



more expeditious ruling from the court in this case.<sup>2</sup> For example, without waiving any appellate rights, the parties could jointly stipulate that the court grant defendant's motion to dismiss with respect to count X for the reasons set forth in the Fairholme opinion and deny the motion with respect to count Y for the reasons stated in the Fairholme opinion. Thus, the court requests that the parties file a joint status report **by no later than Tuesday, February 25, 2020**, in which they state whether they would be willing to provide (or at least discuss with each other) such stipulations. If the parties are willing to consider such stipulations, they should either include the stipulations in their status report or propose a prompt deadline for filing another joint status report in which they will make their stipulations.<sup>3</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup> This process is especially apt here given that the court considered plaintiffs' arguments when addressing similar issues in Fairholme. Fairholme Funds, Inc. v. United States, 146 Fed. Cl. 17, 38 (2019) (“[T]he court infers that the plaintiffs in [Fairholme] have adopted the favorable arguments made by the plaintiffs in the related cases to the extent such arguments are relevant.”).

<sup>3</sup> When proposing a deadline (if any), the parties should be cognizant of the fact that briefing on whether to certify an interlocutory appeal in Fairholme is scheduled to finish by March 4, 2020, and the court intends to rule promptly on any such motions in that case.