

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FAIRHOLME FUNDS, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 13-465C
)	(Senior Judge Margaret M. Sweeney)
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court’s Order dated March 9, 2020 (ECF No. 461), the parties jointly and respectfully submit this joint status report regarding proceedings in this case.

The Court’s March 9, 2020 Order certified interlocutory appeals of the Court’s December 6, 2019 opinion, granting in part and denying in part defendant’s motion to dismiss. ECF No. 461 at 5. The Court also stayed further proceedings in the case pending the completion of the interlocutory appeal process. *Id.* Finally, the Court required that, within 14 days after the completion of that process, the parties file a joint status report proposing further proceedings, if any are necessary. *Id.*

On February 22, 2022, the United States Court of Appeals for the Federal Circuit issued its opinion and judgment in the parties’ interlocutory appeals. *See Fairholme Funds, Inc. v. United States*, 26 F.4th 1274 (Fed. Cir. 2022), *cert. denied*, No. 22-100, 2023 WL 124023 (U.S. Jan. 9, 2023). The Federal Circuit affirmed this Court’s dismissal of some of plaintiffs’ claims and reversed the Court’s decision not to dismiss the others. *Id.* at 1305. The mandate issued on April 15, 2022. ECF No. 473.

Plaintiffs, among other appellants, petitioned for a writ of certiorari from the Supreme Court. On January 9, 2023, the Supreme Court denied the petitions. *Fairholme Funds, Inc. v.*

United States, No. 22-100 (U.S.), 2023 WL 124023 (U.S. Jan. 9, 2023); *see also Owl Creek Asia I, L.P. v. United States*, No. 22-97, 2023 WL 124020 (U.S. Jan. 9, 2023); *Cacciapalle v. United States*, No. 22-98, 2023 WL 124021 (U.S. Jan. 9, 2023); *Barrett v. United States*, No. 22-99, 2023 WL 124022 (U.S. Jan. 9, 2023).

The Supreme Court's decision to deny the petitions completed the interlocutory appeal process. The parties jointly report that no further proceedings are necessary in this case. In accordance with the Federal Circuit's decision, this case should be dismissed with prejudice.

Respectfully submitted,

s/ Charles J. Cooper
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