

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Atif F. Bhatti, Tyler D. Whitney,  
and Michael F. Carmody,

Civil No. 17-cv-2185 (PJS/HB)

Plaintiffs,

v.

**ORDER**

The Federal Housing Finance Agency,  
The Department of the Treasury,  
Janet L. Yellen, *in her official capacity as  
Secretary of the Treasury*, and Sandra L.  
Thompson, *in her official capacity as Acting  
Director of the Federal Housing Finance  
Agency*,

Defendants.

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This matter is before the Court on the parties' February 9, 2022 Joint Status Report (ECF No. 89), submitted pursuant to the Court's direction following the status conference held on December 10, 2021. *See* Minutes [ECF No. 85].

Having considered the parties' positions, and after consultation with the Honorable Patrick J. Schiltz, United States District Judge, IT IS HEREBY ORDERED that:

1. Briefing on Defendants' anticipated motion/s to dismiss shall proceed as follows:
  - a. Defendants must file their motion/s to dismiss the Second Amended Complaint (SAC), together with all supporting documents, on or before **March 11, 2022**. The motion/s must be based on the four corners of the SAC and not on material extraneous to the SAC. Counsel for the moving

parties must call Judge Schiltz's Courtroom Deputy at (612) 664-5483 to schedule the hearing, and must include the hearing date and time in the notice of hearing filed with their motion/s. Parties are reminded that the scheduling of a dispositive motion requires considerable advance notice (typically three to four months).

- b. Plaintiffs must respond to the motion/s to dismiss on or before **April 4, 2022**.
  - c. Defendants must reply on or before **May 2, 2022**.
  - d. The parties must strive to avoid duplication in their briefing.
  - e. Except insofar as this Order provides for a different briefing schedule, the motions to dismiss and all responsive documents must be filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and Local Rule 7.1. When a motion, response, or reply brief is filed on CM/ECF, **two** paper courtesy copies (three-hole punched and unstapled, and, if warranted, exhibits appropriately tabbed) of the pleading and all supporting documents shall be mailed or delivered to the Courtroom Deputy, at the same time as the documents are posted on CM/ECF.
2. The Court finds good cause and therefore STAYS all other litigation activity, including but not limited to discovery, until a decision has been issued on the motions to dismiss. If the motions to dismiss are denied in whole or in part, counsel shall contact the chambers of the magistrate judge within one week to

schedule a Rule 16 conference for the purpose of setting deadlines and other parameters for discovery, non-dispositive motions, and dispositive motions.

3. No party may bring a motion for summary judgment before all fact and expert discovery and related non-dispositive motions are complete.

Dated: February 10, 2022

*s/Hildy Bowbeer*

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HILDY BOWBEER

United States Magistrate Judge