

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

In re Federal National Mortgage Association Securities, Derivative and “ERISA” Litigation)	
)	MDL NO. 1668
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In re Fannie Mae Derivative Litigation)	Consolidated Civil Action No. 1:04-cv-01783
)	
)	Judge Richard J. Leon
)	

**DEFENDANT J. TIMOTHY HOWARD’S RESPONSE TO
OFHEO’S MOTION FOR EXTENSION OF TIME**

While OFHEO seeks an excessive, 45-day extension to respond to Mr. Howard’s joinder motion, it is not yet a party and may not even respond as of right. *See* 7 Charles Allen Wright, Arthur R. Miller & Mary K. Kane, *Federal Practice and Procedure* § 1688 (3d ed. 2001) (“Notice need not be given to those whose joinder is sought”). Moreover, OFHEO’s purported justification for such a lengthy extension is circular. It claims that 45 additional days are needed simply because it has sought 45 additional days to respond to a separate motion filed by Mr. Howard in his miscellaneous action. OFHEO can resolve this issue itself by writing its brief in the miscellaneous action in a timely fashion. As set forth in Mr. Howard’s opposition to OFHEO’s request for an extension in that separate matter, OFHEO does not require anything approaching a 45-day extension and seeks one merely to interpose delay.

Nevertheless, Mr. Howard understands that the Court may wish to hear from OFHEO on the joinder motion (and for that reason undersigned counsel served OFHEO with a courtesy copy). Because Mr. Howard does not oppose the derivative plaintiffs’ motion for a 45-day extension, he therefore does not oppose OFHEO’s parallel request, notwithstanding its excessiveness.

Although Mr. Howard does not oppose OFHEO's request for more time *here*, he strongly opposes OFHEO's request for more time in the miscellaneous action. That action raises different issues and seeks different relief. And critically, the relief sought is time-sensitive. *See Howard v. Lockhart*, No. 07-mc-0020, Dkt. No. 6 (Howard Opposition to OFHEO Motion for Extension). Given that OFHEO has no need for a lengthy extension in that matter and seeks one only for the sake of delay, its request for an extension *there* must be denied.

Dated: January 26, 2007

Respectfully submitted,

/s/ Eric R. Delinsky

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CERTIFICATE OF SERVICE

I certify that on January 26, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Eric R. Delinsky
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