

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION AT PIKEVILLE**

ARNETIA JOYCE ROBINSON,

Plaintiff,

v.

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, and THE  
DEPARTMENT OF THE TREASURY,

Defendants.

Civil Action No. 7:15-cv-109-ART

**DEFENDANTS' JOINT MOTION TO STAY**

Defendants the Federal Housing Finance Agency ("FHFA"), in its capacity as Conservator for the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac"), Melvin L. Watt, in his official capacity as Director of FHFA, and the Department of the Treasury move this Court to stay this action until 14 days after the Judicial Panel on Multidistrict Litigation rules on the pending motion to transfer this case. *See* Notice of Filed Motion to Transfer (Mar. 15, 2016) (ECF No. 39). This Motion is based on the accompanying Memorandum of Law and the records and pleadings filed in this action.

Dated: April 8, 2016

Respectfully submitted,

/s/ Scott White

Scott White  
Morgan & Pottinger, P.S.C.  
133 West Short Street  
Lexington, KY 40507  
tsw@morganandpottinger.com

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

/s/ Howard N. Cayne

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

KERRY B. HARVEY  
United States Attorney

DIANE KELLEHER  
Assistant Branch Director

/s/ Deepthy Kishore

DEEPTHY KISHORE  
THOMAS D. ZIMPLEMAN  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, DC 20530  
(202) 514-8095  
thomas.d.zimpleman@usdoj.gov

*Attorneys for Defendant U.S. Department of the Treasury*

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION AT PIKEVILLE**

ARNETIA JOYCE ROBINSON,

Plaintiff,

v.

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, and THE  
DEPARTMENT OF THE TREASURY,

Defendants.

Civil Action No. 7:15-cv-109-ART

**DEFENDANTS' MEMORANDUM  
OF LAW IN SUPPORT OF THEIR JOINT MOTION TO STAY**

A temporary stay in this case is necessary to promote judicial efficiency and avoid duplicative litigation, and it will not prejudice Plaintiff. The stay would be of limited duration and for a specific purpose: to permit the Judicial Panel on Multidistrict Litigation (the "Panel") time to rule on a pending motion to transfer this case and several others—all presenting substantially similar claims and issues, including threshold jurisdictional questions, arising out of common facts—for consolidation or coordination in the District Court for the District of Columbia. *In re Fed. Hous. Fin. Agency, et al., Preferred Stock Purchase Agreements Third Amendment Litigation*, MDL No. 2713 (Mar. 15, 2016), ECF No. 1.<sup>1</sup> Indeed, two courts have

---

<sup>1</sup> FHFA's counsel notified Plaintiff's counsel of its intent to file this motion, and Plaintiff's counsel noted its objection and opposition to it.

already stayed three actions. The District of Delaware stayed two related actions pending the Panel's ruling, without briefing, after conducting a teleconference with the parties to discuss the stay. Order, *Jacobs v. FHFA*, No. 1:15-cv-00708 (D. Del. Mar. 20, 2016), ECF No. 44; Minute Order, *Pagliara v. Fed. Nat'l Mortg. Ass'n*, No. 1:16-cv-00193 (D. Del. Apr. 4, 2016). The Northern District of Iowa likewise granted the Federal Housing Finance Agency's ("FHFA" or "Conservator") and the U.S. Department of the Treasury's ("Treasury") joint motion to stay two business days after they filed it and before Plaintiffs filed any opposition thereto. Order, *Saxton v. FHFA*, No. 1:15-cv-00047 (N.D. Iowa Apr. 4, 2016), ECF No. 79.

## **BACKGROUND**

### **A. The Related Cases**

Plaintiff's complaint here mimics fourteen other shareholder complaints filed in four different district courts, including those in three cases recently filed in other district courts (the "Related Cases").<sup>2</sup> All of the actions are brought by shareholders of the Enterprises to challenge the Third Amendment to the preferred stock purchase agreements ("PSPAs") governing the terms and conditions for Treasury's investment of almost \$200 billion in the Enterprises and continuing commitment to invest up to an additional \$258 billion as necessary to save the Enterprises from mandatory receivership and liquidation. Plaintiff's complaint and the Related Cases present identically-situated plaintiffs, bringing substantially similar claims for identical

---

<sup>2</sup> The Related Cases are: *Saxton v. FHFA*, No. 1:15-cv-00047 (N.D. Iowa filed May 28, 2015); *Jacobs v. FHFA*, No. 1:15-cv-00708 (D. Del. filed Aug. 17, 2015); and *Robinson v. FHFA*, No. 7:15-cv-00109 (E.D. Ky. filed Oct. 23, 2015). FHFA has filed a notice of related actions with the Panel also requesting the transfer of *Pagliara v. Fed. Nat'l Mortg. Ass'n*, No. 1:16-cv-00193 (D. Del. removed Mar. 25, 2016), *Pagliara v. Fed. Home Loan Mortg. Corp.*, No. 1:16-cv-00337 (E.D. Va. removed Mar. 25, 2016), *Edwards v. Deloitte & Touche, LLP*, No. 1:16-cv-21221 (S.D. Fla. removed Apr. 6, 2016), and *Edwards v. PricewaterhouseCoopers LLP*, No. 1:16-cv-21224 (S.D. Fla. removed Apr. 6, 2016). *In re Fed. Home Fin. Agency, et al., Preferred Stock Purchase Agreements Third Amendment Litigation*, MDL No. 2713 (Mar. 28, 2016), ECF Nos. 9, 22.

relief, arising out of common factual allegations and raising common legal issues, including threshold jurisdictional issues.

The first ten cases were brought in the U.S. District Court for the District of Columbia.<sup>3</sup> Plaintiffs in those actions asserted claims under the Administrative Procedure Act (“APA”), 5 U.S.C. § 701, *et seq.*, for rescission of the Third Amendment, as well as assorted state law claims for money damages. 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.

Soon after the decision in *Perry Capital*, an Enterprise shareholder brought an eleventh action presenting the same claims in the U.S. District Court for the Southern District of Iowa. The court dismissed that case on issue preclusion grounds. *Cont’l W. Ins. Co. v. FHFA*, 83 F. Supp. 3d 828, 840 (S.D. Iowa 2015). In the alternative, the court noted its agreement with the holding in *Perry Capital* that FHFA’s and Treasury’s actions “were permissible under the authority granted by HERA.” *Id.* at 840 n. 6. Plaintiff did not appeal.

---

<sup>3</sup> The cases filed in the District Court for the District of Columbia are: *Perry Capital LLC v. Lew*, 70 F. Supp. 3d 208 (filed July 7, 2013); *Fairholme Funds, Inc. v. FHFA*, No. 13-cv-01053 (filed July 10, 2013); *Arrowood Indemnity Co. v. Fed. Nat’l Mortg. Ass’n*, No. 13-cv-01439 (filed September 20, 2013); *Liao v. Lew*, No. 13-cv-01094 (filed July 16, 2013); *Cacciapelle v. Fed. Nat’l Mortg. Ass’n*, No.13-cv-01149 (filed July 29, 2013); *Am.-European Ins. Co. v. Fed. Nat’l Mortg. Ass’n*, No.13-cv-01169 (filed July 30, 2013); *Cane v. FHFA*, No. 13-cv-01184 (filed August 1, 2013); *Dennis v. United States*, No. 13-cv-01208 (filed August 5, 2013); *Marneu Holdings, Co. v. FHFA*, No. 13-cv-01421 (filed September 18, 2013); *Borodkin v. Fed. Nat’l Mortg. Ass’n*, No. 13-cv-01443 (filed September 20, 2013). On November 18, 2013, the *Liao*, *Cacciapelle*, *Am.-European Ins. Co.*, *Cane*, *Dennis*, *Marneu Holdings*, and *Borodkin* actions were consolidated as *In re Senior Preferred Stock Purchase*, No.13-mc-1288, in the District Court for the District of Columbia.

This action, along with the three Related Cases, asserts substantially similar claims to those that the courts dismissed in *Perry Capital* and *Continental Western Insurance Co.* All four cases seek substantially identical declaratory and injunctive relief that would vacate the Third Amendment. *Saxton* Am. Compl. Prayer for Relief (a); *Robinson* Am. Compl. Prayer for Relief (a); *Roberts* Compl. Prayer for Relief (a); *Jacobs* Compl. Prayer for Relief (D).

In addition, four other actions raise the same factual and legal issues related to the Third Amendment, shareholder standing, and the conservatorships. *Edwards v. Deloitte & Touche, LLP*, No. 2016-004986-CA-01 (Fla. Cir. Ct. filed Feb. 29, 2016); *Edwards v. PricewaterhouseCoopers, LLP*, No. 2016-005875-CA-01 (Fla. Cir. Ct. filed Mar. 9, 2016); *Pagliara v. Fed. Nat'l Mortg. Ass'n*, No. 1:16-cv-00193 (D. Del. removed Mar. 25, 2016); and *Pagliara v. Fed. Home Loan Mortg. Corp.*, No. 1:16-cv-00337 (E.D. Va. removed Mar. 25, 2016).

**B. FHFA's Motion to Transfer Pursuant to 28 U.S.C. § 1407**

On March 15, 2016, FHFA filed a motion with the Panel to transfer the Related Cases to the U.S. District Court for the District of Columbia for consolidated or coordinated pretrial proceedings. On the same day, FHFA filed a notice of the filing in this Court and attached the moving papers to the notice. ECF No. 39. On March 21, 2016, Treasury filed a brief with the Panel in support of FHFA's motion to transfer. Responses to FHFA's motion to transfer are due April 6, 2016, and FHFA may file a reply by April 13, 2016.

Defendants are moving to stay all of the Related Cases pending a decision by the Panel on FHFA's motion to transfer. The District of Delaware has already entered a stay in the *Jacobs* and *Pagliara* Related Cases after conducting a teleconference with the parties, even though briefing on Defendants' motions to dismiss in *Jacobs* was complete, and *Pagliara* had not formally been assigned to Judge Sleet at the time of the conference. See Order, *Jacobs v. FHFA*,

No. 1:15-cv-00798 (D. Del. Mar. 29, 2016) (“[T]his action is stayed until the Panel rules on the MDL Motion.”); Minute Order, *Pagliara v. Fed. Nat’l Mortg. Ass’n*, No. 1:16-cv-00193 (D. Del. Apr. 4, 2016) (staying related case). The Northern District of Iowa acted with similar speed, granting FHFA’s and Treasury’s joint motion to stay the *Saxton* case two business days after it was filed and before plaintiffs filed any opposition to the motion. Order, *Saxton v. FHFA*, No. 1:15-cv-00047 (N.D. Iowa Apr. 4, 2016), ECF No. 79.

Pending before this Court are Defendants’ motions to dismiss Plaintiff’s Amended Complaint for lack of subject matter jurisdiction and for failure to state a claim. ECF Nos. 22-23. No discovery has taken place.

### **ARGUMENT**

Defendants respectfully request this Court stay all proceedings in this suit pending the Panel’s decision on whether to transfer this case for coordination or consolidation with other related cases for pretrial proceedings. Granting a stay, which is within the Court’s inherent authority, plainly will serve the interests of judicial efficiency. “A court has the inherent discretionary power to control the disposition of cases on its docket,” *Paul v. Aviva Life & Annuity Co.*, No. 2009 WL 2244766, at \*1 (N.D. Ill. July 27, 2009), “with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). This authority includes the power to stay a case. *Stone v. INS*, 514 U.S. 386, 411 (1995); *Ohio Env’tl Council v. U.S. Dist. Court, S. Dist. of Ohio, E. Div.*, 565 F.2d 393, 396 (6th Cir. 1977). As the Panel has explained, the goal of a multidistrict litigation (“MDL”) proceeding is to “eliminate duplicative discovery, prevent inconsistent or repetitive pretrial rulings . . . and conserve the resources of the parties, their counsel, and the judiciary.” *In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Prods. Liab. Litig.*, 990 F. Supp. 834, 836 (J.P.M.L. 1997).

While there is no precise test in the Sixth Circuit, when considering a motion to stay pending a decision by the Panel on whether to transfer and consolidate, district courts have considered three factors: “the need for a stay, the balance of potential hardship to the parties and the public, and the promotion of judicial economy.” *Dowler v. Medicine Shoppe*, No. 2:07-cv-848, 2007 WL 2907519 (S.D. Ohio Oct. 3, 2007); *Ferrell v. Wyeth-Ayerst Labs., Inc.*, 2005 WL 2709623, at \*1 (S.D. Ohio Oct. 21, 2005). Those factors uniformly and strongly favor staying this action pending the Panel’s decision on the motion to transfer.

**A. A Stay is Necessary Here to Promote Judicial Economy and Avoid Duplicative Litigation**

It is “often appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with the MDL panel because the judicial resources are conserved.” *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997). Indeed, district courts “frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Dowler*, 2007 WL 2907519, at \*2; *see also Tench v. Jackson Nat’l Life Ins. Co.*, No. 99 C 5182, 1999 WL 1044923, at \*1 (N.D. Ill. Nov. 12, 1999) (“[S]tays are frequently granted to avoid duplicative efforts and preserve judicial resources” pending a decision by the Panel on a motion to transfer.).

The very purpose for the MDL mechanism is to further judicial economy and to eliminate duplicative litigation. *See Dowler*, 2007 WL 2907519, at \*2. To safeguard these benefits of coordinated, pretrial proceedings, courts—including those within the Sixth Circuit<sup>4</sup>—“frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Id.*

---

<sup>4</sup> *See, e.g., Ohio v. U.S. Env. Prot. Agency*, No. 2:15-cv-2467, 2016 WL 525480, at \*2 (S.D. Ohio Feb. 8, 2016) (granting stay pending Panel’s decision on motion to transfer); *Bearup v. Pfizer, Inc.*, Case No. 15cv13995, 2015 WL 9266908 (E.D. Mich. Dec. 16, 2015) (same); *Ratliff v. Merck & Co., Inc.*, No. 04-419 JMH (E.D. Ky. Dec. 6, 2004) (staying case pending Panel’s

Footnote continued on next page



There is no doubt that judicial economy will be served by staying this action. Plaintiff's factual allegations, legal theories, and claims for relief are materially identical to those asserted in the other Related Cases; all four cases challenge the Third Amendment and argue that FHFA and Treasury exceeded their statutory powers and acted with improper motive. "The very purpose of multidistrict litigation is to coordinate the pretrial management of actions sharing common facts," *Azar v. Merck & Co.*, No. 3:06-cv-0579 AS, 2006 WL 3086943, at \*1 (N.D. Ind. Oct. 27, 2006), and the Court need not expend resources to familiarize itself "with the intricacies of a case that may be coordinated or consoli[dated] for pretrial purposes in another court." *See Paul*, 2009 WL 2244766, at \*1. A stay would ensure that the court does not expend "judicial resources by addressing various pre-trial motions that could have been resolved in the transferee court." *See id.*

Staying these actions also mitigates the risk of duplicative litigation on jurisdictional questions that turn on the interpretation of a comprehensive, federal statutory scheme concerning the nation's secondary market in residential mortgages. Indeed, "it was the intent of Congress to grant to the transferee district court under § 1407 the power to pass upon all pretrial motions, including motions to dismiss . . . ." *Kaiser Indus. Corp. v. Wheeling-Pittsburgh Steel Corp.*, 328 F. Supp. 365, 371 (D. Del. 1971) (citation omitted).

Where multiple courts face the same jurisdictional issues, and a motion to transfer is before the Panel, the "best course" is to stay the action and, if transfer is granted, allow the transferee court to "resolve the jurisdictional question[s]." *See Johnson v. AMR Corp.*, Nos. 95

---

Footnote continued from previous page  
decision); *see also Bd. of Tr. of Teachers' Ret. Sys. of State of Ill. v. Worldcom, Inc.*, 244 F.Supp.2d 900, 905 (N.D. Ill. 2002) (granting stay pending decision on MDL consolidation); *Benge v Eli Lilly & Co.*, 553 F. Supp. 2d 1049, 1050 (N.D. Ind. 2008); *Munchel v. Wyeth LLC*, No. 12-906-LPS, 2012 WL 4050072, at \*2 (D. Del. Sept. 1, 2012) (staying newly removed suit pending decision on MDL consolidation).

C 7659 to 95 C 7664, 1996 WL 164415, at \*3 (N.D. Ill. Apr. 3, 1996). For instance, in *Fox v. Depuy Orthopedics, Inc.*, the Panel had already transferred similar cases to the Northern District of Ohio, and the defendant sought a stay pending the Panel's decision on defendant's motion to include the case in that MDL proceeding. No. 3:11-cv-387-CRS, 2011 WL 6057509, at \*1 (W.D. Ky. Dec. 6, 2011). A motion to remand challenged the court's jurisdiction based on an issue of Kentucky law concerning the joinder of parties, and that exact same issue was common to eight other remand motions pending before a transferee court. *Id.* at \*1-2. The court observed that "[i]t would unnecessarily duplicate work and potentially lead to inconsistent results if this court were to rule on [p]laintiff's motion to remand before the MDL Panel's final decision." *Id.* at \*2. The court thus concluded that the Northern District of Ohio was "well-equipped to make an informed and uniform decision on all of these motions," and "stayed" the action "pending the MDL Panel's final transfer decision." *Id.*

The same circumstance is present here and concerns for judicial economy and conservation of judicial resources similarly favor a stay. *See Dowler*, 2007 WL 2907519, at \*2 ("[T]he interests in judicial economy and consistent pretrial rulings outweigh all other interests and justify issuing a stay in this case until a decision is rendered by the MDL Panel."). Should the Panel grant FHFA's motion to transfer, the U.S. District Court can make an informed and uniform decision on FHFA's and Treasury's motions to dismiss. *See Fox*, 2011 WL 6057509, at \*2. Moreover, because the jurisdictional issues in this case and the Related Cases have broad implications beyond each respective case, and the same jurisdictional issues will be before the transferee court in the other similar cases, a single court should decide the motions to dismiss. *See In re Ivy*, 901 F. 2d 7, 9 (2d Cir. 1990) ("Once transferred, the jurisdictional objections can

be heard and resolved by a single court and reviewed at the appellate level in due course. Consistency as well as economy is thus served.”).

**B. The Balance of Potential Hardships to the Parties Favor a Stay**

Currently, Defendants must defend materially identical actions in four jurisdictions. That number is likely to grow, as additional shareholder actions challenging the Third Amendment are all but inevitable.<sup>5</sup> Without a stay Defendants would suffer “considerable hardship and inequity if forced to simultaneously litigate multiple suits in multiple courts,” and it may “potentially suffer conflicting rulings by different judges in these multiple suits.” *See Aikins*, 2000 WL 310391, at \*1 (E.D. La. Mar. 24, 2000). Thus, duplicative litigation and risk of inconsistent decisions on those issues prejudice FHFA and weigh in favor of a stay. *See Paul*, 2009 WL 2244766, at \*2 (holding the possibility of “conflicting decisions on similar pre-trial issues” weighed in favor of a stay).

That prejudice to Defendants, particularly in light of the risk of inconsistent rulings on jurisdictional issues, outweighs any possible prejudice to Plaintiff. “[A]ny prejudice to the [P]laintiff resulting from a stay would be minimal,” however, “in the absence of a stay, the risk to [the Defendants] of duplicative motions and discovery” should it be necessary, would be “significant.” *See Jackson v. Merck & Co.*, No. 06-1004-T/AN, 2006 WL 448695, at \*1 (W.D. Tenn. Feb. 19, 2006).

Moreover, this action is in its earliest stages, further mitigating any prejudice to Plaintiff from staying this action. Plaintiff filed her Amended Complaint on December 29, 2015, and briefing related to Defendants’ motions to dismiss was recently completed on March 14, 2016.

---

<sup>5</sup> Indeed, two actions against the Enterprises’ auditors are currently pending in Florida state court, *Master Sgt. Edwards*, No. 2016-004986-CA-01; *Master Sgt. Edwards*, No. 2016-005875-CA-01.

This case is thus on a similar footing as *Jacobs*, where the briefing on the motions to dismiss is complete and the court stayed the action. Order, *Jacobs v. FHFA*, No. 1:15-cv-00708 (D. Del. Mar. 20, 2016). Discovery—should it even be necessary here—has not begun. See *Paul*, 2009 WL 2244766, at \*1 (finding non-moving party would not be prejudiced by a stay because “case ha[d] only been pending for five months and discovery ha[d]” not begun). The stay in this action will likely be brief: responses to Defendants’ motion before the Panel are due April 6, 2016, FHFA may reply by April 13, 2016, and the Panel generally renders its decisions “in relatively short order.” See *Paul*, 2009 WL 2244766, at \*1. If transfer is granted, Plaintiff will have a full opportunity to present her arguments to the transferee court. *Munchel*, 2012 WL 4050072, at \*5.

In these circumstances, staying this action to allow the Panel to decide the transfer motion would not prejudice Plaintiff.

#### **CONCLUSION**

For the foregoing reasons, the Court should stay this action until 14 days after the Panel rules on the pending motion to transfer.

Dated: April 8, 2016

Respectfully submitted,

/s/ Scott White

Scott White  
Morgan & Pottinger, P.S.C.  
133 West Short Street  
Lexington, KY 40507  
tsw@morganandpottinger.com

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

/s/ Howard N. Cayne

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

KERRY B. HARVEY  
United States Attorney

DIANE KELLEHER  
Assistant Branch Director

/s/ Deepthy Kishore

DEEPTHY KISHORE  
THOMAS D. ZIMPLEMAN  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, DC 20530  
(202) 514-8095  
thomas.d.zimpleman@usdoj.gov

*Attorneys for Defendant U.S. Department of the Treasury*

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION AT PIKEVILLE**

ARNETIA JOYCE ROBINSON,

Plaintiff,

v.

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, and THE  
DEPARTMENT OF THE TREASURY,

Defendants.

Civil Action No. 7:15-cv-109-ART

**[PROPOSED] ORDER**

Upon consideration of the Joint Motion to Stay filed by the Federal Housing Finance Agency (“FHFA”), in its capacity as Conservator for the Federal National Mortgage Association (“Fannie Mae”) and the Federal Home Loan Mortgage Corporation (“Freddie Mac”), Melvin L. Watt, in his official capacity as Director of FHFA, and the Department of the Treasury, and for good cause shown, it is hereby ORDERED that this action is stayed until 14 days after the Judicial Panel on Multidistrict Litigation has ruled on the pending motion to transfer this case.  
SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Amul R. Thapar  
United States District Judge