

Robert Kohn

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Subject: Activity in Case 1:08-cv-00136-HG-KSC Sancho v. U.S. Department of Energy et al Exparte

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U.S. District Court

District of Hawaii

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Case Name: Sancho v. U.S. Department of Energy et al
Case Number: 1:08-cv-136 <<https://ecf.hid.uscourts.gov/cgi-bin/DktRpt.pl?78717>>
Filer: Sheldon Glashow
Document Number: 43 <https://ecf.hid.uscourts.gov/doc1/0610662273?magic_num=34534106&de_seq_num=138&caseid=78717>

Docket Text:

Ex Parte MOTION for Pro Hac Vice (Martin S. Kaufman) [Doc. 36] Robert M. Kohn appearing for Movant Sheldon Glashow (Attachments: # (1) Memorandum Memorandum in Support of Application, # (2) Declaration Declaration of Kenneth T. Okamoto, # (3) Declaration Declaration of Martin S. Kaufman, # (4) Certificate of Service)(Kohn, Robert)

1:08-cv-136 Notice has been electronically mailed to:

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1:08-cv-136 Notice will not be electronically mailed to:

Martin S. Kaufman
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2039 Palmer Avenue
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Luis Sancho
P.O. Box 411
Honolulu, HI 96728

Walter L. Wagner
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The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=8/18/2008] [FileNumber=548099-0]
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Document description: Memorandum Memorandum in Support of Application Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1095854936 [Date=8/18/2008] [FileNumber=548099-1]
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Document description: Declaration Declaration of Kenneth T. Okamoto Original filename: n/a

Electronic document Stamp:

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Document description: Declaration Declaration of Martin S. Kaufman Original filename: n/a Electronic document Stamp:

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ATLANTIC LEGAL FOUNDATION
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Attorneys for *Amici Curiae*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,

Plaintiffs,

vs.

UNITED STATE DEPARTMENT OF
ENERGY, et al.,

Defendants.

CIVIL NO. 08-00136-HG-KSC

**EX PARTE APPLICATION FOR
COUNSEL (MARTIN S. KAUFMAN)
TO APPEAR *PRO HAC VICE*;
MEMORANDUM IN SUPPORT OF
APPLICATION; DECLARATION OF
KENNETH T. OKAMOTO;
DECLARATION OF MARTIN S.
KAUFMAN; CERTIFICATE OF
SERVICE**

EX PARTE APPLICATION FOR COUNSEL
(MARTIN S. KAUFMAN) TO APPEAR *PRO HAC VICE*

Amici Curiae Sheldon Glashow, Frank Wilczek and Richard Wilson ("Amici"), through their counsel, Price Okamoto Himeno & Lum, hereby move this Honorable Court *ex parte* for an order permitting MARTIN S. KAUFMAN to appear and participate in the

representation of Amici in the above-entitled action for the sole purpose of filing a brief *amicus curiae* on behalf of said Amici.

This Application is based upon Local Rule 83.1(e), the attached Memorandum in Support of Application, the Declaration of Kenneth T. Okamoto, the Declaration of Martin S. Kaufman, and the records and files herein.

DATED: Honolulu, Hawaii, August 18, 2008.

/s/ Robert M. Kohn
KENNETH T. OKAMOTO
ROBERT M. KOHN

Attorneys for Amici Curiae

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,

Plaintiffs,

vs.

UNITED STATE DEPARTMENT OF
ENERGY, et al.,

Defendants.

CIVIL NO. 08-00136-HG-KSC

**MEMORANDUM IN SUPPORT OF
APPLICATION**

MEMORANDUM IN SUPPORT OF APPLICATION

Amici Curiae Sheldon Glashow, Frank Wilczek and Richard Wilson ("Amici"), hereby requests that this Court grant the instant Application and admit Martin S. Kaufman as counsel *pro hac vice* for Amici in this action. Mr. Kaufman is the Senior Vice President and General Counsel of Atlantic Legal Foundation of Larchmont, New York, is a resident of the State of New York, and is a member in good standing of the Bar of the State of New York.

Amici have retained Atlantic Legal Foundation and Price Okamoto Himeno & Lum, as their attorneys in this action. Amici will be best served by an order that permits the counsel of their choice to represent them herein.

LR 83.1 (e) gives this Court authority to grant the within Application. The application, inclusive of the attached declarations meets all of the requirements LR 83.1(e).

Local counsel for Amici are active members of the Hawaii Bar in good standing and shall continue to represent Amici in this action.

Martin S. Kaufman is a resident of New York and his office address is Atlantic Legal Foundation, 2039 Palmer Avenue, Larchmont, NY, 10538, (914) 834-3322. Mr. Kaufman is not regularly employed or regularly engaged in business, professional, or other law-related activities in Hawaii. All of the requirements of LR 83.1(e) are addressed and satisfied as set forth in the attached declarations.

For the foregoing reasons, Amici respectfully requests that this Application be granted and the attached proposed Order Granting *Ex Parte* Application to Appear as Counsel *Pro Hac Vice* be entered.

DATED: Honolulu, Hawaii, August 18, 2008.

/s/ Robert M. Kohn
KENNETH T. OKAMOTO
ROBERT M. KOHN

Attorneys for *Amici Curiae*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,

Plaintiffs,

vs.

UNITED STATE DEPARTMENT OF
ENERGY, et al.,

Defendants.

CIVIL NO. 08-00136-HG-KSC

DECLARATION OF KENNETH T.
OKAMOTO

DECLARATION OF KENNETH T. OKAMOTO

Kenneth T. Okamoto, an attorney admitted to practice before the courts of the State of Hawaii and this Court, pursuant to 28 USC § 1746, declares under penalty of perjury that:

1. I am an attorney licensed to practice law in the State of Hawaii. I am an attorney with Price Okamoto Himeno & Lum, whose address is 707 Richards Street, Suite 728, Honolulu, Hawaii 96813, Telephone: (808) 538-1113, Facsimile: (808) 533-0549, attorney for *amici curiae* Sheldon Glashow, Frank Wilczek and Richard Wilson in this action.

2. I am an active member in good standing of the Bar of the State of Hawaii.

3. I will, at all times, participate in the preparation and trial of this action with authority and responsibility to act as one of the attorneys of record for all purposes.

4. I consent to the designation made herein by counsel applying for appearance *pro hac vice*.

DATED: Honolulu, Hawaii, August 18, 2008.

/S/ Kenneth T. Okamoto
KENNETH T. OKAMOTO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,

Plaintiffs,

vs.

UNITED STATE DEPARTMENT OF
ENERGY, et al.,

Defendants.

CIVIL NO. 08-00136-HG-KSC

DECLARATION OF MARTIN S.
KAUFMAN

DECLARATION OF MARTIN S. KAUFMAN

MARTIN S. KAUFMAN, an attorney admitted to practice before the courts of the State of New York and the United States Supreme Court, pursuant to 28 USC § 1746, declares under penalty of perjury that the following statements are true:

1. I reside at 322 Heathcote Road, Scarsdale, New York 10583.
2. I am Senior Vice President and General Counsel of Atlantic Legal Foundation, a not-for-profit public interest law firm, with offices located at 2039 Palmer Avenue, Larchmont, New York.
3. I am admitted to practice before the bars of the following courts and have been so admitted as of the dates listed herein:

| | |
|----------------------------------|--------------------|
| United States Supreme Court | January 18, 1971 |
| United States District Courts: | |
| Southern District of New York | January 29, 1970 |
| Eastern District of New York | February 13, 1970 |
| Northern District of New York | September 11, 1972 |
| United States Courts of Appeals: | |
| First Circuit | February 2, 2000 |
| Second Circuit | July 12, 1971 |
| Third Circuit | February 28, 1992 |
| Fourth Circuit | October 10, 1989 |
| Fifth Circuit | October 5, 1975 |
| Seventh Circuit | July 20, 2007 |
| District of Columbia Circuit | October 10, 1995 |
| United States Court of Claims | October 21, 1970 |

4. I am currently in good standing and eligible to practice in these courts.

5. I am not currently suspended or disbarred in any other court.

6. I have neither currently nor in the year preceding this Application made an application to appear *pro hac vice* in this Court.

7. I do not reside in the State of Hawaii, am not regularly employed in the State of Hawaii, and am not regularly

engaged in business, professional or law related activities in the State of Hawaii.

8. Kenneth T. Okamoto, a member of the firm of Price Okamoto Himeno & Lum, whose address is 707 Richards Street, Suite 728, Honolulu, Hawaii 96813, Telephone: (808) 538-1113, Facsimile: (808) 533-0549, an active member in good standing of the Bar of the State of Hawaii, licensed to practice before all courts in the State of Hawaii, will continue to serve as counsel with whom this Court and opposing counsel may communicate regarding the conduct of this case, and upon whom papers may be served.

9. I affirm that local counsel shall continue at all times to participate meaningfully in the preparation and trial of this case with authority and responsibility to act as attorney of record for all purposes.

DATED: Larchmont, New York, August 12, 2008


MARTIN S. KAUFMAN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,

Plaintiffs,

vs.

UNITED STATE DEPARTMENT OF
ENERGY, et al.,

Defendants.

CIVIL NO. 08-00136-HG-KSC

CERTIFICATE OF SERVICE

(Re: *Ex Parte* Application
For Counsel (Martin S.
Kaufman) To Appear *Pro Hac*
Vice)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *EX PARTE* APPLICATION FOR COUNSEL (MARTIN S. KAUFMAN) TO APPEAR *PRO HAC VICE* will be duly served upon the following parties at their attorney's last known address by methods noted below on August 18 2008:

| | |
|---|-------------------------------------|
| LUIS SANCHO P.O. Box 411 Honolulu, Hawaii 96728 Plaintiff <i>pro se</i> | U.S. Mail |
| WALTER L. WAGNER P.O. Box 881 Pepeekeo, Hawaii 96783 Plaintiff <i>pro se</i> | U.S. Mail |
| RONALD J. TENPAS Assistant Attorney General Env't & Natural Resources Div. BRIAN C. TOTH Trial Attorney ANDREW A. SMITH Trial Attorney United States Department of Justice | E-mail to andrew.smith@usdoj.gov |

| | |
|--|------------------|
| <p>Environment and Natural Resources Division United States Department of Justice E-mail: andrew.smith@usdoj.gov Attorneys for Defendants U.S. Department of Energy, National Science Foundation, and Fermilab</p> | |
| <p>EDWARD H. KUBO, JR. (2499) United States Attorney District of Hawaii LAWRENCE L. TONG (3040) DERRICK K. WATSON (Cal. Bar #154427) Assistant United States Attorneys District of Hawaii c/o U.S. Attorneys Office P.O. Box 607 Albuquerque, New Mexico 87103 Telephone: (505) 224-1468 Facsimile: (505) 346-7205 Attorneys for Defendants U.S. Department of Energy, National Science Foundation, and Fermilab</p> | <p>U.S. Mail</p> |

DATED: Honolulu, Hawaii, August 18, 2008.

/S/ Robert M. Kohn
KENNETH T. OKAMOTO
ROBERT M. KOHN

Attorneys for *Amici Curiae*