

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

BERKLEY INSURANCE CO., et al.,

Plaintiffs,

v.

THE FEDERAL HOUSING FINANCE
AGENCY, et al.,

Defendants.

Case No. 1:13-cv-1053-RCL

JOINT MOTION TO DISMISS DEFENDANT SANDRA L. THOMPSON

Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2), the parties jointly move to dismiss Defendant Sandra L. Thompson, in her official capacity as Director of FHFA, without prejudice. *See United States v. All Assets Held at Bank Julius Baer & Co.*, 307 F.R.D. 249, 252 (D.D.C. 2014). Plaintiffs initially filed suit against a prior FHFA Director, Melvin Watt, in his official capacity, to allege claims that this Court has dismissed. Pursuant to FEDERAL RULE OF CIVIL PROCEDURE 25(d), Director Thompson was automatically substituted as the Defendant, in her official capacity, when she took office as Acting Director of FHFA. Plaintiffs' remaining claim for breach of the implied covenant is properly brought against FHFA, Fannie Mae, and Freddie Mac—as demonstrated by the fact that Director Thompson is not a defendant in the parallel class action being tried alongside this case. *See In re Fannie Mae/Freddie Mac Senior Preferred Stock Purchase Agreement Class Action Litigations*, No. 1:13-mc-1288-RCL (D.D.C.). Accordingly, Plaintiffs and Defendants jointly move to dismiss Director Thompson without prejudice.

Dated: October 17, 2022

Respectfully submitted,

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