

**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 BRIEF IN RESPONSE TO ORDER OF JUNE 21, 2016**

Pursuant to FRAP 27(a), Plaintiffs-Appellants in No. 14-5254 (“Fairholme”) respectfully move for leave to file the attached supplemental brief in response to this Court’s order of June 21, 2016. Fairholme’s proposed supplemental brief does not exceed 750 words. Although the Court’s order did not direct Fairholme to file a supplemental brief, the issues it identifies are relevant to the Court’s power to hear Fairholme’s fiduciary duty, contract, and implied covenant of good faith and fair dealing claims. Fairholme offers its supplemental brief to advance two arguments based on distinctions between its claims and those asserted by the Class Plaintiffs. FHFA consents to Fairholme’s motion on the condition that Fairholme and the Class Plaintiffs consent to FHFA’s request for an additional 750 words in its own

supplemental brief, a condition with which Fairholme and the Class Plaintiffs agree.

Treasury and the Class Plaintiffs also consent to the filing of Fairholme's brief.

July 6, 2016

Respectfully submitted,

/s/ Charles J. Cooper

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 6th 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 6, 2016

/s/ Charles J. Cooper  
Charles J. Cooper