

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>C. AUSTIN FITTS,</b>	)	
	)	
<b>Movant,</b>	)	
	)	
<b>v.</b>	)	<b>Misc. No. 98-347 (SS)</b>
	)	
<b>UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,</b>	)	
	)	
<b>Respondent.</b>	)	

**JOINT STATEMENT OF MOVANT AND RESPONDENT  
CONCERNING PENDING ISSUES AWAITING RESOLUTION BY THE COURT**

Pursuant to the Court’s directive on September 25, 1998, entered at a hearing in C. Austin Fitts v. The United States Department of Housing and Urban Development, Misc. No. 98-262 (SS), Movant and Respondent hereby submit their Joint Statement Concerning Pending Issues Awaiting Resolution by the Court in this matter.

**After completion of the briefing discussed in Section 2, below, there will be two matters** awaiting resolution by the Court:

- 1.** C. Austin Fitts’ Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act of 1978.

On September 21, 1998, **C. Austin Fitts** filed a Motion pursuant to Section 1110 of the Right to Financial Privacy Act (“RFPA”), 12 U.S.C. § 3410, seeking an

order preventing the government from obtaining access to certain of her personal financial records which are the subject of an Office of Inspector General subpoena issued to Morgan Guaranty Trust Company of New York. Pursuant to the RFP, the government does not file a response unless and until directed to do so by the Court.<sup>1</sup> On September 25, 1998, at a hearing in C. Austin Fitts v. The United States Department of Housing and Urban Development, Misc. No. 98-262 (SS), the Court directed the government to file a response to Ms. Fitts' motion in the instant case. Accordingly, the government is today filing its Notice of Filing and an in camera submission, opposing the motion. Respondent is submitting today a proposed Order, denying the motion.

**2. Movant's [C. Austin Fitts'] Opposition to Respondent's Filing of Pleadings In Camera and Request that it Be Furnished a Copy of Respondent's Memorandum of Points and Authorities in Opposition.**

**Movant will file an Opposition to Petitioner's filing of pleadings in camera requesting that she be furnished with a copy of Respondent's memorandum of points and authorities in Opposition.**

Respectfully submitted,

FOR MOVANT, **C. AUSTIN FITTS:**

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Michael J. McManus (D.C. Bar #262832)  
Kenneth E. Ryan (D.C. Bar #419558)

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<sup>1</sup> The RFP provides, at 12 U.S.C. § 3410(b):

If the court finds that the customer has complied with subsection (a) of this section, it shall order the Government authority to file a sworn response, which may be filed in camera if the Government includes in its response the reasons which make in camera review appropriate. If the court is unable to determine the motion or application on the basis of the parties' initial allegations and response, the court may conduct such additional proceedings at its deems appropriate. All such proceedings shall be completed and the motion or application decided within seven calendar days of the filing of the Government's response.

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FOR RESPONDENT:

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September 28, 1998