

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL.
ROBERT MERRILL, TRUSTEE, et al.,

09-1806

: Case No. 2009-
:
:
: On Appeal from the
: Lake County
: Court of Appeals,
: Eleventh Appellate District
:
: Court of Appeals Case
: Nos. 2008-L-007, 2008-L-008
: Consolidated

Appellees,

and

HOMER S. TAFT, et al.,

Appellees

v.

STATE OF OHIO, DEPARTMENT OF
NATURAL RESOURCES, et al.,

Defendants,

and

STATE OF OHIO,

Appellant,

and

NATIONAL WILDLIFE FEDERATION, et
al.,

Appellants.

FILED
OCT 07 2009
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION FOR ADMISSION PRO HAC VICE OF NEIL S. KAGAN
TO REPRESENT APPELLANTS NATIONAL WILDLIFE FEDERATION
AND OHIO ENVIRONMENTAL COUNCIL

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Motion for Admission Pro Hac Vice of Neil S. Kagan
to Represent Appellants National Wildlife Federation
and Ohio Environmental Council

Pursuant to Rules of Practice of the Supreme Court of Ohio, Rule I, Section 2, I, Peter A. Precario, an attorney admitted to practice in Ohio and registered with the Attorney Services Division for active status, and a member in good standing of the Bar of the State of Ohio, move for the entry of an order granting Neil S. Kagan, of Ann Arbor, Michigan, permission to appear as counsel of record in this matter *pro hac vice* on behalf of Appellants National Wildlife Federation and Ohio Environmental Council, file documents, and participate in oral argument before this Court..

In support of this motion, I, Peter A. Precario, state as follows:

Mr. Kagan's office address, telephone number, and e-mail address are National Wildlife Federation, Great Lakes Regional Center, 213 West Liberty Street, Suite 200, Ann Arbor, Michigan, 48104; 734-887-7106; and kagan@nwf.org.

Mr. Kagan is admitted to practice in the highest court of the State of Michigan. He was admitted to the Bar of the State of Michigan on November 25, 1998, and he is a member in good standing. Mr. Kagan was also admitted to practice in the highest court of the State of Oregon. He was admitted to the Bar of the State of Oregon on September 24, 1982, and he is a member in good standing, although he is currently on inactive status.

Mr. Kagan is also admitted to practice in the following federal courts: (1) the District of Oregon, since October 21, 1983; (2) the Eastern District of Michigan, since August 2, 2001; (3) the Western District of Michigan, since April 29, 2002; (4) the Eastern District of Wisconsin, since July 17, 2006, (5) the Court of Appeals for the District of Columbia, since February 10, 1997; (6) the Court of Appeals for the Sixth Circuit, since July 30, 2001; (7) the Court of

Appeals for the Ninth Circuit, since October 14, 1983; and (8) the Supreme Court, since March 7, 1988. He is a member in good standing and eligible to practice in these courts.

Mr. Kagan has never been disciplined by any court or disciplinary body and is not currently the subject of any such proceedings.

Mr. Kagan was given permission to appear *pro hac vice*, file documents, and participate in oral argument on behalf of Appellants National Wildlife Federation and Ohio Environmental Council in this matter when it was in the Court of Appeals of Ohio, Eleventh Appellate District, and the Court of Common Pleas, Lake County. He is thoroughly familiar with the issues.

I will serve as Ohio counsel in association with Mr. Kagan, as I have in the underlying litigation in this matter and in the litigation of another matter in the U.S. District Court for the Southern District of Ohio. As a result of my association with Mr. Kagan, I am personally familiar with his conduct and character and regard him as a person of the highest integrity.

Therefore, I respectfully request this Court to enter an order admitting Neil S. Kagan to appear as counsel of record in this matter before this Court *pro hac vice* on behalf of Appellants National Wildlife Federation and Ohio Environmental Council, file documents, and participate in oral argument before this Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Admission Pro Hac Vice of Neil S. Kagan To Represent Appellants National Wildlife Federation and Ohio Environmental Council was sent by ordinary U.S. mail to the following counsel of record and parties not represented by counsel on October 7, 2009:

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