

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE: LEHMAN BROTHERS SECURITIES  
AND ERISA LITIGATION

No. 09 MD 2017 (LAK)

**ECF CASE**

This Document Relates to: *In re Lehman  
Brothers Equity/Debt Securities Litigation (08-  
civ-5523)* and all related cases.

JAN 22 2010

**MOTION FOR ADMISSION PRO HAC VICE OF RICHARD D. BERNSTEIN**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District  
Courts for the Southern and Eastern Districts of New York, and upon the accompanying  
Affidavit, I, Kelly M. Hnatt, a member in good standing of the Bar of this Court, hereby move  
for an Order allowing the admission pro hac vice, as counsel for Defendant Ian Lowitt, of:

Richard D. Bernstein  
Willkie Farr & Gallagher LLP  
1875 K Street, NW  
Washington, DC 20006  
(202) 303-1000 (Phone)  
(202) 303-2000 (Fax)  
rbernstein@willkie.com

FILED  
U.S. DISTRICT COURT  
2010 JAN 22 AM 10:35  
S.D. OF N.Y.

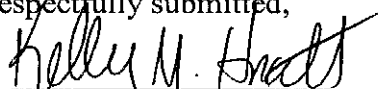
As set forth in the accompanying Affidavit, Mr. Bernstein is a member in good  
standing of the Bar of the District of Columbia, and there are no pending disciplinary  
proceedings against him in any State or Federal court.

1/26/10 AJC  
SCANNED

PKH  
- MK  
MO

Dated: January 21, 2010  
New York, New York

Respectfully submitted,



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Kelly M. Hnatt  
Willkie Farr & Gallagher LLP  
787 Seventh Avenue  
New York, New York 10019  
(212) 728-8000  
(212) 728-8111  
khnatt@willkie.com  
*Attorneys for Ian Lowitt*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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STATE OF NEW YORK     )  
                                  )ss:  
COUNTY OF NEW YORK    )

**AFFIDAVIT OF KELLY M. HNATT IN SUPPORT OF THE MOTION FOR  
ADMISSION PRO HAC VICE OF RICHARD D. BERNSTEIN**

KELLY M. HNATT, being duly sworn, hereby deposes and says as follows:

1. I am a member of Willkie Farr & Gallagher LLP, counsel for Defendant Ian Lowitt in the above-captioned consolidated litigation. 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 the Motion for Admission Pro Hac Vice of Richard D. Bernstein.

2. I am a member in good standing of the Bar of the State of New York, and was admitted to practice law on May 29, 1990. I am also admitted to the Bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Mr. Bernstein since 2007.

4. Mr. Bernstein is a member of Willkie Farr & Gallagher LLP in Washington, D.C.

5. Mr. Bernstein is a member in good standing of the Bar of the District of Columbia. Attached as Exhibit A is a certificate of good standing from that Bar.

6. I have found Mr. Bernstein to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure and the Local Rules of this Court.

7. Accordingly, I am pleased to move for the admission pro hac vice of Mr. Bernstein.

8. I respectfully submit a proposed order granting the admission pro hac vice of Mr. Bernstein, attached as Exhibit B.

WHEREFORE, I respectfully request that the Court grant the Motion for Admission Pro Hac Vice of Richard D. Bernstein, to represent Defendant Ian Lowitt in the above-captioned consolidated litigation.

Dated: January 21, 2010  
New York, New York

Respectfully submitted,

  
Kelly M. Hnatt  
khnatt@willkie.com

Sworn to and subscribed before me  
this 21 day of January 2010

  
Notary Public

**MARGUERITE POUPAIS**  
**NOTARY PUBLIC, State of New York**  
**No. 01PO8203278**  
**Qualified in New York County**  
**Commission Expires April 8, 2013**



District of Columbia Court of Appeals  
Committee on Admissions  
430 E Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

RICHARD D. BERNSTEIN

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was on the 5<sup>TH</sup> day of DECEMBER, 1988,  
duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on January 20, 2010.

GARLAND PINKSTON, JR., CLERK

By: *P. Fagan*  
Deputy Clerk

**UNITED STATES DISTRICT COURT  
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**[PROPOSED] ORDER FOR ADMISSION PRO HAC VICE  
OF RICHARD D. BERNSTEIN**

Upon the Motion of Kelly M. Hnatt, counsel for Defendant Ian Lowitt, and the  
Affidavit of Kelly M. Hnatt in Support of the Motion, **IT IS HEREBY ORDERED** that

Richard D. Bernstein  
Willkie Farr & Gallagher LLP  
1875 K Street, NW  
Washington, DC 20006  
(202) 303-1000 (Phone)  
(202) 303-2000 (Fax)  
rbernstein@willkie.com

is admitted to practice pro hac vice as counsel for Defendant Ian Lowitt in the above-captioned  
litigation in the United States District Court for 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 the discipline of attorneys. Counsel shall immediately apply for an ECF password at  
nysd.uscourts.gov.

Dated:  
New York, New York

\_\_\_\_\_  
Hon. Lewis A. Kaplan  
United States District Judge

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SOUTHERN DISTRICT OF NEW YORK**

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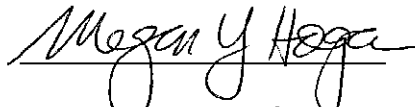
**ECF CASE**

**CERTIFICATE OF SERVICE**

I, Megan Y. Hogan, hereby certify that on January 20, 2010, I served the Motion for Admission Pro Hac Vice of Richard D. Bernstein, the accompanying Affidavit of Kelly M. Hnatt in Support of the Motion for Admission Pro Hac Vice of Richard D. Bernstein and the [Proposed] Order for Admission Pro Hac Vice on all counsel of record listed below via First Class Mail.

Dated: New York, New York

January 21, 2010

  
Megan Y. Hogan, Esq.

**Michael J. Chepiga**

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-and-

**Mitchell A. Lowenthal**

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maofiling@cgsh.com  
*Attorneys for Defendants Citigroup Global Markets, Inc., Loop Capital Markets, LLC, Sun Trust  
Robinson Humphrey, Inc., Wells Fargo Securities, LLC, DZ Financial Markets LLC and Mellon  
Financial Markets, LLC.*

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nysd.uscourts.gov.

Dated:

New York, New York

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Hon. Lewis A. Kaplan  
United States District Judge