

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)	RESPONSE TO RECEIVER
JURY NUMBER 1)	
(#2007r00845))	
_____)	

In response to the “presentation” of counsel for the Receiver, Timothy McQueen (McQueen), by and through the undersigned counsel, respectfully submits the following:

1. Status of Counsel

In conjunction with the following submission, the undersigned has or will file shortly a motion to be relieved as counsel in the pending criminal matter. That motion will also call into question the authority of the court to appoint counsel for McQueen in the above captioned matter (and therefore the status of the undersigned to submit the following). Accordingly, the following is submitted without prejudice to any issue regarding the status of McQueen’s appointed counsel which is or will be raised in a motion filed or to be filed in the pending criminal matter regarding appointed counsel.

2. Counsel for the Receiver’s “presentation.”

At the closed hearing on February 26, 2009, counsel for the Receiver made a “presentation” and handed up to the court a looseleaf notebook containing a number of documents, copies of letters, e-mails, etc. At the conclusion of the “presentation” the court commented that it was concerned over the asserted non-compliance by McQueen and others in regard to the receivership order and directed that appointed counsel for McQueen (and his co-defendants in the pending criminal matter) submit any response they might have to the “presentation” in two weeks’ time.

At the time of the “presentation” no motion or other pleading had been filed in which the Receiver or the government asserted that McQueen had failed to comply with the Receivership orders or that he should be held in contempt of any of those orders. In addition, the only notice McQueen and his appointed counsel in the criminal matter had of the closed February 26, 2009, hearing was an e-mail from the clerk of court’s office to the effect that the court wished to “take up” the receivership matter following the status conference in the criminal matter. In fact, McQueen’s counsel had not received a copy (and did not even know of its existence until presented with the receiver’s looseleaf binder) of an order entered in this matter on October 10, 2008.

Accordingly, McQueen received no notice of any sort of hearing at which his freedom could be put in jeopardy nor was there pending then, nor is there pending now, any pleading, motion, rule to show cause, or the like that in any way provides McQueen notice of any alleged violation of any order of this court.

Accordingly, there is nothing to which McQueen can reasonably and intelligently respond.

In addition, the “presentation” was nothing more than a soliloquy by counsel for the Receiver using as a script the collection of documents he presented to the court that day. Accordingly, not only was there nothing pending before the court for it to rule on and no notice to McQueen that an event of some significance was to take place, no proper evidence of any alleged violation of any court order was presented at the closed hearing.

3. Counsel for the Receiver’s Complaints.

Counsel for the Receiver appears to be complaining that McQueen failed to timely pay the *ad valorem* taxes on certain real property located at 44 Ravenglass Way, homeowners association assessments and liability and casualty insurance. The simple response to these complaints is that

McQueen has no money with which to pay these bills. The court has entered a series of orders the practical consequence of which is to put the Receiver in control of all of McQueen's assets. In addition, McQueen is the subject of a pending criminal indictment in this court, he is on bond, subject to electronic monitoring and subject to other strict controls as to his movements, associations, etc. Both McQueen and his spouse are also unemployed. Accordingly, to the extent that McQueen is required to pay any amounts pursuant to the various Receivership orders he simply does not have the money to do so.

Respectfully submitted,

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Columbia, South Carolina
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