

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

In re UNITED STATES OF AMERICA,  
  
Petitioner.

No. 2017-104

[Fed. Cl. No. 13-465C]

**OPPOSED MOTION FOR EXTENSION OF TIME IN WHICH TO FILE  
REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

For the reasons set forth in the attached declaration, the United States respectfully requests an extension of three days, up to and including November 9, to file its reply in support of its petition for writ of mandamus, which was docketed by this Court on October 27, 2016.

Respectfully submitted,

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/s Abby C. Wright

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**DECLARATION OF COUNSEL**

I, Abby C. Wright, hereby declare as follows:

1. I am an attorney with the Appellate Staff of the Civil Division of the U.S. Department of Justice. I, along with Mark Stern and Gerry Sinzdak, have been assigned responsibility for the preparation and filing of the government's reply in support of its petition for writ of mandamus. For the reasons set out below, the government respectfully requests a three-day extension of time, to and including November 9, 2016, to file its reply.

2. By order of this Court on October 27, 2016, respondents were given seven days to file a response to the government's petition for writ of mandamus. That response is currently due November 3. The Court's order gives the government three days in which to file a reply in support of its petition for writ of mandamus. The reply

is therefore currently due Monday, November 7. The government has not requested any other extensions of time.

3. The extension is necessary in light of other litigation matters and the necessity of review by various government components and agencies. Specifically, Mark Stern is presenting oral argument in this Court on November 4, 2016, in *Starr Int'l Co. v. United States*, Nos. 2015-5103, -5133. And because the filing of the mandamus reply will require extensive coordination among various components of the Department of Justice, the Treasury Department, and the Federal Housing Finance Agency, the government requires additional time to prepare its reply.

4. Given the extremely short timeframe for the filing of the response and reply in this mandamus proceeding, the government was unable to file its extension motion within the seven-day requirement of Federal Circuit Rule 26(b)(1).

5. We have contacted counsel for respondents, and they have indicated that respondents oppose this extension motion, but will not file a separate opposition. Counsel asked the government to include the following in this motion: “Plaintiffs object to the requested extension because of the need for very prompt resolution of the petition.”

6. For the foregoing reasons, good cause exists for extending the deadline for the government’s reply by three days, to and including November 9, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 1, 2016. *See* 28 U.S.C. 1746(2).

**s/ Abby C. Wright**

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### CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2016, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system. Service will be accomplished by the appellate CM/ECF system:

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Service was accomplished on the following by First Class U.S. Mail:

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s/ Abby C. Wright  
ABBY C. WRIGHT