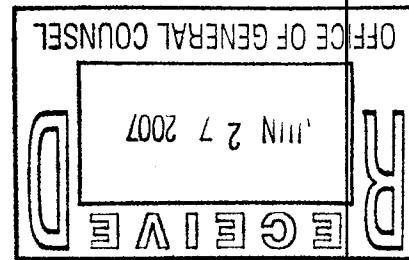


UNITED STATES OF AMERICA  
OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

In the Matters of )  
 )  
 Franklin D. Raines )  
 )  
 J. Timothy Howard )  
 )  
 Leanne G. Spencer )  
 )  
 Respondents. )

Notice No. 2006-1



Order Regarding OFHEO's Motion to Strike or Limit Discovery Requests from Respondents

Pursuant to 12 C.F.R. § 1780.33, on June 18, 2007, the Court held a prehearing conference to resolve the remaining disputes related to OFHEO's motion, as described above, and Respondent Raines underlying First Set of Document Requests. Counsel for OFHEO and Counsel for Respondent Raines agreed that only Request Nos. 1 and 20 remain in dispute. Request No. 1 seeks all documents reflecting any communications concerning any topic discussed or referenced in the Notice of Charges that occurred from January 1, 1998 to the present between OFHEO and any individual it intends to call as a witness in the proceeding. There was some vagueness regarding the parties' positions because it was unclear to what extent the requirements of the Scheduling Order would meet the Request. Counsel for Raines explained that it would be satisfied if provided with "all communications [for any witness] related to [subject of] their testimony." Tr. 26, 28. Thus Raines seeks any document "that reflects a communication that OFHEO has had with an individual it intends to call as a witness, that relates to their testimony . . ." However, as Raines' Counsel made clear several times, it will provide precisely the same information to OFHEO. Tr. 26. Although OFHEO continued to assert that the fact it may call a witness and talk about what it intends to question them about is not relevant, it ultimately agreed that, to the extent there are any documents generated reflecting such discussions, it would provide them to the Respondent, and Respondent Raines agreed to provide the same information to OFHEO. Accordingly, the dispute involving Request No. 1 is resolved.

OFHEO filed motions to strike or limit the First Set of Documents Requests from each of the Respondents. As Counsel for Respondents Howard and Spencer related that neither had any discovery issues pertaining to this motion that were "necessary for the Court's intervention at this time," this Order only addresses outstanding disputes for Respondent Raines' First Set of Document Requests. Tr. 8-9. However, to prevent uncertainty, **the Court requires** that Respondents Howard and Spencer, and OFHEO, advise it as to the outcome of any disputes pertaining to their First Set of Document Requests in this matter, and to do so in the near future, so that, if any disputes remain, the Court may resolve them promptly.

The other dispute, pertains to Request No. 20, which seeks "all documents concerning Fannie Mae's retention of the accounting firm of Deloitte & Touche." Tr. 30. OFIIEO contends that *Fannie Mae's* retention<sup>2</sup> of that accounting firm *after* the conduct alleged in the Notice of Charges is not relevant. However, OFHFO conceded that it would not be harmed by providing the information sought in that Request. Tr. 35. Accordingly, the Court resolves this Request in the Respondent's favor, and directs OFIIEO to provide the information sought. That is, OFIIEO is to provide "all of the documents regarding [Fannie Mae's] retention, as a whole [of Deloitte & Touche]." Tr. 36-37.

**So Ordered.**

*William B. Moran*

William B. Moran  
United States Administrative Law Judge

Dated: June 27, 2007  
Washington, DC

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<sup>2</sup>Counsel for Raines stated that it seeks "all of the documents regarding that retention, as a whole . . ." Tr. 36.

In the Matter of Franklin D. Raines, J. Timothy Howard, Leanne G. Spencer  
Notice No. 2006-1

CERTIFICATE OF SERVICE

I certify that a true copy of the Order Regarding OFHEO's Motion to Strike or Limit Discovery Requests from Respondents, dated June 27, 2007 was sent this day in the following manner to the addressees listed below:

Copy by Regular Mail and facsimile to:

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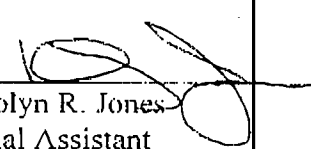
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Knolyn R. Jones  
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June 27, 2007