

Gary Hotvedt - RE: Kenneth T. Maloney Pro Hac Vice Appearance

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2010 APR 26 PM 3:40

W.A. DOCKET ROOM

From: Gary Hotvedt
To: Frierson, Shirley; Kyle, Sara; Luna, J W.; Peacock, Jennifer; Walker, Henry; Warner, T.Jay
Date: 4/23/2010 5:39 PM
Subject: RE: Kenneth T. Maloney Pro Hac Vice Appearance
CC: Broemel, Vance; Brundige, Jennifer L.; ChatterjeeBrown, Shilina; Jackson, Scott; Kinser, Cynthia; Maloney, Kenneth; McGehee, Ryan; Wade, Elizabeth

It is very **unfortunate** that this issue is just being brought to the attention of the Authority at 5:00 pm on the Friday preceding the **Monday, 9:00 am** reconvening of the CGC rate case hearing. Please be prepared to make your arguments before the panel at the start of the hearing. - - Gary Hotvedt, Hearing Officer

>>> "J W. Luna" <jwluna@lunalawnashville.com> 4/23/2010 4:49 PM >>>

We have not been required to do this in other TRA proceedings and wonder why you are raising this issue now. We are trying to obtain a Certificate of Good Standing, but by the time we received your e-mail, the courts in the Eastern time zone had closed. Hopefully, the Certificate can be obtained very early Monday morning.

When I called Vance at 11:30 this morning to discuss other matters, he informed me that you all were meeting at 1:00pm to discuss "something else" and that you might call me about another issue later. After repeated requests, Vance refused to tell me what this last issue involved. It is absolutely perplexing to me why Vance did not inform me of the CAPD's concern until this e-mail arrived late this afternoon.

Pursuant to your next to last paragraph, I am informing both Henry Walker and the Hearing Officer of this last minute unnecessary controversy and will address this issue on Monday morning at the hearing.

Please call me if you have any questions.

J.W. Luna, Esq.

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From: T.Jay Warner [mailto:T.Jay.Warner@ag.tn.gov]
Sent: Friday, April 23, 2010 2:57 PM
To: J W. Luna; Jennifer Peacock
Cc: Ryan McGehee; Vance Broemel; Scott Jackson; Cynthia Kinser
Subject: Kenneth T. Maloney Pro Hac Vice Appearance

J.W.,

I hope this email finds you doing well. I am writing with regard to your recently filed Application to Appear Pro Hac Vice, filed on behalf of Kenneth T. Maloney. After reviewing this application, it came to my attention that there were two issues with his application.

First, Rule 19(d) requires that "a certificate of good standing from the court of last resort of the licensing jurisdiction in which the lawyer principally practices" be included with the applying attorney's affidavit.

Furthermore, Rule 19(f) requires that:

At or before the time the lawyer files a motion for admission and supporting papers under this Rule with the court before which the lawyer seeks admission, the lawyer shall file with the Board of Professional Responsibility of the Supreme Court of Tennessee a copy of the motion and supporting papers filed under this Rule and shall pay to the Board a fee in an amount the total of which equals the fees required of Tennessee lawyers under Tennessee Supreme Court Rule 9, Section 20.1, Tennessee Supreme Court Rule 25, Section 2.01, and Tennessee Supreme Court Rule 33.01 C.

There is no indication from your filing that Mr. Maloney has provided the required Certificate of Good Standing or paid the requisite fees to the Tennessee Board of Professional Responsibility. If you can remedy these two issues prior to Mr. Maloney's appearance, I believe this should take care of any issues with this application. Thank you for your time and I hope that this will avoid any unnecessary argument or inconvenience between the parties.

If for some reason this cannot be taken care of prior to Mr. Maloney's appearance, as required by Supreme Court Rule 19, please let me know immediately so that we can inform the Hearing Officer and Henry Walker that it may be necessary to begin prior to 10 a.m., in order to deal with these preliminary matters.

Thanks again and I look forward to hearing from you. Please feel free to contact me should you have any questions (I believe this is the last matter that we should need to discuss prior to Monday's hearing, but feel free to contact me if you have anything further).

Sincerely,

T. Jay Warner
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