

In the United States Court of Federal Claims

No. 13-465C
(Filed: May 25, 2016)

 FAIRHOLME FUNDS, INC. et al., *
 *
 Plaintiffs, *
 *
 v. *
 *
 THE UNITED STATES, *
 *
 Defendant. *

ORDER

Before the court is defendant’s May 25, 2016 motion for clarification:

[W]e request confirmation: (1) that the Court’s May 20 Order requires the United States to provide declarations with respect to the documents subject to in camera review; and (2) that the Declarations of Christopher Dickerson and David Pearl attached to the United States’ response satisfy this requirement. In the alternative, we request that the Court clarify that it seeks supplemental declarations with respect to documents protected by the deliberative process privilege alone (as opposed to multiple privileges), and order the United States to provide such supplemental declarations within 60 days after the Court has issued an order with respect to the documents identified in Exhibit 1 to plaintiffs’ motion. Finally, to the extent that the Court denies our request to defer the production of supplemental declarations until the Court has the opportunity to review, in camera, the documents identified in plaintiffs’ motion to compel, we request a 75-day enlargement of time to August 10, 2016 to provide those declarations.

Def.’s Mot. 4-5.

In response to defendant’s motion, the court offers the following points of clarification:

1. By **no later than Friday, May 27, 2016**, defendant shall submit for in camera review hard copies of all of the documents identified in the Vaughn index attached as Exhibit 1 to plaintiffs’ motion to compel.

2. If, as defendant represents above, the December 15, 2015 declaration of Christopher Dickerson and the January 20, 2016 declaration of David Pearl satisfy the declaration requirement of the deliberative process privilege, as to the documents submitted for in camera review, then nothing further is required as to this privilege.
3. Although the court is aware of defendant's position regarding the declaration requirements of the presidential communications privilege, if defendant wishes to submit a declaration in conjunction with its invocation of the privilege, it shall do so by **no later than Friday, June 10, 2016**.

Defendant's motion is therefore **GRANTED** in part and **DENIED** in part. No further briefing will be permitted.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
MARGARET M. SWEENEY
Judge