

UNITED STATES OF AMERICA
 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

In The Matter Of:

FRANKLIN D. RAINES

Notice Number 2006-1

J. TIMOTHY HOWARD

LEANNE G. SPENCER

SECOND REVISED SCHEDULING ORDER

The Court has issued various Scheduling Orders in this matter. In issuing its "REVISED SCHEDULING ORDER" on February 27, 2007, that Order set forth a timetable for the applicable categories, including the date for the trial to commence. Thereafter, on September 7, 2007, the Court had a basis to issue a further revision to that scheduling order. That Order, while providing that all scheduled dates would be moved back 60 (sixty) days, had no effect on dates *that had already passed* under the Schedule. Subsequently, the Court orally allowed another 60 (sixty) days to the September 7th Order. Thus, with the same limitation, that dates which had already passed at the time of the September 7th Order were not extended, all other dates were moved back for a total of 120 (one hundred and twenty) days. Having considered the parties' submissions for a new scheduling order, the Court now issues this Second Revised Scheduling Order. The parties are advised that the Court will not revise this schedule further, at least on the basis of hope that the matter may be settled. Further, the Court advises that it will soon be issuing Orders on Motions which are presently outstanding. Subpoenas previously issued by the Court now should be served immediately.

Document Discovery

- Document production to be completed between the parties date passed
- Privilege logs on rolling basis to be completed by date passed
- Deadline for parties to meet and confer regarding privilege logs date passed

Deadline for challenging privilege claims date passed

Deadline for submission to the Court of 12 U.S.C. § 1780.28 document subpoenas to nonparties date passed

Deadline for motions to compel date passed
(Parties may file such motions anytime prior to that date; no document may be challenged more than 60 days after the privilege log for such document is received, except as noted below.) The Court encourages the parties to "meet and confer" throughout the discovery process in an attempt to eliminate disputes.

Deadline for responses to motions to compel February 20, 2008

Replies to responses to motions to compel 15 days after response

Deadline for final production of de-privileged documents (De-privileged documents to be produced on a rolling basis) March 10, 2008

Experts

OFHEO to notify Respondents of the names of its planned expert witnesses and the subject areas to be addressed by its experts' reports date passed

Respondents to notify OFHEO of the names of their expert witnesses and the subject areas to be addressed by their experts' reports date passed

OFHEO to provide names of any additional expert witnesses necessary to address any subject areas first identified by Respondents on July 16, 2007 date passed

Deadline for all parties to file expert reports February 29, 2008

Dispositive Motions

Deadline for filing of dispositive motions: March 10, 2008

Deadline for filing oppositions to dispositive motions: April 4, 2008

Deadline for replies in support of dispositive motions: April 18, 2008

Pretrial and Trial Schedules

Identify and exchange list of witnesses, along with short summary of expected testimony from each witness May 23, 2008

Exchange all documents to be introduced at hearing proposed exhibits shall be numbered as: OFHEO, Raines, Howard and Spencer, as appropriate. Each page is to have a bates-stamp number and be single-sided; for example, "Raines Ex. 1." May 30, 2008

Pretrial statements filed June 6, 2008

Representations of demonstrative exhibits exchanged June 20, 2008

Evidentiary hearing¹ September 8, 2008

The hearing will be held in the Administrative Courtroom of the United States Environmental Protection Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, NW, Washington, DC 2004. Proceedings will commence at 9:15 a.m. with a four trial days per week schedule.

Having considered the parties' proposed schedules, it is this 7th day of February, 2008, hereby:

ORDERED that proceedings in this matter shall conform to this schedule.

William B. Moran

William B. Moran
United States Administrative Law Judge

¹The Court's schedule and dates for other cases precludes an earlier start date for the hearing.

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 **Second Revised Scheduling Order**, dated February 7, 2008 was sent in the following manner to the addressees listed below:

Copy by Regular Mail and facsimile to:

OFHEO:

David A. Felt, Esq.
Deputy General Counsel
Office of Federal Housing Enterprises Oversight
1700 G Street N.W.
Washington, D.C. 20552

Joseph Aronica, Esq.
Duane Morris, LLP
1667 K St. N.W.
Washington, DC 20006

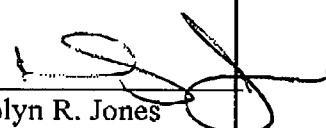
Respondents:

Steven Salky, Esq.
Eric Dclinsky
Zuckerman Spaeder LLP
1800 M Street, N.W., Suite 1000
Washington, DC 20036
(*Counsel for J. Timothy Howard*)

David Krakoff, Esq.
Mayer, Brown, Rowe & Maw LLP
1909 K Street, NW
Washington, DC 20006
(*Counsel for Leanne G. Spencer*)

Kevin Downey
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005
(*Counsel for Franklin Raines*)

Washington, DC
February 7, 2008


Knolyn R. Jones
Legal Assistant



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ADMINISTRATIVE LAW JUDGES MAIL CODE 1900L 1200 PENNSYLVANIA AVENUE, NW WASHINGTON, DC 20460-2001

TELEPHONE 202:564-6255 FACSIMILE: 202-565-0044

FAX TRANSMITTAL PAGE

Date: 2-7-08 Pages (incl. transmittal page): 5

From: Koolha Jones

To: David Felt

Fax: 2-414-6504 Telephone:

To:

Fax: Telephone:

To:

Fax: Telephone:

To:

Fax: Telephone:

To:

Fax: Telephone:

Hard Copy To Be Mailed: Yes No

Any Questions Or Problems May Be Directed To

Telephone:

REMARKS: