

**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.

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Bieryla, Doreen, Original Plaintiff/Appellant

Bieryla, Ed, Original Plaintiff/Appellant

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

Carmody, Michael, Original Plaintiff/Appellant

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

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Deloitte & Touche, LLP, Defendant/Appellee

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Dughman, Joseph K., Original Plaintiff/Appellant

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Federal Housing Finance Agency, Plaintiff/Appellee

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Ferguson, James, Original Plaintiff/Appellant

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Huber, Jay, Original Plaintiff/Appellant

Humphries, Jim, Original Plaintiff/Appellant

Inman, Gordon, Original Plaintiff/Appellant

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Jennings, Catherine, M., Original Plaintiff/Appellant

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Perini Capital, LLC, Original Plaintiff/Appellant

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Ruthberg, Miles N., counsel for Defendant/Appellee

Scola, Honorable Robert N., United States District Judge for Southern District
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Waske, Joseph, Original Plaintiff/Appellant

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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

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West, Barry, Original Plaintiff/Appellant

Winer, Jay, Original Plaintiff/Appellant

Sapata, Jorge, Original Plaintiff/Appellant

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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 request that this Court grant an unopposed twenty-one (21) day extension of time for service of the principal brief, from Monday, October 2, 2017, through and including Monday, October 23, 2017, and as grounds therefore state:

1. This is an appeal from a final judgment rendered on June 19, 2017.
2. The current deadline for the principal brief is Monday, October 23, 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 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. Not only is this appeal particularly complex, the undersigned counsel has experienced significant unanticipated interruptions in his work schedule due to Hurricane Irma. On September 10 and 11, 2017, the unfortunate combination of rainfall from a weekend nor'easter, together with the high tides, storm-force winds, and heavy rains that accompanied Hurricane Irma, caused flooding to the undersigned counsel's home, which is located approximately two blocks from the St. John's River in Jacksonville, Florida. Consequently, the undersigned counsel has

been unable to devote time to his workload, including pending appellate matters. Instead, he has been working each day at his home to remove standing water, to retrieve damaged furniture and personal items, and to coordinate clean-up and repair efforts.

7. Given the unfortunate and unanticipated impacts of Hurricane Irma, together with the complicated nature of this case, the process of drafting the principal brief of Appellants will take considerably more time.

8. For all these reasons, Appellants ask that the Court extend the deadline for service of Appellants' principal brief for twenty-one (21) days from October 2, 2017, through and including Monday, October 23, 2017.

9. 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 23, 2017.

Respectfully submitted,
CREED & GOWDY, P.A.

/s/Bryan S. Gowdy

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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 582 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 15th day of September, 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:

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