

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KIMBERLY COLE, ALAN COLE,
JAMES MONICA, LINDA BOYD,
MICHAEL MCMAHON, RAY
SMINKEY, JAMES MEDDERS, JUDY
MEDDERS, ROBERT PEPERNO,
SARAH PEPERNO, KELLY MCCOY,
LESA WATTS, CHAD MEADOW,
JOHN PLISKO, SUSAN PLISKO,
KENNETH McLAUGHLIN, RYAN
KENNY, ALEXANDER DAVIS, and
ANDREA DAVIS, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

NIBCO, Inc.,

Defendant.

Civil Action No. 13-7871-FLW-
TJB

**NOTICE OF MOTION FOR
PRO HAC VICE ADMISSION
OF ERIC STEVEN
STEWART**

PLEASE TAKE NOTICE that on April 15, 2019 at 9:00 am, or as soon thereafter as counsel may be heard, Objecting Class Member Jeffrey Palmer shall move under Local Civ. R. 101.1(c) for an Order permitting the *pro hac vice* admission of Eric Steven Stewart.

PLEASE TAKE FURTHER NOTICE that Objecting Class Member Jeffrey Palmer will rely upon the Certifications of Janet Gold and Eric Steven Stewart in support of this motion.

PLEASE TAKE FURTHER NOTICE that Class Counsel and Defendant's counsel have not consented to this Motion. No brief is necessary as this Motion does not raise novel or complex issues of law.

A proposed form of Order is attached.

DATED: March 15, 2019

Respectfully submitted,

/s/ Janet L. Gold, Esquire

Janet L. Gold, Esquire
Eisenberg, Gold & Agrawal, P.C.
1040 North Kings Highway, Suite 200
Cherry Hill, New Jersey 08034
Tel: (856) 330-6200
Fax: (856) 330-6207
jgold@egclawfirm.com

Eric Steven Stewart
Pro Hac Vice Admission Pending
Huseman Law Firm, PLLC
615 N. Upper Broadway, Suite 2000
Corpus Christi, TX 78401
Tel: (361) 883-3563
Fax: (361) 883-0210
estewart@husemanlawfirm.com

*Counsel for Objecting Class Member Jeffrey
Palmer*

Certificate of Service

The undersigned certifies that today she filed the foregoing objection and associated declarations on ECF which will send electronic notification to all attorneys registered for ECF-filing.

DATED: March 15, 2019

/s/ Janet L. Gold, Esquire _____

Janet L. Gold, Esquire
Eisenberg, Gold & Agrawal, P.C.
1040 North Kings Highway, Suite 200
Cherry Hill, New Jersey 08034
Tel: (856) 330-6200
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jgold@egclawfirm.com
Attorney for Objector/Class Member

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**CERTIFICATION OF JANET
L. GOLD IN SUPPORT OF
PRO HAC VICE ADMISSION
OF ERIC STEVEN
STEWART**

Janet L. Gold, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey, a member in good standing of the bar of this Court, and a member of the firm Eisenberg, Gold & Agrawal, P.C., co-counsel for Objecting Class Member Jeffrey Palmer in this matter. I have personal knowledge of the facts set forth herein.

2. I make this certification in support of Plaintiffs' motion to admit Eric Steven Stewart *pro hac vice* as counsel for Plaintiffs.

3. Eric Steven Stewart is Counsel with the firm of Huseman Law Firm, PLLC, located at 615 N. Upper Broadway, Suite 2000, Corpus Christi, Texas 78401.

4. Mr. Stewart has advised me that he is a member in good standing of the bars of the State Bar of Texas; the Supreme Court of Texas; the United States District Court for the Southern District of Texas; and the United States District Court for the Western District of Texas. He is not under suspension, nor has he ever been suspended or disbarred from any court. Mr. Stewart is fully familiar with the proposed settlement and request for attorneys' fees by class counsel, and the objection thereto.

5. There is good cause for the *pro hac vice* admission of Mr. Stewart, as he is fully familiar with the proposed settlement and request for attorneys' fees by class counsel, and the objection thereto, and no delay in the conduct of the proceedings would be occasioned by him acting as attorney for Objecting Class Member Jeffrey Palmer in this matter.

6. Pursuant to Local Civil Rule 101.1(c)(4), my firm will appear in this action, including all court appearances on behalf of Objecting Class Member Jeffrey Palmer and agree to accept service of all notices, orders, and pleadings in

this action. I or an attorney from my firm will sign and file all pleadings, enter all appearances, sign all stipulations, and other such documents in this matter. I agree to be responsible for the conduct of the above-named counsel should he be admitted *pro hac vice*.

DATED: March 15, 2019

Respectfully submitted,

/s/ Janet L. Gold, Esquire

Janet L. Gold, Esquire

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DISTRICT OF NEW JERSEY**

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KENNY, ALEXANDER DAVIS, and
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themselves and all others similarly
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Defendant.

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**CERTIFICATION OF ERIC
STEVEN STEWART IN
SUPPORT OF *PRO HAC
VICE* ADMISSION**

Eric Steven Stewart, of full age, certifies as follows:

1. I am Counsel with the firm of the Huseman Law Firm, PLLC, located at 615 N. Upper Broadway, Suite 2000, Corpus Christi, Texas 78401, co-counsel for Objecting Class Member Jeffrey Palmer in the captioned matter. I make this certification on my personal knowledge in support of Objecting Class Member Jeffrey Palmer's application to have me admitted *pro hac vice* in the captioned

matter. I am fully familiar with the proposed settlement, request for class counsels' attorneys' fees, and Mr. Palmer's objections thereto.

2. I am a member in good standing of the bars of the State Bar of Texas (admitted 2007); the Supreme Court of Texas (admitted 2007); the United States District Court for the Southern District of Texas (admitted 2007); the United States District Court for the Western District of Texas (admitted 2008); and the United States District Court for the Northern District of Texas (pending).

The names and addresses of the offices maintaining the rolls of members of the bar in these jurisdictions are as follows:

State Bar of Texas
Membership Department
P.O. Box 12487
Austin, Texas 78711

The Texas Supreme Court
Clerk's Office
P.O. Box 12248
Austin, Texas 78711

United States District Court for the Southern District of Texas
515 Rusk Avenue
Houston, Texas 77002

United States District Court for the Western District of Texas
655 E. Cesar E. Chavez Blvd.
San Antonio, Texas 78206

United States District Court for the Northern District of Texas
1100 Commerce Street
Dallas, TX 75242

3. I am not under suspension, nor have I ever been suspended or disbarred from any court. No disciplinary proceedings are pending against me, and no discipline has previously been imposed upon me in any jurisdiction.

4. I am conversant with the local civil rules of the United States District Court for the District of New Jersey, and will abide by those rules.

5. Upon entry of the requested order, payment in the appropriate amount will be forwarded to the New Jersey Lawyers' Fund For Client Protection as provided by New Jersey Court Rule 1:28-2(a).

6. In accordance with Local Civil Rule 101.1(c)(3), upon entry of the requested order, payment in the amount of \$150.00 will be forwarded to the Clerk, United States District Court.

7. I understand that in accordance with Local Civil Rule 101.1(c)(5), a lawyer admitted *pro hac vice* is within the disciplinary jurisdiction of this Court. I agree to comply with the requirements of Local Civil Rule 101.1(c). I agree to take no fee in any tort case in excess of New Jersey Court Rule 1:21-7 governing contingent fees.

8. The firm of Eisenberg, Gold & Agrawal, P.C. of Cherry Hill, New Jersey has agreed to work with my firm in the litigation of this action.

9. I respectfully request that this court grant Objecting Class Member Jeffrey Palmer's application to have me admitted *pro hac vice* for all purposes in this

action, including appearance at the fairness hearing. Class counsel and Counsel for Defendant have advised that they oppose admission of our co-counsel.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: March 15, 2019

Respectfully submitted,

 /s/ Eric Steven Stewart
Eric Steven Stewart

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

March 14, 2019

Re: Mr. Eric Steven Stewart, State Bar Number 24058133

To Whom It May Concern:

This is to certify that Mr. Eric Steven Stewart was licensed to practice law in Texas on May 04, 2007, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

A handwritten signature in black ink, appearing to read "Seana Willing", with a stylized flourish at the end.

Seana Willing
Chief Disciplinary Counsel
SW/web



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**[PROPOSED] ORDER FOR
PRO HAC VICE ADMISSION
OF ERIC STEVEN
STEWART**

This matter having been presented to the Court by Janet L. Gold, Eisenberg, Gold & Agrawal, P.C for the entry of an Order allowing the appearance *pro hac vice* of Eric Steven Stewart for all purposes in the above captioned matter, and the Court having reviewed the Certifications of Janet L. Gold and Eric Steven Stewart and it appearing that Eric Steven Stewart is Counsel with the firm of Huseman Law Firm, located at 615 N. Upper Broadway, Suite 2000, Corpus Christi, Texas

78401; and that Janet L. Gold, Eisenberg, Gold & Agrawal, P.C. has agreed to act as local counsel; and for good cause having been shown;

IT IS on this _____ day of , 2019

ORDERED, that Eric Steven Stewart is hereby admitted *pro hac vice* for all purposes of representing Plaintiffs in the above entitled action, and it is

FURTHER ORDERED that, pursuant to Local Rule 101.1(c) Eric Steven Stewart shall make a payment to the New Jersey Lawyer's Fund for Client Protection as provided by New Jersey Court Rule 1:28-2(a) if they have not already made contributions,

FURTHER ORDERED that pursuant to Local Rule 101.1(c)(3), Eric Steven Stewart shall make a payment of \$150.00, payable to the Clerk, United States District Court,

FURTHER ORDERED that Eric Steven Stewart shall be bound by the General and Admiralty Rules of the United States District Court for the District of New Jersey, including but not limited to the provisions of Local Rule 103.1, Judicial Ethics and Professional Responsibility, and the Local Rule 104.1, Discipline of Attorneys; and it is

FURTHER ORDERED that pursuant to Local Rule 101.1(c), Eric Steven Stewart shall be deemed to have agreed to take no fee in any tort case in excess of the New Jersey Court Contingency Fee Rule, Rule 1:27-7, as amended.

SO ORDERED:

Honorable _____, U.S.M.J.