

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, NC

FEB 23 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

U.S. ex rel. [UNDER SEAL],)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 3:10CV575-RJC
)	
ACE SECURITIES CORPORATION,)	<u>UNDER SEAL and</u>
et al.,)	<u>in Camera</u>
)	
Defendants.)	

UNITED STATES' SECOND MOTION TO PARTIALLY UNSEAL CASE

The United States, on behalf of the State of North Carolina, the District of Columbia, and the States of California, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, New York, Oklahoma, Rhode Island and Virginia, respectfully moves the Court, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) for a second partial lifting of the seal in this case for the limited purpose of disclosing the sealed complaint in the captioned action, any amended complaints, or a subset of information contained therein to: (1) the Federal Reserve Bank of New York and (2) the United States District Court for the District of South Carolina. The basis for the Government's application is contained in the Memorandum in Support, filed contemporaneously herewith. A proposed order is also submitted for the convenience of the Court.

1. This case was filed by Lynne E. Szymoniak on or about November 12, 2010. It was served on the Office of the United States Attorney for the Western District of North Carolina on or about November 12, 2010. An Order was entered on January 18, 2011, extending the seal

through July 18, 2011.

2. In order for the investigation to proceed, the relator has consented to the filing of this motion and to the entry of an order partially unsealing this case for the express purpose of allowing the United States to furnish the complaint, disclosure statement and all other relevant documents, whether or not under seal, to the Federal Reserve Bank of New York and the United States District Court for the District of South Carolina.

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CERTIFICATE OF SERVICE AND NO SERVICE

I hereby certify that on the 23rd day of February, 2011, a true and correct copy of the foregoing United States' Second Motion for Partial Lifting of the Seal was served upon the parties below by mailing a copy thereof, postage prepaid and properly addressed as indicated. The Memorandum in Support of that Motion has not been served upon the parties noted below because that pleading refers to details of the Government's investigation of this case.

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ORDER PARTIALLY UNSEALING CASE

This cause, coming on for consideration before the undersigned Chief United States District Court Judge Upon the United States' Second Motion to Partially Unseal Case, for the reasons stated in the motion, and for good cause shown,

IT IS THEREFORE ORDERED that the United States' Second Motion to Partially Unseal Case, including disclosure of the Complaint and other pertinent information to the Federal Reserve Bank of New York and to the United States District Court for the District of South Carolina, is hereby GRANTED.

IT IS FURTHER ORDERED that the Complaint and all other filings shall remain under seal, except insofar as that seal has been partially lifted by the Court.

This the _____ day of _____, 2011.

ROBERT J. CONRAD, JR.
CHIEF DISTRICT COURT JUDGE