

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE: ALL FUNDS ON DEPOSIT IN)
ACCOUNT NUMBER 000669829075 in)
THE BANK OF MM ACME BANQUE DE)
COMMERCE, INC., AT NATIONSBANK,)
N.A., CONSISTING OF \$18,756,420.97,)
MORE OR LESS.)

C.A. NO. 3:98mc96-McK

_____))
GEORGE AND DOLORES ROLLAR,)

))
Plaintiffs,)

v.)

C.A. NO. 3:01CV205-McK

))
UNITED STATES OF AMERICA, et al.,)

))
Defendants.)

))
RICHARD VASQUEZ,)

))
Intervener.)
_____)

**MOTION OF GEORGE AND DOLORES ROLLAR
FOR AWARD OF ATTORNEYS' FEES AND COSTS**

George and Dolores Rollar file this Motion for Award of Attorneys' Fees and Costs and in support of such would show the Court as follows:

1. In December 1998, the government seized over \$18 million of the proceeds of an international Ponzi scheme from a NationsBank account in the name of M.M. A.C.M.C Banque De Commerce, Inc. (the "Seized Funds"). Plaintiffs George and Dolores Rollar (the "Rollars") were among the many victims of the fraudulent scheme and claimed entitlement to \$12.5 million of the Seized Funds. The Rollars filed this lawsuit after waiting over two years for the government to return their money to them. The Rollars' lawsuit served as a catalyst in the

appointment of a Receiver and the return of a substantial portion of the Seized Funds to the rightful owners.

2. The Rollars have spent over \$290,000 in the prosecution of this case. Although there is no question that the Rollars have benefited from the success of the litigation, so have many other victims of the scheme who have not had to pay the substantial legal fees borne by the Rollars. The Rollars, through their “trailblazing” efforts, have conferred a benefit on the other claimants to the Seized Funds, and it would be unjust to require them to bear the full burden of those efforts alone.

3. Pursuant to the common fund doctrine recognized in *Alyeska Pipeline Serv. Co. v. Wilderness Soc.*, 421 U.S. 240, 257 (1975), and elsewhere, and in order to prevent unjust enrichment, the Court has the power to award the Rollars the portion of their attorneys’ fees which benefited all of the claimants to the Seized Funds.

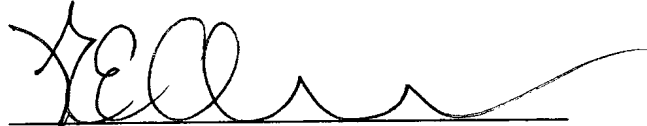
4. Consequently, the Rollars move the Court to reimburse them for \$148,276.57 in legal fees and costs (representing less than .7% of the approximately \$20.5 million total of the Seized Funds). These fees and costs are far less than the total amount incurred by the Rollars and are for services that clearly benefited *all* of the claimants and potential claimants to the Seized Funds, not just the Rollars. The Rollars ask that the Court make this reimbursement directly from the Seized Funds so that all of the parties which have benefited from the efforts of the Rollars’ counsel, including the Rollars, will equitably bear their share of the costs.

5. In support of this Motion, the Rollars rely upon the (a) Memorandum of Authorities in Support of Motion of George and Dolores Rollar for Award of Attorneys’ Fees and Costs and (b) Affidavit of Rodney E. Alexander in Support of Motion of George and Dolores Rollar for

Award of Attorneys' Fees and Costs, both of which are being filed contemporaneously with this Motion.

This the 14th day of October, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RE Alexander', written over a horizontal line.

Rodney E. Alexander
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**ATTORNEYS FOR PLAINTIFFS
GEORGE AND DOLORES ROLLAR**

CERTIFICATE OF SERVICE

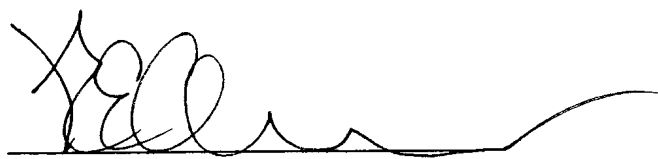
I hereby certify that a copy of the foregoing **MOTION OF GEORGE AND DOLORES ROLLAR FOR AWARD OF ATTORNEYS' FEES AND COSTS** was served by depositing a copy of same in the U.S. Mail, postage prepaid and addressed as follows:

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This the 14th day of October, 2003.


Rodney E. Alexander