

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

FAIRHOLME FUNDS, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	No. 13-465C
	)	(Judge Sweeney)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

**DEFENDANT’S STATUS REPORT**

In accordance with the Court’s order dated June 19, 2014, defendant, the United States, submits this status report. In its order, the Court requested that the parties propose date ranges for document production pursuant to the Court’s February 26, 2014 order and in response to plaintiffs’ April 7, 2014 document requests.

We provided the table below as part of the reply in support of our motion for protective order and do not propose any changes to the date ranges therein. The date ranges we propose are logically tied to the timeframes associated with the discovery topics identified by the Court in its February 26 order.

Our proposal will facilitate production of all documents required to resolve the issues identified by the Court without encroaching on internal decision-making processes within the Department of the Treasury and the Federal Housing Finance Agency. The breadth of discovery plaintiffs seek is simply not necessary or appropriate prior to a decision on our motion to dismiss. The discovery set forth in the table below and the wealth of publicly-available documents, including the administrative records filed in the District Court cases, more than adequately allow plaintiffs the opportunity to respond to the arguments raised in our motion to dismiss. For the reasons set forth in our motion and reply, we respectfully request that the Court issue a protective order consistent with the table below.

## Government's Proposed Scope of Discovery

Subject Matter In Court's February 26 Order	Document Requests	Date Range
Solvency of Enterprises and Expectations of Profitability at the Time of the Conservatorship Decision in September 2008	<p><b>Request 1(a)</b> (Financial projections in the possession of FHFA and/or Treasury in connection with the conservatorships).</p> <p><b>Request 4</b> (Documents relating to decision to leave the GSEs' existing capital structure in place).</p>	July 1 to December 31, 2008
Whether FHFA Acted at the Behest of Treasury in Entering Into the August 2012 Third Amendment	<p><b>Request 11</b> (Communications between FHFA and Treasury related to the conservatorships.)</p> <p><b>Request 14</b> (Documents related to FHFA's decision to enter into the Third Amendment.)</p> <p><b>Request 16</b> (Documents related to Treasury's decision to enter into the Third Amendment.)</p>	January 1 to September 30, 2012 <sup>1</sup>
Government's Current Assessment of Future Profitability of Fannie Mae and Freddie Mac, Including How and When the Conservatorships Will End	<p><b>Request 1(a)</b> (Financial projections in the possession of FHFA and/or Treasury in connection with the conservatorships).</p> <p><b>Requests 6 thru 10</b> (Documents related to terminating or winding down the conservatorships.)</p>	January 1 to August 17, 2012

<sup>1</sup> In its June 19, 2014 order, the Court accepted a cut-off date of August 17, 2012, for the first wave of production of documents. Nonetheless, we maintain our proposed end date of September 30, 2012, for this subject, which may obviate the need for any further wave of discovery. The Court may wish, however, to make the date consistent with its order.

Respectfully submitted,

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