

[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 14-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 14-day extension of time, from December 7, 2015, to and including December 21, 2015, in which to file their response briefs in these cases. This is defendants-appellees' second request for an extension. Plaintiffs-appellants consent to this request.

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.

Under the initial briefing schedule, the defendants' response briefs were due on August 14, 2015. On July 7, 2015, this Court granted defendants' motion to extend the deadline for their briefs by 30 days, up to and including September 14, 2015.

On July 29, 2015, plaintiff Fairholme Funds, Inc. filed a Motion For Judicial Notice and Supplementation of the Record. This Court subsequently issued an order suspending the briefing schedule pending the resolution of Fairholme's motion. Defendants filed responses to Fairholme's motion and Fairholme filed a reply.

By order dated November 3, 2015, this Court referred Fairholme's motion to the merits panel. Two days later, this Court issued an order setting a new briefing schedule. Under the revised schedule, defendants briefs are due on December 7, 2015.

3. The requested 14-day extension is necessary in light of other pressing appellate matters for which government counsel are responsible. 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 *Starr International Co. v. United States*, No. 15-5103 (Fed. Cir.) (AIG shareholder litigation) (response brief due December 7, 2015); *Vallejo v. Colvin*, No. 15-1238 (10th Cir.) (opening brief due November 10, 2015); *Hiken v. Dep't of Defense*, No. 13-17073 (9th Cir.) (oral argument on November 20, 2015); *ASI Aviation v. FAA*, No. 15-1159 (D.C. Cir.) (response brief due December 7, 2015); *Silverado Stages v. FMCSA*, No. 14-1298 (D.C. Cir.) (oral argument on December 9, 2015); *Florida Health Sciences Center v. HHS*, No. 15-5163 (D.C. Cir.) (response brief due December 14, 2015).

4. Counsel for defendants have consulted with counsel for plaintiffs. Plaintiffs consent to this motion. Accordingly, we request that the Court enter the following briefing schedule:

Briefs for Appellees Treasury and FHFA:	December 21, 2015
Reply Briefs for Appellants:	February 2, 2016
Deferred Appendix:	February 16, 2016
Final Briefs:	March 8, 2016

CONCLUSION

For the foregoing reasons, this Court should extend the time for filing the defendants-appellees' briefs by 14 days, to and including December 21, 2015, and amend the briefing schedule as set forth above.

Respectfully submitted,

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DECEMBER 2015

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 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

Gerard Sinzdak