

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

In re Fannie Mae/Freddie Mac Senior Preferred
Stock Purchase Agreement Class Action Litigations

This document relates to:
ALL CASES

Miscellaneous No. 13-01288 (RCL)

OPPOSITION TO PLAINTIFFS’ MOTION FOR LEAVE TO FILE SURREPLY

Class Plaintiffs’ motion for leave to file a surreply should be denied, as the proposed surreply is merely an expression of Plaintiffs’ regret that their opposition to Defendants’ motion to dismiss was effectively rebutted by Defendants. The discussion of ripeness in Defendants’ reply was a direct response to Plaintiffs’ argument in their opposition that the limits on anticipatory repudiation were an improper attempt to relitigate the D.C. Circuit’s ripeness ruling. In light of Plaintiffs’ argument, Defendants rightly pointed out that the ripeness ruling (a) did not foreclose Defendants’ merits-based arguments, and (b) was undercut by the Second Amended Complaint, which Plaintiffs now admit “does not rely on the stock price of Plaintiffs’ securities.” Proposed Surreply at 4 (Doc. # 78-1). *Compare Perry Capital LLC v. Mnuchin*, 864 F.3d 591, 632 (D.C. Cir. 2017) (finding claims ripe based on allegation that the Third Amendment “immediately diminished the value of their shares”) *with* Proposed Surreply at 4 (Doc. # 78-1) (conceding Plaintiffs’ deliberate “omission of stock price from the SAC”). Because Plaintiffs’ motion is nothing more than a request for a “do over,” the Court should not be obliged to devote its resources to considering the proposed surreply, and thus should deny Plaintiffs’ motion.

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Respectfully submitted,

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