

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
22CVS000646-910

LEXINGTON INSURANCE  
COMPANY,

Plaintiff,

v.

THE STATE OF NORTH  
CAROLINA; NORTH CAROLINA  
PUBLIC OFFICERS AND  
EMPLOYEES LIABILITY  
INSURANCE COMMISSION;  
CHARLOTTE FOX as administratrix  
of the Estate of KENNETH SNEAD;  
and LEROY ALLEN; J. DUANE  
GILLIAM, as Guardian of the Estate  
of Leon Brown; RAYMOND C.  
TARLTON, as Guardian Ad Litem for  
Henry Lee McCollum; and  
KIMBERLY PINCHBECK, as  
Limited Guardian and Conservator of  
the Estate of Henry Lee McCollum,

Defendants.

**ORDER REGARDING PRO HAC VICE  
ADMISSIONS**

1. This matter came before the Court on 9 January 2026 for a hearing on a motion to stay proceedings in the case in light of pending litigation in the United States District Court for the Eastern District of North Carolina. (ECF Nos. 13, 61). At that hearing, the Court raised with counsel for the parties the issue that certain out-of-state attorneys have purported to appear on behalf of parties in this case but have not been granted pro hac vice admission to practice before the Court.

2. The Court therefore issues this Order *sua sponte* to address that issue and to document its instructions to counsel during the hearing.

3. Under North Carolina law, to represent a party as counsel of record in a case, an attorney must generally be licensed to do so by the North Carolina State Bar. N.C. Gen. Stat. § 84–4 (“Except as otherwise permitted by law, it shall be unlawful for any person or association of persons, except active members of the Bar of the State of North Carolina admitted and licensed to practice as attorneys-at-law, to appear as attorney or counselor at law in any action or proceeding before any judicial body . . . ; to maintain, conduct, or defend the same, except in his own behalf as a party thereto; or, by word, sign, letter, or advertisement, to hold out himself . . . as being engaged in advising or counseling in law or acting as attorney or counselor-at-law, or in furnishing the services of a lawyer or lawyers . . .”).

4. One exception, however, is that out-of-state attorneys may practice on a limited basis in a specific action pending in the courts of North Carolina if they are admitted to practice *pro hac vice* before the court in which the action is pending “for the sole purpose of appearing for a client in th[at] proceeding.” N.C. Gen. Stat. § 84–4.1.

5. This action was commenced on 14 January 2022. (ECF Nos. 4–8).

6. In the intervening four years, the parties and their attorneys in this case have filed numerous documents that list various attorneys not licensed to practice in North Carolina as “Counsel for” or “Attorneys for” certain of the parties. (*See, e.g.*, ECF No. 4 (listing attorney Alexander S. Lorenzo as “*pro hac vice* motion

forthcoming” and “Counsel for Plaintiff” before he ultimately moved for and obtained such admission); ECF No. 17 (listing attorneys Seth Tucker and Tyler Weinblatt of Washington, DC and attorneys David A. Luttinger, Jr., Alicia Olia, Joseph Vandegriff, and Adira Levine<sup>1</sup> of New York as “*Attorneys for Defendants Henry Lee McCollum and Leon Brown*,” though only attorney Weinblatt has been admitted pro hac vice before this Court in this action); ECF No. 28 (listing Benjamin Eggert and Karen Toto of Washington, DC on behalf of General Star National Insurance Company as “*Pro Hac Vice Motions Forthcoming*”); ECF No. 47 (filing a stipulation signed by, and filed on behalf of, attorney David A. Luttinger, Jr. as “*Attorney for Defendants Gilliam, Tarlton and Pinchbeck (Pro Hac Vice Forthcoming)*”); ECF No. 60 (listing, again, attorneys Tucker, Weinblatt, Luttinger, Olia, Vandegriff, and Levin as “*Attorneys for Defendants Henry Lee McCollum and Leon Brown*”).

7. At the hearing on 9 January 2026, when the Court requested that counsel make their appearances, at least one out-of-state attorney purported to make a formal appearance on behalf of the movants, despite not having sought or received admission pro hac vice in this action. Several other out-of-state attorneys among those listed

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<sup>1</sup> While attorney Levine was admitted to appear pro hac vice in a previous appeal of this action, she has not been so admitted at the trial level. *See Hill v. Hill*, 181 N.C. App. 69, 72 (2007) (clarifying that an “out of state attorney, who was admitted to practice *pro hac vice* in the trial court, was required to obtain separate permission from [the North Carolina] Court [of Appeals] in order to appear in connection with an appeal.” (citation omitted)).

above—some who similarly have not sought or obtained admission pro hac vice—also appeared at the hearing, though none were permitted to argue.<sup>2</sup>

8. As the Court has previously observed and reminded counsel, “an attorney’s designation on a signature block filed with the Court with his or her approval constitutes an appearance before the Court.” *Duramax Holdings, LLC v. Brace*, 2025 NCBC LEXIS 143, at \*4–5 (N.C. Super. Ct. Oct. 16, 2025) (quoting BCR 3.12 (“Counsel whose names appear on a signature block in a court filing need not file a separate notice of appearance for the action.”)).

9. As such, regardless of whether the attorney ultimately signs the document, it “is inappropriate and not in compliance with applicable statutes and rules” for an attorney to permit or approve his or her name to be included on a signature block with the intent that it designate or denote an appearance as counsel of record before the attorney is licensed by the North Carolina State Bar or properly admitted pro hac vice. *Id.* at \*5; N.C. Gen. Stat. §§ 84–4 and 84–4.1.

10. The growing use of a “pro hac vice forthcoming” parenthetical or a similar disclaimer beside such an appearance, as some attorneys have used in this case,<sup>3</sup> does not resolve this concern. *See, e.g., Duramax*, 2025 NCBC LEXIS 143, at \*3; *In re*

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<sup>2</sup> Recognizing that the non-local attorneys present in the Court’s remote courtroom might not be familiar with local courtroom procedure and decorum, the Court further reminds counsel that they are generally expected to follow the same rules of conduct and of practice for hearings conducted remotely that are in effect for in-person hearings unless the Court permits otherwise. It should go without the need for reminder that these obligations include the requirement to dress in professional business attire—not casual wear. *See* N.C. Gen. R. Prac. 12 (“Business attire shall be appropriate dress for counsel while in the courtroom.”).

<sup>3</sup> Most of the out-of-state attorneys have been listed as “Counsel” or “Attorneys” for a party without even that caveat and with *no* disclaimer of their lack of licensure in North Carolina.

*Asheville Eye Assocs. Data Incident Litig.*, 2025 NCBC LEXIS 88, at \*1–2 (N.C. Super. Ct. July 24, 2025) (referencing out-of-state attorneys’ use of “the denotation ‘Pro hac vice forthcoming.’”). By its plain terms, section 84–4 does not contemplate or permit such a designation. *See generally* N.C. Gen. Stat. § 84-4.

11. Quite simply, unlicensed out-of-state counsel should not permit their names, signatures, or other information to be affixed to a pleading or other filing as “counsel” or “attorney” for a party with the designation “pro hac vice forthcoming,” particularly where such a filing pre-dates a motion for pro hac vice admission. *Id.*

12. Just as with other, more substantive violations of the statute, doing so may result in sanctions and denial of any eventual pro hac vice application, in the Court’s discretion, as well as lead to criminal penalties. *E.g.*, N.C. Gen. Stat. § 84–8.

13. In this action, given the number of attorneys who have purported to make appearances or who have otherwise permitted their names to be affixed to filings without having filed motions for pro hac vice admission, the Court determines in its discretion that it is appropriate to require that all such attorneys move for admission *pro hac vice* or otherwise to file a certification that they do not intend to seek such admission and a motion seeking leave to withdraw any such appearance.

14. Accordingly, in its discretion, the Court **ORDERS** as follows:

a. Within seven (7) days of entry of this Order, all attorneys who are not licensed as attorneys by the North Carolina State Bar or properly admitted pro hac vice before this Court in this action but who have purportedly appeared in this case on behalf of any party—whether by permitting their

name to be affixed to a filing or by appearing at a hearing before the Court as “counsel” or an “attorney” for a party—are **ORDERED** to (i) file a motion for admission *pro hac vice*, with all supporting documents, in compliance with N.C. Gen. Stat. § 84-4.1 and applicable Business Court Rules and procedures, or (ii) file a certification that they do not intend to seek such admission and a motion seeking leave to withdraw any such appearance, again in compliance with applicable Business Court Rules; and

b. The North Carolina-licensed attorneys for each party in this action are **ORDERED** to provide a copy of this Order to each out-of-state attorney with whom they are associated in this action, including each out-of-state attorney contemporaneously listed on any signature block signed by the North Carolina-licensed attorney.

**SO ORDERED**, this 12th day of January 2026.

/s/ Matthew T. Houston

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Matthew T. Houston  
Special Superior Court Judge  
for Complex Business Cases