

**[ORAL ARGUMENT HELD ON APRIL 15, 2016]**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**UNOPPOSED MOTION TO AMEND  
THE SUPPLEMENTAL BRIEFING SCHEDULE**

Pursuant to Federal Rule of Appellate Procedure 27 and D.C. Circuit Rules 27(h) and 28(e), defendant-appellee Department of the Treasury respectfully requests modification of this Court's June 21, 2016, order requiring supplemental briefing and setting a schedule for that briefing. Treasury requests that class plaintiffs' opening brief be due July 6, 2016; defendants' briefs be due July 13, 2016; and class plaintiffs' reply brief be due July 20, 2016. This is Treasury's first request for a modification of the briefing schedule. Counsel for Treasury has contacted the parties to the supplemental briefing order and none oppose this motion.

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. Oral argument was held on April 15, 2015.

2. On June 22, 2016, this Court called for supplemental briefing. Under that schedule, class plaintiffs' supplemental brief is due July 1, 2016, and defendants' briefs are due on July 8. Class plaintiffs' reply brief is due July 15, 2016.

3. Modification of the briefing schedule is necessary in light of prearranged absences and the Fourth of July holiday. The attorneys with primary responsibility for representing Treasury in this appeal are Mark Stern, Abby Wright, and Gerard Sinzdak. Mr. Sinzdak is on parental leave until the end of July. Ms. Wright will be on a prearranged family vacation from July 2 through July 9. The requested modification of the briefing schedule shifts the briefing schedule five days forward to permit Ms. Wright to prepare Treasury's brief in consultation with the Treasury Department.

4. Counsel for Treasury has consulted with counsel for class plaintiffs and counsel for FHFA. Neither opposes this motion. Accordingly, Treasury requests that the Court enter the following briefing schedule:

Brief for Class Plaintiffs:	July 6, 2016
Joint Brief for FHFA, et al.:	July 13, 2016
Brief for Treasury:	July 13, 2016
Reply Brief for Class Plaintiffs:	July 20, 2016

## CONCLUSION

For the foregoing reasons, this Court should amend the briefing schedule as set forth above.

Respectfully submitted,

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s/ ABBY C. WRIGHT

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2016, 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/ Abby C. Wright

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ABBY C. WRIGHT