

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 PLAINTIFFS’
 MOTION TO REMOVE THE “PROTECTED INFORMATION”
DESIGNATION FROM CERTAIN GRANT THORNTON DOCUMENTS

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 a 7-day enlargement of time, to and including July 13, 2015, within which to file its response to the motion to remove the “Protected Information” designation from certain Grant Thornton documents, filed by plaintiffs, Fairholme Funds, Inc., et al. (Fairholme). The Government’s response is currently due on July 6, 2015. Counsel for Fairholme advised counsel for the Government that Fairholme does not oppose the requested enlargement of time.

Good cause exists to grant the requested enlargement of time. Given our efforts to comply with the Court’s discovery orders requiring the production of documents and to prepare for and participate in depositions that have been ongoing in this matter, including the deposition of Timothy Bowler on Wednesday, July 1, 2015 and the upcoming deposition of former Grant Thornton employee Anne Eberhardt on July 8, 2015, 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. In addition, the enlargement would align the briefing schedule for this motion with several other motions to remove the “Protected Information” designation from documents produced in discovery.¹

For these reasons, we request that the Court extend the deadline for the Government to respond to Fairholme’s motion by 7 days, to July 13, 2015.

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

s/Robert E. Kirschman, Jr.
ROBERT E. KIRSCHMAN, JR.
Director

OF COUNSEL:

PETER A. BIEGER
Assistant General Counsel

KATHERINE M. BRANDES
Attorney Advisor
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

s/Kenneth M. Dintzer
KENNETH M. DINTZER
Deputy Director
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-0385
Facsimile: (202) 307-0973
Email: Kenneth.Dintzer@usdoj.gov

July 6, 2015

Attorneys for Defendant

¹ Currently, responses to six of plaintiffs’ motions to remove the “Protected Information” designation from certain documents are due on July 13, 2015. See ECF Nos. 162 (response date modified by ECF No. 176), 166, 169, 170, 171, 172.