

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

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

**UNOPPOSED MOTION FOR ENLARGEMENT OF DEADLINE FOR FILING JOINT STATUS REPORT**

Pursuant to Rules 6(b), 6.1 and 7 of the Court’s Rules, Defendant respectfully requests that the Court grant the parties an enlargement of 14 days within which to file the joint status report currently due on January 24, 2020. If the enlargement is granted, the joint status report will be due on February 7, 2020.

In its December 6, 2019 opinion and order (ECF No. 449), which granted in part and denied in part the Government’s motion to dismiss the second amended complaint, the Court ordered the parties to file a joint status report, no later than January 10, 2020, “proposing further proceedings, and, if appropriate, a schedule for further proceedings.” On January 10, the parties sought a two-week enlargement of time to file the joint status report, which the Court granted. The Government now requests that the Court grant the parties another 14-day enlargement of time, up to and including February 7, 2020, within which to file the joint status report. On January 24, 2020, plaintiffs’ counsel stated that plaintiffs do not oppose this motion.

Good cause exists for the requested enlargement. As explained in our previous filing, the Government’s consideration of a proposal for further proceedings involves the Office of the

Solicitor General, which is responsible for determining whether, and on what issues, an appeal may be taken in this case. We expected that decision-making process to be informed by the Supreme Court's actions with respect to the petitions for writ of certiorari in *Collins v. Mnuchin*, No. 19-422 and *Mnuchin v. Collins*, No. 19-563. Those petitions were calendared for the Supreme Court's conference on January 10. The Supreme Court did not grant the petitions at that time, and the Government expected that the petitions would be relisted for the next conference on January 17. As of today, however, the petitions have not been relisted, and the Government therefore expects that the Supreme Court will maintain the petitions on its docket without taking action in the near future. It therefore seems unlikely that the petitions will be granted with sufficient time to be heard and resolved this Term (*i.e.*, by June 2020). Given these recent developments, the Solicitor General has not yet reached a final decision regarding any potential appeal, and, in consultation with the relevant components of the Department of Justice, is engaging in the decision-making process as expeditiously as possible.

For these reasons, the United States respectfully requests that the Court grant this unopposed motion for a 14-day enlargement of time, up to and including February 7, 2020, for the parties to file a joint status report currently due today.

Respectfully submitted,

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