

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

OPERATIVE PLASTERERS AND CEMENT
MASONS INTERNATIONAL
ASSOCIATION LOCAL 262 ANNUITY
FUND, Individually And On Behalf Of All
Others Similarly Situated,

Plaintiff,

v.

LEHMAN BROTHERS HOLDINGS, INC.,
RICHARD S. FULD JR., CHRISTOPHER M.
O'MEARA, JOSEPH M. GREGORY, and
ERIN CALLAN,

Defendants.

CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**NOTICE OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

NOTICE OF MOTION AND MOTION TO ADMIT COUNSEL *PRO HAC VICE*

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Avi Josefson, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

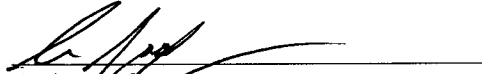
Applicant's Name: Benjamin J. Hinerfeld
Firm Name: Schiffrin Barroway Topaz & Kessler, LLP
Address: 280 King of Prussia Road
City/State/Zip: Radnor, PA 19087
Phone Number: (610) 667-7706
Fax Number: (610) 667-7056
Email Address: bhinerfeld@sbtclaw.com

8002 22 2008
AUG 22 2008
925-6661308

Benjamin J. Hinerfeld. is a member in good standing of the Bars of the State of Pennsylvania and the State of Delaware. There are no pending disciplinary proceedings against Benjamin J. Hinerfeld. in any State or Federal Court.

Dated: August 20, 2008

Respectfully submitted,
**BERNSTEIN LITOWITZ
BERGER & GROSSMANN, LLP**



Avi Josefson
1285 Avenue of the Americas
New York NY 10019
Telephone: 212-554-1400
Fax: 212-554-1444

Co-Lead Counsel for Lead Plaintiffs

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**AFFIDAVIT OF AVI JOSEFSON IN
SUPPORT OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

State of New York)
)
County of New York) ss.

Avi Josefson, being duly sworn, hereby deposes and says as follows:

1. I am an associate at Bernstein Litowitz Berger & Grossmann, LLP, Co-Lead Counsel for the Lead Plaintiffs in the above-captioned action. 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 Lead Plaintiffs' motion to admit Benjamin J. Hinerfeld as counsel *pro hac vice* to represent the Lead Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 2003. 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. Mr. Hinerfeld is an associate at Schiffrin Barroway Topaz & Kessler, LLP in Radnor, Pennsylvania.

4. I have found Mr. Hinerfeld to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

5. Accordingly, I am pleased to move the admission of Benjamin J. Hinerfeld, *pro hac vice*.


6. In compliance with Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I have attached Certificates of Good Standing for Mr. Hinerfeld from Pennsylvania and Delaware issued within the past thirty days.

7. I respectfully submit a proposed order granting the admission of Benjamin J. Hinerfeld, *pro hac vice*, which is also attached.

WHEREFORE it is respectfully requested that the motion to admit Benjamin J. Hinerfeld, *pro hac vice*, to represent the Lead Plaintiffs in the above-captioned matter, be granted.

Dated: August 20, 2008

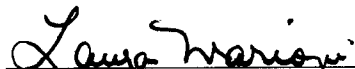
Respectfully submitted,
**BERNSTEIN LITOWITZ
BERGER & GROSSMANN, LLP**



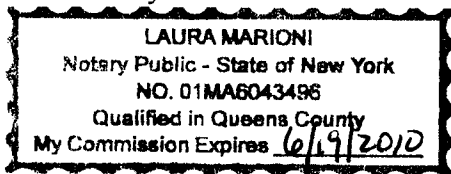
Avi Josefson
1285 Avenue of the Americas
New York NY 10019
Telephone: 212-554-1400
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Sworn to and subscribed before me
this 20th day of August, 2008.

Co-Lead Counsel for Lead Plaintiffs



Notary Public





Supreme Court of Pennsylvania

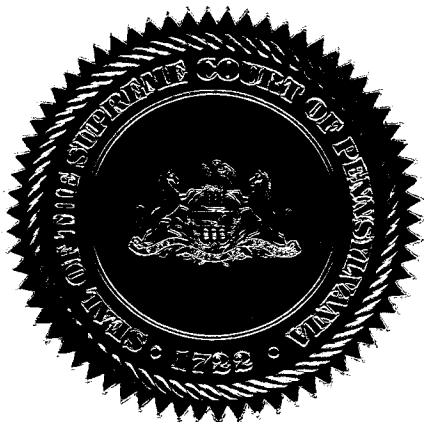
CERTIFICATE OF GOOD STANDING

Benjamin J. Hinerfeld, Esq.

DATE OF ADMISSION

December 6, 1996

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: August 5, 2008

A handwritten signature in black ink, appearing to read "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

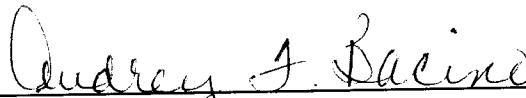
SUPREME COURT OF THE STATE OF DELAWARE

CERTIFICATE OF GOOD STANDING

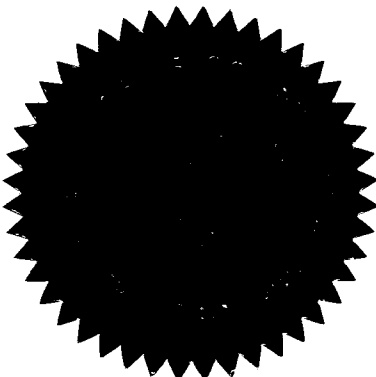
The Assistant Clerk of the Supreme Court of the State of Delaware, the highest Court in the State, certifies that **Benjamin J. Hinerfeld** was admitted to practice as an attorney in the Courts of this State on **September 19, 2007**, and is an **active** member of the Bar of the Supreme Court of the State of Delaware in good standing.

IN TESTIMONY WHEREOF,

I have hereunto set my hand and affixed the seal of said Court at Dover this 1st day of August 2008.



Audrey F. Bacino
Assistant Clerk of the Supreme Court



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**ORDER FOR ADMISSION *PRO HAC*
VICE ON WRITTEN MOTION**

Upon the motion of Avi Josefson, Co-Lead Counsel for the Lead Plaintiffs, and said sponsor attorney's affirmation in support;

IT IS HEREBY ORDERED that

Applicant's Name: Benjamin J. Hinerfeld
Firm Name: Schiffrin Barroway Topaz & Kessler, LLP
Address: 280 King of Prussia Road
City/State/Zip: Radnor, PA 19087
Phone Number: (610) 667-7706
Fax Number: (610) 667-7056
Email Address: bhinerfeld@sbtclaw.com

is admitted to practice *pro hac vice* as counsel for the Lead Plaintiffs in the above captioned case 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 discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: _____

Lewis A. Kaplan, U.S. District Judge

CERTIFICATE OF SERVICE

I, Avi Josefson, hereby certify that I filed true and correct copies of the foregoing documents:

- *PRO HAC VICE* MOTION, AFFIDAVIT, AND PROPOSED ORDER.

on Aug. 22, 2008 with the Clerk of the Court. All counsel on the attached Service List have been served copies of the forgoing documents via the U.S. Postal Service.

**BERNSTEIN LITOWITZ
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Counsel for The Pension Fund Group