

**ORIGINAL**

Peter A. Bellacosa (PB-2394)

KIRKLAND & ELLIS LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 446-4800  
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UNITED STATES DISTRICT COURT  
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,**

- against -

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 Kohlberg Kravis Roberts & Company et al

## Defendants.

Case No.: 06 CV 13210 (LLS)  
ECF Case

**NOTICE OF MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

3.6.  $\mathcal{U}_1$   $\mathcal{R}_1$

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Applicant's Name: J. Robert Robertson  
 Firm Name: Kirkland & Ellis LLP  
 Address: 200 East Randolph Dr.  
 City/State/Zip: Chicago, IL 60601-6636  
 Phone Number: (312) 861-2225  
 Fax Number: (312) 861-2200

Applicant's Name: Mark L. Kovner  
 Firm Name: Kirkland & Ellis LLP  
 Address: 655 Fifteenth Street, N.W.  
 City/State/Zip: Washington, D.C. 20005-5793  
 Phone Number: (202) 879-5129  
 Fax Number: (202) 879-5200

Applicant's Name: Chong S. Park  
 Firm Name: Kirkland & Ellis LLP  
 Address: 655 Fifteenth Street, N.W.  
 City/State/Zip: Washington, D.C. 20005-5793  
 Phone Number: (202) 879-5202  
 Fax Number: (202) 879-5200

Applicant's Name: Andrew P. Bautista  
 Firm Name: Kirkland & Ellis LLP  
 Address: 200 East Randolph Drive  
 City/State/Zip: Chicago, IL 60601-6636  
 Phone Number: (312) 861-1078  
 Fax Number: (312) 861-1200

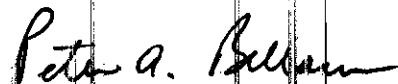
Applicant's Name: Harry N. Niska  
 Firm Name: Kirkland & Ellis LLP  
 Address: 200 East Randolph Drive  
 City/State/Zip: Chicago, IL 60601-6636  
 Phone Number: (312) 469-7112  
 Fax Number: (312) 861-1200

Richard C. Godfrey is a member in good standing of the Bar of the State of Illinois. J. Robert Robertson is a member in good standing of the Bar of the State of Illinois and Texas, and the District of Columbia. Mark L. Kovner is a member in good standing of the Bar of the States of Massachusetts and the District of Columbia. Chong S. Park is a member in good standing of the Bar of the State of California and the District of Columbia. Andrew P. Bautista is

a member in good standing of the Bar of the State of Illinois. Harry N. Niska is a member in good standing of the Bar of the State of Illinois.

There are no pending disciplinary proceedings against Richard C. Godfrey, J. Robert Robertson, Mark L. Kovner, Chong S. Park, Andrew P. Bautista, or Harry N. Niska in any State or Federal court.

Dated: January 8, 2007  
New York, New York

  
Peter A. Bellacosa (PB 1394)

KIRKLAND & ELLIS LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

Attorneys for Defendant Madison Dearborn  
Partners

UNITED STATES DISTRICT COURT  
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,

- against -

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, LLP.,

Defendants.

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

PETER A. BELLACOSA, being duly sworn, hereby deposes and says as follows:

1. I am Peter A. Bellacosa, counsel for Defendant Madison Dearborn Partners in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the motion to admit Richard C. Godfrey, J. Robert Robertson, Mark L. Korner, Chong S. Park, Andrew P. Bautista, and Harry N. Niska as counsel *pro hac vice* to represent Defendant Madison Dearborn Partners in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in February 1989. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

Case No.: 06 CV 13210 (LLS)

ECF Case

**AFFIDAVIT OF  
PETER A. BELLACOSA  
IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

3. Applicants Richard C. Godfrey, J. Robert Robertson, Andrew P. Bautista, and Harry N. Niska are attorneys at Kirkland & Ellis LLP, 200 East Randolph Drive, Chicago, Illinois, 60601. Applicants Mark L. Kovner and Chong S. Park are attorneys at Kirkland & Ellis LLP, 655 Fifteenth Street, N.W., Washington D.C., 20005.
4. I have found Richard C. Godfrey, J. Robert Robertson, Mark L. Kovner, Chong S. Park, Andrew P. Bautista, and Harry N. Niska to be skilled attorneys and persons of integrity. They are experienced in Federal practice and familiar with the Federal Rules of Procedure.
5. Accordingly, I am pleased to move the admission of Richard C. Godfrey, J. Robert Robertson, Mark L. Kovner, Chong S. Park, Andrew P. Bautista, and Harry N. Niska, *pro hac vice*.
6. I respectfully submit a proposed order granting the admission of Richard C. Godfrey, J. Robert Robertson, Mark L. Kovner, Chong S. Park, Andrew P. Bautista, and Harry N. Niska, *pro hac vice*, which is attached hereto as Exhibit A.
7. I respectfully submit certificates of good standing, issued within the last thirty days, from each of the states for which applicants Richard C. Godfrey, J. Robert Robertson, Mark L. Kovner, Chong S. Park, Andrew P. Bautista, and Harry N. Niska are members of the bar, except that no certificate was available from the District of Columbia bar for J. Robert Robertson because his admission to that bar is pending. The certificates of good standing are attached hereto as Exhibit B.
8. A letter dated December 22, 2006, from the District of Columbia Court of Appeals Committee on Admissions to Harry Niska indicating the inability to issue a certificate of good standing for J. Robert Robertson is attached hereto as Exhibit C.

WHEREFORE it is respectfully requested that the motion to admit Richard C. Godfrey, J. Robert Robertson, Mark L. Kovner, Chong S. Park, Andrew P. Bautista, and Harry N. Niska, *pro*

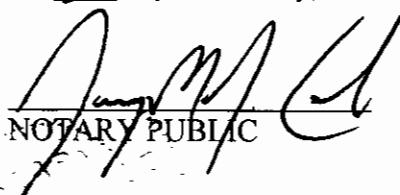
*hac vice*, to represent Defendant Madison Dearborn Partners in the above-captioned matter, be granted.

Dated: January 8, 2007  
New York, New York

*Peter A. Bellacosa*

Peter A. Bellacosa (PB-2394)

Sworn to before me  
the 8 day of January, 2007

  
NOTARY PUBLIC

JOSEPH J. CALI  
Notary Public, State of New York  
No. 01GAS015323  
Qualified in New York County  
Commission Expires July 19, 2009

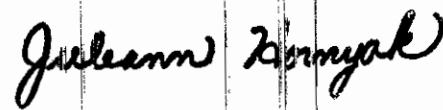
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Richard Cartier Godfrey

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 5, 1979 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Friday, December 15, 2006.



Clerk

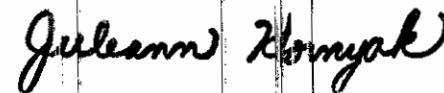
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Andrew Paul Bautista

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 6, 2003 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Friday, December 15, 2006.



Clerk

## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Harry Nathanael Niska

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on June 13, 2006 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Friday, December 15, 2006.



Clerk

## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

John Robert Robertson

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 8, 1990 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Tuesday, December 19, 2006.



Clerk

# STATE BAR OF TEXAS

**Office of The Chief Disciplinary Counsel**

January 03, 2007

RE: **Mr. J. Robert Robertson**  
State Bar Number - 17064320

To Whom it May Concern:

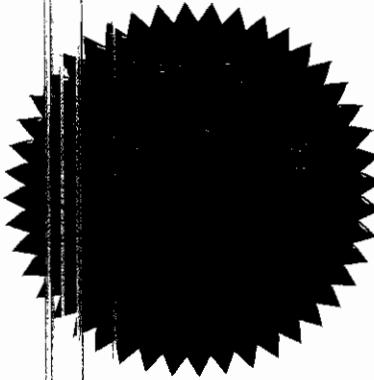
This is to certify that Mr. J. Robert Robertson was licensed to practice law in Texas on May 01, 1992 and is an inactive member in good standing with the State Bar of Texas.

Good Standing means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.

  
John A. Neal  
Chief Disciplinary Counsel

JN/dh





THE  
STATE BAR  
OF CALIFORNIA

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

December 28, 2006

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, CHONG SEOK PARK, #163451 was admitted to the practice of law in this state by the Supreme Court of California on January 5, 1993; that from the date of admission to March 21, 2002, he was an ACTIVE member of the State Bar of California; that on March 21, 2002, he transferred at his request to the INACTIVE status as of January 1, 2002; that from that date to August 29, 2005, he was an INACTIVE member of the State Bar of California; that on August 29, 2005, he transferred at his request to the ACTIVE status; that he 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

*J. Robert McPhail*

J. Robert McPhail  
Custodian of Membership Records

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

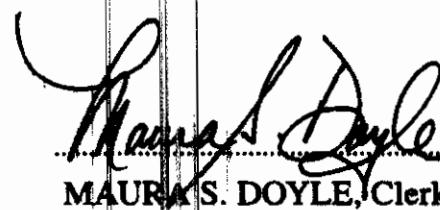
BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston  
within and for said County of Suffolk, on the **nineteenth**  
day of **December** A.D. **1989**, said Court being the highest  
Court of Record in said Commonwealth:

Mark L. Kovner

being found duly qualified in that behalf, and having taken and subscribed  
the oaths required by law, was admitted to practice as an Attorney, and, by  
virtue thereof, as a Counsellor at Law, in any of the Courts of the said  
Commonwealth: that said Attorney is at present a member of the Bar, and  
is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the  
seal of said Court, this **twentieth** day of **December**  
in the year of our Lord **two thousand and six**.



  
MAUREEN S. DOYLE, Clerk

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.



**The Commonwealth of Massachusetts**  
**SUPREME JUDICIAL COURT**  
FOR SUFFOLK COUNTY  
JOHN ADAMS COURTHOUSE  
ONE PEMBERTON SQUARE, SUITE 1300  
BOSTON, MASSACHUSETTS 02108-1707  
WWW.SJCCOUNTYCLERK.COM

MAURA S. DOYLE  
CLERK

December 20, 2006

CASE INFORMATION (617) 557-1100  
FACSIMILE (617) 557-1117

ATTORNEY SERVICES (617) 557-1050  
FACSIMILE (617) 557-1055

Mark L. Kovner  
Kirkland & Ellis, LLP  
200 E. Randolph St., Fl. 54  
Chicago, IL 60601

**IN RE: CERTIFICATE OF ADMISSION AND GOOD STANDING**

Mark L. Kovner:

Enclosed please find the Certificate of admission and good standing which you have recently requested from this office. This certificate attests to your date of admission and good standing at the Bar of the Commonwealth of Massachusetts.

If you have any questions or if this office can be of further assistance, please do not hesitate to contact us at 617-557-1050 or visit our website at [www.sjccountyclerk.com](http://www.sjccountyclerk.com).

Very truly yours,

A handwritten signature in black ink that reads "Maury S. Doyle".

MAURA S. DOYLE  
Clerk  
Supreme Judicial Court

MSD/pjs  
CL Received: December 20, 2006  
enclosure



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

CHONG SEOK PARK

was on the 3<sup>RD</sup> day of MAY, 1999

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 22, 2006.

GARLAND PINKSTON, JR., CLERK

By:

*C. Jackson*  
Deputy Clerk



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

MEMORANDUM

December 22, 2006

TO: Harry Niska  
Kirkland & Ellis, LLP  
200 East Randolph Drive  
Chicago, IL 60601

FROM: Committee on Admissions

RE: John Robert Robertson

The Committee on Admissions for the District of Columbia Bar does not reflect a record of John R. Robertson's admission to the bar. Accordingly, we are unable to issue a certificate of good standing.

For your convenience, should you wish to look into the matter, the District of Columbia Bar Membership office is located at 1250 H Street NW, Sixth Floor, Washington, DC 20005-1908, 202/626-3475.



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

MARK I. KOWNER

was on the 30<sup>TH</sup> day of OCTOBER, 1991

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 22, 2006.

GARLAND PINKSTON, JR., CLERK

By: C. Jackson

Deputy Clerk