

SUPREME COURT OF NORTH CAROLINA

CHESTER TAYLOR III,
RONDA and BRIAN
WARLICK, LORI MENDEZ,
LORI MARTINEZ, CRYSTAL
PRICE, JEANETTE and
ANDREW ALESHIRE,
MARQUITA PERRY,
WHITNEY WHITESIDE,
KIMBERLY STEPHAN,
KEITH PEACOCK, ZELMON
MCBRIDE,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

From Mecklenburg County
COA20-160-2

MOTION FOR ADMISSION *PRO HAC VICE*

NOW COMES Defendant-Appellant Bank of America, N.A.
("Appellant"), through counsel, and hereby move this Court for
admissions *pro hac vice* for Keith Levenberg and James McGarry to
represent the Appellant in this case.

Pursuant to Rule 33(d) of the North Carolina Rules of Appellate Procedure and Section 84-4.1 of the North Carolina General Statutes, Appellant hereby requests that its attorneys, Keith Levenberg and James McGarry be allowed to appear *pro hac vice* in this appeal. In support of this motion, Appellant shows the Court as follows.

1. The Statement of Keith Levenberg, attached hereto as **Exhibit A**, sets forth Mr. Levenberg's qualifications to appear in this case pursuant to N.C. Gen. Stat. § 84-4.1

2. The Statement of James McGarry, attached hereto as **Exhibit B**, sets forth Mr. McGarry's qualifications to appear in this case pursuant to N.C. Gen. Stat. § 84-4.1

3. Mr. Levenberg and Mr. McGarry are counsel of choice for Appellant. Appellant's statement attesting to the retention of Mr. Levenberg and Mr. McGarry is attached hereto as **Exhibit C**.

4. Pursuant to N.C. Gen. Stat. § 84-4.1(5), as local counsel in these matters and a resident of North Carolina, I, Bradley R. Kutrow, agree to be responsible for filing the required registration statement of Mr. Levenberg and Mr. McGarry with the North Carolina State Bar. Under Rule 33(d) of the North Carolina Rules of Appellate Procedure,

another fee shall not be due at the Supreme Court since Mr. Levenberg and Mr. McGarry were admitted to practice *pro hac vice* and paid the required fee to the Court of Appeals.

WHEREFORE, Appellant respectfully requests that this Court grant Keith Levenberg and James McGarry admission *pro hac vice* to represent Appellant in this case.

This the 7th day of December, 2021.

McGUIREWOODS, LLP

Electronically submitted

Bradley R. Kutrow

Attorney for Defendant-Appellant

201 North Tryon Street, Suite 3000

Charlotte, North Carolina 28202

Telephone: 704.343.2049

Facsimile: 704.343.2300

N.C. Bar No. 13851

bkutrow@mcguirewoods.com

CERTIFICATE OF SERVICE

I hereby certify that on 07 December 2021 the foregoing **Motion for Admission *Pro Hac Vice*** was electronically filed and served upon each of the parties in this action by email and by depositing a copy, contained in a first-class, postage-paid wrapper, into a depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

William C. Robinson
Dorothy M. Gooding
Robinson Elliott & Smith
P.O. Box 36098
Charlotte, North Carolina 23236
srobinson@reslawfirm.net
dgooding@reslawfirm.net

Electronically submitted
Bradley R. Kutrow

EXHIBIT A

SUPREME COURT OF NORTH CAROLINA

CHESTER TAYLOR III,
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STATEMENT OF KEITH LEVENBERG

I, Keith Levenberg, certify to the Court as follows:

1. I am a member of the law firm of Goodwin Procter LLP. My mailing address is 1900 N Street, N.W., Washington, D.C. 20036. I make and submit the Statement in support of my Motion for Admission *Pro Hac Vice* in the above captioned case.

2. I have been retained to represent Defendant in the above captioned case.

3. I am a member in good standing of the bars of the District of Columbia (number 1007558) and the State of New York (number 4183471).

4. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.

5. I am not presently nor have I been disciplined, suspended or disbarred for any misconduct from any court in any jurisdiction.

6. Unless permitted to withdraw by order of the Court, I will continue to represent Defendant in these proceedings until their final determination and, with reference to all matters incident to this proceeding, I agree to be subject to the orders and amenable to the disciplinary action and the civil jurisdiction of the General Court of Justice and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

7. The District of Columbia and the State of New York grant like privileges to members of the Bar of North Carolina in good standing.

8. I have associated with and am personally appearing in the proceeding with Bradley R. Kutrow of the law firm of McGuireWoods LLP. Mr. Kutrow is an attorney and resident of this State, is duly and legally admitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with the legal proceedings, or any disciplinary matter, with the same effect as if personally made on me. Mr. Kutrow has agreed to be responsible for timely filing a registration statement with the North Carolina State Bar.

Electronically submitted
Keith Levenberg

EXHIBIT B

SUPREME COURT OF NORTH CAROLINA

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COA20-160-2

STATEMENT OF JAMES McGARRY

I, James McGarry, certify to the Court as follows:

1. I am a member of the law firm of Goodwin Procter LLP. My mailing address is 100 Northern Avenue Boston, MA 02210. I make and submit the Statement in support of my Motion for Admission *Pro Hac Vice* in the above captioned case.

2. I have been retained to represent Defendant in the above captioned case.

3. I am a member in good standing of the State of Massachusetts (admitted on December 19, 1996, Bar No. 633726), the State of New Jersey (admitted on December 21, 1993, Bar No. 027951993), and the State of Pennsylvania (admitted on December 10, 1993, Bar No. 70633).

4. I am not under any restriction or probation in the practice of law in any jurisdiction in which I am licensed.

5. I am not presently nor have I been disciplined, suspended or disbarred for any misconduct from any court in any jurisdiction.

6. Unless permitted to withdraw by order of the Court, I will continue to represent Defendant in these proceedings until their final determination and, with reference to all matters incident to this proceeding, I agree to be subject to the orders and amenable to the disciplinary action and the civil jurisdiction of the General Court of Justice and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

7. Massachusetts, New Jersey and Pennsylvania grants like privileges to members of the Bar of North Carolina in good standing.

8. I have associated with and am personally appearing in the proceeding with Bradley R. Kutrow of the law firm of McGuireWoods LLP. Mr. Kutrow is an attorney and resident of this State, is duly and legally admitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with the legal proceedings, or any disciplinary matter, with the same effect as if personally made on me. Mr. Kutrow has agreed to be responsible for timely filing a registration statement with the North Carolina State Bar.

Electronically submitted
James McGarry

EXHIBIT C

SUPREME COURT OF NORTH CAROLINA

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STATEMENT OF RETENTION

NOW COMES Defendant Bank of America, N.A., whose
headquarters is located at 100 N. Tryon Street, Charlotte, North
Carolina, 28255, and hereby declares that it has retained Attorneys
Keith Levenberg and James McGarry and Goodwin Procter LLP to
represent it in the above-captioned action, based on their specific

experience and qualifications, along with Bradley R. Kutrow and McGuireWoods, LLP.

James J. Ciccone

James J. Ciccone
Associate General Counsel
and Senior Vice-President
Bank of America, N.A.
Los Angeles, California