

---

**From:** Finnerman, Doris S  
**Sent:** Tuesday, November 4, 2014 12:43 PM  
**To:** 'Mickle, Douglas (CIV)'  
**Subject:** RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

That works for now. There is always the possibility that HUD will write a reg saying that they don't have to follow state laws, but, for now at least, that seems unlikely.

-----Original Message-----

From: Mickle, Douglas (CIV) [mailto:Douglas.Mickle@usdoj.gov]  
Sent: Tuesday, November 04, 2014 12:29 PM  
To: Finnerman, Doris S  
Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

State approved. The states will be the controlling outside player imo. Thus if they require a phase to be licensed to do business in their states I think that is defensible

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Finnerman, Doris S"  
Date: 11/04/2014 12:18 PM (GMT-05:00)  
To: "Mickle, Douglas (CIV)"  
Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

If we have any say in this, and we do, they won't win no matter what happens. But what do you mean by "properly licensed entities?"

-----Original Message-----

From: Mickle, Douglas (CIV) [mailto:Douglas.Mickle@usdoj.gov]  
Sent: Tuesday, November 04, 2014 12:16 PM  
To: Finnerman, Doris S  
Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

What is strange is that even if you do a procurement you still could limit it to properly licensed entities. I don't see how they win here

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Finnerman, Doris S"  
Date: 11/04/2014 12:10 PM (GMT-05:00)  
To: "Mickle, Douglas (CIV)"

Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

Not that quiet; they're working other fronts. Navigate has been pushing for a meeting with HUD. I was looking at their website, and Tompkins was quoted as saying that he's been quite surprised that HUD has continued to fight this issue. Ha!

-----Original Message-----

From: Mickle, Douglas (CIV) [mailto:Douglas.Mickle@usdoj.gov]

Sent: Tuesday, November 04, 2014 11:44 AM

To: Finnerman, Doris S

Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

Me too but so far they've been quiet. Of course Mike schaengold clerked at the fed circuit so I'm sure he's fielding all questions and assuaging all concerns.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Finnerman, Doris S"

Date: 11/04/2014 11:16 AM (GMT-05:00)

To: "Mickle, Douglas (CIV)"

Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

Thx. I can't wait to hear the reaction from plaintiffs!

From: Mickle, Douglas (CIV) [mailto:Douglas.Mickle@usdoj.gov]

Sent: Tuesday, November 04, 2014 10:18 AM

To: Finnerman, Doris S

Subject: RE: PETITION FOR A WRIT OF CERTIORARI 11-4-14

Thx - will make these and move them out. Here is what we filed yesterday.

From: Finnerman, Doris S [mailto:Doris.S.Finnerman@hud.gov]

Sent: Tuesday, November 04, 2014 8:52 AM

To: Mickle, Douglas (CIV)

Subject: PETITION FOR A WRIT OF CERTIORARI 11-4-14

A few edits. 2 sentences added at 15, 16.

Note on some of my edits: In the beginning, where you say "project-based tenant assistance program," this structure muddies the fact that there are 2 programs: a project-based section 8 program, and a tenant-based section 8 program. Similarly, when you refer to the ACCs as "Section 8 housing assistance agreements," this muddies the distinction between ACCs and Housing Assistance Payment (HAP) contracts.