

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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UNITED STATES ex rel. SZYMONIAK, et al.,)	
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Plaintiffs,)	C.A. No. 01-cv-01465-JFA
)	
v.)	
)	
)	
AMERICAN HOME MORTGAGE)	
SERVICING, et al.,)	
)	
Defendants,)	
)	
_____)

DECLARATION OF WILLIAM O. BITTMAN, JR.

I, William O. Bittman, Jr., hereby declare as follows:

1. I am currently employed by the U.S. Department of Justice as an Investigator with the Fraud Section of the Civil Division. In this capacity, I am responsible for providing various forms of support for investigations and litigation handled by the Fraud Section.

2. In April 2011, I was tasked with making arrangements for a meeting between representatives of the Federal Reserve Bank of New York (“FRBNY”) and representatives of the Justice Department, the U.S. Attorney’s Office for the District of South Carolina, and the U.S. Attorney’s Office for the Western District of North Carolina. In making those arrangements, I conferred and exchanged e-mails with Shari Leventhal, Esq., Assistant General Counsel and Senior Vice President, FRBNY.

3. On April 6, 2011, I initiated contact with Ms. Leventhal to arrange the meeting

and transmitted to her by e-mail a copy of a Szymoniak qui tam complaint filed in the District of South Carolina and a copy of a Szymoniak qui tam amended complaint filed in the Western District of North Carolina (collectively the “complaints”). I provided the complaints to Ms. Leventhal because I understood such disclosure was allowed as a result of prior partial lift-seal orders that allowed disclosure to the FRBNY.

4. On April 18, 2011, Ms. Leventhal sent me an e-mail to confirm the arrangements for our meeting at the FRBNY. In her e-mail, Ms. Leventhal further advised:

I also wanted to ask if we might have some representatives from BlackRock, as our portfolio managers, sit in on the meeting. They are particularly familiar with the securities in the portfolios and I think their input might prove helpful. Please let me know if I can invite them.

5. Upon receiving her request, I conferred with an attorney in the Fraud Section, and followed up that day by calling back Ms. Leventhal. During our conversation on April 18th, Ms. Leventhal confirmed to me that she had not shared the complaints with BlackRock or anyone else. She also advised me that FRBNY relies heavily on BlackRock and that they had confidentiality agreements and other mechanisms to prevent improper internal disclosures, e.g., “Chinese walls” and conflict-of-interest agreements.

6. I proceeded to confer with two attorneys in the Fraud Section, William C. Edgar and John Warshawsky, on April 18th-19th, regarding the possible participation of BlackRock at the meeting. As a result of those discussions, I was directed on April 19th that BlackRock could participate in the meeting, provided the BlackRock officials were to be advised only that the Justice Department was conducting an investigation and that the officials were not to be advised of the *qui tam* action or the relator’s involvement in the matter.

7. I proceeded to call Ms. Leventhal on April 19th and advised her that BlackRock's representatives could participate in the meeting at the FRBNY. During that discussion, I reaffirmed that BlackRock's participation would be allowed with the understanding that the Justice Department did not intend to reveal to BlackRock the sources of its investigations. I confirmed our telephone conversation with an e-mail to Ms. Leventhal on April 19th, at 3:18 p.m., stating, in pertinent part, "We feel it is alright to have the Black Rock representatives participate. Per our discussion, as long as everybody is sensitive to the underlying source."

8. The meeting was held on April 28, 2011, attended by Justice Department officials at the FRBNY's offices in New York to discuss, among other things, the FRBNY's involvement with the "Maiden Lane" companies.

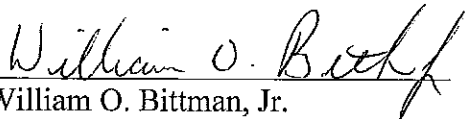
9. BlackRock's representatives participated in the April 28, 2011 meeting by telephone, and during the course of the the meeting, it became apparent that the complaints had been shared with BlackRock's representatives. Based on the discussion at the meeting, I believe that the disclosure to BlackRock was inadvertent and was the result of a misunderstanding between Ms. Leventhal and me.

10. During the meeting, Justice Department attorneys directed the BlackRock representatives to determine the identity of anyone who had been shown or advised of the complaints or the relator, to recover or destroy any copies of the complaints, and to inform any

such persons of the sealed nature of the litigation and their duties to maintain the confidentiality of matters related to the litigation.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2011
Washington, D.C.


William O. Bittman, Jr.