

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

APR 13 2012

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CRYSTAL MONIQUE LIGHTFOOT;  
BEVERLY ANN HOLLIS-ARRINGTON,

Plaintiffs - Appellants,

v.

CENDANT MORTGAGE  
CORPORATION, doing business as PHH  
Mortgage; et al.,

Defendants - Appellees.

No. 10-56068

D.C. No. 2:02-cv-06568-CBM-  
AJW  
Central District of California,  
Los Angeles

ORDER

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

We hereby sua sponte withdraw the memorandum disposition filed on  
January 9, 2012.

Appellants' petition for panel rehearing and petition for rehearing en banc  
are denied as moot.

Upon review of the record and the briefing, this court has determined that  
the appointment of pro bono counsel in this appeal would benefit the court's  
review. The court by this order expresses no opinion as to the merits of this  
appeal. The Clerk shall enter an order appointing pro bono counsel to represent  
appellants for purposes of this appeal only.

Pro bono counsel shall consult with appellants to determine whether: (1) replacement briefing; or (2) supplemental briefing and appellants' previously filed briefs will be submitted to the judges deciding this appeal. The court encourages the submission of replacement briefing rather than supplemental briefing.

Appellees shall also file a replacement or supplemental brief, or shall notify the court in writing that appellees stand on the previously filed answering brief. Both parties shall state on the cover pages of the briefs whether they are replacement briefs or supplemental briefs.

The parties may file replacement excerpts or supplemental excerpts. If replacement excerpts are filed, the previously tendered excerpts will be stricken. The absence of replacement excerpts will be treated as a joinder in the previously submitted excerpts.

In addition to any other issues the parties address in their briefs, they shall address whether the district court had subject matter jurisdiction on the basis of the federal charter of the Federal National Mortgage Association ("Fannie Mae"), 12 U.S.C. § 1723a(a).

Pro bono counsel shall appear at oral argument. The Clerk shall establish a supplemental/replacement briefing schedule. The appeal is stayed pending further order of this court.

If appellants object to the court's appointment of counsel in this appeal, appellants shall file a written objection within 14 days after the date of this order.