

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)

**UNOPPOSED MOTION FOR LEAVE TO CORRECT COMBINED OPPOSITION TO
DEFENDANT’S OMNIBUS MOTION TO DISMISS,**

**OF PLAINTIFFS
OWL CREEK ASIA I, L.P., *et al.*,
APPALOOSA INVESTMENT LIMITED PARTNERSHIP I, *et al.*,
AKANTHOS OPPORTUNITY MASTER FUND, L.P.,
CSS, LLC, and
MASON CAPITAL L.P., *et al***

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), hereby respectfully request leave to file a Corrected Combined Opposition to Defendant’s Omnibus Motion to Dismiss (the “Corrected Opposition”). The Corrected Opposition clarifies statements regarding Plaintiffs’ stock holdings on pages 1, 9, and 43 of the Combined Opposition to Defendant’s Omnibus Motion to Dismiss filed on November 2, 2018 (the “Opposition”). Plaintiffs conferred with counsel for the government and they consent to the proposed Errata. The following table sets forth the sentences as they originally appeared in the Opposition, and as corrected in the proposed Corrected Opposition (with the added language shown in bold type).

Page	Original Sentence	Corrected Sentence
Page 1	<p>“Plaintiffs, holders of over \$4 billion in junior preferred stock of Fannie Mae and Freddie Mac (the ‘Companies’), purchased after the Federal Housing Finance Agency (‘Agency’) placed those companies under its conservatorship in the 2008 recession, had the economic value of their property wiped-out when that Agency in 2012 ‘worked with’ another federal agency (Treasury) to decree that those profitable companies direct ‘every dollar of earnings’ to Treasury.”</p>	<p>“Plaintiffs, holders of over \$4 billion in junior preferred stock of Fannie Mae and Freddie Mac (the ‘Companies’), purchased primarily after the Federal Housing Finance Agency (‘Agency’) placed the companies under conservatorship in the 2008 recession, had the economic value of their property wiped-out when that Agency in 2012 ‘worked with’ another federal agency (Treasury) to decree that those profitable companies direct ‘every dollar of earnings’ to Treasury.”</p>
Page 9	<p>“They have sued based on their purchase of the Companies’ junior preferred stock after the Agency imposed the conservatorships but before it joined with Treasury to impose the Sweep Amendment.”</p>	<p>“They have sued based on their purchase of the Companies’ junior preferred stock after (or, in some instances, before) the Agency imposed the conservatorships but before it joined with Treasury to impose the Sweep Amendment.”</p>

Page 43	“Here, the plaintiffs owned junior preferred stock, purchased after the Agency appointed itself conservator and before it and Treasury imposed the Sweeps.”	“Here, the plaintiffs owned junior preferred stock, purchased after (or, in some instances, before) the Agency appointed itself conservator and before it and Treasury imposed the Sweeps.”
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Plaintiffs respectfully request that the Court grant their request to file the Corrected Opposition.

Respectfully submitted:

November 19, 2018

By: /s/ Lawrence D. Rosenberg

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