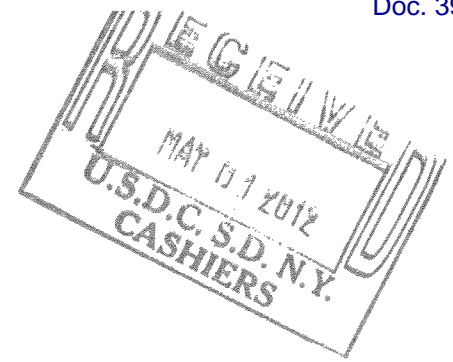


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APPLE INC., et al.

Defendants.

Case No.: 12-cv-02826 (DLC)
ECF Case**NOTICE OF MOTION FOR ADMISSION
PRO HAC VICE OF RICHARD PARKER**

Pursuant to Local Civil Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Andrew J. Frackman, Esq., a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of:

Richard Parker
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
(202) 383-5380 Direct
(202) 383-5414 Facsimile
rparker@omm.com

to appear on behalf of defendant Apple Inc. in this action.

In support of this application, annexed hereto is the Declaration of Andrew J. Frackman, Esq., Declaration of Richard Parker, Esq., and Certificates of Good Standing from the District of Columbia and the State of California verifying that Mr. Parker is a member in good standing of the bars of the District of Columbia and California. This motion is also accompanied by payment to the Clerk of this Court of the total fee of two hundred dollars (\$200.00). No brief is necessary in support of this motion since it raises no issues of law and the relief sought is wholly within the Court's discretion. A proposed Order is attached.

Dated: New York, New York
May 1, 2012

O'MELVENY & MYERS LLP

By: 

Andrew J. Frackman, Esq.
Times Square Tower
7 Times Square
New York, New York 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
afrackman@omm.com

Attorneys for Defendant Apple Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APPLE INC., et al.

Defendants.

Case No.: 12-cv-02826 (DLC)
ECF Case

**DECLARATION OF ANDREW J.
FRACKMAN IN SUPPORT OF MOTION
FOR ADMISSION *PRO HAC VICE* OF
RICHARD PARKER**

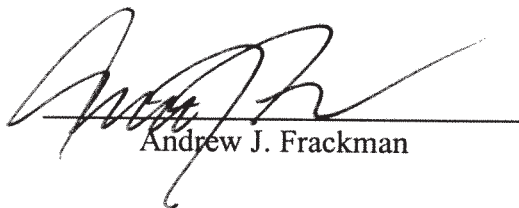
ANDREW J. FRACKMAN, being duly sworn, deposes and says:

1. I am a partner of the law firm of O'Melveny & Myers LLP, counsel for defendant Apple Inc. ("Apple") in this action. I respectfully submit this declaration in support of the motion, pursuant to this Court's Local Civil Rule 1.3(c), for an order granting Richard Parker admission *pro hac vice* to the bar of the United States District Court of the Southern District of New York to appear in, argue, or try the above-captioned case as counsel for Apple.
2. I am a member in good standing of the bar of this Court.
3. Mr. Parker is a member in good standing of the bars of the District of Columbia and the State of California and is a partner of the law firm of O'Melveny & Myers LLP.
4. I agree to act as local counsel for Mr. Parker and to observe the rules of this Court governing the conduct of attorneys.
5. Mr. Parker has been retained by Apple for his special knowledge and expertise with respect to the issues raised in this action. He is experienced in Federal court practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I request that Mr. Parker be allowed to practice *pro hac vice* as counsel for Apple in this action.

7. Mr. Parker understands and accepts the duties and requirements of admission *pro hac vice* in this Court.

Dated: May 1, 2012



Andrew J. Frackman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APPLE INC., et al.

Defendants.

Case No.: 12-cv-02826 (DLC)
ECF Case

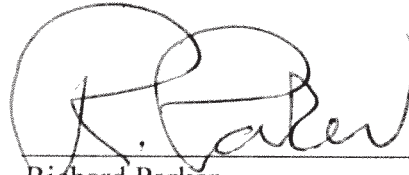
**DECLARATION OF RICHARD PARKER
IN SUPPORT OF MOTION FOR
ADMISSION *PRO HAC VICE***

I, Richard Parker, hereby declare as follows:

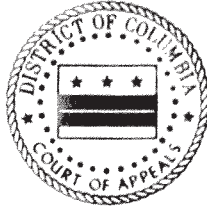
1. I am a member of the law firm of O'Melveny & Myers LLP.
2. I submit this Declaration in support of the motion for my admission to practice *pro hac vice* in the above-captioned matter.
3. As shown by the attached Certificates of Good Standing, I am a member in good standing of the bars of the District of Columbia, admitted October 31, 1980, and the State of California, admitted in December 20, 1974.
4. There are no pending disciplinary proceedings against me in any state or federal court.
5. Wherefore, your declarant respectfully submits that he be admitted *pro hac vice* to the bar of this Court to appear on behalf of defendant Apple Inc. in this action.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: April 30, 2012

A handwritten signature in black ink, appearing to read "R. Parker", written over a horizontal line.

Richard Parker
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414
rparker@omm.com



District of Columbia Court of Appeals
Committee on Admissions
430 K 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

RICHARD PARKER

was on the 31ST *day of* OCTOBER, 1980

duly qualified and admitted as an attorney and counselor 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 26, 2012.

*JULIO A. CASTILLO
Clerk of the Court*

By: *Brandie Hancock*
Deputy Clerk



THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

April 23, 2012

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, RICHARD GEORGE PARKER, #062356 was admitted to the practice of law in this state by the Supreme Court of California on December 20, 1974; that from the date of admission to January 27, 2011, he was an ACTIVE member of the State Bar of California; that on January 27, 2011, he transferred at his request to the INACTIVE status; that from that date to May 5, 2011, he was an INACTIVE member of the State Bar of California; that on May 5, 2011, he transferred at his request to the ACTIVE status; that from that date to June 30, 2011, he was an ACTIVE member of the State Bar of California; that on June 30, 2011, he transferred at his request to the INACTIVE status as; that he has been since that date, and is at date hereof, an INACTIVE 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 Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

NOTE: *Only ACTIVE members of the State Bar of California are entitled to practice law in California. (See Sections 6006 and 6125, et seq., Business and Professions Code.)*

CERTIFICATE OF SERVICE

I, Mia N. Gonzalez, hereby certify that on May 1, 2012, a copy of the foregoing Notice of Motion for Admission *Pro Hac Vice* of Richard Parker, Declaration of Andrew J. Frackman in Support of Motion for Admission *Pro Hac Vice* of Richard Parker, Declaration of Richard Parker in Support of Motion for Admission *Pro Hac Vice*, and Proposed Order for Admission *Pro Hac Vice* of Richard Parker were served by First Class U.S. Mail, postage prepaid, upon the following parties:

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Telephone: (202) 307-0520
Facsimile: (202) 514-7308
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Attorneys for Defendants Verlagsgruppe Georg Von Holtzbrinck GMBH and Holtzbrinck Publishers, LLC d/b/a Macmillan

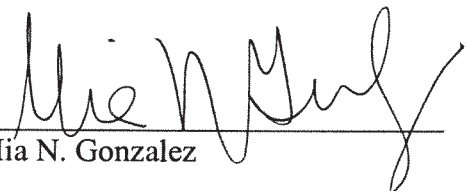
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Facsimile: (212) 351-6312
hlkim@gibsondunn.com
Attorneys for Defendant Apple Inc.

Dated: New York, New York
May 1, 2012


Mia N. Gonzalez

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

APPLE INC., et al.

Defendants.

Case No.: 12-cv-02826 (DLC)
ECF Case

**[PROPOSED] ORDER FOR ADMISSION
PRO HAC VICE OF RICHARD PARKER**

NOW, upon the Motion of Andrew J. Frackman, Esq., counsel for defendant Apple Inc. (“Apple”), for Admission *Pro Hac Vice* of Richard Parker, the annexed Declaration of Andrew J. Frackman, Esq., and the Declaration of Richard Parker, Esq.:

IT IS ORDERED that

Richard Parker
O’MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
(202) 383-5380 Direct
(202) 383-5414 Facsimile
rparker@omm.com

is hereby permitted to appear in this action *pro hac vice* on behalf of Apple. A notation of the admission *pro hac vice* of Richard Parker will be made on the roll of attorneys and the Court’s docket in the above-captioned case.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. Upon issuance of this order, counsel shall immediately apply for a password on the Electronic Case Filing (ECF) system at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: May ____, 2012
New York, New York

SO ORDERED:

Honorable Denise L. Cote
United States District Judge