

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re J. EZRA MERKIN and  
GABRIEL CAPITAL CORP. LITIGATION

Case No. 08-cv-10922 (DAB)

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

**PLEASE TAKE NOTICE** that upon the annexed Affirmation of Neil A. Steiner dated August 28, 2009, and the annexed proposed Order, Defendants J. Ezra Merkin and Gabriel Capital Corporation will move this Court before the Honorable Deborah A. Batts, in the United States Courthouse, located at 500 Pearl Street, New York, New York, for an order 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 admitting:

M. Katherine Stroker  
DECHERT LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104-2808  
Tel: (215) 994-4000  
Fax: (215) 655-2112  
katherine.stroker@dechert.com

*pro hac vice* in the above-referenced matter to represent Defendants J. Ezra Merkin and Gabriel Capital Corporation before this Court.

M. Katherine Stroker is a member in good standing of the bars of the Supreme Court of Pennsylvania (No. 20992), the United States District Court for the Eastern District of Pennsylvania (No. 20992), and the District of Columbia Court of Appeals (No. 491196). There

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SOUTHERN DISTRICT OF NEW YORK  
SEP 2 2009

are no pending disciplinary proceedings against M. Katherine Stroker in any State or Federal court.

Dated: New York, New York  
August 28, 2009

DECHERT LLP

By: 

Neil A. Steiner

neil.steiner@dechert.com

1095 Avenue of the Americas

New York, NY 10036

Tel.: (212) 698-3500

Fax: (212) 698-3599

**CERTIFICATE OF SERVICE**

I, LUIS A. LOPEZ, hereby certify that:

I am not a party to the action, am over the age of eighteen years of age, and reside in Rockland County, New York.

On the 2<sup>nd</sup> day of September I caused to be served by regular first class mail a copy of the annexed NOTICE OF MOTION TO ADMIT PRO HAC VICE M. KATHERINE STROKER upon the following:

Gregory M. Nespole, Esq.  
Wolf Hadelstein Adler Freeman & Herz LLP  
270 Madison Avenue  
New York, NY 10016

Ira G. Greenberg, Esq.  
Edwards Angell Palmer & Dodge LLP  
750 Lexington Avenue  
New York, NY 10022

Arthur N. Abbey, Esq.  
Abbey Spanier Rodd Abrams & Paradis, LLP  
212 East 39<sup>th</sup> Street  
New York, NY 10016

Karen Bitar, Esq.  
Greenberg Traurig  
200 Park Avenue  
New York, NY 10166

Marc I. Gross, Esq.  
Pomerantz Haudek Block Grossman & Gross  
100 Park Avenue  
New York, NY 10017

Howard Schiffman, Esq.  
Schulte Roth & Zabel LLP  
919 Third Avenue  
New York, New York 10022



\_\_\_\_\_  
LUIS A. LOPEZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re J. EZRA MERKIN and  
GABRIEL CAPITAL CORP. LITIGATION

Case No. 08-cv-10922 (DAB)

**AFFIRMATION IN SUPPORT  
OF MOTION TO ADMIT  
PRO HAC VICE**

Neil A. Steiner hereby declares under penalty of perjury as follows:

1. I am a partner at Dechert LLP, counsel for Defendants J. Ezra Merkin and Gabriel Capital Corporation. 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 M. Katherine Stroker as counsel pro hac vice to represent Defendants J. Ezra Merkin and Gabriel Capital Corporation 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 1998. 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.

3. I have known M. Katherine Stroker since November of 2008.

4. Ms. Stroker is an associate with Dechert LLP, in Philadelphia, Pennsylvania. Ms. Stroker is a member in good standing of the Bars of the Supreme Court of Pennsylvania, the United States District Court for the Eastern District of Pennsylvania, and the District of Columbia Court of Appeals. Certificates of good standing from the Bars of the Commonwealth of Pennsylvania and the District of Columbia are attached as Exhibit A.

5. I have found Ms. Stroker to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move for the admission of M. Katherine Stroker, pro hac vice.

7. I respectfully submit a proposed order granting the admission of M. Katherine Stroker, pro hac vice, which is attached hereto.

WHEREFORE, it is respectfully requested that the motion to admit M. Katherine Stroker, pro hac vice, to represent Defendants J. Ezra Merkin and Gabriel Capital Corporation in the above captioned matter, be granted.

Dated: August 28, 2009

RESPECTFULLY SUBMITTED,

By:  \_\_\_\_\_

Neil A. Steiner  
DECHERT LLP  
1095 Avenue of the Americas  
New York, New York 10036  
(212) 698-3500  
neil.steiner@dechert.com

*Attorney for Defendants J. Ezra Merkin  
and Gabriel Capital Corporation*

# **EXHIBIT A**



Supreme Court of Pennsylvania

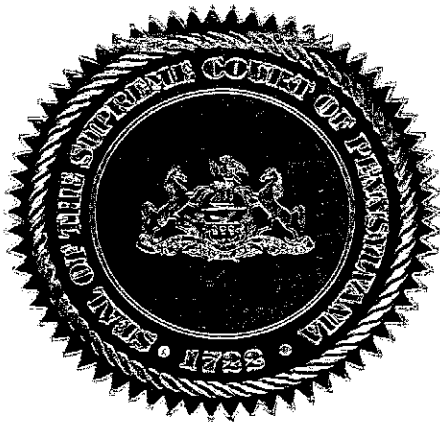
**CERTIFICATE OF GOOD STANDING**

*M. Katherine Stroker, Esq.*

DATE OF ADMISSION

*April 27, 2009*

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: August 4, 2009

A handwritten signature in cursive script that reads "Patricia A. Johnson".

Patricia A. Johnson  
Chief Clerk



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

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

M. KATHERINE STROKER

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was on the 4<sup>TH</sup> day of FEBRUARY, 2005  
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 August 11, 2009.

GARLAND PINKSTON, JR., CLERK

By: *M. Charles*  
Deputy Clerk



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re J. EZRA MERKIN and  
GABRIEL CAPITAL CORP. LITIGATION

Case No. 08-cv-10922 (DAB)

**ORDER FOR ADMISSION PRO HAC VICE  
UPON WRITTEN MOTION**

Upon the motion of Neil A. Steiner, attorney for Defendants J. Ezra Merkin and Gabriel Capital Corporation and Neil A. Steiner's affidavit in support;

**IT IS HEREBY ORDERED THAT**

M. Katherine Stroker  
DECHERT LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104-2808  
Tel: (215) 994-4000  
Fax: (215) 655-2112  
katherine.stroker@dechert.com

is admitted to practice pro hac vice as counsel to Defendants J. Ezra Merkin and Gabriel Capital Corporation in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
United States District Judge