JOSEPH HAGE AARONSON LLC

485 LEXINGTON AVENUE

NEW YORK, NEW YORK 10017

(212) 407-1200

WWW.JHA.COM

GREGORY P. JOSEPH
DIRECT DIAL: (212) 407-1210
DIRECT FAX: (212) 407-1280
EMAIL: gjoseph@jha.com

February 16, 2018

By ECF
Honorable Margaret M. Sweeney
United States Court of Federal Claims
Howard T. Markey National Courts Building
717 Madison Place, NW
Washington, DC 20439

All Counsel of Record

Re: *Fairholme Funds, Inc. v. United States*, No. 13-465C ("*Fairholme* **Action**");
        Rafter, et al. v. United States, No. 14-740C (Fed. Cl.) ("*Rafter* **Action**")

Dear Judge Sweeney and Counsel:

My firm represents the plaintiffs in the *Rafter* Action, one of the proceedings related to the *Fairholme* Action. I am writing pursuant to paragraph 16 of the July 29, 2015 Amended Protective Order (the "**Protective Order**") to notify the Court and the parties of an inadvertent breach of the Protective Order that has now been cured.

On February 7, 2018, our firm provided a copy of a draft amended pleading to David Klafter, senior in house counsel for one of our clients in the *Rafter* Action, Pershing Square Capital Management, L.P. ("**PSCM**"), with redactions intended to protect confidential materials cited by the draft. This afternoon, we discovered that the draft contained one sentence excerpted from the first two lines of FHFA00028119 that our firm should have redacted, but did not, based on the mistaken determination that the cited information had been unsealed. We promptly alerted Mr. Klafter, who has confirmed that the draft had only been shared with one other individual at PSCM, who had yet to review it. He has also confirmed that all electronic copies of the draft have now been deleted, except for any inaccessible copies on remote back-up systems, and the one hard copy he printed has been shredded. We are putting additional protocols in place to avoid any further inadvertent disclosures.

We are available to answer any questions concerning the foregoing.

Respectfully,

/s Gregory P. Joseph
Gregory P. Joseph