

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WASHINGTON FEDERAL, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	No. 13-385 C
	)	(Chief Judge Sweeney)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

**MOTION FOR SEVEN-DAY ENLARGEMENT OF TIME TO FILE PLAINTIFFS’ SUPPLEMENTAL BRIEF (UNOPPOSED)**

Plaintiffs respectfully request an enlargement of time of seven days—from **March 26, 2020** until **April 2, 2020**—to file the supplemental brief recently ordered by this Court related to the Government’s pending motion to dismiss this action. *See* RCFC 6(b), 6.1, 7(b).

On March 19, 2020, granting Plaintiffs’ motion to lift the stay, this Court directed Plaintiffs to file: (1) a one-page overview following an attached template; and (2) a supplemental brief not exceeding five pages. ECF No. 90 at 1. These submissions are currently due by March 26, 2020. *Id.* Plaintiffs seek an additional seven days to file these submissions for reasons constituting good cause as set forth in the accompanying Declaration of Kevin K. Green.

Defendant does not oppose the extension on the condition that its due date to file a supplemental response brief, if this motion is granted, will be **April 16, 2020**.

Dated: March 23, 2020

Respectfully submitted,

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**DECLARATION OF KEVIN K. GREEN IN SUPPORT OF MOTION FOR SEVEN-DAY ENLARGEMENT OF TIME TO FILE PLAINTIFFS’ SUPPLEMENTAL BRIEF**

I, KEVIN K. GREEN, declare:

1. I am Senior Counsel with Hagens Berman Sobol Shapiro LLP, counsel for Plaintiffs and the proposed class. I am in good standing with the State Bar of California and appeared in this action on November 5, 2019. ECF No. 79.

2. Since then, I have taken the lead in drafting Plaintiffs’ written submissions and have also appeared before this Court for Plaintiffs. I will be lead drafter of Plaintiffs’ supplemental brief currently due by March 26, 2020. ECF No. 90 at 1.

3. On March 19, 2020, this Court ordered supplemental briefing on Defendant’s motion to dismiss. *Id.* Later that day before I could start on Plaintiffs’ brief, however, the Governor of California ordered all residents “to stay home or at their place of residence,” effective immediately, due to COVID-19.<sup>1</sup> California was the first state to issue a directive of this breadth, with its exceptions becoming clearer only in recent days.

<sup>1</sup> Executive Order N-33-20 (Mar. 19, 2020), <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>.

4. I am able to work remotely but the sudden restrictions have necessarily impacted my ability to give immediate attention to Plaintiffs' supplemental brief.

5. In addition, Defendant has described this action as the "one exception" to the other *Fairholme*-related actions, which focus on the Third Amendment in 2012. ECF No. 85 at 2, 3 (Joint Status Report). Grounding their claims on different facts, Plaintiffs allege that the United States acted beyond its statutory authority at the outset by imposing the conservatorships in 2008. ECF No. 57 (First Amended Complaint).

6. The distinct factual basis for Plaintiffs' takings and unlawful exaction claims requires a careful analysis of the *Fairholme* Order and its potential application to the motion to dismiss this action. Although the supplemental briefing this Court has ordered is not lengthy, the additional briefing is important to the proper resolution of Defendant's motion.

7. When advised of this extension request, counsel for the Government advised that the enlargement of time is unopposed on the condition that the Government will have the same amount of time as currently, 14 days, to file its supplemental response brief. ECF No. 90 at 2. There have been no prior extensions on the supplemental briefing.

8. Accordingly, for the reasons stated and on behalf of Plaintiffs, I respectfully request a seven-day enlargement of time—from **March 26, 2020**, until **April 2, 2020**—to file Plaintiffs' supplemental brief. If this extension is granted, Plaintiffs understand that the due date for Defendant's supplemental response brief will be **April 16, 2020**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 23rd day of March, 2020, at San Diego, California.



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KEVIN K. GREEN