

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID JACOBS and GARY HINDES, on)
behalf of themselves and all others similarly)
situated, and derivatively on behalf of the)
Federal National Mortgage Association and)
Federal Home Loan Mortgage Corporation,)

C.A. No. 15-708

Plaintiffs,)

v.)

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

Defendants,)

**DEPARTMENT OF THE TREASURY’S MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT**

The defendant, the Department of the Treasury, hereby moves to dismiss the First Amended Complaint, D.I. 62, pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. The reasons for this motion are set forth in the Department of the Treasury’s opening brief.

Dated: April 17, 2017

Respectfully submitted,

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Acting Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director

/s/Thomas D. Zimpleman
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)

[PROPOSED] ORDER

Upon consideration of the Motion to Dismiss the First Amended Complaint (the “Motion to Dismiss”) by the Department of the Treasury, and for good cause shown, it is hereby:

ORDERED that the Motion to Dismiss is GRANTED and the First Amended Complaint is DISMISSED.

SO ORDERED.

Dated: _____.

Hon. Gregory M. Sleet
United States District Judge