

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

FAIRHOLME FUNDS, INC., et al.,  
Plaintiffs-Appellants,

v.

UNITED STATES,  
Defendant-Cross-Appellant.

No. 20-1912

FAIRHOLME FUNDS, INC., et al.,  
Plaintiffs-Cross-Appellees,

v.

UNITED STATES,  
Defendant-Appellant.

No. 20-1914

OWL CREEK ASIA I, L. P., OWL CREEK  
ASIA II, L.P., OWL CREEK I, L.P., OWL  
CREEK II, L.P., OWL CREEK ASIA  
MASTER FUND, LTD., OWL CREEK  
CREDIT OPPORTUNITIES MASTER  
FUND, L.P., OWL CREEK OVERSEAS  
MASTER FUND, LTD., OWL CREEK SRI  
MASTER FUND, LTD.,  
Plaintiffs-Appellants,

v.

UNITED STATES,  
Defendant-Appellant.

No. 20-1934

MASON CAPITAL L.P., MASON CAPITAL  
MASTER FUND L.P.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellant.

No. 20-1936

AKANTHOS OPPORTUNITY FUND, L.P.,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellant.

No. 20-1938

APPALOOSA INVESTMENT LIMITED  
PARTNERSHIP I, PALOMINO MASTER  
LTD., AZTECA PARTNERS LLC,

PALOMINO FUND LTD.,

*Plaintiffs-Appellants,*

v.

UNITED STATES,

Defendant-Appellant.

No. 20-1954

CSS, LLC,  
Plaintiff-Appellant,

v.

UNITED STATES,  
Defendant-Appellant.

No. 20-1955

ARROWOOD INDEMNITY COMPANY,  
ARROWOOD SURPLUS  
LINES INSURANCE COMPANY, FINANCIAL  
STRUCTURES  
LIMITED,  
Plaintiffs-Appellants,

v.

UNITED STATES,  
Defendant-Appellant.

No. 20-2020

JOSEPH CACCIAPALLE,  
Plaintiff - Appellant  
MELVIN BAREISS, on Behalf of Themselves  
and All Others Similarly Situated, BRYNDON  
FISHER, BRUCE REID, ERICK SHIPMON,  
AMERICAN EUROPEAN INSURANCE  
COMPANY, FRANCIS J. DENNIS,  
Plaintiffs,

v.

UNITED STATES,  
Defendant-Appellant.

No. 20-2037

## **UNOPPOSED MOTION TO ALTER BRIEFING SCHEDULE**

1. On October 23, 2020, plaintiffs in these consolidated cases filed a consolidated opening brief of 23,466 words, and three additional supplemental briefs. In a companion case, *Washington Federal v. United States*, No. 20-2190, plaintiffs filed their opening brief on November 19, 2020.

2. Under the current briefing schedule, the government's consolidated response and cross-appeal brief is due on January 11, 2021, and the government's response brief in the *Washington Federal* case is due January 19, 2021. The government respectfully requests a modest extension of those deadlines, to extend both to January 25, 2021. The government requests this extension in light of the intervening holidays and the press of other litigation matters, including numerous emergency matters that have arisen in recent weeks. The extension will also allow all the cases to proceed on the same schedule.

3. Because of the extension of time for the government's briefs, the government also asks that this Court extend the deadline for the reply briefs to February 26, 2021, and the government's reply in its cross-appeal to March 26, 2021.

4. Counsel for plaintiffs do not oppose this motion.

## **CONCLUSION**

For the foregoing reasons, the United States respectfully requests that this Court alter the briefing schedule to the following: the United States' cross-appeal and response brief will be due January 25, 2021, the plaintiffs' reply briefs will be due

February 26, 2021, and the government's cross-appeal reply brief will be due March 26, 2021.

Respectfully submitted,

MARK B. STERN  
ABBY C. WRIGHT  
GERARD SINZDAK

*s/ Kyle T. Edwards*

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KYLE T. EDWARDS

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27 because it contains 596 words, according to the count of Microsoft Word.

s/ Kyle T. Edwards  
Kyle T. Edwards  
Counsel for the United States  
kyle.t.edwards@usdoj.gov

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2020, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

*s/ Kyle T. Edwards*  
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