

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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

**PLAINTIFFS’ UNOPPOSED, SECOND MOTION FOR AN ENLARGEMENT OF TIME TO FILE A RESPONSE TO THE GOVERNMENT’S SUPPLEMENTAL MOTION TO DISMISS**

Pursuant to RCFC 6.1(a), Plaintiffs respectfully move for an enlargement of time of 30 days to file a response to the Government’s supplemental motion to dismiss, Doc. 161. On June 17, Plaintiffs moved to stay briefing (Doc. 164) on the Government’s supplemental motion, and briefing on Plaintiffs’ stay motion is now complete, *see* Docs. 182 and 210.

Without an enlargement of time, Plaintiffs’ response to the Government’s supplemental motion would be due on Monday, August 10. This is Plaintiffs’ second request for an enlargement of time to respond to the Government’s supplemental motion, and the same good cause that supported Plaintiffs’ first 30-day request (which this Court granted on July 8, *see* Doc. 191) supports their present motion. This Court is currently considering Plaintiffs’ motion to stay briefing on the Government’s supplemental motion, and the stay motion would be rendered moot if Plaintiffs had to file a response to the Government’s supplemental motion before this Court has an opportunity to rule on the stay motion. To preserve the status quo and provide the Court additional time to consider Plaintiffs’ stay motion, Plaintiffs respectfully request that this Court enter an order enlarging the amount of time Plaintiffs have to file their response to the

Government's supplemental motion by 30 days, such that Plaintiffs' response would be due on September 9, 2015.

The parties have been consulting on possible dates for a status conference, and Plaintiffs are hopeful that a date in late August will be convenient for both parties. *See* Doc. 208. A status conference held before September 9th would give the parties and the Court an opportunity to address Plaintiffs' stay motion (assuming the stay motion is still pending at that time) before the new deadline proposed by this motion for enlargement.

In accordance with RCFC 6.1(b), Plaintiffs have consulted with opposing counsel, and the Government does not oppose this motion.

Date: August 6, 2015

*Of counsel:*

Vincent J. Colatriano  
David H. Thompson  
Peter A. Patterson  
Brian W. Barnes  
COOPER & KIRK, PLLC  
1523 New Hampshire Avenue, N.W.  
Washington, D.C. 20036  
(202) 220-9600  
(202) 220-9601 (fax)

Respectfully submitted,

s/ Charles J. Cooper  
Charles J. Cooper  
*Counsel of Record*  
COOPER & KIRK, PLLC  
1523 New Hampshire Avenue, N.W.  
Washington, D.C. 20036  
(202) 220-9600  
(202) 220-9601 (fax)  
ccooper@cooperkirk.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served upon all counsel of record on this 6th day of August, 2015, via the Court's Electronic Case Filing system.

s/ Charles J. Cooper  
Charles J. Cooper