

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WAZEE STREET OPPORTUNITIES
FUND IV LP, *et al.*,

Plaintiffs,

v.

THE FEDERAL HOUSING FINANCE
AGENCY, *et al.*,

Defendants.

Civil Action No. 2:18-cv-3478-NIQA

JOINT MOTION TO MODIFY BRIEFING SCHEDULE

In this Joint Motion, the parties respectfully request that the Court modify its January 7, 2019 Order to extend (1) Defendants' time to file reply briefs in support of their motions to dismiss and oppositions to Plaintiffs' motion for summary judgment to February 15, 2019, and (2) extend Plaintiffs' time to file a reply in support of their motion for summary judgment to March 15, 2019. In support of this Joint Motion, the parties states as follows:

1. On January 7, 2019, the Court granted the parties' first joint motion to modify the operative briefing schedule for dispositive motions in this case. *See* ECF No. 22. Pursuant to that Order, Defendants' deadline to file their replies in support of their motions to dismiss and oppositions to Plaintiffs' motion for summary judgment was extended to February 8, 2019, and Plaintiffs' deadline to file their reply in support of their motion for summary judgment was extended to February 22, 2019.

2. In moving for these extensions, the parties noted that appropriations for the Department of Justice had lapsed on the end of the day on December 21, 2018, and that as a result undersigned counsel for the Department of the Treasury ("Treasury") was generally prohibited

from working, even on a voluntary basis. *See* ECF No. 21.

3. Ultimately, this lapse in appropriations lasted for 35 days, and funding for the Departments of Justice and Treasury was not restored until January 25, 2019. *See* Notice to the Court of Restoration of Appropriations, ECF No. 25. The day before funding was restored, undersigned counsel for Treasury filed an unopposed motion to stay proceedings commensurate with the duration of the lapse in appropriations. *See* ECF No. 24. The Court has not yet ruled on that motion. Because funding has now been restored, undersigned counsel for Treasury withdraws that motion.

4. A modest one-week extension would ensure that Treasury has sufficient time to prepare its reply in support of dismissal and opposition to Plaintiffs' motion for summary judgment in light of the 35-day lapse in funding for both the Departments of Justice and Treasury. The parties request that the same one-week extension be granted to all Defendants so as to maintain the structure of the current schedule and streamline the briefing process.

5. Accordingly, the parties respectfully request that all Defendants' deadline to file replies in support of their motions to dismiss and oppositions to Plaintiffs' motion for summary judgment be extended by seven days to February 15, 2019. The parties further request that Plaintiffs' deadline to file a reply in support of their motion for summary judgment be extended until March 15, 2019, in order to account for the previously scheduled absence of one of Plaintiffs' essential attorneys.

A proposed order is attached.

Dated: January 30, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2019, a true and correct copy of the foregoing Motion was filed electronically and is available for viewing and downloading from the Court's CM/ECF system, which will send notification of such filing to counsel of record in this matter who are registered on the CM/ECF system.

Executed on January 30, 2019.

/s/ R. Charlie Merritt
R. CHARLIE MERRITT