STATE OF NORTH CAROLINA COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 15 CVS 013685
JOHN J. WOODARD, JR., Plaintiff, v. NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY Defendant.	PLAINTIFF'S REVISED MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to N.C. Gen. Stat. §84-4.1, the undersigned attorney herein certifies to the General Court of Justice the following:

1. On Oct. 26th, 2015, Dr. David Schnare moved this Court for an order allowing his *pro hac vice* admission to represent the Plaintiff in this matter. A copy of that Oct. 26th motion is attached hereto as Exhibit A.

2. Upon filing the Oct. 26th motion, Plaintiff's counsel and Dr. Schnare paid the $225 *pro hac vice* fee. As evidence of this payment, a copy of the receipt is attached hereto as Exhibit B.

3. Following this motion, judicial staff communicated with Plaintiff's counsel and Dr. Schnare and informed them that Dr. Schnare could not move for his *pro hac vice* admission because he was not yet admitted to practice in this Court.

4. Plaintiff's counsel now comes to this Court seeking the *pro hac vice* admission of Dr. David Schnare. In support of this motion, counsel has attached an affidavit from Dr. Schnare laying out the statements required by N.C. Gen. Stat. § 84-4.1. This affidavit is attached hereto as Exhibit C.

5. The Oct. 26th motion contains an original affidavit by the Plaintiff setting forth his address and declaring that he has retained Dr. Schnare as counsel. A copy of this affidavit is also attached to this motion as Exhibit D.

Based on the above information and attached exhibits, the undersigned moves the Court for an order allowing Dr. David Schnare's admission *pro hac vice* for the Plaintiff in this litigation in compliance with G.S. § 84-4.1.

This the 2nd day of December, 2015.

Elliot Engstrom
Lead Counsel
Center for Law and Freedom
Civitas Institute
100 S. Harrington Street
Raleigh, NC 27603
N.C. State Bar No. 46003
Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that the attached Motion by Out-of-State Attorney to Practice Before the General Court of Justice, Superior Court Division has been served on the Defendant by depositing a copy with the United States Postal Service with sufficient postage, addressed as follows:

Served on: Asher P. Spiller, Esq.
Assistant Attorney General
NC State Bar No. 46425
ASpiller@ncdoj.gov

NC Department of Justice
Environmental Division
Post Office Box 629
Raleigh, North Carolina 27602-0629
Counsel for Respondent

This the 2nd day of December, 2015.

Elliot Engstrom
Lead Counsel
Center for Law and Freedom
Civitas Institute
100 S. Harrington Street
Raleigh, NC 27603
N.C. State Bar No. 46003
Counsel for Petitioners

EXHIBIT A

Oct. 26th, 2015 motion for *pro hac vice* admission by Dr. David Schnare

STATE OF NORTH CAROLINA FILED 2015 OCT 26 P 4:00 COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 15 CVS 013685
JOHN J. WOODARD, JR., WAKE COUNTY, C.S.C. BY Plaintiff, v. NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY Defendant.	MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to N.C. Gen. Stat. §84-4.1, the undersigned attorney herein certifies to the General Court of Justice the following:

1. I, David W. Schnare, Esq., Ph.D., 722 12th St., NW, 4th Floor, Washington D.C. 20005, (571) 243-7975, am an attorney licensed to practice law in the State of Virginia, Virginia Bar Membership No. 44522, and the District of Columbia, D.C. Bar No. 1015635 in good standing.

2. I have attached to this motion an affidavit by my client setting forth his address and declaring that he has retained me to represent him in this proceeding.

3. Unless permitted to withdraw sooner by order of the Court, I will continue to represent my client in this proceeding until its final determination, and with reference to all matters incident to the 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.

4. The state in which I am regularly admitted to practice, Virginia, grants like privileges to members of the North Carolina State Bar who are in good standing pursuant to Virginia Code § 54.1-3900.

5. I have associated with, and will have personally appearing with me in this proceeding, Elliot Engstrom, Esq., a member of the North Carolina State Bar in good standing who is a resident of North Carolina; has agreed to file a registration statement with the North Carolina State Bar within 30 days of the entry of an order granting this motion; is duly

and legally admitted to practice in the General Court of Justice of North Carolina. Mr. Engstrom may be served in all matters connected with this legal proceeding or any disciplinary matter, with the same effect as if personally made upon me, David Schnare, within this State. Mr. Engstrom's full name, street address, mailing address, phone number, and N.C. State Bar number are as follows:

Elliot Engstrom, Esq.
Civitas Institute Center for Law and Freedom
100 S. Harrington St.
Raleigh, NC 27603
(919) 834-2099
NC State Bar No. 46003

6. My bar membership number in Virginia is Va. Bar No. 44522. My bar membership number in the D.C. Bar is 1015635. I have not been disciplined by any court or had any *pro hac vice* admission revoked.

7. In accordance with N.C. Gen. Stat. §84-4.1, Mr. Engstrom has paid the requisite fee of $225.00 to the Wake County Clerk of Superior Court, $200.00 of which shall be remitted to the State Treasurer for support of the General Court of Justice and $25.00 of which shall be transmitted to the North Carolina State Bar to regulate the practice of out-of-state attorneys.

8. I understand that this Court has the discretionary power to allow or reject this application.

Based on the above application, the undersigned moves the Court for an order allowing this attorney to appear for the Plaintiff in this litigation in compliance with G.S. § 84-4.1.

This the 26th day of October, 2015.

/s/ David Schnare
David W. Schnare, Esq., Ph.D
Energy & Environmental Legal Institute
722 12th St., NW, 4th Floor,
Washington, D.C. 20005
(571) 243-7975
Virginia Bar Membership No. 44522
D.C. Bar No. 1015635

CERTIFICATE OF SERVICE

I certify that the attached Motion by Out-of-State Attorney to Practice Before the General Court of Justice, Superior Court Division has been served on the Defendant by depositing a copy with the United States Postal Service with sufficient postage, addressed as follows:

Served on: Asher P. Spiller, Esq.
Assistant Attorney General
NC State Bar No. 46425
ASpiller@ncdoj.gov

NC Department of Justice
Environmental Division
Post Office Box 629
Raleigh, North Carolina 27602-0629
Counsel for Respondent

This the 26th day of October, 2015.

/s/ David Schnare

David W. Schnare, Esq., Ph.D
Energy & Environmental Legal Institute
722 12th St., NW, 4th Floor,
Washington, D.C. 20005
(571) 243-7975
Virginia Bar Membership No. 44522
D.C. Bar No. 1015635

STATE OF NORTH CAROLINA COUNTY OF WAKE	FILED IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 15 CVS 13685 2015 OCT 26 P 4:00 WAKE COUNTY, C.S.C. BY SJ
JOHN J. WOODARD, Plaintiff, v. NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY Defendant.	**AFFIDAVIT OF** **John J. Woodard**

John J. Woodard, being duly sworn according to law, deposes and says:

1. My name is John J. Woodard. I am over the age of eighteen (18), I am of sound mind, and I am competent to testify to the matters reflected in this Affidavit.

2. I reside at 117 Pelican Pointe Dr., Elizabeth City, NC 27909, I am the Petitioner in and I have personal knowledge of the above captioned matter.

3. I have retained Dr. David W. Schnare, Esq. to assist in representing me in the above captioned matter.

This 22 day of Oct, 2015

John J. Woodard

State of North Carolina

In the City/County of Pasquotank

The foregoing was subscribed and sworn to before me by

JOHN J. WOODARD on this 22nd day of Oct, 2015.

Notary Public

Dec 5, 2016
Commission Expiration

EXHIBIT B

Receipt showing payment of Dr. David Schnare's *pro hac vice* filing fee

WAKE COUNTY CLERK OF COURT

A287621 10/26/15 16:02:14

PAYOR: SCHNARE,DAVID
PAYEE:
CASE#: 15CVS013685 VCAP:N
CITA#:

24625 OOS ATTNY FEES	200.00
24626 OOSA BAR FEE	25.00
TOTAL PAID	225.00
CC TENDERED	225.00
CHANGE	.00

3842 ID C910SH

CREDIT CARD FEES NOT INCLUDED.*
*SEE CREDIT CARD RECEIPT FOR FEES.***

n

Contact Phone	1-888-859-6183
Contact Url	N/A

	Amount
Total Payment Paid	$231.06

The following amounts will be

	Unit Price	Quantity	Amount
	$225.00	1	$225.00
		TOTAL	$225.00

Payment Information

Payment Type	Credit Card
Credit Card Type	VISA
Credit Card Number	******2803
Order ID	14712530
Billing Name	
ENGSTROM/ELLIOT	

Phone Number
This receipt has been emailed to the address below.
Email Address

EXHIBIT C

Affidavit from Dr. David Schnare setting forth statements required by N.C. Gen. Stat. § 84-4.1

STATE OF NORTH CAROLINA COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 15 CVS 013685
JOHN J. WOODARD Plaintiff, v. NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY Defendant.	**AFFIDAVIT OF DAVID W. SCHNARE**

David W. Schnare, being duly sworn according to law, deposes and says:

1. I, David W. Schnare, Esq., Ph.D., 722 12th St., NW, 4th Floor, Washington D.C. 20005, (571) 243-7975, am an attorney licensed to practice law in the State of Virginia, Virginia Bar Membership No. 44522, and the District of Columbia, D.C. Bar No. 1015635 in good standing.

2. My home address is 9033 Brook Ford Road, Burke, Virginia 22015.

3. Already filed in this case is an affidavit by my client setting forth his address and declaring that he has retained me to represent them in this proceeding. A copy of this affidavit is also attached to this motion.

4. Unless permitted to withdraw sooner by order of this Court, I will continue to represent my client in this proceeding until its final determination, and with reference to all matters incident to the 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.

5. The state in which I am regularly admitted to practice, Virginia, grants like privileges to members of the North Carolina State Bar who are in good standing pursuant to Virginia Code § 54.1-3900.

6. I have associated with, and will have personally appearing with me in this proceeding, Elliot Engstrom, Esq., a member of the North Carolina State Bar in good standing who is a resident of North Carolina; has agreed to file a registration statement with the North Carolina State Bar within 30 days of the entry of an order granting this motion; is duly and legally admitted to practice in the General Court of Justice of North Carolina. Mr. Engstrom may be served in all matters connected with this legal proceeding or any disciplinary matter, with the same effect as if personally made upon me, David Schnare, within this State. Mr. Engstrom's full name, street address, mailing address, phone number, and N.C. State Bar number are as follows:

Elliot Engstrom, Esq.
Civitas Institute Center for Law and Freedom
100 S. Harrington St.
Raleigh, NC 27603
(919) 834-2099
NC State Bar No. 46003

7. My bar membership number in Virginia is Va. Bar No. 44522. My bar membership number in the D.C. Bar is 1015635. I have not been disciplined by any court or had any *pro hac vice* admission revoked.

8. In accordance with N.C. Gen. Stat. §84-4.1, Mr. Engstrom has paid the $225 fee to the Clerk of Superior Court along with a previously filed version of this motion. A copy of that receipt is also attached to this motion.

9. I understand that the Court has the discretionary power to allow or reject this application.

This __20th____ day of __November, 2015

David W. Schnare

State of VA

In the City/County of Fairfax

The foregoing was subscribed and sworn to before me by

20 on this Nov day of 20, 2015.

NORMA STICKEL NOTARY PUBLIC COMMONWEALTH OF VIRGINIA REG. NO. 120425 EXP. 04-30-19

Notary Public

4/30/2019
Commission Expiration

EXHIBIT D

Copy of Plaintiff's affidavit setting forth his address and declaring that he has retained Dr. David Schnare as counsel in this matter (original attached to Oct. 26th motion in court file)

STATE OF NORTH CAROLINA COUNTY OF WAKE	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 15 CVS 13685
JOHN J. WOODARD, Plaintiff, v. NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY Defendant.	**AFFIDAVIT OF** **John J. Woodard**

John J. Woodard, being duly sworn according to law, deposes and says:

1. My name is John J. Woodard. I am over the age of eighteen (18), I am of sound mind, and I am competent to testify to the matters reflected in this Affidavit.

2. I reside at 117 Pelican Pointe Dr., Elizabeth City, NC 27909, I am the Petitioner in and I have personal knowledge of the above captioned matter.

3. I have retained Dr. David W. Schnare, Esq. to assist in representing me in the above captioned matter.

This 22 day of Oct, 2015

John J. Woodard

State of North Carolina

In the City/County of Pasquotank

The foregoing was subscribed and sworn to before me by

JOHN J. WOODARD on this 22nd day of Oct, 2015.

Notary Public

Dec 5, 2016
Commission Expiration