

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR FAIRFAX COUNTY**

COMMONWEALTH OF VIRGINIA	)
<i>ex rel</i>	)
Nisar A. Siddiqui,	)
Plaintiffs,	)
v.	)
NAVY FEDERAL CREDIT UNION, et al.	)
Defendants.	)

Law No. 2007-02169

**FINAL ORDER OF DISMISSAL WITH PREJUDICE**

THIS DAY came the Parties to the above-captioned case and represented to the Court that the matters at issue have been resolved; and

**IT APPEARING TO THE COURT:**

THAT this civil action was commenced by Relator Nisar A. Siddiqui pursuant to the *qui tam* provisions of the Virginia Fraud Against Taxpayers' Act by Siddiqui on or about February 27, 2007; and

THAT the Complaint was served on the Commonwealth, which determined not to intervene and to allow the relator to prosecute the action as a *qui tam* case, and filed its notice to that effect with the Court on or about June 28, 2007;

THAT the Attorney General for the Commonwealth of Virginia, through endorsement of this Order, has given written consent to the dismissal with prejudice of this matter for the reasons set forth herein;

THAT this Court, through the issuance of this Order, has given written consent to the

dismissal with prejudice for the reasons set forth herein, and;

THAT consent by the Attorney General and the Court to dismissal with prejudice of this matter is appropriate for the following reasons:

1. Relator and the Commonwealth contend that \$155,000 remained in mortgage accounts at Navy Federal Credit Union, which funds were allegedly required to be escheated to the Commonwealth.

2. Without admitting any liability, the defendants have agreed to pay the amounts alleged to be due and to settle the claims asserted in this case in the total amount of \$640,000, which amount is broken down as follows:

(a) The relator's claims pursuant to Virginia Code § 8.01-216.7(B), have been settled between the defendants and the relator for the reasonable attorney's fees, costs and expenses necessarily incurred in the amount of \$100,000 as provided in Va. Code §8.01-216.7(B), these amounts having been reasonably incurred in the recovery of the amounts detailed herein;

(b) The relator's employment-related claims pursuant to Va. Code §8.01-216.8 have been settled for \$5,000;

(c) The Commonwealth, the relator, and the defendants have also settled the action based upon the government's claims under Va. Code § 8.01-216.3 for a recovery to the Commonwealth of \$535,000, which amount constitutes \$155,000 in allegedly unclaimed property, treble damages and civil penalties, pursuant to Va. Code §8.01-216.3(A), and;

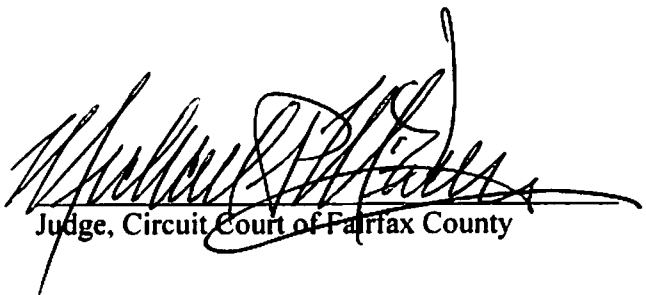
(d) The Commonwealth and the relator have agreed that the Commonwealth shall pay 28.0181% of the \$535,000 recovered as unclaimed property, civil penalties and treble damages, that being the amount of \$149,896.83, to the relator for collecting the civil penalties and damages, as set

forth in Va. Code § 8.01-216.7(B).

3. That the Commonwealth and Navy Federal Credit Union have reached an agreement regarding the review of other accounts at the credit union. Pursuant to the terms of that agreement, and as detailed in the Settlement Agreement entered into between the parties, Navy Federal Credit Union has agreed to voluntarily undergo a compliance review and to pay any amounts that may be due pursuant to such review. The Commonwealth, in return, has agreed to limit the remedies it may seek with respect to the accounts to be reviewed.

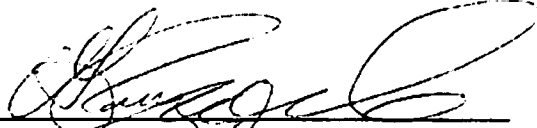
4. The settlement terms described above as they relate to this cause are reasonable and appropriate.

IT IS HEREBY ORDERED this 29<sup>th</sup> day of October, 2008, that, in consideration of the settlement of the action by the parties, and with the consent of the Attorney General and this Court, as provided in §8.01-216.5(A), the Relator's complaint be and is hereby DISMISSED WITH PREJUDICE.  
SO ORDERED.

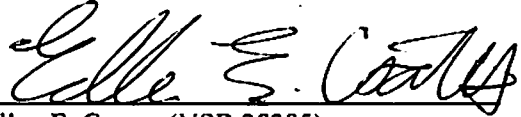


Judge, Circuit Court of Fairfax County

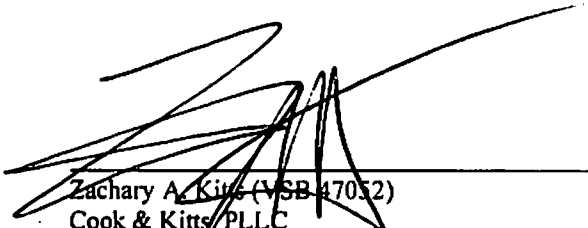
WE ASK FOR THE ENTRY OF THIS ORDER:



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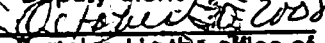
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A COPY TESTE:  
JOHN T. FREY, CLERK

BY:   
Deputy Clerk

Date:   
Original retained in the office of  
the Clerk of the Circuit Court of  
Fairfax County, Virginia