

IN THE SUPREME COURT OF OHIO

GARY TISDALE and TAMMY TISDALE, :

Plaintiffs/Appellees, :

Case No. 2009-0147

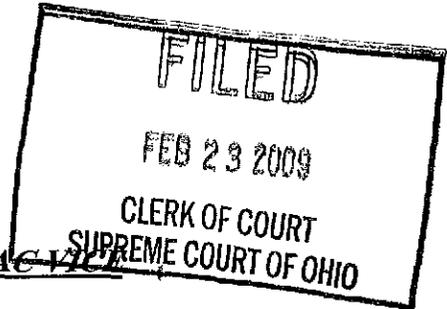
v. :

On Appeal from the Lucas County
Court of Appeals, Sixth Appellate District

TOLEDO SURGICAL SPECIALISTS,
INC., and THE TOLEDO HOSPITAL :

Court of Appeals Case No. L-07-1300

Defendants/Appellants. :



MOTION FOR ADMISSION *PRO HAC VICE*

COMES NOW Peter H. Weinberger, counsel of record for Plaintiffs/Appellees in the above-captioned case, and respectfully moves this court, pursuant to the Rules of the Ohio Supreme Court to admit Stephen B. Pershing as *pro hac vice* counsel for the Plaintiffs/Appellees Gary and Tammy Tisdale.

I am counsel of record for the Plaintiffs/Appellees, an attorney in good standing admitted to practice in Ohio and am registered with the Attorney Services Division in active status. David W. Goldense, co-counsel for the Plaintiffs/Appellees, is also an attorney in good standing admitted to practice in Ohio and is registered with the Attorney Services Division in active status.

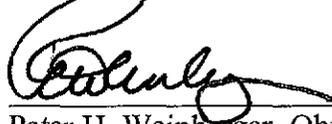
Stephen B. Pershing is an attorney regularly engaged in the practice of law and is a member in good standing in the District of Columbia, pursuant to the rules of the D.C. Court of Appeals. Mr. Pershing is a senior attorney with the Center for Constitutional Litigation, P.C., in Washington, D.C. and will be working closely with co-counsel for the Plaintiffs/Appellees. Mr.

Pershing was admitted *pro hac vice* for the Plaintiffs/Appellees in Case No. L-07-1300 in the Sixth District Court of Appeals of Lucas County. In support of this Motion, the Affidavit of Stephen B. Pershing is attached and incorporated herein.

WHEREFORE, the undersigned counsel respectfully requests this Court to enter an Order admitting Stephen B. Pershing to appear and practice as counsel *pro hac vice* without taking the oath or admission to the Bar and without paying any fee. In anticipation of the granting of this Motion and the convenience of this Honorable Court, counsel attaches a Proposed Order granting this Motion.

Dated: February 20, 2009

Respectfully submitted,



Peter H. Weinberger, Ohio Bar No. 0022076
SPANGENBERG, SHIBLEY & LIBER LLP
1900 East Ninth Street, Suite 2400
Cleveland, OH 44114
Phone: (216) 696-3232
Fax: (216) 696-3924
PHW@Spanglaw.com

David W. Goldense, Ohio Bar No. 0015448
DAVID W. GOLDENSE CO., L.P.A.
Terminal Tower
50 Public Square, Suite 920
Cleveland, OH 44113
Phone: (216) 241-0300
Fax: (216) 241-2731
dwgoldense@aol.com

*Counsel for Plaintiffs/Appellees Gary Tisdale
and Tammy Tisdale*

CERTIFICATE OF SERVICE

A copy of the foregoing **Motion for Admission *Pro Hac Vice*** was sent by Federal Express postage prepaid, this 20th day of February 2009, to the following:

John S. Wasung, Counsel of Record
Susan Healy Zitterman
Anne M. Brossia
Kitch Drutchas Wagner & Kenney P.C.
405 Madison Avenue, Suite 1500
Toledo, OH 43604-1235

Counsel for Defendant/Appellant The Toledo Hospital et al.



Peter H. Weinberger
Ohio Bar No. 0022076

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	:	
v.	:	
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	:	Court of Appeals, Sixth Appellate District
TOLEDO SURGICAL SPECIALISTS,	:	
INC., and THE TOLEDO HOSPITAL	:	Court of Appeals Case No. L-07-1300
	:	
Defendants/Appellants.	:	
	:	
	:	
	:	

AFFIDAVIT OF STEPHEN B. PERSHING

Comes now affiant, Stephen B. Pershing, having first been duly sworn, and avers as follows:

1. I am seeking *pro hac vice* admission to represent the Plaintiffs Gary and Tammy Tisdale in Ohio Supreme Court Case No. 2009-0147.

2. I am an attorney in good standing and licensed to practice law in Washington, D.C. and in the state of Virginia.

3. I have not been the subject of any disciplinary action or been disciplined in any jurisdiction. Additionally, no disciplinary action or investigation is currently pending against me in any jurisdiction.

4. I was admitted *pro hac vice* on November 2, 2007, to represent Gary and Tammy Tisdale in the Sixth District Court of Appeals of Lucas County, Case No. L-07-1300.

5. I have familiarized myself with the Rules of Appellate Procedure, the Rules of the Ohio Supreme Court, the Rules of Evidence and the Rules of Professional Conduct and will comply with the Rules as required.

6. I hereby swear that I will support the Constitution and the laws of the United States and the Constitution and the laws of Ohio, and I will abide by the Rules of Professional Conduct.

7. In my capacity as an attorney and officer of the Court, I will conduct myself with dignity and civility and show respect towards judges, court staff, clients, fellow professionals, and all other persons.

8. I will honestly, faithfully, and completely discharge the duties of an attorney at law.

Respectfully submitted,



Stephen B. Pershing, D.C. Bar No. 482580
CENTER FOR CONSTITUTIONAL
LITIGATION, P.C.
777 6th Street, NW, Suite 520
Washington, D.C. 20001-3723
(202) 944-2856

Dated this 19th day of February 2009 in Washington, D.C. by:



Stephen B. Pershing

SUBSCRIBED AND SWORN to before me, this 19th day of February 2009.

NOTARY: YEI ERL, LIN YEI ERL, LIN

Expiration Date of Notary: MAR. 31, 2009

County & State: DISTRICT OF COLUMBIA, D.C.

YEI ERL, LIN
NOTARY PUBLIC, DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES MAR.31, 2009.



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

STEPHEN B. PERSHING

was on the 3RD day of FEBRUARY, 2006

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on February 5, 2009.

GARLAND PINKSTON, JR., CLERK

By: *M. Charles*
Deputy Clerk

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	:	
Defendants/Appellants.	:	
	:	
	:	
	:	

ORDER

This matter came before the Court upon the Motion for Admission of Stephen B. Pershing *Pro Hac Vice*. After due consideration, the Court finds the motion well taken and hereby approves the admission *Pro Hac Vice* of Stephen B. Pershing.

DATE

JUSTICE