

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
15 CVS 013685

2015 OCT 26 P 4:00

JOHN J. WOODARD, JR., WAKE COUNTY, C.S.C.

Plaintiff,

BY: 

v.

MOTION FOR ADMISSION  
*PRO HAC VICE*

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Defendant.

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 12<sup>th</sup> St., NW, 4<sup>th</sup> 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 26<sup>th</sup> day of October, 2015.

/s/ David Schnare  
David W. Schnare, Esq., Ph.D  
Energy & Environmental Legal  
Institute  
722 12<sup>th</sup> St., NW, 4<sup>th</sup> 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](mailto:ASpiller@ncdoj.gov)

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

This the 26<sup>th</sup> day of October, 2015.

/s/ David Schnare

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

15 CVS 13685

2015 OCT 26 P 4:00

JOHN J. WOODARD,

WAKE COUNTY, C.S.C.

Plaintiff,

BY *SS*

v.

**AFFIDAVIT OF  
John J. Woodard**

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Defendant.

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

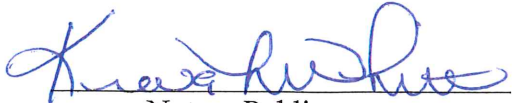
*John J. Woodard*  
\_\_\_\_\_  
John J. Woodard

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 22<sup>nd</sup> day of Oct, 2015.

  
Notary Public

Dec 5, 2016  
Commission Expiration

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.

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 Wake County Superior Court for the sole purpose of appearing for the Plaintiff 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 the Plaintiff, subject to the rules of practice of Wake County Superior Court, 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 the 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 Wake County Superior Court for the sole purpose of appearing for the Plaintiffs in this litigation.

This, the \_\_\_\_ day of \_\_\_\_\_, 2015.

SIGNED: \_\_\_\_\_

THE HONORABLE JUDGE \_\_\_\_\_  
Judge Presiding