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January 25, 2017

VIA HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court
District of Delaware
844 N. King Street
Room 4324, Unit 19
Wilmington, Delaware 19801

Re: *Pagliara v. Federal Nat'l Mtge. Ass'n.*,
C.A. No. 16-193-GMS

Dear Judge Sleet:

Pursuant to D. Del. LR 7.1.2(b), I write on behalf of FHFA to advise the Court that on January 20, 2017, plaintiff Pagliara moved to dismiss with prejudice his appeal of the United States District Court for the Eastern District of Virginia's decision in *Pagliara v. Fed. Home Loan Mortg. Corp.*, No. 16-cv-337, 2016 WL 4441978 (E.D. Va. Aug. 23, 2016) ("Virginia Decision") (copy of motion to dismiss enclosed).

FHFA has asked this Court to substitute FHFA as plaintiff in this suit because Mr. Pagliara is bound, under the doctrine of issue preclusion, by the Virginia Decision. *See* Supplemental Motion to Substitute the Federal Housing Finance Agency as Plaintiff and Memorandum in Support (filed September 2, 2016) (D.I. 24, 25). Mr. Pagliara opposed that motion, arguing (among other things) that the Court should await the conclusion of Pagliara's appeal of the Virginia Decision. *See* Plaintiff Timothy J. Pagliara's Answering Br. in Opp. to Supp. Mtn. to Substitute the Federal Housing Finance Agency as Plaintiff, at 2, 19-20 (filed Nov. 23, 2016) (D.I. 30). Mr. Pagliara's dismissal with prejudice of his appeal of the Virginia Decision moots that argument.

Respectfully,



Robert J. Stearn, Jr. (No. 2915)

Enclosure

cc: Counsel of record (via CM/ECF)



No. 16-2090

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

TIMOTHY J. PAGLIARA,
Plaintiff-Appellant,

v.

FEDERAL HOME LOAN MORTGAGE CORPORATION,
Defendant-Appellee,

and

FEDERAL HOUSING FINANCE AGENCY,
Movant-Appellee.

On Appeal from the United States District Court for the Eastern District of
Virginia in Civil Action No. 1:16-cv-00337-JCC-JFA

**MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF
APPELLATE PROCEDURE 42(b)**

Pursuant to Federal Rule of Appellate Procedure 42(b), Appellant Timothy J. Pagliara moves to dismiss the appeal in this case with prejudice and without costs. Appellant understands that this proceeding will be dismissed and cannot be reinstated at a later date.

Dated: January 20, 2017

Respectfully submitted,

/s/ N. Thomas Connally

N. Thomas Connally

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Counsel for Appellant

Timothy J. Pagliara

CERTIFICATE OF SERVICE

I certify that on January 20, 2017 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users.

/s/ N. Thomas Connally
N. Thomas Connally

January 20, 2017

Counsel for Appellant