

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)

ECF CASE

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

FILED COURT  
U.S. DISTRICT COURT  
2009 MAR 19 AM 10:14  
S.D.N.Y.

**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, John A. Kehoe, 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: David Kessler  
Firm Name: Barroway Topaz Kessler Meltzer & Check, 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: dkessler@btkmc.com

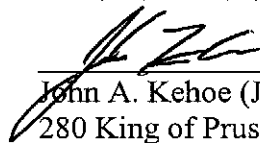
MAR 16 2009

JKS-001541

David Kessler 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 David Kessler in any State or Federal Court.

Dated: March 5, 2009

Respectfully submitted,  
**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**



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*Co-Lead Counsel for Lead Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
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CIVIL ACTION NO. 1:08-cv-05523 (LAK)

**AFFIDAVIT OF JOHN A. KEHOE IN  
SUPPORT OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

State of Pennsylvania        )  
  )  
County of Delaware         )            ss.

John A. Kehoe, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Barroway Topaz Kessler Meltzer & Check, 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 David Kessler 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 on June 24, 1999. 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. Kessler is a partner at Barroway Topaz Kessler Meltzer & Check, LLP in Radnor, Pennsylvania.

4. I have found Mr. Kessler 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 David Kessler, *pro hac vice*.

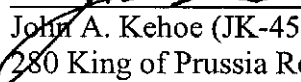
6. In compliance with Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I have attached Certificates of Good Standing for Mr. Kessler from Pennsylvania and New Jersey issued within the past thirty days.

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

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

Dated: March 5, 2009

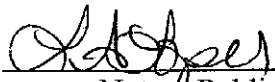
**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**

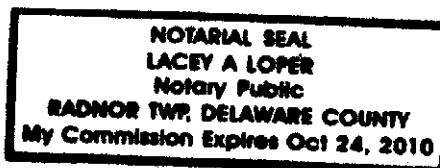
  
\_\_\_\_\_  
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*Co-Lead Counsel for Lead Plaintiffs*

Sworn to and subscribed before me

this 5th day of March, 2009.

  
\_\_\_\_\_  
Notary Public





Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

*David Kessler, Esq.*

**DATE OF ADMISSION**

*November 23, 1994*

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



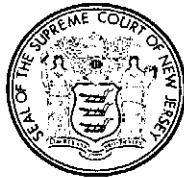
Witness my hand and official seal

Dated: February 26, 2009

Handwritten signature of Patricia A. Johnson in cursive script.

Patricia A. Johnson  
Chief Clerk

# Supreme Court of New Jersey

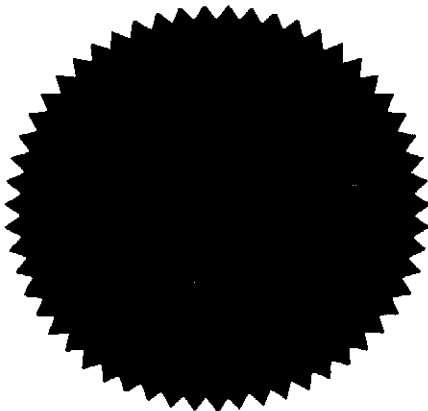


## Certificate of Good Standing

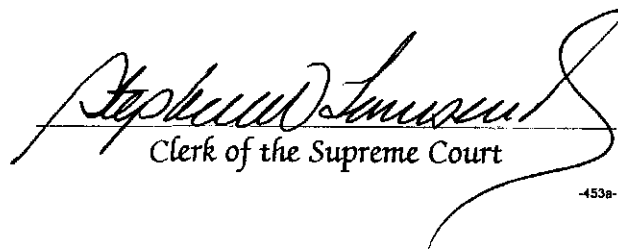
This is to certify that **DAVID KESSLER**  
(No. **017211994** ) was constituted and appointed an Attorney at Law of New Jersey on **December 19, 1994** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, 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  
4TH day of March , 20 09

  
Clerk of the Supreme Court

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

OPERATIVE PLASTERERS AND CEMENT  
MASONS INTERNATIONAL  
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ERIN CALLAN,

Defendants.

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

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

Upon the motion of John A. Kehoe, Co-Lead Counsel for the Lead Plaintiffs, and said sponsor attorney's affirmation in support;

IT IS HEREBY ORDERED that

Applicant's Name: David Kessler  
Firm Name: Barroway Topaz Kessler Meltzer & Check, LLP  
Address: 280 King of Prussia Road  
City/State/Zip: Radnor, PA 19087  
Phone Number: (610) 667-7706  
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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](http://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 hereby certify that I caused true and correct copies of the foregoing documents:  
Notice of Motion and Motion to Admit Counsel *Pro Hac Vice*, Affidavit, and Proposed  
Order to be delivered to the Clerk of the Court for filing. All counsel listed below  
received a copy of the filing via CM/ECF.

Dated: March 13, 2009

**BARROWAY TOPAZ KESSLER  
MELTZER & CHECK, LLP**

  
\_\_\_\_\_  
Amy Cashwell, Paralegal

Counsel receiving service via CM/ECF notification:

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Benjamin J. Hinerfeld  
Michelle M. Newcomer  
Richard A. Russo  
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