

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,)	PUBLIC VERSION
)	
Defendant.)	

PLAINTIFFS’ RESPONSE TO DEFENDANT’S NOTICE OF APPARENT VIOLATION OF SECOND AMENDED PROTECTIVE ORDER

Plaintiffs submit this response to Defendant’s Notice of Apparent Violation of Second Amended Protective Order (Jan. 25, 2016), Doc. 285, to clarify that they do not believe that there is any basis for concluding that a violation of the Second Amended Protective Order has occurred.

On January 25, 2016, counsel for Defendant notified counsel for Plaintiffs of several Internet blog posts that falsely allege that James Parrott invoked the Fifth Amendment privilege against self-incrimination during his January 20, 2016 deposition for this case. Counsel for Defendant asked if Plaintiffs would oppose a motion requesting that this Court make clear that Mr. Parrott would not violate the Court’s Protective Order by telling members of the media that the blog posts in question are inaccurate, and Plaintiffs indicated that they had no objection to Mr. Parrott correcting the public record on this point. During communications about its motion, Defendant made no mention of its contention that false rumors on the Internet somehow show that information from Mr. Parrott’s deposition was leaked in violation of the Protective Order. While Plaintiffs do not object to Mr. Parrott telling reporters that he did not invoke the Fifth Amendment during his deposition, they strenuously disagree with Defendant’s insinuation that

false information on the Internet proves that a violation of the Second Amended Protective Order has occurred.

Date: January 25, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all counsel of record on this 25th day of January, 2016, via the Court's Electronic Case Filing system.

s/ Charles J. Cooper
Charles J. Cooper