

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FAIRHOLME FUNDS, INC., et al.,)	
)	
Plaintiffs,)	No. 13-465C
)	(Judge Sweeney)
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT’S UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF’S MOTION TO REMOVE THE “PROTECTED INFORMATION” DESIGNATION FROM DEFENDANT’S MARCH 20, 2015 PROVISIONAL PRIVILEGE LOG

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court grant defendant a 7-day enlargement of time, to and including May 18, 2015, to file its response to the motion to remove the “Protected Information” designation from defendant’s March 20, 2015 provisional privilege log filed by plaintiffs, Fairholme Funds, Inc., et al. (Fairholme). The Government’s response is currently due on May 11, 2015. On May 8, 2015, counsel for Fairholme advised counsel for the Government that Fairholme does not oppose the requested enlargement of time.

Fairholme’s motion to remove the “Protected Information” designation requests two forms of relief: (1) an order requiring the Government to produce a version of its March 20, 2015 provisional privilege log without a legend indicating that it constitutes Protected Information pursuant to the Court’s protective order; and (2) an order instructing the Government to provide redacted, non-protected versions of any subsequent privilege logs. As this Court is aware, we agreed to provide Fairholme with provisional privilege logs on a periodic basis. Although the initial, provisional privilege logs provided to Fairholme did not bear the

legend “Protected Information” permitted by the protective order, implicit in this arrangement was an understanding that our assertions were preliminary and subject to reconsideration pending the preparation of a final privilege log to Fairholme after document production is complete. After Fairholme published excerpts from the provisional logs in a letter to shareholders, the Government designated subsequent provisional privilege logs as Protected Information to prevent the release of confidential information.

Good cause exists to grant the requested enlargement of time. Given our efforts to (1) complete document production and prepare a final privilege log in accordance with the Court’s discovery deadline and (2) prepare for and participate in the depositions scheduled by Fairholme, an enlargement of time is needed to prepare a meaningful response to Fairholme’s motion. The requested 7-day enlargement will provide counsel and the appropriate agency personnel with the necessary time to coordinate the contents of our response and obtain internal review.

For these reasons, we request that the Court extend the deadline for the Government to respond to Fairholme’s motion by 7 days, to May 18, 2015.

Respectfully submitted,

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