

ORIGINAL

IN THE SUPREME COURT OF OHIO

JACK E. RIEDEL,

Plaintiff-Appellee,

v.

CONSOLIDATED RAIL CORPORATION, et al.,

Defendant-Appellant,

DANNY SIX,

Plaintiff-Appellee,

v.

NORFOLK SOUTHERN RAILWAY  
COMPANY, et al.,

Defendant-Appellant,

JOSEPHINE WELDY, as representative of the  
Estate of Jack E. Weldy,

Plaintiff-Appellee,

v.

CONSOLIDATED RAIL CORPORATION, et al.,

Defendant-Appellant.

Case No. 09-1070

On Appeal from the  
Cuyahoga County Court  
of Appeals, Eighth  
Appellate District

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of Appeals Eighth  
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FILED  
JUL 08 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

On Appeal from the  
Cuyahoga County Court  
of Appeals, Eighth  
Appellate District

MOTION FOR ADMISSION OF OUT-OF-STATE ATTORNEY

RECEIVED  
JUL 08 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

David A. Damico  
Ohio I.D. No. 0056053  
Burns, White & Hickton, LLC  
Four Northshore Center  
106 Isabella Street  
Pittsburgh, PA 15212  
(412) 995-3000  
(412) 995-3300 (Fax)

COUNSEL FOR APPELLANTS

Michael L. Torcello, Esquire  
Doran & Murphy, LLP  
1234 Delaware Avenue  
Buffalo, NY 14209  
(716) 884-2000  
(716) 884-2146 (Fax)

COUNSEL FOR APPELLEES

AND NOW COMES Defendant-Appellant CONSOLIDATED RAIL CORPORATION, and CSX TRANSPORTATION, INC., and NORFOLK SOUTHERN RAILWAY CO., by and through its attorneys, Burns, White & Hickton, LLC and David A. Damico, Esquire, and files the within Motion for Admission of Out-of-State Attorney seeking *Pro Hac Vice* admission of Ira L. Podheiser, Esquire and, in support thereof, states the following:

1. The Movant, David A. Damico, Esquire is a partner of Burns, White & Hickton, LLC, located at Four Northshore Center, 106 Isabella Street, Pittsburgh, PA 15212, is licensed to practice law in the State of Ohio and the Commonwealth of Pennsylvania and is attorney of record for the Defendant-Appellant in this action. The Movant is also presently in good standing therein.

2. Ira L. Podheiser, Esquire is a partner in the law firm of Burns, White & Hickton, LLC and maintains an office located at Four Northshore Center, 106 Isabella Street, Pittsburgh, PA 15212, 412-995-3000. (See Affidavit of Ira L. Podheiser, attached hereto).

3. Mr. Podheiser's practice is devoted to civil litigation, and he specializes in the complex field of appellate litigation.

4. Mr. Podheiser is a member in good standing of the highest Court of the Commonwealth of Pennsylvania. Neither he nor any member of his law firm is under suspension or disbarment by any such Court.

5. The following is the name, address, and telephone number for the Pennsylvania Disciplinary Board which can attest to Ira L. Podheiser's status as a member in good standing of the Pennsylvania bar:

Pennsylvania Disciplinary Board  
Supreme Court of Pennsylvania  
First Floor, Two Lemoyne Drive  
Lemoyne, PA 17043  
(717) 731-7073

6. Mr. Podheiser does not wish to be admitted generally, but for the purposes of the above-captioned matter only.

7. Mr. Podheiser has been requested to assist Mr. Damico as co-counsel in representing the Defendant-Appellant in this case.

8. He has familiarized himself with the Ohio Rules of Appellate Procedure and the Supreme Court Practice Rules.

9. If permitted to appear *pro hac vice* in this matter, Mr. Podheiser will abide by all applicable rules and procedures of this Court.

10. Attached hereto is a copy of a proposed Order entering the appearance of Ira L. Podheiser specifically admitting him to practice before the Supreme Court of Ohio in this case, and to permitting him to receive all process and pleadings.

Respectfully submitted,

BURNS, WHITE & HICKTON

By: 

David A. Damico, Esquire  
Ohio I.D. #0056053  
Four Northshore Center  
106 Isabella Street  
Pittsburgh, PA 15212  
(412) 995-3000  
(412) 995-3300 (Fax)  
Counsel for Appellants

Dated: July 2, 2009

**IN THE SUPREME COURT OF OHIO**

JACK E. REIDEL,	:	Case No. 09-1070
	:	
Plaintiff-Appellee,	:	On Appeal from the
	:	Cuyahoga County Court
v.	:	of Appeals, Eighth
	:	Appellate District
	:	
CONSOLIDATED RAIL CORORATION, et al.,	:	
	:	
Defendant-Appellant,	:	
	:	
	:	
DANNY SIX,	:	
	:	
Plaintiff-Appellee,	:	On Appeal from the
	:	Cuyahoga County Court
	:	of Appeals Eighth
v.	:	Appellate District
	:	
	:	
NORFOLK SOUTHERN RAILWAY	:	
COMPANY, et al.,	:	
	:	
Defendant-Appellant,	:	
	:	
	:	
JOSEPHINE WELDY, as representative of the	:	
Estate of Jack E. Weldy,	:	
	:	
Plaintiff-Appellee,	:	On Appeal from the
	:	Cuyahoga County Court
v.	:	of Appeals, Eighth
	:	Appellate District
	:	
	:	
CONSOLIDATED RAIL CORPORATION, et al.,	:	
	:	
Defendant-Appellant.	:	

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**ORDER GRANTING MOTION FOR ADMISSION  
OF OUT-OF-STATE ATTORNEY**

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AND NOW, this \_\_\_\_\_ day of June, 2009, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that pursuant to Rule 2(B) of the Local Rules of the Eighth District Court of Appeals, Admission *pro hac vice*, **Ira L. Podheiser, Esquire** of Burns, White & Hickton, LLC, Four Northshore Center, 106 Isabella Street, Pittsburgh, PA 15212, be admitted to practice *pro hac vice* before the Supreme Court of Ohio, in the above-captioned action, and is to receive all process and pleadings.

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J.



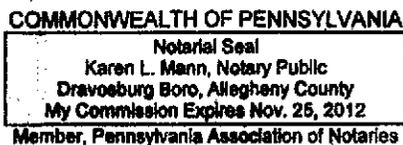
Conduct. In my capacity as an attorney and officer of the Court, I will conduct myself with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons. I will honestly, faithfully, and competently discharge the duties of an attorney-at-law.

For the foregoing reasons, I respectfully request that I be admitted *pro hac vice* in this action, and be permitted to receive all process and pleadings in this case.



Ira L. Podheiser, Esquire

Sworn to and subscribed before  
me this 2<sup>nd</sup> day of July, 2009.

  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2009, a true and correct copy of the foregoing Motion for Admission of Out-of-State Attorney was served upon the following counsel of record via first-class United States Mail, postage prepaid, addressed as follows:

Michael L. Torcello, Esquire  
Doran & Murphy, LLP  
1234 Delaware Avenue  
Buffalo, NY 14209

Respectfully submitted,

BURNS, WHITE & HICKTON

By: \_\_\_\_\_



David A. Damico, Esquire  
Ohio I.D. #0056053

Four Northshore Center  
106 Isabella Street  
Pittsburgh, PA 15212  
(412) 995-3000  
(412) 995-3300 (Fax)  
Counsel for Appellants