



April 14, 2026

Calendar Clerk
U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, DC 20001

Re: *Fairholme Funds, Inc., et al., v. Federal Housing Finance Agency, et al.*,
Case No. 25-5113 (consolidated with nos. 25-5121, 25-5154, and 25-5155)

Dear Sir/Madam Clerk:

The Class Appellees and Conditional Cross Appellants (“the Class”)¹ and the Berkley Appellees and Cross-Appellants (“Berkley”) are in receipt of the Court’s per curiam order of April 13 on the division of argument time. Because the Order divides time based on party rather than based on subject matter, the Class and Berkley wish to notify the Court of their agreement and preference for (a) Mr. Hume (counsel for the Class) to address all issues relating to Defendants’ appeal, and (b) Mr. Barnes (counsel for Berkley) to address all issues relating to the cross-appeal. The Class and Berkley will of course apportion their 20 minutes between the issues relating to Defendants’ appeal and the issues relating to the cross-appeal however the Court deems appropriate.

Counsel for the Class conferred with counsel for Defendants about the above-referenced proposed division by subject matter, and counsel for Defendants confirmed Defendants do not object to it.

Sincerely,

/s/ Hamish Hume
Hamish Hume
Boies Schiller Flexner, LLP
1401 New York, Ave., N.W.
Washington, DC 20005
hhume@bsflp.com
202-237-2727

¹ On November 6, 2025, the Class filed a Notice joining the cross-appeal filed by the Berkley plaintiffs, but on a conditional basis (Document #2144268) – i.e., the Class joins the cross-appeal so long as granting the cross-appeal does not disrupt the existing verdict and judgment.

/s/ Brian Barnes _____

Brian Barnes

Cooper & Kirk

1523 New Hampshire Ave., N.W.

Washington, DC 20036

bbarnes@cooperkirk.com

202-220-9600
