



Robert J. Stearn, Jr.
Director
302-651-7830
Stearn@rlf.com

January 31, 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 Mortg. Ass'n., C.A. No. 16-cv-193-GMS

Dear Judge Sleet:

Pursuant to D. Del. LR 7.1.2(b), I write on behalf of FHFA to respond to Plaintiff's January 27, 2017 letter concerning *Lightfoot v. Cendant Mortgage Corp.*, No. 14-1055, 2017 WL 182911 (U.S. Jan. 18, 2017) (D.I. 35), which addressed whether the "sue-and-be-sued" clause of Fannie Mae's charter, without more, provides federal jurisdiction over suits by or against Fannie Mae. *See id.* at *2. *Lightfoot* is irrelevant to the remand motion currently before this Court. Fannie Mae did not rely on the lower court decisions in *Lightfoot* or the "sue-and-be-sued" clause in removing this action. *See* Notice of Removal (filed Mar. 25, 2016) (D.I. 1). Nor did it cite or otherwise rely on those authorities in opposing remand. To the contrary, FHFA and Fannie Mae oppose remand because Pagliara's books-and-records demand necessarily: (a) arises under federal law; and (b) turns on substantial and disputed issues of federal law. *See* FHFA Opp. to Remand (filed Aug. 18, 2016) (D.I. 16); Fannie Mae Opp. to Remand (filed Aug. 18, 2016) (D.I. 17).

Respectfully,

/s/ Robert J. Stearn, Jr.

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

cc: Counsel of record (via CM/ECF)

