Name and address:

Henry L. Kitchin, Jr.
McGuireWoods LLP
300 North Third Street, Suite 320
Wilmington, North Carolina 28401

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

American Video Duplicating, Inc. et al.,

Plaintiff(s),

v.

Live Oak Banking Company et al.,

Defendant(s),

CASE NUMBER

2:20-cv-3815-ODW-AGR

APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE *PRO HAC VICE*

INSTRUCTIONS FOR APPLICANTS

(1) *The attorney seeking to appear pro hac vice must complete Section I of this Application, personally sign, in ink, the certification in Section II, and have the designated Local Counsel sign in Section III.* ***ELECTRONIC SIGNATURES ARE NOT ACCEPTED.*** *Space to supplement responses is provided in Section IV. The applicant must also attach a Certificate of Good Standing (issued within the last 30 days) from every state bar to which he or she is admitted; failure to do so will be grounds for denying the Application. Scan the completed Application with its original ink signature, together with any attachment(s), to a single Portable Document Format (PDF) file.*

(2) *Have the designated Local Counsel file the Application electronically using the Court's electronic filing system ("Motions and Related Filings => Applications/Ex Parte Applications/Motions/Petitions/Requests => Appear Pro Hac Vice (G-64)"), attach a Proposed Order (using Form G-64 ORDER, available from the Court's website), and pay the required $400 fee online at the time of filing (using a credit card). The fee is required for each case in which the applicant files an Application. Failure to pay the fee at the time of filing will be grounds for denying the Application.* ***Out-of-state federal government attorneys are not required to pay the $400 fee.*** *(Certain attorneys for the United States are also exempt from the requirement of applying for pro hac vice status. See L.R. 83-2.1.4.) A copy of the G-64 ORDER in Word or WordPerfect format must be emailed to the generic chambers email address. L.R. 5-4.4.2.*

SECTION I - INFORMATION

Kitchin, Henry L., Jr.
Applicant's Name (Last Name, First Name & Middle Initial) *check here if federal government attorney* ☐

McGuireWoods LLP
Firm/Agency Name

300 North Third Street
Suite 320
Street Address

Wilmington, NC, 28401
City, State, Zip Code

(910) 254-3822
Telephone Number

(910) 254-3823
Fax Number

hkitchin@mcguirewoods.com
E-mail Address

I have been retained to represent the following parties:

Live Oak Banking Company ☐ *Plaintiff(s)* ☒ *Defendant(s)* ☐ *Other:*
Live Oak Bancshares, Inc. ☐ *Plaintiff(s)* ☒ *Defendant(s)* ☐ *Other:*
Name(s) of Party(ies) Represented

List all state and federal courts (including appellate courts) to which the applicant has been admitted, and provide the current status of his or her membership. Use Section IV if more room is needed, or to provide additional information.

Name of Court	*Date of Admission*	*Active Member in Good Standing? (if not, please explain)*
Supreme Court of North Carolina	8/24/1996	yes
United States Supreme Court	5/22/2017	yes
(see Section IV - Supplement)		

List all cases in which the applicant has applied to this Court for *pro hac vice* status in the previous three years (continue in Section IV if needed):

Case Number	*Title of Action*	*Date of Application*	*Granted / Denied?*

If any *pro hac vice* applications submitted within the past three (3) years have been denied by the Court, please explain:

n/a

Attorneys must be registered for the Court's electronic filing system to practice pro hac vice in this Court. Submission of this Application will constitute your registration (or re-registration) to use that system. If the Court signs an Order granting your Application, visit www.pacer.gov to complete the registration process and activate your e-filing privileges in the Central District of California.

SECTION II - CERTIFICATION

I declare under penalty of perjury that:

(1) All of the above information is true and correct.
(2) I am not a resident of the State of California. I am not regularly employed in, or engaged in substantial business, professional, or other activities in the State of California.
(3) I am not currently suspended from and have never been disbarred from practice in any court.
(4) I am familiar with the Court's Local Civil and Criminal Rules, the Federal Rules of Civil and Criminal Procedure, and the Federal Rules of Evidence.
(5) I designate the attorney listed in Section III below, who is a member in good standing of the Bar of this Court and maintains an office in the Central District of California for the practice of law, in which the attorney is physically present on a regular basis to conduct business, as local counsel pursuant to Local Rule 83-2.1.3.4.

Dated May 22, 2020

Henry L. Kitchin Jr.
Applicant's Name (please type or print)

Applicant's Signature

SECTION III - DESIGNATION OF LOCAL COUNSEL

Lally, Kevin M.
Designee's Name (Last Name, First Name & Middle Initial)

McGuireWoods LLP
Firm/Agency Name

355 South Grand Avenue
Suite 4200
Street Address
Los Angeles, CA 90071
City, State, Zip Code

(213) 457-9862
Telephone Number
(213) 457-9882
Fax Number
klally@mcguirewoods.com
Email Address
226402
Designee's California State Bar Number

I hereby consent to the foregoing designation as local counsel, and declare under penalty of perjury that I maintain an office in the Central District of California for the practice of law, in which I am physically present on a regular basis to conduct business.

Dated May 22, 2020

Kevin M. Lally
Designee's Name (please type or print)
Designee's Signature

SECTION IV - SUPPLEMENT ANSWERS HERE (ATTACH ADDITIONAL PAGES IF NECESSARY)

List all state and federal courts (including appellate courts) to which the applicant has been admitted . . . (continued from Section I):

Name of Court - Date of Admission - Active Member in Good Standing?

U.S. District Court, Middle District of North Carolina - 8/24/1996 - Yes
U.S. District Court, Eastern District of North Carolina - 8/2002 - Yes
U.S. District Court, Western District of North Carolina - 3/14/19 - Yes

Supreme Court
OF THE STATE OF NORTH CAROLINA

I, Amy L. Funderburk, Clerk of the Supreme Court of North Carolina, do hereby certify that on August 24, 1996, license to practice as an Attorney and Counselor at Law in all the Courts of this State was issued by the North Carolina Board of Law Examiners to

Henry L. Kitchin Jr.

according to the certified list of licentiates reported by the Secretary of said Board and filed in my office as required by statute.

To the date of this certificate, no order revoking said license has been filed with this Court and no order suspending same is in effect.

WITNESS my hand and the Seal of the Supreme Court of North Carolina at office in Raleigh, this May 20, 2020.

Amy L. Funderburk
Clerk of the Supreme Court
of the State of North Carolina