



U.S. Department of Justice

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December 29, 2017

VIA ECF

The Hon. Brian R. Martinotti, U.S. District Judge
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

Re: Voacolo v. Fannie Mae et al., Civil Action No. 3:17-cv-5667-BRM-LHG

Dear Judge Martinotti:

On August 2, 2017, Plaintiff filed a complaint in the above-referenced case, which alleges that an agreement between the United States Department of the Treasury (“Treasury”) and Fannie Mae, which was under the conservatorship of the Federal Housing Finance Agency (“FHFA”), deprived Plaintiff of his property and constituted an illegal exaction. *See* ECF No. 1. As the Court is aware from previous letters, *see* ECF Nos. 5, 6, and 8, the parties have had preliminary discussions regarding a schedule for dispositive motions briefing, but had not previously finalized any agreement, based in part on Plaintiff’s failure to make proper service upon Treasury in accordance with Federal Rule of Civil Procedure 4(i). Following receipt of those letters, the Court, by Order dated December 20, 2017, set an in-person status conference for January 2, 2018. The parties have since conferred and come to an agreement with respect to the issues identified in the letters. Accordingly, we respectfully write to ask that the Court enter the attached proposed order addressing FHFA’s intervention in this matter and setting a briefing schedule for Defendants’ proposed motions to dismiss Plaintiff’s Complaint.

Pursuant to the terms of the proposed order: (1) Plaintiff shall make proper service on Treasury by no later than January 5, 2018; (2) forty days following the date of such effective service, the Defendants shall file their motions to dismiss Plaintiff’s Complaint; and (3) Plaintiff shall file his opposition to Defendants’ motions to dismiss thirty days following the filing of such motions.

Under this proposed schedule, the latest date on which the Defendants’ motions to dismiss could be due is February 14, 2018. Should Plaintiff fail to effectuate service upon Treasury in

accordance with this schedule, undersigned counsel for Treasury submits that he will be out of the country and unavailable between February 17 and February 23, 2018, and respectfully requests the opportunity to negotiate a schedule that allows for a reasonable period of time following his return to file Treasury's motion to dismiss.

Should the Court approve the attached schedule and have no further issues to discuss, the parties respectfully request that the Court adjourn the status conference currently scheduled for January 2, 2018.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Ravi P. Shah

Ravi P. Shah

Counsel for Plaintiffs

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By: /s/ R. Charlie Merritt
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Counsel for Defendant
U.S. Department of the Treasury

/s/ Thomas R. Curtin
THOMAS R. CURTIN
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Counsel for Defendant Fannie Mae

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAVID J. VOACOLO,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:17-cv-5667-BRM-LHG
)	
FANNIE MAE, <i>et al.</i>)	
)	
Defendants.)	
)	

CONSENT ORDER

THIS MATTER having been opened to the Court on the joint application of Plaintiff and Defendants for an order on consent addressing the intervention of the Federal Housing Finance Agency (“FHFA”), and setting a briefing schedule for Defendants’ proposed motions to dismiss Plaintiff’s Complaint; and the parties having agreed on the briefing schedule set forth herein; and good cause appearing,

IT IS on this _____ day of _____, 20____,

ORDERED that:

- (1) Plaintiff shall make proper service upon Treasury in accordance with Federal Rule of Civil Procedure 4(i) by no later than January 5, 2018.
- (2) FHFA, as conservator for Fannie Mae, will move to intervene in this action pursuant to Federal Rule of Civil Procedure 24, and Plaintiff does not oppose intervention.
- (3) Defendants shall file their motions to dismiss Plaintiff’s Complaint forty days following Plaintiff’s perfection of service upon Treasury.

(4) Plaintiff shall file his opposition thirty days following the filing of the Defendants' motions to dismiss.

(5) The status conference currently scheduled for January 2, 2018 is hereby adjourned.

THE HONORABLE BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE