UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CAROLINE HERRON,	)	
Plaintiff,	)	
v.	)	**Civil Action No. 10-943 (RMC)**
FANNIE MAE, *et al.*,	)	
Defendants.	)	

ORDER

Plaintiff Caroline Herron alleges four counts against Defendants Fannie Mae (formally known as the Federal National Mortgage Association), Eric Schuppenhauer, Nancy Jardini, and Alanna Scott Brown: (1) wrongful discharge; (2) civil conspiracy to terminate Ms. Herron and impede future employment elsewhere at Fannie Mae or the Department of the Treasury; (3) tortious interference with prospective contractual relations; and (4) a *Bivens* action for the violation of Plaintiff's First Amendment rights by federal actors. The crux of the Complaint alleges that Defendants terminated Plaintiff and frustrated potential efforts to secure future employment because she communicated her opposition to various Fannie Mae practices to officials within the Department of the Treasury.

Defendants have moved to dismiss the Complaint. *See* Def. Mot. to Dismiss [Dkt. # 6]. After full briefing on that Motion to Dismiss, Plaintiff sought to file a surreply, *see* Mot. for Leave to File Surreply Brief [Dkt. # 24], and has subsequently provided two notices of supplemental authority. *See* Notice of Supplemental Authority [Dkt. # 26]; Notice of Supplemental Authority [Dkt. # 28]. Defendants oppose both the Motion to File a Surreply and the two Notices of

Supplemental Authority.[1]

The Court finds that the Complaint contains sufficient factual matter, accepted as true, that states a claim for relief that is plausible on its face, thereby surviving the threshold requirements of a motion to dismiss. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The Court notes multiple questions of fact that cannot be resolved without resort to full discovery. The nature, scope, and reasons behind Plaintiff's termination, and her job expectations at either Fannie Mae or the Department of the Treasury, rely upon disputed facts that only can be distilled and processed after all the facts come to light. The question of whether Fannie Mae is a federal or non-federal entity is a question of law, the application of which can only be understood by discovery of its internal functions, processes, membership of the board, who is in control, and other factors that are used in determining whether an organization is a federal one or not. For these reasons, Defendants' Motion to Dismiss will be denied without prejudice.

The Court accepts all of the facts and arguments that are brought pursuant to the Surreply Brief and the Notices of Supplemental Authority because they are helpful to the Court. For this reason, Plaintiff's Motion for Leave to File a Surreply and her Motions to File Supplemental Authority will be granted. Accordingly, it is hereby

ORDERED that Defendant's Motion to Dismiss [Dkt. # 6] is **DENIED** without prejudice; and it is

FURTHER ORDERED that Plaintiff's Motion for Leave to File a Surreply [Dkt. # 24] is **GRANTED**; and it is

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[1] Though filed as Notices of Supplemental Authority, because Defendants have opposed those Notices, the Court will consider the Notices as Motions to File Supplemental Authority.

FURTHER ORDERED that Plaintiff's Motions to File Supplemental Authority [Dkt. ## 26, 28] are **GRANTED**.

The Deputy Clerk will set a status conference in this matter for the purpose of scheduling discovery and further proceedings.

SO ORDERED.

Date: February 10, 2011

/s/
ROSEMARY M. COLLYER
United States District Judge