

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSHUA J. ANGEL

Plaintiff,

v.

FEDERAL HOME LOAN MORTGAGE
CORPORATION, et al.,

Defendants,

Case No. 1:18-cv-01142-RCL

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE A SURREPLY**

Plaintiff responds to Defendants' Opposition To Plaintiff's Motion For Leave To File A Surreply as follows:

The attached e-mail exchanges between Plaintiff, Defendants' Counsel, and Nominal Defendant Counsel dated September 11, 2018 thru October 1, 2018 attest to Plaintiff's good faith effort to faithfully comply with Local Civil Rule 7.

All of the material averments, contained in Plaintiff's proposed surreply, were fully set forth in a telephonic conference call held on of October 1, 2018, involving all counsel. Should the Court require further information regarding the specifics of the October 1, 2018 conference call, Plaintiff is prepared to provide the Court with his conference call notes.

Should the Court require further materials regarding Plaintiff requests, and Defendant denials for a further conference after October 1, 2018, Plaintiff is prepared to provide the Court

with the e-mail exchanges with regard thereto, and Plaintiff remains otherwise, ready willing and able, to deal with all of the defendant opposition issues on oral argument before the Court.

Dated: November 2, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joshua J. Angel', written over the typed name.

Joshua J. Angel
2 Park Avenue
New York, New York 10016
917-714-0409
joshuaangelnyc@gmail.com
Plaintiff Pro Se

Asim.Varma@arnoldporter.com | www.arnoldporter.com

From: Riley, Jean [mailto:jriley@herrick.com] **On Behalf Of** Angel, Joshua J.

Sent: Tuesday, September 11, 2018 10:20 AM

To: Varma, Asim; VerGow, Meaghan; zzz.External.MCiatti@kslaw.com

Subject: Angel vs. Freddie Mac, et al.

Dear Ms. Varma, Ms. Vergow and Mr. Ciatti:

Several days ago, I obtained permission, from the clerk of the Court, to file my case documents electronically, and so my response ("Response"), to the Defendants' Joint Motion to Dismiss ("Motion"), was so filed last night, as attached.

Once you have reviewed my Response, I hope, and trust that we can agree in assessment of the Motion's contest of the Federal Government's guaranty of Fannie Mae, and Freddie Mac Junior Preferred share payments as misplaced, and unworthy of further contest.

If so, my suggestion would be for us to confer, in order to consider employment of the Court's alternative dispute procedures ("ADP") to deal with the remaining narrow issues which divide us rather than having you first replying to the Response, then waiting for the Court to decide the Motion, and then ordering us to so proceed. In short, I envision a joint stipulation for ADP employment being submitted to the Court for approval on October 10, in lieu of the Defendants' having to reply to my Response of that date.

I would like to discuss my joint stipulation thoughts with counsel at an in-person meeting to be convened at time and place of your collective choice. Currently, I plan to be out of the country for most of October, but I am otherwise freely available to meet with counsel in September.

Sincerely Yours,

Joshua J. Angel

The information in this message may be privileged, intended only for the use of the named recipient. If

RE: Angel vs. Freddie Mac, et al.

Inbox

To help protect your privacy, some content in this message has been blocked. To re-enable the blocked features, click here.

To always show content from this sender, click here.

You replied on 9/13/2018 6:45 PM.

Label: Herrick - Inbox (6 months) Expires: 3/12/2019 5:48 PM

Action Items

Dear Mr. Angel,

Thank you for your e-mail. We appreciate your perspective on the issues. However, Defendants do not believe alternative dispute resolution would be productive and we decline your offer that the parties agree to such procedures.

On another point, because of unexpected deadlines in other cases, we would appreciate a 14-day extension to October 24 to file the reply. Please let me know if you consent and we will draft a stipulation for the extension.

Thanks, Asim

Asim Varma

Partner

Arnold & Porter

601 Massachusetts Ave., NW

Washington | District of Columbia 20001-3743

T: +1 202.942.5180

Asim.Varma@arnoldporter.com | www.arnoldporter.com

From: Riley, Jean [<mailto:jriley@herrick.com>] **On Behalf Of** Angel, Joshua J.

Sent: Tuesday, September 18, 2018 3:35 PM

To: Varma, Asim

Cc: VerGow, Meaghan; zzz.External.MCiatti@kslaw.com

Subject: Counsel Meetings and Pleading Captions

Dear Ms. Varma:

You have not responded to my e-mail on September 13, 2018 at 6:45 p.m. responding to yours on that day at 5:48 p.m. I am obligated to remind you of your client's limited ability to participate in the adjudication of my case against Fannie Mae, Freddie Mac, and their respective boards of directors as constituted on August 12, 2017.

First, as you well know, the complaint clearly delineates between your client's status in the case as a nominal rather than real defendant, in contrast to the other defendants' role as the real parties in interest. The caption of my complaint clearly indicates that your client is a nominal defendant and not a party-in-interest. However, your client is improperly obfuscating that status.

Second, the motion to dismiss muddies the distinct statuses of the defendants. The motion is styled as Defendants' Motion to Dismiss the Complaint, and the caption omits the designation of your client as a nominal defendant, as does your signature block to the motion to dismiss. Shortening the caption to lessen reading fatigue and page length is generally commendable but not when doing so omits the distinctions between the defendants as nominal or real parties in interest. Your use of a shortened caption cannot obfuscate your client's nominal role in this litigation.

Third, your client is improperly attempting to drive the adjudication of this case and the dynamics between the parties in interest. Your client is not a party in interest, so it is not in a position to make demands on behalf of the other parties. Yet, your client is improperly acting as a gatekeeper of the parties from which I seek relief. Since the filing of defendants' motion, your conduct has further demonstrated your client's improper objective.

I understand that your client seeks some involvement in discussions regarding the complaint given its role as a nominal defendant. Indeed, I had no objection to your client being involved in the dialogue between the defendants' counsel and me. However, I have no interest in dealing with your client substantively because of its nominal status. I believe that your client seeks to take advantage of my good intentions to control the dynamic between the parties.

Accordingly, I request your assurances via e-mail by close of business Monday, September 24, 2018 that your client will abandon this artifice in future by identifying itself as a "Nominal Defendant" in the caption of all filings in my case. In addition, I repeat my request to meet with counsel for the other defendants as soon as reasonably practicable. Unless these requests are met, I will take the actions that I deem appropriate to protect my interests.

Sincerely yours,

(3)
Joshua J. Angel

Sent from my iPhone let's speak on Monday

Begin forwarded message:

From: "Varma, Asim" <Asim.Varma@arnoldporter.com>
Date: September 21, 2018 at 2:09:55 PM EDT
To: "Angel, Joshua J." <jangel@herrick.com>
Cc: VerGow, Meaghan <mvergow@omm.com>, MCiatti@kslaw.com
<MCiatti@kslaw.com>
Subject: RE: Counsel Meetings and Pleading Captions

Dear Mr. Angel,

We respectfully disagree with the positions advanced in your e-mail below and do not believe that a meeting would be productive.

Thanks, Asim

Asim Varma
Partner

Arnold & Porter
601 Massachusetts Ave., NW
Washington | District of Columbia 20001-3743
T: +1 202.942.5180

(11)

From: Varma, Asim <Asim.Varma@arnoldporter.com>
Sent: Friday, September 28, 2018 3:41:20 PM
To: Angel, Joshua J.
Cc: VerGow, Meaghan; MCiatti@kslaw.com
Subject: RE: Counsel Meetings and Pleading Captions

Dear Mr. Angel,

In case you haven't seen it, Judge Lamberth issued earlier today the attached decision on the motion to dismiss in the pending Third Amendment case. To fully absorb the implications of the decision for purposes of the reply in your case, we will be moving the court for an extension of 2 weeks to October 24 to file the reply. Please let me know if we can represent that you consent to the extension. (5)

Thanks, Asim

From: Angel, Joshua J. [<mailto:jangel@herrick.com>]
Sent: Friday, September 28, 2018 4:27 PM
To: Varma, Asim
Cc: VerGow, Meaghan; zzz.External.MCiatti@kslaw.com
Subject: Re: Counsel Meetings and Pleading Captions (6)

Yes provided you afford me the courtesy of a telephone conference call on before October 10 to hear my view with regard to the decision . I would love to hear Defendants and Conservator views but mutuality not required, my purpose being solely to elucidate my position after similar review .

From: Varma, Asim <Asim.Varma@arnoldporter.com>
Sent: Friday, September 28, 2018 4:51:51 PM
To: Angel, Joshua J.
Cc: VerGow, Meaghan; MCiatti@kslaw.com
Subject: RE: Counsel Meetings and Pleading Captions

Mr. Angel,

Counsel for Defendants are available Monday at 2:00 pm for a call. If you are available then, I will circulate a call-in number. (7)

Thanks, Asim

From: Angel, Joshua J. [mailto:jangel@herrick.com]
Sent: Monday, October 01, 2018 1:41 PM Document 23 Filed 11/02/18 Page 8 of 8
To: Varma, Asim
Subject: Re: Counsel Meetings and Pleading Captions

Cannot locate call in number please resend thank you

Sent from my iPhone

On Sep 28, 2018, at 5:13 PM, Angel, Joshua J. <jangel@herrick.com> wrote:

(8)

<https://webmail.herrick.com/owa/projection.aspx>

Page 1 of 5

On Oct 1, 2018, at 1:42 PM, Varma, Asim <Asim.Varma@arnoldporter.com> wrote:

(9)

Dial in number 1-866-802-1366 Participant code: 16120729

Asim Varma
Partner

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