

**IN THE SUPREME COURT OF OHIO**

**MA EQUIPMENT LEASING I LLC and  
MA 265 NORTH HAMILTON ROAD  
LLC,**

**Plaintiffs-Appellees,**

**v.**

**LYNN TILTON, PATRIARCH  
PARTNERS MANAGEMENT GROUP,  
LLC, PATRIARCH PARTNERS XIV,  
LLC, LD INVESTMENTS, LLC, JOHN  
HARRINGTON, ZOHAR II 2005-1,  
LIMITED and JOHN DOE  
DEFENDANTS 1-10**

**Defendants-Appellants.**

**Case No. 12-1729**

Appeal from the Franklin County Court  
of Appeals, Tenth Appellate District

Court of Appeals Consolidated Case  
Nos. 12AP-564 and 12AP-586  
(C.P.C. No. 09CVH-08-12912)

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**APPELLANTS' MOTION TO ADMIT DAVID ELBAUM PRO HAC VICE**

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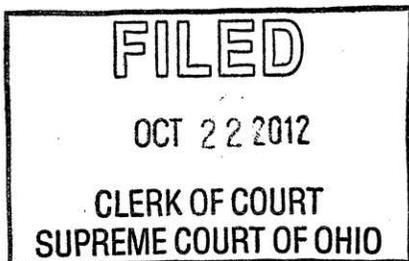
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John F. Marsh (0065345)  
Philip G. Eckenrode (0084187)  
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*Attorneys for Appellants*



Pursuant to Gov. Bar R. XII(6) and S.Ct. Prac. R. 1.2, David Elbaum, attorney for Appellants Lynn Tilton, Patriarch Partners, LLC, Patriarch Partners Management Group, LLC, Patriarch Partners XIV, LLC, LD Investments, LLC, John Harrington, and Zohar II 2005-1, Limited (collectively "Appellants") in the above-captioned appeal, hereby moves the Court to grant him permission to appear *pro hac vice* and participate as co-counsel in this case for Appellants.

Movant represents that he is licensed to practice law in the following jurisdiction, including the date of admission to practice and attorney registration number:

New York, admitted October 7, 1996, Bar Number 2779049.

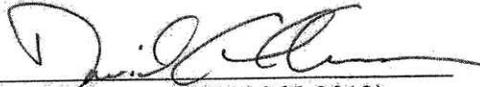
Movant represents that he has not been granted permission to appear *pro hac vice* in more than three proceedings before Ohio tribunals in the current calendar year pursuant to Gov. Bar R. XII(2)(A)(5).

J. Kevin Cogan (0009717), 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.

Date: October 19, 2012

Respectfully submitted,



David Elbaum (PHV 1065-2012)  
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Residential Address:

16 West Way  
Chappaqua, New York 10514

**CERTIFICATE OF SERVICE**

I hereby certify that on October 22, 2012, the foregoing was served by hand delivery and email upon:

Marc J. Kessler, Esq.  
John F. Marsh, Esq.  
Hahn Loeser & Parks LLP  
65 East State Street, Suite 1400  
Columbus, OH 43215

*Attorneys for Appellees*

J. Kevin Cogan per authority   
One of the Attorneys for Appellants

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AFFIDAVIT OF DAVID ELBAUM

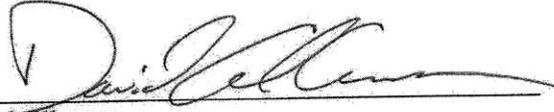
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I, David Elbaum, being duly sworn upon his oath, state as follows:

1. I have personal knowledge of the matters set forth in this Affidavit and am competent to testify to those matters.
2. I am an attorney with the law firm of Brune & Richard LLP, One Battery Park Plaza, 34th Floor, New York, New York 10004; telephone: (212) 668-1900; facsimile: (212) 668-0315; e-mail: delbaum@bruneandrichard.com.
3. I am a 1995 graduate of New York University School of Law. I am authorized to practice in, and am currently a member in good standing of the bar of, the State of New York.
4. I have never been disbarred and I am not currently suspended from the practice of law in any jurisdiction where I have been admitted to practice.

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

Further affiant sayeth naught.

  
\_\_\_\_\_  
David Elbaum

SWORN TO BEFORE ME and subscribed in my presence this 19 day of  
October, 2012.

**JOANNA H DAVELLA**  
Notary Public, State of New York  
No. 02DA6247258  
Qualified in New York County  
Commission Expires August 22, 2015

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: 8/22/2015

# THE SUPREME COURT *of* OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

**David Elbaum**

FOR PRO HAC VICE REGISTRATION

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

Certificate of  
PRO HAC VICE  
REGISTRATION

2012

Registration Number:  
PHV- 1065-2012

**David Elbaum**

, 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**