

ORIGINAL

BEFORE THE SUPREME COURT OF OHIO

MASON COMPANIES, INC.

v.

JOSEPH W. TESTA,  
TAX COMMISSIONER OF OHIO

Case No. 15-0794

FILED  
MAY 19 2015  
CLERK OF COURT  
SUPREME COURT OF OHIO

MOTION FOR PERMISSION TO APPEAR PRO HAC VICE

Pursuant to Gov.Bar R. XII(2)(A)(6), David W. Bertoni, attorney for Mason Companies, Inc., 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 Mason Companies, Inc.

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:

Please see Exhibit A attached.

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).

Edward J. Bernert (#25808), 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.

**David W. Bertoni**

(Name of Movant/PHV Attorney)

PHV - **2436-2015**

(PHV Registration Number)

**Brann & Isaacson**

(Law Firm or Employer, if applicable)

**P.O. Box 3070**

(Business Address)

**Lewiston, ME 04243-3070**

(City, State or Country, ZIP Code)

**(207) 786-3566**

(Business Telephone)

**(207) 783-9325**

(Business Fax)

**dbertoni@brannlaw.com**

(Business E-Mail)

**120 Oakwood Drive**

**Yarmouth, ME 04096**

(Residential Address)

BEFORE THE SUPREME COURT OF OHIO

IN THE MATTER OF THE MOTION OF

CASE NO. \_\_\_\_\_

DAVID W. BERTONI

FOR PERMISSION TO APPEAR PRO HAC VICE

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

David W. Bertoni 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):

Please see Exhibit A attached. \_\_\_\_\_  
\_\_\_\_\_

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):

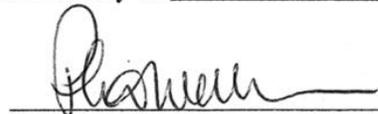
\_\_\_\_\_



SIGNATURE OF APPLICANT

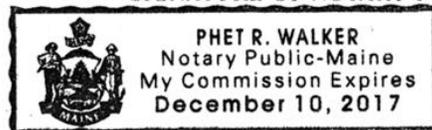
Sworn to or affirmed before me and subscribed in my presence the 18 day of May,

20 15, in the state of Maine and county of Androscoggin.



SIGNATURE OF NOTARY PUBLIC\*

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



## EXHIBIT A

### **David W. Bertoni**

Bar Admissions

<i>Jurisdiction</i>	<i>Status</i>	<i>Date</i>	<i>Bar No.</i>
Virginia	Active	11/23/87	28132
District of Columbia Court of Appeals	Active	9/16/88	415423
Maine	Active	5/1/90	006993
USDC, District of Maine	Active	8/1/90	
US Court of Appeals, Federal Circuit	Active	5/31/89	019432
US Court of Appeals, First Circuit	Active	05/23/00	23814
US Court of Appeals, Fourth Circuit	Active	3/29/07	
US Court of Appeals, Fifth Circuit	Active	5/17/07	
US Court of Appeals, Ninth Circuit	Active	7/21/10	
U.S. Supreme Court	Active	5/14/12	

# THE SUPREME COURT *of* OHIO

OFFICE OF ATTORNEY SERVICES

IN THE MATTER OF THE APPLICATION OF

**David Bertoni**

FOR PRO HAC VICE REGISTRATION

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

Certificate of  
PRO HAC VICE  
REGISTRATION

2015

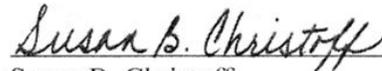
Registration Number:

PHV- 2436-2015

David Bertoni

, 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, 2015**

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing Motion for Permission to Appear Pro Hac Vice was provided by hand delivery to counsel of record for Appellee Tax Commissioner: The Honorable Mike DeWine, Attorney General of Ohio, Christine T. Mesirov and Daniel W. Fausey, Assistant Attorneys General, State of Ohio, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3428, on this 17<sup>th</sup> day of May, 2015.



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Edward J. Bernert (0025808)  
One of the Attorneys for Appellant  
Mason Companies, Inc.