

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FAIRHOLME FUNDS, INC., *et al.*,

Plaintiffs,

vs.

THE UNITED STATES,

Defendant.

No. 13-465C
(Judge Sweeney)

**NOTICE OF FILING OF APPLICATION OF CERTAIN COUNSEL REPRESENTING
PLAINTIFFS IN *ROBERTS v. FHFA*, NO. 1-16-cv-02107 (N.D. ILLINOIS)
FOR ACCESS TO PROTECTED INFORMATION**

Pursuant to Paragraph 7 of the Second Amended Protective Order (November 9, 2015, Doc. 256), Christopher Roberts and Thomas Fischer (“the Roberts Plaintiffs”) respectfully submit the application of their attorney for access to Protected Information, attached hereto as Exhibit A. Because this application is unopposed, under the terms of the Protective Order it is to be automatically granted.

1. The Roberts Plaintiffs own shares of Fannie Mae and Freddie Mac common and preferred stock, and they brought suit in the Northern District of Illinois challenging the Net Worth Sweep as unlawful under the Administrative Procedure Act (“APA”). See Complaint, *Roberts v. FHFA*, No. 1-16-cv-02107 (N.D. Ill, Feb. 10, 2016), ECF. No. 1.

2. This Court has previously entered orders granting similar applications for access to Protected Information to certain counsel representing plaintiffs in *Saxton v. FHFA*, No. 15-17 (N.D. Iowa) (November 18, 2015, Doc. 265) and *Robinson v. FHFA*, No. 7:15-cv-109 (E.D. Kentucky) (December 18, 2015, Doc. 279).

3. Counsel for the Roberts Plaintiffs has consulted with counsel for the United States, who indicated that, given the Court's prior rulings, the United States does not oppose this application although it continues to respectfully disagree with the Court's grant of applications for access by counsel in other lawsuits. Counsel for Fairholme likewise does not oppose this application.

4. This application therefore should be automatically granted under Paragraph 7 of the Protective Order, which states: "If there is no opposition, the applicant will automatically be granted access to Protected Information."

Dated: March 4, 2016

Respectfully submitted,

/s/ Christian D. Ambler

Christian D. Ambler
Stone & Johnson, Chtd.
111 West Washington St.
Suite 1800
Chicago, Illinois 60602
(312) 332-5656 – tel.
(312) 556-5858 – fax
Cambler@stonejohnsonlaw.com

*Counsel for Christopher Roberts and
Thomas Fischer*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2016, I caused a true and correct copy of the foregoing to be filed electronically using the Court's CM/ECF system, causing a true and correct copy to be served on all counsel of record.

EXHIBIT A

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DECLARATION OF CHRISTIAN D. AMBLER

I hereby certify that I have carefully reviewed and am fully familiar with the provisions of the Second Amended Protective Order dated November 9, 2015, entered and filed of record in the above-captioned litigation ("Protective Order").

I certify that I am eligible to have access to Confidential Material, pursuant to paragraphs 4 and 7 of the Protective Order. As a condition precedent to my examination of any Protected Information pursuant to the Protective Order, or any information contained in said material, I hereby agree that the Protective Order and any amendments thereto shall be deemed directed to and shall bind me, and that I shall observe and comply with all provisions of the Protective Order.



SIGNATURE

Christian D. Ambler

NAME (PRINTED)

111 West Washington St., Suite 1800, Chicago, Illinois 60602

BUSINESS ADDRESS

Stone & Johnson, Chtd.

CURRENT EMPLOYER

Attorney

CURRENT OCCUPATION OR JOB DESCRIPTION