NO. 56PA14-2 TWENTY-FIRST DISTRICT

SUPREME COURT OF NORTH CAROLINA

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EVERETTE E. KIRBY and Wife, MARTHA KIRBY; HARRIS TRIAD HOMES, INC.; MICHAEL HENDRIX, as Executor of the Estate of Frances Hendrix; DARREN ENGELKEMIER; IAN HUTAGALUNG; SYLVIA MAENDL; STEVEN DAVID STEPT; JAMES W. NELSON and wife PHYLISS NELSON; and REPUBLIC PROPERTIES, LLC, a North Carolina company, (Group 1 Plaintiffs),	)	
Plaintiffs,	)	On Discretionary Review N.C. Court of Appeals Case No. COA 14-184
v.	)	<u>From FORSYTH County</u> Nos. 11 CVS 7119-20 11 CVS 8170-74,8338 12 CVS 2898 Rule 2.1 Cases
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,	)	
Defendants.	)	

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<u>MOTION FOR ADMISSION *PRO HAC VICE*</u>

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Pursuant to N.C. Gen. Stat. §84-4.1, the undersigned attorney herein certifies to the North Carolina Supreme Court the following:

1. Mark Miller, Pacific Legal Foundation, 8645 N. Military Trail, Suite 511, Palm Beach Gardens, Florida 33410, is an attorney licensed to practice law in the State of Florida, Florida Bar Membership No. 0094961 in good standing.

2. This admission is for the limited purpose of filing a brief as *amicus curiae*. Mr. Miller is fully prepared to participate in oral arguments pursuant to N.C. R. App. Pro. 28(i).

3. The state in which Mr. Miller is regularly admitted to practice, Florida, grants like privileges to members of the North Carolina State Bar who are in good standing pursuant to Fla. R. Jud. Admin., Rule 2.510.

4. I, Elliot Engstrom, Esq., a member of the North Carolina State Bar in good standing who is a resident of North Carolina, have associated with Mr. Miller and will be personally appearing with him in this proceeding; have agreed to file a registration statement with the North Carolina State Bar within 30 days of the entry of an order granting this motion; and am duly and legally admitted to practice in the General Court of Justice of North Carolina. I may be served in all matters connected with this legal proceeding or any disciplinary matter, with the same effect as if personally made upon Mr. Miller, within this State. My 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

5. Mr. Miller's bar membership number in Florida is 0094961. He has not been disciplined by any court or had any *pro hac vice* admission revoked.

6. In accordance with N.C. Gen. Stat. §84-4.1, the Pacific Legal Foundation has mailed a check for $225.00 to the North Carolina Supreme Court Clerk's Office, $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.

7. Mr. Miller and 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 Mark Miller to file a brief as *amicus curiae* in this litigation in compliance with G.S. §84-4.1.

This the 6th day of November, 2015.

Electronically Submitted

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Pursuant to Rule 33(b) of the North Carolina Rules of Appellate Procedure, I, Elliot Engstrom, hereby certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

Mark Miller
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing MOTION FOR ADMISSION *PRO HAC VICE* was served on all parties by depositing true copies thereof with the United States Postal Service, first class postage prepaid, addressed to the following:

Mr. Matthew H. Bryant
Attorney-at-Law
Hendrick Bryant Nerhood & Otis, LLP
723 Coliseum Drive Suite 101
Winston-Salem, NC 27106
Counsel for Plaintiffs

Mr. Dahr Joseph Tanoury
Assistant Attorney General
N.C. Department of Justice
Transportation Section
1505 Mail Service Center
Raleigh, NC 27699
Counsel for Defendant

This the 6th day of November, 2015.

For *Amici Curiae*:

_____
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