

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEOFFREY A. HOLLIS, SHARON)
R. HOLLIS, EDMUND J. MANSOR, and)
ROBERTA M. MANSOR)
)
Plaintiffs,)
v.)
)
JPMORGAN CHASE BANK, N.A.)
)

Defendant)

Civil Action No. 1:12-cv-10544-JGD

**PLAINTIFFS' REQUEST FOR CLARIFICATION AND
CONDITIONAL REQUEST FOR CERTIFICATION PURSUANT TO 28 U.S.C. § 1292(b)**

NOW COME Plaintiffs in the above entitled action and hereby request clarification of this Court's Order (Doc. 140), granting Defendant's Motion for Leave to File Reply and to Provide Sealed Filings to Certain Governmental Agencies (Doc. 138).

In its Order, the Court instructed Defendant to "confirm that the third parties are asserting a privilege over the same documents as the Bank". By this language, Plaintiffs understand the Court to mean that it is prepared to rely on the attestation of the Defendant to confirm whether or not any Bank Secrecy Act privilege is being asserted by the United States Treasury, both by its Office of the Comptroller of the Currency ("OCC") and its Financial Crimes Enforcement Network ("FinCEN").

If this is so, the Court is permitting and therefore authorizing the Defendant, a commercial banking institution, to act as an agent for the United States government, without citing any legal authority and without precedent in any American state or federal court, of which Plaintiffs are aware. To assert any alleged privilege, it is incumbent upon the OCC and/or FinCEN to formally intervene in this action under Fed.R.Civ.P. Rule 24. Neither has elected to do so to date.

If this was in fact the Court's intention, under the circumstances, Plaintiffs hereby request that the Court certify the issue to the First Circuit Court of Appeals for immediate appellate review, pursuant to 28 U.S.C. § 1292(b).

For the Plaintiffs,
By their Attorney,

s/Keith L. Miller

Keith L. Miller
BBO# 347280
Fifty-Eight Winter Street, 4th Floor
Boston, MA 02108
(617) 523-5803

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 23, 2013.

/s/ Keith L. Miller
Keith L. Miller