

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HISTORIC FILMS ARCHIVE, LLC and SOFA  
ENTERTAINMENT, INC.,

Plaintiffs,

- against -

DON KIRSHNER,

Defendant.

DOCKET NO.:  
10 Civ. 4074 (GBD)

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

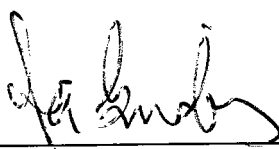
PURSUANT TO RULE 1.3c of the Local Rules of the United States District  
Courts for the Southern and Eastern Districts of New York, I, Ira Allan Ginsburg,  
a member in good standing of the bar of this Court hereby move for an Order  
allowing the admission *pro hac vice* of

John Scarola, Esq. **of the firm**  
Searcy Denney Scarola Barnhart & Shipley  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, FL 33409

Phone- 561-686-6300  
Fax- 561-383-9451

John Scarola, Esq. is a member in good standing of the Bar of the State of  
Florida, 11th Circuit Court of Appeals, U.S. District Court for the Southern District  
of Florida; and U. S. District Court for the Middle District of Florida. There are no  
pending disciplinary proceedings against John Scarola, Esq. in any State or  
Federal Court.

Dated: October 3, 2010  
Morristown, NJ

  
Ira Allan Ginsburg, IAG 9391  
PO Box 765  
Morris Plains, NJ 07950  
973-270-0825 ph/fx

**Overnight mail:**  
19 Max Drive, 1B  
Morristown, NJ 07960

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U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HISTORIC FILMS ARCHIVE, LLC and SOFA  
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Plaintiffs,

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**AFFIDAVIT OF IRA ALLAN  
GINSBURG IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

STATE OF NEW JERSEY

COUNTY OF *Morris* ss:

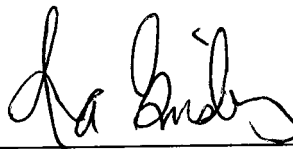
IRA ALLN GINSBURG being duly sworn, deposes and says as follows:

1. I am a solo practioner and counsel for Defendant in the above captioned matter. 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 JOHN SCAROLA as counsel *pro hac vice* to represent defendant in this matter.
2. I am a member in good standing of this bar and was admitted to practice before this court on November 9, 1987.
3. I have known Mr. Scarola since 2009.
4. He is a partner in the Florida law firm of Searcy Denney Scarola Barnhart & Shipley, P.A., in West Palm Beach, Florida

5. I have found Mr. Scarola to be a skilled attorney and person of integrity. He is experienced in Federal Practice and familiar with the Federal Rules of Civil Procedure.
6. Accordingly, I am pleased to move the admission of JOHN SCAROLA, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of JOHN SCAROLA, *pro hac vice*, which is attached hereto.

WHEREFORE it is respectfully requested that the motion to admit JOHN SCAROLA, *pro hac vice*, to represent Defendant in the above captioned matter, be granted.

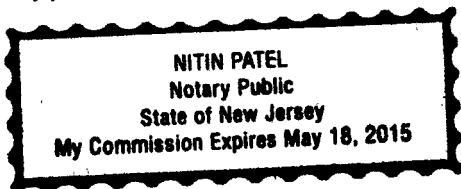
Sworn to before me this  
23<sup>rd</sup> Day of October, 2010 in  
NJ.



Ira Allan Ginsburg, IAG 9391



Notary public



Ira A. Ginsburg, Esquire  
19 Max Drive, (#1-B)  
Morristown, NJ 07960  
973-270-0825 Phone  
973-270-0825 Fax  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HISTORIC FILMS ARCHIVE, LLC and SOFA  
ENTERTAINMENT, INC.,

Plaintiffs,

- against -

DON KIRSHNER,

Defendant.

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**DECLARATION OF JOHN  
SCAROLA IN SUPPORT OF  
MOTION FOR ADMISSION PRO  
HAC VICE**

I, JOHN SCAROLA, pursuant to 28 U.S. C. §1746, declare as follows:

1. I am an attorney with the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A.
2. I submit this declaration in support of the motion for my admission *pro hac vice* in the above-captioned matter.
3. I am a non-resident attorney licensed to practice law in Florida and am a member in good standing of the bar of Florida.
4. There are no pending disciplinary proceedings against me in any state or federal court.
5. A Certificate of Good Standing from The Florida Bar is attached to this Declaration.



# The Florida Bar

651 EAST JEFFERSON STREET  
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600  
WWW.FLORIDABAR.ORG

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

State of Florida )

County of Leon )

In Re: 169440  
John Scarola  
Searcy Denney Scarola, et al  
2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL

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 14, 1973.

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 25<sup>th</sup> day of October, 2010.

Willie Mae Shepherd  
Supervisor, Membership Records  
The Florida Bar

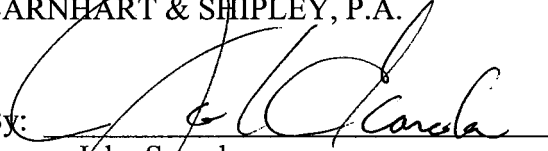
WMS/KLM8:R10

WHEREFORE, Declarant respectfully requests that he be permitted to appear as counsel and advocate *pro hac vice* in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED on this 19<sup>th</sup> day of October, 2010, in Palm Beach County, Florida.

SEARCY DENNEY SCAROLA  
BARNHART & SHIPLEY, P.A.

By:   
John Scarola  
(mep@searcylaw.com)

2139 Palm Beach Lakes Boulevard  
West Palm Beach, FL 33409  
561-686-6300 Ext. 608 Phone  
561-383-9451 Fax  
Attorneys for Defendant

Ira A. Ginsburg, Esquire  
19 Max Drive, (#1-B)  
Morristown, NJ 07960  
973-270-0825 Phone  
973-270-0825 Fax  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HISTORIC FILMS ARCHIVE, LLC and SOFA ENTERTAINMENT, INC.,  Plaintiffs,  - against -  DON KIRSHNER,  Defendant.
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DOCKET NO.:  
10 Civ. 4074 (GBD)

**DECLARATION OF DON  
KIRSHNER IN SUPPORT OF  
MOTION FOR ADMISSION PRO  
HAC VICE**

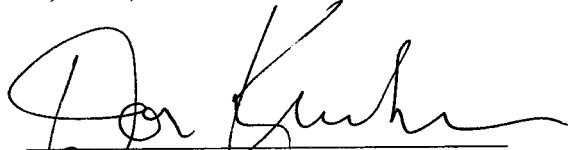
I, DON KIRSHNER, declare as follows:

1. I am the Defendant in the above-referenced action.
2. I have lived in Florida since 2002.
3. I have retained John Scarola, Esq., of the law firm Searcy Denney Scarola Barnhart & Shipley, P.A., in West Palm Beach, Florida, to represent me.
4. Mr. Scarola is familiar with the facts and circumstances related to this case, and I have great confidence in his ability to represent my interests herein.
5. I ask that this Court allow him to appear as my attorney.

WHEREFORE, Declarant respectfully requests that John Scarola, Esq., of the law firm Searcy Denney Scarola Barnhart & Shipley, P.A., be permitted to appear as his counsel and advocate *pro hac vice* in this case.

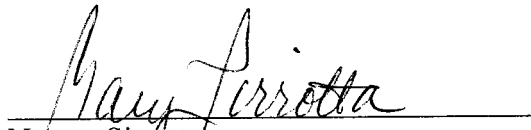
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED on this 19<sup>th</sup> day of October, 2010, in Palm Beach County, Florida.

  
DON KIRSHNER

STATE OF FLORIDA                    )  
  ) ss:  
COUNTY OF PALM BEACH         )

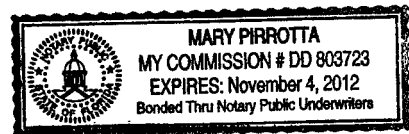
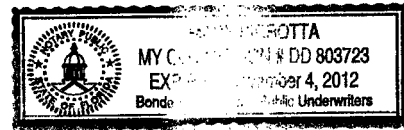
The foregoing was acknowledged before me this 19<sup>th</sup> day of October, 2010, by DON KIRSHNER, who is personally known to me ~~or who has produced~~ \_\_\_\_\_ as ~~identification~~ and who did/~~did not~~ take an oath.

  
Notary Signature

MARY PIRROTTA  
Notary name-print

NOTARY PUBLIC, State of Florida

(Serial number, if any)





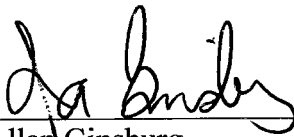
CERTIFICATE OF SERVICE

Ira Allan Ginsburg, hereby certifies and says:

I am over 18 years of age. That on October 24, 2010, a copy of the foregoing Motion for Admission Pro Hac Vice of John Scarola, Esq., accompanying papers and proposed Order were served via Federal Express, overnight delivery mail to the following:

David Levy, Esq.  
Robinson Brog Leinwand Greene Genovese & Gluck, P.C.  
875 Third Avenue, 9<sup>th</sup> Floor  
New York, NY 10022  
212-586-4050  
Attorneys for Plaintiff

I understand that if any of the following are willfully false, I am subject to punishment.

  
\_\_\_\_\_  
Ira Allan Ginsburg



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Plaintiffs,

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**ORDER FOR ADMISSION PRO  
HAC VICE ON WRITTEN  
MOTION**

Upon the motion of Ira Allan Ginsburg, Esq., attorney for Don Kirshner and said sponsor attorney's affidavit in support,

**IT IS HEREBY ORDERED** that,

John Scarola, Esq. *of*  
Searcy Denney Scarola Barnhart & Shipley, P.A.,  
2139 Palm Beach Lake Boulevard  
West Palm Beach, FL 33409  
561-686-6300; 561-383-9451(FX)

Is admitted to practice pro hac vice as counsel for Don Kirshner in the above captioned case in the United States District Court of 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 the eElectronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of the Court.

dated:

\_\_\_\_\_  
GEORGE B. DANIELS  
United States District Judge

