

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

BERKLEY INSURANCE CO., et al.,

Plaintiffs,

v.

THE FEDERAL HOUSING FINANCE
AGENCY, et al.,

Defendants.

Case No. 1:13-cv-1053-RCL

NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3(c)(1) and 4(a), notice is hereby given that Plaintiffs Berkley Insurance Company, Acadia Insurance Company, Admiral Indemnity Company, Admiral Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Midwest Employers Casualty Insurance Company, Nautilus Insurance Company, and Preferred Employers Insurance Company (collectively, “the Berkley Plaintiffs”), appeal to the United States Court of Appeals for the District of Columbia Circuit. The Berkley Plaintiffs appeal the District Court’s rulings and orders that merged into the final judgment entered on March 20, 2024, ECF No. 428, and that related to the denial of the Berkley Plaintiffs’ ability to pursue restitution, reliance damages, or damages based on future lost profits based on the discounted cash flow analysis of the Plaintiffs’ expert, including the Order granting in part and denying in part Defendants’ Motion for Summary Judgment, ECF Nos. 195, 206; the Order denying Plaintiffs’ Motion for Leave To Amend Their Pretrial Statement, Serve a Supplemental Expert Report, and Adjust the Trial Schedule and Plaintiffs’ Motion for Clarification and/or Partial Reconsideration, ECF Nos. 217, 218; and the Order denying Plaintiffs’ Motion To Present Evidence and Arguments Concerning Reliance Damages, ECF Nos. 310, 311.

Dated: April 25, 2025

Respectfully submitted,

/s/ Charles J. Cooper

Charles J. Cooper (Bar No. 24870)
David H. Thompson (Bar No. 450503)
Vincent J. Colatriano (Bar No. 429562)
Peter A. Patterson (Bar No. 998668)
Brian W. Barnes (Bar No. 1018419)
John D. Ramer (Bar No. 90002236)

COOPER & KIRK, PLLC

1523 New Hampshire Avenue, N.W.
Washington, DC 20036

Tel: (202) 220-9600

Fax: (202) 220-9601

ccooper@cooperkirk.com

Counsel for Berkley Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2025, the foregoing document was filed with the Clerk of the Court using the CM/ECF system, causing it to be served on all parties.

Dated: April 25, 2025

Respectfully submitted,

/s/ Charles J. Cooper

Charles J. Cooper

Counsel for Berkley Plaintiffs