

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

BERKLEY INSURANCE CO., et al.,  <i>Plaintiffs,</i>  v.  THE FEDERAL HOUSING FINANCE AGENCY, et al.,  <i>Defendants.</i>
IN RE FANNIE MAE/FREDDIE MAC SENIOR PREFERRED STOCK PURCHASE AGREEMENT CLASS ACTION LITIGATIONS  _____  This document relates to: ALL CASES

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

Case No. 1:13-mc-1288-RCL

**JOINT MOTION TO ISSUE JURY QUESTIONNAIRE IN ADVANCE OF VOIR DIRE**

Plaintiffs and Defendants jointly request that the Court order that an updated jury questionnaire, attached as Exhibit A (the “Questionnaire”), be disseminated to potential jurors who are summoned to report for potential service as jurors in this matter. The Parties further request that the Court order that potential jurors be told to complete the Questionnaire and return it pursuant to the jury office procedures at least one week prior to reporting for jury service on July 24, 2023. All Parties believe that the updated Questionnaire will help to elicit more pertinent information and streamline the jury selection process for the upcoming re-trial.

As jury summonses are likely being issued shortly, the Parties jointly request that this Motion be granted expeditiously so that the Questionnaire can be included in communications with potential jurors and received by the Court and the Parties at least one week before trial.

The Parties are available to answer any questions that the Court may have.

Dated: April 12, 2023

Respectfully submitted,

/s/ Asim Varma

Asim Varma (D.C. Bar # 426364)  
Jonathan Stern (D.C. Bar # 375713)  
David B. Bergman (D.C. Bar # 435392)  
Ian S. Hoffman (D.C. Bar # 983419)  
R. Stanton Jones (D.C. Bar # 987088)  
**ARNOLD & PORTER KAYE  
SCHOLER LLP**  
601 Massachusetts Ave NW  
Washington, D.C. 20001  
(202) 942-5000  
Asim.Varma@arnoldporter.com  
Jonathan.Stern@arnoldporter.com  
David.Bergman@arnoldporter.com  
Ian.Hoffman@arnoldporter.com  
Stanton.Jones@arnoldporter.com

*Counsel for Defendant Federal Housing  
Finance Agency*

/s/ Michael J. Ciatti

Michael J. Ciatti (D.C. Bar #467177)  
**KING & SPALDING LLP**  
1700 Pennsylvania Ave. N.W.  
Washington, DC 20006  
Tel: (202) 661-7828  
Fax: (202) 626-3737  
mciatti@kslaw.com

*Counsel for the Federal Home Loan  
Mortgage Corp.*

/s/ Meaghan VerGow

Meaghan VerGow (D.C. Bar # 977165)  
**O'MELVENY & MYERS LLP**  
1625 Eye Street, N.W.  
Washington, DC 20006  
Tel: (202) 383-5300  
Fax: (202) 383-5414  
mvergow@omm.com

*Counsel for the Federal National Mortgage  
Association*

/s/ Eric L. Zagar

Eric L. Zagar (*Pro Hac Vice*)  
**KESSLER TOPAZ  
MELTZER & CHECK, LLP**  
280 King of Prussia Rd.  
Radnor, PA 19087  
Tel: (610) 667-7706  
Fax: (610) 667-7056  
ezagar@ktmc.com

Hamish P.M. Hume (Bar No. 449914)  
Samuel C. Kaplan (Bar No. 463350)  
**BOIES SCHILLER FLEXNER LLP**  
1401 New York Ave. NW  
Washington, DC 20005  
Tel: (202) 237-2727  
Fax: (202) 237-6131  
hhume@bsflfp.com  
skaplan@bsflfp.com

Michael J. Barry (*Pro Hac Vice*)

**GRANT & EISENHOFER, P.A.**  
123 Justison Street  
Wilmington, DE 19801  
Tel: (302) 622-7000  
Fax: (302) 622-7100  
mbarry@gelaw.com

Adam Wierzbowski (*Pro Hac Vice*)

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**  
1251 Avenue of the Americas  
New York, NY 10020  
Tel: (212) 554-1400  
Fax: (212) 554-1444  
adam@blbglaw.com

*Co-Lead Counsel for the Class*

*/s/ Charles J. Cooper* \_\_\_\_\_

Charles J. Cooper (Bar No. 24870)  
David H. Thompson (Bar No. 450503)  
Vincent J. Colatriano (Bar No. 429562)  
Peter A. Patterson (Bar No. 998668)  
Brian W. Barnes (*Pro Hac Vice*)

**COOPER & KIRK, PLLC**

1523 New Hampshire Avenue, N.W.  
Washington, DC 20036

Tel: (202) 220-9600

Fax: (202) 220-9601

ccooper@cooperkirk.com

*Counsel for Berkley Plaintiffs, et al.*

# **EXHIBIT A**

**TRIAL JUROR QUESTIONNAIRE**

**You shall not blog, Tweet, use Google, or use any other search engine or the Internet to obtain or share information about the parties, attorneys or subject matter involved in the case while serving as a potential juror or if selected to serve as a juror.**

1. Name: (first)\_\_\_\_\_ (middle) \_\_\_\_\_ (last)\_\_\_\_\_
2. Date of Birth: (month)\_\_\_\_\_ (date)\_\_\_\_\_ (year) \_\_\_\_\_
3. How long have you lived in Washington, D.C.? \_\_\_\_\_
4. Where were you raised? \_\_\_\_\_
5. Do you own or rent your residence?  own  rent  live with friends  live with relatives  other
6. Marital Status:  married  single  living with partner  divorced/separated  widow/widower
7. What is your current employment status (check all that apply)?  employed full-time  employed part-time  business owner  homemaker  self-employed  unemployed  retired in \_\_\_\_\_(year)  full-time student  disabled, do not work  work more than one job  laid off  do not work outside the home other (please specify): \_\_\_\_\_
8. Please list your last 3 jobs and employers during your employment career?

Employer	Date	Job Title

9. What is the occupation, job title, and employer of your spouse, partner or significant other (if any)? If he/she is unemployed or retired, please list his/her last job: \_\_\_\_\_
10. What do you like to do in your spare time? \_\_\_\_\_
11. Have you ever had the responsibility to hire or fire employees?  yes  no
12. Have you ever worked for a large corporation?  yes  no

If yes, please list the corporation, the dates of employment, and your job title:

Corporation	Dates	Job Title

13. Do you have any opinions, positive or negative, about the influence of corporations on the US economy?  yes  no
  14. Have you ever worked for a federal, state, or local government?  yes  no
- If yes, please list the government agency, the dates of employment, and your job title:

Agency	Dates	Job Title

15. Have you ever worked for a government contractor? yes no

If yes, please list the agency, the dates of employment, and your job title:

Agency	Dates	Job Title

16. Do you have any strong feelings or beliefs about the government in general, any particular government agency, or government officials that might make it difficult for you to serve as a fair or impartial juror in this case? yes no

17. Do you believe government officials generally try their best to serve the public interest? yes no unsure

18. Describe your educational background, including degrees obtained, if any, and area of study and school:

Less than High School High School or GED Some college or technical school AA or technical school 4-year college Some graduate school Graduate degree

Degrees Obtained	School or College Attended	Area of Study

19. Have you ever been in the military? yes no If yes, please indicate:

Branch	Years	Rank

What type of discharge? honorable general medical other than honorable other

20. With what social, civil, volunteer, professional, trade, labor union, or other organizations are you affiliated?

Organization	Years	Position (member or leader & title)

21. Have you ever been involved in a civil legal dispute? yes, as a plaintiff yes, as a defendant yes, as a witness yes, other no

- 22. Do you have any strong feelings or beliefs about lawsuits in general? yes no
- 23. Do you have any negative views of class action lawsuits or class action lawyers? yes no
- 24. Have you or someone close to you ever been a victim of what you considered to be fraud or any other type of wrongdoing in the securities, real estate, or financial industries? yes no
- 25. Have you ever served on a jury before? yes no

If yes, how many of each: civil case (s) criminal case (s) unsure

If yes, did you ever serve as a foreperson or presiding juror? yes no

If yes, have you ever served on a jury that failed to reach a verdict? yes no

- 26. Have you, or anyone who lives with you, ever had any educational or job-related training or paid work experience, volunteer experience, or any other relevant experience in any of the following fields (check all that apply):

Banking	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Economics	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Finance	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Government	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Investments	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Legal Contracts	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Litigation	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Loans	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Policy Making	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Real Estate	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Statistics	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Tax Preparation	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No
Underwriting	<input type="checkbox"/> Yes, Self	<input type="checkbox"/> Yes, household member	<input type="checkbox"/> No

- 27. Have you or anyone you know, had a foreclosure on their residence? yes, me yes, another no

If yes, was that foreclosure(s) a result of the 2008 financial crisis? yes no unsure n/a

- 28. Have you or anyone you know, filed for bankruptcy? yes, me yes, another no

- 29. Do you currently have a mortgage on your primary residence? yes no unsure n/a

If yes, do you know which company(s) holds your mortgage? yes no unsure

If yes, do you know your interest rate and duration of your mortgage? yes no unsure

- 30. Have you ever refinanced a home loan/mortgage? yes no unsure

- 31. Have you ever been self-employed or run your own business? yes, currently yes, in the past no

32. Were you and/or your family negatively impacted by the 2008 financial crisis? yes no  
If yes, is it still currently impacting your/their life? yes no unsure
33. Did you and/or any family members receive government assistance during the 2008 financial crisis? yes no unsure
34. Do you have any views on the causes of the 2008 financial crisis? yes no
35. Have you or someone close to you ever gained or lost a significant amount of money in the stock market or in real estate? yes no
36. Do you believe that investing in the stock market (and other securities) is like gambling? yes no unsure
37. Have you followed any news about problems in the banking industry? yes no
38. How concerned are you about the stability of banking or other financial institutions? very concerned somewhat concerned not very concerned not at all concerned
39. How concerned are you about a recession or the financial future of this country? very concerned somewhat concerned not very concerned not at all concerned
40. How worried are you about your own financial stability? very worried somewhat worried not very worried not at all worried
41. Do you generally consider yourself to be: an optimist a pessimist neither an optimist or pessimist
42. Have you, a relative, or a close friend ever been involved in a conservatorship of any kind? yes no
43. How would you describe your political views? very liberal somewhat liberal moderate somewhat conservative very conservative other: \_\_\_\_\_
44. Do you consider yourself to be knowledgeable about investing and finance? yes somewhat no
45. Have you ever taken out a federal loan of any kind? yes no
46. Do you regularly follow business and market events on TV, internet, or radio? yes no  
If yes, is that daily or less than every day? daily less than every day
47. How would you rate your level of financial risk-taking: aggressive moderate conservative
48. Do you have money invested in the financial markets, such as stocks or bonds? yes no  
If yes, how important are dividends to you? very somewhat not important unsure  
If yes, how important is the price of stocks? very somewhat not important unsure  
If yes, how do you approach your investments? conservatively moderately aggressively
49. What role do you think the government should have to regulate the US financial markets?  
it should do more it is currently doing enough it should do less

50. What is your opinion about the current financial condition of the US economy?  
\_\_very good \_\_good \_\_fair \_\_poor \_\_very poor \_\_unsure
51. The Federal Housing Finance Agency (FHFA), Federal National Mortgage Association (Fannie Mae), and Federal Home Loan Mortgage Corporation (Freddie Mac) are parties in this lawsuit.  
Have you ever had any dealings with the FHFA, Fannie Mae, or Freddie Mac? \_\_yes \_\_no \_\_unsure  
Do you have any opinions about the FHFA, Fannie Mae, or Freddie Mac? \_\_yes \_\_no \_\_unsure
52. Have you formed any opinions about this case or the parties mentioned, as a result of completing this questionnaire? \_\_yes \_\_no
53. Have you heard anything in the news or other sources about the lawsuit described in this case? \_\_yes, a lot \_\_yes, some \_\_unsure \_\_no
54. Is there anything else that you think the Court or the attorneys should know? \_\_yes \_\_no