

**UNITED STATES CIRCUIT COURT  
FOR THE FIFTH CIRCUIT**

PATRICK J. COLLINS, *et al.*,

Plaintiffs-Appellants,

v.

STEVEN T. MNUCHIN,  
SECRETARY, U.S. DEPARTMENT  
OF TREASURY, *et al.*,

Defendants-Appellees.

Case No. 17-20364

**FHFA DEFENDANTS-APPELLEES' CONSENT EMERGENCY MOTION  
FOR AN EXTENSION TO FILE EN BANC BRIEF**

Pursuant to Fifth Circuit Rule 27.3, Defendants-Appellees Federal Housing Finance Agency and Joseph M. Otting, Acting Director of the Federal Housing Finance Agency (“FHFA Defendants-Appellees”) file this emergency motion for an extension until Monday, January 14, 2019, to file their supplemental *en banc* brief. In support of this motion, FHFA Defendants-Appellees state as follows:

1. This Court has granted Plaintiffs-Appellants’ and FHFA Defendants-Appellees’ respective petitions for rehearing en banc in this matter. The case is calendared for en banc oral argument on January 23, 2019.

2. FHFA Defendants-Appellees’ supplemental brief is currently due today, January 11, 2019.

3. This week, FHFA transitioned to new leadership under Acting Director Joseph M. Otting, following the expiration of the term of FHFA's previous Director.

4. This case raises significant issues of interest to FHFA's new leadership. FHFA's new leadership requires additional time to review the issues presented in the case and to evaluate FHFA's positions.

5. Accordingly, FHFA Defendants-Appellees seek an extension of one business day, until Monday, January 14, 2019, to file FHFA-Defendants-Appellees' supplemental brief.

6. Counsel for FHFA Defendants-Appellees contacted counsel for Plaintiffs-Appellants and counsel for the Treasury Defendants-Appellees, and all parties consent to this extension.

WHEREFORE, FHFA Defendants-Appellees request an extension until January 14, 2019 to file their supplemental en banc brief.

Dated: January 11, 2019

Respectfully Submitted,

/s/ Robert J. Katerberg

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system.

The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Robert J. Katerberg  
Robert J. Katerberg

*Counsel for FHFA Defendants-Appellees*