

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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

DEFENDANT’S SECOND MOTION FOR AN ENLARGEMENT OF  
TIME TO RESPOND TO THE COURT’S SEPTEMBER 20, 2016  
ORDER REGARDING PAYMENT OF PLAINTIFFS’ EXPENSES

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims (RCFC), the United States respectfully requests a 30-day enlargement of time, to and including December 14, 2016, within which to file its memorandum, “explaining why the court should not require defendant ‘to pay [plaintiffs’] reasonable expenses incurred in making the motion [to compel], including attorney’s fees.’” The Court requested the memorandum at the end of its opinion granting the motion to compel filed by plaintiffs Fairholme Funds, Inc. et al. (Fairholme). Opinion and Order (order) at 81, Sept. 20, 2016, ECF No. 335. The Court previously extended the deadline for the United States’ response to November 14, 2016. On November 9, 2016, counsel for Fairholme advised counsel for the Government that Fairholme does not oppose this request for an enlargement of time.

Good cause exists to grant the requested relief, given that the United States has petitioned the United States Court of Appeals for the Federal Circuit for a writ of mandamus regarding the September 20 order. *See In re United States*, No. 17-104 (Fed. Cir. filed Oct. 27, 2016). Briefing of the petition is complete. Because the Federal Circuit’s disposition of the United States’ petition will likely inform our response to the Court’s order regarding payment of

Fairholme's expenses, we expect that a 30-day enlargement will provide sufficient time for the United States to review a decision from the Federal Circuit, prepare a brief, and obtain the necessary internal and agency review. Should additional time be required, we will promptly notify the Court.

For these reasons, we respectfully request that the Court extend the deadline for the United States to respond to the Order by 30 days, to and including December 14, 2016.

Respectfully submitted,

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