

**U.S. District Court
Western District of North Carolina (Charlotte)
CIVIL DOCKET FOR CASE #: 3:10-cv-00575-RJC *SEALED***

Szymoniak v. ACE Securities Corporation et al
Assigned to: Chief Judge Robert J. Conrad, Jr
Cause: 31:3729 False Claims Act

Date Filed: 11/12/2010
Jury Demand: Plaintiff
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Lynn E. Szymoniak
*as relator on behalf of the United States of
America*

represented by **William K. Diehl , Jr.**
James, McElroy &Diehl
600 South College Street
Suite 3000
Charlotte, NC 28202
704.372.9870
Fax: 704.333.5508
Email: bdiehl@jmdlaw.com
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

United States of America
ex rel.

represented by **Donald H. Caldwell , Jr.**
U.S. Attorney's Office
227 West Trade St., Ste. 1650
Charlotte, NC 28202
704-338-3137
Fax: 704-344-6629
Email: Donald.H.Caldwell@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant

ACE Securities Corporation

Defendant

Ally Financial, Inc.
*formerly known as
GMAC Inc.*

Defendant

Aurora Loan Services, LLC

Defendant

Bank of America
*as successor to
Countrywide Financial Corporation*

Defendant

BAC Home Loans Servicing, LLP

Defendant

Banc of America Mortgage Securities, Inc.

Defendant

Bayview Loan Servicing LLC

Defendant

California Reconveyance Company

Defendant

Carrington Mortgage Services

Defendant

Chase Home Finance, LLC

Defendant

Citimortgage, Inc.

formerly known as

Citi Residential Lending, Inc.

formerly known as

AMC Mortgage Services Inc.

Defendant

HOMEQ Servicing Corporation

doing business as

Barclays Capital Real Estate, Inc.

Defendant

HSBC Mortgage Services, Inc.

Defendant

Litton Loan Servicing LP

Defendant

Nationwide Title Clearing Inc.

Defendant

Ocwen Loan Servicing

Defendant

Onewest Bank

Defendant**Orion Financial Group, Inc.****Defendant****Prommis Solutions, LLC****Defendant****Securities Connection, Inc.****Defendant****Select Portfolio Services, Inc.****Defendant****Vericrest Financial, Inc.****Defendant****Wells Fargo Home Mortgage***doing business as**America's Servicing Company***Defendant****John Doe Corporations***1 through 100, all whose true names are
unknown***Defendant****DOCX LLC****Defendant****Lender Processing Services, Inc.**

Date Filed	#	Docket Text
11/12/2010	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350 receipt number CHD009698), filed by Lynn E. Szymoniak.(gpb) (Entered: 11/15/2010)
11/12/2010	<u>2</u>	MOTION to Seal Case pursuant to False Claims Act by Lynn E. Szymoniak. (Attachments: # <u>1</u> Proposed Order)(gpb). Motions referred to Dennis Howell. (Entered: 11/15/2010)
11/18/2010	<u>3</u>	ORDER granting <u>2</u> Motion to Seal Case. Signed by Magistrate Judge Dennis Howell on 11/18/10. (gpb) (Entered: 11/18/2010)
12/10/2010	<u>4</u>	MOTION to Partially Unseal Case by United States of America. (Attachments: # <u>1</u> Proposed Order)(gpb) (Entered: 12/13/2010)
12/10/2010	<u>5</u>	MEMORANDUM in Support re <u>4</u> MOTION to Partially Unseal Case by United States of America. (gpb) (Entered: 12/13/2010)
12/13/2010	<u>6</u>	

		ORDER granting <u>4</u> Motion to Partially Unseal Case. Signed by Magistrate Judge Dennis Howell on 12/13/10. (gpb) (Entered: 12/13/2010)
01/14/2011	<u>7</u>	MOTION for Extension of Time to Intervene by United States of America. Responses due by 1/31/2011. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order) (tmg). Motions referred to Dennis Howell. (Entered: 01/18/2011)
01/18/2011	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to Intervene up to and including 7/18/2011. Signed by Magistrate Judge Dennis Howell on 1/18/2011. (tmg) (Entered: 01/18/2011)
01/19/2011	<u>9</u>	MOTION for Special Admission as to Thomas Teige Carroll by State of New York. (No fee paid). (Attachments: # <u>1</u> Certificate of Service)(gpb). Motions referred to Dennis Howell. (Entered: 01/19/2011)
01/19/2011	<u>10</u>	MOTION for Extension of Time of Seal Period and Extend Time to Intervene by State of New York. Responses due by 2/7/2011. (Attachments: # <u>1</u> Proposed Order)(gpb). Motions referred to Dennis Howell. (Entered: 01/19/2011)
01/19/2011	<u>12</u>	MOTION for Special Admission as to Nicklas A. Akers by State of California. (No fee paid). (Attachments: # <u>1</u> Proposed Order)(gpb). Motions referred to Dennis Howell. (Entered: 01/19/2011)
01/20/2011	<u>13</u>	ORDER granting <u>9</u> Motion for Special Admission, added Thomas Teige Carroll for State of New York. Signed by Magistrate Judge Dennis Howell on 1/20/11. (gpb) (Entered: 01/20/2011)
01/20/2011	<u>14</u>	ORDER granting <u>12</u> Motion for Special Admission, added Nicklas A. Akers for State of California. Signed by Magistrate Judge Dennis Howell on 1/20/11. (gpb) (Entered: 01/20/2011)
01/20/2011	<u>15</u>	ORDER granting <u>10</u> Motion for Extension of the Seal Period and Enlarge the Time Within Which to so Move (to Intervene) up to and inclusive of 7/18/2011. Signed by Magistrate Judge Dennis Howell on 1/20/11. (gpb) (Entered: 01/20/2011)
01/20/2011	<u>1</u>	Notice to Thomas Teige Carroll and Nicklas A. Akers: Pursuant to Local Rule 83.1 you are required to Register for ECF at www.ncwd.uscourts.gov . Deadline by 1/31/2011. (gpb) (Entered: 01/20/2011)
02/03/2011	<u>16</u>	AMENDED SEALED ORDER, amending <u>13</u> Order on Motion for Special Admission of Thomas Teige Carroll. Signed by Magistrate Judge Dennis Howell on 2/3/11. (gpb) (Entered: 02/03/2011)
02/03/2011	<u>17</u>	AMENDED COMPLAINT with Jury Demand against All Defendants, filed by Lynn E. Szymoniak. (Attachments: # <u>1</u> Amended Complaint- Part 2)(gpb) (Entered: 02/03/2011)
02/23/2011	<u>18</u>	MOTION to Partially Unseal Case by United States of America. (Attachments: # <u>1</u> Proposed Order)(gpb) (Entered: 02/23/2011)
02/23/2011	<u>19</u>	MEMORANDUM in Support re <u>18</u> MOTION to Partially Unseal Case by United States of America. (gpb) (Entered: 02/23/2011)
02/24/2011	<u>20</u>	ORDER granting <u>18</u> Motion to Partially Unseal Case. Signed by Magistrate Judge Dennis Howell on 2/23/11. (gpb) (Entered: 02/24/2011)
03/02/2011	<u>21</u>	MOTION to Partially Unseal Case by United States of America. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(tmg). Motions referred to Dennis Howell. (Entered: 03/02/2011)

03/03/2011	<u>22</u>	ORDER granting <u>21</u> Motion to Partially Unseal Case. Signed by Magistrate Judge Dennis Howell on 3/3/2011. (tmg) (Entered: 03/03/2011)
03/31/2011	<u>24</u>	MOTION for Extension of Time to Intervene and Maintain seal over First Amended Complaint by City of Chicago, City of New York, District of Columbia, State of California, State of Delaware, State of Florida, State of Hawaii, State of Illinois, State of Indiana, State of Massachusetts, State of Minnesota, State of Montana, State of Nevada, State of New Hampshire, State of New Jersey, State of New Mexico, State of New York, State of North Carolina, State of Oklahoma, State of Rhode Island, State of Virginia, United States of America. Responses due by 4/18/2011. (Attachments: # <u>1</u> Proposed Order)(chh). Motions referred to Dennis Howell. (Entered: 04/05/2011)
03/31/2011	<u>25</u>	MEMORANDUM in Support re <u>24</u> MOTION for Extension of Time to intervene and maintain seal over First Amended Complaint by City of Chicago, City of New York, District of Columbia, State of California, State of Delaware, State of Florida, State of Hawaii, State of Illinois, State of Indiana, State of Massachusetts, State of Minnesota, State of Montana, State of Nevada, State of New Hampshire, State of New Jersey, State of New Mexico, State of New York, State of North Carolina, State of Oklahoma, State of Rhode Island, State of Virginia, United States of America. (chh) (Entered: 04/05/2011)
04/21/2011	<u>26</u>	ORDER granting <u>24</u> Motion for Extension of Time to Intervene and Maintain Seal until 12/10/2011. Signed by Magistrate Judge Dennis Howell on 4/21/2011. (tmg) (Entered: 04/21/2011)
05/11/2011	<u>27</u>	MOTION for Leave to File Second Amended Complaint by Lynn E. Szymoniak. Responses due by 5/31/2011. (Attachments: # <u>1</u> Declaration) (tmg). Motions referred to Dennis Howell. (Entered: 05/11/2011)
06/14/2011	<u>28</u>	NOTICE Regarding Disclosure of Qui Tam Case to Employees by United States of America (gpb) (Entered: 06/15/2011)
06/24/2011	<u>29</u>	ORDER granting <u>27</u> Motion for Leave to File Second Amended Complaint. Signed by Magistrate Judge Dennis Howell on 6/22/11. (gpb) (Entered: 06/24/2011)
06/28/2011	<u>30</u>	SECOND AMENDED COMPLAINT with Jury Demand against All Defendants, filed by Lynn E. Szymoniak. (tmg) (Entered: 06/28/2011)
08/10/2011	<u>31</u>	Fourth MOTION to Partially Unseal Case by United States of America. (Attachments: # <u>1</u> Proposed Order)(gpb) (Entered: 08/10/2011)
08/10/2011	<u>32</u>	MEMORANDUM in Support re <u>31</u> MOTION to Partially Unseal Case by United States of America. (gpb) (Entered: 08/10/2011)
08/22/2011	<u>33</u>	ORDER granting <u>31</u> Motion, allowing partial unsealing of case as set forth in order. Signed by Chief Judge Robert J. Conrad, Jr on 8/22/2011. (bsw) (Entered: 08/22/2011)
11/02/2011	<u>34</u>	NOTICE Regarding Disclosure of Qui Tam Case by United States of America (gpb) (Entered: 11/03/2011)
12/08/2011	<u>35</u>	MOTION for Third Extension of Time to Intervene and Maintain Seal over Second Amended Complaint by United States of America. Responses due by 12/27/2011. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(com). Motions referred to Dennis Howell. (Entered: 12/08/2011)
12/13/2011	<u>36</u>	ORDER granting <u>35</u> Motion for Extension of Time to Intervene and Maintain Seal until 6/7/2012. Signed by Magistrate Judge Dennis Howell on 12/12/2011. (tmg) (Entered: 12/13/2011)

02/15/2012	<u>37</u>	MOTION to Withdraw Fifth Motion to Partially Unseal Case by United States of America. (Attachments: # <u>1</u> Proposed Order) (tmg). Motions referred to Dennis Howell. (Entered: 02/15/2012)
02/16/2012	<u>37</u>	Notice of Withdrawal of document: <u>37</u> MOTION to Withdraw filed by United States of America. Underlying motion was never filed. (com) (Entered: 02/16/2012)
02/17/2012	<u>38</u>	MOTION to Partially Unseal Case by United States of America. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order) (tmg) (Entered: 02/17/2012)
02/17/2012	<u>39</u>	ORDER granting <u>38</u> Motion for a Partial Lift of the Qui Tam Seal. Signed by Chief Judge Robert J. Conrad, Jr on 2/17/12. (com) (Entered: 02/17/2012)
05/03/2012	<u>40</u>	STIPULATION of Partial Dismissal of Claims by United States of America (Attachments: # <u>1</u> Memorandum, # <u>2</u> Exhibit A Consent Judgment Ally, # <u>3</u> Exhibit B Consent Judgment BoA, # <u>4</u> Exhibit C Consent Judgment Citibank, # <u>5</u> Exhibit D Consent Judgment Chase, # <u>6</u> Exhibit E Consent Judgment Wells Fargo, # <u>7</u> Proposed Order)(com) (Entered: 05/03/2012)
05/03/2012	<u>41</u>	NOTICE of Intervention in Part for the Purpose of Partial Settlement by United States of America re <u>40</u> Stipulation of Dismissal, (com) (Entered: 05/03/2012)
05/03/2012	<u>42</u>	ORDER re <u>40</u> Stipulation of Dismissal, Signed by Chief Judge Robert J. Conrad, Jr on 5/3/2012. (eef) (Entered: 05/03/2012)
06/01/2012	<u>43</u>	MOTION For Admission by State of California.Responses due by 6/18/2012. (Attachments: # <u>1</u> Proposed Order)(eef). Motions referred to Dennis Howell. (Entered: 06/01/2012)
06/06/2012	<u>44</u>	MOTION for a Fourth Extension of Time within which to Intervene and Maintain Seal over Second Amended Complaint by United States of America.Responses due by 6/25/2012. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(eef). Motions referred to Dennis Howell. (Entered: 06/06/2012)
06/11/2012	<u>45</u>	ORDER granting <u>44</u> Motion for Extension of Time to Intervene and Maintain Seal.. Signed by Magistrate Judge Dennis Howell on 6/11/2012. (eef) (Entered: 06/11/2012)
06/11/2012	<u>46</u>	ORDER granting <u>43</u> Motion for Leave to Appear Pro Hac Vice. Attorney Frederick W. Acker admitted for the State of California. Signed by Magistrate Judge Dennis Howell on 6/11/2012. (eef) (Entered: 06/11/2012)
07/09/2012	<u>46</u>	Magistrate Judge Dennis Howell no longer referred case – conflict. (bsw) (Entered: 07/09/2012)
11/29/2012	<u>47</u>	NOTICE of Election to Decline Intervention by the State of New York Pursuant to N.Y. State Finance Law 190(2)(f) by State of New York (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(eef) (Entered: 11/29/2012)
12/03/2012	<u>48</u>	MOTION for Extension of Time within which to Intervene and Maintain Seal over Second Amended Complaint by United States of America.Responses due by 12/20/2012 (Attachments: # <u>1</u> Proposed Order)(eef) (Entered: 12/03/2012)
12/03/2012	<u>49</u>	MEMORANDUM in Support re <u>48</u> MOTION for Extension of Time within which to Intervene and Maintain Seal over Second Amended Complaint by United States of America. (eef) (Entered: 12/03/2012)
12/07/2012	<u>50</u>	ORDER granting <u>48</u> Motion for Extension of Time to Intervene. The United States shall have up to and including January 3, 2013 in which to intervene, and the Court shall maintain the seal on the Second Amended Complaint until that time. Signed by Chief Judge Robert J. Conrad, Jr on 12/7/2012. (eef) (Entered: 12/07/2012)

12/21/2012	<u>51</u>	NOTICE of Election to Decline Intervention by State of New Jersey (Attachments: # <u>1</u> Cover Sheet)(bsw) (Entered: 12/21/2012)
12/26/2012	<u>52</u>	NOTICE of Election to Decline Intervention by State of Nevada (Attachments: # <u>1</u> Cover Sheet)(bsw) Modified to correct filer on 1/2/2013 (bsw). (Entered: 12/26/2012)
01/03/2013	<u>53</u>	MOTION for Extension of Time Within Which to Intervene and Maintain Seal Over Second Amended Complaint by United States of America.Responses due by 1/22/2013 (Attachments: # <u>1</u> Proposed Order)(eef) (Entered: 01/03/2013)
01/03/2013	<u>54</u>	MEMORANDUM in Support re <u>53</u> MOTION for Extension of Time Within Which to Intervene and Maintain Seal Over Second Amended Complaint by United States of America. (eef) (Entered: 01/03/2013)
01/14/2013	<u>55</u>	MOTION to Transfer this Case to the District of South Carolina by Lynn E. Szymoniak.Responses due by 1/31/2013 (eef) (Entered: 01/14/2013)
01/14/2013	<u>56</u>	MEMORANDUM in Support re <u>55</u> MOTION to Transfer this Case to the District of South Carolina by Lynn E. Szymoniak. (eef) (Entered: 01/14/2013)
01/15/2013	<u>57</u>	ORDER granting <u>53</u> Motion for Extension of Time to intervene and Maintain Seal Over Second Amended Complaint. Signed by Chief Judge Robert J. Conrad, Jr on 1/15/2013. (blf) (Entered: 01/15/2013)
02/06/2013	<u>58</u>	ORDER granting <u>55</u> Motion to Transfer Case to the District of South Carolina. Signed by Chief Judge Robert J. Conrad, Jr on 2/6/2013. (eef) (Entered: 02/06/2013)