

IN THE SUPREME COURT OF PENNSYLVANIA

**PENNSYLVANIA DEMOCRATIC :
PARTY, et al., :**

Petitioners, :

v. :

NO. 133 MM 2020

KATHY BOOCKVAR, et al., :

Respondents. :

MOTION FOR ADMISSION PRO HAC VICE FOR SUSAN M. DAVIES

Daniel T. Brier, Esquire of the law firm Myers, Brier & Kelly, LLP, counsel of record for Respondent Secretary of the Commonwealth of Pennsylvania Kathy Boockvar, hereby moves this Court for an order pursuant to Pa. R.C.P. 1012.1 and Rule 301 of the Pennsylvania Bar Admission Rules, admitting Susan M. Davies, Esquire to the bar of this Court, *pro hac vice*, for the purpose of representing Respondent Secretary of the Commonwealth Kathy Boockvar in this matter.

In support of this Motion, the undersigned counsel incorporates the Verification of Susan M. Davies attached as Exhibit "A" and the Verification of Admission of Daniel T. Brier attached hereto as Exhibit "B" which, it is averred, satisfies the requirements of the foregoing Rule of Civil Procedure.

In addition, in support of this Motion, undersigned counsel states as follows:

1. Respondent Boockvar, by and through her counsel of record, Daniel T. Brier, seek to admit Susan M. Davies, Esquire to the bar of this Court for the purpose of actively participating in this matter.

2. Ms. Davies is a partner at Kirkland & Ellis, 1301 Pennsylvania Avenue, NW, Washington, DC 20004. Ms. Davies is an attorney in good standing in the State of Pennsylvania (Status is Inactive); the District of Columbia; and the United States Court of Appeals for the First Circuit, Third Circuit, Tenth Circuit, and Federal Circuit. *See* Verification of Susan M. Davies attached as Exhibit A.

3. Ms. Davies has applied to the Pennsylvania IOLTA Board and paid the appropriate fee. Attached as Exhibit "C" is the fee payment certification letter from the IOLTA Board.

4. Ms. Davies has an attorney-client relationship with Secretary Boockvar and has special skill, knowledge and experience relating to this case.

5. Ms. Davies is familiar with Pennsylvania Bar Admission Rule 302 and has agreed to abide by the Rules of Professional Conduct application to Pennsylvania lawyers.


6. Ms. Davies will be associated with Daniel T. Brier, Esquire of the law firm Myers, Brier & Kelly, LLP at all remaining stages of this action.

7. Daniel T. Brier will be counsel of record for Secretary Boockvar and will continue to participate fully in this litigation and accept service of all papers on Ms. Boockvar's behalf.

WHEREFORE, it is respectfully requested that this Court grant Ms. Davies leave to appear as counsel *pro hac vice* for Respondent Secretary of the Commonwealth Kathy Boockvar. A proposed Order is attached.

Dated: August 27, 2020

Respectfully submitted,



Daniel T. Brier
Donna A. Walsh
MYERS, BRIER & KELLY, LLP
425 Spruce Street, Suite 200
Scranton, PA 18503
570-342-6100

Counsel for Respondent,
Secretary of the Commonwealth of
Pennsylvania Kathy Boockvar

CERTIFICATE OF COMPLIANCE

I hereby certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that requires filing confidential information and documents differently than non-confidential information and documents.

/s/ Daniel T. Brier
Daniel T. Brier

Date: August 27, 2020

Exhibit A

IN THE SUPREME COURT OF PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC :

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KATHY BOOCKVAR, et al., :

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VERIFICATION OF SUSAN M. DAVIES
SUPPORTING MOTION FOR ADMISSION *PRO HAC VICE*

I, Susan M. Davies, state the following based on my personal knowledge:

1. I am a partner in the law firm of Kirkland & Ellis LLP, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004.

2. I have been licensed to practice law in the following jurisdictions, with the corresponding bar license number: the State of Pennsylvania (#67869 - Status is Inactive); the District of Columbia (#1015133); and the United States Court of Appeals for the First Circuit (#1168940), Third Circuit (no #), Tenth Circuit (no #), and Federal Circuit (no #).

3. I am a member in good standing of all Bars to which I am admitted.

4. With respect to each jurisdiction identified in Paragraph 2 above, I have never been suspended, disbarred, or otherwise disciplined, or subject to any disciplinary proceedings.

5. If admitted, I will comply with and be bound by the applicable statutes, case law and procedures rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.

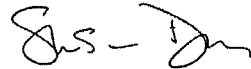
6. I have applied for *pro hac vice* admission in one pending case in Pennsylvania: *Pennsylvania Democratic Party v. Boockvar*, 407 MD 2020. That motion is currently pending. I am requesting *pro hac vice* admission in the Supreme Court of Pennsylvania in the following matter: *Pennsylvania Democratic Party v. Boockvar*, 133 MM 2020.

7. If admitted, I will submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and missions occurring during the appearance in the matter for which this admission *pro hac vice* is being sought. I consent to the appointment of my sponsor as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission *pro hac vice* is sought.

8. It is respectfully submitted that there is good cause for my admission *pro hac vice* based upon my personal knowledge.

I declare under penalty and perjury that the foregoing is true and correct.
I understand that false statements herein are subject to the penalties of 18 Pa.
C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: August 27, 2020



Susan M. Davies

Exhibit B

VERIFICATION OF DANIEL T. BRIER, ESQUIRE

I, Daniel T. Brier, declare and state as follows:

1. This statement is submitted in support of the application for admission *pro hac vice* of Ms. Davies as co-counsel for Secretary of the Commonwealth Kathy Boockvar in the above-captioned matter.

2. I am a Partner at Myers, Brier & Kelly, LLP, 425 Spruce Street, Suite 200, Scranton, PA 18503.

3. I am licensed to practice law before the courts of record and general jurisdiction, and I am admitted to practice before the following:

Jurisdiction	Year Admitted	Bar No.
Pennsylvania	11/16/1988	53248
U.S. Supreme Court	06/26/1998	
U.S. Tax Court	09/19/1994	
U.S. District Court for the Eastern District of Pennsylvania	11/16/1988	
U.S. District Court for the Middle District of Pennsylvania	11/23/1988	
U.S. District Court for the Western District of Pennsylvania	08/17/2020	
U.S. District Court for the Northern District of Illinois	05/29/2014	
U.S. Court of Appeals for the Third Circuit	10/16/1995	

U.S. Court of Appeals for the
Seventh Circuit

05/10/2017

State of New York

12/02/2015

4. I am a member in good standing of the Bar of the Commonwealth of Pennsylvania.

5. I hereby certify and affirm that after reasonable investigation and based on personal knowledge, I believe that Ms. Davies is a reputable and competent attorney and I am in a position to recommend this candidate *pro hac vice* admission for practice in the Commonwealth of Pennsylvania.

6. I have sponsored counsel for admission *pro hac vice* in one matter pending in the Supreme Court of Pennsylvania.

7. If applicable, at the conclusion of this matter, I affirm that the proceeds from any settlement related to this cause of action in which Ms. Davies is granted admission *pro hac vice*, shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including IOLTA provisions thereof, if applicable.

I declare under penalty of perjury that the foregoing is true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Daniel T. Brier

Dated: August 27, 2020

Exhibit C



SUPREME COURT OF PENNSYLVANIA
PENNSYLVANIA INTEREST ON
LAWYERS TRUST ACCOUNT BOARD

August 24, 2020

SUSAN M. DAVIES, Esq.
KIRKLAND & ELLIS LLP
1301 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC, DC 20004

SENT TO KRISTEN K FARNSWORTH VIA Email: KRISTEN.FARNSWORTH@KIRKLAND.COM

Dear Attorney DAVIES:

This letter serves as the fee payment certification referenced in 204 Pa Code §81.503 and acknowledges receipt of the \$375.00 fee paid by Online Payment on this date related to your pursuit for admission *pro hac vice* in the case identified as Pennsylvania Democratic Party v. Boockvar, no. 407 MD 2020, filed in the Commonwealth Court of Pennsylvania.

You should refer to Pa Rule of Civil Procedure 1012.1, local court rules, and other regulations of 204 Pa Code §81.501 et. seq. concerning additional requirements related to seeking *pro hac vice* admission.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie S. Libhart".

Stephanie S. Libhart
Executive Director

cc: DANIEL THOMAS BRIER, Esq.

dbrier@mbklaw.com

Pennsylvania Judicial Center
601 Commonwealth Ave., Ste. 2400
PO Box 62445, Harrisburg, PA 17106-2445
717/238-2001 · 888/PA-IOLTA (724-6582) · 717/238-2003 FAX
paiolta@pacourts.us · www.paiolta.org

Administering Pennsylvania's Interest On Lawyers Trust Account (IOLTA) Program

PROOF OF SERVICE

I, Daniel T. Brier, hereby certify that I am this day serving the foregoing Motion for Admission *Pro Hac Vice* upon all counsel of record via PACFile eService, which service satisfies the requirements of Pa. R.A.P. 121.

Date: August 27, 2020

/s/ Daniel T. Brier
Daniel T. Brier

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ORDER

AND NOW, this ____ day of _____, 2020, IT IS HEREBY
ORDERED THAT the Motion for Admission *Pro Hac Vice* of Susan M. Davies is
hereby GRANTED.

BY THE COURT:
