

In the
Supreme Court of Ohio

BEAVER EXCAVATING COMPANY, et al.,

Plaintiffs-Appellant,

v.

JOSEPH W. TESTA [RICHARD A. LEVIN],
TAX COMMISSIONER OF OHIO,

Defendant-Appellant.

: Case No. 2011-1536
:
:
: On Appeal from the
: Franklin County
: Court of Appeals,
: Tenth Appellate District
:
: Court of Appeals
: Case No. 10-AP-581
:
:

MOTION TO ADMIT MATTHEW P. HAMPTON *PRO HAC VICE*

THOMAS B. RIDGLEY* (0000910)

**Counsel of Record*

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Beaver Excavating Company, et al.

MICHAEL DEWINE (0009181)

Ohio Attorney General

STEPHEN P. CARNEY* (0063460)

**Counsel of Record*

MATTHEW P. HAMPTON (PHV 1893-2012)

(pro hac vice application pending)

Deputy Solicitors

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Counsel for Appellee

Joseph W. Testa [Richard A. Levin],

Tax Commissioner of Ohio

FILED
FEB 03 2012
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION TO ADMIT MATTHEW P. HAMPTON *PRO HAC VICE*

Pursuant to Gov. Bar R. XII, § 2(A)(6) and S. Ct. Prac. R. 1.2, Matthew P. Hampton respectfully moves the Court for admission to appear on behalf of and represent *pro hac vice* Appellee Joseph W. Testa [Richard A. Levin], Tax Commissioner of Ohio, in this matter, stating the following grounds:

1. Movant is a Deputy Solicitor in Ohio Attorney General Mike DeWine's Office, located at 30 East Broad Street, 17th Floor, Columbus, Ohio 43215.
2. Movant resides at 895 N. 6th St., Apt. 105, Columbus, Ohio 43201.
3. Movant is admitted to practice law in the following jurisdictions: New York and the District of Columbia (#980486).
4. Movant was admitted in New York on January 24, 2007, and in the District of Columbia on May 9, 2008.
5. Movant is a member in good standing of the bars of New York and the District of Columbia.
6. Movant filed an Application to Register as a Candidate for Admission to the Practice of Law with the Court in July 2011 and has been granted permission to sit for the bar exam in February 2012.
7. Included with this Motion is an affidavit executed by Movant as required by Gov. Bar R. XII, § 2(A)(6)(c) and a copy of the Renewed Certificate of Pro Hac Vice Registration for Movant issued by the Office of Attorney Services of the Ohio Supreme Court.
8. Movant has been admitted *pro hac vice* in *Bennett v. Goodremont's, Inc.*, No. 2011-0902, pending in this Court. Movant was admitted on November 22, 2011.
9. Movant is seeking permission to appear *pro hac vice* in *Ohio Trucking Ass'n v. Charles*, No. 2011-1757, pending in this Court.

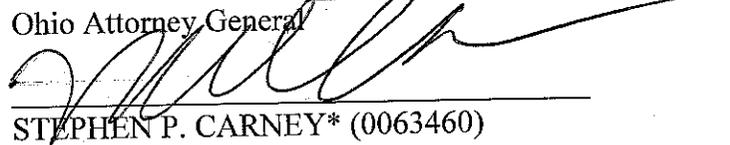
10. Movant has not been admitted to appear *pro hac vice* before an Ohio tribunal on more than three occasions during the current calendar year.

11. Throughout these proceedings, Movant will be associated with Stephen P. Carney (#0063460), an active Ohio attorney in good standing.

Based on the foregoing, Matthew P. Hampton respectfully requests that the Court admit him *pro hac vice* for the purpose of representing Appellee Joseph W. Testa [Richard A. Levin], Tax Commissioner of Ohio, in this matter.

Respectfully submitted,

MICHAEL DEWINE (0009184)
Ohio Attorney General



STEPHEN P. CARNEY* (0063460)

**Counsel of Record*

MATTHEW P. HAMPTON (PHV 1893-2012)

(pro hac vice application pending)

Deputy Solicitors

JULIE E. BRIGNER (0066367)

BARTON A. HUBBARD (0023141)

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Counsel for Appellee Joseph W. Testa

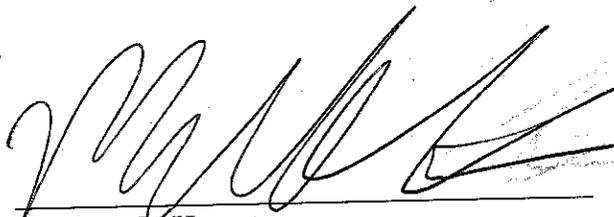
[Richard A. Levin], Tax Commissioner of Ohio

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Admit Matthew P. Hampton *Pro Hac Vice*, was served by U.S. mail this 3rd day of February, 2012, upon the following counsel:

Thomas B. Ridgley
Anthony L. Ehler
Jeffrey Allen Miller
Robert J. Krummen
Vorys, Sater, Seymour and Pease LLP
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Columbus, Ohio 43216-1008

Counsel for Plaintiffs-Appellants
Beaver Excavating Company, et al.



Matthew P. Hampton
Deputy Solicitor

Supreme Court of Ohio

IN THE MATTER OF THE MOTION OF

CASE NO. 2011-1536

Matthew P. Hampton

FOR PERMISSION TO APPEAR PRO HAC VICE

State of Ohio)

County of Franklin)

**AFFIDAVIT OF
OUT-OF-STATE ATTORNEY**
Gov. Bar R. XII, Section 2(A)(6)

ss:

Matthew P. Hampton, being first duly cautioned, swears or affirms as follows:

a. I have never been disbarred from the practice of law.

b. I have been admitted to the practice of law in the following jurisdiction(s):

New York; District of Columbia

c. Choose one:

I am not currently suspended from the practice of law in any jurisdiction where I have been admitted to practice.

I am currently suspended from the practice of law in the following jurisdiction(s):

d. Choose one:

I have not resigned from the practice of law with discipline pending in any jurisdiction where I have been admitted to practice.

I have resigned from the practice of law with discipline pending in the following jurisdiction(s):

[Signature]
SIGNATURE OF OUT-OF-STATE ATTORNEY
3rd

Sworn to or affirmed before me and subscribed in my presence the _____

day February, 2012.



KIMBERLY SUE BLANKENSHIP
Notary Public, State of Ohio
My Commission Expires 12/13/15

[Signature]
NOTARY PUBLIC

THE SUPREME COURT of OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

Matthew Hampton

FOR PRO HAC VICE REGISTRATION

per Gov. Bar R. XII, Section 2(A)(3)

Certificate of
PRO HAC VICE
REGISTRATION

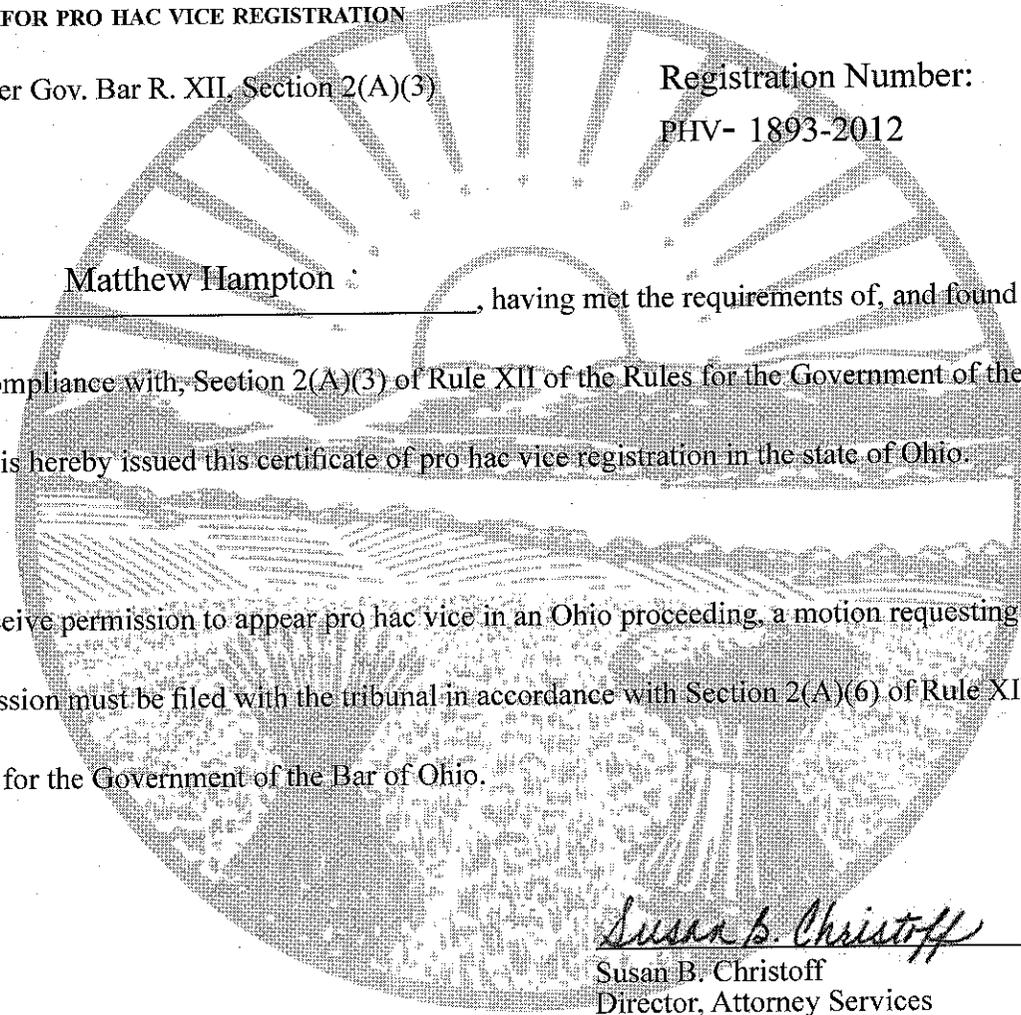
2012

Registration Number:
PHV- 1893-2012

Matthew Hampton :

_____ , having met the requirements of, and found to be in full compliance with, Section 2(A)(3) of Rule XII of the Rules for the Government of the Bar of Ohio, is hereby issued this certificate of pro hac vice registration in the state of Ohio.

To receive permission to appear pro hac vice in an Ohio proceeding, a motion requesting such permission must be filed with the tribunal in accordance with Section 2(A)(6) of Rule XII of the Rules for the Government of the Bar of Ohio.



Susan B. Christoff

Susan B. Christoff
Director, Attorney Services

Expires December 31, 2012