

IN THE SUPREME COURT OF OHIO

UBS Financial Services, Inc.
f/k/a Paine Webber, Inc.

Appellant,

v.

Thomas M. Zaino,
[Richard A. Levin]
Tax Commissioner of Ohio,

Appellee.

Supreme Court
Case No.

07-1129

On Appeal from the
Ohio Board of Tax Appeals

BTA Case No. 2003-T-1139

MOTION FOR ADMISSION PRO HAC VICE OF THOMAS J. KENNY

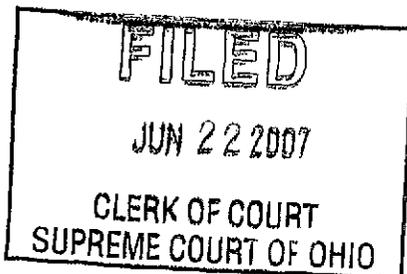
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Pursuant to Rules of Practice of the Ohio Supreme Court, Rule I, Section 2, Edward J. Bernert (0025808), a member in good standing of the bar of this Court, who is registered in active status with the Clerk, hereby moves the Court for admission *pro hac vice* of Thomas J. Kenny, Varnum, Riddering, Schmidt & Howlett L.L.P., 39500 High Point Blvd., Suite 350, Novi, Michigan 48375 as counsel for Appellant in this case.

1. Mr. Kenny's qualifications for admission *pro hac vice* include that he is a member in good standing of the bar of the State of Michigan. Mr. Kenny's qualifications are more fully set forth in his attached affidavit, which is incorporated herein by reference.

Respectfully submitted,

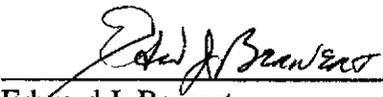


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Attorneys for Appellant,
UBS Financial Services, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served this 22nd day of June, 2007 by hand-delivery upon the Ohio Board of Tax Appeals, 30 East Broad Street, 24th Floor, Columbus, Ohio 43215, and by certified mail upon Richard A. Levin, Tax Commissioner of Ohio, 30 East Broad Street, 22nd Floor, Columbus, Ohio 43215, and Barton A. Hubbard, Assistant Attorney General, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.



Edward J. Bernert

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Tax Commissioner of Ohio,	:	BTA Case No. 2003-T-1139
	:	
Appellee.	:	

AFFIDAVIT OF THOMAS J. KENNY

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Tax Commissioner of Ohio

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	:	
Appellee.	:	

AFFIDAVIT OF THOMAS J. KENNY

STATE OF MICHIGAN)
)
 COUNTY OF Oakland)

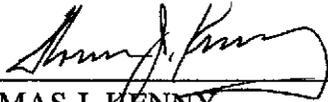
1. My name is Thomas J. Kenny.
2. I am a Partner in the law firm of Varnum, Riddering, Schmidt & Howlett, L.L.P., 39500 High Point Blvd., Suite 350, Novi, Michigan 48375.
3. I am a member in good standing of the bar of the State of Michigan; and I am a member in good standing of the U.S. District Court of the Eastern District of Michigan. I am not currently under investigation, or the subject of disciplinary proceedings by any disciplinary board, commission, or office of any state or federal court or bar association.
4. The Appellant, UBS Financial Services, Inc., has requested that I represent the Appellant before the Supreme Court of Ohio in this matter. Varnum, Riddering, Schmidt &

Howlett, L.L.P. has a long-standing attorney-client relationship with Appellant and has represented Appellant in tax matters in the past.

5. I am competent to handle the matters involved in this case.

FURTHER AFFIANT SAYETH NAUGHT

Dated this 21 day of June 2007.

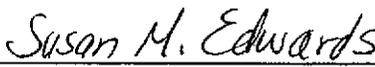


THOMAS J. KENNY

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 21st day of June, 2007, by THOMAS J. KENNY, who said upon oath that he has read the foregoing instrument and that it is true and correct to best of his knowledge, and who is personally known to me.



Notary Public



Print Name of Notary

My Commission Expires: Susan M. Edwards, Notary Public
Oakland County, Michigan
My Commission Expires 9-16-07