

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

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
11 JAN 2016 15 58

**MOTION FOR ADMISSION *PRO HAC VICE* OF
BRAD M. ELIAS, ESQ., TO REPRESENT BROADBILL PARTNERS, L.P.**

John B. Consevage, Esq. 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, Brad M. Elias, Esq., 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 its attorney, John B. Consevage, seeks to admit Brad M. Elias, Esq. to the bar of this Court for the purpose of actively participating in the above-captioned matter.

2. Mr. Elias is counsel with O’Melveny & Myers LLP located at Times Square Tower, 7 Times Square, New York, New York 10036. Mr. Elias was admitted to the Bar of the State of New York in 2008 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, 2008
- b. United States Court of Appeals for the Second Circuit, 2014

- c. United States Court of Appeals for the Third Circuit, 2013
- d. United States Court of Appeals for the Ninth Circuit, 2010
- e. United States Supreme Court, 2015

He is in good standing to practice before all courts to which he has been admitted. *See* Verification of Brad M. Elias, Esq., attached hereto at Exhibit A.

3. Mr. Elias 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. Elias to be admitted *pro hac vice* has been provided to the Pennsylvania IOLTA Board.

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

6. Mr. Elias 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. Elias will be associated with John B. Consevage of Dilworth Paxson LLP at all remaining stages of this action.

8. John B. Consevage is a member in good standing of the Bar of the Commonwealth of Pennsylvania.

9. John B. Consevage 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. John B. Consevage submits a verified statement pursuant to Pa.R.C.P. 1012.1(d)(2) which is attached as Exhibit C to this Motion.

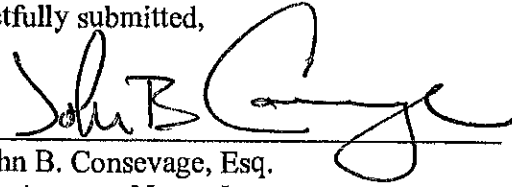
11. There is no good cause for denial of this motion.

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

Dated: Harrisburg, Pennsylvania
January 11, 2016

Respectfully submitted,

By:



John B. Consevage, Esq.
PA Attorney No. 36593
Dilworth Paxson LLP
2 North 2nd Street, Suite 1101
Harrisburg, Pennsylvania 17101
(717) 236-4812 (phone)
(717) 236-7811 (fax)
jconsevage@dilworthlaw.com

EXHIBIT A

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

**VERIFIED STATEMENT OF BRAD M. ELIAS, ESQ. IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE*
ON BEHALF OF BROADBILL PARTNERS, L.P.**

I, Brad M. Elias, 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) 326-2248, Facsimile: (212) 326-2061.

2. I was admitted to the Bar of the State of New York in 2008. I also have been admitted to practice before the following other courts:

- a. United States District Court for the Southern District of New York, 2008
- b. United States Court of Appeals for the Second Circuit, 2014
- c. United States Court of Appeals for the Third Circuit, 2013
- d. United States Court of Appeals for the Ninth Circuit, 2010
- e. United States Supreme Court, 2015

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

4. I applied for and was granted *pro hac vice* admission in the Commonwealth Court of Pennsylvania for *William Penn School District v. Pennsylvania Department of Education*, No. 587 MD 2014, which is currently pending appeal in the Supreme Court of Pennsylvania.

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 John B. Consevage, Esq., 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.

Dated: New York, New York
January 11, 2016

Respectfully submitted,

By: 

Brad M. Elias, Esq.
O'Melveny & Myers LLP
7 Times Square
New York, New York 10036-6524
(212) 326-2000 (phone)
(212) 326-2061 (fax)
belias@omm.com

EXHIBIT B



SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD

January 08, 2016

BRAD ELIAS, Esq.
O'MELVENY & MYERS LLP
7 TIMES SQUARE
NEW YORK, NY 10036

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

Dear Attorney ELIAS:

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: American Network Insurance Company in Rehabilitation, no. 1 ANI 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



SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD

January 08, 2016

BRAD ELIAS, Esq.
O'MELVENY & MYERS LLP
7 TIMES SQUARE
NEW YORK, NY 10036

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

Dear Attorney ELIAS:

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

EXHIBIT C

VERIFICATION

I, John B. Consevage, Esq., state:

(1) After reasonable investigation, I reasonably believe Brad M. Elias to be a reputable and competent attorney and I am in a position to recommend Mr. Elias' admission.

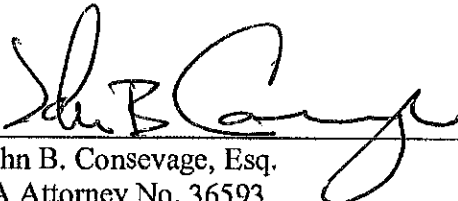
(2) I am not acting as the sponsor of any other candidate for admission *pro hac vice* in Pennsylvania in the above-captioned matter.

(3) The proceeds from the settlement of a cause of action in which the Mr. Elias 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.

Dated: Harrisburg, Pennsylvania
January 11, 2016

By:



John B. Consevage, Esq.
PA Attorney No. 36593
Dilworth Paxson LLP
2 North 2nd Street, Suite 1101
Harrisburg, Pennsylvania 17101
(717) 236-4812 (phone)
(717) 236-7811 (fax)
jconsevage@dilworthlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January 2016, I caused a true and correct copy of the foregoing motion and proposed order to be served via e-mail and U.S. First Class Mail upon the following counsel:

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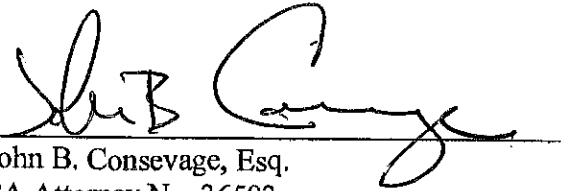
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New York, New York 10036
gsvirsky@omm.com

A handwritten signature in black ink, appearing to read "John B. Consevage", written over a horizontal line.

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Harrisburg, Pennsylvania 17101
(717) 236-4812 (phone)
(717) 236-7811 (fax)
jconsevage@dilworthlaw.com

*Attorney for Intervenor
Broadbill Partners, LP*

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COMMONWEALTH COURT
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11 JAN 2016 15 57

**ORDER GRANTING MOTION FOR ADMISSION *PRO HAC VICE* OF
BRAD M. ELIAS, ESQ. TO REPRESENT BROADBILL PARTNERS, L.P.**

AND NOW, this _____ day of _____, 2016, it is hereby
ORDERED that Brad M. Elias, Esq., is admitted *pro hac vice* in this case on behalf of Broadbill
Partners, L.P.

J.