

**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:

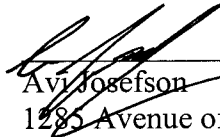
Applicant's Name: Michelle M. Newcomer
Firm Name: Schiffrin Barroway Topaz & Kessler, LLP
Address: 280 King of Prussia Road
City/State/Zip: Radnor, PA 19087
Phone Number: (610) 667-7706
Fax Number: (610) 667-7056
Email Address: mnewcomer@sbtclaw.com

910 425-60136
AUG 22 2008

Michelle M. Newcomer is a member in good standing of the Bars of the State of Pennsylvania and the State of New Jersey. There are no pending disciplinary proceedings against Michelle M. Newcomer 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

**UNITED STATES DISTRICT COURT
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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 Michelle M. Newcomer 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. Mrs. Newcomer is an associate at Schiffrin Barroway Topaz & Kessler, LLP in Radnor, Pennsylvania.

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

5. Accordingly, I am pleased to move the admission of Michelle M. Newcomer, *pro hac vice*.

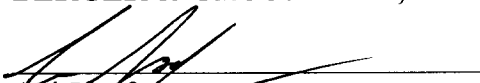
6. In compliance with Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I have attached Certificates of Good Standing for Mrs. Newcomer from Pennsylvania and New Jersey issued within the past thirty days.

7. I respectfully submit a proposed order granting the admission of Michelle M. Newcomer, *pro hac vice*, which is also attached.

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

Dated: August 20, 2008

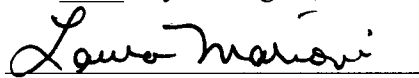
Respectfully submitted,
**BERNSTEIN LITOWITZ
BERGER & GROSSMANN, LLP**

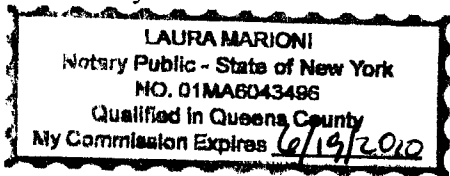

Avi Josefson
1285 Avenue of the Americas
New York NY 10019
Telephone: 212-554-1400
Fax: 212-554-1444

Sworn to and subscribed before me

Co-Lead Counsel for Lead Plaintiffs

this 20th day of August, 2008.


Notary Public





Supreme Court of Pennsylvania

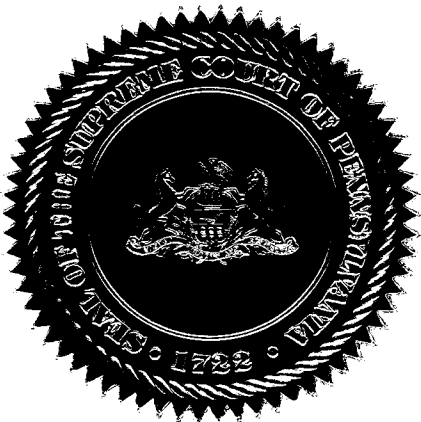
CERTIFICATE OF GOOD STANDING

Michelle Marie Newcomer, Esq.

DATE OF ADMISSION

October 24, 2005

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 cursive script, reading "Patricia A. Johnson".

Patricia A. Johnson
Chief Clerk

Supreme Court of New Jersey

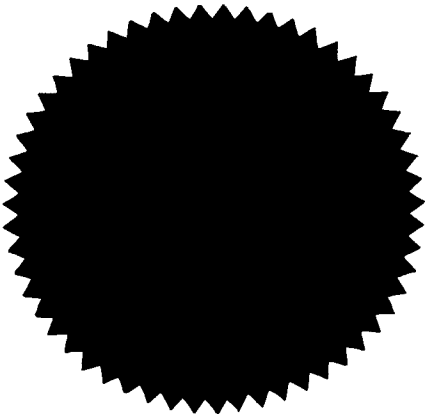


Certificate of Good Standing

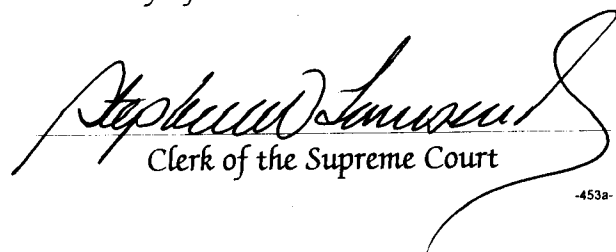
This is to certify that **MICHELLE MARIE BACKES**
(No. **025702005**) was constituted and appointed an Attorney at Law of New Jersey on **December 18, 2005** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
5TH day of August , 20 08


Clerk of the Supreme Court

**UNITED STATES DISTRICT 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: Michelle M. Newcomer
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: mnewcomer@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

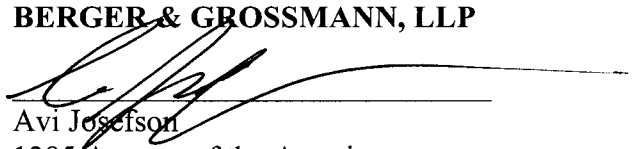
CERTIFICATE OF SERVICE

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
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

SERVICE LIST

Eric Milo Albert

Michael Joseph Chepiga

Paul C. Curnin

Simpson Thacher & Bartlett LLP (NY)

425 Lexington Avenue

New York, NY 10017

(212) 455-2000

Fax: (212) 455-2502

Email: elialbert@stblaw.com

Email: mchepiga@stblaw.com

Email: pcurnin@stblaw.com

Counsel for Lehman Brothers Holdings, Inc., Richard S. Fuld, Jr., Christopher M. O'Meara, Joseph M. Gregory, Eric Callan

Marc Ian Gross

Pomerantz Haudek Block Grossman & Gross LLP

100 Park Avenue, 26th Floor

New York, NY 10017

(212)661-1100

Fax: (212) 661-8665

Email: migross@pomlaw.com

Counsel for Fire & Police Pension Association of Colorado and Brockton Contributory Retirement System

Curtis Victor Trinko

Wai Kin Chan

Law Offices of Curtis V. Trinko, LLP

16 West 46th Street

Seventh Floor

New York, NY 10036

(212) 490-9550

Fax: (212) 986-0158

Email: ctrinko@trinko.com

Email: kchan@trinko.com

Counsel for Operative Plasterers and Cement Masons International Association Local 262 Annuity Fund

Gerald Harlan Silk

Bernstein Litowitz Berger & Grossmann LLP

1285 Avenue of the Americas

New York, NY 10019

212 554 1282

Fax: 212 554 1444

Email: jerry@blbglaw.com

Counsel for The Pension Fund Group