

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 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), defendant, the United States, respectfully requests a 31-day enlargement of time, to and including November 14, 2016, within which to file its response to the Court’s September 20, 2016 order instructing the Government to “explain[] why the court should not require defendant ‘to pay [plaintiffs’] reasonable expenses incurred in making the motion [to compel], including attorney’s fees.’” ECF No. 335 (Order) at 81. The Government’s response regarding payment of plaintiffs’ expenses is currently due on October 14, 2016. On October 12, 2016, counsel for plaintiffs advised counsel for the Government that plaintiffs oppose the requested enlargement of time and intend to file a response.

Good cause exists to grant the requested relief. The Court’s Order on plaintiffs’ motion to compel raises important and sensitive questions concerning Government privileges. Given the legal and factual issues implicated by the Order, and the number of stakeholders involved, our review of the Order is still ongoing. Accordingly, a 31-day enlargement will provide the Government with sufficient time to prepare a meaningful response as to why the Court should

not award plaintiffs their expenses in bringing their motion to compel, and obtain the necessary internal and agency review.

For these reasons, we request that the Court extend the deadline for the United States to respond to the Order by 31 days to November 14, 2016.

Respectfully submitted,

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