

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

CIVIL DIVISION
DOCKET NO. 217-4-16 Wncv

STATE OF VERMONT,)
)
THROUGH MICHAEL S. PIECIAK,)
IN HIS OFFICIAL CAPACITY)
AS COMMISSIONER OF THE)
VERMONT DEPARTMENT OF)
FINANCIAL REGULATION,)
)
and)
)
ATTORNEY GENERAL)
THOMAS J. DONOVAN, JR.,)
)
Plaintiffs,)

v.)
)
ARIEL QUIROS; WILLIAM STENGER;)
JAY PEAK HOTEL SUITES L.P.; JAY)
PEAK HOTEL SUITES PHASE II L.P.;)
JAY PEAK MANAGEMENT, INC.;)
JAY PEAK PENTHOUSE SUITES L.P.;)
JAY PEAK GP SERVICES, INC.;)
JAY PEAK GOLF AND MOUNTAIN)
SUITES L.P.; JAY PEAK GP SERVICES)
GOLF, INC.; JAY PEAK LODGE AND)
TOWNHOUSES L.P.; JAY PEAK GP)
SERVICES LODGE, INC.; JAY PEAK)
SUITES STATESIDE L.P.; JAY PEAK)
GP SERVICES STATESIDE, INC.;)
JAY PEAK BIOMEDICAL RESEARCH)
PARK, L.P.; and ANC BIO VERMONT)
GP SERVICES, LLC)

Defendants.)

MOTION TO FILE DOCUMENTS
UNDER SEAL

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109 State Street
Montpelier, VT
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Plaintiff, the State of Vermont, hereby moves for an Order authorizing Plaintiff to file certain documents under seal in connection with the State's Motion to Rule Documents Discoverable and for Declaratory Relief, which is being filed simultaneously with this motion. In support of this Motion, the State states as follows:

1. The State has alleged that Defendants committed securities and consumer protection fraud in connection with multiple EB-5 projects in the Northeast Kingdom of Vermont. The Securities and Exchange Commission (SEC) brought a similar civil securities fraud case in the U.S. District Court for the Southern District of Florida. The Defendants' EB-5 projects and the now-pending EB-5 litigation have sparked significant public interest.

2. Plaintiff has filed contemporaneously herewith a Motion to Rule Documents Discoverable under 1 V.S.A. section 317(c)(14) and for related declaratory relief (the Documents Motion). To assist the Court in evaluating the Documents Motion, if the Court grants this Motion to Seal, Plaintiff will file with the Court as an exhibit the documents, stripped of personally identifiable information ("PII"), as defined by 9 V.S.A. §2430(5)(A) but containing other potentially private information such as the names and addresses of investors and other third parties.

3. Vermont Rule of Public Access 7(a) authorizes the Court to deny public access to filings and proceedings in some circumstances, for good cause shown.

V.R.P.A.C.R. 7(a) (" the Presiding Judge may seal from public access a record to which the public has access..."). In order to submit the documents for the Court's *in camera* consideration, Plaintiff requests an Order authorizing the filing of the sample documents under seal, thereby making the documents available to the Court.

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4. Plaintiff proposes the sample documents be placed on a thumb drive and sealed in a plain envelope and requests the Court authorize that the documents may be filed in accordance with this procedure.

DATED at Montpelier, Vermont this 23rd day of February 2018.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: 

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Counsel for Plaintiff
State of Vermont
Office of the Attorney General
and Department of Financial Regulation

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February 2018, I served Plaintiff's *Motion to File Documents Under Seal* by sending same via first class mail, postage prepaid, to the following:

Ritchie Berger, Esq.
Dinse, Knapp & McAndrew, P.C.
P.O. Box 988
209 Battery Street
Burlington, VT 05402

Attorney for Defendant Ariel Quiros.

David Cleary, Esq.
Cleary, Shahi & Aicher, P.C.
110 Merchants Row, Suite 3
P.O. Box 6740
Rutland, VT 05701

Attorney for Defendant William Stenger.

Michael Goldberg, Esq.
Akerman LLP
350 East Las Olas Boulevard
Suite 1600
Fort Lauderdale, FL 33301

Receiver for Defendants Q Resorts, Inc.; Jay Peak, Inc.; Jay Peak Hotel Suites L.P.; Jay Peak Hotel Suites Phase II L.P.; Jay Peak Management, Inc.; Jay Peak Penthouse Suites L.P.; Jay Peak GP Services, Inc.; Jay Peak Golf and Mountain Suites L.P.; Jay Peak GP Services Golf, Inc.; Jay Peak Lodge and Townhouses L.P.; Jay Peak GP Services Lodge, Inc.; Jay Peak Suites Stateside L.P.; Jay Peak GP Services Stateside, Inc.; Jay Peak Biomedical Research Park, L.P.; and AnC Bio Vermont GP Services, LLC.

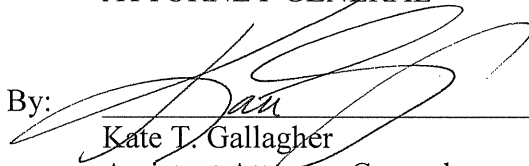
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DATED at Montpelier, Vermont this 23rd day of February 2018

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