ORIGINAL

In The Supreme Court of Ohio

John Freshwater

v.

Mount Vernon City School District Board of Education

Case No. 2012-0613

FILED
OCT 19 2012
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION FOR PERMISSION TO APPEAR PRO HAC VICE

Pursuant to Gov.Bar R. XII(2)(A)(6), Samuel M. Leaf, attorney for Willkie Farr & Gallagher LLP, hereby moves the Supreme Court of Ohio to grant him permission to appear pro hac vice and participate as counsel or co-counsel in this case for amicus curiae National Center for Science Education.

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:

State of New York, 1989 (# 2886851); United States District Court, Southern District of New York, 1999; United States District Court, Eastern District of New York, 2005.

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).

Jeffrey Lauderdale (Bar No. 0074859), 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.

Samuel M. Leaf

(Name of Movant/PHV Attorney)

PHV - 3226-2012

(PHV Registration Number)

Willkie Farr & Gallagher LLP

(Law Firm or Employer, if applicable)

787 Seventh Avenue

(Business Address)

New York, New York 10019

(City, State or Country, ZIP Code)

212-728-8738

(Business Telephone)

212-728-8111

(Business Fax)

sleaf@willkie.com

(Business E-Mail)

1 Cross Brook Lane

Westport, CT 06880

(Residential Address)

In The Supreme Court of Ohio

IN THE MATTER OF THE MOTION OF

CASE NO. 2012-0613

Samuel M. Leaf

AFFIDAVIT OF OUT-OF-STATE ATTORNEY

FOR PERMISSION TO APPEAR PRO HAC VICE

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

Samuel M. Leaf 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):

State of New York

Southern District of New York

Eastern District of New York

c. Choose one:

- [x] 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:

- [x] 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 11th day of October, 20 12, in the state of New York and county of New York.

SIGNATURE OF NOTARY PUBLIC*

MARGUERITE POUPAKIS
NOTARY PUBLIC, State of New York
No. 01PO6203276
Qualified in New York County
Commission Expires April 6, 2013

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

THE SUPREME COURT *of* OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

Samuel Leaf

FOR PRO HAC VICE REGISTRATION

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

Certificate of
PRO HAC VICE
REGISTRATION
2012

Registration Number:
PHV- 3226-2012

Samuel Leaf, 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

Expires December 31, 2012

CERTIFICATE OF SERVICE

I, hereby certify that on this 19th day of October, 2012, I have caused a copy of the foregoing Motions for Permission to Appear *Pro Hac Vice* to be served by first class mail, postage prepaid, on the following counsel for parties of record:

R. Kelly Hamilton
Counsel of Record
The Law Office of R. Kelly Hamilton, LLC
P.O. Box 824
Grove City, Ohio 43123

Counsel for Appellee Mount Vernon City School District Board of Education

David Kane Smith
Counsel of Record
Britton Smith Peters & Kalil Co., L.P.A.
3 Summit Park Drive, Suite 400
Cleveland, Ohio 44131

Counsel for Appellant

/s/ Jeffrey J. Lauderdale
Jeffrey J. Lauderdale

Counsel for *Amicus Curiae* National Center for Science Education