

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER ROBERTS, and THOMAS)
P. FISCHER,)

Plaintiff,)

v.)

THE FEDERAL HOUSING FINANCE)
AGENCY, in its capacity as Conservator)
of the Federal National Mortgage)
Association and the Federal Home Loan)
Mortgage Corporation, MELVIN L.)
WATT, in his official capacity as Director)
of the Federal Housing Finance Agency,)
JACOB J. LEW, in his official capacity as)
Secretary of the Treasury, and THE)
DEPARTMENT OF THE TREASURY,)

Defendants.)

Civil Action No. 1:16-CV-02107

Honorable Edmond E. Chang

**AGREED MOTION FOR AN EXTENSION OF TIME AND
TO EXCEED PAGE LIMITS**

Defendants, Federal Housing Finance Agency, (“FHFA”), Conservator for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, Melvin L. Watt, in his official capacity as Director of the FHFA, the United States Department of the Treasury (“Treasury”) and Jacob J. Lew in his official capacity as Secretary of the Treasury, move pursuant to Federal Rule of Civil Procedure 6(b) for an extension of time to file their responsive pleading. In addition, pursuant to Local Rule 7.1, the parties move for additional pages for briefing of Defendants’ motions to dismiss. In support of the Motion, Defendants state:

1. Plaintiffs filed their Complaint on February 10, 2016 challenging, *inter alia*, the FHFA's authority as Conservator, and the actions FHFA and Treasury have taken relating to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. (Dkt. No. 1.)

2. On March 15, 2016, FHFA filed a motion to transfer this case to the District Court for the District of Columbia, along with three other cases pending in three different district courts (the District of Delaware, the Northern District of Iowa, and the Eastern District of Kentucky), before the Judicial Panel on Multidistrict Litigation. *In re Fed. Hous. Fin. Agency, et al., Preferred Stock Purchase Agreements Third Amendment Litigation*, MDL No. 2713 (March 15, 2016) (Dkt No. 1.) Simultaneously in this Court, FHFA filed a Notice of Filed Motion to Transfer for Coordinated or Consolidated Pretrial Proceedings Under 28 U.S.C. § 1407. (Dkt. No. 13.) In light of the motion to transfer, FHFA, Mr. Watt, Treasury, and Mr. Lew have filed a motion to temporarily stay this case pending a decision from the Judicial Panel. (Dkt. Nos. 23, 24.)

3. Defendants' responsive pleadings are currently due on April 15, 2016. Defendants plan to file motions to dismiss the Complaint.

4. In light of the motion to stay and by agreement of the parties, Defendants request that the Court grant them 30 days after the Court rules on Defendants' motion to stay for Defendants to file their motions to dismiss the Complaint. Plaintiffs request 30 days in which to file their oppositions to the motions to dismiss. Defendants request 30 days for Defendants to file their replies in support of their motions to dismiss. If the motion to stay is granted and the Judicial Panel denies transfer, Defendants request 30 days after the denial in which to file their motions to dismiss.

5. In addition, in accordance with Local Rule 7.1, the Parties request additional pages for their memoranda of law in briefing the motions to dismiss. Defendants anticipate that in order to fully present the arguments for dismissal of the Complaint, FHFA and Mr. Watt (together) and Treasury and Mr. Lew (together) will each require 40 pages for their opening brief, and 25 pages for the reply briefs, respectively. Correspondingly, Plaintiffs request a combined total of 80 pages to respond to the Motions. Neither party objects to these augmented page limitations.

WHEREFORE, Defendants Federal Housing Finance Agency, Melvin Watt, Treasury, and Jacob Lew respectfully requests that the Court grant them 30 days after the Court's ruling on the motion to stay to file their responsive pleading, 30 days for Plaintiff to file its oppositions and 30 days for Defendants to file their replies in support of their motions to dismiss, grant Defendants an additional 40 pages each for their motions to dismiss, grant Plaintiffs a combined total of 80 pages to respond to the motions to dismiss, and grant Defendants 25 pages each to file their replies in support of the motion, and for any such other and further relief the Court deems just and appropriate.

Dated: April 5, 2016

Respectfully submitted,

/s/ Kristen E. Hudson

Kristen Hudson (ARDC #70693)
Kara Allen (ARDC #6280786)
CHUHAK & TECSON, P.C.
30 South Wacker Drive | Suite 2600
Chicago, Illinois 60606
Telephone: (312) 444.9300
Facsimile: (312) 444.9027

KHudson@chuhak.com

KAllen@chuhak.com

*Attorney for Defendants Federal Housing
Finance Agency and Director Melvin L.
Watt*

Howard N. Cayne (D.C. Bar # 331306)
Asim Varma (D.C. Bar # 426364)
David B. Bergman (D.C. Bar # 435392)
ARNOLD & PORTER LLP
601 Massachusetts Avenue NW
Washington, D.C. 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999
Howard.Cayne@aporter.com
Asim.Varma@aporter.com
David.Bergman@aporter.com
*Attorneys for Defendants Federal Housing
Finance Agency and Director Melvin L.
Watt*

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director

s/ Caroline J. Anderson

CAROLINE ANDERSON
DEEPTHY KISHORE
THOMAS ZIMPLEMAN
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530

(P) 202-305-8645 | (F) 202-616-8470

Caroline.J.Anderson@usdoj.gov

*Attorneys for Defendants Department of the
Treasury and Secretary Jacob J. Lew*

CERTIFICATE OF SERVICE

I, Kristen Hudson, the undersigned attorney, hereby certify that I caused the foregoing Agreed Motion for an Extension of Time and to Exceed Page Limits to be served on parties of record this 5th day of April, 2016 by ECF.

By: s/ Kristen E. Hudson
Kristen E. Hudson

Kristen E. Hudson (ARDC #70693)
Kara Allen (ARDC #6280786)
CHUHAK & TECSON, P.C.
30 S. Wacker Drive, Suite 2600
Chicago, IL 60606
(312) 444-9300
khudson@chuhak.com
kallen@chuhak.com