

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

United States Securities and Exchange  
Commission,

Plaintiff,

v.

EquityBuild, Inc., EquityBuild Finance, LLC,  
Jerome H. Cohen, and Shaun D. Cohen,

Defendants.

No.: 18-cv-5587  
Honorable Manish S. Shah  
Magistrate Judge Young B. Kim

**FEDERAL HOUSING FINANCE AGENCY, FANNIE MAE, AND FREDDIE  
MAC’S COMBINED OPPOSED<sup>1</sup> MOTION TO CERTIFY THE JULY 21, 2023  
ORDER FOR IMMEDIATE APPEAL AND NOTICE OF APPEAL**

The Federal Housing Finance Agency (“FHFA”), as Conservator for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (“Enterprises”), and the Enterprises respectfully move the Court to amend its July 21, 2023 ruling on FHFA’s objection to the Magistrate Judge’s order overruling FHFA and the Enterprises’ Joint Objection to the Receiver’s Second Motion for Approval of Fee Allocations for Interim Payment Pursuant to Receiver’s Lien, Dkt. 1511 (“Second Ruling”), to include the certifications necessary to permit FHFA and the Enterprises to petition for an interlocutory appeal under 28 U.S.C. § 1292(b).

FHFA and the Enterprises’ request for certification is based on this Motion, the accompanying Memorandum in Support, the pleadings on file in this action, arguments of counsel, and any other matters that the Court deems appropriate.

FHFA and the Enterprises also respectfully provide notice that they are appealing the

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<sup>1</sup> The Receiver does not consent to this motion.

Second Ruling to the U.S. Court of Appeals for the Seventh Circuit under 28 U.S.C. § 1292(a).<sup>2</sup>

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<sup>2</sup> See Wright & Miller, 16 Fed. Prac. & Proc. Juris. § 3929.1 (3d ed.) (explaining that appellants may properly combine a motion for Section 1292(b) certification with a notice of appeal as a matter of right).

Dated: August 21, 2023

Respectfully submitted,

/s/ Michael A.F. Johnson

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2023, I caused the foregoing **Federal Housing Finance Agency, Fannie Mae, and Freddie Mac's Opposed Motion to Certify the Court's July 21, 2023 Order for Immediate Appeal and Notice of Appeal** to be electronically filed with the Clerk of the Court through the Court's CM/ECF system, which sent electronic notification of such filing to all parties of record.

/s/ Michael A.F. Johnson