

# In the United States Court of Federal Claims

No. 13-465C  
(Filed: October 26, 2016)

\*\*\*\*\*  
 FAIRHOLME FUNDS, INC., et al., \*  
 \*  
 Plaintiffs, \*  
 \*  
 v. \*  
 \*  
 THE UNITED STATES, \*  
 \*  
 Defendant. \*  
 \*\*\*\*\*

## ORDER

On September 20, 2016, the court granted plaintiffs’ motion to compel in its entirety, following an in camera review of a sample of the disputed documents. Plaintiffs have now informed the court, by motion filed October 25, 2016, that it has yet to receive all of the documents the court ordered produced. Plaintiffs therefore seek an order from this court directing defendant to inform the court by noon on Thursday, October 27, 2016 to either represent that it intends to seek further review with respect to all 56 of the documents the court reviewed in camera and ordered produced or else to produce those documents that it will not raise with the United States Court of Appeals for the Federal Circuit (“Federal Circuit”). Plaintiffs further claim that such relief would appropriately balance defendant’s need for time to prepare papers for the Federal Circuit against plaintiffs’ pressing need for relevant, non-privileged documents they may wish to bring to the attention of the United States Court of Appeals for the D.C. Circuit.

Because defendant has had over one month to comply with the court’s order and because the relief sought by plaintiffs is reasonable, plaintiffs’ motion is **GRANTED**. The court notes that granting such relief in no way prejudices defendant’s right to appeal this court’s order. Furthermore, the court will give defendant until close of business on Friday, October 28, 2016 to comply with this order. Defendant is therefore ordered to file a praecipe with the court by no later than the close of business on Friday, October 28, 2016 indicating that it either intends to seek further review with respect to the documents the court ordered produced or that it will produce the documents. If defendant intends to produce the documents, it must do so by no later than Tuesday, November 1, 2016.

**IT IS SO ORDERED.**

s/ Margaret M. Sweeney  
 MARGARET M. SWEENEY  
 Judge