

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America
Insurance Company in Rehabilitation

DOCKET NO. 1 PEN 2009

In Re: American Network Insurance
Company in Rehabilitation

DOCKET NO. 1 ANI 2009

**MOTION FOR ADMISSION *PRO HAC VICE* OF
GARY SVIRSKY, ESQUIRE, TO REPRESENT BROADBILL PARTNERS, L.P.**

Elizabeth J. Goldstein, Esquire of the law firm of Dilworth Paxson LLP, counsel of record for Broadbill Partners, L.P (“Broadbill”) hereby moves this Court for an order pursuant to Pa.R.A.P. 3781(c)(5), Pa.R.C.P. 1012.1 and Rule 301 of the Pennsylvania Bar Admission Rules, admitting, Gary Svirsky, Esquire, to the bar of this Court, *pro hac vice*, for the purpose of representing Broadbill, and avers the following in support thereof:

1. Broadbill, by and through their attorney, Elizabeth J. Goldstein, seeks to admit Gary Svirsky, Esquire to the bar of this Court for the purpose of actively participating in the above-captioned matter.

2. Mr. Svirsky is counsel with O'Melveny & Myers LLP located at Times Square Tower, 7 Times Square, New York, New York 10036. Mr. Svirsky was admitted to the Bar of the State of New York in 1998 and has also been admitted to practice before a number of other courts including:

- a. United States District Court for the Southern District of New York, 1998
- b. United States District Court for the Eastern District of New York, 2005
- c. United States Court of Appeals for the Second Circuit, 2014

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- d. United States Court of Appeals for the Ninth Circuit, 2009
- e. United States Supreme Court, 2009

He is in good standing to practice before all courts to which he has been admitted. *See* Verification of Gary Svirsky, Esquire, attached hereto at Exhibit "A".

3. Mr. Svirsky has applied to the Pennsylvania IOLTA Board and paid the appropriate fee. Attached at Exhibit "B" is the fee payment confirmation from the Pennsylvania IOLTA Board for the above-captioned cases.

4. The information required by Section 81.504 of the Pennsylvania IOLTA regulations in order for Mr. Svirsky to be admitted *pro hac vice* has been provided to the Pennsylvania IOLTA Board

5. Mr. Svirsky has an attorney-client relationship with Broadbill, and has special skill, knowledge and experience relating to this case.

6. Mr. Svirsky is familiar with Pennsylvania Bar Admission Rule 301, and has agreed to abide by the Rules of Professional Conduct applicable to Pennsylvania lawyers.

7. Mr. Svirsky will be associated with Elizabeth J. Goldstein of Dilworth Paxson LLP at all remaining stages of this action.

8. Elizabeth J. Goldstein is a member in good standing of the Bar of the Commonwealth of Pennsylvania.

9. Elizabeth J. Goldstein will be counsel of record for Broadbill, and will continue to participate fully in this litigation and accept service of all papers on Broadbill's behalf.

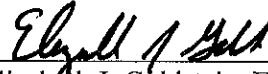
10. Elizabeth J. Goldstein submits a verified statement pursuant to Pa.R.C.P. 1012.1(d)(2) which is attached as Exhibit "C" to this Motion.

11. There is no good cause for denial of this motion.

WHEREFORE, it is respectfully requested that this Court grant Mr. Svirsky leave to appear as counsel *pro hac vice* for Broadbill Partners, L.P.

Respectfully submitted,

DILWORTH PAXSON LLP



Elizabeth J. Goldstein, Esq.

PA I.D. No. 73779

Penn National Insurance Plaza

1101 N. 2nd Street, Suite 1101

Harrisburg, PA 17101

Telephone: (717) 213-4106

Facsimile: (717) 236-7811

Email: egoldstein@dilworthlaw.com

Dated: July 2, 2015

EXHIBIT “A”

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America
Insurance Company in Rehabilitation

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In Re: American Network Insurance
Company in Rehabilitation

DOCKET NO. 1 ANI 2009

**VERIFIED STATEMENT OF GARY SVIRSKY, ESQUIRE IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE*
ON BEHALF OF BROADBILL PARTNERS, L.P.**

I, Gary Svirsky, hereby submit this verified statement in support of the Motion for Admission *Pro Hac Vice* to represent Broadbill Partners, L.P. in this action in the Commonwealth Court of Pennsylvania:

1. I am counsel with O'Melveny & Myers LLP located at Times Square Tower, 7 Times Square, New York, New York 10036. Telephone: (212) 326-2000 and (213) 326-4305, Facsimile: (212) 326-2061.

2. I was admitted to the Bar of the State of New York in 1998. I also have been admitted to practice before the following other courts:

- a. United States District Court for the Southern District of New York, 1998
- b. United States District Court for the Eastern District of New York, 2005
- c. United States Court of Appeals for the Second Circuit, 2014
- d. United States Court of Appeals for the Ninth Circuit, 2009
- e. United States Supreme Court, 2009

3. I have never been suspended, disbarred, or otherwise disciplined, nor am I subject to any disciplinary proceedings.

4. There are no other pending actions in Pennsylvania, other than the instant proceedings, in which I have applied for *pro hac vice* admission.

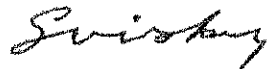
5. I agree to comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.

6. I agree to subject myself to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts or omissions occurring during my appearance in this matter for which admission *pro hac vice* is being sought.

7. Further, I have consented to the appointment of Elizabeth J. Goldstein, Esquire, as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in this matter for which admission *pro hac vice* is being sought.

8. I verify that the facts contained above are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

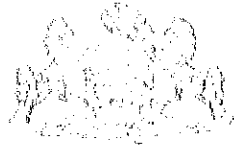
Respectfully submitted,



Gary Svirsky, Esquire
O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone 212-326-2000
212-326-4305
Fax 212-326-2061

Dated: July 1, 2015

EXHIBIT “B”



SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD

July 02, 2015

GARY SVIRSKY, Esq.
O'MELVENY & MYERS LLP
TIMES SQUARE TOWER
7 TIM
NEW YORK, NY 10036

SENT TO JOHN NOLAN VIA Email: JNOLAN@OMM.COM

Dear Attorney SVIRSKY:

This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$375.00 fee paid by Online Payment on this date related to your pursuit for admission *pro hac vice* in the case identified as In Re: Penn Treaty Network America Insurance Company in Rehabilitation, no. 1 PEN 2009, filed in the Commonwealth Court of Pennsylvania.

You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking *pro hac vice* admission.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie S. Libhart".

Stephanie S. Libhart
Executive Director

cc: ELIZABETH JAN GOLDSTEIN, Esq.
egoldstein@dilworthlaw.com

Pennsylvania Judicial Center
601 Commonwealth Ave., Ste. 2400
PO Box 62445, Harrisburg, PA 17106-2445
717/238-2001 · 888/PA-IOLTA (724-6582) · 717/238-2003 FAX
paiolta@pacourts.us · www.paiolta.org

Administering Pennsylvania's Interest On Lawyers Trust Account (IOLTA) Program

EXHIBIT “C”

VERIFICATION


I, Elizabeth J. Goldstein, Esq., state:

(1) After reasonable investigation, I reasonably believe Gary Svirsky to be a reputable and competent attorney and I am in a position to recommend the Mr. Svirsky's admission.

(2) I am acting as the sponsor for Stephen H. Warren for admission *pro hac vice* in Pennsylvania in the above-captioned matter.

(3) The proceeds from the settlement of a cause of action in which the Mr. Svirsky is granted admission *pro hac vice* shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.



Elizabeth J. Goldstein

DATED: July 2, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2015, I served a true and correct copy of the foregoing document on the following individual(s) via postage-prepaid, first class mail and addressed as to the individuals at the addresses indicated on the attached master service list.



Elizabeth J. Goldstein

MASTER SERVICE LIST

<p>Carl M. Buchholz Stephen Schwab Jayne Anderson Risk Adam Brown Nathan Heller DLA Piper LLP (US) One Liberty Place 1650 Market Street, Suite 4900 Philadelphia, PA 19103-7300 carl.buchholz@dlapiper.com</p> <p>James R. Potts Cozen O'Connor 1900 Market Street – Fourth Floor Philadelphia, PA 19103 JPotts@cozen.com</p> <p>Paul M. Hummer Saul Ewing LLP Centre Square West 1500 Market Street, 38th Floor Philadelphia, PA 19102-2186 PHummer@saul.com</p> <p>Charles T. Richardson Caryn M. Glawe Faegre Baker Daniels 1050 K Street NW, Suite 400 Washington, DC 20001-4448 charlie.richardson@FaegreBD.com caryn.glawe@FaegreBD.com</p>	<p>Douglas Y. Christian Benjamin J. Schmidt Ballard Spahr LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7300 christiand@ballardspahr.com schmidtb@ballardspahr.com</p> <p>Stephen H. Warren O'Melveny & Myers LLP 400 South Hope Street Los Angeles, CA 90071 swarren@omm.com</p> <p>Harold S. Horwich Benjamin J. Cordiano Morgan Lewis LLP One State Street Hartford, CT 06103-3178 harold.horwich@morganlewis.com benjamin.cordiano@morganlewis.com</p> <p>Thomas A. Leonard Richard P. Limburg Obermayer Rebmann Maxwell & Hippel LLP One Penn Center, 19th Floor 1617 John F. Kennedy Blvd. Philadelphia, PA 19103-1895 thomas.leonard@obermayer.com richard.limburg@obermayer.com</p>
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In Re: American Network Insurance
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**ORDER GRANTING MOTION FOR ADMISSION *PRO HAC VICE* OF
GARY SVIRSKY, ESQ. TO REPRESENT BROADBILL PARTNERS, L.P.**

AND NOW, this _____ day of _____, 2015, it is hereby
ORDERED that Gary Svirsky, Esquire, is admitted *pro hac vice* in this case on behalf of
Broadbill Partners, L.P.

J.