

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

FAIRHOLME FUNDS, INC.,
ACADIA INSURANCE COMPANY,
ADMIRAL INDEMNITY
COMPANY, ADMIRAL
INSURANCE COMPANY,
BERKLEY INSURANCE
COMPANY, BERKLEY REGIONAL
INSURANCE COMPANY,
CAROLINA CASUALTY
INSURANCE COMPANY,
CONTINENTAL WESTERN
INSURANCE COMPANY,
MIDWEST EMPLOYERS
CASUALTY INSURANCE
COMPANY, NAUTILUS
INSURANCE COMPANY,
PREFERRED EMPLOYERS
INSURANCE COMPANY, THE
FAIRHOLME FUND, ANDREW T.
BARRETT,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Cross-Appellant.

Nos. 20-1912 & 20-1914

RESPONSE TO MOTION TO HOLD APPEALS IN ABEYANCE

Plaintiffs in Nos. 20-1912 and 20-1914 (the “Fairholme Plaintiffs”)
take no position on the Government’s motion to hold the appeals in abeyance

pending the Supreme Court's ruling in *Collins v. Mnuchin*. However, the Fairholme Plaintiffs submit that the appeals in their case ought to be heard alongside the other appeals pending before the Court that also concern the nationalization of Fannie Mae and Freddie Mac. Thus, if the Court denies the Government's similar motions in the companion cases, it should also deny the motion in the Fairholme appeals.

Date: August 10, 2020

Of counsel:

David H. Thompson
Vincent J. Colatriano
Peter A. Patterson
Brian W. Barnes
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 (fax)

Respectfully submitted,

/s/ Charles J. Cooper
Charles J. Cooper
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 (fax)
ccooper@cooperkirk.com

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 20-1912 & 20-1914
Short Case Caption Fairholme Funds, Inc., et al. v. The United States
Filing Party/Entity Appellants, Fairholme Funds, Inc., et al. (see Attachment A)

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 08/10/2020

Signature: /s/Charles J. Cooper

Name: Charles J. Cooper

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.
<input type="checkbox"/> None/Not Applicable	<input type="checkbox"/> None/Not Applicable	<input type="checkbox"/> None/Not Applicable
Fairholme Funds, Inc.	None	None
The Fairholme Fund	Fairholme Funds, Inc.	None
Acadia Insurance Company	None	W.R. Berkley Corporation
Admiral Indemnity Company	None	W.R. Berkley Corporation
Admiral Insurance Company	None	W.R. Berkley Corporation
Berkley Insurance Company	None	W.R. Berkley Corporation
Berkley Regional Insurance Company	None	W.R. Berkley Corporation
Carolina Casualty Insurance Company	None	W.R. Berkley Corporation
Continental Western Insurance Company	None	W.R. Berkley Corporation
Midwest Employers Casualty Insurance Company	None	W.R. Berkley Corporation
Nautilus Insurance Company	None	W.R. Berkley Corporation
Preferred Employers Insurance Company	None	W.R. Berkley Corporation



Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

None/Not Applicable Additional pages attached

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

None/Not Applicable Additional pages attached

Washington Federal v. United States, No. 13-385 (Fed. Cl.)	Cacciapalle v. United States, No. 20-2037 (Fed. Cir.)	Fisher v. United States, No. 20-138 (Fed. Cir.)
Arrowood Indem Co v United States, No 20-2020 (Fed Cir)	Reid v. United States, No. 20-139 (Fed. Cir.)	Rafter v. United States, No. 14-740 (Fed. Cl.)
Owl Creek Asia Master Fund, Ltd v United States, No 20-1934 (Fed Cir)	Akanthos Opportunity Fund, LP. v. United States, No. 20-1938 (Fed. Cir.)	Appaloosa Inv. Ltd. v. United States, No. 20-1954 (Fed. Cir.)

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

None/Not Applicable Additional pages attached

ATTACHMENT A

List of Parties Represented by Counsel

Fairholme Funds, Inc., The Fairholme Fund, Acadia Insurance Company, Admiral Indemnity Company, Admiral Insurance Company, Berkley Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Continental Western Insurance Company, Midwest Employers Casualty Insurance Company, Nautilus Insurance Company, Preferred Employers Insurance Company, and Andrew T. Barrett

ATTACHMENT B

1. Represented Entities (continued)	2. Real Party in Interest.	3. Parent Corporations and Stockholders.
Andrew T. Barrett	None	None

ATTACHMENT C

Related Cases (continued)

CSS, LLC v. United States, No. 20-1955 (Fed. Cir.); Mason Capital Master Fund
L.P. v. United States, No. 20-1936 (Fed. Cir.)

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 20-1912 & 20-1914 (cross-appeal)

Short Case Caption: Fairholme Funds, Inc. v. United States

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- the filing has been prepared using a proportionally-spaced typeface and includes 96 words.
- the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 08/10/2020

Signature: s/ Charles J. Cooper

Name: Charles J. Cooper