| 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8   | Leslie Bryan Hart, Esq. (SBN 4932)<br>John D. Tennert, Esq. (SBN 11728)<br>FENNEMORE CRAIG, P.C.<br>300 E. Second St., Suite 1510<br>Reno, Nevada 89501<br>Tel: 775-788-2228 Fax: 775-788-2229<br>Ihart@fclaw.com; jtennert@fclaw.com<br>( <i>Pro Hac Vice</i> to be submitted)<br>Asim Varma, Esq.<br>Howard N. Cayne, Esq.<br>Michael A.F. Johnson, Esq.<br>ARNOLD & PORTER LLP<br>555 12th Street NW<br>Washington, DC 20004<br>Tel: (202) 942-5000 Fax: (202) 942-5999 |  |
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| 9  | Asim.Varma@aporter.com; Howard.Cayne@aporter.com; Michael.Johnson@aporter.com  |  |
| 10   | Attorneys for Proposed Intervenor Federal Housing Finance Agency   |  |
| 11   |  |  |
| 12   | UNITED STATES DISTRICT COURT<br>DISTRICT OF NEVADA   |  |
| 13   | OPPORTUNITY HOMES, LLC,  | CASE NO.: 2:15-cv-000893-APG-GWF   |
| 14   | Plaintiff,   | STIPULATION AND ORDER  |
| 15   | vs.  |  |
| 16<br>17   | FEDERAL HOME LOAN MORTGAGE CORPORATION,  | PERMITTING FEDERAL HOUSING<br>FINANCE AGENCY TO INTERVENE AS<br>CONSERVATOR OF THE FEDERAL<br>HOME LOAN MORTGAGE |
| 18   | Defendant.   | CORPORATION  |
| 19   |  |  |
| 20   |  |  |
| 21   | 1. The Federal Housing Finance Agency ("FHFA" or "Conservator"), as  |  |
| 22   | Conservator for Defendant Federal Home Loan Mortgage Corporation ("Freddie Mac"), seeks to   |  |
| 23   | intervene in the above-captioned action pursuant to 12 U.S.C. § 4617(b)(2)(A)(i) and Fed. R.   |  |
| 24   | Civ. P. 24.  |  |
| 25   | 2. On September 6, 2008, FHFA's Director appointed the FHFA as Conservator of  |  |
| 26   | Freddie Mac in accordance with the Housing and Economic Recovery Act of 2008, Pub. L. 110-   |  |
| 27   | 289, 122 Stat. 2654 (codified at 12 U.S.C.§ 4617) ("HERA"), and the Federal Housing  |  |
| 28   | Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. § 4501, et. seq.).   |  |
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| 1  | 3. The FHFA, as Conservator, has succeeded to "all rights, titles, powers, and                  |  |  |
|--|---|--|--|
| 2  | privileges" of Freddie Mac, including its right to sue and be sued in the federal courts. See   |  |  |
| 3  | 12 U.S.C. § 4617(b)(2)(A)(i).   |  |  |
| 4  | 4. Accordingly, FHFA asserts that it has an unconditional federal statutory right to            |  |  |
| 5  | intervene in this matter, see Fed. R. Civ. P. 24(a)(1), and to assert its interests in a manner |  |  |
| 6  | consistent with the Conservator's powers and duties.  |  |  |
| 7  | 5. Pursuant to Fed. R. Civ. P. 24(c), FHFA attaches as Exhibit A its intended                   |  |  |
| 8  | Answer.   |  |  |
| 9  | <b>STIPULATION</b>  |  |  |
| 10   | FHFA and Plaintiff Opportunity Homes, LLC, through their attorneys of record, hereby            |  |  |
| 11   | stipulate and request that the Court make this stipulation an order of the Court:               |  |  |
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| 1   | The FHFA shall be permitted to intervene in the above-referenced action pursuant to 12 U.S.C. § 4617(b)(2)(A)(i) and Fed. R. Civ. P. 24. |  |  |
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| 3   | DATED this 22 <sup>nd</sup> day of July, 2015.   |  |  |
| 4   |  |  |  |
| 5   | HONG & HONG  | FENNEMORE CRAIG, P.C.  |  |
| 6   |  |  |  |
| 7   | By: <u>/s/ Joseph Y. Hong</u><br>Joseph Y. Hong, Esq. (SBN 5995)   | By: <u>/s/ Leslie Bryan Hart</u><br>Leslie Bryan Hart, Esq. (SBN 4932)                   |  |
| 8   | 10781 West Twain Avenue<br>Las Vegas, Nevada 89135<br>Tel: 702-870-1777  | John D. Tennert, Esq. (SBN 11728)<br>300 E. Second St., Suite 1510<br>Reno, Nevada 89501 |  |
| 9   | yosuphonglaw@gmail.com   | Tel: 775-788-2228 Fax: 775-788-2229<br>lhart@fclaw.com; jtennert@fclaw.com               |  |
| 10  | Attorneys for Plaintiff Opportunity Homes,<br>LLC  | and<br>ARNOLD & PORTER LLP   |  |
| 11<br>12  |  | ( <i>Pro Hac Vice</i> to be submitted)<br>Asim Varma, Esq.                               |  |
| 12  |  | Howard N. Cayne, Esq.<br>Michael A.F. Johnson, Esq.                                      |  |
| 14  |  | Attorneys for Proposed Intervenor Federal<br>Housing Financing Agency                    |  |
| 15  |  | Housing I muncing Agency   |  |
| 16  | OR   | <u>ORDER</u>   |  |
| 17  | IT IS SO ORDERED.  |  |  |
| 18  |  |  |  |
| 19  | UNITED STATES DISTRICT JUDGE   |  |  |
| 20  | DATED: July 23, 2015   |  |  |
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| 28<br>FENNEMORE CRAIG, P.C.   | 10605390.1   |  |  |
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