

BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD

RECEIVED
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AMERICAN MUNICIPAL POWER, INC.

Environmental Quality
Board

Appellant,

v.

Appeal No. 24-07-EQB

**JEREMY W. BANDY, DIRECTOR
DIVISION OF WATER AND WASTE MANAGEMENT,
WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

MOTION FOR ADMISSION *PRO HAC VICE* OF TIMOTHY J. HAGERTY

COMES NOW American Municipal Power, Inc., by and through counsel Joseph M. Ward and seeks Pro Hac Vice Admission pursuant to Rule 8(c) of the Rules of Admission to the Practice of Law in West Virginia of Timothy Hagerty. The undersigned verifies that he is a member in good standing with the West Virginia State Bar, is a member of Frost Brown Todd LLP, and that he agrees to act as local counsel for Timothy J. Hagerty in the above-styled action. Joseph M. Ward respectfully moves this Court to grant Timothy J. Hagerty, an attorney who is lawfully licensed to practice law in the Commonwealth of Kentucky and the District of Columbia, but not in West Virginia, the privilege to appear in this Court as an attorney on behalf of American Municipal Power, Inc. A copy of Timothy J. Hagerty's *Verified Statement of Application for Pro Hac Vice Admission* is attached hereto as **Exhibit A**.

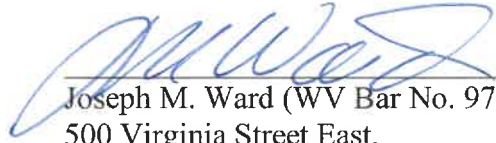
Based upon the foregoing, Joseph M. Ward hereby requests that this Court grant this Motion and enter the Proposed Order Authorizing *pro hac vice* Admission of Timothy J. Hagerty, attached hereto as **Exhibit B**.

Dated: July 23, 2024

Respectfully submitted,

AMERICAN MUNICIPAL POWER, INC.

By Counsel,



Joseph M. Ward (WV Bar No. 9733)

500 Virginia Street East,

Suite 1100

Charleston, WV 25301

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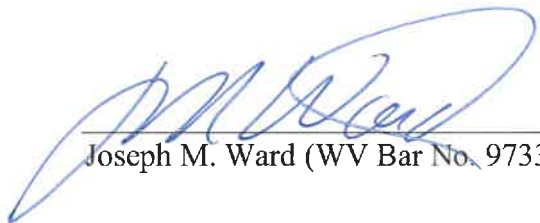
Appellee.

CERTIFICATE OF SERVICE

I, Joseph M. Ward, hereby certify that on this day, the 23rd of July, 2024, a true copy of the foregoing *Motion for Pro Hac Vice of Timothy J. Hagerty, Verified Statement, and Proposed Order* have been served upon the following:

Charles S. Driver, Esq.
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF LEGAL SERVICES
601 57th Street SE
Charleston, WV 25304
*Counsel for Appellee
West Virginia Department of Environmental Protection*

Jeremy W. Bandy, Director
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th Street SE
Charleston, WV 25304



Joseph M. Ward (WV Bar No. 9733)

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VERIFIED STATEMENT OF APPLICATION FOR *PRO HAC VICE* ADMISSION

Pursuant to Rule 8(c) of the Rules for Admission to the Practice of Law in West Virginia, I, Timothy J. Hagerty, hereby submit the following verified statement in support of this petition for admission *pro hac vice* to appear before the West Virginia Environmental Quality Board in the above-styled action:

1. I am seeking admission *pro hac vice* as counsel for Appellant, American Municipal Power, Inc., in the above-captioned matter. My professional contact information is as follows:

Timothy J. Hagerty
FROST BROWN TODD LLP
400 West Market Street, Suite 3200
Louisville, KY 40202-3363
Phone: 502.568.0268
Fax: 502.581.1087
Email: thagerty@fbtlaw.com

2. I am admitted to practice law in the Commonwealth of Kentucky (Bar No. 85414) and the District of Columbia (Bar No. 450314). I am a member in good standing of the Kentucky Bar Association and the District of Columbia Bar. I am also admitted to practice before the U.S.



District Courts for the Eastern and Western Districts of Kentucky and the U.S. Courts of Appeals for the Fourth and Sixth Circuits.

3. I have not been disciplined by any court, and there are no disciplinary proceedings against me. The registration of disciplinary agencies, the addresses, and telephone numbers of the Bars to which I am admitted are as follows:

Kentucky Bar Association
514 W. Main Street
Frankfort, KY 40601
Phone: 502.564.3795

District of Columbia Court of Appeals
515 5th Street NW
Building A, Suite 117
Washington, DC 20001
(202) 638-1501

4. Joseph M. Ward, Esquire, has agreed to be co-counsel in this action. His address is Frost Brown Todd LLP, 500 Virginia Street East, Suite 1100, Charleston, WV 25301. Mr. Ward's agreement to participate in this matter is shown by his endorsement at the end of this Verified Statement of Application.

5. I am not currently admitted or in the preceding 24 months have been admitted pro hac vice in West Virginia.

6. Members at my law firm Frost Brown Todd LLP have been admitted pro hac vice in the following cases in the Courts of West Virginia during the last two years:

Lamar J. Williams v. Royal Property Management, Inc.
Civil Case No.: 22-C-718
Circuit Court of Kanawha County

DM Motor, Inc. v. Black Bear PAC, Inc., et al.
Civil Case No.: 3:24-cv-00192
Southern District of West Virginia

7. I have knowledge of the Local Rules of this Court and agree to comply with all laws, rules and regulations of West Virginia state and local governments, where applicable, including taxing authorities and any standards for pro bono civil and criminal indigent defense legal services.

8. A copy of this Verified Statement of Application is being provided to The West Virginia State Bar along with the required \$350.00 fee.

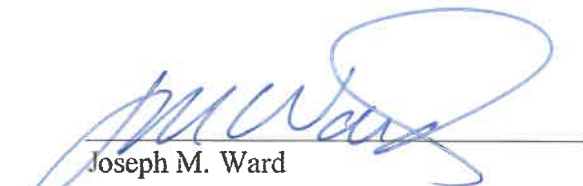
WHEREFORE, Timothy J. Hagerty, respectfully requests this Court to approve his admission *pro hac vice* in this case, representing American Municipal Power, Inc.

Dated: July 23, 2024



Timothy J. Hagerty

Agreed to by:



Joseph M. Ward

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ORDER GRANTING *PRO HAC VICE* ADMISSION OF TIMOTHY J. HAGERTY

Pending before the Board is the Motion and Verified Application for *Pro Hac Vice* Admission filed on behalf of attorney Timothy J. Hagerty in the above-styled action. Finding that Timothy J. Hagerty is qualified for *pro hac vice* admission pursuant to Rule 8 of Rules for Admission to the Practice of Law of West Virginia.

IT IS THEREFORE ORDERED that the Motion of Defendant, American Municipal Power, Inc., is GRANTED and Timothy J. Hagerty, is hereby admitted *pro hac vice* to appear on behalf of Plaintiff in the above-captioned actions.

AND IT IS SO ORDERED.

ENTERED this _____ day of _____, 2024.

Dr. Edward Snyder, Chairman

