

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF THE SECRETARY**

United States Department of)	
Housing and Urban Development,)	
)	
Petitioner,)	HUDOHA 15-JM-0030-PH-003
)	
)	
v.)	
)	
)	July 22, 2015
TXL Mortgage Corporation,)	
)	
Respondent.)	
)	
)	

**ORDER GRANTING PETITIONER’S MOTION FOR LEAVE TO FILE A
REPLY BRIEF IN RESPONSE TO RESPONDENT’S OPPOSITION; GRANTING
RESPONDENT OPPORTUNITY TO FILE AN ADDITIONAL REPLY; AND
EXTENDING DEADLINE FOR SECRETARY’S RESPONSE**

On June 22, 2015, Petitioner submitted a *Petition for Review by the Secretary of an Interlocutory Order Certified by the ALJ* (“Petition”), appealing the May 13, 2015, Order Granting in Part and Denying in Part Respondent’s Motion to Dismiss (“Order”) issued by Acting Chief Administrative Law Judge (“ALJ”) J. Jeremiah Mahoney. On July 10, 2015, Respondent filed its *Brief in Opposition to Government’s Brief in Support of Appeal for Secretarial Review* (“Opposition”). On July 16, 2015, Petitioner submitted a *Motion for Leave to File a Reply Brief in Response to Respondent’s Opposition* (“Motion”) with the *Reply Brief* attached to incorporate recent case law and clarify procedure under the Program Fraud Civil Remedies Act (“PFCRA”).

The Secretary, or designee, in his/her sole discretion, may allow the filing of additional briefs by the parties. 24 C.F.R. § 26.52(d). In its *Reply Brief*, Petitioner presents recent case law that was decided after submission of its *Petition*. This *Reply Brief* will be considered as it includes recent case law. In fairness and in order to give this new case law full and fair consideration, Respondent will be provided 10 days from the date of Petitioner’s Reply Brief to submit a response to the new arguments and case law raised by Petitioner.

For cases timely appealed under the PFCRA, the Secretary, or designee, shall issue a written determination within 30 days after receipt of the appeal. 24 C.F.R. § 26.52(1)(2).¹

¹ Where a Secretarial appeal has been timely made in a case brought under the Program Fraud Civil Remedies Act,

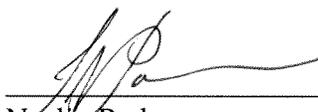
Further, the written decision of the Secretary, or designee, shall be the final agency action but, if the appeal is from an initial decision that decision shall become final if the Secretary has not acted within 30 days. Here, the appeal is from a certified interlocutory order not an initial decision, as described in 24 C.F.R. § 26.50. Under 24 C.F.R. § 26.52, the Secretary, or designee, shall review a certified interlocutory ruling. Therefore, in order to accommodate the extension of time to file and consider additional briefs, it is hereby ordered that the deadline for issuing the Secretary's written determination is extended to August 17, 2015.

CONCLUSION

The Petitioner's *Motion* and *Reply Brief* are accepted for consideration. Respondent may submit a response to Petitioner's Reply Brief no later than July 27, 2015. The written determination regarding this appeal is extended and will be issued by August 17, 2015.

IT IS SO ORDERED.

Dated this 22 day of July, 2015



Nealin Parker
Secretarial Designee

the Secretary, or designee, shall issue a written determination within 30 days after receipt of appeal and shall serve it upon the parties to the hearing. The written decision of the Secretary shall be the final agency action.