

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 June 6, 2016

<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.

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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 & Egbert Perry ³
179-2	07/02/2015	H. Christopher Bartolomucci	Bancroft PLLC	Fannie Mae & Egbert Perry ³
179-2	07/02/2015	D. Zachary Hudson ⁴	Bancroft PLLC	Fannie Mae & Egbert Perry ³
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 ⁵	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		

³ See Non-Parties Federal National Mortgage Association's and Mr. Egbert Perry's Redacted Motion to Quash Plaintiffs' Deposition Subpoena (Doc. 258).

⁴ See also Doc. 86-1 (Letter dated Aug. 5, 2014, addressed to Judge Sweeney and Fairholme and DOJ lawyers).

⁵ 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>
217	07/29/2015	Non-party witnesses and deponents		
13 ⁶	07/31/2015	Gregory P. Joseph	Joseph Hage Aaronson LLC	Rafter Plaintiffs
13 ⁶	07/31/2015	Mara Leventhal	Joseph Hage Aaronson LLC	Rafter Plaintiffs
13 ⁶	07/31/2015	Sandra M. Lipsman	Joseph Hage Aaronson LLC	Rafter Plaintiffs
13 ⁶	07/31/2015	Gregory O. Tuttle	Joseph Hage Aaronson LLC	Rafter Plaintiffs
13 ⁶	07/31/2015	Christopher J. Stanley	Joseph Hage Aaronson LLC	Rafter Plaintiffs
28 ⁷	08/06/2015	Michael H. Barr	Dentons US LLP	Arrowood Plaintiffs
28 ⁷	08/06/2015	Richard M. Zuckerman	Dentons US LLP	Arrowood Plaintiffs
28 ⁷	08/06/2015	Sandra D. Hauser	Dentons US LLP	Arrowood Plaintiffs
28 ⁷	08/06/2015	Drew W. Marrocco	Dentons US LLP	Arrowood Plaintiffs
30 ⁸	08/06/2015	Robert C. Schubert	Schubert Jonckheer & Kolbe LLP	Fischer and Reid Plaintiffs
30 ⁸	08/06/2015	Miranda P. Kolbe	Schubert Jonckheer & Kolbe LLP	Fischer and Reid Plaintiffs
30 ⁸	08/06/2015	Noah M. Schubert	Schubert Jonckheer & Kolbe LLP	Fischer and Reid Plaintiffs
30 ⁸	08/06/2015	Kathryn Y. Schubert	Schubert Jonckheer & Kolbe LLP	Fischer and Reid Plaintiffs
30 ⁸	08/06/2015	Edward F. Haber	Shapiro Haber & Urmy LLP	Fischer and Reid Plaintiffs
30 ⁸	08/06/2015	Ian J. McLoughlin	Shapiro Haber & Urmy LLP	Fischer and Reid Plaintiffs
30 ⁸	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 ⁹	Perry Capital

⁶ Filed in *Rafter v. U.S.*, Case No. 14-740C (Ct. Fed. Cl.)

⁷ Filed in *Arrowood v. U.S.*, Case No. 13-698C (Ct. Fed. Cl.)

⁸ 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).

<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 ⁹	Perry Capital
226	08/11/2015	Douglas R. Cox	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Michael D. Bopp	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Matthew D. McGill	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Robert Gonzalez	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Christopher B. Leach	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Sean Sandoloski	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Justin Epner	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
226	08/11/2015	Andrew Davis	Gibson, Dunn & Crutcher LLP ⁹	Perry Capital
229	08/18/2015	Francis Der	Schubert Jonckheer & Kolbe LLP	Fischer and Reid Plaintiffs
233	08/21/2015	Jennifer O'Connor ¹⁰	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 ¹¹	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

⁹ 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 denied, *see* Doc. 249, the firm's request for access to confidential discovery materials as premature because the D.C. Circuit had 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.

¹⁰ Ms. O'Connor left the White House sometime prior to Dec. 8, 2015. *See* Doc. 274.

¹¹ Ms. Murphy left the White House sometime prior to Dec. 8, 2015. *See* Doc. 274.

<u>DOC.</u>	<u>DATE</u>	<u>INDIVIDUAL</u>	<u>FIRM</u>	<u>CLIENT</u>
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 ¹²
251	10/14/2015	Matt M. Dimmermuth	Whitaker Hagenow & Gustoff, LLP	Fairholme & Continental Western ¹²
251	10/14/2015	Kendra L. Mills Arnold	Whitaker Hagenow & Gustoff, LLP	Fairholme & Continental Western ¹²
251	10/14/2015	J. Joel Alicea	Cooper & Kirk, PLLC	Fairholme
251	10/14/2015	Harold S. Reeves	Cooper & Kirk, PLLC	Fairholme
256	11/09/2015	Any person permitted to have access by court order		
260	11/16/2015	Harold N. Schneebeck ¹³	Brown, Winick, Graves, Gross, et al. ¹⁴	<i>Saxton</i> Plaintiffs
260	11/16/2015	Alexander M. Johnson	Brown, Winick, Graves, Gross, et al. ¹⁴	<i>Saxton</i> Plaintiffs
260	11/16/2015	Sean P. Moore	Brown, Winick, Graves, Gross, et al. ¹⁴	<i>Saxton</i> Plaintiffs
269 ¹⁵	11/19/2015	Blair A. Nicholas	Bernstein Litowitz Berger & Grossmann LLP	Class Plaintiffs
269 ¹⁵	11/19/2015	Lucas E. Gilmore	Bernstein Litowitz Berger & Grossmann LLP	Class Plaintiffs
269 ¹⁵	11/19/2015	David R. Kaplan	Bernstein Litowitz Berger & Grossmann LLP	Class Plaintiffs
269 ¹⁵	11/19/2015	David Wales	Bernstein Litowitz Berger & Grossmann LLP	Class Plaintiffs

¹² See Complaint (Doc. 1) initiating *Continental Western v FHFA*, Case No. 14-00042 (S.D. Iowa).

¹³ Mr. Schneebeck filed a Notice of Appearance (Doc. 266) on Nov. 18, 2015, and Judge Sweeney entered an Order (Doc. 267) striking Mr. Schneebeck's appearance from the docket the next day. Mr. Schneebeck filed a Motion for Leave to Withdraw Appearance (Doc. 298) on Feb. 12, 2016, and Judge Sweeney entered an Order (Doc. 300) less than 90 minutes thereafter denying his motion as moot.

¹⁴ The government opposed the *Saxton* Plaintiffs' request for access to confidential discovery materials, see Doc. 263, because the Iowa Court has indicated that it wants to answer the legal question of whether a GSE shareholder lawsuit is barred by HERA before examining any further facts. Judge Sweeney declined to side with the government, see Doc. 265, and gave the *Saxton* Plaintiffs' lawyers access to protected information Fairholme lodged with the Court in *Saxton v. FHFA*, Case No. 15-47 (N.D. Iowa).

¹⁵ See, also, Doc. 268.

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269 ¹⁵	11/19/2015	Michael J. Barry	Grant & Eisenhofer PA	Class Plaintiffs
269 ¹⁵	11/19/2015	David Haendler	Grant & Eisenhofer PA	Class Plaintiffs
271	11/24/2015	Jonathan A. Neuberger	Economists Incorporated	United States of America
271	11/24/2015	Stuart D. Gurrea	Economists Incorporated	United States of America
271	11/24/2015	Rachel Lin	Economists Incorporated	United States of America
271	11/24/2015	Yiting Ji	Economists Incorporated	United States of America
274	12/08/2015	Nicholas L. McQuaid	Executive Office of the President	United States of America
274	12/08/2015	Albert L. Sanders, Jr.	Executive Office of the President	United States of America
274	12/08/2015	Brent S. Wible	Executive Office of the President	United States of America
276	12/11/2015	Robert B. Craig	Taft Stettinius & Hollister LLP ¹⁶	Ms. Robinson
276	12/11/2015	Jonathan D. Tebbs	Taft Stettinius & Hollister LLP ¹⁶	Ms. Robinson
299	02/12/2016	Matthew Goldstein	Kessler Topaz Meltzer & Check, LLP	Cacciapalle & Class Plaintiffs
302	03/01/2016	Andrew D. Abramowitz	Spector Roseman Kodroff & Willis, P.C.	Washington Federal
302	03/01/2016	James McGovern	Spector Roseman Kodroff & Willis, P.C.	Washington Federal
303	03/04/2016	Christian D. Ambler	Stone & Johnson, Chtd.	Roberts Plaintiffs
314	04/14/2016	Jeffrey W. Kilduff	O'Melveny & Myers LLP	Fannie Mae
314	04/14/2016	Michael J. Walsh, Jr.	O'Melveny & Myers LLP	Fannie Mae
318	04/20/2016	Myron T. Steele	Potter Anderson & Corroon LLP	Jacobs Plaintiffs
318	04/20/2016	Michael A. Pittenger	Potter Anderson & Corroon LLP	Jacobs Plaintiffs

¹⁶ The government urged Judge Sweeney to delay and contract Ms. Robinson's lawyers' access to Fairholme's discovery, and adopt a rule that the mere filing of a complaint by a shareholder doesn't give that shareholder's lawyers automatic access to confidential discovery materials produced to Fairholme. *See* Doc. 277. In response, Ms. Robinson's lawyers argued that the government hasn't -- and can't -- distinguish Ms. Robinson from the *Saxton* Plaintiffs, so they should be granted equal access to Fairholme's confidential discovery materials. *See* Doc. 278. Judge Sweeney found the government's arguments unpersuasive and granted Ms. Robinson's lawyers' access request. *See* Doc. 279.

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318	04/20/2016	Christopher N. Kelly	Potter Anderson & Corroon LLP	Jacobs Plaintiffs
318	04/20/2016	Alan R. Silverstein	Potter Anderson & Corroon LLP	Jacobs Plaintiffs
319	05/06/2016	Jennifer B. Orr	Taft Stettinius & Hollister LLP	Ms. Robinson
332	06/06/2016	Andrew N. Dodamaide	Spector Roseman Kodroff & Willis, P.C.	Washington Federal