

ORIGINAL

No. 13-0761

In the Supreme Court of Ohio

CLEO J. RENFROW

PLAINTIFF-APPELLEE

vs.

NORFOLK SOUTHERN RAILWAY COMPANY

DEFENDANT-APPELLANT

DISCRETIONARY APPEAL FROM THE COURT OF APPEALS
EIGHTH APPELLATE DISTRICT
CUYAHOGA COUNTY, OHIO
CASE No. 98715

**MOTION FOR ADMISSION *PRO HAC VICE*
OF IRA L. PODHEISER, ESQUIRE**

Richard D. Schuster, Esquire (0022813)

**Counsel of Record*

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Damien C. Kitte, Esquire (0084057)

Vorys, Sater, Seymour and Pease LLP

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CHAMBER OF COMMERCE, THE OHIO COUNSEL
OF RETAIL MERCHANTS, AND THE CHAMBER OF
COMMERCE OF THE UNITED STATES OF
AMERICA

David A. Damico, Esquire (0056053)

Ira L. Podheiser, Esquire (*Pro Hac Vice*)

BURNS WHITE LLC

Four Northshore Center

106 Isabella Street

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COUNSEL FOR DEFENDANT-APPELLANT

Michael L. Torcello, Esquire (0088466)

Christopher Murphy, Esquire (0074840)

Doran & Murphy, LLP

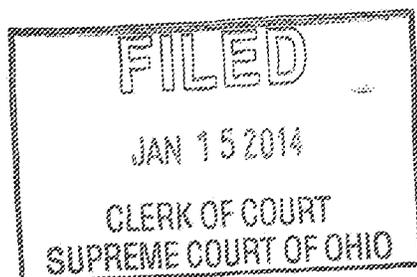
1234 Delaware Avenue

Buffalo, NY 14209

(716) 884-2000 (Phone)

(716) 884-2146 (Fax)

COUNSEL FOR PLAINTIFF-APPELLEE



MOTION FOR ADMISSION *PRO HAC VICE* OF IRA L. PODHEISER, ESQUIRE

AND NOW comes Ira L. Podheiser, Esquire, and moves this Honorable Court to grant him permission to appear as co-counsel in this case for Defendant-Appellant Norfolk Southern Railway Company and in support thereof:

1. Ira L. Podheiser is currently a partner at the law firm of BURNS WHITE LLC, Four Northshore Center, 106 Isabella Street, Pittsburgh, Pennsylvania, 15212 and currently resides at 401 Rockport Place, Wexford, Allegheny County, Pennsylvania, 15090.

2. The following is a list of jurisdictions in which Mr. Podheiser has ever been licensed to practice, including dates of admission to practice, resignation or retirement, and his attorney registration number:

- Pennsylvania #46973 – admitted 11/13/1986;
- United States Court of Appeals for the Third Circuit – admitted 10/26/1989;
- United States Court of Appeals for the First Circuit (#61623) – admitted 04/09/1999;
- United States Court of Appeals for the Sixth Circuit - admitted 11/15/2005; and
- United States Court of Appeals for the District of Columbia (#50413) – admitted 01/17/2006

3. Ira L. Podheiser has not been granted permission to appear *pro hac vice* in more than three (3) proceedings before Ohio tribunals in the current calendar year, pursuant to Gov. Bar R. XII (2)(A)(5).

4. The affidavit required by Gov. Bar R. XII (2)(A)(6), a copy of Mr. Podheiser'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 hereto as Exhibits "A," "B," and "C," respectively.

5. If this Motion is granted, Mr. Podheiser will comply with the applicable statutes, law and procedural rules of the State of Ohio, and the rules, policies, and procedures of the tribunal before which the attorney seeks to practice and will be familiar with and comply with the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar.

6. Mr. Podheiser understands that if this Motion is granted, he 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 (30) days of the Order.

WHEREFORE, Ira L. Podheiser, Esquire, prays that Ira L. Podheiser be admitted *Pro Hac Vice* and that his appearance be added in this case on behalf of Defendant-Appellant Norfolk Southern Railway Company.

Respectfully submitted,

BURNS WHITE LLC

By: 

Ira L. Podheiser, Esquire

BURNS WHITE LLC
Four Northshore Center
106 Isabella Street
Pittsburgh, PA 15212
Phone: 412.995.3000
Fax: 412.995.3300
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*Counsel for Defendant-Appellant,
Norfolk Southern Railway Company*

THE SUPREME COURT of OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

Ira Podheiser

FOR PRO HAC VICE REGISTRATION

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

Certificate of
PRO HAC VICE
REGISTRATION

2014

Registration Number:
PHV- 1852-2014

Ira Podheiser

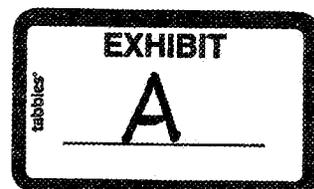
, having met the requirements of, and found to be in full compliance with, Section 2(A)(3) of Rule XII of the Rules for the Government of the Bar of Ohio, is hereby issued this certificate of pro hac vice registration in the state of Ohio.

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, 2014



IN THE MATTER OF THE MOTION OF

CASE NO. 2013-0761

IRA L. PODHEISER

FOR PERMISSION TO APPEAR PRO HAC VICE

Ira L. Podheiser

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

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):

U.S. Ct. of Appeals - District of Columbia

U.S. Ct. of Appeals - Sixth Circuit

U.S. Ct. of Appeals - Third Circuit

U.S. Ct. of Appeals - first Circuit

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):

Ira L. Podheiser

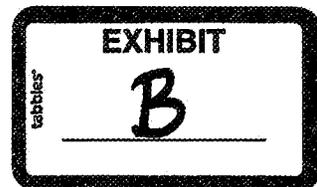
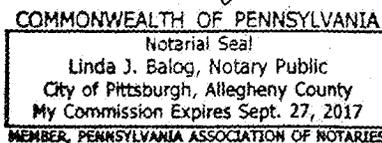
SIGNATURE OF APPLICANT

Sworn to or affirmed before me and subscribed in my presence the 13th day of January,
20 14, in the state of Pennsylvania and county of Allegheny.

Linda J. Balog

SIGNATURE OF NOTARY PUBLIC*

*Affix stamp & seal (required in Ohio).



CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January 2014, a copy of the within **MOTION FOR PERMISSION TO APPEAR *PRO HAC VICE* OF IRA L. PODHEISER** was served via U.S. First-Class Mail, postage prepaid, on the following counsel of record, addressed as follows:

Michael L. Torcello, Esquire
Christopher Murphy, Esquire
Doran & Murphy, LLP
1234 Delaware Avenue
Buffalo, New York 14209
Counsel for Appellee

Richard D. Schuster, Esquire
Daniel E. Shuey, Esquire
Damien C. Kitte, Esquire
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215

Counsel for Amici Curiae The Ohio Chamber of Commerce, The Ohio Chamber of Retail Merchants and The Chamber of Commerce of The United States of America

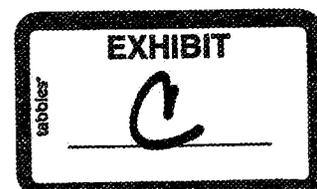
BURNS WHITE LLC

By: _____

Ira L. Podheiser, Esquire

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Pittsburgh, PA 15212
(412) 995-3000
(412) 995-3300 (Fax)

*Counsel for Defendant-Appellant,
Norfolk Southern Railway Company*



No. 13-0761

In the Supreme Court of Ohio

CLEO J. RENFROW

PLAINTIFF-APPELLEE

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NORFOLK SOUTHERN RAILWAY COMPANY

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DISCRETIONARY APPEAL FROM THE COURT OF APPEALS
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ORDER OF COUFT

IT IS ORDERED on this _____ day of _____, 20_____, that the Motion for Admission *Pro Hac Vice* filed by Ira L. Podheiser, Esquire, to appear *Pro Hac Vice* on behalf of Defendant-Appellant, Norfolk Southern Railway Company, in the above-captioned case is hereby GRANTED.

BY THE COURT:

J.