

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

MICHAEL ROP, et. al.,  
Plaintiffs-Appellants,

v.

FEDERAL HOUSING FINANCE  
AGENCY, et. al.,  
Defendants-Appellees.

No. 20-2071

**DEFENDANTS-APPELLEES' RESPONSE IN OPPOSITION  
TO PLAINTIFFS-APPELLANTS' MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL BRIEF**

Defendant-Appellees Federal Housing Finance Agency (“FHFA”), Sandra L. Thompson, in her official capacity as Director of the FHFA, and the United States Department of the Treasury, submit this response in opposition to Plaintiffs-Appellants’ Motion for Leave to File Supplemental Brief, filed June 21, 2022. The proper vehicle for bringing new relevant authority to the Court’s attention is a letter of no more than 350 words under Fed. R. App. P. 28(j). Defendant-Appellee Treasury filed such a letter regarding *Calcutt* on June 16, 2022, and Plaintiffs-Appellees were entitled under the Rule to respond in kind. A supplemental brief almost nine times larger than the Rule 28(j) limit is excessive and unnecessary, particularly when the stated need for 3,000 words arises entirely out of matters in a separate opinion that is not the precedential opinion of the Court. If, however, the

Court grants Plaintiffs leave or otherwise considers the arguments in the Supplemental Brief, Defendants-Appellees request an opportunity to submit a responsive supplemental brief within 14 days of the Court's order.

Date: June 24, 2022

Respectfully submitted,

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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 168 words, according to the count of Microsoft Word.

/s/ Robert J. Katerberg  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2022, 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 certify that the participants in this case are registered CM/ECF users and will be served via the CM/ECF system.

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