

ORIGINAL

IN THE SUPREME COURT OF OHIO

FILED

MICHAEL E. CULLEN,

*Plaintiff-Appellee,*

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

*Defendant-Appellant.*

: Case No. 2012-0535  
:  
:  
: On Appeal from the Cuyahoga County  
Court of Appeals, Eighth Appellate District  
: Court of Appeals Case No. CA-10-095925  
:  
:  
:  
:  
:  
:

---

**MOTION FOR PERMISSION TO APPEAR *PRO HAC VICE***

---

Pursuant to Gov.Bar R. XII(2)(A)(6), Cary Silverman, attorney for *amici curiae*, hereby moves the to grant permission to appear *pro hac vice* and participate as co-counsel in this case for the Ohio Chamber of Commerce, Ohio Alliance for Civil Justice, Chamber of Commerce of the United States of America, and American Tort Reform Association.

Movant represents that the following is a list of the jurisdictions in which he has ever been licensed to practice law, including dates of admission to practice, resignation, or retirement, and any attorney registration numbers:

Maryland, admitted December 13, 2000. Maryland does not issue attorney registration numbers.

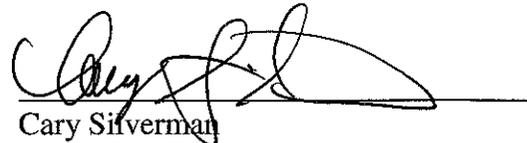
District of Columbia, admitted October 12, 2001, No. 473658.

Movant represents that he has not been granted permission to appear *pro hac vice* in more than three proceedings before Ohio tribunals in the current calendar year pursuant to Gov.Bar R. XII(2)(A)(5).

Victor E. Schwartz, an active Ohio attorney in good standing, has agreed to associate with Movant on this case.

The affidavit required by Gov.Bar R. XII(2)(A)(6), a copy of Movant's certificate of *pro*

*hac vice* registration furnished by the Supreme Court of Ohio Office of Attorney Services, and a certificate indicating service of this Motion on all known parties and attorneys of record are attached. Movant understands that, if this Motion is granted, Movant must file a Notice of Permission to Appear *Pro Hac Vice* and a copy of the Order granting permission with the Supreme Court of Ohio Office of Attorney Services within thirty days of the Order.



Cary Silverman  
PHV – 2576-2012  
SHOOK, HARDY & BACON L.L.P.  
1155 F Street NW, Suite 200  
Washington, DC 20004  
Tel: (202) 783-8400  
Fax: (202) 783-4211  
csilverman@shb.com

Residential Address:  
12705 Hallman Court  
Gaithersburg, MD 20878

Dated: Apr. 5, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing Motion upon counsel by depositing a copy in a first-class postage-prepaid envelope into a depository under the exclusive care and custody of the U.S. Postal Service on April <sup>12</sup>5, 2012, addressed to the following:

Mark A. Johnson  
Joseph E. Ezzie  
Robert J. Tucker  
BAKER & HOSTETLER LLP  
65 East State Street, Suite 2100  
Columbus, OH 43215

Michael K. Farrell  
BAKER & HOSTETLER LLP  
3200 East Ninth Street  
Cleveland, OH 44114

Robert Shultz  
HEYL, ROYSTER, VOELKER & ALLEN  
Suite 100, Mark Twain Plaza III  
105 West Vandalia Street  
P.O. Box 467  
Edwardsville, IL 62025

*Attorneys for Appellant State Farm  
Mutual Automobile Insurance Company*

Paul W. Flowers  
Terminal Tower, 35<sup>th</sup> Floor  
50 Public Square  
Cleveland, OH 44113

John P. Hurst  
Terminal Tower, 35<sup>th</sup> Floor  
50 Public Square  
Cleveland, OH 44113

W. Craig Bashein  
Terminal Tower, 35<sup>th</sup> Floor  
50 Public Square  
Cleveland, OH 44113

*Attorneys for Plaintiff-Appellee  
Michael E. Cullen*

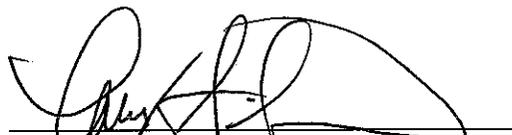
Thomas Szykowny  
Michael Thomas  
Vorys, Sater, Seymour & Peace  
52 East Gay Street  
Columbus, OH 43216

*Attorneys for Amici Curiae National  
Association of Mutual Insurance Cos.  
and Ohio Insurance Institute*

Elizabeth B. Wright  
Brian A. Troyer  
Thompson Hine LLP  
3900 Key Center  
127 Public Square  
Cleveland, OH 44114-1291

Stephanie M. Chmiel  
Thompson Hine LLP  
41 South High Street  
Columbus, OH 43215-6101

*Counsel for Amici Curiae Washington  
Legal Foundation and Ohio Chemistry  
Technology Council*

  
Cary Silverman

IN THE MATTER OF THE MOTION OF

CASE NO. 2012-0535

Cary Silverman

**AFFIDAVIT OF  
OUT-OF-STATE ATTORNEY**

**FOR PERMISSION TO APPEAR PRO HAC VICE**

Gov. Bar R. XII, Section 2(A)(6)

Cary Silverman 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 jurisdictions (attach additional jurisdictions if necessary):

District of Columbia

Maryland

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 jurisdictions:

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 OF APPLICANT

Sworn to or affirmed before me and subscribed in my presence the 5<sup>TH</sup> day of APRIL,

20 12, in the state of DISTRICT OF COLUMBIA and county of N/A.



SIGNATURE OF NOTARY PUBLIC\*  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires June 14, 2013

\*Affix stamp & seal (required in Ohio).

# THE SUPREME COURT *of* OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

**Cary Silverman**

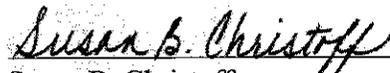
FOR PRO HAC VICE REGISTRATION

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

**Cary Silverman**

\_\_\_\_\_, 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  
Director, Attorney Services

Certificate of  
PRO HAC VICE  
REGISTRATION

2012

Registration Number:  
PHV- 2576-2012

**Expires December 31, 2012**