

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

FILED
CHARLOTTE, NC
DEC 10 2010
U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

U.S. ex rel. [UNDER SEAL],)
)
Plaintiff,)
)
v.)
)
ACE SECURITIES CORPORATION,)
et al.,)
)
Defendants.)

CIVIL NO. 3:10CV575-RJC

MEMORANDUM IN SUPPORT OF
MOTION TO PARTIALLY UNSEAL CASE

COMES NOW the United States of America, by and through the undersigned United States Attorney for the Western District of North Carolina, and moves the Court to partially unseal the above-captioned case pursuant to 31 U.S.C. § 3730(b)(3). In support of its motion the United States shows unto the Court as follows:

1. This case was filed by Lynn 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.

2. Ms. Szymoniak filed the case under the False Claims Act ("FCA"), 31 U.S.C. § 3729 *et seq.* and alleges, *inter alia*, that the Defendants knowingly, unlawfully and wrongfully submitted false claims and statements to officials of the United States of America and the State of North Carolina, among other states, for the purpose of obtaining payment in violation the various regulations.

3. This matter is a *qui tam*, or whistleblower case, and Ms. Szymoniak, having

brought the matter to the attention of the government, is known as the relator.

4. The United States government is investigating the allegations as allowed by statute in order to make an intervention decision. It needs the assistance of the North Carolina Office of the Attorney General, and other North Carolina agencies, to include, but be not limited to, the Commissioner of Banks, the Commissioner of Insurance, the Secretary of State and the State Treasurer, in order to complete its investigation.

5. Once the government intervenes, it has the primary responsibility for prosecuting the action pursuant to the terms of 31 U.S.C. § 3730(c)(1).

6. The lifting of the seal in *qui tam* matters is expressly authorized by 31 U.S.C. § 3730(b)(3).

7. In order for the investigation to move forward, 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 various agencies in State of North Carolina.

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CERTIFICATE OF SERVICE AND NO SERVICE

I hereby certify that on the 10th day of December, 2010, a true and correct copy of the foregoing United States' 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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