

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

ATIF F. BHATTI, TYLER D. WHITNEY,
MICHAEL F. CARMODY,
Plaintiffs-Appellants,

v.

FEDERAL HOUSING FINANCE AGENCY;
MELVIN L. WATT, in his official capacity as
Director of the Federal Housing Finance Agency;
UNITED STATES DEPARTMENT OF
TREASURY.

Defendants-Appellees.

No. 18-2506

**APPELLEES' JOINT UNOPPOSED MOTION FOR A 30-DAY
EXTENSION OF TIME TO FILE RESPONSE BRIEFS**

Pursuant to Rules 26 and 27 of the Federal Rules of Appellate Procedure, appellees in the above-captioned case respectfully move for an extension of thirty (30) days, to and including November 5, 2018 (which is the next business day after the 30th day), in which to file their respective response briefs. In support of this motion, appellees state the following:

1. This case challenges actions taken by Treasury and the Federal Housing Finance Agency (FHFA) with respect to 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 filed their opening brief on September 4, 2018. Defendants have not previously requested an extension of time in this case.

2. In light of other pressing litigation matters described below, the requested extension is necessary to allow appellees' counsel to prepare their briefs and to allow sufficient time for internal review.

The attorney with primary responsibility for representing Treasury in this appeal is Abby Wright, an attorney on the Appellate Staff of the Civil Division of the Department of Justice. Ms. Wright is handling significant litigation between the filing of plaintiffs' opening brief and the current due date. On September 13, 2018, Ms. Wright filed the government's opposition to the rehearing petition filed in *Collins v. FHFA*, No. 17-20364 (5th Cir.), and, on September 14, Ms. Wright filed the government's reply brief in *Casa de Maryland v. DHS*, No. 18-1521 (4th Cir.). Ms. Wright will also present oral argument in the D.C. Circuit in *DCH Regional Hospital v. Azar*, No. 17-5203, on September 24. And, on October 5, Ms. Wright will file the government's reply brief in *Batalla Vidal v. Trump*, No. 18-485 (2d Cir.).

The attorney with primary responsibility for representing FHFA in this appeal is Robert Katerberg. Mr. Katerberg is also handling significant litigation between the filing of plaintiff's opening brief and the current due date. On September 13, 2018, Mr. Katerberg filed FHFA's opposition to plaintiffs' rehearing petition in *Collins v. FHFA*, No. 17-20364 (5th Cir.). Mr. Katerberg's upcoming commitments in other cases include Appellants' opening brief due September 26, 2018 in *BP Exploration & Production, Inc. et al. v. Claimant ID 100198790*, No. 18-30722 (5th Cir.), preparation of Appellants' opening brief due October 12, 2018 in *Samsung Electronics America, Inc. et al.*

v. Ramirez, No. 18-16094 (9th Cir.), and preparation of a reply brief in support of a motion to dismiss due October 10, 2018 in *Angel v. Fed. Home Loan Mtg. Corp. et al.*, Case No. 1:18-cv-1142 (D.D.C.).

3. Counsel for appellees has contacted Brian Barnes, counsel for appellants, who indicated that appellants do not oppose our request.

CONCLUSION

For the foregoing reasons, the time for filing appellees' briefs should be extended by 30 days, to and including November 5, 2018.

Respectfully submitted,

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s/ Abby C. Wright

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SEPTEMBER 2018

CERTIFICATE OF COMPLIANCE

Pursuant to FRAP 32(g)(1), I hereby certify that the foregoing motion complies with the type-volume limitation in FRAP 27(d)(2)(A). According to Microsoft Word, the motion contains 624 words and has been prepared in a proportionally spaced typeface using Garamond in 14-point size.

/s/ Abby C. Wright

Abby C. Wright

CERTIFICATE OF SERVICE

I certify that on September 18, 2018, I filed and served the foregoing Motion 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

Abby C. Wright