

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:) NO. 3:07-mc-135
)
A MATTER UNDER INVESTIGATION)
BY GRAND JURY NUMBER 3)
(#2007R00845)) FILED UNDER SEAL

MOTION TO UNSEAL

Comes now the United States of America, by and through its undersigned Assistant United States Attorney, and moves this Honorable Court for an Order unsealing certain orders in the above-referenced miscellaneous case.

On or about July 13, 2007, the United States filed an application for entry of a pre-indictment restraining order and appointment of a receiver in the above-referenced case. On or about August 2, 2007, United States District Judge Margaret B. Seymour issued a sealed pre-indictment restraining order in the above-referenced case. Subsequently, the court issued a sealed preliminary injunction and also appointed Attorney Beattie B. Ashmore, Esquire to serve as Receiver.

On or about May 27, 2008, a Criminal Complaint was issued charging **Tony Pough**, **Joseph Brunson** and **Timothy McQueen** with violations of Title 18, United States Code, Section 1349. The defendants were arrested, made appearances and let to bond following a detention hearing before United States Magistrate Judge Joseph R. McCrorey. Since the filing of the complaint and the detention hearing, a number of potential victims have spoken to the FBI and have supplied information relevant to this ongoing investigation.

On June 20, 2008, a federal grand jury sitting in Columbia, South Carolina, issued a thirty-six count indictment charging the defendants named above with one (1) count of conspiracy to commit mail fraud and with numerous substantive mail fraud counts. The indictment also included a detailed forfeiture allegation listing many of the properties uncovered or seized by the Receiver.

The grand jury investigation in this case is continuing and a superseding indictment charging other offenses is expected. However, as the above-referenced indictment has now been returned, The United States submits that it would be proper at this time to unseal the Court's Orders filed under seal on September 5, 2007, September 18, 2007 and November 27, 2007. Inasmuch as substantial evidence has been detailed in a criminal complaint and at a detention hearing there is no further need to keep the existence and the identity of the receiver from the public domain. Moreover, the unsealing of the orders referenced herein should assist the receiver in the performance of his duties.

Respectfully submitted,

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