



May 1, 2017

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The Honorable Tamika Montgomery-Reeves
Court of Chancery
New Castle County Courthouse
500 North King Street, Suite 11400
Wilmington, DE 19801

Re: *Pagliara v. Federal National Mortgage Association,*
C.A. No. 12105-VCMR

Dear Vice Chancellor Montgomery-Reeves:

Enclosed please find two copies of the following additional authority and documents that plaintiff intends to rely upon at the hearing on Fannie Mae and FHFA's motion to dismiss scheduled for Tuesday, May 2, 2017, at 10 a.m. in Wilmington, Delaware:

- *Encite LLC v. Soni*, 2011 WL 1565181, at *2 (Del. Ch. Apr. 15, 2011) (“When an act is required to be done within a specified period of time, the Court may, in its discretion, grant an extension or enlarge the time period **for good cause shown**. Court of Chancery Rule 6(b) is **very clear**: if a motion to extend a deadline is made after the expiration of the prescribed period, the Court may grant the extension “**where the failure to act was the result of excusable neglect**.”) (emphasis added).
- Final Brief of Appellees Federal Housing Finance Agency, Melvin L. Watt, Fannie Mae, and Freddie Mac, *Perry Capital, LLC v. Lew*, No. 14-5243, at 45 n.14 (D.C. Cir. Mar. 7, 2016) (“Pursuant to [its] bylaws and 12 C.F.R.

§ 1710.10(a)-(b), Fannie Mae follows Delaware law (<http://goo.gl/JTbjrt>) . . . , but only to the extent those laws are not inconsistent with federal law.”).

- Bylaws of Federal Home Loan Bank of Dallas (as amended Mar. 11, 2016) (“[T]he Bank shall follow the corporate governance and indemnification practices and procedures set forth in the Delaware General Corporation Law (Del. Code Ann. Title 8). . . . [N]or shall [this section] cause or be deemed to cause the Bank to become subject to the jurisdiction of any state court with respect to the Bank’s corporate governance or indemnification practices or procedures.”).

Additionally, for the Court’s convenience, enclosed please find two copies of the following pleadings filed in this action with the United States District Court for the District of Delaware and cited in plaintiff’s Answering Brief in opposition to the pending motion to dismiss: (1) Defendant Federal National Mortgage Association’s Response Brief Opposing Plaintiff’s Motion to Remand (the “Remand Opposition”) and (2) Motion to Substitute Federal Housing Finance Agency as Plaintiff and supporting brief (together, the “Substitution Motion”).

Counsel is available at the Court’s convenience if there are any questions.

Respectfully submitted,

/s/ C. Barr Flinn

C. Barr Flinn (No. 4092)

Enclosures

cc: Register in Chancery (by File & ServeXpress)
S. Mark Hurd, Esq. (by File & ServeXpress)
Robert J. Stearn, Jr., Esq. (by File & ServeXpress)