

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

In re HERALD, PRIMEO and THEMA
FUNDS SECURITIES LITIGATION

This Document Relates To: 09 CIV 289
and 09 CIV 2032

Civil Action No. 09 CIV 289 (RMB)
(HBP) (Consolidated with 09 CIV 2032
and 09 Civ 2558)

ECF CASE

MOTION TO ADMIT COUNSEL *PRO HAC VICE*

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, I, Arthur Luk, a member in
good standing of the bar of this Court, hereby move for an Order allowing the admission
pro hac vice of:

John C. Massaro
Arnold & Porter LLP
555 12th Street, NW
Washington, DC 20004
Telephone: 202-942-5000
Fax Number: 202-942-5999
Email: john.massaro@aporter.com

Mr. Massaro is a member in good standing of the Bars of the States of
Connecticut and New York and of the District of Columbia; of the United States Supreme
Court; of the United States Courts of Appeal for the First, Second, Fourth and Eighth
Circuits; and of the United States District Court for the District of Columbia.

OCT 27 2010

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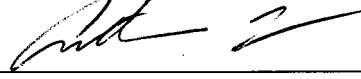
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
OCT 27 2010

There are no pending disciplinary proceedings against Mr. Massaro in any State or Federal Court.

Dated: October 26, 2010
Washington, DC

Respectfully submitted,

ARNOLD & PORTER LLP

By:  _____

Claudius O. Sokenu

Arthur Luk

555 Twelfth Street, NW

Washington, DC 20004-1206

Telephone: (202) 942-5000

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Email claudius.sokenu@aporter.com

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Attorneys for Ernst & Young Global Limited

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**DECLARATION OF ARTHUR LUK IN SUPPORT OF
MOTION TO ADMIT COUNSEL *PRO HAC VICE***

Arthur Luk, being duly sworn, deposes and says as follows:

1. I am a member of the Bar of this Court. I submit this affidavit in support of the motion of defendant Ernst & Young Global Limited for the admission of John C. Massaro, Esq. to the Bar of this Court *pro hac vice*.

2. Mr. Massaro is a member of the firm of Arnold & Porter LLP, counsel for Ernst & Young Global Limited in the above-captioned action. Mr. Massaro is a member in good standing of the Bars of Connecticut, New York, and the District of Columbia. Certificates of good standing are annexed hereto as Exhibit A.

3. Mr. Massaro has advised me that he is familiar with the Federal Rules of Civil Procedure and with the local rules of this Court.


4. I have known Mr. Massaro since 2006. I have found Mr. Massaro to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure. Accordingly, I am pleased to move for the admission of John C. Massaro, Esq. *pro hac vice*.

5. I respectfully submit a proposed order granting the admission of John C. Massaro, Esq., *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit John C. Massaro, Esq., *pro hac vice*, to represent Defendant Ernst & Young Global in the above-captioned matters be granted.

Dated: October 26, 2010
Washington, DC

Respectfully submitted,



Arthur Luk

EXHIBIT A

State of Connecticut
Supreme Court

I, *Michele T. Angers*, Chief Clerk of the Supreme Court of the State of Connecticut and keeper of the Seal thereof,

Do hereby certify, that, in the Superior Court at **Danbury**,
on the **7th** day of **January, 1993**

John C. Massaro

of

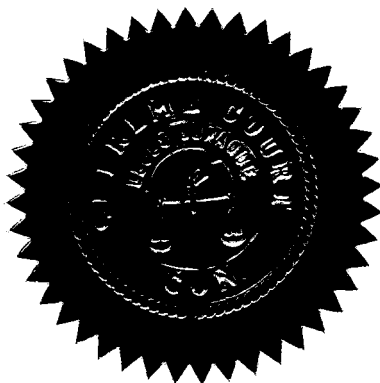
Arlington, Virginia

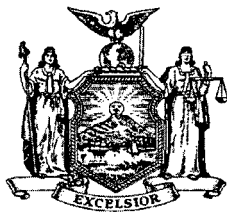
having been examined and found duly qualified, was sworn as an attorney and admitted to practice before all the courts of this state, and that said attorney is a member in good standing of the Bar of this State pursuant to Practice Book §2-65.

In Testimony Whereof, I have hereunto set my hand and affix the Seal of the Supreme Court of the State of Connecticut, at Hartford, this day **October 21, 2010**

Michele T. Angers
Michele T. Angers

Chief Clerk

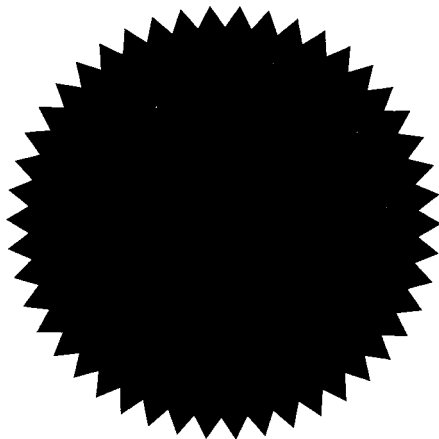




**Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department**

I, **Matthew G. Kiernan**, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that **John C. Massaro** was duly licensed and admitted to practice as an Attorney and Counselor-at-Law in all the courts of the State, according to the laws of the State and the court rules and orders, on the **19th** day of **May 1993**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors-at-Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an Attorney and Counselor-at-Law.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Appellate Division on **October 19, 2010**.



Matthew G. Kiernan

Clerk of the Court



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

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals, do hereby certify that

JOHN C. MASSARO

was on the 7TH day of MARCH, 1994

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 October 21, 2010.

JULIO A. CASTILLO
Clerk of the Court

By: *Robert A. ...*
Deputy Clerk

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Pursuant to Local Rule 1.3(c) of the United States District Court for the Southern District of New York and upon the declaration of Arthur Luk, Esq., a member of the Bar of this Court, it is

ORDERED that John C. Massaro, Esq. be admitted to the Bar of this Court *pro hac vice* as counsel for defendant Ernst & Young Global Limited.

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. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: _____, 2010
New York, New York

SO ORDERED:

Richard M. Berman,
United States District Judge

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CERTIFICATE OF SERVICE

On October 26, 2010, I caused to be served a copy of the **NOTICE OF
MOTION FOR ADMISSION PRO HAC VICE** to be served on counsel of record by
First Class Mail.



Arthur Luk