

# APPENDIX

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# EXHIBIT 1



REK:KMD:EHosford  
154-13-465

**U.S. Department of Justice**

Civil Division  
Telephone: (202) 616-0332  
Elizabeth.Hosford@usdoj.gov

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Washington, DC 20530

January 27, 2016

**By Courier**

Vincent J. Colatristano  
Cooper & Kirk, PLLC  
1523 New Hampshire Ave. NW  
Washington, D.C. 20036  
202-220-9656


Re: *Fairholme Funds, Inc. et al., v. United States*, No. 13-465C (Fed. Cl.)

Dear Mr. Colatristano,

Please find enclosed defendant's additional production replacement images. This production contains two documents, UST00061011 and UST00522062, identified at footnotes 8 and 15 of our response to your motion to compel. UST00061011 is a memorandum dated August 9, 2012. UST00522062 is the final version of UST00492699, a speech given by Michael Stegman at a conference at NYU.

The production disk bears the following Bates ranges: UST00061011 – UST00061014 and UST00522062 – UST00522081.

Very truly yours,

  
ELIZABETH M. HOSFORD  
Assistant Director  
Commercial Litigation Branch

Enclosure

# EXHIBIT 2



REK:KMD:EHosford  
154-13-465

**U.S. Department of Justice**

Civil Division  
Telephone: (202) 616-0332  
Elizabeth.Hosford@usdoj.gov

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Washington, DC 20530

December 8, 2015

**By Courier**

Vincent J. Colatriano  
Cooper & Kirk, PLLC  
1523 New Hampshire Ave. NW  
Washington, D.C. 20036  
202-220-9656

Re: *Fairholme Funds, Inc. et al., v. United States*, No. 13-465C (Fed. Cl.)

Dear Mr. Colatriano,

Please find enclosed defendant's additional production replacement images. The enclosed disk contains redacted images of several documents previously withheld in full.

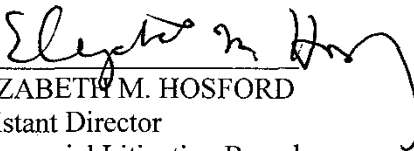
UST00061067 and UST00385562 are copies of an email chain between a White House official and a Treasury employee. The earlier part of this chain contains emails between the White House official and third parties. These earlier emails are not privileged; they are segregable and producible. The latter part of this chain, solely between employees of the White House and Treasury, contains information protected by the deliberative process privilege, as well as non-privileged information. We produce these documents, along with two other documents we have identified from the same chain—UST00385565 and UST00385567—in redacted form.

UST00418517 contains briefing materials for Secretary Geithner. We previously withheld it as protected by the deliberative process privilege. However, as portions of it were previously included as part of the administrative record in district court, we are withdrawing our privilege assertion over those portions. We have redacted the document for responsiveness pursuant to our previous agreement with respect to materials of this nature.

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UST00549791 is a copy of an email chain between a White House official and Treasury employees that we previously withheld in full based on the presidential communications privilege. We produce it here in redacted form.

Very truly yours,

  
ELIZABETH M. HOSFORD  
Assistant Director  
Commercial Litigation Branch

Enclosure

**EXHIBIT 3**  
**REDACTED**



**EXHIBIT 4  
REDACTED**

# EXHIBIT 5

## Excerpt from November 19, 2015 Treasury Privilege Log

Bates Number	From	To	CC	Doc Family Date	Privileges	Description
UST00522062	Stegman, Michael^			5/31/2012	DPP	Draft speech prepared by Treasury staff containing predecisional deliberations regarding housing finance reform.