

INDIVIDUALS WITH
ACCESS TO PROTECTED INFORMATION IN
FAIRHOLME V. U.S., CASE NO. 13-465C (CT. FED. CL.),
 PURSUANT TO JUDGE SWEENEY'S PROTECTIVE ORDERS (DOCS. 73, 217 AND 256)

Updated Nov. 11, 2015

| <u>DOC.</u> | <u>DATE</u> | <u>INDIVIDUAL</u> | <u>FIRM</u> | <u>CLIENT</u> |
|-------------|-------------|--|---------------------|----------------------------|
| 73 | 07/16/2014 | All Court Personnel | | |
| 73 | 07/16/2014 | Videographers and court reporters working on the case | | |
| 73 | 07/16/2014 | All Treasury attorneys | | U.S. Treasury Department |
| 73 | 07/16/2014 | All FHFA attorneys | | FHFA |
| 73 | 07/16/2014 | All DOJ attorneys | | U.S. Department of Justice |
| 73 | 07/16/2014 | Paralegal, clerical, and administrative support personnel, witnesses, and vendors assisting any counsel entitled to access to Protected Information under the Protective Order | | |
| 76 | 07/25/2014 | Charles J. Cooper | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | David H. Thompson | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | Vincent J. Colatrisano | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | Howard C. Nielson, Jr. | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | Peter A. Patterson | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | Nicole Jo Moss | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | Brian Barnes | Cooper & Kirk, PLLC | Fairholme |

| <u>DOC.</u> | <u>DATE</u> | <u>INDIVIDUAL</u> | <u>FIRM</u> | <u>CLIENT</u> |
|---------------|-----------------------|------------------------------|---|--------------------------|
| 76 | 07/25/2014 | Michael Weitzner | Cooper & Kirk, PLLC | Fairholme |
| 76 | 07/25/2014 | Howard Slugh | Cooper & Kirk, PLLC | Fairholme |
| 79 | 08/06/2014 | Nikki Chtaini | Cooper & Kirk, PLLC | Fairholme |
| 80 | 08/06/2014 | Michael S. Green | Feldman Financial Advisors, Inc. | Fairholme |
| 93 | 09/08/2014 | J. Timothy Howard | Self-Employed¹ | Fairholme |
| 125 | 01/26/2015 | Robert Corso | Alvarez & Marsal Valuation Services, LLC | Fairholme |
| 125 | 01/26/2015 | Mark McMahan | Alvarez & Marsal Valuation Services, LLC | Fairholme |
| 125 | 01/26/2015 | Maria Nizza | Alvarez & Marsal Valuation Services, LLC | Fairholme |
| 125 | 01/26/2015 | Nikhil Rupani | Alvarez & Marsal Valuation Services, LLC | Fairholme |
| 125 | 01/26/2015 | Christo Tzankov | Alvarez & Marsal Valuation Services, LLC | Fairholme |
| 125 | 01/26/2015 | John Campbell | Alvarez & Marsal Valuation Services, LLC | Fairholme |
| 142 | 03/31/2015 | Joseph A. Orlando | Self-Employed Financial Consultant ² | Fairholme |
| 146 | 04/07/2015 | Robert Hutchins | Navigant Consulting, Inc. | United States of America |
| 146 | 04/07/2015 | Andrew Ackel | Navigant Consulting, Inc. | United States of America |
| 146 | 04/07/2015 | Amanda Levesque | Navigant Consulting, Inc. | United States of America |
| 146 | 04/07/2015 | Leigh Lovelady | Navigant Consulting, Inc. | United States of America |
| 146 | 04/07/2015 | Timothy Varner | Navigant Consulting, Inc. | United States of America |
| 173 | 06/29/2015 | Richard B. Harper | Baker Botts, LLP | Grant Thornton LLP |

¹ Mr. Howard served as Fannie Mae's chief financial officer between 1982 and 2004, and authored *The Mortgage Wars* (McGraw-Hill: 2013). See Declaration of J. Timothy Howard, Doc., 96-1. The Government objected to Mr. Howard gaining access to protected information. See Doc. 95. Judge Sweeney denied Fairholme's request to permit him access in an Opinion and Order dated Oct. 15, 2014. See Doc. 101. Mr. Howard filed an *amicus* brief in *Perry v. Lew*, No. 14-5243 (D.C. Cir.), in July 2015, providing the appellate tribunal with his insights into GSE accounting, his conclusion that the GSEs didn't need cash from Treasury to solve a liquidity problem, and how the one-sided nature of the deal makes it grossly unfair

² Bloomberg reports that Mr. Orlando served as Leucadia National Corp.'s CFO from Apr. 1996 until Sept. 2014.

| <u>DOC.</u> | <u>DATE</u> | <u>INDIVIDUAL</u> | <u>FIRM</u> | <u>CLIENT</u> |
|-------------|-------------|---|--|--------------------------------|
| 173 | 06/29/2015 | Jessica F. Rosenbaum | Baker Botts, LLP | Grant Thornton LLP |
| 179-1 | 07/02/2015 | Barrie Prinz | Deloitte LLP | Deloitte LLP |
| 179-1 | 07/02/2015 | Hallie S. Goldblatt | Paul, Weiss, Rifkind, Wharton & Garrison LLP | Deloitte LLP |
| 179-2 | 07/02/2015 | Paul D. Clement | Bancroft PLLC | Fannie Mae |
| 179-2 | 07/02/2015 | H. Christopher Bartolomucci | Bancroft PLLC | Fannie Mae |
| 179-2 | 07/02/2015 | D. Zachary Hudson ³ | Bancroft PLLC | Fannie Mae |
| 179-3 | 07/02/2015 | Graciela M. Rodriguez | King & Spalding LLP | Freddie Mac |
| 179-3 | 07/02/2015 | Merritt E. McAlister | King & Spalding LLP | Freddie Mac |
| 179-3 | 07/02/2015 | Taylor T. Lankford | King & Spalding LLP | Freddie Mac |
| 179-3 | 07/02/2015 | Michael J. Ciatti ⁴ | King & Spalding LLP | Freddie Mac |
| 179-4 | 07/02/2015 | Christopher Davies | Wilmer Cutler Pickering Hale and Dorr LLP | PricewaterhouseCoopers LLP |
| 179-4 | 07/02/2015 | Laura Schwalbe | Wilmer Cutler Pickering Hale and Dorr LLP | PricewaterhouseCoopers LLP |
| 184 | 07/07/2015 | Charles E. Davidow | Paul, Weiss, Rifkind, Wharton & Garrison LLP | Deloitte LLP |
| 197 | 07/13/2015 | Stacey K. Grigsby | Boies, Schiller & Flexner LLP | Cacciapalle & Class Plaintiffs |
| 197 | 07/13/2015 | Eric L. Zagar | Kessler Topaz Meltzer & Check, LLP | Cacciapalle & Class Plaintiffs |
| 197 | 07/13/2015 | Joshua B. Kaplan | Spector Roseman Kodroff & Willis, P.C. | Washington Federal |
| 212 | 07/21/2015 | U.S. Court of Appeals for the D.C. Circuit | | |
| 212 | 07/21/2015 | U.S. District Court for the District of Columbia | | |
| 217 | 07/29/2015 | Non-party witnesses and deponents | | |

³ See also Doc. 86-1 (Letter dated Aug. 5, 2014, addressed to Judge Sweeney and Fairholme and DOJ lawyers).

⁴ See also Doc. 82-1 (Letter dated Aug. 6, 2014, addressed to Judge Sweeney and Fairholme and DOJ lawyers).

| <u>DOC.</u> | <u>DATE</u> | <u>INDIVIDUAL</u> | <u>FIRM</u> | <u>CLIENT</u> |
|-----------------|-------------|------------------------|--|-----------------------------|
| 13 ⁵ | 07/31/2015 | Gregory P. Joseph | Joseph Hage Aaronson LLC | Rafter Plaintiffs |
| 13 ⁵ | 07/31/2015 | Mara Leventhal | Joseph Hage Aaronson LLC | Rafter Plaintiffs |
| 13 ⁵ | 07/31/2015 | Sandra M. Lipsman | Joseph Hage Aaronson LLC | Rafter Plaintiffs |
| 13 ⁵ | 07/31/2015 | Gregory O. Tuttle | Joseph Hage Aaronson LLC | Rafter Plaintiffs |
| 13 ⁵ | 07/31/2015 | Christopher J. Stanley | Joseph Hage Aaronson LLC | Rafter Plaintiffs |
| 28 ⁶ | 08/06/2015 | Michael H. Barr | Dentons US LLP | Arrowood Plaintiffs |
| 28 ⁶ | 08/06/2015 | Richard M. Zuckerman | Dentons US LLP | Arrowood Plaintiffs |
| 28 ⁶ | 08/06/2015 | Sandra D. Hauser | Dentons US LLP | Arrowood Plaintiffs |
| 28 ⁶ | 08/06/2015 | Drew W. Marrocco | Dentons US LLP | Arrowood Plaintiffs |
| 30 ⁷ | 08/06/2015 | Robert C. Schubert | Schubert Jonckheer & Kolbe LLP | Fischer and Reid Plaintiffs |
| 30 ⁷ | 08/06/2015 | Miranda P. Kolbe | Schubert Jonckheer & Kolbe LLP | Fischer and Reid Plaintiffs |
| 30 ⁷ | 08/06/2015 | Noah M. Schubert | Schubert Jonckheer & Kolbe LLP | Fischer and Reid Plaintiffs |
| 30 ⁷ | 08/06/2015 | Kathryn Y. Schubert | Schubert Jonckheer & Kolbe LLP | Fischer and Reid Plaintiffs |
| 30 ⁷ | 08/06/2015 | Edward F. Haber | Shapiro Haber & Urmy LLP | Fischer and Reid Plaintiffs |
| 30 ⁷ | 08/06/2015 | Ian J. McLoughlin | Shapiro Haber & Urmy LLP | Fischer and Reid Plaintiffs |
| 30 ⁷ | 08/06/2015 | Patrick J. Vallely | Shapiro Haber & Urmy LLP | Fischer and Reid Plaintiffs |
| 226 | 08/11/2015 | Theodore B. Olson | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |

⁵ Filed in *Rafter v. U.S.*, Case No. 14-740C (Ct. Fed. Cl.)

⁶ Filed in *Arrowood v. U.S.*, Case No. 13-698C (Ct. Fed. Cl.)

⁷ Filed in *Fisher v. U.S.*, Case No. 13-608C (Ct. Fed. Cl.), and *Reid v. U.S.*, Case No. 14-152C (Ct. Fed. Cl.) (Doc. 16).

⁸ The government objected to Gibson Dunn's request, *see* Doc. 227, asserting that the firm's access to confidential discovery materials is premature at this juncture. Perry Capital, *see* Doc. 231, argued that its lawyers can't meaningfully respond to Fairholme's motion (Doc. 1565601) to supplement the record without access to the documents Fairholme filed under seal in *Perry v. Lew*, No. 14-5243 (D.C. Cir.). Gibson Dunn renewed its request, *see* Doc. 248, and Judge Sweeny promptly

| <u>DOC.</u> | <u>DATE</u> | <u>INDIVIDUAL</u> | <u>FIRM</u> | <u>CLIENT</u> |
|-------------|-------------|----------------------------|--|---------------------------------|
| 226 | 08/11/2015 | Janet M. Weiss | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Douglas R. Cox | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Michael D. Bopp | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Matthew D. McGill | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Robert Gonzalez | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Christopher B. Leach | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Sean Sandoloski | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Justin Epner | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 226 | 08/11/2015 | Andrew Davis | Gibson, Dunn & Crutcher LLP ⁸ | Perry Capital |
| 229 | 08/18/2015 | Francis Der | Schubert Jonckheer & Kolbe LLP | Fischer and Reid Plaintiffs |
| 233 | 08/21/2015 | Jennifer O'Connor | Executive Office of the President | United States of America |
| 233 | 08/21/2015 | James D. Walsh | Executive Office of the President | United States of America |
| 233 | 08/21/2015 | Allison F. Murphy | Executive Office of the President | United States of America |
| 238 | 09/01/2015 | Jennifer Fountain Connolly | Hagens Berman Sobol Shapiro LLP | Washington Federal Plaintiffs |
| 238 | 09/01/2015 | Robert M. Roseman | Spector Roseman Kodroff & Willis, P.C. | Washington Federal Plaintiffs |
| 238 | 09/01/2015 | Joshua Kaplan | Spector Roseman Kodroff & Willis, P.C. | Washington Federal Plaintiffs |
| 251 | 10/14/2015 | Matthew G. Whitaker | Whitaker Hagenow & Gustoff, LLP | Fairholme & Continental Western |
| 251 | 10/14/2015 | Matt M. Dimmermuth | Whitaker Hagenow & Gustoff, LLP | Fairholme & Continental Western |
| 251 | 10/14/2015 | Kendra L. Mills Arnold | Whitaker Hagenow & Gustoff, LLP | Fairholme & Continental Western |
| 251 | 10/14/2015 | J. Joel Alicea | Cooper & Kirk, PLLC | Fairholme |

denied, *see* Doc. 249, the firm's request for access to confidential discovery materials as premature because the D.C. Circuit has not ruled on Fairholme's motion to supplement the record. Following the D.C. Circuit's ruling (Doc. 1581672) that parties in *Perry v. Lew* may "refer to the lodged supplement to the appellate record in their remaining briefs," Perry again renewed its request (Doc. 254). Overruling the government's proposed objection, Judge Sweeney granted (Doc. 255) that renewed request and entered a Second Amended Protective Order (Doc. 256) adding "any person permitted to have access by order of the court" to the list of individuals permitted access to protected information in the fourth numbered paragraph of that order.

| <u>DOC.</u> | <u>DATE</u> | <u>INDIVIDUAL</u> | <u>FIRM</u> | <u>CLIENT</u> |
|-------------|-------------|-------------------|---------------------|---------------|
| 251 | 10/14/2015 | Harold S. Reeves | Cooper & Kirk, PLLC | Fairholme |