

ORAL ARGUMENT SCHEDULED FOR 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.)

**APPELLANT PERRY CAPITAL LLC'S
MOTION TO SUPPLEMENT THE JOINT APPENDIX**

Pursuant to Federal Rule of Appellate Procedure 30 and Circuit Rule 30(e), Appellant Perry Capital LLC hereby respectfully requests that the Court allow supplementation of the Joint Appendix with three documents that were filed in the district court and cited in the briefing before this Court, but omitted from the Joint Appendix.

All parties to these consolidated appeals consent to this request. The proposed Supplemental Appendix is attached.

1. Three documents were omitted from the Joint Appendix filed in this case on February 16, 2016. These three documents are:

- A presentation given by Blackstone, a global investment and advisory firm, and the law firm Skadden, Arps, Slate, Meagher & Flom LLP to the Department of Treasury on June 13, 2011. This document was filed in the district court as an exhibit to Perry Capital's Motion for Supplementation of Defendants' Administrative Records, (D.D.C. No. 13-cv-1025, Dkt. 49-2, Ex. A, pp. 4-55), and is cited in Institutional Plaintiffs' Opening Brief (at 65) and Reply Brief (at 33-34);
- Excerpts from the Consolidated Class Action and Derivative Plaintiffs' Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss the Consolidated Amended Class Action and Derivative Complaint, or, in the Alternative, for Summary Judgment (D.D.C. No. 1:13-mc-1288, Dkt. 33, pp. 51-52), cited in Treasury's Response Brief (at 50 n.10); and
- Excerpts from Plaintiffs' Cross-Motion for Summary Judgment (D.D.C. No. 1:13-cv-01025, Dkt. 38, pp. 24-25, 73), cited in Treasury's Response Brief (at 20 n.4, 47).

3. Although both this Court and the parties may rely on “[p]arts of the record . . . even though not included in the appendix,” Fed. R. App. P. 30(a)(2); *see also* Cir. Rule 30(b), supplementing the appendix will make review of and reference to these documents more convenient for the parties and the Court.

4. Counsel for Perry Capital has contacted counsel for all other parties in this consolidated appeal, and all parties consent to the filing of the proposed Supplemental Appendix.

Dated: March 2, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 2nd day of March, 2016, I caused the foregoing to be filed with the Clerk of the United States Court of Appeals for the D.C. Circuit using the appellate CM/ECF system. Service was accomplished on the following persons by the appellate CM/ECF system:

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