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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y.  
2008 NOV 11 AM 10:10

INTERNATIONAL BUSINESS MACHINES CORPORATION,	
	Plaintiff,
vs.	
MARK D. PAPERMASTER,	
	Defendant.


08 Civ. 9078 (KMK)

**NOTICE OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed Declaration of Blair G. Connelly, dated November 5, 2008, the accompanying Declaration of Timothy B. Hardwicke dated November 5, 2008, and the exhibit annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the Local Rules for the United States District Court for the Southern and Eastern Districts of New York, admitting Timothy B. Hardwicke to the bar of this Court *pro hac vice* in order to argue and try the above-captioned case as counsel for Defendant Mark D. Papermaster.

Dated: New York, New York  
November 5, 2008

LATHAM & WATKINS LLP

By   
Blair G. Connelly

885 Third Avenue, Suite 1000  
New York, New York 10022  
(212) 906-1200

*Attorneys for Defendant  
Mark D. Papermaster*

To: All Counsel of Record

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

vs.

MARK D. PAPERMASTER,

Defendant.

08 Civ. 9078 (KMK)

**DECLARATION OF  
BLAIR G. CONNELLY**

BLAIR G. CONNELLY, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

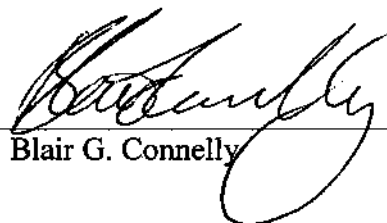
1. I am a member of the law firm of Latham & Watkins LLP, counsel for Defendant Mark D. Papermaster in this action. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for an Order granting Timothy B. Hardwicke admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York in order to argue and try the above-captioned case.

2. I am a member in good standing of the bar of this Court.

3. I have reviewed the Declaration of Timothy B. Hardwicke in support of the motion for admission *pro hac vice* submitted herewith, and I believe that the declaration is true and correct. Timothy B. Hardwicke is fully familiar with the facts of this case.

4. Upon the foregoing facts, I respectfully request that the Court grant the motion for the admission *pro hac vice* of Timothy B. Hardwicke to the bar of the United States District Court for the Southern District of New York.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this  
5<sup>th</sup> day of November, 2008, in New York, New York.



Blair G. Connelly

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

vs.

MARK D. PAPERMASTER,

Defendant.

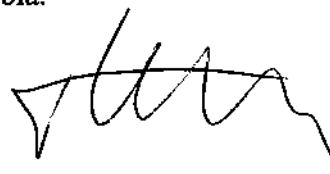
08 Civ. 9078 (KMK)

**DECLARATION OF  
TIMOTHY B.  
HARDWICKE**

TIMOTHY B. HARDWICKE pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Latham & Watkins LLP, located at Sears Tower, Suite 5800, 233 South Wacker Drive, Chicago, Illinois 60606.
2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member in good standing of the bar of the State of Illinois.
3. There are no pending disciplinary proceedings against me in any State or Federal Court.
4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 5<sup>th</sup> day of November, 2008, in the District of Columbia.



\_\_\_\_\_  
Timothy B. Hardwicke

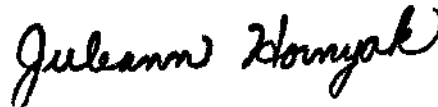
# **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Timothy Bunker Hardwicke

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 9, 1989 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Tuesday, November 04, 2008.



Clerk

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

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

-against-

MARK D. PAPERMASTER,

Defendant.

08 Civ. 9078 (KMK)

**CERTIFICATE OF SERVICE**


I, Jessica L. Bengels, hereby certify that on Wednesday, November 5, 2008, true and correct copies of the: (1) Notice of Motion to Admit Counsel Pro Hac Vice, dated 11/5/08; (2) [Proposed] Order Granting Motion to Admit Counsel Pro Hac Vice; (3) Declaration of Blair G. Connelly, dated 11/5/08; and (4) Declaration of Timothy B. Hardwicke, dated 11/5/08, were caused to be served in accordance with the Federal Rules of Civil Procedure, via First Class United States mail delivery upon:

Evan R. Chesler, Esq.  
Stephen S. Madsin, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019-7475

Dated: November 5, 2008  
New York, New York

LATHAM & WATKINS LLP

By:

  
Jessica L. Bengels  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 906-1200