

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**AMERICAN NATIONAL INSURANCE
COMPANY, AMERICAN NATIONAL
PROPERTY AND CASUALTY
COMPANY, AMERICAN NATIONAL
GENERAL INSURANCE COMPANY,
FARM FAMILY LIFE INSURANCE,
COMPANY, FARM FAMILY CASUALTY
INSURANCE COMPANY, PACIFIC
PROPERTY AND CASUALTY
COMPANY, AMERICAN NATIONAL
LLOYDS INSURANCE COMPANY,
NATIONAL WESTERN LIFE
INSURANCE COMPANY and GARDEN
STATE LIFE INSURANCE COMPANY,**

Plaintiffs,

V.

**JP MORGAN CHASE & CO.
and JP MORGAN CHASE BANK,
NATIONAL ASSOCIATION,**

Defendants,

and

**FEDERAL DEPOSIT INSURANCE
CORPORATION,**

Intervenor-Defendant.

CIVIL ACTION NO. 3:09-cv-00044

**UNOPPOSED MOTION OF INTERVENOR-DEFENDANT FDIC-RECEIVER FOR
LEAVE TO FILE REPLY TO PLAINTIFFS' RESPONSE TO INTERVENOR'S
MOTION TO TRANSFER OR DISMISS FOR IMPROPER VENUE**

Intervenor-Defendant, the Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank, Henderson, Nevada (the “FDIC-Receiver”), respectfully submits this

unopposed Motion for Leave to File Reply to Plaintiffs' Response to Intervenor's Motion to Transfer or Dismiss for Improper Venue, and respectfully shows the Court as follows:

On April 1, 2009, the FDIC-Receiver filed its Motion to Transfer or Dismiss for Improper Venue (Doc. 5) (hereinafter "Motion to Transfer"). On April 21, 2009, the Plaintiffs filed a Response to Intervenor's Motion to Transfer or Dismiss for Improper Venue (Doc. 11) (hereinafter "Response to Motion to Transfer") and a Motion for Remand (Doc. 10). The FDIC-Receiver's response to Plaintiffs' Motion for Remand is due on May 11, 2009.

Plaintiffs' arguments opposing the FDIC-Receiver's Motion to Transfer substantially overlap with the Plaintiffs' arguments in support of their Motion for Remand and focus primarily on a challenge to the FDIC-Receiver's intervention in this action. *See* Response to Motion to Transfer 1–2 (citing Motion for Remand). Because of the interrelated nature of Plaintiffs' arguments, and in order to provide the Court with both sides of those arguments in considering the Motion to Transfer, the FDIC-Receiver respectfully requests leave of the Court to file a short reply (five pages or less) in further support of its Motion to Transfer concurrently with the filing of the FDIC-Receiver's response to Plaintiffs' Motion for Remand, which is due no later than May 11, 2009.

For the foregoing reasons, the FDIC-Receiver respectfully requests that this Motion be granted, and that the FDIC-Receiver have up to and including May 11, 2009 to file its Reply to Plaintiffs' Response to Motion to Transfer.

Dated: Houston, Texas
April 24, 2009

Respectfully submitted,

DLA PIPER LLP (US)

By: /s/ Jack O'Neill
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ATTORNEYS FOR DEFENDANT IN
INTERVENTION, THE FEDERAL DEPOSIT
INSURANCE CORPORATION, AS RECEIVER
FOR WASHINGTON MUTUAL BANK,
HENDERSON, NEVADA

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule of the United States District Court for the Southern District of Texas 7.2, I certify that I have conferred with counsel for Plaintiffs and counsel for the JPMorgan Chase defendants and that the foregoing motion is unopposed.

/s/ Jack O'Neill
Edward John "Jack" O'Neill, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of April, 2009, the foregoing motion was filed with the Court's ECF filing system, which will provide electronic notification of its filing to all counsel who have appeared in this action.

/s/ Jack O'Neill

Edward John "Jack" O'Neill, Jr.