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Attorneys for Defendant
POLYMER80, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

KELLY and DENIS O'SULLIVAN, in their
Individual Capacity and KELLY O'SULLIVAN as
Administrator for the Estate of TARA
O'SULLIVAN, Deceased,

Plaintiffs,

vs.

GHOST GUNNER INC., d/b/a
GHOSTGUNNER.NET; et al.,

Defendants.

Case No. 34-2021-00302934

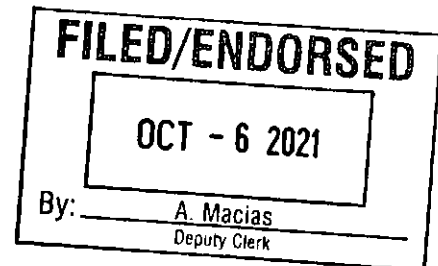
[Hon. Christopher E. Krueger, Dept.: 54]

**MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATION
OF GERMAIN D. LABAT, ESQ. IN
SUPPORT OF THE APPLICATION OF
JAMES J. McGUIRE, ESQ. TO APPEAR
AS COUNSEL TO DEFENDANT
POLYMER80, INC. PRO HAC VICE IN
THIS ACTION**

Date: November 9, 2021
Time: 9:00 a.m.
Dept: 54

Complaint Filed: June 17, 2021
Trial Date: Not Yet Set

Reservation ID: 2596463



BY FAX

1 Greenspoon Marder LLP, as counsel to defendant POLYMER80, INC., seeks and hereby
2 applies to admit James J. McGuire, Esq. as counsel to said defendant *pro hac vice* in this action.

3 California Rule of Court 9.40 governs the appearance of an out-of-State attorney *pro hac vice*
4 in a particular action and provides, in pertinent part, as follows:


5 A person who is not a member of the State of California, but who
6 is a member in good standing of and eligible to practice before the
7 bar of any United States Court or the highest court in any state,
8 territory, or insular possession of the United States, and who has
9 been retained to appear in a particular cause pending in a court of
10 this state, may in the discretion of such court be permitted, upon
11 written application to appear as counsel *pro hac vice*, provided that
12 an active member of the State Bar of California is associated as
13 attorney of record.

14 As more fully described in his concurrently filed Application, Mr. McGuire is a member in
15 good standing of the New York State Bar and has never been suspended or disbarred by any Court.
16 Mr. McGuire is neither a resident of the State of California, nor is he regularly employed or
17 regularly engaged in substantial business, professional, or other activities in this State. Copies of his
18 Application and supporting papers have been served on all interested parties and the California State
19 Bar, which has also been provided with the \$50.00 processing fee.

20 Thus, for the reasons set forth above, and based upon the Declaration of Germain D. Labat,
21 Esq. and Mr. McGuire's Application for admission, it is respectfully requested that this Court permit
22 James J. McGuire, Esq. of Greenspoon Marder LLP to appear as counsel to defendant Polymer80,
23 Inc. *pro hac vice* in the instant action.

24 Dated: October 5, 2021

GREENSPOON MARDER LLP

25
26 By: 

27 GERMAIN D. LABAT

28 Attorney for Defendant POLYMER80, INC.

1 **DECLARATION OF GERMAIN D. LABAT, ESQ. IN SUPPORT OF THE**
2 **APPLICATION OF JAMES J. McGUIRE, ESQ. TO APPEAR AS COUNSEL TO**
3 **DEFENDANT POLYMER80, INC. PRO HAC VICE IN THIS ACTION**

4 I, GERMAIN D. LABAT, declare:

5 1. I am an attorney at law licensed to practice before all Courts of the State of California
6 and a Partner of Greenspoon Marder LLP ("Greenspoon Marder"), counsel to defendant Polymer80,
7 Inc. ("Polymer80") in this action. In this capacity, I have personal knowledge of the facts contained
8 herein, and, if called as a witness, I could and would competently testify thereto.

9 2. Greenspoon Marder has been retained to represent Polymer80 in this action. The firm
10 has offices in Boca Raton, Denver, Edison, Fort Lauderdale, Las Vegas, Los Angeles, Miami, Naples,
11 New York, Orlando, Phoenix, Portland, Tallahassee, Tampa, and West Palm Beach. James J.
12 McGuire, Esq., the Managing Partner of the New York Office of Greenspoon Marder, has been
13 retained to represent Polymer 80, Inc. in this action.

14 3. Since defendant Polymer80, Inc. wishes for James J. McGuire, Esq. to represent it in
15 this action, Mr. McGuire seeks *pro hac vice* admission before this Court.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct.

18 Executed this 5th day of October, 2021, Los Angeles, California.

19 
20 By: _____

21 Germain D. Labat
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1 **PROOF OF SERVICE**

2 *Kelly and Denis O'Sullivan, et al. v. Ghost Gunner Inc., et al.*

3 Case No. 34-2021-00302934

4 STATE OF CALIFORNIA)
5) ss
6 COUNTY OF LOS ANGELES)

7 I am employed in the County of Los Angeles, State of California. I am over the age of
8 eighteen years and not a party to the action. My business address is 1875 Century Park East, Suite
9 1900, Los Angeles, CA 90067. On October 6, 2021, I served the document(s) on the interested
10 parties in this action as follows:

11 **MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF GERMAIN**
12 **D. LABAT IN SUPPORT OF APPLICATION OF JAMES J. McGUIRE TO APPEAR AS**
13 **COUNSEL *PRO HAC VICE***

14 By placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

15 **(SEE ATTACHED SERVICE LIST)**

- 16 ☐ **BY ELECTRONIC TRANSMISSION.** Based on a court order or an agreement of the parties
17 to accept service by electronic transmission, I caused the document to be sent to the persons at
18 the e-mail addresses listed herein. I did not receive, within a reasonable time after the
19 transmission, any electronic message or other indication that the transmission was unsuccessful.
- 20 ☒ **BY ELECTRONIC MAIL-** I caused the foregoing document(s) to be served on all parties at
21 the e-mail addresses listed herein.
- 22 ☐ **BY MAIL:** The envelope was mailed with postage thereon fully prepaid. I am "readily
23 familiar" with the firm's practice of collection and processing correspondence for mailing.
24 Under that practice it would be deposited with the U.S. postal service on that same day with
25 postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I
26 am aware that on motion of the party served, service is presumed invalid if the postal
27 cancellation date or postage meter date is more than one day after service of deposit for mailing
28 in affidavit.
- ☐ **BY OVERNIGHT DELIVERY:** By causing such envelope to be deposited or delivered in a
box or other facility regularly maintained by Federal Express authorized to receive documents,
or delivering to a courier or driver authorized by said express service carrier to receive
documents, the copy of the foregoing document in a sealed envelope designated by the express
service carrier, addressed as stated above, with fees for overnight (next business day) delivery
paid or provided for and causing such envelope to be delivered by said express service carrier.
- ☒ [State] I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on October 6, 2021, at Los Angeles, California.

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Tereza Perez

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SERVICE LIST

Kelly and Denis O'Sullivan, et al. v. Ghost Gunner Inc., et al.
Case No. 34-2021-00302934

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Capacity and Kelly O'Sullivan as
Administrator for the Estate of Tara
O'Sullivan, Deceased.*

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