

DOCUMENTS FAIRHOLME'S LAWYERS WON'T GET

JAN. 31, 2016

A three-judge panel decided on Jan. 30, 2017, in *In re United States*, No. 17-104 (Fed. Cir), that Fairholme's lawyers prosecuting *Fairholme v. U.S.*, Case No. 13-465 (Ct. Fed. Cl.), will not gain access to eight of 56 documents withheld in jurisdictional discovery by the government on privilege grounds.

The eight documents the Federal Circuit says are privileged and the government may keep secret are highlighted in yellow on the attached ten-page chart.

The remaining 46 documents, the Federal Circuit says, aren't privileged and must be turned over to Fairholme's lawyers.

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Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00384501	Foster, Jeff <jeff.foster@treasury.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>; "Stegman, Michael" <michael.stegman@treasury.gov>		6/10/2012	DPP	Draft presentation prepared by Treasury staff containing predecisional deliberations related to PSPA amendment considerations.
UST00502258	Foster, Jeff <jeff.foster@treasury.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>; "Mlynarczyk, Beth" <beth.mlynarczyk@treasury.gov>; "Chepenik, Adam" <adam.chepenic@treasury.gov>; "Franchot, NicholasDisabled" <nicholas.franchot@treasury.gov>; "Stegman, Michael" <michael.stegman@treasury.gov>		3/5/2012	DPP	Draft policy document prepared by Treasury staff containing predecisional deliberations regarding proposed PSPA
UST00061421	Miller, Mary <mary.miller@treasury.gov>	Valverde, Sam <sam.valverde@treasury.gov>; "Adeyemo, Adewale (Wally)" <adewale.adeyemo@treasury.gov>; "Massad, Timothy" <timothy.massad@treasury.gov>; "Stegman, Michael" <michael.stegman@treasury.gov>; "Bowler, Timothy" <timothy.bowler@treasury.gov>; "Deese, Brian C." <brian_c._deese@who.eop.gov>	Woolf, AndrewDisabled <andrew.woolf@treasury.gov>	7/20/2012	DPP	Draft document prepared by Treasury staff containing predecisional deliberations related to potential modification of PSPAs.
UST00536560	ExecSecProcessUnit <execsecprocessunit@treasury.gov>	TFG75 <nauset75@treasury.gov>	ExecSecProcessUnit <execsecprocessunit@treasury.gov>, ExecSecStaff <execsecstaff@do.treas.gov>	6/1/2012	DPP	Draft document containing predecisional deliberations concerning potential modification of the PSPAs.
UST00407342	Goldblatt, Alan <alan.goldblatt@treasury.gov>	Chepenik, Adam <adam.chepenic@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>		6/13/2012	DPP	Draft analysis reflecting predecisional deliberations concerning GSE financial projections.

Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00539251	Chepenik, Adam <adam.chepenik@treasury.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>, "Foster, JeffDisabled" <jeff.foster@treasury.gov>, "Goldblatt, Alan" <alan.goldblatt@treasury.gov>		6/6/2012	DPP	Draft presentation for OMB containing predecisional deliberations concerning Treasury proposals for modifying the terms of the PSPAs.
UST00503672	Chepenik, Adam <adam.chepenik@treasury.gov>	Miller, Mary <mary.miller@treasury.gov>	Hester, Barrett (Bret)Disabled <barrett.hester@treasury.gov>; "Bowler, Timothy" <timothy.bowler@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>; "Johnson, AlfredDisabled" <alfred.johnson@treasury.gov>	1/10/2012	DPP	Draft document prepared by Treasury staff containing predecisional deliberations regarding GSE budget estimates.
UST00472229	Chepenik, Adam <adam.chepenik@treasury.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>; "Mlynarczyk, Beth" <beth.mlynarczyk@treasury.gov>		2/26/2012	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury staff.
UST00472232	Chepenik, Adam <adam.chepenik@treasury.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>; "Mlynarczyk, Beth" <beth.mlynarczyk@treasury.gov>		2/26/2012	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury staff.
UST00407182	Goldblatt, Alan <alan.goldblatt@treasury.gov>	Chepenik, Adam <adam.chepenik@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>		7/5/2012	DPP	Predecisional, deliberative, draft analysis of GSE financial projections prepared by Treasury staff.

Excerpts from November 19, 2015 Treasury Privilege Log

Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00384146	Goldblatt, Alan <alan.goldblatt@treasury.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>		7/3/2012	DPP	Draft presentation prepared by Treasury staff containing predecisional analysis and information related to financial forecasts for Fannie Mae.
UST00536346	Bowler, Timothy </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=bowlert">	Graves, Donet (Don) <donet.graves@treasury.gov>, "Caldwell, Phyllis" <phyllis.caldwell@treasury.gov>, "Foster, Jeff" <jeff.foster@treasury.gov>		9/6/2011	DPP	Draft memorandum prepared by Treasury staff containing predecisional deliberations regarding housing policy reform, including the future of the GSEs.
UST00490551	Miller, Sarah <sarah.miller@treasury.gov>	Mlynarczyk, Beth <beth.mlynarczyk@treasury.gov>, "Stegman, Michael" <michael.stegman@treasury.gov>		7/30/2012	DPP	Draft policy paper prepared by Treasury staff containing predecisional deliberations regarding housing finance reform.
UST00389662	Foster, Jeff </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Valverde, Sam <sam.valverde@treasury.gov>; "Fikre, Million" <million.fikre@treasury.gov>		1/31/2012	DPP	Draft memorandum for Secretary containing predecisional deliberations related to GSE restructuring.
UST00389678	Foster, Jeff </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Valverde, Sam <sam.valverde@treasury.gov>; "Fikre, Million" <million.fikre@treasury.gov>		1/31/2012	DPP	Draft memorandum for Secretary containing predecisional deliberations related to mortgage finance market reform proposals.
UST00544897	Foster, Jeff </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Foster, Jeff		6/5/2012	DPP	Draft policy paper containing predecisional deliberations concerning housing finance reform.
UST00504514	Bowler, Timothy </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=bowlert">	Mlynarczyk, Beth <beth.mlynarczyk@treasury.gov>; "Stegman, Michael" <michael.stegman@treasury.gov>		7/27/2012	DPP	Draft memorandum prepared by Treasury staff containing predecisional deliberations related to various FHFA/GSE housing finance initiatives.

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Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00548270	Stegman, Michael	Miller, Mary <mary.miller@treasury.gov>	Stegman, Michael <michael.stegman@treasury.gov>	2/4/2012	DPP	Draft memorandum containing predecisional deliberations related to housing policy and housing finance reform.
UST00500982	Stegman, Michael; Bowler, Timothy; Parrott, Jim; Deese, Brian C.; Miller, Mary; Valverde, Sam [sam.valverde@treasury.gov]	Stegman, Michael; Bowler, Timothy; Parrott, Jim; Deese, Brian C.; Miller, Mary; Eberly, Janice [janice.eberly@treasury.gov]; ExecSecStaff [execsecstaff@do.treas.gov]	Patterson, Mark [mark.patterson@treasury.gov]; Wolin, Neal; LeCompte, Jenni [jenni.lecompte@treasury.gov]; Parrott, Jim; Miller, Mary; Stegman, Michael	5/2/2012	DPP; PCP	Memorandum reflecting confidential communication from senior White House advisors to the President regarding housing policy ideas and initiatives.
UST00513480	Foster, Jeff <"/o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Foster, Jeff		5/21/2012	DPP	Draft policy document prepared by Treasury staff containing predecisional deliberations regarding housing finance reform.
UST00518402	Hester, Barrett (Bret) <barrett.hester@treasury.gov>	Miller, Mary <mary.miller@treasury.gov>	Lee, Sandra <sandra.lee@treasury.gov>, "Johnson, AlfredDisabled" <alfred.johnson@treasury.gov>	2/21/2012	DPP	Draft memorandum for Secretary containing predecisional deliberations related to policy implications of proposed housing finance legislation.
UST00492699	Stegman, Michael	Mlynarczyk, Beth <beth.mlynarczyk@treasury.gov>	Stegman, Michael <michael.stegman@treasury.gov>	5/26/2012	DPP	Draft speech containing predecisional deliberations regarding housing policies.
UST00556459	Chepenik, Adam <adam.chepenik@treasury.gov>	Foster, JeffDisabled <jeff.foster@treasury.gov>		1/6/2012	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.
UST00556460	Chepenik, Adam <adam.chepenik@treasury.gov>	Foster, JeffDisabled <jeff.foster@treasury.gov>		1/6/2012	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.
UST00556294	Chepenik, Adam <adam.chepenik@treasury.gov>	Foster, JeffDisabled <jeff.foster@treasury.gov>		1/6/2012	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.

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Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00556295	Chepenik, Adam <adam.chepenik@treasury.gov>	Foster, JeffDisabled <jeff.foster@treasury.gov>		1/6/2012	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.
UST00409040	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		3/12/2012	DPP	Draft document prepared for Treasury by consultant containing predecisional deliberations concerning GSE financial projections.
UST00506346	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Banks, Carole <carole.banks@treasury.gov>; "Mickey, Shawn" <shawn.mickey@treasury.gov>; "Taylor, Kawan" <kawan.taylor@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>; "Fitzgerald, Michael P." <fitzgeraldm@oig.treas.gov>; "Rominecki, Ryan" <rrominecki@kpmg.com>	Short, John <john.short@us.gt.com>; "Dufendach, David" <david.dufendach@us.gt.com>; "Burchett, Justin" <justin.burchett@us.gt.com>	6/29/2012	DPP	Document prepared by Treasury consultant reflecting predecisional deliberations concerning financial conditions of the GSEs.
UST00475757	Rominecki, Ryan R <rrominecki@kpmg.com>	Eberhardt, Anne <anne.eberhardt@us.gt.com>; "Banks, Carole" <carole.banks@treasury.gov>; "Taylor, Kawan" <kawan.taylor@treasury.gov>; "Mickey, Shawn" <shawn.mickey@treasury.gov>; "Foster, JeffDisabled" <jeff.foster@treasury.gov>; "Mlynarczyk, Beth" <beth.mlynarczyk@treasury.gov>; "Grover, Joel A" <groverj@oig.treas.gov>; "Bankole, Ade O." <bankolea@oig.treas.gov>; "Fitzgerald, Michael P." <fitzgeraldm@oig.treas.gov>; "Cumba, Rafael J." <cumbar@oig.treas.gov>; "Faber, Bob" <bob.faber@treasury.gov>; "Wilson, Brad" <brad.wilson@us.gt.com>; "Dufendach, David" <david.dufendach@us.gt.com>; "Burchett, Justin" <justin.burchett@us.gt.com>	Tchamouriyski, Yuriy M<ychtamouriyski@kpmg.com>; "Lee, Shana H" <shlee@kpmg.com>	11/1/2011	DPP	Draft memorandum prepared containing predecisional deliberative analysis of financial projections for Fannie Mae.
UST00521902	Stegman, Michael^			6/18/2012	DPP; PCP	Memorandum reflecting confidential communication from senior White House advisors to the President regarding housing policy ideas and initiatives.

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Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00515290	Parrott, Jim; Foster, Jeff	Foster, Jeff; Parrott, Jim		7/29/2011	DPP; PCP	Emails reflecting the exchange of information, views, and advice between Treasury officials and White House staff with broad and significant responsibility for investigating and formulating advice for consideration and direction by the President regarding housing finance issues.
UST00550441	Sperling, Gene [gene_b_sperling@who.eop.gov]; Geithner, Timothy; Wolin, Neal [neal.wolin@treasury.gov]; Miller, Mary	Geithner, Timothy; Wolin, Neal; Stegman, Michael; Gandhi, Sima [sima.gandhi@treasury.gov]; Gerety, Amias [amias.gerety@treasury.gov]; Hester, Barrett (Bret) [barrett.hester@treasury.gov]; Miller, Mary; Gibson, Campbell [campbell.gibson@treasury.gov]; Amir-Mokri, Cyrus [cyrus.amir-mokri@treasury.gov]; Chisolm, Shirley [shirley.chisolm@treasury.gov]	Deese, Brian C.	3/12/2012	Red.; PCP	Email reflecting the exchange of information, views, and advice between Treasury officials and senior White House advisors for consideration and direction by the President regarding housing finance issues.
UST00418517	ExecSecProcessUnit <execsecprocessunit@treasury.gov>	ExecSecStaff <execsecstaff@do.treas.gov>	ExecSecProcessUnit <execsecprocessunit@treasury.gov>	4/16/2012	DPP	Briefing memoranda and material prepared by Treasury staff for Secretary containing predecisional deliberations and recommendations related to various policy matters.
UST00061067	Parrott, Jim <james_m_parrott@who.eop.gov>	Bowler, Timothy <timothy.bowler@treasury.gov>		8/18/2012	DPP	Email communications between Treasury and White House staff containing predecisional deliberations related to the terms of the PSPAs.
UST00385562	Bowler, Timothy <"/o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=bowler">	Parrott, Jim <james_m_parrott@who.eop.gov>		8/18/2012	DPP	Email communications containing predecisional deliberations related to the budget and the amended PSPAs.
UST00478535	Foster, Jeff <"/o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Stegman, Michael <michael.stegman@treasury.gov>		6/7/2012	DPP	Draft document containing predecisional deliberations concerning potential modifications to PSPAs.

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UST00473767	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		12/10/2011	DPP	Predecisional financial analysis prepared by Treasury consultant reflecting Treasury deliberations regarding GSEs.
UST00473773	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		12/10/2011	DPP	Predecisional financial analysis prepared by Treasury consultant reflecting Treasury deliberations regarding GSEs.
UST00061011	Wrennall-Montes, Sally <sally.wrennallmontes@treasury.gov>	Gorham, Tynia <tynia.gorham@treasury.gov>; "Donnelly, Michael" <michael.donnelly@treasury.gov>; "Hopkins, JoshuaDisabled" <joshua.hopkins@treasury.gov>; "Florman, Carole" <carole.florman@treasury.gov>; "Reger, Mark" <mark.reger@treasury.gov>; "Carrington, Wanda" <wanda.carrington@treasury.gov>; "Gerety, Amias" <amias.gerety@treasury.gov>; "Rourke, Daniel" <daniel.rourke@treasury.gov>; "Tepperman, Jason" <jason.tepperman@treasury.gov>; "Quittman, Louisa" <louisa.quittman@treasury.gov>; "Roberts, Benson" <benson.roberts@treasury.gov>; "Graves, Donet (Don)" <don.gravesjr@treasury.gov>; "Rosen, Katheryn" <katheryn.rosen@treasury.gov>; "Grom, John (J.D.)Disabled" <john.grom@treasury.gov>; "Auer, LanceDisabled" <lance.auer@treasury.gov>; "Courtney, JudithDisabled" <judith.courtney@treasury.gov>; "Polan, TheodoreDisabled" <theodore.polan@treasury.gov>; "Bowler, Timothy" <timothy.bowler@treasury.gov>; "Kash, Elaine" <elaine.kash@treasury.gov>; "Koide, Melissa" <melissa.koide@treasury.gov>; "Graves, Leslie" <leslie.graves@treasury.gov>; "Stout, Jeffrey" <jeffrey.stout@do.treas.gov>; "Hester, Barrett (Bret)Disabled" <barrett.hester@treasury.gov>; "Franco, Jamie" <jamie.franco@treasury.gov>; "Roberts, David" <david.roberts@treasury.gov>	Lee, Sandra <sandra.lee@treasury.gov>; "Woolf, AndrewDisabled" <andrew.woolf@treasury.gov>; "Cabot, Chloe" <chloe.cabot@treasury.gov>; "Wrennall-Montes, Sarah (Sally)" <sally.wrennall-montes@treasury.gov>	8/20/2012	DPP	Draft information memorandum for Secretary reflecting predecisional deliberations regarding potential amendments to the PSPAs.
UST00473770	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		12/10/2011	DPP	Predecisional financial analysis prepared by Treasury consultant reflecting Treasury deliberations regarding GSEs.

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UST00473776	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		12/10/2011	DPP	Predecisional financial analysis prepared by Treasury consultant reflecting Treasury deliberations regarding GSEs.
UST00473779	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		12/10/2011	DPP	Predecisional financial analysis prepared by Treasury consultant reflecting Treasury deliberations regarding GSEs.
UST00473782	Eberhardt, Anne <anne.eberhardt@us.gt.com>	Foster, JeffDisabled <jeff.foster@treasury.gov>		12/10/2011	DPP	Predecisional financial analysis prepared by Treasury consultant reflecting Treasury deliberations regarding GSEs.
UST00481423	Foster, Jeff </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Chepenik, Adam <adam.chepenik@treasury.gov>		12/13/2011	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.
UST00481424	Foster, Jeff </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Chepenik, Adam <adam.chepenik@treasury.gov>		12/13/2011	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.
UST00481425	Foster, Jeff </o=ustreasury/ou=exchange administrative group(fydibohf23spdlt)/cn=recipients/cn=fosterj">	Chepenik, Adam <adam.chepenik@treasury.gov>		12/13/2011	DPP	Predecisional deliberative analysis of GSE financial projections prepared by Treasury consultant.

Excerpts from November 19, 2015 FHFA Privilege Log

Bates Number	Date	From	To	CC	Additional Recipients	Description	Privilege Assertion
FHFA00100594	9/16/2011	Tagoe, Naa Awaa	Williams, John			FHFA projection of remaining GSE Treasury funding commitment under FHFA stress scenarios containing pre-decisional deliberations	Deliberative Process; Bank Examination
FHFA00096631	6/28/2012	Williams, John	Tagoe, Naa Awaa	Calhoun, Peter		FHFA Risk Assessment Memorandum prepared in connection with FHFA's regulatory supervision regarding Fannie Mae's 4Q earnings	Bank Examination
FHFA00096634	6/28/2012	Williams, John	Tagoe, Naa Awaa	Calhoun, Peter		FHFA Risk Assessment Memorandum prepared in connection with FHFA's regulatory supervision regarding the solvency of Fannie Mae	Bank Examination
FHFA00096636	6/28/2012	Williams, John	Tagoe, Naa Awaa	Calhoun, Peter		FHFA Risk Assessment Memorandum prepared in connection with FHFA's regulatory supervision regarding Freddie Mac's 4Q earnings	Bank Examination
FHFA00096638	6/28/2012	Williams, John	Tagoe, Naa Awaa	Calhoun, Peter		FHFA Risk Assessment Memorandum prepared in connection with FHFA's regulatory supervision regarding the solvency of Freddie Mac	Bank Examination
FHFA00031520	10/29/2008	DeLeo, Wanda	Lockhart, James	DeMarco, Edward	Mullin, Stefanie; Dickerson, Christopher; Brereton, Peter; Russell, Corinne; Pollard, Alfred*; Lakroune, Amy	RM: Internal communication among senior FHFA staff containing predecisional deliberations regarding response to a media story on deferred tax assets of the GSEs and management delegations by the conservator	Deliberative Process
FHFA00092209	12/16/2008	Bjarnason, Paul	Satriano, Nicholas			FHFA presentation containing pre-decisional deliberations in relation to its regulatory supervision regarding accounting for deferred tax assets	Deliberative Process; Bank Examination

Excerpts from November 19, 2015 FHFA Privilege Log

Bates Number	Date	From	To	CC	Additional Recipients	Description	Privilege Assertion
FHFA00031960	9/7/2008	Dickerson, Christopher	Pearl, David			Document prepared by Black Rock to support pre-decisional deliberations and provided to FHFA in relation to its regulatory supervision regarding analysis of Fannie Mae's loss and capital projections	Deliberative Process; Bank Examination
FHFA00031962	9/7/2008	Dickerson, Christopher	Pearl, David			Document prepared by Black Rock to support pre-decisional deliberations and provided to FHFA in relation to its regulatory supervision regarding analysis of Freddie Mac's loss and capital projections	Deliberative Process; Bank Examination
FHFA00031964	9/7/2008	Dickerson, Christopher	Pearl, David			Presentation by Black Rock to support pre-decisional deliberations and provided to FHFA in relation to its regulatory supervision regarding analysis of GSE loss and capital projections	Deliberative Process; Bank Examination
FHFA00056237	8/27/2008	Eldarrat, Christine	Dickerson, Christopher; Tagoe, Naa Awaa; Smith, Scott; Spohn, Jeffrey; Deleo, Wanda; Clark, Tim, Crisp, Stanley	Eldarrat, Christine		Presentation prepared by consultant Blackrock containing pre-decisional deliberations regarding analysis of Freddie Mac projected losses and implications for capital	Deliberative Process
FHFA00093706	9/14/2011	Williams, John	Eberhardt, Anne	Tagoe, Naa Awaa		Presentation of FHFA Forecast Scenarios prepared by Fannie Mae at FHFA's request	Deliberative Process; Bank Examination