

COPY

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

FILED
CHARLOTTE, N.C.
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U.S. DISTRICT COURT
W. DIST. OF N.C.

GEORGE AND DOLORES ROLLAR,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants,)
)
RICHARD VASQUEZ,)
)
Intervener.)

PETITION OF INTERVENER
VASQUEZ AND SPECIAL K'S LTD
FOR A SECOND EMERGENCY
DISTRIBUTION OF FUNDS FROM
RECEIVER

Civil Action No. 3:01CV205-McK

NOW COMES INTERVENER RICHARD VASQUEZ, for himself and as sole shareholder and owner of SPECIAL K'S LTD (a Nassau, Bahamas, corporation), by and through the undersigned counsel, and files this petition for a second emergency distribution in the amount of \$50,000.00 from Receiver, Michael J. Quilling, Esq.

STATEMENT OF FACTS

1. On or about November 8, 2001, the Court and Receiver Quilling recognized Intervener Richard Vasquez as a victim of the "ponzi" scheme that lead to the United States' seizure of \$18,823,635.73 from NationsBank, N.A. (now known as Bank of America) and authorized an emergency partial distribution of \$89,987.50.¹

¹ The Consent Order appointing Receiver Quilling provides for the Receiver to make interim distributions:

2. Intervener has since consumed the emergency partial distribution by retiring extensive debts (including avoiding an imminent foreclosure), paying legal fees, and paying general living expenses for him, his wife, and family members whom he helps to support. At the time of the first emergency distribution, Intervener had immediate debts and bills in excess of \$50,000 due or delinquent; retiring those debts alone consumed a substantial portion of the original emergency distribution of \$89,987.50.²

3. Intervener is now again threatened by imminent insolvency because (1) he is of Social Security age and Social Security is his only current source of income, (2) he invested a substantial portion of his life-savings in the subject Gilliland ponzi scheme, and (3) it has been four years since he made this investment and over three and one half years since the government seized the subject funds.

16. The undersigned counsel has spoken to Receiver Quilling and counsel for Plaintiff Rollar (Rodney Alexander, Esq.) about this emergency distribution. Neither opposes this request for emergency distribution to Intervener. While Receiver Quilling does not oppose the distribution, he notes that the claim of A.C. Mohr -- if such claim were legitimate -- would substantially impact the size of Intervener's ultimate distribution. However, Receiver Quilling,

After the [Receiver] has been appointed, the Court, on its own motion or the motion of a party, may order interim distributions from the seized funds if, in the Court's judgment, such distributions can be made without prejudice to claimants or potential claimants who may have a cognizable interest in the seized funds.

See Consent Order.

² When Intervener made his first request for emergency distribution, he sought a twenty-five percent (25%) interim distribution in the amount of \$224,968.75. Because of Receiver's then-legitimate concerns about the total number of potential claims, Receiver only recommended and Intervener only received the ten percent (10%) distribution of \$89,987.50.

Plaintiff Rollar, and Intervener Vasquez all take the position that the claim of A.C. Mohr should be dismissed since Mr. Mohr was convicted of fraud in Norway relating to the very funds under receivership. Mohr should not be allowed to continue his fraud, further harming Intervener Vasquez by forcing Intervener into insolvency resulting from additional delays in distribution.

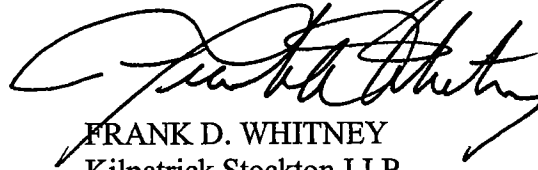
PRAYER FOR RELIEF

Intervener prays the Court to:

- 1) Direct Receiver Michael J. Quilling to take appropriate steps to immediately release to Intervener through his counsel of record a portion of his share of the seized funds in the amount of \$50,000.00; or,
- 2) In the alternative, direct Receiver Michael J. Quilling to take appropriate steps to immediately release to Intervener through his counsel of record as large a portion of his share of the seized funds as the Court deems appropriate without prejudicing any other existing or potential claimant; and,
- 3) Order such further relief as the Court deems appropriate.

Respectfully submitted this the 20th day of February 2002.

COUNSEL FOR RICHARD VASQUEZ



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CERTIFICATE OF SERVICE

The undersigned certifies that on this date a copy of the foregoing Complaint of Intervener Richard Vasquez was placed in First Class United States Mail to the following:


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This the 20th day of February 2002.


Frank D. Whitney
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