

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

RONALD J. FRIEDMAN, AS THE TRUSTEE  
FOR THE SPORTCO CREDITORS'  
LIQUIDATION TRUST,

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. Levi who represents Wellspring Capital Management LLC, Wellspring Capital Partners IV, L.P., WCM GenPar IV, L.P., WCM GenPar IV GP, LLC, and Alexander E. Carles.

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

**FILED BY THE COURT**  
**01/29/2020**



Entered: 01/29/2020

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

### Notice Recipients

District/Off: 0420-3  
Case: 19-80071-dd

User: admin  
Form ID: pdf01

Date Created: 1/29/2020  
Total: 2

**Recipients of Notice of Electronic Filing:**

aty G. William McCarthy, Jr. bmccarthy@mccarthy-lawfirm.com

TOTAL: 1

**Recipients submitted to the BNC (Bankruptcy Noticing Center):**

aty Daniel H Levi PAUL WEISS RIFKIND WHARTON GARRISON LLP 1285 Avenue of the  
Americas New York, NY 10019-6064

TOTAL: 1

PROSPECT CAPITAL CORPORATION,  
Plaintiff,  
v.  
WELLSPRING CAPITAL MANAGEMENT,  
LLC, *et al*,  
Defendants.

CIVIL ACTION FILE

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. Levi 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.

McCarthy, Reynolds, & Penn, LLC  
Firm Name  
1517 Laurel Street  
Street Address or Post Office Box  
Columbia, SC 29201  
City, State, Zip Code  
(803) 343-1000  
Telephone Number  
bmccarthy@mccarthy-lawfirm.com  
E-Mail Address

G. William McCarthy, Jr.  
Name of Local Counsel  
s/ G. William McCarthy, Jr.  
Signature of Local Counsel  
Local Counsel for the Wellspring Capital Management  
LLC, Wellspring Capital Partners IV, L.P., WCM  
GenPar IV, L.P., WCM GenPar IV GP, LLC, and  
Alexander E. Carles  
  
District of South Carolina  
Federal Bar Number: 2762

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Defendants.

CIVIL ACTION FILE

Adversary/Complaint No.: 19-80071-dd

Application/Affidavit for *Pro Hac Vice*  
Application

(1) Name.  Daniel H. Levi   
First Middle Last

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

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

Firm name:  Paul, Weiss, Rifkind, Wharton & Garrison LLP

Mailing address:  1285 Avenue of the Americas  City/State/Zip  New York, NY 10019-6064

Telephone number:  (212) 373-3497

Facsimile number:  (212) 492-0497

E-mail address:  dlevi@paulweiss.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	Good Standing	
New York, 3rd Department	06/22/1999	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
State of New Jersey	01/01/1999	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
U.S. Court of Appeals, 2nd Circuit	12/15/2010	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
U.S. Court of Appeals, 9th Circuit	08/20/2015	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
U.S. District Court, Eastern District of New York	12/05/2000	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
U.S. District Court, Southern District of New York	12/05/2000	<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) Curtailement 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: G. William McCarthy, Jr.  
Firm Name: McCarthy, Reynolds, & Penn, LLC  
Street Address or Post Office Box: 1517 Laurel Street  
City, State, and Zip Code: Columbia, SC 29201  
Telephone Number: (803) 343-1000  
E-Mail Address: bmccarthy@mccarthy-lawfirm.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.

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

(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:

Wellspring Capital Management LLC  
Wellspring Capital Partners IV, L.P  
WCM GenPar IV, L.P.  
WCM GenPar IV GP, LLC  
Carles, Alexander E.  
Dawson, Jr., William F.  
Morningstar, John E.

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



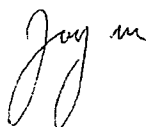
Signature of Applicant

Sworn to and subscribed before me  
this 14<sup>th</sup> day of January, 2020.

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

JAY WU  
Notary Public, State of New York  
No. 01WU6400019  
Qualified in Richmond County  
Commission Expires November 4, 2023

My Commission expires: 11/4/23



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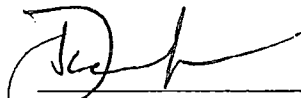
Adversary/Complaint No.: 19-80071-dd

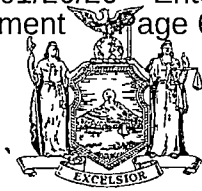
Supplemental Application for  
*Pro Hac Vice* Admission

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

1. Daniel H. Levi has a proficient understanding of bankruptcy law and procedure. He is familiar with and has an understanding of the Federal Rules of Bankruptcy Procedure and Title 11 of the United States Code.

2. Daniel H. Levi agrees to abide by the District of South Carolina Local Bankruptcy Rules and applicable chambers guidelines.

  
\_\_\_\_\_  
Daniel H. Levi



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

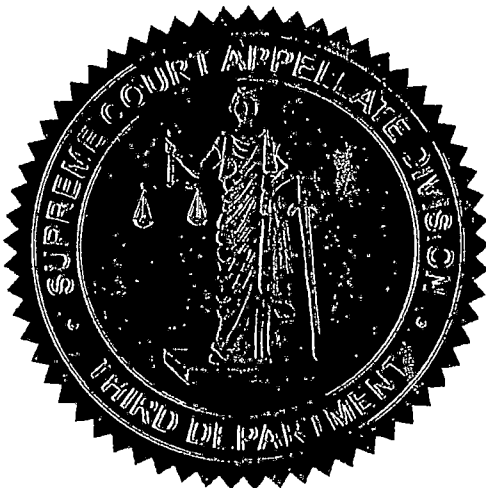
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*I, Robert D. Mayberger, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that*

*Daniel Howard Levi*

*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 22nd day of June, 1999, 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 6th day of December, 2019.*



*Robert D Mayberger*

*Clerk*

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