

**[ORAL ARGUMENT NOT SCHEDULED]**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

PERRY CAPITAL, LLC, et al.,

Plaintiffs-Appellants,

v.

JACOB J. LEW, in his official capacity as the  
Secretary of Treasury, et al.,

Defendants-Appellees.

Consolidated Nos.  
14-5243; 14-5254;  
14-5260; 14-5262**DEFENDANTS-APPELLEES' UNOPPOSED MOTION  
FOR A 30-DAY EXTENSION OF TIME IN WHICH TO FILE  
RESPONSE BRIEFS**

Pursuant to Federal Rule of Appellate Procedure 27 and D.C. Circuit Rules 27(h) and 28(e), defendants-appellees Department of the Treasury and the Federal Housing Finance Agency (FHFA), respectfully request a 30-day extension of time, from August 14, 2015, to and including September 14, 2015, in which to file their response briefs in these cases. This is defendants-appellees' first request for an extension. Plaintiffs-appellants consent to this request, provided that the Court adopts the amended briefing schedule set forth below.

1. These consolidated cases raise a number of challenges to actions taken by Treasury and FHFA to address the operation of the conservatorships of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage

Corporation (Freddie Mac). The district court granted defendants' motions to dismiss plaintiffs' claims. Plaintiffs, a collection of individual and institutional investors, brought this appeal in October 2014.

2. On May 6, 2015, this Court entered its initial briefing schedule. Under that schedule, plaintiffs were permitted two opening briefs, one for the institutional plaintiffs and one for the class plaintiffs, with both briefs due on June 30, 2015. Plaintiffs filed their opening briefs on June 29, 2015, and June 30, 2015. Defendants have consented to the filing of several amicus briefs on plaintiffs' behalf. Those briefs are due July 7, 2015.

Under the current schedule, the briefs of defendants Treasury and FHFA, who were also permitted separate briefs, are due on August 14, 2015. Defendants have not previously sought an extension of their briefing time.

3. The requested 30-day extension is necessary in light of other pressing appellate matters for which government counsel are responsible, the number and complexity of issues raised by plaintiffs in their opening briefs, and the need to review and coordinate defendants' responses to issues raised by amici.

The attorneys with primary responsibility for representing Treasury in this appeal are Mark Stern, Abby Wright, and Gerard Sinzdak. They will be occupied with other pressing matters during the briefing period, including: *Hotze v. Burwell*, No. 14-20039 (5th Cir.) (response to en banc petition due July 6, 2015); *The School of the Ozarks v. U.S. Dep't of Health & Human Services*, No. 15-1330 (8th Cir.) (brief due July 8, 2015);

*Christian & Missionary Alliance Foundation, Inc. v. Burwell*, No. 15-11437 (11th Cir.) (brief due July 13, 2015); *Mance v. Lynch*, No. 14-10311 (5th Cir.) (brief due July 13, 2015); *Silverado Stages, Inc. v. FMCSA*, No. 14-1298 (D.C. Cir.) (brief due July 15, 2015); *Serna v. Transport Workers Union of America*, No. 15-103828 (5th Cir.) (brief due July 20, 2015); *Nesbitt v. Army Corps of Engineers*, No.14-36049 (9th Cir.) (brief due July 22, 2015); *United States v. Zadeh*, No. 15-10195 (5th Cir.) (brief due August 10, 2015); *Callaham v. United States*, No. 13-2073 (4th Cir.) (brief due August 12, 2015).

4. Counsel for defendants have consulted with counsel for plaintiffs. Plaintiffs consent to this motion, provided that the deadline for filing their reply briefs is extended to October 26, 2015. Accordingly, we request that the Court enter the following briefing schedule:

|                                         |                    |
|-----------------------------------------|--------------------|
| Briefs for Appellees Treasury and FHFA: | September 14, 2015 |
| Reply Briefs for Appellants:            | October 26, 2015   |
| Deferred Appendix:                      | November 9, 2015   |
| Final Briefs:                           | November 30, 2015  |

## CONCLUSION

For the foregoing reasons, this Court should extend the time for filing the defendants-appellees' briefs by 30 days, to and including September 14, 2015, and amend the briefing schedule as set forth above.

Respectfully submitted,

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JULY 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2015, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

s/ Gerard Sinzdak

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Gerard Sinzdak