

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HIGHFIELDS CAPITAL I LP, et al.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 18-1150C
(Chief Judge Sweeney)

JOINT STATUS REPORT

Pursuant to the Court's order dated January 27, 2020 (ECF No. 12), the parties jointly report as follows:

1. Pending before this Court are a number of actions concerning amendments to Senior Preferred Stock Purchase Agreements between the United States Department of the Treasury, on the one hand, and the Federal National Mortgage Association (known as Fannie Mae) and the Federal Home Loan Mortgage Corporation (known as Freddie Mac), each by the Federal Housing Finance Agency as Conservator, on the other. These actions include *Fairholme Funds, Inc. v. United States*, No. 13-465C ("Fairholme Funds"), and eleven actions scheduled in tandem with it for purposes of the Government's omnibus motion to dismiss (the "Related Actions").¹

¹ *Washington Federal v. United States*, No. 13-385C; *Cacciapalle v. United States*, No. 13-466C; *Fisher v. United States*, No. 13-608C; *Arrowood Indem. Co. v. United States*, No. 13-698C; *Reid v. United States*, No. 14-152C; *Rafter v. United States*, No. 14-740C; *Owl Creek Asia I, L.P. v. United States*, No. 18-281C; *Akanthos Opportunity Master Fund, L.P. v. United States*, No. 18-369C; *Appaloosa Inv. Ltd. P'ship I v. United States*, No. 18-370C; *CSS, LLC v. United States*, No. 18-371C; and *Mason Capital L.P. v. United States*, No. 18-529C.

2. In the above-captioned case, filed on August 7, 2018, Plaintiffs pled claims against the United States arising out of the facts at issue in *Fairholme Funds* and the Related Actions.

3. On September 27, 2018, due to the similarities between the above-captioned case, on the one hand, and *Fairholme Funds* and the Related Actions, on the other, the parties to the above-captioned case filed a Joint Motion for Stay of Proceedings. ECF No. 7.

4. On September 28, 2018, the Court granted the parties' joint motion, staying proceedings in the above-captioned action. ECF No. 8. The Court further directed the parties to "file a joint status report suggesting further proceedings by no later than fourteen days after the court issues a decision on defendant's motion to dismiss in *Fairholme Funds*." *Id.*

5. In an Opinion and Order dated December 6, 2019 (the "December 6 Opinion"), the Court granted in part and denied in part the Government's motion to dismiss *Fairholme Funds*.

6. On December 20, 2019, the parties jointly moved for additional time, to and including February 10, 2020, to confer regarding further proceedings. The Court granted the parties' motion on December 26, 2019.

7. On January 27, 2020, the Court ordered the parties to file a joint status report by 21 days after the joint status report was filed in *Fairholme Funds*. That report was filed on February 7, 2020.

8. To promote judicial efficiency, the parties to the above-captioned case jointly propose that the Court continue its stay of the case for the duration of any interlocutory appeals that result from the pending motions, pursuant to 28 U.S.C. § 1292(d), to certify interlocutory appeal in the *Fairholme Funds* action, No. 13-465C.

Respectfully submitted,

/s/Joshua S. Bolian

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