

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

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**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.*

2020-1912, -1914

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Appeals from the United States Court of Federal Claims in  
No. 1:13-cv-00465-MMS, Chief Judge Margaret M. Sweeney.

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**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-Appellee.*

2020-1934

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Appeal from the United States Court of Federal Claims in  
No. 1:18-cv-00281-MMS, Chief Judge Margaret M. Sweeney.

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**MASON CAPITAL L.P., MASON CAPITAL MASTER FUND L.P.,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2020-1936

Appeal from the United States Court of Federal Claims in  
No. 1:18-cv-00529-MMS, Chief Judge Margaret M. Sweeney.

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**AKANTHOS OPPORTUNITY FUND, L.P.,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2020-1938

Appeal from the United States Court of Federal Claims in  
No. 1:18-cv-00369-MMS, Chief Judge Margaret M. Sweeney.

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**APPALOOSA INVESTMENT LIMITED PARTNERSHIP I, PALOMINO  
MASTER LTD., AZTECA PARTNERS LLC, PALOMINO FUND LTD.,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2020-1954

Appeal from the United States Court of Federal Claims in  
No. 1:18-cv-00370-MMS, Chief Judge Margaret M. Sweeney.

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**CSS, LLC,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellant.*

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2020-1955

Appeal from the United States Court of Federal Claims in  
No. 1:13-cv-00371-MMS, Chief Judge Margaret M. Sweeney.

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**ARROWOOD INDEMNITY COMPANY, ARROWOOD SURPLUS LINES  
INSURANCE COMPANY, FINANCIAL STRUCTURES LIMITED,**

*Plaintiffs-Appellants,*

v.

**UNITED STATES,**

*Defendant-Appellee.*

2020-2020

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Appeal from the United States Court of Federal Claims in  
No. 1:13-cv-00698-MMS, Chief Judge Margaret M. Sweeney.

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**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- Appellee.*

2020-2037

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Appeal from the United States Court of Federal Claims in  
No. 1:13-cv-00466-MMS, Chief Judge Margaret M. Sweeney.

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**JOINT MOTION OF THE UNITED STATES AND THE  
PLAINTIFFS-APPELLANTS TO (I) PERMIT SUPPLEMENTAL  
BRIEFING; (II) CONSOLIDATE APPEALS FOR ORAL ARGUMENT;  
AND (III) RESCHEDULE ORAL ARGUMENT TO BE IN PERSON**

The United States and the plaintiffs-appellants (the “Private Shareholders”) in *Owl Creek Asia I, L.P. v. United States* (20-1934), *Mason v. United States* (20-1936), *Akanthos v. United States* (20-1938), *Appaloosa v. United States* (20-1954), *CSS v. United States* (20-1955) (collectively, the “Owl Creek Cases”); *Fairholme Funds, Inc. v. United States* (20-1912 & 20-1914); *Arrowood Indemnity Co. v. United States* (20-2020); and *Cacciapalle v. United States* (20-2037) jointly move the Court to (i) permit supplemental briefing addressing the implications of the Supreme Court’s decision last week in *Collins v. Yellen* (U.S. 19-422); (ii) consolidate the oral arguments in these appeals and grant the parties’ proposed procedure for oral argument; and (iii) reschedule the oral argument to be in person on a date in its October 2021 Session.

*First*, as to supplemental briefing, *Collins* involves challenges by certain non-government shareholders of Fannie Mae and Freddie Mac to the Third Amendment to the Amended and Restated Senior Preferred Stock Purchase Agreement (the “Net Worth Sweep”). In those challenges, the shareholders asserted claims for equitable relief under the Administrative Procedure Act (arguing that the Federal Housing Financing Agency exceeded its authority as a conservator under the Housing and Economic Recovery Act by agreeing to the Net Worth Sweep) and under the Constitution’s doctrine of separation of powers (arguing that the Recovery Act’s restriction on the President’s power to remove the Director of that Agency violates the separation of powers). On June 23, 2021, the Supreme Court dismissed the shareholders’ APA claims, holding the Net Worth

Sweep to have been within the authority of the Agency under the Recovery Act; and remanded the separation-of-powers claim, holding that the removal provision in the Recovery Act was unconstitutional but leaving the proper remedy to the lower courts.

*Collins* involved claims and issues distinct from those in these appeals, but there is overlap. Both *Collins* and these appeals involve the Net Worth Sweep. The parties thus all agree that supplemental briefing will assist the Court by explaining what, if any, impact *Collins* has on these appeals. The parties propose the following supplemental briefing schedule:

- The Private Shareholders and the United States will each file simultaneous opening briefs by July 16, 2021, limited to 20 pages each. The Private Shareholders will file a single joint opening brief.
- The Private Shareholders and the United States will each file simultaneous response briefs by July 30, 2021, limited to 10 pages each. The Private Shareholders will file a single joint response brief.

*Second*, there is good cause to consolidate the oral arguments in these cases and adopt the parties' proposed procedure for oral argument. On July 15, 2020, the Court consolidated the *Owl Creek* Cases. The next day, the Court *sua sponte* designated the *Owl Creek* Cases as companion cases with *Fairholme*, *Arrowood*, and *Cacciapalle*. Throughout these cases, the Private Shareholders have coordinated their briefing, filing a joint opening brief (with some Private Shareholders filing supplemental briefs addressing distinct issues) and a joint reply. The parties filed the same joint appendix in each of the cases. The government filed an identical response brief in each appeal. On June 21, 2021, the Court assigned these appeals to the same merits panel and scheduled

oral argument in each appeal for August 4, 2021. Given the common issues and coordinated briefing, four separate oral arguments would be duplicative and not in the interest of judicial economy.

The Court has also scheduled a fifth case, *Washington Federal v. United States* (No. 2020-2190), for argument on August 4, 2021 before the same panel. Due to significant differences between the issues raised in *Washington Federal* and the issues raised in the cases that are the subject of this motion, the parties do not believe that it would be appropriate for the *Washington Federal* argument to be consolidated with argument in the present cases. Specifically, unlike the present cases, which exclusively involve legal challenges to the Net Worth Sweep first instituted in 2012, the legal claims in *Washington Federal* focus primarily on the 2008 decision to place Fannie Mae and Freddie Mac into conservatorship. *See* Appellants' Principal Brief (Corrected) at 2-3, Doc. 17, *Washington Federal v. United States* (No. 2020-2190) (Dec. 1, 2020) ("The Washington Federal Plaintiffs also seek relief for the Net Worth Sweep, but they primarily challenge FHFA's imposition of the conservatorships, as *regulator*, in 2008.") (emphasis in original). Given the differences between the present cases and *Washington Federal*, consolidating that argument with argument in the present cases would not avoid significant duplication or serve the interests of judicial economy, and might instead create confusion. Notably, for these reasons, briefing in *Washington Federal* proceeded separately from the joint and coordinated briefing that took place in the present cases. *See id.* at 1 n.1 ("Due to its different factual focus, this case warrants its own briefing.").

Additionally, the Court should grant two hours total for oral argument – one hour for the Private Shareholders and one hour for the United States – and permit multiple attorneys to argue for each side. If four separate oral arguments were held, the oral arguments would total two hours. So the proposed consolidation adds no time to the oral argument of these cases. These appeals also involve multiple, complex issues of law, and the parties believe that two hours are necessary to ensure all issues are fully addressed. And while most of the issues raised in these appeals are similar across the cases, some are distinct to subsets of the Private Shareholders, making it more efficient to permit the parties to split the oral argument among multiple attorneys. The parties will coordinate and ensure that arguments are not duplicative.

*Third*, there is good cause to continue the oral argument to a date in this Court’s October 2021 Session, which it has not yet scheduled. Such a continuance would permit the Court to more fully consider the proposed supplemental briefs and the impact that *Collins* may have on this case. Moreover, given the complexity of the issues, and that multiple attorneys will be arguing for the Private Shareholders and for the United States, an in-person oral argument would be more efficient and would likely assist the Court more than a telephonic argument. After the Court scheduled the oral argument for August 4, it announced that it would resume in-person oral argument for subsequent sessions.<sup>1</sup>

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<sup>1</sup> Counsel for the *Owl Creek* Cases are unavailable for the September 2021 sitting due to a surgery (which cannot feasibly be rescheduled), among other conflicts.

If, however, the Court declines to move the oral argument to October, the parties request that the oral argument proceed on August 4.

For these reasons, the Court should (i) permit supplemental briefing; (ii) consolidate the oral arguments in these appeals and grant the parties' proposed procedure for oral argument; and (iii) reschedule the oral argument to be in person on a date in its October 2021 Session.



Date: July 1, 2021

Respectfully submitted,

/s/ Lawrence D. Rosenberg  
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*Attorney for Plaintiff-Appellants 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*

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

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS**

**Case Number:** 20-1934; 20-1936; 20-1938; 20-1954; 20-1955

**Short Case Caption:** Owl Creek Asia I, L.P. v. U.S.

**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 1,142 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: 07/01/2021

Signature: /s/ Lawrence D. Rosenberg

Name: Lawrence D. Rosenberg

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

**CERTIFICATE OF INTEREST**

**Case Number** 20-1934; 20-1936; 20-1938; 20-1954; 20-1955  
**Short Case Caption** Owl Creek Asia I, L.P., v. U.S.  
**Filing Party/Entity** Owl Creek Asia I, L.P., (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: 07/01/2021

Signature: /s/ Lawrence D. Rosenberg

Name: Lawrence D. Rosenberg

FORM 9. Certificate of Interest

Form 9 (p. 2)  
July 2020

<b>1. Represented Entities.</b> Fed. Cir. R. 47.4(a)(1).	<b>2. Real Party in Interest.</b> Fed. Cir. R. 47.4(a)(2).	<b>3. Parent Corporations and Stockholders.</b> 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.  <input type="checkbox"/> None/Not Applicable	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
Owl Creek Asia I, L.P.	None	None
Owl Creek Asia II, L.P.	None	None
Owl Creek I, L.P.	None	None
Owl Creek II, L.P.	None	None
Owl Creek Asia Master Fund, Ltd.	None	None
Owl Creek Credit Opportunities Master Fund, L.P.	None	None
Owl Creek Overseas Master Fund, Ltd.	None	None
Owl Creek SRI Master Fund, Ltd.	None	None
Mason Capital L.P.	None	None
Mason Capital Master Fund L.P.	None	None
Akanthos Opportunity Fund, L.P.	None	None
Appaloosa Investment Limited Partnership I	None	None



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

Bruce Bennett Jones Day		

**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

Fairholme Funds, Inc., et al. v. United States, Nos. 20-1912, 1914 (Fed. Cir.); 13-465 (Fed. Cl.)	Cacciapalle v. United States, No. 20-2037 (Fed. Cir.); 13-466 (Fed. Cl.)	Arrowood Indem. Co. v. United States, No. 20-2020 (Fed. Cir.); 13-689 (Fed. Cl.)
Rafter v. United States, No. 14-740 (Fed. Cl.)	Washington Federal v. United States, No. 20-2190 (Fed. Cir.); 13-385 (Fed. Cl.)	Fisher v. United States, 13-608 (Fed. Cl.)

**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**

**(Filing Party/Entity Continued)**

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.; Mason Capital L.P., Mason Capital Master Fund L.P.; Akanthos Opportunity Fund, L.P.; Appaloosa Investment Limited Partnership I, Palomino Master Ltd., Azteca Partners LLC, Palomino Fund Ltd.; and CSS, LLC

**ATTACHMENT B**

<b>1. Represented Entities.</b> Fed. Cir. R. 47.4(a)(1).	<b>2 .Real Party in Interest.</b> Fed. Cir. R. 47.4(a)(2).	<b>3. Parent Corporations and Stockholders.</b> 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.
Palomino Fund Ltd.	None	None
Palomino Master Ltd.	None	None
Azteca Partners LLC	None	Palomino Fund Ltd., not a publicly held company, owns 100% of Palomino Master Ltd.'s stock.
CSS, LLC	None	None



FORM 9. Certificate of Interest

Form 9 (p. 1)  
July 2020

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

**CERTIFICATE OF INTEREST**

**Case Number** 20-2037

**Short Case Caption** Cacciapalle v. United States

**Filing Party/Entity** Joseph Cacciapalle

**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: 07/01/2021

Signature: /s/ Hamish P.M. Hume

Name: Hamish P.M. Hume

FORM 9. Certificate of Interest

Form 9 (p. 2)  
July 2020

<p><b>1. Represented Entities.</b> Fed. Cir. R. 47.4(a)(1).</p>	<p><b>2. Real Party in Interest.</b> Fed. Cir. R. 47.4(a)(2).</p>	<p><b>3. Parent Corporations and Stockholders.</b> Fed. Cir. R. 47.4(a)(3).</p>
<p>Provide the full names of all entities represented by undersigned counsel in this case.</p>	<p>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.</p> <p><input checked="" type="checkbox"/> None/Not Applicable</p>	<p>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.</p> <p><input checked="" type="checkbox"/> None/Not Applicable</p>
<p>Joseph Cacciapalle</p>		

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

Todd Thomas, Boies Schiller Flexner LLP	Grant D. Goodhart, III, Kessler Topaz Meltzer & Check, LLP	Charles J. Piven, Brower Piven
Eric L. Zagar, Kessler Topaz Meltzer & Check, LLP	Jeremy A. Lieberman, Pomerantz LLP	Michael J. Barry, Grant & Eisenhofer P.A.
Lee D. Rudy, Kessler Topaz Meltzer & Check, LLP	Patrick V. Dahlstrom, Pomerantz LLP	

**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

Fairholme Funds, Inc., et al. v. United States, No. 20-1912, 1914 (Fed. Cir.), No. 13-465C (Fed. Cl.),	Arrowood Indem. Co. v. United States, No. 20-2020 (Fed. Cir.), 13-689 (Fed. Cl.)	Washington Fed. v. United States, No. 13-385C (Fed. Cl.), No. 20-2190 (Fed. Cir.)
Rafter v. United States, No. 14-740 (Fed. Cl.)	Akanthos Opportunity Fund v. United States, No. 20-1938 (Fed. Cir.), 18-369C (Fed. Cl.),	Fisher v. United States, No. 20-138 (Fed. Cir.), No. 13-608C (Fed. Cl.)
Reid v. United States, No. 20-139 (Fed. Cir.), No. 14-152C (Fed. Cl.)	Owl Creek v. United States, No. 20-1934 (Fed. Cir.), No. 18-281C (Fed. Cl.)	Appaloosa Inv. v. United States, No. 20-1954 (Fed. Cir.), No. 18-370C (Fed. Cl.)

**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


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

**ATTACHEMENT TO CERTIFICATE OF INTEREST**

**Case Number: 20-2037**

**Short Case Caption: Cacciapalle v. United States**

**Filing Party/Entity: Joseph Cacciapalle**

5. Related Cases (continued):

*Arrowood Indemnity v. United States*, No. 20-2020 (Fed. Cir.), No. 13-698 (Fed. Cl.)

*CSS LC v. United States*, No. 20-1955 (Fed. Cir.), No. 18-371C (Fed. Cl.)

*Mason Capital LLP v. United States*, No. 20-1936 (Fed. Cir.), No. 18-529C (Fed. Cl.)

FORM 9. Certificate of Interest

Form 9 (p. 1)  
July 2020

**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)

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

Date: 07/01/2021

Signature: /s/Charles J. Cooper

Name: Charles J. Cooper

FORM 9. Certificate of Interest

Form 9 (p. 2)  
July 2020

<b>1. Represented Entities.</b> Fed. Cir. R. 47.4(a)(1).	<b>2. Real Party in Interest.</b> Fed. Cir. R. 47.4(a)(2).	<b>3. Parent Corporations and Stockholders.</b> 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. 13-466 (Fed. Cl.)	Fisher v. United States, No. 20-138 (Fed. Cir.)
Arrowood Indem Co v United States, No 13-698 (Fed Cl)	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.)

FORM 9. Certificate of Interest

Form 9 (p. 1)  
July 2020

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

**CERTIFICATE OF INTEREST**

**Case Number** 20-2020

**Short Case Caption** Arrowood Indemnity Company v. US

**Filing Party/Entity** Arrowood Indemnity Company, Arrowood Surplus Lines Insurance Company, Financial Structures Limited

**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: 07/01/2021

Signature: /s/ Richard M. Zuckerman

Name: Richard M. Zuckerman

FORM 9. Certificate of Interest

Form 9 (p. 2)  
July 2020

<b>1. Represented Entities.</b> Fed. Cir. R. 47.4(a)(1).	<b>2. Real Party in Interest.</b> Fed. Cir. R. 47.4(a)(2).	<b>3. Parent Corporations and Stockholders.</b> 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
Arrowood Indemnity Company	Not Applicable	Arrowpoint Group, Inc.
"	"	Arrowpoint Capital Corp.
Arrowood Surplus Lines Insurance Company	Arrowood Indemnity Company	Transverse Insurance Group LLC
Financial Structures Limited	Not Applicable	Arrowood Indemnity Company

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

Michael H. Barr	Sandra D. Hauser	Drew W. Marrocco
Kiran Patel		

**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 Fed. v. US, 13-385C (Fed. Cl.), 20-2190 (Fed.Cir.)	Fisher v. US, 13-608C (Fed. Cl.), 20-138 (Fed. Cir.)	Fairholme Funds v. US, 13-465C (Fed. Cl.), 20-1912, 1914 (Fed. Cir.)
Cacciapalle v. US, 13-466C (Fed. Cl.), 20-2037 (Fed. Cir.)	Reid v. US, 14-152C (Fed Cl.), 20-139 (Fed. Cir.)	Rafter v. US, 14-740C (Fed. Cl.)
Owl Creek v. US, 18-281C (Fed. Cl.), 20-1934 (Fed. Cir.)	Akanthos Opp. v. US, 18-369C (Fed. Cl.), 20-1938 (Fed. Cir.)	Appaloosa Inv. v. US, 18-370C (Fed. Cl.), 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


UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

Attachment to Certificate of Interest

Case No. 20-2020

Short Case Caption: Arrowood Indemnity Company v. US

Filing Parties: Arrowood Indemnity Company, Arrowood Surplus Lines  
Insurance Company, Financial Structures Limited

5. Related Cases (cont'd)

*CSS LLC v US*, 18-371C (Fed. Cl.), 20-1955 (Fed. Cir.)

*Mason Capital LP v. US*, 18-529C (Fed. Cl.), 20-1936 (Fed. Cir.)