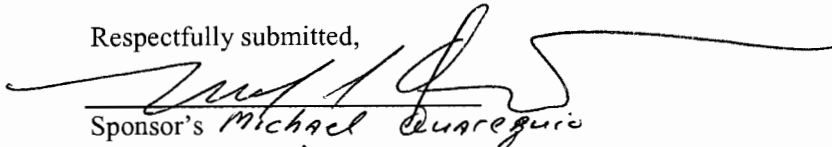
Applicant's Name: Robert C. Kain Jr.  
Firm Name: Kain & Associates, Attorneys at Law, P.A.  
Address: 900 S.e. 3rd Avenue, Suite 205  
City/State/Zip: Fort Lauderdale, FL 33316  
Phone Number: (954) 768-9002  
Fax Number: (954) 768-0158

Robert C. Kain Jr. is a member in good standing of the Bar of the States of New York, Florida and Washington, D.C.

There are no pending disciplinary proceeding against Robert C. Kain Jr. in any State or Federal court.

Dated: 6/17/2011  
City, State: Fort Lauderdale, FL

Respectfully submitted,



Sponsor's *Michael Quareguio*  
SDNY Bar *MQ 2170*  
Firm Name: *Michael J. Quareguio, P.A.*  
Address: *900 SE 3rd Ave, Suite 205*  
City/State/Zip: *Fort Lauderdale, FL 33316*  
Phone Number: *954-524-3324*  
Fax Number: *954-779-1767*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEBEWOHL, UNCLE ABIES DELI  
INC. d/b/a 2<sup>nd</sup> AVE DELI, UNCLE ABIES  
DELI ON FIRST INC., and UNCLE ABIES  
DELI SANDWICH TRADEMARKS LLC,

**CIVIL ACTION NO:** 11-CIV-3153-  
LAK

Plaintiffs,

v.

HEART ATTACK GRILL LLC, HAG LLC,  
and JON BASSO,

Defendants.

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AFFIDAVIT OF MICHAEL J. QUAREQUIO  
IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE

State of New York )  
County of New York )

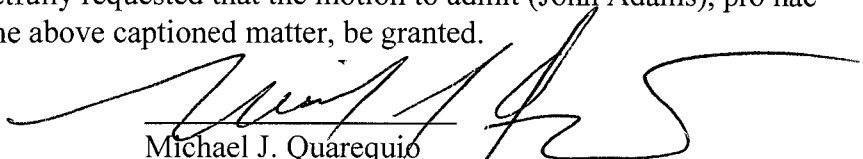
Michael J. Quarequio, being duly sworn, hereby deposes and says as follows:

1. I am counsel for Defendants in the above captioned action. 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 Defendant's motion to admit Robert C. Kain, Jr. as counsel pro hac vice to represent Defendants 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 1988. 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. I have known Robert C. Kain, Jr. since 2009.
4. Robert C. Kain, Jr. is the principle-shareholder of the firm Kain & Associates, Attorneys at Law, P.A. in Fort Lauderdale, FL.
5. I have found Mr. Kain to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of Robert C. Kain, Jr., pro hac vice.

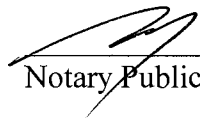
7. I respectfully submit a proposed order granting the admission of Robert C. Kain, Jr., pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit (John Adams), pro hac vice, to represent Defendants in the above captioned matter, be granted.

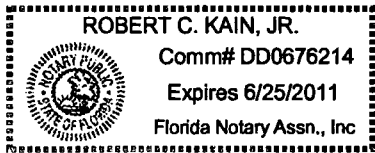
  
Michael J. Quarequio

State of Florida )  
County of Broward ) ss:  
)

The foregoing instrument was acknowledged before me this 17 day of June, 2011, by Michael J. Quarequio, who is either personally known to me ~~or who has produced identification in the form of~~ \_\_\_\_\_.

  
Notary Public, State of Florida

Commission No.



\_\_\_\_\_  
/Michael J. Quarequio/  
Michael J. Quarequio  
SDNY Bar No. MQ2170  
Michael J. Quarequio, P.A.  
900 S.E. 3<sup>rd</sup> Avenue, Ste 202  
Fort Lauderdale, FL 33316  
954-524-3324  
f - 954-779-1767  
[mjqesq@gmail.com](mailto:mjqesq@gmail.com)  
Counsel for Defendants

Robert C. Kain, Jr., Esq.  
SDNY Bar No. (RK 7454)  
RKain@ComplexIP.com  
Kain & Associates, Attorneys at Law, P.A.  
900 Southeast 3rd Avenue, Suite 205  
Fort Lauderdale, Florida 33316  
Telephone: (954) 768-9002  
Facsimile: (954) 768-0158

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEBEWOHL, UNCLE ABIES DELI  
INC. d/b/a 2<sup>nd</sup> AVE DELI, UNCLE ABIES  
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DELI SANDWICH TRADEMARKS LLC,

CIVIL ACTION NO: 11-CIV-3153

Plaintiffs,

v.

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and JON BASSO,

Defendants.

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AFFIDAVIT OF ROBERT C. KAIN, JR. IN SUPPORT OF  
MOTION TO ADMIT COUNSEL PRO HAC VICE

State of New York    )  
                                  )        ss:  
County of New York    )

Robert C. Kain, Jr., being duly sworn, hereby deposes and says as follows:

1. I am a partner-shareholder with the law firm of Kain & Associates, Attorneys at Law, P.A.
2. I submit this affidavit in support of my motion for admission to practice pro hac vice in the above captioned matter.
3. As shown in the Certificate(s) of Good Standing annexed hereto I am a member in good standing of the Bars of the State of New York, Florida and Washington D.C. and U.S. District Court, Southern District of Florida.
4. There are no pending disciplinary proceedings against me in any State or Federal court.

5. Wherefore your affiant respectfully submits that he be permitted to appear as counsel and advocate pro hac vice in this one case for plaintiff.

Dated: 6-15-2011

Respectfully submitted,

By: [Signature]

Robert C. Kain, Jr.  
SDNY Bar No. (RK 7454)  
RKain@ComplexIP.com  
Kain & Associates, Attorneys at Law, P.A.  
900 Southeast 3<sup>rd</sup> Avenue, Suite 205  
Fort Lauderdale, Florida 33316  
Telephone: (954) 768-9002  
Facsimile: (954) 768-0158

Dated this 15 day of June, 2011.

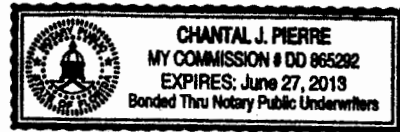
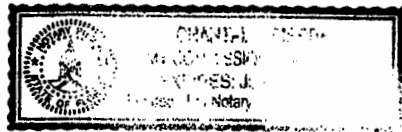
[Signature]  
Robert C. Kain, Jr.

State of Florida     )  
                                  ) ss:  
County of Broward )

The foregoing instrument was acknowledged before me this 15 day of June, 2011, by Robert C. Kain, Jr., who is either personally known to me or ~~who has produced identification in the form of~~ \_\_\_\_\_.

[Signature]  
Notary Public, State of Florida

Commission No.





*State of New York*  
*Supreme Court, Appellate Division*  
*Third Judicial Department*

I, *Robert D. Mayberger*, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that

*Robert C. Kain Jr.*

*having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 17th day of April, 1984, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court, at the City of Albany, this 6th day of June, 2011.*



*Robert D Mayberger*  
Clerk



# The Florida Bar

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

850/561-5600  
WWW.FLORIDABAR.ORG

State of Florida )

County of Leon )

In Re: 266760  
Robert C. Kain, Jr.  
Kain & Associates, Attorneys at Law  
900 S.E. 3rd Ave., Ste. 205  
Fort Lauderdale, FL 33316

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on December 18, 1978.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is an active member of The Florida Bar in good standing.

Dated this 3 day of June, 2011.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

WMS/ecF/R10





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

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

ROBERT C. KAIN, JR.

was on the 21<sup>ST</sup> day of JUNE, 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 June 8, 2011.

JULIO A. CASTILLO  
Clerk of the Court

By:   
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA



**CERTIFICATE OF GOOD STANDING**

UNITED STATES OF AMERICA  
SOUTHERN DISTRICT OF FLORIDA



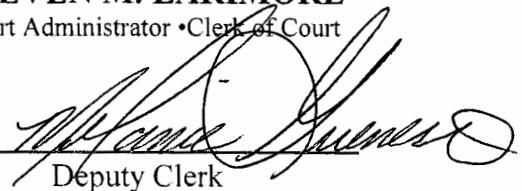
Fla. Bar. # **266760**

I, **STEVEN M. LARIMORE**, Clerk of the United States District Court  
for the Southern District of Florida,

DO HEREBY CERTIFY that ***Robert C Kain Jr.*** was duly admitted to practice in  
said Court on **May 29, 1979**, and is in good standing as a member of the bar of this Court.

Dated at: **Miami, Florida**, this June 15, 2011.

**STEVEN M. LARIMORE**  
Court Administrator • Clerk of Court

By   
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEREMY LEBEWOHL, UNCLE ABIES DELI  
INC. d/b/a 2<sup>nd</sup> AVE DELI, UNCLE ABIES  
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Defendants.

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ADMISSION TO PRACTICE PRO HAC VICE

The motion for admission to practice pro hac vice in the above captioned matter is granted. The admitted attorney Robert C. Kain, Jr. is permitted to argue or try this particular case in whole or in part as counsel or advocate for defendants.

This Order becomes effective upon the Court's receipt of the required \$25.00 fee and confirms your appearance as counsel in this case. A notation of your admission pro hac vice in the above listed case will be made on the roll of attorneys.

Dated:

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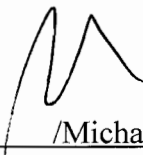
United States District Judge

cc: William W. Chuang  
Michael J. Quarequio  
Robert C. Kain, Jr.  
Court File

**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2011, I filed the foregoing document with the Clerk of the Court, I filed the Notice of Motion, the Motion to Admit Counsel Pro Hac Vice, my affidavit in support of admission, Robert Kain's Affidavit and a proposed Order, with the Court via Federal Express, overnight service. I also certify that the foregoing documents are being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF, by Federal Express, next day service, or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

William W. Chuang, Esq.  
Jakubowitz & Chuang LLP  
401 Broadway  
Suite 408  
New York, NY 10013  
Attorneys for Plaintiffs



\_\_\_\_\_  
/Michael J. Quarequio/

Michael J. Quarequio  
SDNY Bar No. MQ2170