

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Blackwater Security Consulting, LLC and	:	
Blackwater Lodge and Training Center, Inc.	:	
	:	Civil Action No. 05 6020
v.	:	
	:	Judge Petrese B. Tucker
Westchester Surplus Lines Insurance	:	
Company; Evanston Insurance Company;	:	Electronically Filed
Fidelity and Casualty Company of New York;	:	
and Liberty Insurance Underwriters	:	

**MOTION FOR ADMISSION OF COUNSEL PRO HAC VICE**

Francis P. Burns, III, Esquire on behalf of Evanston Insurance Company (Evanston), moves for the admission of L.D. Simmons, II, Esquire and Brian A. Kahn, Esquire to the bar of the Eastern District of Pennsylvania to participate in this case as counsel on behalf of Evanston in accordance with Local Rule of Civil Procedure 83.5.2. In support of this motion, I verify that the following facts are true and correct to the best of my knowledge, information and belief:

1. I am a member in good standing of the bar of the Eastern District of Pennsylvania and the Supreme Court of the Commonwealth of Pennsylvania, I.D. No. 27537, and a shareholder in the firm of Lavin, O'Neil, Ricci, Cedrone & DiSipio, 190 North Independence Mall West, Suite 500, 6th & Race Streets, Philadelphia, Pennsylvania 19106.

2. L.D. Simmons, II is an attorney with the firm of Helms, Mulliss & Wicker, PLLC, 201 North Tryon Street, P.O. Box 31247, Charlotte, North Carolina 28202.

3. Brian A. Kahn is an attorney with the firm of Helms, Mulliss & Wicker, PLLC, 201 North Tryon Street, P.O. Box 31247, Charlotte, North Carolina 28202.

4. Messrs. Simmons and Kahn have associated themselves for purposes of this proceeding with the law firm of Lavin, O'Neil, Ricci, Cedrone & DiSipio, upon whom all pleadings, motions, notices and other papers can be served in conformance with the Federal Rules of Civil Procedure and the Rules of this Court.

5. Messrs. Simmons and Kahn are attorneys in good standing, duly licensed and admitted to the bar of the state of North Carolina.

6. Mr. Simmons was admitted to practice in North Carolina in 1984. He was admitted to practice before the United States District Court for the Western District of North Carolina in 1984. Mr. Simmons has never been subject to disciplinary proceedings in any jurisdiction. See, Mr. Simmons' affidavit attached hereto.

7. Mr. Kahn was admitted to practice in North Carolina in 2000. He was admitted to practice before the United States District Court for the Western District of North Carolina in 2000. Mr. Kahn has never been subject to disciplinary proceedings in any jurisdiction. See, Mr. Kah's affidavit attached hereto.

8. Evanston seeks the admission of Messrs. Simmons and Kahn *pro hac vice* to participate as counsel in the conduct of any trial, discovery, or any pretrial or post-trial proceedings. Messrs. Simmons and Kahn have familiarity with insurance coverage litigation and the specific facts of this case. The firm of Helms, Mulliss & Wicker, PLLC, represents Evanston as national counsel. Evanston, therefore, wishes to continue the professional relationship in this case and to derive the benefit of counsel's experience with the legal issues presented here.

WHEREFORE, it is respectfully requested that L.D. Simmons, II and Brian A. Kahn be admitted to the bar of this Court for purposes of this case in accordance with Local Rule of Civil Procedure 83.5.2. A proposed form of Order is attached.

Respectfully submitted,

LAVIN, O'NEIL, RICCI, CEDRONE & DISIPIO

s/ Francis P. Burns, III, Esquire

Francis P. Burns III, Esquire

Suite 500, 190 N. Independence Mall West

Philadelphia, PA 19106

(215) 627-0303

Attorneys for Defendant, Evanston Insurance Company

**AFFIDAVIT**

L. D. Simmons, II, Esquire, being duly sworn, deposes and says:

1. I am a Member of the law firm of Helms, Mulliss & Wicker, PLLC, 201 North Tryon Street, P.O. Box 31247 (28231-1247), Charlotte, North Carolina 28202.

2. I have been a member in good standing of the bar of the state of North Carolina since 1984.

3. I am also admitted to practice generally before the United States District Court for the Western, Eastern and Middle Districts of North Carolina, and the United States Court of Appeals for the Fourth, Tenth and Eleventh Circuits.

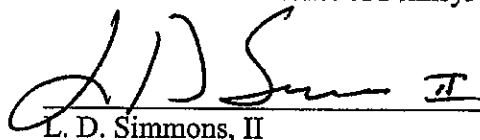
4. I have been admitted *pro hac vice* in 11 states over the past twenty years.

5. I have never been the subject of a disciplinary complaint or proceeding in any of the jurisdictions where I have been admitted to practice.


6. I have been retained to act as national counsel for Evanston Insurance Company in all state and federal cases.

7. For this case, I will be associated with the firm of Lavin, O'Neil, Ricci, Cedrone & DiSipio, 190 North Independence Mall West, Suite 500, 6th & Race Streets, Philadelphia, Pennsylvania 19106.

8. I agree to be bound by the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania.

  
L. D. Simmons, II

Sworn to and Subscribed before me  
this 28th day of March, 2006.

  
Notary Public

My Commission Expires: 3-2-2008.

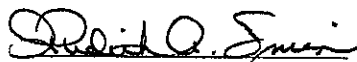
**AFFIDAVIT**

Brian A. Kahn, Esquire, being duly sworn, deposes and says:

1. I am an associate at the law firm of Helms, Mulliss & Wicker, PLLC, 201 North Tryon Street, P.O. Box 31247 (28231-1247), Charlotte, North Carolina 28202.
2. I have been a member in good standing of the bar of the state of North Carolina since 2000.
3. I am also admitted to practice generally before the United States District Court for the Eastern, Middle and Western Districts of North Carolina.
4. I concentrate my practice in the defense of insurance coverage actions and have been admitted *pro hac vice* in three states over the past six years.
5. I have never been the subject of a disciplinary complaint or proceeding in any of the jurisdictions where I have been admitted to practice.
6. I have been retained to act as national counsel for Evanston Insurance Company in all state and federal cases.
7. For this case, I will be associated with the firm of Lavin, O'Neil, Ricci, Cedrone & DiSipio, 190 North Independence Mall West, Suite 500, 6th & Race Streets, Philadelphia, Pennsylvania 19106.
8. I agree to be bound by the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania.

  
\_\_\_\_\_  
Brian A. Kahn

Sworn to and Subscribed before me  
this 30th day of March, 2006.

  
Notary Public

My Commission Expires: 3/2/2008.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Blackwater Security Consulting, LLC and	:	
Blackwater Lodge and Training Center, Inc.	:	
	:	Civil Action No. 05 6020
v.	:	
	:	Judge Petrese B. Tucker
Westchester Surplus Lines Insurance	:	
Company; Evanston Insurance Company;	:	
Fidelity and Casualty Company of New York;	:	
and Liberty Insurance Underwriters	:	

**ORDER**

AND NOW, this                    day of                    , 2006, upon consideration of the Motion of Francis P. Burns, III, Esquire on behalf of defendant, Evanston Insurance Company, for Admission of Counsel *Pro Hac Vice*, it is hereby **ORDERED** that L.D. Simmons, II and Brian A. Kahn are admitted to practice in the Court of the Eastern District of Pennsylvania, *pro hac vice*, and are permitted to appear and participate in any pretrial, trial or post-trial proceeding in this action.

BY THE COURT:

\_\_\_\_\_  
J.