

FILED
HARRISBURG, PA

JUN - 9 2010

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

MARY E. D'ANDREA, CLERK
Per ADD
Deputy Clerk

IN THE MATTER OF APPLICATION FOR :
ADMISSION TO PRACTICE IN THIS COURT :

PETITION

I Thomas A. Smart, hereby petition the United States District Court for the Middle District of Pennsylvania to admit me to practice before that Court. In support of my petition, I state as follows:

My office address is: Kaye Scholer LLP
425 Park Avenue
New York, New York 10022

Office Telephone: (212) 836-8761

I was admitted to practice before the Courts listed below on the date shown after the name of each Court, and I am currently a member in good standing of all those Courts.

First Circuit (8/05), Second Circuit (12/92), Third Circuit (3/93), Fourth Circuit (10/06), Sixth Circuit (3/06)

Ninth Circuit (11/85), Federal Circuit (1/97), U.S. Supreme Court (2/95), S.D.N.Y. (3/77)

E.D.N.Y. (3/77), NY Appellate Division, First Department (10/76)

My attorney identification number is: NY1040286

FOR COURT USE ONLY	
<input type="checkbox"/> GENERAL ADMISSION:	
BEFORE JUDGE _____	Date: _____
<input type="checkbox"/> U.S. DISTRICT JUDGE <input type="checkbox"/> U.S. MAGISTRATE JUDGE	
<input type="checkbox"/> SPECIAL ADMISSION:	
GRANTED _____	Date: _____
<input type="checkbox"/> U.S. DISTRICT JUDGE <input type="checkbox"/> U.S. MAGISTRATE JUDGE	

Please Answer the Following Questions:

All occasions, if any, on which I have been convicted of a crime (subsequent to my becoming an attorney), censured, suspended, disciplined or disbarred by any court are set forth as follows: (State the facts and circumstances connected with each; if none, state "none".)

None

All occasions, if any, on which I have been held in contempt of court are set forth as follows: (State the nature and final disposition of contempt; if none, state "none".)

I do _____, do not , have any disciplinary action, contempt or other proceedings involving me pending before any court. (Check the appropriate space.) If there are pending proceedings, please explain: _____

None

I am seeking:

_____ General Admission under Local Rule LR 83.8.1

Special Admission (specify by a check which rule) under

LR 83.8.2.1 , LR 83.8.2.2 _____, LR 83.8.2.3 _____, or LR 83.8.2.4 _____

If seeking special admission under Local Rules LR 83.8.2.1, LR 83.8.2.2, LR 83.8.2.3, or LR 83.8.2.4, the basis for my admission under the designated rule is as follows:

I move to be admitted pro hac vice to the bar of this Court for the purpose of representing

plaintiff.

NAME THE PARTY YOU REPRESENT:

The Hershey Company

If special admission is requested for a particular case, please list case number and caption:

Case # No. 10-Civ-1178

Caption: The Hershey Company v. Hottrix LLC

I understand that:

- 1) If seeking admission under Section LR 83.8.2.2, LR 83.8.2.3, or 83.8.2.4, I must submit a letter from a superior stating the agency with which I am employed and the duties performed which qualify me for admission under those sections.
- 2) If petitioning for admission, only in a particular case, under Rule LR 83.8.2.1, I need no sponsor's certificate. Any attorney specially admitted under LR 83.8.2.1, shall, in each proceeding in which he or she appears, have associate counsel who is generally admitted under Local Rule 83.8.1 to practice in this court, whose appearance shall also be entered of record and upon whom all pleadings, motions, notices, and other papers may be served in accordance with any statute or applicable rule. The attendance of any such associate counsel upon the hearing of any motion or the taking of any testimony shall be sufficient appearance for the party or parties represented by such associate counsel. Either the specially admitted attorney or associate counsel must be fully prepared to participate in any hearings, arguments, conferences and trials. (See LR 83.9)

If special admission is requested for a particular case, please list the name, address, telephone number and bar identification number of associate counsel to be entered of record in the case:

Harvey Freedenberg/ID No. 23152, McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166,

Harrisburg, PA 17108-1166; Tel. (717) 237-5267

- 3) If seeking regular admission under Rule LR 83.8.1, I must have a sponsor who is a member in good standing of the Bar of this Court present to move for my admission and I must submit the sponsor's certificate with my petition.

Thomas A. Smart

PETITIONER

NY1040286

(Bar Identification Number)

June 8, 2010

(Date)

NAME OF PETITIONER Thomas A. Smart

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

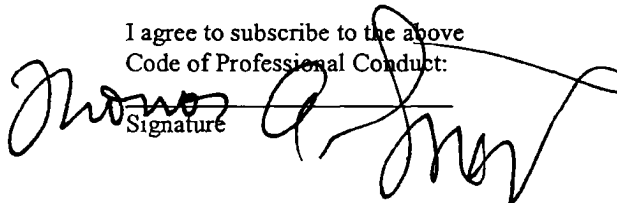
CODE OF PROFESSIONAL CONDUCT

As a member of the Bar of the United States District Court for the Middle District of Pennsylvania, I will strive for the following professional ideal:

1. The rule of law will govern my entire conduct. I will not violate the law or place myself above the law.
2. I will treat with civility and respect the lawyers, clients, opposing parties, the court and all the officials with whom I work. Professional courtesy is compatible with vigorous advocacy and zealous representation. Even though antagonism may be expected by my client, it is not part of my duty to my client.
3. I will respect other lawyers' schedules as my own, and will seek agreement on meetings, depositions, hearings, and trial dates. A reasonable request for a scheduling accommodation should never be unreasonably refused.
4. Communications are life lines. I will keep the lines open. Telephone calls and correspondence are a two-way channel; I will respond to them promptly.
5. I will be punctual in appointments, communications and in honoring scheduled appearances. Neglect and tardiness are demeaning to others and to the judicial system.
6. I will earnestly attempt to resolve differences through negotiation, expeditiously and without needless expense.
7. Procedural rules are necessary to judicial order and decorum. I will be mindful that pleadings, discovery processes and motions cost time and money. I will not use them heedlessly. If an adversary is entitled to something, I will provide it without unnecessary formalities.
8. I will not engage in conduct that brings disorder or disruption to the courtroom. I will advise my client and witnesses appearing in court of the proper conduct expected and required there and, to the best of my ability, prevent my client and witnesses from creating disorder or disruption.
9. Before dates for hearings or trials are set, or if that is not feasible immediately after such date has been set, I will attempt to verify the availability of necessary participants and witnesses so I can promptly notify the court of any likely problems.

I agree to subscribe to the above
Code of Professional Conduct:

Signature



Court Name: District Court
Division: 1
Receipt Number: 111007984
Cashier ID: pwarner
Transaction Date: 06/09/2010
Payer Name: MCNEES WALLACE AND HURICK

PRO HOC VICE

For: THOMAS A. SMART
Case/Party: D-PAM-3-10-02-000001-001
Amount: \$50.00

CHECK

Check/Money Order Num: 191400
Amt Tendered: \$50.00

Total Due: \$50.00
Total Tendered: \$50.00
Change Amt: \$0.00

Only when bank clears the check or
verifies credit of funds is the fee
or debt officially paid or
discharged. A fee of \$45.00 will be
charged for returned checks.