

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

NATURAL RESOURCES DEFENSE  
COUNCIL, INC., et al.,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG  
ADMINISTRATION et al.,

Defendants.

11 CIV 3562 (RMB)  
ECF Case

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

JUN 07 2011

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, Mitchell S. Bernard, a member in good  
standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice  
of

Avinash Kar  
Natural Resources Defense Council  
111 Sutter Street, 20th Floor  
San Francisco, CA 94104  
Phone: (415) 875-6100  
Fax: (415) 875-6161

2011 JUN -7 AM 11:59  
S.D. OF N.Y.  
CLERK COURT

Avinash Kar is a member in good standing of the Bar of the State of California. There are no  
pending disciplinary proceedings against Avinash Kar in any State or Federal court.

Dated: June 3, 2011  
New York, NY

Respectfully submitted,



Mitchell S. Bernard (MB 5823)  
Natural Resources Defense Council, Inc.  
40 West 20th Street  
New York, New York 10011

8848001/1008488  
= [Handwritten initials]

(212) 727-2700  
(212) 727-1773 (fax)

*Counsel for Plaintiffs*

*Of Counsel for Plaintiff Center for Science  
in the Public Interest:*

Stephen Gardner (SG 3964)  
Center for Science in the Public Interest  
5646 Milton Street, Suite 211  
Dallas, Texas 75206  
(214) 827-2774  
(214) 827-2787 (fax)

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

NATURAL RESOURCES DEFENSE	)	
COUNCIL, INC., et al.,	)	
	)	
Plaintiffs,	)	11 CIV 3562 (RMB)
	)	ECF Case
v.	)	
	)	<b>AFFIDAVIT OF MITCHELL</b>
UNITED STATES FOOD AND DRUG	)	<b>S. BERNARD IN SUPPORT OF</b>
ADMINISTRATION et al.,	)	<b>MOTION TO ADMIT COUNSEL</b>
	)	<b>PRO HAC VICE</b>
Defendants.	)	
	)	
	)	
	)	

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Mitchell S. Bernard, being duly sworn, deposes and says:

1. I am Litigation Director of the Natural Resources Defense Council (NRDC) and am counsel for Plaintiffs in this 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 Plaintiffs’ motion to admit my colleague Avinash Kar as counsel pro hac vice to represent Plaintiffs 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 May 1980. 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 Avinash Kar since 2007. He is an attorney in the San Francisco office of NRDC. I know Mr. Kar to be a skilled attorney and a person of integrity. He is an experienced federal practitioner and is familiar with the Federal Rules of Civil Procedure.


4. I move the admission of Avinash Kar, pro hac vice, and submit, as exhibit A attached hereto, a proposed order to that effect.

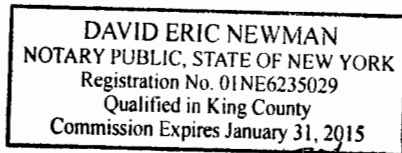
WHEREFORE, it is respectfully requested that the Court grant the motion to admit

Avinash Kar, pro hac vice.


Dated: June 3, 2011  
New York, NY

Respectfully submitted,

  
\_\_\_\_\_  
Mitchell S. Bernard (MB 5823)



Signed before me this 5 day  
of June, 2011

  
\_\_\_\_\_  
Notary Public



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

## CERTIFICATE OF STANDING

May 10, 2011

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, AVINASH KAR, #240190 was admitted to the practice of law in this state by the Supreme Court of California on December 7, 2005; 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

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

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NATURAL RESOURCES DEFENSE	)	
COUNCIL, INC., et al.,	)	
	)	
Plaintiffs,	)	11 CIV 3562 (RMB)
	)	ECF Case
v.	)	
	)	
UNITED STATES FOOD AND DRUG	)	<b>ORDER FOR ADMISSION</b>
ADMINISTRATION et al.,	)	<b>PRO HAC VICE</b>
	)	<b>ON WRITTEN MOTION</b>
Defendants.	)	
	)	
	)	
_____	)	

Upon the motion of Mitchell S. Bernard, attorney for Plaintiffs, and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Avinash Kar  
Natural Resources Defense Council  
111 Sutter Street, 20th Floor  
San Francisco, CA 94104  
Phone: (415) 875-6100  
Fax: (415) 875-6161  
akar@nrdc.org

is admitted to practice pro hac vice as counsel for Plaintiffs 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](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

\_\_\_\_\_  
United States District Judge