

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE J. EZRA MERKIN AND BDO
SEIDMAN SECURITIES LITIGATION

08 Civ 10922 (DAB)

ECF Case

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

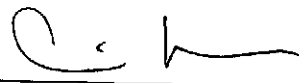
FILED
U.S. DISTRICT COURT
2010 MAY 14 PM 3:50
S.D. OF N.Y.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Christopher Harris, dated this 13th day of May 2010, the accompanying Declaration of Peter A. Wald, dated April 28, 2010, and the exhibit annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the Local Rules for the United States District Court for the Southern and Eastern Districts of New York, admitting Peter A. Wald to the bar of this Court *pro hac vice* in order to argue and try the above-captioned case as counsel for Defendants Fortis Bank (Cayman) Limited and Fortis Prime Fund Solutions (Cayman) Limited.

Dated: New York, New York
May 13, 2010

LATHAM & WATKINS LLP

By: 
Christopher Harris

885 Third Avenue, Suite 1000
New York, New York 10022
(212) 906-1200

Attorneys for Defendants Fortis Bank
(Cayman) Limited and Fortis Prime Fund
Solutions (Cayman) Limited.

To: All Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE J. EZRA MERKIN AND BDO
SEIDMAN SECURITIES LITIGATION

08 Civ 10922 (DAB)

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**ORDER GRANTING MOTION
TO ADMIT COUNSEL
PRO HAC VICE**

This matter having been brought before the Court by motion to admit Peter A. Wald *pro hac vice* to appear and participate as counsel for Defendants Fortis Bank (Cayman) Limited and Fortis Prime Fund Solutions (Cayman) Limited in the above-captioned action, and the declaration of such attorney having been submitted in support thereof, and it appearing that such attorney is a member in good standing of the bar of the state in which he is admitted to practice law, and there are no disciplinary proceedings against him as a member of the bar in any jurisdiction; it is

ORDERED that, pursuant to Local Civil Rule 1.3(c) of this Court, Peter A. Wald of the State of California bar is admitted *pro hac vice* to practice before this Court as counsel for Fortis Bank (Cayman) Limited and Fortis Prime Fund Solutions (Cayman) Limited in these proceedings.

Dated: _____, 2010

Honorable Deborah A. Batts
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE J. EZRA MERKIN AND BDO
SEIDMAN SECURITIES LITIGATION

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**DECLARATION OF
CHRISTOPHER HARRIS**

CHRISTOPHER HARRIS, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Latham & Watkins LLP, counsel for Defendants Fortis Bank (Cayman) Limited and Fortis Prime Fund Solutions (Cayman) Limited in this action. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for an Order granting Peter A. Wald admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York in order to argue and try the above-captioned case.
2. I am a member in good standing of the bar of this Court.
3. I have reviewed the Declaration of Peter A. Wald in support of the motion for admission *pro hac vice* submitted herewith, and I believe that the declaration is true and correct. Peter A. Wald is familiar with the facts of this case.
4. Upon the foregoing facts, I respectfully request that the Court grant the motion for the admission *pro hac vice* of Peter A. Wald to the bar of the United States District Court for the Southern District of New York.

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

Executed on this 13th day of May 2010, in New York, New York.



Christopher Harris

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE J. EZRA MERKIN AND BDO
SEIDMAN SECURITIES LITIGATION

08 Civ 10922 (DAB)

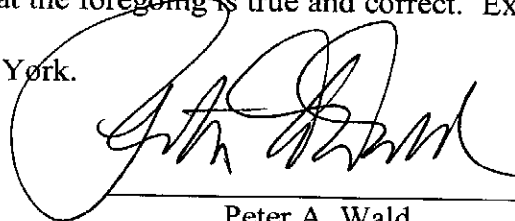
ECF Case

DECLARATION OF
PETER A. WALD

PETER A. WALD, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

1. I am a member of the law firm of Latham & Watkins, LLP, located at 505 Montgomery Street, Suite 2000, San Francisco, California, 94111.
2. I submit this Declaration in support of the motion to admit counsel *pro hac vice* in the above-captioned matter. As demonstrated by the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.
3. There are no pending disciplinary proceedings against me in any State or Federal Court.
4. Wherefore, I respectfully request that I be permitted to appear as counsel and advocate *pro hac vice* in the above-captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 28th day of April, 2010, in New York, New York.



Peter A. Wald



THE STATE BAR
OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

May 5, 2010

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, PETER ALLEN WALD, #85705 was admitted to the practice of law in this state by the Supreme Court of California on May 31, 1979; 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

Kath Lambert
Custodian of Membership Records

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE J. EZRA MERKIN AND BDO
SEIDMAN SECURITIES LITIGATION

08 Civ 10922 (DAB)

CERTIFICATE OF SERVICE

I, Jessica L. Bengels, hereby certify that on May 14, 2010, true and correct copies of a: (1) Notice of Motion to Admit Counsel Pro Hac Vice, dated 5/13/10; (2) Declaration of Christopher Harris, dated 5/13/10, (3) Declaration of Peter A. Wald, dated 4/28/10, and (4) Proposed Order Granting Motion to Admit Counsel Pro Hac Vice, were caused to be served in accordance with the Federal Rules of Civil Procedure, via First Class United States Mail delivery upon:

Arthur Abbey, Esq.
Nancy Kaboolian, Esq.
Abbey Spanier Rodd Abrams & Paradis, LLP
212 East 39th Street
New York, New York 10016
*Attorneys for Plaintiffs New York Law School and Scott Berrie
(individually and on behalf of others similarly situated)*

Andrew J. Levander, Esq.
Dechert LLP
1095 Avenue of the Americas
New York, New York 10036
*Attorneys for Defendant J. Ezra Merkin and
Gabriel Capital Corporation*

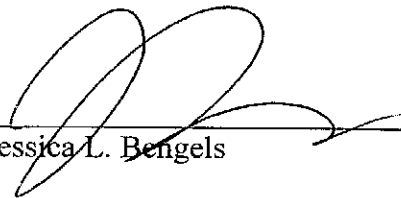
Ira Greenberg, Esq.
Edwards Angell Palmer & Dodge LLP
750 Lexington Avenue
New York, New York 10022
Attorneys for Defendant BDO Seidman LLP

-and-

Gregory Nespole, Esq.
Wolf Haldenstein Adler Freeman & Herz LLP
270 Madison Avenue
New York, New York 10017
*Attorneys for Jacob E. Finkelstein CGM IRA Rollover Custodian
and Nephrology Associates, PC Pension Plan*

LATHAM & WATKINS LLP

By:



Jessica L. Bengels

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New York, New York 10022
(212) 906-1200

*Attorneys for Defendants Fortis Bank
(Cayman)Limited and Fortis Prime Fund
Solutions (Cayman) Limited*