

UNITED STATES COURT OF FEDERAL CLAIMS

ARWOOD INDEMNITY COMPANY,
ARWOOD SURPLUS LINES
INSURANCE COMPANY, and
FINANCIAL STRUCTURES LIMITED,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 1:13-cv-00698 MMS

**UNOPPOSED MOTION OF PLAINTIFFS ARWOOD INDEMNITY COMPANY,
ARWOOD SURPLUS LINES INSURANCE COMPANY,
AND FINANCIAL STRUCTURES LIMITED
FOR LEAVE TO FILE OMNIBUS BRIEF AND SUPPLEMENTAL BRIEF IN
OPPOSITION TO MOTION TO DISMISS AND FOR LEAVE TO EXCEED THE PAGE
LIMITS**

Pursuant to Rules 5.4(b)(1) and 7 of the Rules of the United States Court of Federal Claims, Plaintiffs Arrowood Indemnity Company, Arrowood Surplus Lines Insurance Company, and Financial Structures Limited (the “Arrowood Plaintiffs”) respectfully request leave for the Arrowood Plaintiffs (a) to join plaintiffs in *Rafter v. United States*, No. 14-740C (Fed. Cl.), *Fairholme Funds, Inc. v. United States*, No. 13-465C (Fed. Cl.), *Cacciappale v. United States*, No. 13-446C (Fed. Cl.), *Fisher v. United States*, No. 13-608C (Fed. Cl.), and *Reid v. United States*, No. 14-152C (Fed. Cl.) (with this case, the “Related Cases”), in filing an Omnibus Opposition Brief not to exceed 75 pages in opposition to the Amended Omnibus Motion to Dismiss filed by the United States, and (2) to file a Supplemental Brief not to exceed 15 pages to address facts and issues that are either specific to the Arrowood Plaintiffs or upon which the

position of the Arrowood Plaintiffs differs from the position of other Plaintiffs that may be taken in the Omnibus Opposition Brief.

Counsel for the United States has confirmed that the United States does not oppose this motion. Counsel for the Plaintiffs in the Related Cases consent to this motion, and will be filing similar motions in such cases.

Plaintiffs' responses to the Defendant's Amended Omnibus Motion to Dismiss are due on November 2, 2018. *See* Order dated October 10, 2018.

Good cause exists to grant the requested relief. With leave of Court, Defendant filed an 81-page Amended Omnibus Motion to Dismiss. Many of the issues raised by Defendant's Omnibus Amended Motion to Dismiss are common to the Related Cases, and it is most efficient—for the parties and the Court—to address those common issues through one proposed 75-page Omnibus Opposition Brief. There are, however, some facts and issues that are specific to the Arrowood Plaintiffs, and there is one issue—relating to standing—upon which the position of the Arrowood Plaintiffs differs from the position of some other Plaintiffs.¹ The Arrowood Plaintiffs seek leave to address these case-specific issues in a separate proposed Supplemental Opposition Brief not to exceed 15 pages.

For these reasons, the Arrowood Plaintiffs respectfully request that the Court grant this unopposed motion for leave to exceed the page limitation in Rule 5.4(b)(1) of the RCFC and to file one Omnibus Opposition Brief not to exceed 75 pages, and a separate Supplemental Opposition Brief not to exceed 15 pages.

¹ The issue as to standing arises from the fact that the Arrowood Plaintiffs base their claims on shares of Fannie Mae and Freddie Mac that they owned as of the date of the Net Worth Sweep, some of which have since been sold. Some other plaintiffs based their claims on shares of Fannie Mae and Freddie Mac that they purchased after the Net Worth Sweep.

Respectfully submitted,
DENTONS US LLP

By: /s/ Michael H. Barr
Michael H. Barr, *Counsel of Record*
Richard M. Zuckerman, *of Counsel*
Sandra Hauser, *of Counsel*
1221 Avenue of the Americas
New York, New York 10020
Tel.: (212) 768-6700
Fax: (212)768-6800
michael.barr@dentons.com
richard.zuckerman@dentons.com
sandra.hauser@dentons.com

Drew W. Marrocco, *of Counsel*
1900 K Street, NW
Washington, DC 20006
Tel.: (202) 496-7500
Fax: (202) 496-7756
Drew.Marrocco@dentons.com

October 31, 2018

Attorneys for Plaintiffs
Arrowood Indemnity Company et al.