

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
Case No.: 17-12852-DD**

MASTER SGT. ANTHONY R
EDWARDS, ET AL.,

Plaintiffs-Appellants,

FEDERAL HOUSING FINANCE
AGENCY,

Plaintiff-Appellee,

vs.

DELOITTE & TOUCHE, LLP,

Defendant-Appellee,
_____ /

District Court Case No.:
1:16-cv-21221-RNS

**APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF
TIME TO SERVE PRINCIPAL BRIEF**

**APPELLANTS' CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

In compliance with Local Rule 26.1-1, Appellants certify that the following is a complete list of the trial judges, all attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the particular case or appeal, including subsidiaries, conglomerates, affiliates and parent corporations, including any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

Arnold & Porter, LLP, counsel for Plaintiff/Appellee Federal Housing
Finance Agency

Bajo, Cuva, Cohen, Turkel, trial counsel for Original Plaintiffs/Appellants

Barrios, Brad F., trial counsel for Original Plaintiffs/Appellants

Bieryla, Doreen, Original Plaintiff/Appellant

Bieryla, Ed, Original Plaintiff/Appellant

Cameron, Don R., III, Original Plaintiff/Appellant

Carmody, Michael, Original Plaintiff/Appellant

Choski, Amit, Original Plaintiff/Appellant

Cayne, Howard N., counsel for Plaintiff/Appellee Federal Housing Finance
Agency

Creed, Rebecca Bowen, appellate counsel for Original Plaintiffs/Appellants

Creed & Gowdy, P.A., appellate counsel for Original Plaintiffs/Appellants

Deloitte & Touche, LLP, Defendant/Appellee

Dorta, Gonzalo R., trial counsel for Original Plaintiffs/Appellants

Dubbin & Kravetz, LLP, counsel for Plaintiff/Appellee Federal Housing
Finance Agency

Dubbin, Samuel J., counsel for Plaintiff/Appellee Federal Housing Finance
Agency

Dughman, Joseph K., Original Plaintiff/Appellant

Edwards, Master Sergeant Anthony R., Original Plaintiff/Appellant

Federal Housing Finance Agency, Plaintiff/Appellee

Federal National Mortgage Association (Fannie Mae)

Ferguson, James, Original Plaintiff/Appellant

Gamba & Lombana, P.A., trial counsel for Original Plaintiffs/Appellants

Gator Capital Management, LLC, Original Plaintiff/Appellant

Gowdy, Bryan S., appellate counsel for Original Plaintiffs/Appellants

Gonzalo R. Dorta, P.A., trial counsel for Original Plaintiffs/Appellants

Harden, Allen, Original Plaintiff/Appellant

Hill, Matt, Original Plaintiff/Appellant

Huber, Jay, Original Plaintiff/Appellant

Humphries, Jim, Original Plaintiff/Appellant

Inman, Gordon, Original Plaintiff/Appellant

Inman, Shaun, Original Plaintiff/Appellant

Jarvis, Kevin, Original Plaintiff/Appellant

Jennings, Catherine, M., Original Plaintiff/Appellant

Kivela, Rich, Original Plaintiff/Appellant

Lameier, Constance, Original Plaintiff/Appellant

Lanberg, Jeffrey, Original Plaintiff/Appellant

Lombana, Hector J., trial counsel for Original Plaintiffs/Appellants

Latham & Watkins, LLP, counsel for Defendant/Appellee

Mac Ball, Jean, Original Plaintiff/Appellant

McDonough, Kevin M., counsel for Defendant/Appellee

Miller, James, Original Plaintiff/Appellant

Miller, Phil, Original Plaintiff/Appellant

Miller, Sylvia, Original Plaintiff/Appellant

Milton, William, Jr., Original Plaintiff/Appellant

Moinfar, Maryam, Original Plaintiff/Appellant

Olsen, Wayne, Original Plaintiff/Appellant

O'Steen, Ray B., Original Plaintiff/Appellant

Otazo-Reyes, Honorable Alicia M., United States Magistrate Judge for
Southern District of Florida

Pasternak, Michael, M.D., Original Plaintiff/Appellant

Perini Capital, LLC, Original Plaintiff/Appellant

Podhurst Orseck, P.A., counsel for Defendant/Appellee

Prieto, Peter, counsel for Defendant/Appellee

Roberts, Carl R., Original Plaintiff/Appellant

Ruthberg, Miles N., counsel for Defendant/Appellee

Scola, Honorable Robert N., United States District Judge for Southern District
of Florida

Sharber, Jerry W., Original Plaintiff/Appellant

Strang, Louise, Original Plaintiff/Appellant

Sullivan, Melody, Original Plaintiff/Appellant

Thomas, Alexander, Forrester & Sorenson, LLP, counsel for Original
Plaintiffs/Appellants

Thomas, Steven W., counsel for Original Plaintiffs/Appellants

Turkel, Kenneth G., counsel for Original Plaintiffs/Appellants

Turner, Christopher S., counsel for Defendant/Appellee

U.S. Department of Justice

Wald, Peter A., counsel for Defendant/Appellee

Waske, Joseph, Original Plaintiff/Appellant

Watson, Johnna B., Original Plaintiff/Appellant

Webb, Randy, Original Plaintiff/Appellant

Weinshall, Matthew, counsel for Defendant/Appellee

West, Barry, Original Plaintiff/Appellant

Winer, Jay, Original Plaintiff/Appellant

Sapata, Jorge, Original Plaintiff/Appellant

Zimpleman, Thomas, U.S. Department of Justice

By: /s/ Bryan S. Gowdy

Bryan S. Gowdy

**APPELLANTS' UNOPPOSED MOTION FOR EXTENSION OF
TIME TO SERVE PRINCIPAL BRIEF**

Pursuant to Rule 31-2(a) of the United States Court of Appeals for the Eleventh Circuit, Appellants, Anthony Edwards, et al., respectfully requests that this Court grant an unopposed sixty-day extension of time for service of the principal brief, from Tuesday, August 1, 2017, through and including Monday, October 2, 2017, and as grounds therefore states:

1. This is an appeal from a final judgment rendered on June 19, 2017.
2. The current deadline for the principal brief is Tuesday, August 1, 2017.
3. The subject matter of this litigation is unusually complicated and uncommon. It arises out of the 2008 sub-prime mortgage crisis and Congress's decision to create a federal agency, the Federal Housing Finance Agency (FHFA), to serve as the conservator of two government-sponsored entities, Fannie Mae and Freddie Mac. More specifically, the litigation arises out an agreement reached between the U.S. Department of Treasury and FHFA in August 2012, commonly called the Net Worth Sweep. Appellants allege that the no consideration was paid to Fannie Mae or its stockholders for the Net Worth Sweep, and the transaction amounted to a massive expropriation of value from the holders of Fannie Mae stock.
4. The legal issues arising out the Net Worth Sweep are complicated. In related litigation, the District of Columbia Circuit issued in February of this year a

103-page opinion, which the court corrected earlier this week in a 4-page order. *Perry Capital LLC v. Mnuchin*, 848 F.3d 1072 (D.C. Cir. 2017), *pet. reh'g. granted* (D.C. Cir. July 17, 2017). A review of this opinion will give this Court a flavor of the issues to be raised in the instant case.

5. The instant case has its own peculiar complications. For example, it was originally filed in state court, removed to federal court (over Appellants' objections), and then the FHFA effectively intervened and persuaded the district court that it, not the Appellants, was the proper plaintiff. Immediately after the district court substituted the FHFA as the plaintiff, the FHFA voluntarily dismissed the suit with prejudice and without the consent of the Appellants who originally brought the suit.

6. Given the complicated nature of this case, preparing Appellants' principal brief will take considerable time, far more than the ordinary appeal before this Court.

7. The undersigned counsel did not appear as counsel for this matter in the district court until after the dispositive orders being appealed were entered.

8. The undersigned counsel has a pressing schedule during the next month that includes, among other things:

- an appellate brief due in a state court on Friday, July 21, 2017;
- a mediation in Pensacola, Florida on July 25, 2017;

- a pre-trial hearing in Jacksonville, Florida on the morning of July 27, 2017, and a meeting of the Florida Committee Standard Jury Instructions in Civil Cases on the afternoon of July 27, 2017 in St. Augustine, Florida;
- an oral argument in a state appellate court in Tampa, Florida on August 2, 2017;
- two separate responses to two separate petitions for certiorari due in the U.S. Supreme Court on August 7, 2017;
- an amicus brief due in the Supreme Court of Florida on August 10, 2017;
- an oral argument in a state appellate court in Miami, Florida on August 14, 2017; and
- a mediation in a case presently before the U.S. Court of Appeals for the Ninth Circuit on August 25, 2017 in Orange County, California.

9. For all these reasons, Appellants ask that the Court extend the deadline for service of Appellants' principal brief for sixty (60) days from August 1, 2017, through and including Monday, October 2, 2017.

10. The undersigned counsel has conferred with counsel for Plaintiff-Appellee and counsel for Defendant-Appellee, who consent to the relief requested in this motion.

WHEREFORE, Appellants respectfully request that this Court enter an order extending time in which to serve the principal brief, through and including Monday, October 2, 2017.

Respectfully submitted,

CREED & GOWDY, P.A.

/s/Bryan S. Gowdy

Bryan S. Gowdy
Florida Bar No. 0176631
bgowdy@appellate-firm.com
filings@appellate-firm.com
Rebecca Bowen Creed
Florida Bar No. 0975109
rcreed@appellate-firm.com
865 May Street
Jacksonville, Florida 32204
Telephone: (904) 350-0075
Facsimile: (904) 350-0086

Attorneys for Appellant

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion complies with the type-volume limitation of Rule 27(d)(2)(A), Federal Rules of Appellate Procedure, in that it contains 645 words (including words in footnotes), excluding the parts of the document exempted by Fed. R. App. P. 32(f), according to the word-processing system used to prepare this motion. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman.

/s/ Bryan S. Gowdy
Bryan S. Gowdy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2017, the foregoing document was filed electronically using the Court's CM/ECF system, and notice of this filing will be sent by e-mail to the following parties by operation of that electronic filing system:

Kenneth G. Turkel, Esq.

kturkel@bajocuva.com

Brad F. Barrios, Esq.

bbarrios@bajocuva.com

BAJO | CUVA | COHEN | TURKEL

100 North Tampa Street, Suite 1900

Tampa, Florida 33602

Telephone: (813) 443-2199

*Counsel for Original
Plaintiffs/Appellants*

Steven W. Thomas, Esq.

steventhomas@tafattorneys.com

THOMAS, ALEXANDER, FORRESTER &
SORENSEN LLP

14 27th Avenue

Venice, California 90291

Telephone: (310) 961-2536

*Counsel for Original
Plaintiffs/Appellants*

Hector J. Lombana, Esq.

hlombana@glhlawyers.com

GAMBA & LOMBANA

2701 Ponce De Leon Boulevard

Mezzanine

Coral Gables, Florida 33134

Telephone: (305)448-4010

*Counsel for Original
Plaintiffs/Appellants*

Gonzalo R. Dorta, Esq.

grd@dortalaw.com

Matias Rafael Dorta, Esq.

mrd@dortalaw.com

DORTA LAW

334 Minorca Avenue

Coral Gables, FL 33134

Telephone: (305) 441-2299

*Counsel for Original
Plaintiffs/Appellants*

Peter Prieto, Esq.

pprieto@podhurst.com

Matthew Weinshall, Esq.

mweinshall@podhurst.com

PODHURST ORSECK, P.A.

SunTrust International Center

1 SE 3rd Ave, #2700

Miami, Florida 33131

Telephone: (305) 358-2800

*Counsel for Defendant/Appellee
Deloitte & Touche, LLP*

Miles N. Ruthberg, Esq.

miles.ruthberg@lw.com

LATHAM & WATKINS, LLP

885 Third Avenue

New York, New York 10022-4834

Telephone: (212) 906-1200

*Counsel for Defendant/Appellee
Deloitte & Touche, LLP*

Master Sgt. Anthony R. Edwards, et al., Plaintiffs-Appellants, Federal Housing Finance Agency,
Plaintiff-Appellee v. Deloitte & Touche, LLP, Defendant-Appellee, Case No.: 17-12852-DD

Peter A. Wald, Esq.

peter.wald@lw.com
LATHAM & WATKINS, LLP
505 Montgomery Street
Suite 2000
San Francisco, California 94111-6538
Telephone: (415) 395-0600
*Counsel for Defendant/Appellee
Deloitte & Touche LLP*

Christopher S. Turner, Esq.

christopher.turner@lw.com
LATHAM & WATKINS, LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004-1304
Telephone: (202) 637-2200
*Counsel for Defendant/Appellee
Deloitte & Touche LLP*

Howard N. Cayne, Esq.

howard.cayne@aporter.com
ARNOLD & PORTER LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
Telephone: 202-942-5656
*Counsel for Substituted
Plaintiff/Appellee Federal Housing
Finance Agency*

Thomas D. Zimpleman, Esq.

Thomas.D.Zimpleman@usdoj.gov
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs
Branch
20 Massachusetts Ave. NW
Washington, DC 20530
Telephone: (202) 514-8095
*Counsel for Interested Party United
States*

Kevin M. McDonough, Esq.

kevin.mcdonough@lw.com
Miles N. Ruthberg, Esq.
miles.ruthberg@lw.com
LATHAM & WATKINS, LLP
885 Third Avenue
New York, NY 10022-4834
Telephone: (212) 906-1688
*Counsel for Defendant/Appellee
Deloitte & Touche, LLP*

Samuel Johnathan Dubbin, Esq.

sdubbin@dubbinkravetz.com
DUBBIN & KRAVETZ LLP
1200 Anastasia Avenue
Suite 300
Coral Gables, FL 33134
Telephone: 305-357-9004
*Counsel for Substituted
Plaintiff/Appellee Federal Housing
Finance Agency*

/s/ Bryan S. Gowdy

Bryan S. Gowdy