

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSHUA J. ANGEL

Plaintiff,

v.

FEDERAL HOME LOAN MORTGAGE
CORPORATION, et al.,

Defendants,

and

FEDERAL HOUSING FINANCE AGENCY,

Nominal Defendant.

Case No. 1:18-cv-01142

MOTION FOR EXTENSION OF TIME

Defendants Federal National Mortgage Association (“Fannie Mae”), the Federal Home Loan Mortgage Corporation (“Freddie Mac”), and the Federal Housing Finance Agency as Conservator for Fannie Mae and Freddie Mac (“FHFA,” and together with Fannie Mae and Freddie Mac, the “Enterprise Defendants”), by and through their undersigned counsel, hereby move for an extension of time to respond to Plaintiff’s Complaint. The Enterprise Defendants request that their response be due on July 12, 2018. The Enterprise Defendants have not sought any prior extensions of time. On behalf of the Enterprise Defendants, counsel for FHFA wrote to Plaintiff to ask if he would agree to the proposed extension in an email dated May 30 (attached as Exhibit A). Plaintiff responded that he declined to agree to the extension for reasons set forth in a June 4 email (attached as Exhibit B). In a subsequent email exchange (attached as Exhibit C), counsel for FHFA informed Plaintiff that the Enterprise Defendants planned to move for an

extension, and Plaintiff confirmed that he would not agree to the proposed extension and further explained his reasons.

Plaintiff filed his Complaint on May 21, 2018 against Fannie Mae, Freddie Mac, and FHFA, along with various individuals. (ECF No. 1.) The Enterprise Defendants were each served on May 22. On May 31, 2018, FHFA filed a Notice of Related Cases identifying three cases currently pending in this Court before Judge Lamberth that involve common issues of fact and arise out of the same transactions as this case. (ECF No. 4.) The Enterprise Defendants intend to file jointly a motion to dismiss Plaintiff's Complaint.

Good cause exists for the requested extension. Plaintiff's Complaint is 35 pages and 125 paragraphs long, and it is accompanied by a 42-page paper written by Plaintiff that is attached as an exhibit. Moreover, FHFA, Fannie Mae, and Freddie Mac are represented by three separate law firms that will need to coordinate with each other to prepare a joint response to Plaintiff's Complaint. Given the length of the Complaint and the need for coordination, it will be useful for the Enterprise Defendants to have more time to draft a response. Further, given that Plaintiff has stated that he favors a complete stay of any motion practice as to the Complaint pending disposition of motions to dismiss the complaints in the related cases (*see* Exhibits B, C), Plaintiff will not be prejudiced by the short extension that is proposed.

WHEREFORE, the Enterprise Defendants request that the Court enter the attached order making their response to the Complaint due July 12, 2018.

Dated: June 6, 2018

Respectfully submitted,

/s/ Howard N. Cayne

Howard N. Cayne (Bar No. 331306)
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*Counsel for the Federal Housing Finance
Agency*

/s/ Meaghan VerGow

(by permission)
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*Counsel for Federal National
Mortgage Association*

/s/ Michael J. Ciatti

(by permission)
Michael J. Ciatti (Bar No. 467177)
KING & SPALDING LLP
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Washington, DC 20006
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Fax: (202) 626-3737
mciatti@kslaw.com

*Counsel for Federal Home Loan Mortgage
Corporation*

Exhibit A

From: Varma, Asim
Sent: Wednesday, May 30, 2018 12:33 PM
To: joshuaangelnyc@gmail.com
Cc: zzz.External.MCiatti@kslaw.com; VerGow, Meaghan
Subject: Angel v. Federal Home Loan Mortgage Corporation, et al., 1:18-cv-01142, DDC

Dear Mr. Angel,

I represent the Federal Housing Finance Agency (FHFA) in the above referenced case filed on May 21, 2018 in the United States District Court for the District of Columbia. FHFA, Fannie Mae and Freddie Mac intend to move to dismiss the complaint. We request an extension until July 12 to file the motion to dismiss. Please let me know if you consent to the extension.

Thanks, Asim

Asim Varma
Partner

Arnold & Porter
601 Massachusetts Ave., NW
Washington | District of Columbia 20001-3743
T: +1 202.942.5180
Asim.Varma@arnoldporter.com | www.arnoldporter.com

Exhibit B

From: Riley, Jean <jriley@herrick.com> on behalf of Angel, Joshua J. <jangel@herrick.com>
Sent: Monday, June 04, 2018 4:30 PM
To: Varma, Asim
Cc: joshuaangelnyc@gmail.com
Subject: FW: Angel vs. Federal

Dear Ms. Varma;

Regarding your email request of May 30, 2018 on behalf of your client Federal Housing Finance Agency, and your non-clients Fannie Mae and Freddie Mac (hereinafter the "Movants") seeking an extension until July 12 to file a motion to dismiss my complaint against the Federal Home Loan Corporation et. al. (the "Complaint") please be advised as follows: Upon request of Counsel for the Defendant Directors ("Defendants") I will most certainly agree to any reasonable request of said counsel for an extension of time in which the Director Defendants, and with said counsel's consent, the nominal defendant Movants can answer or move with regard to the Complaint. My position is that motion practice with regard to the Complaint by either the Defendants, or the Movants would be senseless until the FHFA/Treasury motion to dismiss various complaints currently sub-juice before Judge Lamberth is disposed of by him. Consensual adjournments with regard to answer, moving, etc. with regard to the Complaint by all parties should be timed to accommodate that decision. The conflict involved in your firm seeking an adjournment on behalf of the nominal defendant Movants aside for the moment, I regretfully decline your adjournment request for simple reason that I have yet to hear from counsel for the Director Defendants. As soon as I hear from said counsel I will of course advise counsel with regard to your request. Having served as a non-litigating attorney at the bar for nearly 60 years before retiring and restricting my legal activities to my person and family my preference for civilized conversation over motion practice remains unabated. At 82 years of age writing takes too much of my time, and simple phone calls remain my favorite means of communication in things legal.

Thank you,

Josh



Joshua J. Angel
Herrick, Feinstein LLP
Two Park Avenue | New York, NY 10016
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212.545.3497 (fax)
jangel@herrick.com

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Exhibit C

From: Varma, Asim
Sent: Wednesday, June 06, 2018 4:50 PM
To: Angel, Joshua J.
Cc: joshuaangelnyc@gmail.com; VerGow, Meaghan; zzz.External.MCiatti@kslaw.com
Subject: RE: Angel vs. Federal

Mr. Angel,

Thank you for your message. I have consulted with counsel for Freddie Mac and Fannie Mae. FHFA, Fannie Mae and Freddie Mac have considered your request and do not agree to an adjournment of this case until after Judge Lamberth rules on the pending motions to dismiss in the related cases. We would prefer to have the motion to dismiss teed up before Judge Lamberth at the same time. Therefore, we will be filing this evening a motion for an extension to file a motion to dismiss on July 12. We will attach to the motion our correspondence as to the extension request so that your position is represented correctly.

Asim Varma

Partner

Arnold & Porter

601 Massachusetts Ave., NW

Washington | District of Columbia 20001-3743

T: +1 202.942.5180

Asim.Varma@arnoldporter.com | www.arnoldporter.com

From: Angel, Joshua J. [mailto:jangel@herrick.com]
Sent: Wednesday, June 06, 2018 11:52 AM
To: Varma, Asim
Cc: joshuaangelnyc@gmail.com; VerGow, Meaghan; zzz.External.MCiatti@kslaw.com
Subject: RE: Angel vs. Federal

Dear Ms. Varma ,I write in response to your email of late yesterday afternoon .Please don't mischaracterize my position on adjournment . I did not simply refuse to give you an adjournment .Rather,as I told you in my initial email of June 4 , I do not want to negotiate extensions piecemeal with one entity,that is only a nominal defendant in this case (i.e.the FHFA Conservator), and as of this instant both Fannie Mae and Freddie Mac counsel have neither contacted me directly nor confirmed that you spoke for them .regarding an extension . The Director Defendants , who were served on May 21/22 , may have spoken to your clients (FHFA Agency ,FHFA Conservator) Fannie Mae Counsel and Freddie Mac Counsel but as of this instant neither has spoken to me . As I told you ,I am willing to agree to a global extension until Judge Lambreth rules on the pending motion to dismiss if the Director Defendants your clients ,Fannie Mae and Freddie Mac are all in agreement .Indeed,may I remind you that your client filed a notice of related case to the cases before Judge Lamberth so it makes perfect sense for the adjournment run until reasonable time (say,30 days)after Judge Lambreth rules on the motion to dismiss in the related case . I suggest the better course would be for you , and the counsel for Fannie and Freddie to co-ordinate with the Director Defendants so that we can work out the language for the global extension which I am proposing for presentation to the Court as consensual . Sincerely , Joshua J. Angel

From: Varma, Asim [Asim.Varma@arnoldporter.com]
Sent: Tuesday, June 05, 2018 4:33 PM
To: Angel, Joshua J.

Cc: joshuaangelnyc@gmail.com; VerGow, Meaghan; MCIatti@kslaw.com

Subject: RE: Angel vs. Federal

Mr. Angel,

Thank you for your response. FHFA, Fannie Mae and Freddie Mac will move the court for an extension to respond by July 12. We will represent to the court that you declined our request for an extension for the reasons stated in your e-mail. If that is not correct, please let us know immediately. I am also copying counsel Meaghan Vergow, counsel for Fannie Mae and Mike Ciatti, counsel for Freddie Mac. Please copy them on all future correspondence.

Thanks, Asim

Asim Varma

Partner

Arnold & Porter

601 Massachusetts Ave., NW

Washington | District of Columbia 20001-3743

T: +1 202.942.5180

Asim.Varma@arnoldporter.com | www.arnoldporter.com

From: Riley, Jean [mailto:jriley@herrick.com] **On Behalf Of** Angel, Joshua J.

Sent: Monday, June 04, 2018 4:30 PM

To: Varma, Asim

Cc: joshuaangelnyc@gmail.com

Subject: FW: Angel vs. Federal

Dear Ms. Varma;

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Thank you,

Josh



Joshua J. Angel

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Defendants,

and

FEDERAL HOUSING FINANCE AGENCY,

Nominal Defendant.

Case No. 1:18-cv-01142

[PROPOSED] ORDER

Upon consideration of the Motion for Extension of Time filed by Federal National Mortgage Association (“Fannie Mae”), Federal Home Loan Mortgage Corporation (“Freddie Mac”), and the Federal Housing Finance Agency as Conservator of Fannie Mae and Freddie Mac (“FHFA,” and together with Fannie Mae and Freddie Mac, the “Enterprise Defendants”), it is hereby ORDERED that the Enterprise Defendants’ response to the Complaint shall be due on July 12, 2018.

SO ORDERED.

Date: _____

U.S. District Judge,
U.S. District Court for the District of Columbia