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CARL WALTHER GmbH

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

Coordination Proceeding Special
Title (Rule 1550(b))

FIREARMS CASE

Including actions:

People, et. al. v. Arcadia Machine &
Tool, Inc., et. al.

People, et. al. v. Arcadia Machine &
Tool, Inc., et. al.

People, et. al. v. Arcadia Machine &
Tool, Inc., et. al.

**JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095**

San Francisco Superior Court No. 303753
Los Angeles Superior Court No. BC210894
Los Angeles Superior Court No. BC214794

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
APPLICATIONS OF TERRY F. MORITZ AND
ROGER LEWIS FOR ADMISSION PRO HAC
VICE AS COUNSEL FOR SPECIALLY
APPEARING DEFENDANT CARL WALTHER
GmbH**

Date: September 15, 2000
Time: 1:00 p.m.
Dept.: 65

Honorable Vincent P. DiFiglia

1 Specially Appearing Defendant Carl Walther, GmbH, through counsel, respectfully
2 submits the following Memorandum of Points and Authorities in support of Terry F. Moritz and
3 Roger Lewis's ("Applicants") applications to appear as counsel *pro hac vice*.

4 **I. California Rule of Court 983 Provides the Basis for Granting This Application**

5 In relevant part, California Rules of Court, Rule 983, provides as follows:
6

7 (a) **[Eligibility.]** A person who is not a member of the State Bar of California but
8 who is a member in good standing of and eligible to practice before the bar of any United
9 States court or of the highest court in any state, territory or insular possession of the
10 United States, and who has been retained to appear in a particular cause pending in a
11 court of this state, may in the discretion of such court be permitted upon written
12 application to appear as counsel *pro hac vice*, provided that an active member of the State
13 Bar of California is associated as attorney of record. No person is eligible to appear as
14 counsel *pro hac vice* pursuant to this rule if (1) he is a resident of the State of California,
15 or (2) he is regularly employed in the State of California, or (3) he is regularly engaged in
16 substantial business, professional, or other activities in the State of California. Absent
17 special circumstances, repeated appearances by any person pursuant to this rule shall be a
18 cause for denial of an application.

19 (b) **[Application; Notice of Hearing]** A person desiring to appear as counsel *pro hac*
20 *vice* in a superior, municipal, or justice court shall file with the court a verified
21 application together with proof of service by mail in accordance with section 1013a of the
22 Code of Civil Procedure of a copy of the application and of the notice of hearing of the
23 application upon all parties who have appeared in the cause and upon the State Bar of
24 California at its San Francisco office. The notice of hearing shall be given at the time
25 prescribed in section 1005 of the Code of Civil Procedure unless the court has prescribed
26 a shorter period.

27 An application to appear as counsel *pro hac vice* in the Supreme Court or a Court of
28 Appeal shall be made as provided in Rule 41, with proof of service upon all parties who
have appeared in the cause and upon the State Bar of California at its San Francisco
office.

The application shall state:

- 24 (1) the applicant's residence and office address;
- 25 (2) the courts to which the applicant has been admitted to practice and the
26 dates of admission;
- 27 (3) that the applicant is a member in good standing in those courts;

- 1 (4) that the applicant is not currently suspended or disbarred in any court;
- 2 (5) the title of court and cause in which the applicant has filed an application
- 3 to appear as counsel *pro hac vice* in this state in the preceding two years,
- 4 the date of each application, and whether or not it was granted; and
- 5 (6) the name, address, and telephone number of the active member of the State
- 6 Bar of California who is attorney of record.

7 (c) [Fee] An applicant for permission to appear as counsel *pro hac vice* pursuant to

8 this rule shall pay a reasonable fee not exceeding \$50 to the State Bar of California with

9 the copy of the application and the notice of hearing that is served upon the State Bar.

10 Applicants have been retained to represent Specially Appearing Defendant Carl Walther,

11 GmbH in this action with co-counsel Michael P. Verna and Mary P. Sullivan of Bowles & Verna,

12 who are counsel in this action and members of the State Bar of California.

13 Pursuant to Rule 983(b), applicants have submitted verified applications containing the

14 necessary information. Also, pursuant to Rule 983(c), applicants have submitted the requisite fee

15 to the State Bar of California, with copies of the pleadings relating to the application.

16 II. Conclusion

17 For the foregoing reasons, Specially Appearing Defendant Carl Walther, GmbH and

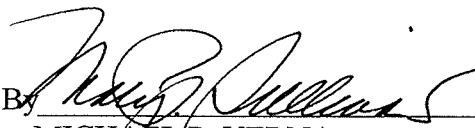
18 applicants respectfully request an order allowing applicants to associate as counsel of record for

19 Specially Appearing Defendant Carl Walther, GmbH.

20 Dated: August 9, 2000

BOWLES & VERNA

21

22 

23 By _____

24 MICHAEL P. VERNA

25 MARY P. SULLIVAN,

26 Attorneys for Specially Appearing Defendant

27 Carl Walther GmbH

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