

Appendix K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
Marshall DIVISION
APPLICATION TO APPEAR PRO HAC VICE

Revised: 1/24/07

FILED-CLERK
U.S. DISTRICT COURT

2009 NOV 17 AM 8:26

TX EASTERN-MARSHALL

1. This application is being made for the following: Case #2:09-cv-102
Style: ACTUS, LLC, v. Bank of America Corp., et al BY: _____
2. Applicant is representing the following party/ies: M&T Bank
3. Applicant was admitted to practice in DC (state) on 12/22/1982 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court.
5. Applicant is not currently suspended or disbarred in any other court.
6. Applicant has has not had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has has not ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has has not been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle) If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses.
10. There are no pending grievances or criminal matters pending against the applicant.
11. Applicant has been admitted to practice in the following courts:
Please see the attached list.
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys."
13. Applicant has included the requisite \$25 fee (see Local Rule AT-1(d)).
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only.

Application Oath:

I, David P. Gersch do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States

Date 10/23/09 Signature [Handwritten Signature]

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APPLICATION TO APPEAR PRO HAC VICE (Continued)**

Name (please print) David Gersch

State Bar Number 367469

Firm Name: Arnold & Porter, LLP

Address/P O. Box: 555 Twelfth St., NW

City/State/Zip: Washington, DC 20004

Telephone #: 202-942-5125

Fax #: 202-942-5999

E-mail Address: david.gersch@aporter.com

Secondary E-Mail Address: none

Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This

application has been approved for the court on:

DAVID J. MALAND, CLERK

David J. Maland, Clerk

U.S. District Court, Eastern District of Texas

By Charlene Hinton
Deputy Clerk

DAVID PAUL GERSCH
BAR AND COURT INFORMATION

Admitted into practice in the District of Columbia Court, December 22, 1982
D C Bar No 367469

U.S District Court
District of Columbia
Date of Admission: 10/1/84

U.S District Court
Western District of Michigan
Date of Admission: 5/19/04

U.S District Court
District of Arizona
Date of Admission: 10/21/93

U.S. District Court
Eastern District of Wisconsin
Date of Admission: 10/2/91

District of Columbia Court of Appeals
Date of Admission: 12/22/82

U.S. Court of Appeals
District of Columbia
Date of Admission: 5/31/85

U.S. Court of Appeals
2nd Circuit
Date of Admission: 8/9/2007

U.S. Court of Appeals
3rd Circuit -- Pennsylvania
Date of Admission: 2/9/94

U.S. Court of Appeals
4th Circuit
Date of Admission: 8/8/94

U.S. Court of Appeals
6th Circuit -- Ohio
Date of Admission: 4/9/92

U.S. Court of Appeals
8th Circuit -- Missouri
Date of Admission: 1/19/93

U S Court of Appeals
11th Circuit - Georgia
Date of Admission: 1/13/94

U S Claims Court
Date of Admission: 1/10/85

U S Tax Court
Date of Admission: 1/19/91