

Handwritten initials
ORIGINAL

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

L.A. MURPHY, MARVIN STERNHELL, and
HENOCH KAIMAN, on their own behalf and
on behalf of all others similarly situated,

Plaintiffs,

vs.

KOHLBERG KRAVIS ROBERTS &
COMPANY; CARLYLE GROUP; CLAYTON,
DUBILIER & RICE; SILVER LAKE
PARTNERS; BLACKSTONE GROUP; BAIN
CAPITAL LLC; THOMAS H. LEE
PARTNERS; TEXAS PACIFIC GROUP;
MADISON DEARBORN PARTNERS;
APOLLO MANAGEMENT LP;
PROVIDENCE EQUITY PARTNERS;
MERRILL LYNCH AND CO., INC.; and
WARBURG PINCUS, LLC.,

Defendants.

Case No.: 06 CV 13210 (LLS)

**MOTION TO ADMIT IAN T.
SIMMONS, ESQ. AND RICHARD G.
PARKER, ESQ. *PRO HAC VICE***

Vertical stamp:
RECEIVED
FEB 14 2007
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Handwritten mark

Handwritten mark

Handwritten mark

Murphy et al v. Kohlberg Kravis Roberts & Company et al

Doc. 17

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and upon the accompanying Declaration of Jonathan Rosenberg and the original certificates of good standing annexed thereto, I, Jonathan Rosenberg, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Ian T. Simmons, Esq. and Richard G. Parker, Esq.
O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, D.C. 20006-4001
Telephone: (202) 383-5300
Facsimile: (202) 282-5414

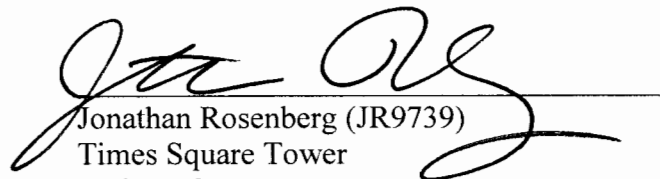
Ian T. Simmons is a member in good standing of the Bar of the District of Columbia and the Bar of the Commonwealth of Pennsylvania. Richard G. Parker is a member in good standing of the Bar of the District of Columbia and the State of California.

There are no pending disciplinary proceedings against either Ian T. Simmons or Richard G. Parker in any State or Federal court.

Date: New York, New York
January 3, 2007

Respectfully submitted:

O'MELVENY & MYERS LLP

A handwritten signature in black ink, appearing to read 'Jonathan Rosenberg', is written over a horizontal line. The signature is fluid and cursive.

Jonathan Rosenberg (JR9739)
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

*Attorneys for Defendant
Apollo Management LP*

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

L.A. MURPHY, MARVIN STERNHELL, and HENOCH KAIMAN, on their own behalf and on behalf of all others similarly situated,

Plaintiffs,

vs.

KOHLBERG KRAVIS ROBERTS & COMPANY; CARLYLE GROUP; CLAYTON, DUBILIER & RICE; SILVER LAKE PARTNERS; BLACKSTONE GROUP; BAIN CAPITAL LLC; THOMAS H. LEE PARTNERS; TEXAS PACIFIC GROUP; MADISON DEARBORN PARTNERS; APOLLO MANAGEMENT LP; PROVIDENCE EQUITY PARTNERS; MERRILL LYNCH AND CO., INC.; and WARBURG PINCUS, LLC.,

Defendants.

Case No.: 06 CV 13210 (LLS)

DECLARATION OF JONATHAN ROSENBERG IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE

JONATHAN ROSENBERG, hereby declares as follows:

1. I am a member of the bar of this Court and of the law firm of O'Melveny & Myers LLP, counsel for Defendant Apollo Management LP in the above-captioned action. I make this Declaration in support of the motion for an order admitting Ian T. Simmons and Richard G. Parker pro hac vice to the bar of this Court pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

2. Ian T. Simmons is an attorney and partner of the law firm of O'Melveny & Myers LLP in Washington, D.C. He is a member in good standing of the Bar of the District of Columbia and the Bar of the Commonwealth of Pennsylvania. The certificates of good standing

from the District of Columbia and the Commonwealth of Pennsylvania are annexed hereto as Exhibit A.

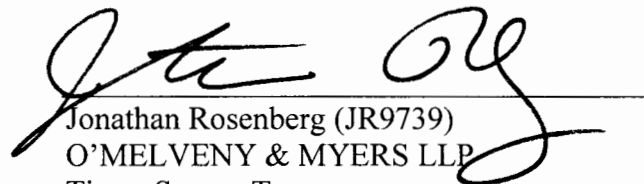
3. Richard G. Parker is an attorney and partner of the law firm of O'Melveny & Myers LLP in Washington, D.C. He is a member in good standing of the Bar of the District of Columbia and the Bar of the State of California. The certificates of good standing from the District of Columbia and the State of California are annexed hereto as Exhibit B.

4. I agree to act as local counsel for Ian T. Simmons and Richard G. Parker and to observe the Rules of this Court governing the conduct of attorneys.

5. I respectfully request that Ian T. Simmons and Richard G. Parker be admitted *pro hac vice* to the bar of this Court for the purposes of appearing on behalf of defendant Apollo Management LP in the above-captioned proceedings.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: January 3, 2007



Jonathan Rosenberg (JR9739)
O'MELVENY & MYERS LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Facsimile: (212) 326-2061

*Attorneys for Defendant
Apollo Management LP*



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that


IAN T. SIMMONS

was on the 5TH day of NOVEMBER, 1993

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on December 18, 2006.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk



Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Ian Thomas Simmons, Esq.

DATE OF ADMISSION

June 18, 1992

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: December 20, 2006


Patricia A. Johnson
Chief Clerk



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

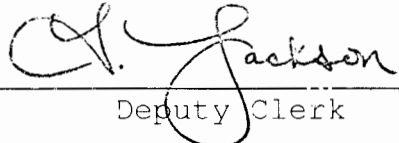
RICHARD G. PARKER

was on the 31ST day of OCTOBER, 1980

duly qualified and admitted as an attorney and counselor and entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on December 18, 2006.

GARLAND PINKSTON, JR., CLERK

By: 
Deputy Clerk



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

December 27, 2006

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, RICHARD GEORGE PARKER, #062356 was admitted to the practice of law in this state by the Supreme Court of California on December 20, 1974; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "J. Robert McPhail".

J. Robert McPhail
Custodian of Membership Records

CERTIFICATE OF SERVICE

I, David C. Marden, counsel for defendant Apollo Management LP, hereby certify that on the 3rd day of January 2007, I caused true and correct copies of the foregoing (1) Motion to Admit Ian T. Simmons, Esq. and Richard G. Parker, Esq. *Pro Hac Vice*; (2) Declaration of Jonathan Rosenberg in Support of Motion to Admit Counsel *Pro Hac Vice*; and (3) [Proposed] Order for Admission *Pro Hac Vice* of Ian T. Simmons, Esq. and Richard G. Parker, Esq. to be served by first class mail upon the following:

Fred T. Isquith
Gregory Nespole
Gustavo Bruckner
WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
270 Madison Avenue
New York, NY 10016

*Attorneys for Plaintiffs L. A. Murphy,
Marvin Sternhell and Henoeh Kaiman*

Mary Jane Edelstein Fait
WOLF HALDENSTEIN ADLER FREEMAN
& HERZ LLP
55 West Monroe Street, Suite 1111
Chicago, IL 60603

*Attorneys for Plaintiffs L. A. Murphy, Marvin
Sternhell and Henoeh Kaiman*

Joseph F. Tringali
SIMPSON THACHER & BARTLETT
LLP
425 Lexington Avenue
New York, NY 10017-3954

*Attorneys for Defendant
Kohlberg Kravis Roberts & Company*

Kenneth Conboy
LATHAM & WATKINS LLP
885 Third Avenue, Suite 1000
New York, NY 10022

*Attorneys for Defendant TC Group,
L.L.C. (sued herein as Carlyle Group)*

E. Marcellus Williamson
LATHAM & WATKINS LLP
555 11th Street, NW
Washington, DC 20004-1304

*Attorneys for Defendant TC Group,
L.L.C. (sued herein as Carlyle Group)*

John H. Hall
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, NY 10022

*Attorneys for Defendant
Clayton, Dubilier & Rice*

Wesley R. Powell
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, NY 10166

*Attorneys for Defendant
Silver Lake Partners*

Kevin Arquit
SIMPSON THACHER & BARTLETT
LLP
425 Lexington Avenue
New York, NY 10017-3954

*Attorneys for Defendant
Blackstone Group*

Peter C. Thomas
SIMPSON THACHER & BARTLETT
LLP
601 Pennsylvania Avenue, NW
North Building
Washington, D.C. 20004

*Attorneys for Defendant
Blackstone Group*

James H. Mutchnik
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, IL 60601

*Attorneys for Defendant
Bain Capital LLC*

Nancy G. Milburn
ARNOLD & PORTER LLP
399 Park Avenue
New York, NY 10022

*Attorneys for Defendant
Tarrant Partners, L.P.
(sued herein as Texas Pacific Group)*

Peter A. Bellacosa
KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, NY 10022

*Attorneys for Defendant
Madison Dearborn Partners*

James C. Egan, Jr.
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W.
Washington, D.C. 20005

*Attorneys for Defendant
Providence Equity Partners*

Thomas D. Yannucci, P.C.
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Washington, D.C. 20005

*Attorneys for Defendant
Bain Capital LLC*

Helene D. Jaffe
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153

*Attorneys for Defendant
Thomas H. Lee Partners*

William J. Baer
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004

*Attorneys for Defendant
Tarrant Partners, L.P.
(sued herein as Texas Pacific Group)*

Richard C. Godfrey
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, IL 60601

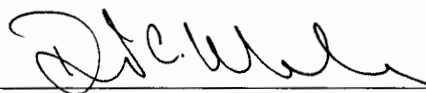
*Attorneys for Defendant
Madison Dearborn Partners*

Kenneth M. Kramer
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022

*Attorneys for Defendant
Merrill Lynch & Co., Inc.*

Richard L. Posen
WILLKIE FARR & GALLAGHER
LLP
787 Seventh Avenue
New York, NY 10019

*Attorneys for Defendant
Warburg Pincus LLC*

A handwritten signature in black ink, appearing to read "D.C. Marden", written over a horizontal line.

David C. Marden