

Filed in The District Court  
of Travis County, Texas

MAR 07 2007

At 1:46 P.M.  
Amalia Rodriguez-Mendoza, Clerk

**CAUSE NO. D-1-GV-02-004523**

THE STATE OF TEXAS,

*Plaintiff,*

v.

AMCARE HEALTH PLANS OF TEXAS,  
INC. and AMCARE MANAGEMENT,  
INC.

*Defendants.*

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

200th JUDICIAL DISTRICT

**MOTION OF NON-RESIDENT ATTORNEY, KENNETH RUSSAK,  
FOR ADMISSION PRO HAC VICE**

TO THE HONORABLE DISTRICT COURT JUDGE:

Kenneth Russak ("Applicant") files this Motion of Non-Resident Attorney for Admission *Pro Hac Vice* to appear on behalf of MedImpact Healthcare Systems, Inc. ("MedImpact"), and states as follows:

1. The Receiver for AmCare Health Plans of Texas ("AmCare-TX") and AmCare Management, Inc. ("AmCare-Mgmt"), represented by attorney Harold B. Gold, does not have any objection to Mr. Russak's being admitted *Pro Hac Vice* in this matter.
2. Applicant seeks permission to appear *Pro Hac Vice* as counsel for MedImpact in the above-titled and numbered cause of action.
3. Applicant is an attorney with the law firm of Pillsbury Winthrop Shaw Pittman, LLP, 725 Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406, telephone (213) 488-7579, facsimile (213) 226-4156.
4. Applicant will be associated in this proceeding with Douglas D. Dodds, a resident attorney whose State Bar Number 05932020. Mr. Dodds is a licensed attorney who practices

with the law firm of McGinnis, Lochridge & Kilgore, L.L.P., 600 Congress Avenue, Suite 2100, Austin, Texas 78701.

5. Applicant is an active member in good standing with the State of California (107283), the United States District Courts for the Central, Eastern, Northern and Southern Districts of California, the United States Court of Appeals for the Ninth Circuit, the State of New York (2283760), and the United States Supreme Court.

6. Pursuant to TEX. R. GOVERN. BAR ADM'N. XIX(a), Applicant has filed an Application for Admission *Pro Hac Vice* with the Texas Board of Law Examiners and paid the \$250.00 filing fee. The Texas Board of Law Examiners' letter acknowledging the application is attached as Exhibit A.

7. Applicant has not been the subject of disciplinary actions by the bar or the courts of any jurisdiction in which he is licensed in the past five years. Applicant has not been denied admission to the courts of any state or to any federal court during the past five years.

8. Applicant attests that he is familiar with the State Bar Act, the State Bar Rules, the Texas Disciplinary Rules of Professional Conduct governing the conduct of members of the State Bar of Texas and the Travis County Local Rules. Applicant attests that he will at all times abide by and comply with the same, so long as this lawsuit is pending and he has not withdrawn as counsel in the proceeding.

WHEREFORE, Applicant respectfully requests that the Court grant Applicant's Motion, and enter an order allowing him to participate as one of the attorneys for MedImpact, in the above-titled and numbered cause of action.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN,  
LLP

725 Figueroa Street, Suite 2800

Los Angeles, CA 90017-5406

Tel: (213) 488-7579

Fax: (213) 226-4156

By: 

Kenneth Russak

CA State Bar No. 107283

**ATTORNEYS FOR MEDIMPACT  
HEALTHCARE SYSTEMS, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion was served on the persons listed below by certified mail return receipt requested and by the other means indicated on this the 7<sup>th</sup> day of March, 2007.

Mr. Harold B. Gold  
Wisener, Nunnally, Gold, L.L.P.  
625 West Centerville Road, Suite 110  
Garland, TX 75041

*Also Sent Via Email*

Mr. Brian E. Riewe  
Mr. Gregory C. Douglass  
Brian E. Riewe, P.C.  
4408 Spicewood Springs Road, Suite 101  
Austin, TX 78759

*Also Sent Via Email*

Tom Collins  
c/o Mrs. Jean Sustaita  
Docket Clerk for Special Master  
Texas Department of Insurance  
333 Guadalupe, Tower III, 5th Floor  
MC-305-1D  
Austin, TX 78701

Mr. Tom Collins  
Special Master  
1301 W. 25<sup>th</sup> St., Suite 530  
Austin, TX 78701

Mr. James Kennedy  
Ms. Leanne Foster  
Texas Department of Insurance  
333 Guadalupe, Tower I, 8<sup>th</sup> Floor  
MC-110-1A  
Austin, TX 78701

Ms. Joan Lackhorn  
Texas Department of Insurance  
333 Guadalupe, Tower III, 5th Floor  
MC-305-1C  
Austin, TX 78701

A handwritten signature in black ink, appearing to read 'D. Dodds', is positioned above a horizontal line.

Douglas D. Dodds

3/7/2007

**Board of Law Examiners**  
Appointed by the Supreme Court of Texas

**Non-Resident Acknowledgment Letter**  
March 05, 2007

KENNETH NEIL RUSSAK  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
725 S FIGUEROA ST #2800  
LOS ANGELES CA 90017-5406

Application Received: 3/5/07

Cause/Style: GV 204523 200TH JUDICIAL DISTRICT TRAVIS COUNTY

FROM: Angus Tilney, Licensure Analyst, 512-463-5409

This letter acknowledges receipt of your Application for Pro Hac Vice admission and serves as your Proof of Payment of Fee.

Filing the Application for Pro Hac Vice Admission and fee is the mandatory first step in your request for permission to participate in proceedings in a Texas Court. The next step is to file a sworn motion, in compliance with Rule XIX of the current *Rules Governing Admission to the Bar of Texas*, in the Texas Court in which you request to participate, which must be accompanied by this acknowledgment letter. The decision to grant or deny your application is ultimately made by the Texas Court in which you request to participate.



Mailing Address

Post Office Box 13486  
Austin, Texas 78711-3486

Telephone: 512-463-1621

Facsimile: 512-463-5300

WebSite: [www.ble.state.tx.us](http://www.ble.state.tx.us)

Street Address

205 West 14th Street, 5th Floor  
Austin, Texas 78701