

UNITED STATES COURT OF FEDERAL CLAIMS

OWL CREEK ASIA I, L.P., *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 18-281C
(Chief Judge Sweeney)

APPALOOSA INVESTMENT LIMITED
PARTNERSHIP I, *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 18-370C
(Chief Judge Sweeney)

AKANTHOS OPPORTUNITY MASTER
FUND, L.P.,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 18-369C
(Chief Judge Sweeney)

CSS, LLC,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 18-371C
(Chief Judge Sweeney)

MASON CAPITAL L.P., *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 18-529C
(Chief Judge Sweeney)

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT

As provided in Rule 5.4(b)(1) of the Rules of this Court, the plaintiffs (“Plaintiffs”) in *Owl Creek Asia I, L.P., et al., v. United States* (No. 18-281C), *Appaloosa Investment Limited Partnership I, et al., v. United States* (No. 18-370C), *Akanthos Opportunity Master Fund, L.P., v. United States* (No. 18-369C), *CSS, LLC, v. United States* (No. 18-371C), and *Mason Capital L.P., et al., v. United States* (No. 18-529C), respectfully request leave to exceed the page limitation for their opposition due on November 2, 2018 (the “Joint Opposition”), to the government’s 81-page Omnibus Motion to Dismiss filed on October 1, 2018 (the “Motion to Dismiss”). Plaintiffs request leave to file one, Joint Opposition of up to 60 pages in length—20 pages in excess of the 40-page limit established by Rule 5.4(b)(1). Counsel for the government state that they do not oppose this motion.

Good cause exists to grant this motion. Plaintiffs are five groups of junior preferred shareholders each asserting that the “Sweep Amendment” imposed by the Federal Housing Finance Agency and Treasury wiped-out the economic value of their property by diverting “every dollar of earnings” of Fannie Mae and Freddie Mac to Treasury. To redress their injuries, Plaintiffs filed five separate complaints alleging claims for takings, illegal exactions (in the alternative), breach of fiduciary duty, and breach of an implied-in-fact contract. The government

filed an 81-page Motion to Dismiss Plaintiffs' complaints for lack of jurisdiction and for failure to state a claim. The additional 20 pages for Plaintiffs' Joint Opposition are necessary to meaningfully address the government's arguments. Moreover, granting Plaintiffs' request promotes judicial efficiency. If each group of plaintiffs filed separate oppositions, they could have submitted up to 200 pages of briefing.

Accordingly, Plaintiffs' Unopposed Motion for Leave to Exceed Page Limit of Rule 5.4(b)(1) should be granted.

Respectfully submitted:
October 29, 2018

By: /s/ Lawrence D. Rosenberg

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