

**ORAL ARGUMENT HELD ON APRIL 15, 2016****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

PERRY CAPITAL LLC,

Appellant,

v.

JACOB J. LEW, et al.,

Appellees.

Nos. 14-5243 (L),  
14-5254 (con.),  
14-5260 (con.),  
14-5262 (con.)

**FAIRHOLME'S UNOPPOSED MOTION FOR LEAVE  
TO FILE SUPPLEMENTAL REPLY BRIEF  
IN RESPONSE TO ORDER OF JUNE 21, 2016**

Pursuant to FED. R. APP. P. 27(a), Plaintiffs-Appellants in No. 14-5254 (“Fairholme”) respectfully move for leave to file the attached supplemental reply brief in response to this Court’s order of June 21, 2016. Fairholme’s proposed supplemental reply does not exceed 500 words. In its supplemental response filed on July 13, 2016, FHFA devotes considerable attention to the argument that 12 U.S.C. § 4623(d) bars this action, despite the fact that this issue was not one of the issues identified by the Court’s supplemental briefing order. Because FHFA’s Section 4623(d) arguments have implications for Fairholme’s claims, Fairholme respectfully seeks the Court’s leave to file a supplemental reply not to exceed 500

words addressing FHFA's arguments. FHFA and Treasury do not object to Fairholme's motion.

July 20, 2016

Respectfully submitted,

/s/ Charles J. Cooper

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 20th day of July 2016, I electronically filed the original of the foregoing document with the clerk of this Court by using the CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: July 20, 2016

/s/ Charles J. Cooper  
Charles J. Cooper