

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

In re UNITED STATES OF AMERICA,  
  
Petitioner.

No. 2017-104  
  
(Fed. Cl. No. 13-465C)

**UNOPPOSED MOTION FOR LEAVE TO  
FILE SUPPLEMENTAL APPENDIX**

Respondents Fairholme Funds, Inc. et al. (“Plaintiffs”) respectfully move for leave to file a supplemental appendix containing materials cited in their Response in Opposition to the United States’ Petition for Mandamus and that are not readily accessible on the Court of Federal Claims public docket. The United States did not consult Plaintiffs before filing the addendum to its petition for mandamus, and Plaintiffs therefore did not have a previous opportunity to designate relevant materials for this Court’s consideration. Plaintiffs consulted counsel for the United States, and the United States does not oppose this motion. Plaintiffs are submitting their proposed supplemental appendix concurrently with this motion.

Date: November 3, 2016

*Of counsel:*

David H. Thompson  
Vincent J. Colatriano  
Howard C. Nielson, Jr.  
Peter A. Patterson  
Brian W. Barnes

Respectfully submitted,

/s/ Charles J. Cooper

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## UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

In re United States

v.

Case No. 17-104

## CERTIFICATE OF INTEREST

Counsel for the:

☐ (petitioner) ☐ (appellant) ☒ (respondent) ☐ (appellee) ☐ (amicus) ☐ (name of party)

Fairholme Funds, Inc., et al. (see attachment)

certifies the following (use "None" if applicable; use extra sheets if necessary):

| 1. Full Name of Party Represented by me | 2. Name of Real Party in interest (Please only include any real party in interest NOT identified in Question 3) represented by me is: | 3. Parent corporations and publicly held companies that own 10 % or more of stock in the party |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Fairholme Funds, Inc.                   | None                                                                                                                                  | None                                                                                           |
| The Fairholme Fund                      | Fairholme Funds, Inc.                                                                                                                 | None                                                                                           |
| Acadia Insurance Company                | None                                                                                                                                  | W.R. Berkley Corporation                                                                       |
| Admiral Indemnity Company               | None                                                                                                                                  | W.R. Berkley Corporation                                                                       |
| Admiral Insurance Company               | None                                                                                                                                  | W.R. Berkley Corporation                                                                       |
| Berkley Insurance Company               | None                                                                                                                                  | W.R. Berkley Corporation                                                                       |
| (see attachment for additional parties) |                                                                                                                                       |                                                                                                |

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court (**and who have not or will not enter an appearance in this case**) are:

Nov 3, 2016

Date

/s/ Charles J. Cooper

Signature of counsel

Please Note: All questions must be answered

Charles J. Cooper

Printed name of counsel

cc: \_\_\_\_\_

Reset Fields

Certificate of Interest – Additional Parties

Name of Parties, continued:

The Fairholme Fund, Acadia Insurance Company, Admiral Indemnity Company, Admiral Insurance Company, Berkley Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Continental Western Insurance Company, Midwest Employers Casualty Insurance Company, Nautilus Insurance Company, and Preferred Employers Insurance Company

| 1. Full Name of Party Represented by me      | 2. Name of Real Party in interest represented by me is: | 3. Parent corporations and publicly held companies that own 10% or more of stock in the party |
|----------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Berkley Regional Insurance Company           | None                                                    | W.R. Berkley Corporation                                                                      |
| Carolina Casualty Insurance Company          | None                                                    | W.R. Berkley Corporation                                                                      |
| Continental Western Insurance Company        | None                                                    | W.R. Berkley Corporation                                                                      |
| Midwest Employers Casualty Insurance Company | None                                                    | W.R. Berkley Corporation                                                                      |
| Nautilus Insurance Company                   | None                                                    | W.R. Berkley Corporation                                                                      |
| Preferred Employers Insurance Company        | None                                                    | W.R. Berkley Corporation                                                                      |

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of November, 2016, I caused a copy of the foregoing Motion for Leave to File Supplemental Appendix to be filed electronically via the Court's CM/ECF system. This filing was served electronically to Petitioner the United States by the Court's electronic filing system. Service was accomplished on the following by First Class U.S. Mail:

Michael Sammons  
15706 Seekers St.  
San Antonio, TX 78255

/s/ Charles J. Cooper  
Charles J. Cooper