

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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

NOTICE OF DEFENDANT’S INTENT TO OPPOSE *PERRY CAPITAL*
PLAINTIFFS’ MOTION TO DE-DESIGNATE PROTECTED INFORMATION

Defendant, the United States, respectfully submits this notice of its intent to file a response in opposition to the motion, filed by Perry Capital LLC, Fairholme Funds, Inc., et al., Arrowood Indemnity Co., et al., and Joseph Cacciapalle, et al. (collectively, Movants), requesting that the Court remove the protected designation from protected information that is the subject of a motion for judicial notice or to supplement the administrative record that is pending in the United States Court of Appeals for the D.C. Circuit. ECF No. 304 (filed Mar. 31, 2016). Movants are litigants in the D.C. Circuit litigation.

Contrary to Movants’ assertion otherwise, Movants did not obtain the Government’s position on this motion prior to filing and informed counsel for the Treasury Department of their intent to file this motion approximately four hours before doing so. The United States, therefore, did not have an opportunity to consider Movants’ arguments prior to yesterday, and requires sufficient time to prepare a response.

Although the Government understands the need to resolve this motion promptly, it respectfully requests that the Court defer ruling on the motion until we have had an opportunity

to file a written response. Unless the Court orders otherwise, the United States plans to file a response in opposition to this motion no later than Friday, April 8, 2016.

Respectfully submitted,

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Director

s/Kenneth M. Dintzer
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April 1, 2016

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