In the United States Court of Federal Claims

No. 13-465C
(Filed: September 10, 2018)

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

ORDER

On August 3, 2018, plaintiffs moved to file an amended complaint and modify the briefing schedule for defendant's motion to dismiss. Specifically, plaintiffs seek to amend their complaint to add a new separation-of-powers theory and requested that defendant, who had already filed a motion to dismiss, be allowed to supplement its motion to dismiss with a response to the new theory. In response, defendant (1) explained that it would need to refile its motion to dismiss because it will be rendered a nullity when plaintiffs file their amended complaint, (2) stated that it did not object to the scheduled proposed by plaintiffs, and (3) requested that the court decline to entertain additional requests to amend complaints until after a ruling on the motion to dismiss.

Given the parties' agreements, the court **GRANTS** the motion to amend the complaint and sets forth the following briefing schedule. Defendant shall file its motion to dismiss by **no later than Monday, October 1, 2018;** plaintiffs shall file their response by **no later than Tuesday, October 23, 2018;** and defendant shall file its reply by **no later than Tuesday, January 22, 2019.** With regard to defendant's request to preclude plaintiffs from filing another motion to amend their complaint, the court declines to grant that request. For the sake of judicial efficiency, however, the court will not resolve any subsequent motions by plaintiffs to amend their complaint until after the court rules on the motion to dismiss.

IT IS SO ORDERED.

s/ Margaret M. Sweeney
MARGARET M. SWEENEY
Chief Judge