

**[ORAL ARGUMENT HELD ON APRIL 15, 2016]****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

PERRY CAPITAL, LLC, et al.,

Plaintiffs-Appellants,

v.

JACOB J. LEW, in his official capacity as the  
Secretary of Treasury, et al.,

Defendants-Appellees.

Consolidated Nos.  
14-5243; 14-5254;  
14-5260; 14-5262

**UNOPPOSED MOTION FOR A 30-DAY EXTENSION OF TIME IN  
WHICH TO FILE RESPONSE TO REHEARING PETITIONS**

Pursuant to Federal Rule of Appellate Procedure 27, defendants respectfully request an extension of time in which to file their responses, if any, to the rehearing petitions filed in this case. The responses are currently due May 3, 2017. This is defendants' first request for an extension. Counsel for Treasury has contacted counsel for plaintiffs, and plaintiffs do not object.

1. These consolidated cases raise a number of challenges to actions taken by Treasury and FHFA to address the operation of the conservatorships of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). The district court granted defendants' motions to dismiss plaintiffs' claims. Plaintiffs, a collection of individual and institutional investors,

brought this appeal in October 2014. Oral argument was held on April 15, 2015, and, on February 21, 2017, this Court issued an opinion largely affirming the district court.

2. The institutional investors filed a petition for panel rehearing on March 24, 2017, and, on March 31, 2017, class plaintiffs also filed a petition for panel rehearing. On April 17, 2017, this Court ordered that, insofar as defendants have an interest in the issues raised in each petition, defendants should respond to plaintiff's petitions within 15 days. Defendants' responses are therefore currently due on May 3, 2017.

3. An extension of time in which to file defendants' responses is necessary in light of prearranged absences, the press of other litigation matters, and the need for consultation within the government. The attorneys with primary responsibility for representing Treasury in this appeal are Mark Stern, Abby Wright, and Gerard Sinzdak. Mr. Stern will be on a prearranged vacation from May 1 to May 8. In addition, Mr. Stern will present oral argument before the en banc Court on May 24 in *Raymond J. Lucia Companies v. SEC*, No. 15-1345.

Ms. Wright is filing the government's brief in *EPIC v. FAA*, Nos. 16-1297, 16-1302, in this Court on April 28. Ms. Wright will also file a brief on behalf of the United States in *Sammons v. United States*, No. 17-50201, in the Fifth Circuit on May 10. Mr. Sinzdak will file a brief on behalf of the United States in *Campos v. United States*, No. 16-51476, in the Fifth Circuit on May 12.

A 30-day extension will provide defendants with adequate time for consultation and preparation of responses to the rehearing petitions. Accordingly, defendants

respectfully request until June 2 to file their responses, if any, to plaintiffs' rehearing petitions.

4. Counsel for Treasury has consulted with counsel for plaintiffs, and plaintiffs do not oppose this motion.

### CONCLUSION

For the foregoing reasons, this Court should extend the time for defendants to file responses to the rehearing petitions until June 2, 2017.

Respectfully submitted,

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s/ ABBY C. WRIGHT

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 553 words, according to the count of Microsoft Word.

/s/ Abby C. Wright  
Abby C. Wright  
Counsel for Treasury  
Abby.wright@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2017, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

s/ Abby C. Wright

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ABBY C. WRIGHT