

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

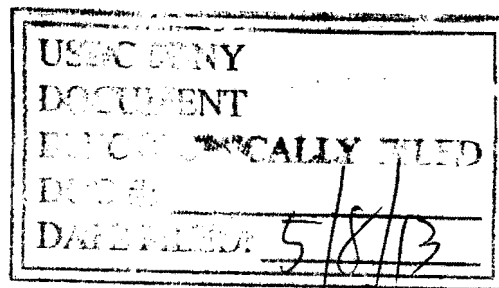
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UNITED STATES OF AMERICA,

Plaintiff,

-v-

COUNTRYWIDE FINANCIAL CORPORATION;  
COUNTRYWIDE HOME LOANS, INC.;  
COUNTRYWIDE BANK, FSB; BANK OF  
AMERICA CORPORATION; BANK OF AMERICA,  
N.A.; and REBECCA MAIRONE,

Defendants.  
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12 Civ. 1422 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Pending before the Court in the above-captioned case is a motion by defendants Countrywide Financial Corporation; Countrywide Home Loans, Inc.; Countrywide Bank, FSB; Bank of America Corporation; and Bank of America, N.A. (collectively, the "Bank Defendants") to dismiss the Amended Complaint against them pursuant to Federal Rule of Civil Procedure 12(b)(6). Also pending is a motion by defendant Rebecca Mairone to dismiss the Amended Complaint against her pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6). The Court heard oral argument on these motions on April 29, 2013.

After careful consideration of the parties' written submissions and oral arguments, and for reasons that will be stated in a forthcoming written opinion, the motions are granted in part and denied in part. Specifically, the Bank Defendants'

motion to dismiss Counts I and II of the Amended Complaint (for damages and civil penalties under the False Claims Act) is hereby granted, with prejudice. The defendants' motions to dismiss Counts III and IV (for civil penalties under FIRREA) are hereby denied.

The Clerk of the Court is directed to close documents numbered 33 and 51 on the docket sheet of this case.

SO ORDERED.

  
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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
May 8, 2013