

Kenneth I. Schacter  
**BINGHAM MCCUTCHEN LLP**  
399 Park Avenue  
New York, NY 10022-4689  
Telephone: 212.705.7000  
Facsimile: 212.752.5378  
kenneth.schacter@bingham.com

*Attorneys for Defendant  
Massachusetts Mutual Life Insurance Company*

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

CHÂTEAU FIDUCIAIRE S.A. as TRUSTEE of THE  
MAP TRUST, on Behalf of Itself and all Others  
Similarly Situated,

Plaintiff,

v.

ARGUS INTERNATIONAL LIFE BERMUDA  
LIMITED, ARGUS GROUP HOLDINGS LIMITED,  
MASSACHUSETTS MUTUAL LIFE INSURANCE  
CO., OPPENHEIMER ACQUISITION  
CORPORATION, RYE INVESTMENT  
MANAGEMENT, RYE SELECT BROAD MARKET  
FUND L.P., RYE SELECT BROAD MARKET  
INSURANCE PORTFOLIO, LDC, TREMONT  
[BERMUDA] LIMITED, TREMONT CAPITAL  
MANAGEMENT INC., TREMONT GROUP  
HOLDINGS, INC., TREMONT INTERNATIONAL  
INSURANCE LIMITED, and TREMONT PARTNERS  
INC.,

Defendants.

FILED  
U.S. DISTRICT COURT  
2009 MAR 10 PM 1:52  
S.D. OF N.Y.

09 Civ. 00557 (RJS)

**NOTICE OF MOTION FOR  
ADMISSION OF  
E. MACEY RUSSELL,  
PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed Affidavit of Kenneth I. Schacter, Massachusetts Mutual Life Insurance Company (“MassMutual”) will move this Court before the Honorable Richard J. Sullivan of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 1.3(c) of


QW 60/01/3 52# 498089

the Local Rules of this Court admitting E. Macey Russell of the law firm of Choate, Hall & Stewart, LLP for the purpose of appearing as counsel for MassMutual, pro hac vice.

E. Macey Russell  
Choate, Hall & Stewart, LLP  
Two International Place  
Boston, MA 02110  
Telephone: (617) 248-5000  
Fax: (617) 248-4000

Dated: New York, New York.  
March 10, 2009

**BINGHAM MCCUTCHEN LLP**

By:   
Kenneth I. Schacter  
399 Park Avenue  
New York, NY 10022-4689  
212.705.7000  
*Attorneys for Defendant  
Massachusetts Mutual Life Insurance  
Company*

Kenneth I. Schacter  
**BINGHAM MCCUTCHEN LLP**  
399 Park Avenue  
New York, NY 10022-4689  
Telephone: 212.705.7000  
Facsimile: 212.752.5378  
kenneth.schacter@bingham.com

*Attorneys for Defendant  
Massachusetts Mutual Life Insurance Company*

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

CHÂTEAU FIDUCIAIRE S.A. as TRUSTEE of THE  
MAP TRUST, on Behalf of Itself and all Others  
Similarly Situated,

Plaintiff,

v.

ARGUS INTERNATIONAL LIFE BERMUDA  
LIMITED, ARGUS GROUP HOLDINGS LIMITED,  
MASSACHUSETTS MUTUAL LIFE INSURANCE  
CO., OPPENHEIMER ACQUISITION  
CORPORATION, RYE INVESTMENT  
MANAGEMENT, RYE SELECT BROAD MARKET  
FUND L.P., RYE SELECT BROAD MARKET  
INSURANCE PORTFOLIO, LDC, TREMONT  
[BERMUDA] LIMITED, TREMONT CAPITAL  
MANAGEMENT INC., TREMONT GROUP  
HOLDINGS, INC., TREMONT INTERNATIONAL  
INSURANCE LIMITED, and TREMONT PARTNERS  
INC.,

Defendants.

09 Civ. 00557 (RJS)

**AFFIDAVIT OF KENNETH I.  
SCHACTER IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

State of New York        )  
                                  )     ss:  
County of New York     )

**KENNETH I. SCHACTER**, being duly sworn, hereby deposes and says as follows:

1. I am a member of the firm of Bingham McCutchen LLP, counsel for Massachusetts Mutual Life Insurance Company ("MassMutual") 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 MassMutual's motion to admit E. Macey Russell as counsel pro hac vice to represent MassMutual in this matter.

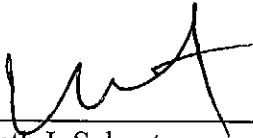
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1980. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Russell is a member of the firm of Choate, Hall & Stewart, LLP. Mr. Russell is admitted to practice law in the Commonwealth of Massachusetts. A Certificate of Good Standing from Massachusetts is attached as Exhibit A in the name of Eugene Russell.

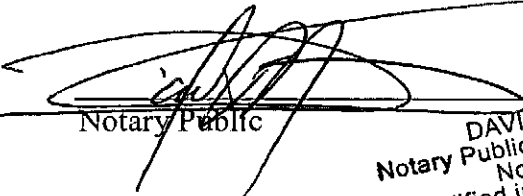
4. I believe Mr. Russell to be a skilled attorney who is experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.

5. Accordingly, I am pleased to move the admission of Mr. Russell and respectfully submit a proposed order granting his admission, pro hac vice, which is attached hereto.

**WHEREFORE** it is respectfully requested that the motion to admit E. Macey Russell, pro hac vice, to represent MassMutual in the above captioned matter, be granted.

  
\_\_\_\_\_  
Kenneth I. Schacter

Subscribed and sworn to before me  
this 10<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Notary Public

DAVID MARCUS  
Notary Public, State of New York  
No. 4873948  
Qualified in New York County  
Commission Expires Oct. 20, 2010

**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. **1983**, said Court being the highest Court of Record in said Commonwealth:

**Eugene M. Russell**

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 **February**

in the year of our Lord **two thousand and nine**.



*Maura S. Doyle*  
MAURA 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.

X3116

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:

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

**CERTIFICATE OF SERVICE**

David Marcus, an attorney admitted to practice law before this Court, hereby certifies under penalty of perjury that on March 10, 2009 I caused the annexed Notice of Motion for Pro Hac Vice Admission to be served by First Class Mail on the following:

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

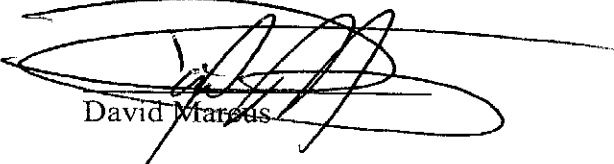
William K. Dodds, Esq.  
Dechert, LLP  
1095 Avenue of the Americas  
New York, NY 10036

David J. Kanfer, Esq.  
Talisman, Rudin & DeLorenz P.C.  
499 Fulton Street  
Brooklyn, NY 11201

David A. Kotler, Esq.  
Dechert, LLP  
902 Carnegie Center  
Princeton, NJ 08540

Robert W. Topp, Esq.  
Dechert, LLP  
P.O. Box 5218  
902 Carnegie Center  
Princeton, NJ 08540  
Alex G. Patchen, Esq.  
George F. Dupont, Esq.  
Tannenbaum Helpert Syracuse  
& Hirschritt LLP  
900 Third Avenue  
New York, NY 10022

Dated: New York, New York  
March 10, 2009

  
David Marcus