

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

WAZEE STREET OPPORTUNITIES FUND IV LP, Plaintiff v. THE FEDERAL HOUSING FINANCE AGENCY, <i>et al.</i> <i>Defendants</i>	: : : : : : : : : : :	CIVIL ACTION NO. 18-3478
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ORDER

AND NOW, this 30th day of April 2025, upon consideration of Defendant Department of Treasury’s (“Defendant Treasury Department”) *motion to dismiss*, (ECF 15), Defendant Federal Housing Finance Agency’s (“Defendant FHFA”) *motion to dismiss*, (ECF 16), Plaintiff Wazee Street Opportunities Fund IV LP’s (“Plaintiff”) response in opposition, (ECF 18), Defendant Treasury Department’s reply, (ECF 29), Defendant FHFA’s reply, (ECF 31), the allegations in the complaint, (ECF 1), this Court’s Memorandum Opinion and Order dated April 14, 2025, which denied Plaintiff’s motion for leave to amend its complaint, (ECF 64, 65), and Plaintiff’s response to this Court’s Rule to Show Cause Order, (ECF 67), is it hereby **ORDERED** that Defendants’ respective motions to dismiss are **GRANTED**.¹ Accordingly, this matter is **DISMISSED**.

¹ On August 16, 2018, Plaintiffs Wazee Street Opportunities Fund IV LP, Douglas Whitley, and Lisa Brown (collectively, “Plaintiffs”) filed a complaint in this action against Defendants Department of Treasury and Federal Housing Finance Agency (collectively, “Defendants”). (ECF 1). Defendants filed motions to dismiss the complaint. (ECF 15, 16). In response, Plaintiffs filed an opposition and a motion for summary judgment. (ECF 18, 19). While these motions were pending, the United States Supreme Court granted certiorari in an unrelated matter, *Collins v. Mnuchin*, 938 F.3d 553 (5th Cir. 2019), a case that presented similar legal questions to those at issue in this matter. Upon notice to this Court that the Supreme Court had granted certiorari, (*see* ECF 42), this Court stayed this matter pending the Supreme Court’s disposition of *Collins*. (ECF 43). On June 23, 2021, the Supreme Court issued its decision in *Collins v. Yellen*, 594 U.S. 220 (2021).

On April 23, 2024, this Court *sua sponte* ordered the parties to provide a joint status report. (ECF 44). In response, the parties proposed that Plaintiffs be given time to decide whether to move to amend

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

their complaint or voluntarily dismiss their case with prejudice, with Defendants reserving certain rights. (ECF 46). The parties' request was granted, (ECF 47, 55), and on June 17, 2024, Plaintiffs Douglas Whitley and Lisa Brown voluntarily dismissed their claims with prejudice. (ECF 53). On July 1, 2024, Plaintiff Wazee Street Opportunities Fund IV LP ("Plaintiff") filed a motion for leave to amend its complaint. (ECF 58).

By Memorandum Opinion and Order dated April 14, 2025, this Court denied Plaintiff's motion for leave to amend its complaint, (ECF 64, 65), and issued a Rule for Plaintiff to show cause for why this matter should not be dismissed. (ECF 66). On April 28, 2025, Plaintiff responded that Plaintiff agrees this matter should be dismissed so to allow Plaintiff to pursue its appellate rights. (ECF 67). Accordingly, since Plaintiff does not object to the dismissal of this matter, and considering the arguments in Defendants' respective motions to dismiss, (ECF 15, 16), the motions to dismiss are granted and this matter is dismissed.