

No. 16-2090

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

TIMOTHY J. PAGLIARA,

Plaintiff-Appellant,

v.

FEDERAL HOME LOAN MORTGAGE CORPORATION,

Defendant-Appellee,

and

FEDERAL HOUSING FINANCE AGENCY,

Movant-Appellee.

On Appeal from the United States District Court for the Eastern District of
Virginia in Civil Action No. 1:16-cv-00337-JCC-JFA

**APPELLANT TIMOTHY J. PAGLIARA'S UNOPPOSED
MOTION FOR AN EXTENSION OF TIME**

Appellant Timothy J. Pagliara respectfully requests a further 30-day extension of time to file the joint appendix and his opening brief, to and including February 16, 2017. Appellees Federal Home Loan Mortgage Corporation and Federal Housing Finance Agency have stated that they have no objection to this request.

1. The joint appendix and Appellant's opening brief are currently due on January 17, 2017. A 30-day extension would make the due date February 16, 2017.

2. Good cause exists for granting this motion. First, and most fundamentally, the imminent change in presidential administrations may render this appeal unnecessary. This appeal involves Mr. Pagliara's individual rights as a shareholder of the Federal Home Loan Mortgage Corporation, known as Freddie Mac, and specifically Mr. Pagliara's ability to protect those rights through direct claims asserted during the government's conservatorship of Freddie Mac. Steven Mnuchin, President-elect Donald Trump's announced nominee for U.S. Treasury Secretary, has indicated that ending the government's conservatorship of Freddie Mac and Fannie Mae is an immediate priority of the new presidential administration. *See, e.g.,* Joe Light, *Fannie and Freddie Should Exit Government Grip, Mnuchin Says*, Bloomberg (Nov. 30, 2016), <https://goo.gl/UnB4qv>; Paul R. La Monica, *Mnuchin Wants U.S. to Sell Fannie Mae, Freddie Mac Stakes*, CNN (Nov. 30, 2016), <https://goo.gl/dLrfBT>. An end to the government's conservatorship of Freddie Mac could eliminate the need for this appeal altogether. A modest extension of the briefing schedule would therefore conserve the resources of both parties. And encouraging a potential resolution of this litigation would also conserve the Court's own valuable resources.

Second, and along similar lines, the U.S. Court of Appeals for the D.C. Circuit recently confronted some overlapping issues in *Perry Capital LLC v. Lew*, No. 14-5243. The D.C. Circuit heard oral argument in that case on April 15, 2016, and supplemental briefing was completed on July 23, 2016. A decision could be issued at any time, and a decision in that case could diminish the need for this case to continue. Delaying the briefing schedule for the incoming presidential administration would simultaneously have the beneficial effect of increasing the time for the *Perry Capital* decision to be handed down—again, potentially conserving the parties’ and this Court’s resources.

3. No oral argument date has yet been set in this case, and the extension accordingly will not disrupt the Court’s consideration of this appeal.

4. On January 9, 2017, Appellees’ counsel stated that Appellees have no objection to the requested extension.

For the foregoing reasons, Appellant respectfully requests that the Court extend the deadline to file the joint appendix and Appellant’s opening brief by 30 days, to February 16, 2017.

Dated: January 10, 2017

Respectfully submitted,

/s/ N. Thomas Connally

N. Thomas Connally

Christopher T. Pickens

HOGAN LOVELLS US LLP

Park Place II

7930 Jones Branch Drive

McLean, Virginia 22102

Tel. (703) 620-6100

Fax (703) 610-6200

tom.connally@hoganlovells.com

christopher.pickens@hoganlovells.com

Counsel for Appellant

Timothy J. Pagliara

CERTIFICATE OF SERVICE

I certify that on January 10, 2017 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users.

/s/ N. Thomas Connally
N. Thomas Connally

January 10, 2017

Counsel for Appellant