

**FILED**  
CHARLOTTE, NC

MAY 03 2012

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

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

UNITED STATES OF AMERICA, *et al.*  
*ex rel.* LYNN E. SZYMONIAK,

Plaintiffs,

v.

[SEALED] ET AL.

Defendants.

CIVIL NO. 3:10CV575-RJC

[FILED UNDER SEAL  
PURSUANT TO  
31 U.S.C. § 3730(B)(2)]

**STIPULATION OF PARTIAL DISMISSAL OF CLAIMS**

Pursuant to the agreement of the parties, 31 U.S.C. § 3730(b)(1), Federal Rule of Civil Procedure 41(a)(1)(a), and for the reasons stated in the attached Memorandum, the United States and Lynn E. Szymoniak (Relator) seek the Court’s approval for the partial dismissal of Relator’s claims against: (1) Ally Financial, Inc. f/k/a GMAC, Inc.; (2) Bank of America as successor-in-interest to Countrywide Financial Corporation; (3) BAC Home Loan Servicing, LLP; (4) Banc of America Mortgage Securities, Inc.; (5) Chase Home Finance; (6) Citimortgage, Inc.; and (7) Wells Fargo Home Mortgage d/b/a America’s Servicing Company (collectively the “Settling Defendants”).

On February 4, 2012 the United States District Court for the District of Columbia entered five Consent Judgments implementing settlement agreements between the United States and the Settling Defendants and their affiliates (the “Consent Judgments”). *See United States v. Bank of America et al.*, No. 12-civ-0361-RJC (D.D.C.) (Docket Nos. 10 to 14). The Consent Judgments

release some of Relator's federal False Claims Act claims against the Settling Defendants in this action. The relator has consented to the settlement of those claims, and has also reached an agreement with the United States as to a relator share of those claims. No resolution has been reached between relator and the Settling Defendants as to any applicable attorney's fees and costs.

Based on these agreements, the United States and Relator ask this Court to approve the dismissal of all of the claims alleged in Relator's complaints against the Settling Defendants that were released by the United States in the Consent Judgments. Copies of the Consent Judgments that identify the released claims are attached to the Memorandum in Support. The United States and Relator do not seek dismissal of any claims other than those released in the Consent Judgments, or of any other defendants.

The Relator and the Settling Defendants have not resolved any right Relator has to attorney's fees and costs pursuant to 31 U.S.C. § 3730(d) in connection with the Consent Judgments, and Relator reserves any rights she has to costs and fees under the False Claims Act.

The Settling Defendants have not yet been served in this action. However, each one has been provided a redacted Complaint.

For these reasons, the United States and Relator ask for the Court's approval of the partial dismissal of the claims against the Settling Defendants.

Respectfully submitted,

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ANNE M. TOMPKINS  
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Dated: 5/3/12

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ATTORNEYS FOR THE  
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**CERTIFICATE OF SERVICE AND NO SERVICE**

I hereby certify that on the 3rd day of May, 2012, a true and correct copy of the foregoing Notice of Intervention in Part for the Purpose of Partial Settlement, Stipulation of Partial Dismissal of Claims was served upon the parties below by mailing a copy thereof, postage prepaid and properly addressed as indicated. The Memorandum in Support of Stipulation and Order 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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