

[ORAL ARGUMENT NOT YET SCHEDULED]

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

United States of America, ex rel. Laurence  
Schneider, et al.,

Plaintiffs,

Laurence Schneider,

Plaintiff-Appellant,

v.

JPMorgan Chase Bank, et al.,

Defendants-Appellees.

No. 17-7003

**UNOPPOSED MOTION OF THE UNITED STATES  
FOR AN EXTENSION OF TIME IN WHICH TO FILE  
A BRIEF AS AMICUS CURIAE**

The United States respectfully requests a 21-day extension of time, to and including June 14, 2017, to file a brief as amicus curiae in this matter. As explained below, the issues presented to the Court in this appeal directly concern the United States, and the United States may be able to assist the Court in its resolution of the case. An extension is necessary to allow the Solicitor General sufficient time to determine whether the United States should file an amicus brief and to prepare a brief in accordance with the Solicitor General's instructions. *See* 28 C.F.R. § 0.20. This motion is unopposed.

1. This appeal arises from a *qui tam* suit brought under the False Claims Act (FCA), 31 U.S.C. § 3729 *et seq.* Among other things, the relator alleges that Chase falsely claimed to have complied with several requirements under the National Mortgage Settlement consent judgment in order to avoid making additional payments to the United States, and that Chase submitted false certifications to obtain payments under the Department of Treasury's Home Affordable Modification Program and/or concealed material information relevant to those payments.

The district court dismissed the case, holding, *inter alia*, that the FCA claims relating to the National Mortgage Settlement could not proceed because the relator failed to "exhaust" procedures in the consent judgment, and that based on the terms of the Home Affordable Modification Program, relator had not made sufficiently particular allegations to support that claim.

The appellant's opening brief is due today, May 17, 2017, and the Appellee's brief is due on July 17, 2017. A brief in support of appellant or neither party would be due on May 24, 2017.

2. The United States asks the Court's leave to file such a brief as *amicus curiae* by June 14, 2017, if approved by the Solicitor General. This extension is necessary to permit the Solicitor General to consult with relevant government components and for the government to prepare a brief, if authorized, in accord with the Solicitor General's instructions.

The issues presented by this appeal are of importance to the United States, and an amicus brief filed by the United States may be of assistance to the Court in this case. False Claims Act suits are brought in the name and on behalf of the United States. The United States was a party to the National Mortgage Settlement, the terms of which are at issue in this case, and to other contracts and settlements that can give rise to suits under the False Claims Act. The United States also operates the Home Affordable Modification Program that may be at issue in this appeal.

The requested extension should not prejudice any party. As noted, the appellee's brief is currently due on July 17, 2017, and the appellant's reply brief is due on July 31, 2017. Therefore, if the United States were to file an amicus brief by June 14, 2017, there would be ample time under the existing schedule for both parties to address any issues raised in the government's brief.

4. We have conferred with counsel for both parties and are authorized to state that this motion is unopposed.

### **CONCLUSION**

For the foregoing reasons, we respectfully request that the Court extend the time, to and including June 14, 2017, for the United States to file an amicus brief in support of appellant or neither party if authorized by the Solicitor General.

Respectfully submitted,

MICHAEL S. RAAB

*s/Adam Jed*

ADAM C. JED

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MAY 2017

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on May 17, 2017, I electronically filed and served the foregoing document with the Clerk of the Court.

*/s/ Adam Jed*  
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Adam C. Jed

**CERTIFICATE OF COMPLIANCE WITH  
FEDERAL RULES OF APPELLATE PROCEDURE 27(d)**

I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1) because it has been prepared in 14-point Garamond, a proportionally spaced font. I further certify that it complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 567 words according to the count of Microsoft Word.

*/s/ Adam Jed*  
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Adam C. Jed