

January 23, 2024

VIA CM/ECF

Michael E. Gans
Clerk of Court, U.S. Court of Appeals for the
Eighth Circuit
Thomas F. Eagleton Courthouse
111 South 10th Street, Room 24.329
St. Louis, MO 63102

Re: *Bhatti et al. v. Federal Housing Finance Agency et al.*,
No. 23-1051 -- Rule 28(j) Notice of Supplemental Authority
(Oral Argument Set for February 14, 2024 in St. Paul before
Judges Smith, Benton, and Stras)

Dear Mr. Gans:

Pursuant to Federal Rule of Appellate Procedure 28(j), Defendants-Appellees Federal Housing Finance Agency (“FHFA”) and Ms. Sandra L. Thompson respectfully submit *Collins v. Dep’t of Treasury*, 83 F.4th 970 (5th Cir. Oct. 12, 2023), a copy of which is filed as an attachment to this letter, as supplemental authority.

In *Collins*, which was on remand from the U.S. Supreme Court’s decision in *Collins v. Yellen*, 141 U.S. 1761 (2021), the Fifth Circuit affirmed a dismissal of the same claims, brought by similarly situated Enterprise shareholders, as those at issue in this case. FHFA Defendants-Appellees relied upon the *Collins* district court’s dismissal decision extensively in their brief here (at 3, 23, 27, 28, 30, 34, 39), and the Fifth Circuit’s affirmance of that decision, as to which the time for filing any petition for certiorari expired on January 10, 2024, now provides further support for affirming the district court’s decision in this appeal.

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We would be grateful if this letter and the *Collins* Fifth Circuit decision could be brought to the attention of the Panel assigned to hear argument in this appeal. Thank you for your time and attention in this matter.

Respectfully submitted,

Robert J. Katerberg

Counsel for Defendants-Appellees
FHFA and Sandra L. Thompson

cc: All Counsel of Record