

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

J. PATRICK COLLINS, *et al.*,

Plaintiffs,

vs.

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

Defendants.

No. 4:16-cv-03113

**UNOPPOSED MOTION FOR LEAVE TO FILE CONSOLIDATED
SUMMARY JUDGMENT REPLY AND RESPONSE BRIEF AND TO EXTEND
DEADLINE FOR FHFA'S SUMMARY JUDGMENT REPLY BRIEF**

In accordance with this Court's previous scheduling orders, Defendants moved to dismiss the Complaint in this case on January 9, 2017. Plaintiffs responded to the motions to dismiss on February 9, 2017 and coupled their response with a motion for summary judgment as to Count IV—a separation of powers claim that presents a pure question of law. On February 27, 2017, FHFA responded by filing its own motion for summary judgment on Count IV, with a supporting memorandum that introduces several new legal arguments that FHFA did not make in connection with its previous motion to dismiss.

As a result of the cross-motions for summary judgment, Plaintiffs are currently scheduled to file two briefs regarding Count IV: a summary judgment reply brief due on March 6, 2017, and a summary judgment response brief due on March 20, 2017. In the interest of avoiding duplication and providing the Court with the most useful possible presentation, Plaintiffs respectfully request leave to file a single consolidated brief on

March 20, 2017 in lieu of separate summary judgment reply and response briefs. Plaintiffs' proposed consolidated brief would respond to all of the arguments regarding Count IV that FHFA advanced in its most recent filings.

Counsel for Plaintiffs consulted counsel for Defendants regarding this motion. Defendants do not oppose this motion on the condition that the deadline for FHFA's summary judgment reply brief be extended by one week. Plaintiffs do not oppose that extension.

Date: March 6, 2017

Respectfully submitted,

Beck Redden LLP

By: /s/ Chad Flores
Chad Flores, Attorney-in-charge
Texas Bar No. 24059759
S.D. Tex. Bar. No. 1060324
Owen J. McGovern, Of counsel
Texas Bar No. 24092804
S.D. Tex. Bar. No. 2523814
Parth S. Gejji, Of counsel
Texas Bar No. 24087575
S.D. Tex. Bar No. 2917332
1221 McKinney St., Suite 4500
Houston, TX 77010
(713) 951-3700 Telephone
(713) 951-3720 Facsimile
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that this filing was served on all parties' counsel by the Court's Electronic Filing System on March 6, 2017.

/s/ Chad Flores

Chad Flores, Attorney-in-charge

Texas Bar No. 24059759

S.D. Tex. Bar No. 1060324

1221 McKinney St., Suite 4500

Houston, TX 77010

(713) 951-3700 Telephone

(713) 951-3720 Facsimile

Counsel for Plaintiffs