

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID JACOBS and GARY HINDES, on
behalf of themselves and all others similarly
situated, and derivatively on behalf of the
Federal National Mortgage Association and
Federal Home Loan Mortgage Corporation,

Plaintiffs,

v.

THE FEDERAL HOUSING FINANCE
AGENCY, in its capacity as Conservator of the
Federal National Mortgage Association and the
Federal Home Loan Mortgage Corporation,
and THE UNITED STATES DEPARTMENT
OF THE TREASURY,

Defendants,

and

THE FEDERAL NATIONAL MORTGAGE
ASSOCIATION and THE FEDERAL HOME
LOAN MORTGAGE CORPORATION,

Nominal Defendants.

Civil Action No.: 15-708-GMS

**STIPULATION & [PROPOSED] ORDER TO MODIFY BRIEFING SCHEDULE
FOR DEFENDANTS' RESPONSE TO PLAINTIFFS' APPLICATION FOR
CERTIFICATION TO THE DELAWARE AND VIRGINIA SUPREME COURTS OF
NOVEL AND UNDECIDED ISSUES OF STATE LAW**

WHEREAS, on January 15, 2016, Plaintiffs filed an Application for Certification to the Delaware and Virginia Supreme Courts of Novel and Undecided Issues of State Law (D.I. 24) (the "Application for Certification"); and

WHEREAS, pursuant to D. Del. LR 7.1.2(b), the deadline for Defendants to respond to the Application for Certification is February 1, 2016;

WHEREAS, on January 15, 2016, Plaintiffs filed a Brief in Opposition to Defendants' Motions to Dismiss (D.I. 23); and

WHEREAS, pursuant to the Court's Order dated October 5, 2015 (D.I. 14), the deadline for Defendants to file reply briefs in support of their Motions to Dismiss is February 16, 2016; and

WHEREAS, the parties agree that an extension of the deadline for the response to the Application for Certification to February 16, 2016 would be in the interest of efficiency for the Court and the parties;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel to the parties, subject to the approval and Order of the Court, that Defendants shall have until February 16, 2016 to file a joint response to the Application for Certification. Plaintiffs shall have until February 26, 2016 to file their reply in support of the Application for Certification.

[Signature pages follow]

/s/ Christopher N. Kelly

MYRON T. STEELE (DE Bar No. 2)
MICHAEL A. PITTENGER (DE Bar No. 3212)
CHRISTOPHER N. KELLY (DE Bar No. 5717)
Potter Anderson Corroon LLP
Hercules Plaza
1313 North Market Street, 6th Floor
Wilmington, DE 19801
(302) 984-6000
msteele@potteranderson.com
mpittenger@potteranderson.com
ckelly@potteranderson.com

Attorneys for Plaintiffs

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director

/s/ Thomas D. Zimpleman

DEEPTHY C. KISHORE
THOMAS D. ZIMPLEMAN
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044
(202) 305-9855
thomas.d.zimpleman@usdoj.gov

CHARLES M. OBERLY, III
United States Attorney,
District of Delaware

JENNIFER HALL (DE Bar No. 5122)
Assistant United States Attorney
1007 Orange Street, Suite 700
Wilmington, DE 19899-2046
(302) 573-6277

*Attorneys for Defendant U.S. Department of the
Treasury*

/s/ Robert J. Stearn, Jr.

ROBERT J. STEARN, JR. (DE Bar No. 2915)
ROBERT C. MADDOX (DE Bar No. 5356)
Richards, Layton & Finger, P.A.
920 North King Street
Wilmington, DE 19801
(302) 651-7700
stearn@rlf.com
maddox@rlf.com

*Attorneys for Defendants Federal Housing
Finance Agency, Federal National Mortgage
Association, and Federal Home Loan Mortgage
Corporation*

HOWARD N. CAYNE (admitted *pro hac vice*)
ASIM VARMA (admitted *pro hac vice*)
DAVID BERGMAN (admitted *pro hac vice*)
Arnold & Porter LLP
601 Massachusetts Avenue
Washington, DC 20001
(202) 942-5000
(202) 942-5999 (fax)
Howard.Cayne@aporter.com
Asim.Varma@aporter.com
David.Bergman@aporter.com

*Attorneys for Defendant Federal Housing
Finance Agency*

MICHAEL JOSEPH CIATTI
(admitted *pro hac vice*)
GRACIELA MARIA RODRIGUEZ
(admitted *pro hac vice*)
King & Spalding LLP
1700 Pennsylvania Avenue N.W.
Washington, DC 20006
(202) 626-5508
(202) 626-3737
mciatti@kslaw.com
gmrodriguez@kslaw.com

*Attorneys for Defendant Federal Home Loan
Mortgage Corporation*

Dated: January 28, 2016

PAUL D. CLEMENT
(admitted *pro hac vice*)
D. ZACHARY HUDSON
(admitted *pro hac vice*)
Bancroft PLLC
1919 M Street, N.W., Suite 470
Washington, DC 20036
(202) 234-0090
(202) 234-2806 (fax)
pclement@bancroftpllc.com
zhudson@bancroftpllc.com

*Attorneys for Defendant Federal National
Mortgage Association*

IT IS SO ORDERED this _____ day of January, 2016.

United States District Judge