

**UNITED STATES OF AMERICA  
OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT**

In the Matters of	)	
	)	
Franklin D. Raines	)	
	)	Notice No. 2006-1
J. Timothy Howard	)	
	)	
Leanne G. Spencer	)	
	)	
	)	
Respondents.	)	

**Further Order Regarding Respondent Howard's Motion for Interlocutory Review**

On March 16, 2007, the Court issued its Revised Order,<sup>1</sup> inquiring whether Respondent Howard intended to file a Reply in connection with his motion for interlocutory review. Counsel for Howard filed a response to the Court's inquiry, advising that Respondent *did* wish to file a reply, but that, as it understood a telephone message from OFHEO, counsel for OFHEO had objected to the Respondent filing a Reply. The Court will not pass on whether there was in fact an objection by OFHEO to the filing of a Reply. Instead, the Court instructs counsel for Howard that he should file a Reply, if *he* wants to do so, apart from any view that may have been expressed by OFHEO. Although the Rules of Practice do not specifically address replies, the Court finds that replies and, on occasion, a surreply may be useful to aid in making an appropriate ruling. If the Court were to establish a practice of denying replies in this case, this could deprive it of the benefit that may attend further argument on a given motion, and the Court does not want such a result.

Accordingly, consistent with the above, and the expressed intent of the Respondent's Counsel, the Court expects to receive the Reply from Respondent Howard regarding the Motion for Interlocutory Review. Upon receipt of the Reply, the Court will then follow the dictates of 12 C.F.R. § 1780.30(c) and refer the issue to the Director.

**So Ordered.**

*William B. Moran*  
 \_\_\_\_\_  
 William B. Moran  
 United States Administrative Law Judge

Dated: March 21, 2007  
 Washington, DC

<sup>1</sup>A "Revised Order" was issued because the original order on this subject mistakenly listed Respondent Raines, instead of Respondent Howard.

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 Further Order Regarding Respondent Howard's Motion for Interlocutory Review, dated March 21, 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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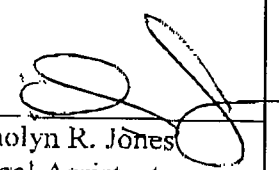
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\_\_\_\_\_  
Knolyn R. Jones  
Legal Assistant

Washington, DC  
March 21, 2007



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Date: 3-21-07 Pages (incl. transmittal page): 3

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