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Attorneys for ONEWEST BANK, FSB

SUPERIOR COURT OF N.J.
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JAN 05 2011

IN THE MATTER OF RESIDENTIAL MORTGAGE FORECLOSURE PLEADING AND DOCUMENT IRREGULARITIES	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION - GENERAL EQUITY PART MERCER COUNTY DOCKET NO.: F-059553-10 Civil Action **NOTICE OF MOTION FOR AN ORDER ADMITTING COUNSEL *PRO HAC VICE***

TO: Edward J. Dauber, Esq.
Greenberg, Dauber, Epstein & Tucker
One Gateway Center, Suite 600
Newark, New Jersey 07102

PLEASE TAKE NOTICE that on January 21, 2011, at 9:30 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for respondent OneWest Bank, FSB ("OneWest") shall move before the Honorable Mary D. Jacobson, Judge of the Superior Court of New Jersey, Chancery Division, Mercer County, located at 210 South Broad Street, Trenton, New Jersey 08625, for an Order granting OneWest's motion to admit Brian P. Brooks *pro hac vice*

PLEASE TAKE FURTHER NOTICE that OneWest relies upon the Certifications of Brian P. Brooks and Anthony DiLello in support of this motion. A proposed order upon is submitted herewith.

No dates have been fixed for any pretrial conference, arbitration proceeding, calendar call or trial.

Dated: New York, New York.
January 5, 2011

Respectfully submitted,

O'MELVENY & MYERS LLP

By:

Anthony DiLello
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New York, New York 10036
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Attorneys for OneWest Bank, FSB

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I, Anthony DiLello, of full age, hereby states and certifies as follows:

1. I am an attorney at law of the State of New Jersey and an associate with the law firm of O'Melveny & Myers LLP, attorneys for respondent OneWest Bank, FSB ("OneWest") in this action.

2. I submit this certification in support of OneWest's motion for an order admitting Brian P. Brooks *pro hac vice*.

3. OneWest has requested that Mr. Brooks represent it and appear on its behalf for all phases of the trial of this matter.

4. As sworn in his Certification, Mr. Brooks is a member in good standing of the Bar of the Courts of the District of Columbia and the State of California.

5. There is good cause for the admission of Mr. Brooks *pro hac vice* in this matter, including but not limited to the fact that he has a long standing attorney/client relationship with OneWest.

6. I will sign all pleadings, briefs and other papers filed with the Court and shall be held responsible for them, the conduct of the litigation and for Mr. Brooks.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: January 5, 2011
New York, New York

Anthony DiLello

ANDREW FRACKMAN
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I, Anthony DiLello, hereby certify that:

1. I am an attorney-at-law admitted to practice in the State of New Jersey.

2. I hereby certify pursuant to *R* 1:4-4(c) that the facsimile signature of Brian P. Brooks affixed to the annexed Certification of Brian P. Brooks is genuine and true and that the annexed Certification of Brian P. Brooks or a copy thereof with an original signature affixed will be filed if requested by the court or a party.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

DATED: January 5, 2011
New York, New York

Anthony DiLello

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BRIAN P. BROOKS, of full age, hereby states and certifies as follows.

1. I am a partner in the law firm of O'Melveny & Myers LLP, with offices located at 1625 Eye Street, NW, Washington, DC 20006. O'Melveny & Myers LLP is counsel for respondent OneWest Bank, FSB ("OneWest"). I make this certification in support of my application for admission *pro hac vice* in this matter pursuant to R. 1:21-2.

2. I am a member in good standing and am admitted to practice before the bars of the District of Columbia and the State of California, as well as the United States Supreme Court and the U.S Courts of Appeals for the Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Eleventh and D C Circuits. I am not under suspension or disbarment by any court, and there are no disciplinary proceedings filed or pending against me in any court. I have never been denied admission or disciplined by any Court I recognize and will abide by my continuing obligation

to advise the Court of the institution of any disciplinary proceedings pursuant to R 1·21-2(a)(1)(D)

3. I will be associated in this matter with Andrew Frackman and Anthony DiLello, co-counsel of record in this matter, who are qualified to practice in the State of New Jersey under R 1.21-1.

4 My firm has a long-standing attorney-client relationship with OneWest OneWest has asked that I assist our local counsel in the litigation of this matter I am familiar with the facts, issues and pleadings in this action, and my acting as attorney for OneWest in this matter will not cause any delay in the conduct of the proceedings. My participation in this case through my admission *pro hac vice* will facilitate the orderly representation of my client's interests in this matter.

5. I agree to.

a Pay all fees required by R 1.20-1(b) and the Lawyers' Fund for Client Protection pursuant to R. 1·28-1 within ten (10) days and submit an affidavit of compliance,

b. Abide by the New Jersey Court Rules, including all disciplinary rules;

c. Notify this Court immediately of any matter affecting my standing at any court to which I am admitted; and

d. Have all pleadings, briefs and other papers filed with the Court signed by an attorney of record authorized to practice in New Jersey

6 I consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against me or my firm that may arise out of my participation in this matter.

7 I am aware that no delay in discovery, motions, trial or any other proceeding shall occur or be requested by reason of my inability to be in attendance.

8. I understand that automatic termination of my *pro hac vice* admission will occur for failure to make the required annual payment to the Ethics Financial Committee and the New Jersey Lawyers' Fund for Client Protection.

9. I further am aware that noncompliance with any of these requirements shall constitute grounds for termination of my *pro hac vice* admission.

I HEREBY CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

DATED. January 5, 2011

BRIAN P. BROOKS

ANDREW FRACKMAN
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This matter being opened to the court by Anthony DiLello, a New Jersey attorney and an attorney of record for respondent OneWest Bank, FSB ("OneWest") to permit Brian P. Brooks, an attorney admitted to practice law in the District of Columbia and the State of California, to participate with other counsel for OneWest in all phases of the trial, and it appearing that Brian P. Brooks is a licensed attorney in good standing in the District of Columbia and the State of California, and it appearing that Mr. Brooks has a long standing relationship with OneWest;

IT IS ON THIS ____ day of _____, 2011

ORDERED that Brian P. Brooks be and hereby is admitted *pro hac vice* and is authorized to appear and participate with other counsel for OneWest in all phases of trial, subject to the following conditions:

1. Mr. Brooks shall abide by *New Jersey Court Rules* including all disciplinary rules,

R 1:20-1 and *R.* 1:28-2.

2. Mr. Brooks shall, and hereby does, consent to the appointment of the Clerk of the Supreme Court as his agent upon whom service of process may be made for all actions against Mr. Brooks that may arise out of his participation in this matter.

3. Mr. Brooks shall immediately notify the Court of any matter affecting his standing at the Bar of any other jurisdiction.

4. Mr. Brooks shall have all pleadings, briefs and other papers filed with the Court signed by an attorney of record authorized to practice in New Jersey, who shall be held responsible for them, the conduct of the litigation and the attorney admitted herein.

5. Mr. Brooks cannot be designated trial counsel.

6. No discovery, motion, trial or any proceeding delay shall occur or be requested by reason of inability for Mr. Brooks to be in attendance.

7. Mr. Brooks must, within twenty (20) days, pay the fees required by *R.* 1:20-1(c) and *R* 1:28-2 and submit an affidavit of compliance.

8. *Pro hac vice* admission will automatically terminate for failure to make the initial and annual payments required by *R.* 1:20-1(c) and *R.* 1:28-2.

9. Non-compliance with any of the terms of this order shall constitute grounds for removal.

10. Counsel for OneWest shall serve a copy of this Order on all parties within seven (7) days of the date hereof.

_____
Hon. Mary D. Jacobson, P.J. Ch.
Judge of the Superior Court

Entry of this order is hereby consented to

on this ____ day of January 2011

_____
Edward J. Dauber, Esq.
Greenberg, Dauber, Epstein & Tucker
One Gateway Center, Suite 600
Newark, New Jersey 07102

[ ] OPPOSED [ ] UNOPPOSED