

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-1041**

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In Re: Federal Grand Jury Proceedings

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:06-dm-00399-LMB)

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Submitted: May 23, 2007

Decided: July 12, 2007

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Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Patrick J. Hanley, Covington, Kentucky; Sean C. E. McDonough, HUDGINS LAW FIRM, Alexandria, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Thomas H. McQuillan, Assistant United States Attorney, Olivia Hussey, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

This is an appeal from the district court's order granting the Government's motion to compel compliance with the subpoena duces tecum and denying Intervenor-Appellant's motion to quash grand jury subpoenas. Finding no abuse of discretion, we affirm.

We find the district court did not abuse its discretion in finding that the Government made a prima facie showing that the crime-fraud exception applied and that the defendant waived in part the attorney-client privilege. In re Grand Jury Proceedings #5 Empaneled January 28, 2004, 401 F.3d 247, 254 (4th Cir. 2005) (stating standard of review).

Accordingly, we affirm the district court's order granting the Government's motion to compel compliance with the subpoena duces tecum and denying Intervenor-Appellant's motion to quash grand jury subpoenas. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED