

Name and address:

Padraic I. McCoy
 Tilden McCoy + Dilweg LLP
 13310 Maxella Ave., Unit D
 Marina Del Rey, CA 90292

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

FIFTY-SIX HOPE ROAD MUSIC LIMITED, a Bahamian corporation, and HOPE ROAD MERCHANDISING, LLC,
 Plaintiff(s),

CASE NUMBER 2:16-cv-05810

v.

JAMMIN JAVA CORPORATION, a Nevada corporation, and DOES 1-10,
 Defendant(s),

**APPLICATION OF NON-RESIDENT ATTORNEY
 TO APPEAR IN A SPECIFIC CASE
 PRO HAC VICE**

INSTRUCTIONS FOR APPLICANTS

- (1) The attorney seeking to appear pro hac vice must complete Section I of this Application, personally sign, in ink, the certification in Section II, and have the designated Local Counsel sign in Section III. **ELECTRONIC SIGNATURES ARE NOT ACCEPTED.** Space to supplement responses is provided in Section IV. The applicant must also attach a Certificate of Good Standing (issued within the last 30 days) from every state bar to which he or she is admitted; failure to do so will be grounds for denying the Application. Scan the completed Application with its original ink signature, together with any attachment(s), to a single Portable Document Format (PDF) file.
- (2) Have the designated Local Counsel file the Application electronically (using the Court's CM/ECF System), attach a Proposed Order (using Form G-64 ORDER, available from the Court's website), and pay the required \$325 fee online at the time of filing (using a credit card). The fee is required for each case in which the applicant files an Application. Failure to pay the fee at the time of filing will be grounds for denying the Application. **Out-of-state federal government attorneys are not required to pay the \$325 fee.** (Certain attorneys for the United States are also exempt from the requirement of applying for pro hac vice status. See L.R. 83-2.1.4.) A copy of the G-64 ORDER in Word or WordPerfect format must be emailed to the generic chambers email address. L.R. 5-4.4.2.

SECTION I - INFORMATION

Ruscitti, Giovanni M.

Applicant's Name (Last Name, First Name & Middle Initial)

check here if federal government attorney

Berg Hill Greenleaf Ruscitti LLP

Firm/Agency Name

1712 Pearl Street

303.402.1600

303.402.1601

Telephone Number

Fax Number

Street Address

Boulder, CO 80302

City, State, Zip Code

gmr@bhgrlaw.com

E-mail Address

I have been retained to represent the following parties:

Jammin Java Corporation, a Nevada corporation

Plaintiff(s) Defendant(s) Other: _____

Plaintiff(s) Defendant(s) Other: _____

Name(s) of Party(ies) Represented

List all state and federal courts (including appellate courts) to which the applicant has been admitted, and provide the current status of his or her membership. Use Section IV if more room is needed, or to provide additional information.

<u>Name of Court</u>	<u>Date of Admission</u>	<u>Active Member in Good Standing? (if not, please explain)</u>
Colorado Supreme Court	10/21/1993	Yes
U.S. District Court, District of Colorado	11/15/1993	Yes
U.S. District Court, District of Nebraska	1999	Yes

List all cases in which the applicant has applied to this Court for *pro hac vice* status in the previous three years (continue in Section IV if needed):

<u>Case Number</u>	<u>Title of Action</u>	<u>Date of Application</u>	<u>Granted / Denied?</u>

If any *pro hac vice* applications submitted within the past three (3) years have been denied by the Court, please explain:

Has the applicant previously registered as a CM/ECF user in the Central District of California? Yes No
 If yes, was the applicant's CM/ECF User account associated with the e-mail address provided above? Yes No

Previous E-mail Used (if applicable)

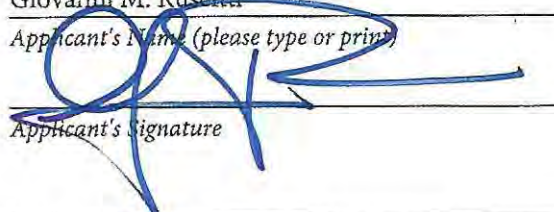
Attorneys must be registered for the Court's Case Management/Electronic Case Filing ("CM/ECF") System to be admitted to practice pro hac vice in this Court. Submission of this Application will constitute your registration (or re-registration) as a CM/ECF User. If the Court signs an Order granting your Application, you will either be issued a new CM/ECF login and password, or the existing account you identified above will be associated with your case. Pursuant to Local Rule 5-3.2.3, registering as a CM/ECF User is deemed consent, for purposes of Fed. R. Civ. P. 5(b)(2)(E), to electronic service of documents through the CM/ECF System. You have the right to withhold or revoke your consent to electronic service at any time; simply complete and return a Central District Electronic Service Exemption Form (Form G-05, available from the Court's website). If the Court receives an Electronic Service Exemption Form from you, you will no longer receive notice by e-mail when Court orders or other documents are filed in cases in which you are counsel of record; instead, copies of such documents will be sent to you through the mail.

SECTION II - CERTIFICATION

I declare under penalty of perjury that:

- (1) All of the above information is true and correct.
- (2) I am not a resident of the State of California. I am not regularly employed in, or engaged in substantial business, professional, or other activities in the State of California.
- (3) I am not currently suspended from and have never been disbarred from practice in any court.
- (4) I am familiar with the Court's Local Civil and Criminal Rules, the Federal Rules of Civil and Criminal Procedure, and the Federal Rules of Evidence.
- (5) I designate the attorney listed in Section III below, who is a member in good standing of the Bar of this Court and maintains an office in the Central District of California for the practice of law, as local counsel pursuant to Local Rule 83-2.1.3.4.

Dated August 3, 2016

Giovanni M. Ruscitti
 Applicant's Name (please type or print)

 Applicant's Signature

SECTION III - DESIGNATION OF LOCAL COUNSEL

McCoy, Padraic I.

Designee's Name (Last Name, First Name & Middle Initial)

Tilden McCoy + Dilweg LLP

Firm/Agency Name

13310 Maxella Ave., Unit D

Street Address

Marina Del Rey, CA 90292

City, State, Zip Code

303.396.2842

Telephone Number

pmccoy@tildenmccoy.com

E-mail Address

223341

Designee's California State Bar Number

303.416.8707

Fax Number

I hereby consent to the foregoing designation as local counsel, and declare under penalty of perjury that I maintain an office in the Central District of California for the practice of law.

Dated August 3, 2016

Padraic I. McCoy

Designee's Name (please type or print)



Designee's Signature


SECTION IV - SUPPLEMENT ANSWERS HERE (ATTACH ADDITIONAL PAGES IF NECESSARY)

SUPPLEMENT TO SECTION I, all of applicant's state and federal court admissions (con't):
U S Circuit Court of Appeals for the Tenth Circuit; admitted 1995; Yes, active member in good standing

REQUEST FOR EXPEDITED CONSIDERATION

Applicant Giovanni M Ruscitti respectfully requests this Court expedite its consideration of this application for the following reasons. This application is being filed concurrently with Defendant's Answer, Counterclaims and Third-Party Complaint and with Defendant's Application for an emergency TRO. Mr. Ruscitti is lead counsel to Defendant Jammin Java Corporation, which has requested Mr. Ruscitti handle the hearing on the TRO. Mr. Ruscitti is travelling to Los Angeles today solely for the purpose of appearing and, therefore, is hopeful this application can be processed prior to, or in connection with, the TRO hearing, so that he can participate

SUPREME COURT



State of Colorado,

STATE OF COLORADO, ss:

I, Christopher T. Ryan Clerk of the Supreme Court of the State of Colorado, do hereby certify that

GIOVANNI M RUSCITTI

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the 21st

day of October A. D. 1993 and that at the date hereof the said GIOVANNI M RUSCITTI

is in good standing at this Bar.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

3rd day of August A. D. 2016

Christopher T. Ryan

Clerk

By

Jessica A. Neri

Deputy Clerk

