

FILED

STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

2015 OCT 20 PM 12: 20
OFFICE OF ADMIN HEARINGS

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 EHR 07012

STEPHEN E. OWENS and JILLANE G.
BADAWI,

Petitioners,

v.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES, DIVISION OF ENERGY,
MINERAL AND LAND RESOURCES

Respondent.

MOTION BY OUT-OF-STATE
ATTORNEY TO PRACTICE
BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS

Pursuant to N.C. Gen. Stat. §84-4.1, the undersigned attorney herein certifies to the Office of Administrative Hearings 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 affidavits by my clients setting forth their address and declaring that they each have retained me to represent them in this proceeding.
3. Unless permitted to withdraw sooner by order of the Office of Administrative Hearings, I will continue to represent my clients 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 and the rules of the Office of Administrative Hearings, Mr. Engstrom has sent a check in the amount of \$200.00 payable to the **General Court of Justice**, along with a copy of this Motion to:

AOC-Financial Services
Attn: Ms. Kesha Howell
PO Box 2448
Raleigh, NC 27602

and a check in the amount of \$25.00 payable to the **North Carolina State Bar**, to:

North Carolina State Bar
Attn: Pro Hac Vice
PO Box 25908
Raleigh, NC 27611-5908

Copies of both checks are attached to the original and copy of the Motion filed with the Office of Administrative Hearings.

8. I understand that the Office of Administrative Hearings has the discretionary power to allow or reject this application.

Based on the above application, the undersigned moves the Office of Administrative Hearings for an order allowing this attorney to appear for the Plaintiffs in this litigation in compliance with N.C. Gen. Stat. § 84-4.1.

This the 16th 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 Office of Administrative Hearings has been served on the Respondent by depositing a copy with the United States Postal Service with sufficient postage, or by delivering it to the named agency.

Served on: Carolyn Hudnell
North Carolina Department of Justice
Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001
Counsel for Respondent

This the 16th 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
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STEPHEN E. OWENS and JILLANNE G.
BADAWI,

Petitioners,

v.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES, DIVISION OF ENERGY,
MINERAL AND LAND RESOURCES

Respondent.

**AFFIDAVIT OF
Jillanne G. Badawi**

Jillanne G. Badawi, being duly sworn according to law, deposes and says:

1. My name is Jillanne G. Badawi. 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 own property at 1015 Swamp Road, Hertford, NC 27944, I am a Petitioner in and I have personal knowledge of the above captioned matter.
3. My fellow petitioner, Stephen E. Owens, is my husband and co-owner of the above-mentioned property. Our interests in this action are identical.
4. I have retained Dr. David W. Schnare, Esq. to assist in representing me in the above captioned matter.

This 2nd day of October, 2015

Jillanne G. Badawi
Jillanne G. Badawi

State of Virginia

In the City/County of Chesapeake

The foregoing was subscribed and sworn to before me by

JILLANNE G. BADAWI on this 20th day of October, 2015.

Jo Anne Glover
Notary Public

8/31/2017
Commission Expiration



JO ANNE GLOVER
NOTARY PUBLIC 7550599
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUGUST 31, 2017

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ADMINISTRATIVE HEARINGS
COUNTY OF PERQUIMANS OFFICE OF ADMIN HEARINGS 15 EHR 07012

STEPHEN E. OWENS and JILLANNE G.
BADAWI,

Petitioners,

v.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES, DIVISION OF ENERGY,
MINERAL AND LAND RESOURCES

Respondent.

**AFFIDAVIT OF
Stephen E. Owens**

Stephen E. Owens, being duly sworn according to law, deposes and says:

1. My name is Stephen E. Owens. 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 own property at 1015 Swamp Road, Hertford, NC 27944, I am a Petitioner in and I have personal knowledge of the above captioned matter.
3. My fellow petitioner, Jillanne G. Badawi, is my wife and co-owner of the above-mentioned property. Our interests in this action are identical.
4. I have retained Dr. David W. Schnare, Esq. to assist in representing me in the above captioned matter.

This 29th day of September, 2015

Stephen E. Owens
Stephen E. Owens

State of Virginia

In the (C) City/County of Norfolk

The foregoing was subscribed and sworn to before me by

STEPHEN E. OWENS on this 29th day of September, 2015.

Charles
Notary Public

8/31/16
Commission Expiration



STATE OF NORTH CAROLINA
COUNTY OF PERQUIMANS

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 EHR 07012

STEPHEN E. OWENS and JILLANE G.
BADAWI,
Petitioners,

v.

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Respondent.

ORDER PERMITTING
OUT-OF-STATE COUNSEL
TO APPEAR *PRO HAC VICE*

This cause was heard before the undersigned Judge Presiding on written motion by David W. Schnare, Esq., Ph.D, in that he be admitted to practice in the Office of Administrative Hearings for the sole purpose of appearing for Stephen E. Owens and Jillane G. Badawi in this litigation, and it appearing to the court that David Schnare has complied with the provisions of G.S. 84-4.1, the court finds that:

1. David W. Schnare is a practicing attorney in good standing in the State of Virginia;
2. He has been retained in this cause to represent the Plaintiffs;
3. He will continue to represent Stephen E. Owens and Jillane G. Badawi, subject to the rules of practice of the Office of Administrative Hearings, until permitted to withdraw;
4. The State of Virginia grants like privileges to the members of the North Carolina bar; and
5. Elliot Engstrom, Esq., a duly licensed attorney of this state with residence in Wake County, is associated and is personally appearing with David W. Schnare in this case.

Based on the foregoing findings of fact, the court concludes that it is proper to admit David W. Schnare, of Virginia, bar, to appear as counsel for the Plaintiffs. in this matter.

THEREFORE, IT IS ORDERED, in the discretion of the Court, that David W. Schnare be and is hereby admitted to practice in the Office of Administrative Hearings for the sole purpose of appearing for the Plaintiffs in this litigation.

This, the ____ day of _____, 2015.

SIGNED: _____

THE HONORABLE JUDGE MELISSA OWENS LASSITER
Administrative Judge Presiding