

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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|--------------------------------|---|-----------------|
| _____                          | ) |                 |
| FAIRHOLME FUNDS, INC., et al., | ) |                 |
|                                | ) |                 |
| Plaintiffs,                    | ) |                 |
|                                | ) |                 |
| v.                             | ) | No. 13-465C     |
|                                | ) | (Judge Sweeney) |
| THE UNITED STATES,             | ) |                 |
|                                | ) |                 |
| Defendant.                     | ) |                 |
| _____                          | ) |                 |

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO FILE OMNIBUS AND SUPPLEMENTAL OPPOSITION BRIEFS AND TO EXCEED PAGE LIMIT**

On October 31, 2018, this Court granted in part and denied in part a motion for leave to file supplemental opposition briefs and to exceed the page limit filed by the plaintiffs in *Rafter v. United States*, No. 14-740C (Fed. Cl.) (“Rafter”). *See* Rafter Order (Oct. 31, 2018), Doc. 40. The Rafter Plaintiffs sought leave for themselves, the Fairholme Plaintiffs, and the Plaintiffs in *Cacciapalle v. United States*, No. 13-466C (Fed. Cl.), *Fisher v. United States*, No. 13-608C (Fed. Cl.), *Reid v. United States*, No. 14-152C (Fed. Cl.), and *Arrowood Indemnity Co. v. United States*, No. 13-698C (Fed. Cl.), to file (a) a coordinated, omnibus opposition to Defendant’s Amended Omnibus Motion to Dismiss (Oct. 1, 2018), Doc. 421, of up to 75 pages addressing common issues, and (b) a supplemental opposition of up to 15 pages addressing case-specific issues. As the Rafter Plaintiffs explained, this proposal will streamline the briefing process in these related cases, and Defendant did not oppose. *See* Rafter Plaintiffs’ Unopposed Motion for Leave to File Omnibus and Supplemental Briefs and to Exceed Page Limit at 2–3 (Oct. 29, 2018), Doc. 39.

On October 31, this Court granted this request with respect to the Rafter Plaintiffs, but denied it with respect to the other Plaintiffs, inviting them “to file their own motions requesting permission to file additional pages or file supplemental opposition briefs.” Rafter Order at 1. The Fairholme Plaintiffs hereby take up that invitation and move for leave to file (a) a coordinated opposition of up to 75 pages addressing common issues identical to that the Court has authorized to be filed in the Rafter case, and (b) a supplemental opposition of up to 15 pages addressing case-specific issues. Good cause for this request exists for the reasons set forth by the Rafter Plaintiffs, and the Defendant consents to the relief requested.

Date: October 31, 2018

Respectfully submitted,

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE OMNIBUS AND SUPPLEMENTAL OPPOSITION BRIEFS AND TO EXCEED PAGE LIMIT**

On October 31, 2018, Plaintiffs filed an unopposed motion for leave to file: (1) a coordinated brief up to 75 pages in length in opposition to Defendant's Amended Omnibus Motion to Dismiss (Oct. 1, 2018), Doc. 421, to address common issues; and (2) a supplemental brief up to 15 pages in length in opposition to Defendant's Amended Omnibus Motion to Dismiss on behalf of the Fairholme Plaintiffs to address case-specific issues. For good cause shown, the motion is GRANTED.

IT IS HEREBY ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2018.