

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORPORATION,

Plaintiff,

v.

WELLSPRING CAPITAL MANAGEMENT,  
LLC, *et al*,

Defendants.

Adversary/Complaint No.: 19-80071-dd

ORDER

A Motion and Application/Affidavit for Admission *Pro Hac Vice* has been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

Applicant: Lyle Roberts who represents Bradley Johnson.

- Be **granted** admission *pro hac vice* in this case.
- Be **denied** admission *pro hac vice* in this case.

**FILED BY THE COURT**  
**10/07/2019**



Entered: 10/08/2019

David R. Duncan  
Chief US Bankruptcy Judge  
District of South Carolina

Certificate of Notice Page 2 of 2  
United States Bankruptcy Court  
District of South Carolina

Prospect Capital Corporation,  
Plaintiff

Adv. Proc. No. 19-80071-dd

Wellspring Capital Management, LLC,  
Defendant

**CERTIFICATE OF NOTICE**

District/off: 0420-3

User: weathers  
Form ID: pdf01

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 08, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 10, 2019.

aty +Lyle Roberts, SHEARMAN & STERLING LLP, 401 9th Street NW, Suite 800,  
Washington, DC 20004-2187

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 10, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 8, 2019 at the address(es) listed below:

John S. Simmons on behalf of Defendant Bradley Johnson jsimmons@simmonsfirm.com,  
SLFGroup@simmonsfirm.com  
Keith Moss Babcock on behalf of Defendant William F Dawson, Jr. kmb@lewisbabcock.com,  
pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Keith Moss Babcock on behalf of Defendant John E Morningstar kmb@lewisbabcock.com,  
pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Keith Moss Babcock on behalf of Defendant WCM Genpar IV, L.P. kmb@lewisbabcock.com,  
pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Keith Moss Babcock on behalf of Defendant Alexander E. Carles kmb@lewisbabcock.com,  
pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Keith Moss Babcock on behalf of Defendant Wellspring Capital Management, LLC  
kmb@lewisbabcock.com, pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Keith Moss Babcock on behalf of Defendant WCM Genpar IV GP, LLC kmb@lewisbabcock.com,  
pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Keith Moss Babcock on behalf of Defendant Wellspring Capital Partners IV, L.P.  
kmb@lewisbabcock.com, pkm@lewisbabcock.com; cwg@lewisbabcock.com  
Mary Campolong on behalf of Plaintiff Prospect Capital Corporation  
mcampolong@robinsongray.com, mwhite@robinsongray.com  
R. William Metzger, Jr. on behalf of Plaintiff Prospect Capital Corporation  
bmetzger@robinsongray.com, mwhite@robinsongray.com  
William Harrison Penn on behalf of Defendant Wellspring Capital Management, LLC  
hpenn@mccarthy-lawfirm.com, sstancil@mccarthy-lawfirm.com

TOTAL: 11

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORPORATION,

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v.

WELLSPRING CAPITAL MANAGEMENT,  
LLC, *et al*,

Defendants.

Adversary/Complaint No.: 19-80071-dd

**Motion in Support of *Pro Hac Vice*  
Application**

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that Lyle Roberts be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).

- Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion:  will likely oppose;  does not intend to oppose
- Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):

No duty of consultation is required because the opposing party is proceeding *pro se*.

SIMMONS LAW FIRM, LLC

Firm Name

Post Office Box 5

Street Address or Post Office Box

Columbia, South Carolina 29201

City, State, Zip Code

John S. Simmons

Name of Local Counsel

s/ John S. Simmons

Signature of Local Counsel

Local Counsel for Bradley Johnson



**Court**

**Date Admitted**

**Good Standing**

See attached addendum

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Yes  No  
 Yes  No  
 Yes  No

(7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? .....  Yes  No  
(If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

\_\_\_\_\_  
\_\_\_\_\_

(8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?  Yes  No  
(If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

\_\_\_\_\_  
\_\_\_\_\_

(9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?  Yes  No  
(If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)

\_\_\_\_\_  
\_\_\_\_\_

(10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States?  Yes  No  
(If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

\_\_\_\_\_  
\_\_\_\_\_

(11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina?  Yes  No  
(If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

\_\_\_\_\_  
\_\_\_\_\_

(12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name: \_\_\_\_\_

Firm Name:	John Simmons, Simmons Law Firm
Street Address or Post Office Box:	1711 Pickens Street, PO Box 5
City, State, and Zip Code:	Columbia, SC 29201
Telephone Number:	803-779-4600
E-Mail Address:	jsimmons@simmonsfirm.com

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.I.04, 83.I.05, and 83.I.06 or Local Criminal Rules 57.I.04, 57.I.05, and 57.I.06 as appropriate. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

Daniel H.R. Laguardia and George B. Adams, both of Shearman & Sterling LLP


- (14) Application Fee. I affirm that the application fee of two hundred and fifty dollars (\$250) has been paid in accordance with Local Civil Rule 83.I.05 or Local Criminal Rule 57.I.05 or paid herewith.

- (15) Electronic Notification. By submitting this application, I consent to electronic notification.

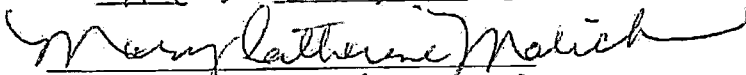
- (16) Represented Party/Parties. I seek to represent the following party/parties:

Bradley Johnson

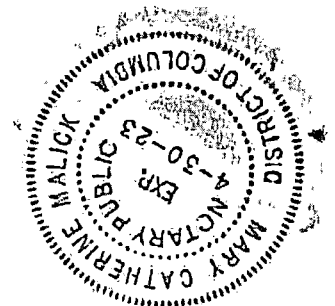
- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.

  
 \_\_\_\_\_  
 Signature of Applicant

Sworn to and subscribed before me  
 this 4th day of October, 2019.

  
 A Notary Public  
 of the State of Washington, D.C.

My Commission expires: 4/30/2023



Lyle Roberts Pro Hac Vice Application Addendum

<b>Jurisdiction</b>	<b>Date Admitted</b>	<b>Good Standing?</b>
State of New York (3rd Department)	10/12/2017	Y
State of Virginia	1/1/2000	Y
District of Columbia	10/1/1999	Y
State of Maryland	1/1/1998	Y
Supreme Court of the United States	2/27/2006	Y
U.S. Court of Appeals for the Fourth Circuit	1/4/2001	Y
U.S. Court of Appeals for the Fifth Circuit	11/9/2009	Y
U.S. Court of Appeals for the Eighth Circuit	9/16/2011	Y
U.S. Court of Appeals for the D.C. Circuit	7/31/2012	Y
U.S. District Court for the District of Columbia	9/14/2009	Y
U.S. District Court for the District of Maryland	6/24/1998	Y
U.S. District Court for the Eastern District of Virginia	3/30/2001	Y
U.S. District Court for the Western District of Virginia	6/1/2004	Y
U.S. District Court for the Southern District of New York	1/16/2017	Y



*State of New York*  
*Supreme Court, Appellate Division*  
*Third Judicial Department*

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*I, Robert D. Mayberger, Clerk of the Appellate Division of the  
Supreme Court of the State of New York, Third Judicial Department, do  
hereby certify that*

*Byle Roberts*

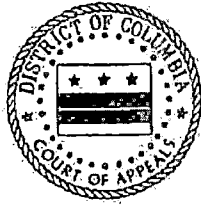
*having taken and subscribed the Constitutional Oath of Office as prescribed by  
law, was duly licensed and admitted to practice by this Court as an Attorney  
and Counselor at Law in all courts of the State of New York on the 12th day of  
October, 2017, is currently in good standing and is registered with the  
Administrative Office of the Courts as required by section four hundred sixty-  
eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand  
and affixed the Seal of said Court, at the  
City of Albany, this 12th day of October, 2017.*



*Robert D Mayberger*

*Clerk*



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710


I, *JULIO A. CASTILLO*, Clerk of the District of Columbia Court of Appeals, do hereby certify that

***LYLE ROBERTS***

was on **OCTOBER 1, 1999** duly qualified and admitted as an attorney and counselor entitled to practice before this Court and is, on the date indicated below, an active member in good standing of this Bar.

*In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of this Court at the City of Washington, D.C., on October 24, 2017.*

*JULIO A. CASTILLO*  
Clerk of the Court

By:   
Deputy Clerk

# Supreme Court of Virginia

AT RICHMOND

## Certificate

I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia,  
do hereby certify that

LYLE ROBERTS

was admitted to practice as an attorney and counsellor at the bar of this Court on  
October 30, 2000.

I further certify that so far as the records of this office are  
concerned, LYLE ROBERTS is a member of the bar of this Court in good  
standing.

Witness my hand and seal of said Court

This 26th day of October

A.D. 2017

By: 

Deputy Clerk

**Court Of Appeals  
of Maryland**  
Annapolis, MD



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the twenty fourth day of June, 1998,*

**Lyle Roberts**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
twenty fifth day of October, 2017.*

*Bessie M. Decker*

*Clerk of the Court Of Appeals of Maryland*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORP.,

*Plaintiff,*

v.

WELLSPRING CAPITAL MANAGEMENT LLC, *et al*

*Defendants.*

DEBTOR(S)

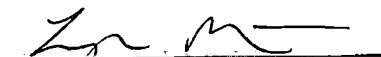
Adversary Proceeding #: 19-80071-dd

Supplemental Application for *Pro Hac Vice*  
Admission

The undersigned has filed an Application for *Pro Hac Vice* Admission. The undersigned further certifies that:

1. Lyle Roberts has a proficient understanding of bankruptcy law and procedure to wit: Mr. Roberts is a partner at Shearman & Sterling LLP, an international law firm with substantial experience in bankruptcy, restructuring, and insolvency matters. Shearman & Sterling has experience representing a wide range of companies on the full spectrum of restructuring matters around the world, including financial institutions, hedge funds, corporate debtors in various industries, ad hoc committees and buyers and sellers of distressed assets. Mr. Roberts has been involved in many matters involving bankruptcies throughout his career.

2. Mr. Roberts agrees to abide by the District of South Carolina Local Bankruptcy Rules and applicable chambers guidelines.

  
Lyle Roberts

(803) 779-4600  
Telephone Number

jsimmons@simmonsfirm.com  
E-Mail Address

District of South Carolina  
Federal Bar Number 5000

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORPORATION,

Plaintiff,

v.

WELLSPRING CAPITAL MANAGEMENT,  
LLC, *et al*,

Defendants.

Adversary/Complaint No.: 19-80071-dd

ORDER

A Motion and Application/Affidavit for Admission *Pro Hac Vice* has been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

Applicant, Daniel H.R. Laguardia who represents Bradley Johnson be granted admission *pro hac vice* in this case.

**FILED BY THE COURT  
10/23/2019**



Entered: 10/24/2019

David R. Duncan  
Chief US Bankruptcy Judge  
District of South Carolina

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORPORATION,

Plaintiff,

v.

WELLSPRING CAPITAL MANAGEMENT,  
LLC, *et al*,

Defendants.

Adversary/Complaint No.: 19-80071-dd

**Motion in Support of *Pro Hac Vice*  
Application**

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that Daniel H.R. Laguardia be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).
  - Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion:  will likely oppose;  does not intend to oppose
  - Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_
  - No duty of consultation is required because the opposing party is proceeding pro se.

SIMMONS LAW FIRM, LLC  
Firm Name  
Post Office Box 5  
Street Address or Post Office Box  
Columbia, South Carolina 29201  
City, State, Zip Code  
(803) 779-4600  
Telephone Number  
jsimmons@simmonsfirm.com  
E-Mail Address

John S. Simmons  
Name of Local Counsel  
s/ John S. Simmons  
Signature of Local Counsel  
Local Counsel for Bradley Johnson  
  
District of South Carolina  
Federal Bar Number 5000



**Court**

**Date Admitted**

**Good Standing**

See attached addendum

Yes  No

Yes  No

Yes  No

(7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? . . . . .  Yes  No  
(If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

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(8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?  
 Yes  No  
(If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

---

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(9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?  
 Yes  No  
(If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)

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(10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States?  
 Yes  No  
(If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

---

---

(11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina?  
 Yes  No  
(If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

---

---

(12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name: \_\_\_\_\_

Firm Name:  
Street Address or Post Office Box:  
City, State, and Zip Code:  
Telephone Number:  
E-Mail Address:

Simmons Law Firm  
1711 Pickens Street, PO Box 5  
Columbia, SC 29201  
803-779-4600  
jsimmons@simmonsfirm.com

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.I.04, 83.I.05, and 83.I.06 or Local Criminal Rules 57.I.04, 57.I.05, and 57.I.06 as appropriate. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

Lyle Roberts & George B. Adams, both of Shearman & Sterling LLP


- (14) Application Fee. I affirm that the application fee of two hundred and fifty dollars (\$250) has been paid in accordance with Local Civil Rule 83.I.05 or Local Criminal Rule 57.I.05 or paid herewith.

- (15) Electronic Notification. By submitting this application, I consent to electronic notification.

- (16) Represented Party/Parties. I seek to represent the following party/parties:

Bradley Johnson

- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.

  
Signature of Applicant

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

A Notary Public  
of the State of \_\_\_\_\_

See attached  
California Jurat

My Commission expires: \_\_\_\_\_



Daniel H.R. Laguardia Pro Hac Vice Application Addendum

<b>Jurisdiction</b>	<b>Date Admitted</b>	<b>Good Standing?</b>
US District Court for the Northern District of California	6/7/2017	Y
State of California	5/18/2017	Y
US Court of Appeals for the Second Circuit	1/29/2014	Y
US Court of Appeals for the Fifth Circuit	1/1/2006	Y
US District Court for the Eastern District of New York	1/1/2003	Y
US District Court for the Southern District of New York	1/1/2003	Y
US Court of Appeals for the Third Circuit	8/15/2000	Y
State of New York (First Department)	1/10/2000	Y

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

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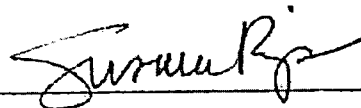
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**DANIEL HECTOR REES LAGUARDIA**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on January 10, 2000, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

October 7, 2019



---

Clerk of the Court

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORP.,

*Plaintiff,*

v.

WELLSPRING CAPITAL MANAGEMENT LLC, *et al*

*Defendants.*

DEBTOR(S)

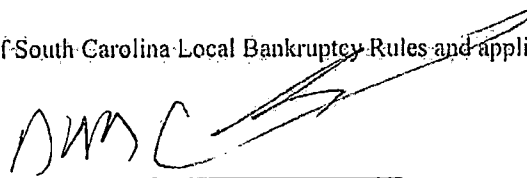
Adversary Proceeding #: 19-80071-dd

Supplemental Application for *Pro Hac Vice*  
Admission

The undersigned has filed an Application for *Pro Hac Vice* Admission. The undersigned further certifies that:

1. Daniel H.R. Laguardia has a proficient understanding of bankruptcy law and procedure to wit: Mr. Laguardia is a partner at Shearman & Sterling LLP, an international law firm with substantial experience in bankruptcy, restructuring, and insolvency matters. Shearman & Sterling has experience representing a wide range of companies on the full spectrum of restructuring matters around the world, including financial institutions, hedge funds, corporate debtors in various industries, ad hoc committees and buyers and sellers of distressed assets. Mr. Laguardia has extensive litigation experience across a broad spectrum of substantive areas, including distressed debt and bankruptcy issues. His experience in bankruptcy litigation includes, among other things, representations in connection with the collapses of Enron and Lehman Brothers, both in the Bankruptcy Court for the Southern District of New York, and PG&E, in the Bankruptcy Court for the Northern District of California.

2. Mr. Laguardia agrees to abide by the District of South Carolina Local Bankruptcy Rules and applicable chambers guidelines.



Daniel H.R. Laguardia

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORPORATION,

Plaintiff,

v.

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Defendants.

Adversary/Complaint No.: 19-80071-dd

ORDER

A Motion and Application/Affidavit for Admission *Pro Hac Vice* has been filed in this case and considered by the undersigned.

IT IS ORDERED THAT:

Applicant, George B. Adams III, who represents Bradley Johnson be granted admission *pro hac vice* in this case.

**FILED BY THE COURT**  
**10/23/2019**



Entered: 10/24/2019

David R. Duncan  
Chief US Bankruptcy Judge  
District of South Carolina

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORPORATION,

Plaintiff,

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WELLSPRING CAPITAL MANAGEMENT,  
LLC, *et al*,

Defendants.

Adversary/Complaint No.: 19-80071-dd

**Motion in Support of *Pro Hac Vice*  
Application**

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that George B. Adams be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).

- Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion:  will likely oppose;  does not intend to oppose
- Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):

- No duty of consultation is required because the opposing party is proceeding pro se.

SIMMONS LAW FIRM, LLC

Firm Name

Post Office Box 5

Street Address or Post Office Box

Columbia, South Carolina 29201

City, State, Zip Code

(803) 779-4600

Telephone Number

jsimmons@simmonsfirm.com

E-Mail Address

John S. Simmons

Name of Local Counsel

s/ John S. Simmons

Signature of Local Counsel

Local Counsel for Bradley Johnson

District of South Carolina

Federal Bar Number 5000

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(Columbia \_\_\_\_\_ DIVISION)**

Prospect Capital Corp., \_\_\_\_\_ )  
Plaintiff/Petitioner/USA, \_\_\_\_\_ )  
v. \_\_\_\_\_ )  
Wellspring Capital Management LLC, et al. \_\_\_\_\_ )  
Defendant/Respondent. \_\_\_\_\_ )  
\_\_\_\_\_ )

Case No. 19-80071-dd

**Application/Affidavit for  
Pro Hac Vice Admission**

(1) Name. George Bell Adams III  
First Middle Last

(2) Residence. I reside in the following state: California  
If a South Carolina resident, indicate months/years of residence: n/a

(3) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:

Firm name: Shearman & Sterling LLP  
Mailing address: 535 Mission Street, Floor 25 City/State/Zip San Francisco, CA 94105  
Telephone number: 415-616-1100  
Facsimile number: 415-616-1199  
E-mail address: george.adams@shearman.com

(Application will not be considered without an e-mail address to receive electronic notification.)

(4) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all applicable federal statutes, laws, and rules, including Local Rules of the United States District Court for the District of South Carolina (particularly, Local Civil Rule 83.I.08 and/or Local Criminal Rule 57.I.08). I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.<sup>1</sup>

(5) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the District of Columbia or the State of New York where I regularly practice law.  
**Attached is my certificate of good standing.**

(6) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

<sup>1</sup>This District 1 maintains a web site ([www.scd.uscourts.gov](http://www.scd.uscourts.gov)) from which the federal and local rules of procedure and related materials may be obtained.

Court	Date Admitted
California	October 1, 2018
Southern District of New York	September 2, 2014
Northern District of California	February 25, 2019

Good Standing	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

(7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? . . . . .  Yes  No  
 (If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

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(8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?  
 Yes  No  
 (If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

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(9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?  
 Yes  No  
 (If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)

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(10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States?  
 Yes  No  
 (If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

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(11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina?  
 Yes  No  
 (If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

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(12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name: \_\_\_\_\_

Firm Name:	<u>John Simmons, Simmons Law Firm</u>
Street Address or Post Office Box:	<u>1711 Pickens Street, PO Box 5</u>
City, State, and Zip Code:	<u>Columbia, SC 29201</u>
Telephone Number:	<u>803-779-4600</u>
E-Mail Address:	<u>jsimmons@simmonsfirm.com</u>

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.I.04, 83.I.05, and 83.I.06 or Local Criminal Rules 57.I.04, 57.I.05, and 57.I.06 as appropriate. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

Daniel H.R. Laguardia and Lyle Roberts, both of Shearman & Sterling LLP

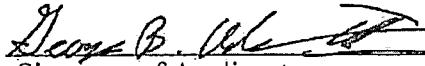
- (14) Application Fee. I affirm that the application fee of two hundred and fifty dollars (\$250) has been paid in accordance with Local Civil Rule 83.I.05 or Local Criminal Rule 57.I.05 or paid herewith.

- (15) Electronic Notification. By submitting this application, I consent to electronic notification.

- (16) Represented Party/Parties. I seek to represent the following party/parties:

Bradley Johnson

- (17) I certify that I have read Local Civil Rule 30.04 regarding the conduct of depositions.



Signature of Applicant

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

A Notary Public  
of the State of \_\_\_\_\_

*See attached  
California Jurat*

My Commission expires: \_\_\_\_\_

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

**GOVERNMENT CODE § 8202**

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

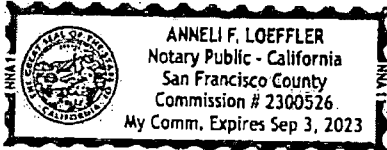
1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

Signature of Document Signer No. 1                      Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of San Francisco

Subscribed and sworn to (or affirmed) before me  
 on this 3rd day of October, 2019,  
 by                      Date                      Month                      Year  
 (1) George B. Adams III



(and (2) \_\_\_\_\_),  
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence  
 to be the person(s) who appeared before me.

Signature Anneli F. Loeffler  
 Signature of Notary Public

Seal  
 Place Notary Seal Above

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

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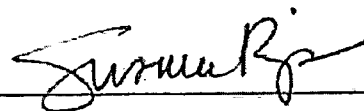
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**GEORGE BELL ADAMS III**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on February 24, 2014, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

October 7, 2019



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Clerk of the Court

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

PROSPECT CAPITAL CORP.,

*Plaintiff,*

v.

WELLSPRING CAPITAL MANAGEMENT LLC, *et al*

*Defendants.*

DEBTOR(S)

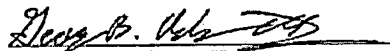
Adversary Proceeding #: 19-80071-dd

Supplemental Application for *Pro Hac Vice*  
Admission

The undersigned has filed an Application for *Pro Hac Vice* Admission. The undersigned further certifies that:

1. George B. Adams III has a proficient understanding of bankruptcy law and procedure to wit: Mr. Adams is an associate at Shearman & Sterling LLP, an international law firm with substantial experience in bankruptcy, restructuring, and insolvency matters. Shearman & Sterling has experience representing a wide range of companies on the full spectrum of restructuring matters around the world, including financial institutions, hedge funds, corporate debtors in various industries, ad hoc committees and buyers and sellers of distressed assets. Mr. Adams has been involved in a number of bankruptcy matters throughout his career at Shearman & Sterling and has an understanding of the Federal Rules of Bankruptcy Procedure.

2. Mr. Adams agrees to abide by the District of South Carolina Local Bankruptcy Rules and applicable chambers guidelines.

  
George B. Adams III