

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER ROBERTS, and THOMAS)	
P. FISCHER,)	
)	
Plaintiff,)	
)	Civil Action No. 1:16-CV-02107
v.)	
)	Honorable Edmond E. Chang
THE FEDERAL HOUSING FINANCE)	
AGENCY, in its capacity as Conservator)	
of the Federal National Mortgage)	
Association and the Federal Home Loan)	
Mortgage Corporation, MELVIN L.)	
WATT, in his official capacity as Director)	
of the Federal Housing Finance Agency,)	
JACOB J. LEW, in his official capacity as)	
Secretary of the Treasury, and THE)	
DEPARTMENT OF THE TREASURY,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION FOR TEMPORARY STAY PENDING DECISION
ON MOTION TO TRANSFER BY MDL JUDICIAL PANEL**

Defendants, Federal Housing Finance Agency, (“FHFA”), Conservator for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, Melvin L. Watt, in his official capacity as Director of the FHFA, and the United States Department of the Treasury, move for a temporary stay of this case pending a decision from the Judicial Panel on Multidistrict Litigation regarding coordination and consolidation of this and related cases in the U.S. District Court for the District of Columbia. In support of the Motion, Defendants state:

1. On March 15, 2016, the FHFA filed a motion to transfer this case to the District Court for the District of Columbia, along with three other cases pending in three different district courts (the District of Delaware, the Northern District of Iowa, and the Eastern District of

Kentucky, collectively, the “Related Cases”), before the Judicial Panel on Multidistrict Litigation. *In re Fed. Hous. Fin. Agency, et al., Preferred Stock Purchase Agreements Third Amendment Litigation*, MDL No. 2713 (March 15, 2016) (Dkt. No. 1.) Simultaneously in this Court, FHFA filed a Notice of Filed Motion to Transfer for Coordinated or Consolidated Pretrial Proceedings Under 28 U.S.C. § 1407. (Dkt. No. 13.)

2. In light of the motion to transfer pending before the Panel, the FHFA, Mr. Watt, and the Department of Treasury request a temporary stay of this case pending a decision from the Judicial Panel for three reasons.

3. *First*, a temporary stay would promote judicial efficiency and avoid duplicative litigation. The stay would be of limited duration and only until the Panel rules on the pending motion to transfer this case and the Related Cases--all presenting identical claims and issues, including threshold jurisdictional questions, arising out of common facts--for consolidation and coordination in the District Court for the District of Columbia.

4. The Complaint and the Related Cases the FHFA seeks to consolidate are similar to the first ten cases alleging similar claims brought in the U.S. District Court for the District of Columbia. The District Court for the District of Columbia granted Defendants’ motions to dismiss with respect to all ten complaints. *Perry Capital LLC v. Lew*, 70 F. Supp. 3d 208, 246 (D.D.C. 2014). That decision is currently on appeal to the U.S. Court of Appeals for the District of Columbia. Briefing is complete, and oral arguments are scheduled for April 15, 2016. Plaintiffs’ factual allegations, legal theories, and claims for relief are materially identical to those asserted in the other Related Cases.

5. *Second*, Defendants would suffer hardship by having to defend materially identical actions in four jurisdictions. These resources should not be expended if it would ultimately prove to be unnecessary or inconsistent.

6. *Third*, this case is in the early stages; thus, Plaintiffs would not be prejudiced. And to the extent that any prejudice exists at all, concerns regarding judicial economy, prejudice to Defendants, and the risk of inconsistent rulings on jurisdictional issues outweigh any possible prejudice to Plaintiffs.

7. For the foregoing reasons and the reasons set forth in Defendants' Memorandum of Law in support filed contemporaneously herewith, the Court should stay this action until 14 days after the Panel rules on Defendants' pending motion to transfer.

WHEREFORE, Defendants Federal Housing Finance Agency, Melvin Watt, and the U.S. Department of Treasury respectfully requests that the Court temporarily stay this case until 14 days after the decision by the Judicial Panel on Multidistrict Litigation on the pending motion to transfer, and for any such other and further relief the Court deems just and appropriate.

Dated: April 5, 2016

Respectfully submitted,

/s/ Kristen E. Hudson

Kristen Hudson (ARDC #70693)
Kara Allen (ARDC #6280786)
CHUHAK & TECSON, P.C.
30 South Wacker Drive | Suite 2600
Chicago, Illinois 60606
Telephone: (312) 444.9300
Facsimile: (312) 444.9027

KHudson@chuhak.com

KAllen@chuhak.com

*Attorney for Defendants Federal Housing
Finance Agency and Director Melvin L.
Watt*

Howard N. Cayne (D.C. Bar # 331306)
Asim Varma (D.C. Bar # 426364)
David B. Bergman (D.C. Bar # 435392)
ARNOLD & PORTER LLP
601 Massachusetts Avenue NW
Washington, D.C. 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999
Howard.Cayne@aporter.com
Asim.Varma@aporter.com
David.Bergman@aporter.com
*Attorneys for Defendants Federal Housing
Finance Agency and Director Melvin L.
Watt*

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

DIANE KELLEHER
Assistant Branch Director

s/ Caroline J. Anderson

CAROLINE ANDERSON
DEEPTHY KISHORE
THOMAS ZIMPLEMAN
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530
(P) 202-305-8645 | (F) 202-616-8470

Caroline.J.Anderson@usdoj.gov

*Attorneys for Defendants Department of the
Treasury and Secretary Jacob J. Lew*

CERTIFICATE OF SERVICE

I, Kristen Hudson, the undersigned attorney, hereby certify that I caused the foregoing Defendants' Motion For Temporary Stay Pending Decision on Motion to Transfer By MDL Judicial Panel to be served on parties of record this 5th day of April, 2016 by ECF.

By: s/ Kristen E. Hudson
Kristen E. Hudson

Kristen E. Hudson (ARDC #70693)
Kara Allen (ARDC #6280786)
CHUHAK & TECSON, P.C.
30 S. Wacker Drive, Suite 2600
Chicago, IL 60606
(312) 444-9300
khudson@chuhak.com
kallen@chuhak.com