

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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| JUDICIAL WATCH, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 23-cv-1485 (CRC) |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| JUSTICE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**PLAINTIFF’S [CORRECTED] MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
AND IN SUPPORT OF PLAINTIFF’S CROSS-MOTION**

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“Well, we just have to demonstrate that [Donald Trump] will not take power – if we – if he does run. I’m making sure he, under legitimate efforts of our Constitution, does not become the next President again.”

– *President Joseph R. Biden, Nov. 9, 2022*¹

I. Introduction.

On November 18, 2022, Attorney General Merrick Garland appointed Special Counsel Jack Smith to investigate potential criminal wrongdoing by former President Donald J. Trump. The appointment came nine days after President Biden announced his effort to “mak[e] sure” Trump did not become president again. The unprecedented investigation – and now prosecutions – by an incumbent president of his immediate predecessor, opponent in the last election, and leading opponent in the upcoming election raises numerous questions about who Special Counsel Smith chose to assist him in this highly charged endeavor. Are these persons opponents or supporters of the former president, aligned with one of the two major political parties, or otherwise biased or conflicted, or are they unbiased, nonpartisan professionals?

Plaintiff submitted a FOIA request to the Special Counsel’s Office (“SCO”) on December 9, 2022 to try to answer these questions. The request seeks “[a]ll staff rosters, phone lists, or similar records depicting all employees hired by or detailed to the office of Special Counsel Jack Smith.” Plaintiff previously had requested and obtained a staff roster of personnel working for Special Counsel Robert Mueller, albeit after Special Counsel Mueller’s investigation had ended. Plaintiff has limited its current request to the identity of SCO staffers at the GS-14 level and above because such employees tend to be decisionmakers or supervisors or possess specialized skills, knowledge, and experience.

¹ Remarks by President Biden in Press Conference, The White House (Nov. 9, 2022), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/11/09/remarks-by-president-biden-in-press-conference>; Plf’s Stmt., ¶ 22.

Defendant's search yielded two records – staff rosters – dating from sometime before February 2, 2023. Defendant does not identify the date of either roster, but, because Special Counsel Smith was only appointed in mid-November 2022, they necessarily have to date from early in the SCO's investigation. Defendant has withheld these more-than-one-year-old rosters in their entirety, refusing to redact the names of those SCO personnel who have not been officially acknowledged. Defendant will not even disclose the number of pages of the rosters, asserting that Plaintiff will somehow be able to glean the size of the SCO's staff from the font size and page length.

Much has transpired since the rosters were prepared. The SCO's operations and staff appear to have expanded since February 2023. Most significantly, Special Counsel Smith obtained indictments of former President Trump in June 2023 in Florida and in August 2023 in the District of Columbia. A superseding indictment was issued in July 2023 in the Florida proceedings. Both cases have been litigated vigorously, and the scope, nature, and direction of the prosecutions have become clear in the more than fourteen months that have passed since Special Counsel Smith was appointed.

Defendant readily acknowledges that the SCO's investigations and prosecutions of former President Trump "have been the subject of intense public scrutiny." Def's Mem. at 2. This scrutiny will only increase as the election approaches. Yet Defendant also claims – startlingly – that there is a "dearth of FOIA public interest" in knowing the identities of SCO staffers. Brinkmann Decl., ¶ 38. Defendant could not be more wrong. Knowing who Special Counsel Smith chose to investigate and prosecute the former president is vital to informed debate about the SCO's activities. It has substantial bearing on public confidence in – or skepticism about – the SCO's actions and may help voters decide how to cast their ballots in

the upcoming election. It is vital to the functioning of our republic and at the very center of FOIA's purpose of providing citizens with information about "what their government is up to."

II. Standards.

The standards governing summary judgment are well established and need no explication. Unlike in most litigation, the defendant in a FOIA lawsuit bears the burden of sustaining its actions. *Wolf v. Central Intel. Agency*, 73 F.3d 370, 374 (D.C. Cir. 2007). An agency seeking to withhold responsive records must prove that its invocation of a FOIA exemption is "logical" or "plausible." *Id.* at 374-7. Defendant invokes FOIA Exemptions 6, 7(A) and 7(C) to withhold the rosters in full. Defendant's motion falls far short of satisfying this burden.

III. Argument.

A. Exemption 7 Does Not Apply Because the SCO's Rosters Are Not Records Compiled for Law Enforcement Purposes.

A necessary prerequisite to demonstrating that one or more of Exemption 7's six subcategories applies is that the records or information at issue must have been "compiled for law enforcement purposes. 5 U.S.C. § 552(b)(7). Both Defendant's Exemption 7(A) and 7(C) claims fail for the most basic reason that the rosters cannot logically or plausibly be said to have been compiled for law enforcement purposes." While a court may grant some deference to an agency's determination in this regard, that deference is not "vacuous." *Campbell v. United States*, 164 F.3d 20, 32 (D.C. Cir. 1998).

It is self-evident that the names of government employees engaged in law enforcement are fundamentally different from information those same employees "compile" in carrying out their law enforcement duties. Employee names are not the fruit of any law enforcement investigation or effort, nor do they reflect any law enforcement activity or effort. The

government can only act through people. The names of the employees on the rosters are, in effect, the government itself, not “records or information compiled for law enforcement purposes.” 5 U.S.C. § 552(b)(7). Indeed, the Court in *Maydak v. U.S. Dep’t of Justice*, 362 F. Supp.2d 316 (D.D.C. 2005) rejected the Bureau of Prison’s assertion that a list of staff names and titles for all staff at the Ray Brook Federal Correctional Institution was compiled for law enforcement purposes. *Id.* at 322. The Court in *Leadership Conf. on Civil Rights v. Gonzales*, 404 F. Supp.2d 246, 256-57 (D.D.C. 2005) held similarly that the names of government employees in U.S. Department of Justice records – paralegals in the Public Integrity Section to whom prosecutors were directed to send voter initiative reports and records – were not compiled for law enforcement purposes. *Id.* at 257. The same is true here. Defendant admits that the rosters were “created and maintained by the SCO to facilitate coordination and communication” among its staff. Def’s Stmt., ¶ 12. They are common, administrative records found in every office, not records unique to a law enforcement entity. They are not meaningfully different from the prison staff names in *Maydak* or the paralegal names in *Leadership Conf. on Civil Rights*.

There also is ample precedent for the proposition that records compiled by an agency acting as an employer (*i.e.*, for oversight of its employees) do not fall under Exemption 7. *See, e.g., Bartko v. U.S. Dep’t of Justice*, 898 F.3d 51, 64 (D.C. Cir. 2018); *Jefferson v. U.S. Dep’t of Justice*, 284 F.3d 172, 176-77 (D.C. Cir. 2002); *Rural Housing Alliance v. U.S. Dep’t of Agriculture*, 498 F.2d 73, 81-82 (D.C. Cir. 1974). Practically every office has a staff roster or its equivalent. The staff rosters at issue are far more like the ordinary records of an employer than a record compiled for a law enforcement purpose.

Relatedly, any tie between the rosters and a law enforcement purpose is far too attenuated for Exemption 7 to apply. The Court reached this conclusion in *Henderson v. U.S. Dep't of Justice*, 157 F. Supp.3d 42 (D.D.C. 2016), which concerned a FOIA request for certain expenses incurred by the government in an earlier criminal proceeding involving the requester. The records at issue were maintained in an expense file containing paperwork for stenographic services related to the case. *Id.* at 49. The Court concluded, “Nothing in the EOUSA’s supporting declarations suggests that this information was found in a criminal case file. Notwithstanding the apparent connection between stenographic services and the EOUSA’s law enforcement function in prosecuting plaintiff’s criminal case, it cannot be said that these expense-related records fall within the scope of Exemption 7.” *Id.* at 49-50.

Defendant fails to provide a single case in which phone or other types of staff rosters identifying government personnel were found to have been compiled for law enforcement purposes. Defendant’s reliance on *Center for Nat’l Security Studies v. U.S. Dep’t of Justice*, 331 F.3d 918 (D.C. Cir. 2003) clearly is not such a case. At issue were the names of persons held by the United States following the September 11, 2001 terror attacks, including persons held on criminal charges, under material witness warrants, and for alleged immigration law violations. *Id.* at 921. The detainees plainly came to the attention of law enforcement “as a result of” the government’s law enforcement efforts. *Id.* at 926. They were not law enforcement personnel themselves. Defendant’s reliance on *Citizens for Resp. & Ethics in Wash. v. U.S. Dep’t of Justice*, No. 20-cv-0212, 2022 U.S. Dist. LEXIS 179823 (D.D.C. Sept. 30, 2022) (“*CREW*”) also is misplaced because the spreadsheets at issue in that case detailed travel costs and travel information, including the destination and duration of trips by U.S. Department of Justice investigators participating in a U.S. Department of Justice review of

2016 presidential campaign activities. *Id.* at **3 & 16. Unlike the rosters at issue here, the nexus between the travel expense information and the law enforcement activity at issue in *CREW* was direct and unattenuated. *Id.* at 16.

If a staff roster of government employees is a record compiled for law enforcement purposes, there is no limit to the records covered by Exemption 7, so long as the agency has a law enforcement function, which could be said of virtually every federal agency. Ordinary office expenses, invitations to a staff holiday party, even a list of food choices for a working staff lunch would fall under the exemption’s purview. The requirement of a “rational nexus” between an investigation and an agency’s law enforcement duties would be rendered meaningless if such an attenuated connection to a law enforcement function was upheld. That is not the law, and, importantly, Defendant has not demonstrated that it is the law.

B. Defendant’s Exemption 7(A) Claim.

Even if Defendant could demonstrate that the rosters were compiled for law enforcement purposes, Defendant’s Exemption 7(A) claim would fail because it cannot demonstrate that disclosure “could reasonably be expected to interfere with enforcement proceedings.” 5 U.S.C. § 552(b)(7)(A). Defendant makes two arguments in support of its Exemption 7(A) claim. First, it asserts that disclosing the more-than-one-year-old rosters will reveal details about the scope, nature, and direction of the SCO’s ongoing activities. Second, it claims that disclosing the rosters will create a risk of threats and harassment. Again, “deference is not vacuous.” *Campbell*, 164 F.3d at 32. Neither argument is logical or plausible.

1. “Scope, nature, and direction.”

Defendant does not identify a single case in support of its “scope, nature, and direction” argument in which a court has upheld an Exemption 7(A) withholding based on a link between a

record and an investigation that is as weak as the purported link between the more-than-one-year-old rosters and the SCO's investigation. The three cases Defendant cites, *Swan v. Securities and Exchange Comm'n*, 96 F.3d 498 (D.C. Cir. 1996), *Alyeska Pipeline Serv. Co. v. U.S. Env't'l. Prot. Agency*, 856 F.3d 309 (D.C. Cir. 1998) and *Boyd v. Crim. Div. of U.S. Dep't of Justice*, 75 F.3d 381 (D.C. Cir. 2007), bear no resemblance to this case. At issue in all three cases was the contents of investigative files, not mundane administrative records like old staff rosters. *Swan*, 96 F.3d at 499 (records at issue contained the identities of witnesses, information obtained from sources, and agency staff's selective recordings of information); *Alyeska Pipeline Serv. Co.*, 856 F.2d at 310 (records at issue consisted of select corporate records of the target of the agency's investigation provided by a third-party source); *Boyd*, 96 F.3d at 385 (various law enforcement investigative materials). None concern records as thinly linked to any actual investigative materials as is a staff roster. If anything, the facts of *Swan*, *Alyeska Pipeline Serv. Co.*, and *Boyd* are so far removed from the facts of this case that they demonstrate just how misplaced Defendant's argument is.

Defendant's argument also ignores the fact that much has transpired since the rosters were prepared sometime before February 2, 2023. Special Counsel Smith obtained indictments of former President Trump and two other individuals in June 2023 in Florida and in August 2023 in the District of Columbia, and a superseding indictment was issued in July 2023 in the Florida criminal proceeding. Plf's Stmt., ¶ 23. Both cases have been litigated vigorously and have included at least two appeals. *Id.* The trial of the District of Columbia case was scheduled to begin on March 4, 2024, until it was stayed on December 13, 2023 – two days after Defendant filed its motion for summary judgment – pending the outcome of former President Trump's appeal of his claim of immunity. *Id.*, ¶ 24. The oral argument on that appeal took place on

January 9, 2024. *Id.*, ¶ 25. A January 16, 2024 filing by the former president seeking to compel discovery presents a trove of information about the history and background of the investigation even though substantial portions of the 223-page submission were filed under seal.² *Id.*, ¶ 26. Relatedly, the social media site known as X, formerly Twitter, litigated a search warrant issued to it by the SCO for information regarding the former president's Twitter account, and, although the matter was initially sealed, various portions of the case file were unsealed over time and additional portions were unsealed in October 2023. *Id.*, ¶ 27. The scope, nature, and direction of the SCO's efforts are both well-established and can be discerned from the indictments, publicly available case files, and transcripts and recordings of arguments. Defendant does not address how disclosure of the more-than-one-year-old rosters would reveal anything not already publicly known about the scope, nature, and direction of SCO's investigation.

Defendant is particularly fixated about revealing the size of SCO's staff. Def's Stmt., ¶ 15. Defendant makes no claim that the size of the staff has remained constant since the two staff rosters were prepared sometime before February 2, 2023, and it appears that the SCO's staff has expanded over time. According to the SCO's statement of expenses for the period from November 18, 2022 through March 31, 2023, the SCO spent \$2.7 million on personnel compensation and benefits³ and its expenses totaled \$5.4 million. Plf's Stmt., ¶ 28. The SCO's statement of expenses for the period from April 1, 2023 to September 30, 2023 shows

² A coalition of media organizations has moved to unseal the filing, citing the substantial public interest in the prosecution. Plf's Stmt., ¶ 26.

³ This figure includes both SCO employees and DOJ employees detailed to the SCO. Plf's Stmt., ¶ 28.

expenditures of \$4.8 million on personnel compensation and benefits⁴ and total expenses of \$7.4 million. Plf's Stmt., ¶ 29. The statements suggest that the size of the SCO's staff has changed over time, which would seem to render the pre-February 2023 rosters poor indicators of the current size of the SCO's staff. Under the circumstances, the snapshot of the SCO's staff provided by rosters says little about the SCO's current staff size. Correspondingly, the now more than one-year-old rosters can say nothing meaningful about the current scope, nature, and direction of the SCO's efforts. And, of course, Plaintiff does not seek the identities of the entire staff; it only seeks those staffers at or above the GS-14 pay grade. It would not be possible to identify the full size of the SCO's staff as of February 2, 2023 even if the rosters were disclosed.

Defendant's claim that disclosure of the SCO's staff size, in combination with the information contained in the SCO's statements of expenditure, will reveal details about the scope, nature, and direction of the SCO's investigation (*see* Def's Stmt., ¶ 15) is a *non sequitur*. Defendant never clearly explains how this might be the case. Even if it were to be disclosed that, sometime prior to February 2022, the SCO employed some 30 persons at or above the GS-14 pay grade, that fact combined with the disclosure that the SCO spent \$2.7 million on personnel compensation and benefits between November 18, 2022 and March 31, 2023 says nothing meaningful about the scope, nature, and direction of the SCO's investigation, either then or now. One need only look at the indictments and case files for a far more meaningful picture of the scope, nature, and direction of the SCO's efforts. Whatever point Defendant was trying to make, it plainly has not satisfied its burden.

⁴ Again, this figure includes both SCO employees and DOJ employees detailed to the SCO. Plf's Stmt., ¶ 29.

2. Threats and Harassment.

Defendant's argument that disclosing the more-than-one-year-old rosters could reasonably be expected to interfere with the SCO's work because it could lead to the SCO's staff being threatened and harassed is entirely conclusory, little more than speculation, and lacks meaningful evidentiary support. It also ignores the fact that the names of at least 23 SCO staffers are readily available from public sources, yet the public availability of these names and in some instances email addresses and a cell phone number does not seem to have had any discernable impact on the functioning of the SCO. Plf's Stmt., ¶¶ 30-31. Its prosecution of the former president and the two other individuals certainly appears to be proceeding apace, and Defendant has neither claimed nor demonstrated otherwise.

Defendant makes the generic assertion that "there have been instances of harassment and threats against SCO staff," including a single instance of a piece of mail sent to an SCO staff's residence, and that these "threats and harassing communications distract, disrupt, and inhibit SCO staff's ability to conduct their work." Brinkmann Decl., ¶ 22. Other than the single piece of mail sent to a private residence and a non-specific reference to emails sent to work accounts, Defendant provides no information at all about the facts and circumstances surrounding these purported incidents. Defendant does not say how many such communications were received or when they were received. It says nothing about the content of the communications or who determined that they were threatening or harassing. Defendant does mention "partisan political attacks." *Id.* Is it defining "threats and harassing communications" to include statements made in the media, on cable television, or Congress by critics of Special Counsel Smith and his investigation? An impolite sign carried by a protester outside the courthouse in Florida or the District? An idle expletive or vulgar comment uttered at the courthouse entrance? Defendant

doesn't say. It also provides no information about how or even whether any alleged threat or harassing communication was even linked to a staffer's work at the SCO. Was it ever determined that the piece of mail sent to the SCO staffer's residence was sent because the staffer works at the SCO? If so, who made this determination? Again, Defendant doesn't say. Plaintiff obviously does not condone such actions, but the analysis for purposes of Exemption 7(A) is whether disclosure of the records at issue "could reasonably be expected to interfere with enforcement proceedings," and Defendant's failure to provide any meaningful information means this analysis fails.

What measures, if any, has the SCO put in place to prevent the disclosure of staffers' identity? Are those measures followed? Have they been evaluated to determine whether they are effective, and, if so, what does the evaluation show? Do staffers themselves disclose the fact that they work at the SCO to family, friends, neighbors, or colleagues, or on social media? Again, Defendant doesn't say. If all Defendant is doing to prevent the disclosure of staffers' identities is denying FOIA requests, it cannot reasonably be said that disclosure of the rosters, as opposed to disclosure of staffers' identities from other sources, could be expected to interfere with the SCO's work. Defendant's failure to provide meaningful information about these efforts creates a causation problem for Defendant.

Also completely absent from Defendant's submission are any facts about how the alleged threats and harassing communications may have impacted the SCO's work. Defendant's bald claim about distracting, disrupting, and inhibiting the SCO's staff is entirely conclusory in this regard. Defendant indicates that SCO has a security department headed by a Chief Security Officer (Brinkmann Decl., ¶ 22), so it would appear that security issues were contemplated and measures have been taken to address them. Are the measures in place really insufficient to

prevent SCO's staff from being distracted, disrupted, or inhibited by the disclosure of a pair of more-than-one-year-old staff rosters?

Plaintiff was able to identify with relative ease – reviewing the public dockets of the SCO's litigation and a quick internet search – a total of twenty-three SCO staffers, far more than the nine Defendant identified to Plaintiff. Plf's Stmt., ¶ 30. Other than SCO spokesperson Myron Marlin, all but four of these twenty-three are attorneys whose names appear on the dockets as counsel for the United States in various SCO litigation.⁵ *Id.* Plaintiff identified the remaining four – also attorneys – from media reports. *Id.* Plaintiff also located on the “Unsealed Orders, Opinions, Documents and Docket Reports” section of this Court's website records disclosing the email addresses of several SCO attorneys and the cell phone number of another.⁶ *Id.*, ¶ 31. It appears from the common formatting of the SCO attorneys' email addresses on these records that it is possible to identify the likely email addresses of other SCO staffers. *Id.* Defendant's argument fails to account for the substantial number of SCO staffers whose identities are already publicly available, if not already known to the public.

Defendant's assertion about alleged threats and harassing communications received by SCO staffers also suffers from a hearsay problem. *See, e.g., White Coat Waste Project v. U.S. Dep't of Veterans Affairs*, 404 F. Supp.3d 87, 105-06 (D.D.C. 2019); *Humane Soc'y v. Animal and Plant Health Inspection Serv.*, 386 F. Supp.3d 34, 44 (D.D.C. 2019); Fed. R. Civ. P. 56(c)(2). The declarant, a Senior Counsel in Defendant's Office of Information Policy (“OIP”) does not say how she obtained her information. Brinkmann Decl., ¶ 1. She says OIP conferred

⁵ These appearances plainly constitute official acknowledgment that the attorneys work for the SCO. *See, e.g., Mobley v. Central Intelligence Agency*, 806 F.3d 568, 583 (D.C. Cir. 2015).

⁶ Again, Plaintiff does not seek the email addresses or phone numbers of SCO staffers; it seeks only the names of those staffers at the GS-14 level and above.

with the SCO's Chief Security Officer, but she does not say she did so herself. *Id.* She also does not say who at OIP conferred with the security chief or how she learned whatever information the security officer conveyed to the unidentified OIP personnel. *Id.* Nor does she say how the security officer obtained the information. *Id.* It is not even known who saw the communications or assessed them to be threats or harassment. Defendant's assertion fails because its declaration fails to establish that it is based on any identified individual's actual, personal knowledge. *Weisberg v. U.S. Dep't of Justice*, 627 F.2d 365, 369 (D.C. Cir. 1980).

Finally, Defendant's citation to two indictments unrelated to anything having to do with FOIA does nothing to demonstrate that disclosure of the more-than-one-year-old lists could reasonably be expected to interfere with the SCO's work. The first concerns a Texas woman who is alleged to have left a voicemail message on Judge Tanya Chutkan's chambers telephone line – which is published on this Court's website – threatening to kill the judge, “anyone who went after former President Trump,” a specific member of Congress, “all democrats in Washington, D.C., and all people in the ‘LGBTQ’ community.” Plf's Stmt., ¶ 32. According to the docket, the woman is receiving substance abuse treatment and is scheduled to be tried beginning on February 26, 2024. *Id.* The second concerns a Tennessee man indicted in this Court for alleged offenses on January 6, 2021 at the U.S. Capitol and indicted a second time in Tennessee for allegedly conspiring to kill the FBI agents who investigated and arrested him on the earlier set of charges. *Id.*, ¶ 32. He has pled not guilty and is scheduled to be tried beginning on March 26, 2024.⁷ *Id.* Defendant makes no claim about where or how the Tennessee man allegedly obtained information about the identities of the FBI agents. It

⁷ According to the docket, a co-conspirator pled guilty on January 22, 2024. Plf's Stmt., ¶ 33.

certainly makes no claim that the information was obtained through FOIA. Defendant only appears to have referenced the matter because it involves the events of January 6, 2021 and a generic list. Neither case has any bearing on the more-than-one-year-old rosters or whether the rosters' disclosure could reasonably be expected to interfere with the SCO's investigation.

C. Defendant's Exemption 7(C) Claim.

For purposes of an Exemption 7(C) claim, an agency must not only satisfy the threshold test of proving that the records at issue were compiled for law enforcement purposes, but also that disclosure of the records "could reasonably be expected to constitute an unreasonable invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C). Exemption 7(C) "turns on a balance of the individual's right of privacy against the basic policy of opening agency action to the light of public scrutiny." *CEI Wash. Bureau, Inc. v. U.S. Dep't of Justice*, 469 F.3d 126 128 (D.C. Cir. 2006). Defendant is coy about the alleged privacy interests it claims are at stake. It is not clear whether Defendant is arguing that employees have separate privacy interests in (1) their names and/or association with the SCO and (2) avoiding threats and harassment, or (3) some combination of both. Defendant does not even try to address the public interest side of the balancing test, dismissing what it describes as "the dearth of FOIA public interest in disclosure of [staffers'] identities." Brinkmann Decl., ¶ 38.

1. SCO staffers' interests in their names.

To the extent Defendant's argument is that SCO's staffers have a privacy interest in their names, that argument misses its mark. Office of Personnel regulations provide for the release to the public of federal employees' names, present and past position titles, and even their present and past annual salary rates. 5 C.F.R. § 293.311(a). Accordingly, an employee's privacy interest in his or her name alone is *de minimis*.

Many of the cases on which Defendant relies in support of its “names” argument are inapposite. At issue in *U.S. Dep’t of State v. Washington Post Co.*, 456 U.S. 595 (1992) was the citizenship status of two foreign nationals living abroad, not the names of federal employees. At issue in *Niskanen Center v. Federal Energy Regulatory Comm’n*, 20 F.4th 787 (D.C. Cir. 2021) were the names and addresses of private property owners along the route of a proposed pipeline, again not federal employees. *U.S. Dep’t of Defense v. Federal Labor Relations Auth.*, 510 U.S. 487 (1994) concerned union efforts to obtain the home addresses of federal employees, not their names. *Judicial Watch, Inc. v. Food and Drug Admin.*, 449 F.3d 141 (D.C. Cir. 2006) (addressing Exemption 6) concerned the names and addresses of manufacturers of the controversial drug mifepristone, again not federal employees. It is well established that FOIA’s privacy provisions do not “categorically exempt individuals’ identities. *Id.* at 153. Rather, “[t]he scope of a privacy interest under [FOIA’s exemptions] will always be dependent on the context in which it has been asserted.” *Armstrong v. Exec. Office of the President*, 97 F.3d 575, 581 (D.C. Cir. 1996) (addressing Exemption 6).

Plaintiff recognizes, however, that, depending on the context, courts have found that federal employees may have a privacy interest in being associated with particular government action, and that the public has a less substantial interest in knowing the identity of lower level or non-supervisory federal personnel. Plaintiff has limited its request to the identity of SCO staffers at the GS-14 level and above because such employees tend to be decisionmakers or supervisors or possess specialized skills, knowledge, and experience. Defendant largely ignores this limitation, failing to identify any particular interest SCO staffers at the GS-14 level and above have in avoiding disclosure of the fact of their association with the SCO and making

no distinction between these staffers' purported privacy interests and the privacy interests of lower level or non-supervisory staffers.

Defendant also does not claim that the SCO staffers in question were ordered to work for the Special Counsel. Plaintiff submits that, whether these individuals specifically sought out positions or otherwise volunteered to join the SCO's staff weighs substantially on any purported privacy interests. Those who willingly joined the SCO's high profile, unprecedented, historic, and potentially career-making prosecutions plainly have diminished privacy interests in being associated with the SCO. *See, e.g., Nat'l Assoc. of Home Builders v. Norton*, 309 F.3d 26, 35 (D.C. Cir. 2002) (declining to apply Exemption 6 protection to private landowners' addresses where, among other factors, the landowners voluntarily provided information to a State agency about rare bird sightings on their property "with the understanding that the information, although confidential, might be subject to release under disclosure laws.").

Defendant also ignores the fact that the identities of a great many SCO staffers – twenty-three by Plaintiff's count; nine by Defendant's – are already public. Plf's Stmt., ¶ 30. Are the privacy interests of these, publicly known SCO staffers any different from the privacy interests of staffers whose identities are not publicly known? Is the difference because of their job duties or because their privacy interests were overridden or superseded by some other interest? Defendant never explains.

Defendant also fails to show that all SCO staffers at the GS-14 level and above have the same privacy interests. Obviously, the privacy interests of some – attorneys who appear and argue in court or on paper, including signing subpoenas served on third-party witnesses – are different from staffers who have no interaction with the courts or the public. Investigators who

interview or participate in interviews of third-party witnesses are more public-facing than administrative staff, as are communications staff who interact with the media or Congress. Instead, Defendant lumps all SCO staffers together into one undifferentiated mass. Defendant has not made a sufficient showing that the privacy interests at stake are uniform such that balancing would yield a clear answer. *American Immigration Lawyers Assoc. v. Exec. Office for Immigration Review*, 830 F.3d 667, 675-76 (D.C. Cir. 2016) (applying Exemption 6). A categorical rule for all employees is inappropriate. *Id.* Its failure to address these obvious issues highlights the vague, ambiguous, and unsupported nature of Defendant's privacy argument with respect to staffers' names.

2. SCO staffers' privacy interest in avoiding threats and harassment.

Defendant's argument about SCO staffers' privacy interest in avoiding threats and harassment fails for the same reason its Exemption 7(A) argument about threats and harassment fails: it is too generalized, too speculative, too conclusory, and it lacks evidentiary support. Not only is Defendant's "threats and harassment" privacy argument seriously lacking, but Defendant cannot, despite at least twenty-three members of the SCO's staff being publicly identified, come up with admissible evidence of a single, concrete instance in which an SCO staffer was threatened or harassed after his or her association with the SCO was made public. Tellingly, Defendant fails to demonstrate that anyone on Special Counsel Mueller's staff was threatened when Defendant released a staff roster from that investigation to Plaintiff in response to an earlier FOIA request. Plf's Stmt., ¶ 34. It is irrelevant that that extraordinarily controversial investigation had concluded when Defendant released the roster because, obviously, the conclusion of the investigation did not erase the motive or opportunity that anyone inclined to threaten or harass a former special counsel staff member had to do so. If

anything, it demonstrates that Defendant's "threats and harassment" privacy argument is without merit. And if SCO staffers' purported privacy interests in avoiding threats and harassment were substantial rather than generalized, speculative, and conclusory, Defendant surely would have made some effort to identify what, other than denying Plaintiff's FOIA request, it has done to try to protect these privacy interests.

Defendant principally relies on two cases for its "threats and harassment" privacy interest argument, *CREW, supra*, and *Freedom Watch, Inc. v. Mueller*, 453 F. Supp.3d 139 (D.D.C. 2005). A careful reading of *CREW* shows that employee names were not at issue; the requester sought only travel, expense, and salary information about investigators, not the names of the personnel assigned to the internal review. The Court's opinion regarding these employees' privacy interest – which it admitted it only considered "briefly" – was only dicta. *CREW*, 2022 U.S. Dist. LEXIS 179823 at *22. While the Court found investigators had a generalized privacy interest in avoiding harassment and "questioning as to the scope of their involvement" in the review (*id.* at *23), the public interest side of the balancing was very different from the public interest here. In *CREW*, the incumbent administration had initiated the review; it was not an investigation by an incumbent president's administration of the incumbent's predecessor and leading challenger the incumbent's upcoming reelection campaign. The only public interest apparently asserted by the requester was a general interest in "learn[ing] more about the resources DOJ was expending" on the review. *Id.* at *2. *CREW* raised none of the compelling transparency interests raised in this case. The Court's dicta upheld the agency's Exemption 6 and 7(C) claims on top of the agency's Exemption 7(A) claim.

With respect to *Freedom Watch, Inc.*, the Court found that "Freedom Watch has not demonstrated how the personal information of the government employees, reporters, and third

parties will ‘help the public stay informed about what their government is up to.’” 453 F. Supp.3d at 158 (cleaned up). Also unexplained in the decision is what privacy interest government employees had in their identities when the request at issue only sought “records of communications to and from the media rather than purely internal communications.” *Id.* at 145. Plaintiff submits that government employees’ privacy interests in their communications with reporters are *de minimis* if not nonexistent. *Freedom Watch, Inc.* does not aid Defendant here.

The remainder of the cases on which Defendants rely offer little insight into federal employees’ purported privacy interests in avoiding threats and harassment but instead focus on the balancing test and the relatively insubstantial public interest shown in the records at issue in those cases. That plainly is not true here, where the public interest in knowing who Special Counsel Smith chose for his historic prosecutions of former President Trump is far greater than in any of Defendant’s cases.

3. The substantial public interest.

There can be no real dispute that knowing the names of the persons involved in prosecuting the incumbent president’s opponent in the last election, immediate predecessor, and chief opponent in the upcoming presidential election, now less than ten months away, will “help the public stay informed about what their government is up to.” *American Immigration Lawyers Assoc.*, 830 F.3d at 674 (cleaned up). Defendant makes no meaningful argument to the contrary in this regard, ignoring the unique facts of this case and making the startling-but-bald assertion that there is a “dearth of public interest” in the identities of these persons. Brinkmann Decl., ¶ 38.

Knowing who Special Counsel Smith chose to prosecute the former president is vital to informed debate about the SCO's activities. It also has substantial bearing on public confidence in – or skepticism about – the prosecutions. Are the prosecutions an undertaking by neutral, unbiased, career professionals following wherever the facts and the law lead them, part of President Biden's effort to "mak[e] sure" former President Trump "does not become the next President again," something in between, or something else entirely different? If Special Counsel Smith filled his staff with partisans, persons affiliated with one of the two major political parties, opponents or supporters of the former president, or persons who otherwise appear to be biased or conflicted, that choice may likely have an adverse impact on public perception of the prosecutions. If he chose persons who are neutral or non-partisan or an equal mix of staffers from both of the two major parties, it may have a positive impact on public perception. Any reliable information that the public has about the prosecutions also may help voters decide how to cast their votes, which only further increases the public interest in disclosure.

Two recent examples highlight the importance of knowing the identities of the SCO's staffers. Notorious FBI employees Peter Strzok and Lisa Page were both members of Special Counsel Robert Mueller's investigation of then-President Trump. Plf's Stmt., ¶ 34. Strzok was the lead FBI investigator assigned to the probe, and Page was a "general attorney" on Special Counsel Mueller's staff. *Id.* During the investigation, it was discovered that Strzok and Page, had exchanged voluminous texts disparaging then-candidate Trump during the 2016 presidential campaign, commenting that "we'll stop" Trump from becoming president, and citing having an "insurance policy" in case he did. *Id.* A subsequent report by the U.S. Department of Justice Inspector General was highly critical of the exchanges, noting with respect to the "we'll stop it" text in particular:

[W]hen one senior FBI official, Strzok, who was helping to lead the Russia investigation at the time, conveys in a text message to another senior FBI official, Page, “No. No he won’t. We’ll stop it” in response to her question “[Trump’s] not ever going to become president, right? Right?!”, it is not only indicative of a biased state of mind but, even more seriously, implies a willingness to take official action to impact the presidential candidate’s electoral prospects. This is antithetical to the core values of the FBI and the Department of Justice.

Id.

Fulton County, Georgia District Attorney Fani Willis, who also has brought criminal charges against the former president, is now reportedly under investigation herself for allegedly choosing her paramour, Nathan Wade, to lead the prosecution. Plf’s Stmt., ¶ 35. Although Wade’s identity was already known, it led to the discovery of new, previously unknown information that bears on the public perception of the prosecution. It helps the public to know “what their government is up to.” This case is no different. The public interest in knowing the identities of the persons prosecuting the former president and current leading presidential contender is substantial, whether the prosecution is in Georgia, Florida, or the District of Columbia.

The names of the SCO staffers on the withheld rosters are precisely the type of information that will contribute significantly to the public’s understanding of the operations or activities of the government. Serving this “core purpose of FOIA” far outweighs Defendant’s speculative, conclusory, and unsupported assertions about privacy.

F. Defendant’s Exemption 6 Claim.

In the event that the Court rejects Defendant’s Exemption 7 withholdings on the grounds that the rosters were not “compiled for law enforcement purposes,” only Defendant’s Exemption 6 claim would remain. The analysis is not even close. “[U]nder Exemption 6, the presumption in favor of disclosure is as strong as can be found anywhere in the Act.” *Washington Post Co. v.*

U.S. Dep't of Health & Human Servs., 690 F.2d 252, 261 (D.C. Cir. 1982). The responding agency must demonstrate that disclosure “would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6).

Plaintiff does not disagree with Defendant that the analysis under Exemption 6 is substantially similar to the analysis under Exemption 7(C). Def’s Mem. at 11, n. 2. As set forth above, both “turn[] on a balance of the individual’s right of privacy against the basic policy of opening agency action to the light of public scrutiny.” *CEI Wash. Bureau, Inc.*, 469 F.3d at 128. Exemption 6’s “clearly unwarranted invasion of personal privacy” presents a higher standard than Exemption 7(C)’s “reasonable expectation of an invasion of personal privacy” standard. Defendant’s evidence fails to satisfy Exemption 6’s “clearly unwarranted invasion of personal privacy” for the same reasons it fails to satisfy Exemption 7(C)’s “reasonable expectation of an invasion of personal privacy” standard. The public interest in knowing the identities of the SCO personnel prosecuting President Trump far outweighs whatever privacy interests the SCO’s GS-14 and above employees and detailees might have.

E. Segregability.

Defendant bears the burden of demonstrating that it took “reasonable steps necessary to segregate and release nonexempt information.” 5 U.S.C. § 552(a)(8)(A)(ii)(II). Defendant’s segregability argument, which appears to be based on Exemption 7(A) only, is baseless, if not specious. As Plaintiff understands it, Defendant’s argument is that, if it were to produce the rosters with everything but the names of Special Counsel Smith, spokesperson Myron Marlin, and the eight attorneys identified in its August 9, 2023 letter redacted – assuming that all of these individuals were on the SCO’s staff at the time the more than one-year-old rosters were prepared – Plaintiff could discern the size of SCO’s staff from the font size of the type face used to print the names. Doing so would apparently involve a mathematical calculation using the number of

names that could fit on however many pages make up the rosters and the page size. Of course, this would assume there are no empty lines or gaps on the pages and that every page is filled with names only. Even then, Defendant would have to show that knowing these calculated staff sizes – hardly the “exact” size Defendant claims (*see* Def’s Mem. at 9) – reveals something meaningful about the SCO’s investigation that is protected by Exemption 7(A), which Defendant has not done. Accordingly, Defendant has failed to satisfy its burden of demonstrating that redacted rosters cannot be produced. If anything, Defendant’s segregability argument shows the lengths Defendant is willing to go to avoid any scrutiny of the SCO’s unprecedented prosecution of the former president and the incumbent president’s leading opponent in the 2024 election.

IV. Conclusion.

Defendant’s submission is plainly insufficient to satisfy its burden of proving that its withholdings are lawful. Defendant’s motion for summary judgment should be denied, and Plaintiff’s cross-motion should be granted.

Dated: January 31, 2024

Respectfully submitted,

/s/ Paul J. Orfanedes

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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| JUDICIAL WATCH, INC., |) | |
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| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 23-cv-1485 (CRC) |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| JUSTICE, |) | |
| |) | |
| Defendant. |) | |
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PLAINTIFF’S REPOSE TO DEFENDANT’S STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE; STATEMENT OF ADDITIONAL FACTS; AND STATEMENT OF FACTS IN SUPPORT OF PLAINTIFF’S CROSS-MOTION

Plaintiff Judicial Watch, Inc., by counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 7(h), respectfully submits this response to Defendant’s statement of material facts as to which there is no genuine issue, statement of additional facts, and statement of facts in support of Plaintiff’s Cross-Motion:

RESPONSE TO DEFENDANT’S STATEMENT

1. On November 18, 2022, U.S. Attorney General Merrick Garland appointed Jack Smith to serve as Special Counsel to oversee two criminal investigations. Decl. of Vanessa R. Brinkmann (“Brinkmann Decl.”), Ex. A. The appointment provides that “[t]he Special Counsel is authorized to conduct the ongoing investigation into whether any person or entity violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021, as well as any matters that arose or might arise directly from this investigation or that are within the scope of 28 C.F.R. § 600.4(a).” *Id.* In addition, the Special Counsel is further

authorized to conduct the ongoing investigation that involves the storage and handling of classified documents and other presidential records, as well as the possible obstruction of the investigation referenced and described in the United States' Response to Motion for Judicial Oversight and Additional Relief, *Trump v. United States*, No. 9:22-cv-81294-AMC (S.D. Fla. Aug. 30, 2022) (ECF No. 48 at 5-13), and any matters that arose or may arise directly from this investigation or that are within the scope of 28 C.F.R. § 600.4(a). *Id.* The SCO is authorized to prosecute federal crimes arising from the investigation of these matters. *Id.*

Plaintiff's Response: Not disputed.

2. The Special Counsel's Office ("SCO") has charged three defendants in two matters in the United States District Courts for the District of Columbia and the Southern District of Florida, and those matters are pending for trial. *United States v. Trump*, No. 1:23-cr-257-TSC (D.D.C.); *United States v. Trump*, No. 9:23-cr-80101-AMC (S.D. Fla.).

Plaintiff's Response: Not disputed.

3. By letter dated December 9, 2022, Plaintiff submitted a Freedom of Information Act ("FOIA") request to DOJ's Office of Information Policy ("OIP"), which sought "[a]ll staff rosters, phone lists, or similar records depicting all employees hired by or detailed to the office of Special Counsel Jack Smith," for the period beginning November 1, 2022 to the search date. Brinkmann Decl., Ex. B. OIP received Plaintiff's request on December 14, 2022. Brinkmann Decl. ¶ 7.

Plaintiff's Response: Not disputed.

4. OIP commenced its search on February 2, 2023. *Id.* ¶ 8.

Plaintiff's Response: Plaintiff does not dispute that OIP conducted a search or that OIP purports to have commenced its search on February 2, 2023. Plaintiff is unable to state whether

it disputes or does not dispute the date OIP claims it commenced its search because that factual assertion is uniquely known to OIP and/or concern OIP's internal operations. *See, e.g., Judicial Watch, Inc. v. Federal Drug Admin.*, 449 F.3d 141, 145-46 (D.C. Cir. 2006) (noting that the "asymmetrical distribution of knowledge" between the agency and the requestor in FOIA litigation "distorts the traditional adversary nature of our legal system's form of dispute resolution."). Plaintiff also does not know and Defendant does not identify when OIP completed its search.

5. OIP consulted with the SCO's Executive Officer and other SCO administrative personnel, who extracted the names and contact information of SCO employees and detailees from SCO's database and searched locations in the SCO's digital files likely to have responsive records. *Id.*

Plaintiff's Response: Plaintiff is unable to state whether it disputes or does not dispute the factual assertions made in this paragraph because they uniquely known to OIP and SCO and/or concern OIP's and SCO's internal operations. *See, e.g., Judicial Watch, Inc.*, 449 F.3d at 145-46.

6. OIP identified two unique records responsive to Plaintiff's request, which contain the names of all employees hired by or detailed to the SCO at two different points in time. *Id.* One of the records also includes telephone numbers and email addresses for the listed individuals. *Id.*

Plaintiff's Response: Not disputed.

7. On April 12, 2023, OIP sent Plaintiff a response letter, indicating that records responsive to Plaintiff's request had been located and that OIP was withholding the records in

full pursuant to Exemptions 6 and 7(A) of the FOIA. *Id.*, Ex. D. OIP's response also identified one official, in addition to the Special Counsel, who held a position in the SCO. *See Id.*

Plaintiff's Response: Not disputed.

8. Plaintiff filed suit on May 26, 2023. *See Compl.*, ECF No. 1.

Plaintiff's Response: Not disputed.

9. On August 9, 2023, OIP issued a supplemental response, which explained that OIP was also asserting Exemption 7(C) to withhold information in the responsive records, in addition to the prior assertions of Exemptions 6 and 7(A). *See Brinkmann Decl.*, Ex. H. OIP's supplemental response also identified eight additional officials who had publicly filed court appearances on behalf of the SCO. *Id.*

Plaintiff's Response: Not disputed.

10. On September 27, 2023, OIP provided Plaintiff with an informal summary of its search and withholdings. Joint Status Report ¶ 4, ECF No. 12.

Plaintiff's Response: Not disputed.

11. Plaintiff does not challenge the adequacy of the search, the withholding of telephone numbers or email contact information, or the withholding of the identities of any staff who are classified below grade 14 on the General Schedule pay scale. *Id.* ¶ 5.

Plaintiff's Response: Not disputed.

12. The information contained in the responsive records – which reflect the identities and contact information of SCO staff – directly relates to ongoing enforcement proceedings being carried out by Special Counsel Jack Smith, who was appointed by Attorney General Merrick Garland to oversee two criminal investigations and is authorized to prosecute federal crimes arising from the investigation of these matters. *See id.* ¶ 18; *id.*, Ex. A. The information

contained in the records was created and maintained by the SCO to facilitate coordination and communication among SCO staff as they conduct ongoing enforcement proceedings. *Id.* ¶ 18.

Plaintiff's Response: Plaintiff is unable to state whether it disputes or does not dispute the factual assertions made in this paragraph because they are uniquely known to OIP and SCO and/or concern OIP's and SCO's internal operations. *See, e.g., Judicial Watch, Inc.*, 449 F.3d at 145-46. Based on Defendant's description of the records, however, Plaintiff disputes that they "directly relate" to any ongoing enforcement proceedings under any ordinary understanding of what is meant by the phrase "directly relate." Plaintiff also objects that whether the records "directly relate" to an ongoing enforcement proceeding is a characterization and a conclusion, not a factual assertion.

13. Disclosure of the identities of SCO staff whose association with the SCO has not been officially and publicly acknowledged could allow members of the public to disrupt or inhibit the SCO's efforts by harassing, threatening, or intimidating SCO employees; enable members of the public to surveil SCO employees for non-public information about the SCO, which could frustrate the SCO's efforts to obtain evidence and secure cooperation of witnesses; and permit members of the public to determine the professional backgrounds, experience, and expertise of SCO staff, which could reveal the resources available to the SCO and areas of investigatory interest to the SCO. *Id.* ¶¶ 21-23, 26-27.

Plaintiff's Response: Plaintiff objects to this paragraph because it is not a factual assertion but a legal conclusion and part of the ultimate legal issues to be decided in adjudicating the lawfulness of Defendant's claims of exemption. Plaintiff disputes that Defendant's legal conclusion is correct. *See generally*, Plf's Mem.

14. The records responsive to Plaintiff's request consist of a column of staff names, printed in the same font and size, listed in sequential order. *Id.* ¶ 21. Disclosure of these records, even with redactions, would reveal the overall size of the SCO, which has not been officially confirmed. *Id.* ¶ 21.

Plaintiff's Response: Plaintiff is unable to state whether it disputes or does not dispute the factual assertions made in the paragraph because they are uniquely known to SCO and/or concern SCO's internal operations. Plaintiff disputes the assertion that disclosure of the records would reveal the overall size of SCO because the records at issue date from some time before February 2, 2023, and the size of the SCO's staff appears to have changed over time. Dunagan Decl., ¶¶ 9-19 and Exs. 7 and 8.

15. Disclosure of the overall size of the SCO, particularly in light of the SCO's public disclosure of a Statement of Expenditures, could reveal the scope and breadth of the SCO's efforts, provide insight into the Department's deployment of resources to continue the SCO's efforts, and reveal changes in the size and composition of the SCO over time. *Id.* ¶¶ 24-25.

Plaintiff's Response: Plaintiff objects to this paragraph because it is not a factual assertion but a legal conclusion and part of the ultimate legal issues to be decided in adjudicating the lawfulness of Defendant's claims of exemption. Plaintiff disputes that Defendant's legal conclusion is correct. Plaintiff also objects that the paragraph is speculation or opinion and not factual. *See generally*, Plf's Mem.

16. SCO staff whose association with the SCO has not been officially and publicly acknowledged have a significant privacy interest in their identities and association with the SCO. *Id.* ¶ 35. Due to the inherently sensitive nature of the SCO's work, the information to which SCO staff have access regarding the proceedings, as well as the public scrutiny and political

attacks that have occurred when new developments regarding the SCO's proceedings have been made public, disclosure of the unacknowledged identities of SCO staff would create a substantial risk that these individuals would become targets of harassment and threats to their physical safety. *Id.* ¶¶ 22, 35.

Plaintiff's Response: Plaintiff objects to this paragraph because it is not a factual assertion but a series of legal conclusions and part of the ultimate legal issues to be decided in adjudicating the lawfulness of Defendant's claims of exemption. Plaintiff disputes that Defendant's legal conclusions are correct. Plaintiff also objects that the paragraph is speculation or opinion and not factual. *See generally*, Plf's Mem.

17. Since the commencement of the SCO's investigations, SCO staff have received harassing, vulgar, or threatening communications, and officials whose association with the SCO has been publicly identified have been subjected to instances of harassment and threats, including harassing physical mail sent to one SCO staff member's private residence, which have necessitated enhanced security and protective measures. *Id.*

Plaintiff's Response: Plaintiff is unable to state whether it disputes or does not dispute the factual assertions made in the paragraph because they are uniquely known to SCO and/or concern SCO's internal operations. Plaintiff objects that whether the communications were harassing, vulgar, or threatening is a conclusion or opinion and not factual. Plaintiff also disputes that Defendant has described the alleged communications with sufficient specificity to allow any meaningful conclusions to be reached about whether they were harassing, vulgar, or threatening. *See, e.g., Judicial Watch, Inc.*, 449 F.3d at 145-46; *see also* Plf's Mem.

18. One individual has been criminally charged for making a phone call threatening to kill United States District Court Judge for the District of Columbia Tanya Chutkan and her

family because of her involvement with the SCO's case against former President Donald Trump. *See* Criminal Compl., *United States v. Shry*, No. 4:23-cr-00413 (S.D. Tex. Aug. 11, 2023), ECF No. 1; Brinkmann Decl. ¶ 35.

Plaintiff's Response: Plaintiff does not dispute that Ms. Shry has been indicted or that, according to the indictment, Ms. Shry is alleged to have left a voicemail message on Judge Tanya Chutkan's chambers telephone line – which is published on this Court's website – threatening to kill the judge, “anyone who went after former President Trump,” a specific member of Congress, “all democrats in Washington, D.C., and all people in the ‘LGBTQ’ community.” Plaintiff objects on the grounds that no judgment of conviction has been entered against Ms. Shry, so the allegations against her have not been adjudicated to be facts and are hearsay. Plaintiff also objects to the paragraph as immaterial and irrelevant because, among other reasons, the allegations against Ms. Shry have no bearing on the lawful or proper use of FOIA to obtain records or on Defendant's claims of exemption. *See* Dunagan Decl., ¶ 13.

19. On December 21, 2022, an individual who obtained a list of government employees that participated in his criminal investigation related to the breach of the United States Capitol on January 6, 2021, was indicted for conspiracy to murder the federal employees on that list. *See* Indictment, *United States v. Edward Kelley*, No. 3:22-CR-118 (E.D. Tenn. Dec. 21, 2022), ECF No. 17; Brinkmann Decl. ¶ 35. According to the indictment, the conduct at issue took place from on or about December 3, 2022 to on or about December 15, 2022. *Id.*

Plaintiff's Response: Plaintiff does not dispute that Mr. Kelley was indicted. Plaintiff disputes that the indictment contains allegations about the nature of the purported “list” or how it was obtained or gathered, including whether it was obtained or gathered from government or public or other reliable sources or whether it was accurate in any regard. Plaintiff objects on the

grounds that no judgment of conviction has been entered against Mr. Kelley, so the allegations against him have not been adjudicated to be facts and are hearsay. Plaintiff also objects to the paragraph as immaterial and irrelevant because, among other reasons, the allegations against Mr. Kelley have no bearing on the lawful or proper use of FOIA to obtain records or on Defendant's claims of exemption. *See Dunagan Decl.*, ¶ 14.

20. The individuals listed in the responsive records whose association with the SCO has not been publicly acknowledged are career civil service DOJ employees who are not in leadership or supervisory positions in the SCO and do not hold policy-making authority. *Id.* ¶ 36. Revealing their identities and association with the SCO would result in unwanted, uninvited, and unnecessary public attention and harassment. *Id.*

Plaintiff's Response: Plaintiff is unable to state whether it disputes or does not dispute the factual assertions made in the first sentence of this paragraph because those facts are uniquely known to SCO and/or concern SCO's internal operations. *See, e.g., Judicial Watch, Inc.*, 449 F.3d at 145-46. Plaintiff objects to the second sentence of this paragraph because it is not a factual assertion but a legal conclusion and part of the ultimate legal issues to be decided in adjudicating the lawfulness of Defendant's claims of exemption. Plaintiff disputes that Defendant's legal conclusion is correct. *See generally*, Plf's Mem.

21. Disclosing the identities of SCO staff whose association with the SCO has not been publicly acknowledged would not significantly enhance the public's understanding of how the Department carries out its duties. *Id.* ¶ 37.

Plaintiff's Response: Plaintiff objects to this paragraph because it is not a factual assertion but a legal conclusion and part of the ultimate legal issues to be decided in adjudicating

the lawfulness of Defendant's claims of exemption. Plaintiff disputes that Defendant's legal conclusion is correct. *See generally*, Plf's Mem.

22. OIP determined that the responsive records should be withheld in full and that no segregation of non-exempt material was possible. *See Id.* ¶¶ 29, 40.

Plaintiff's Response: Plaintiff does not dispute that OIP made the determination described in the paragraph. Plaintiff disputes that it is a factually or legally correct determination, which is why Plaintiff brought this lawsuit.

**STATEMENT OF ADDITIONAL FACTS; STATEMENT OF FACTS
IN SUPPORT OF PLAINTIFF'S CROSS-MOTION**

22. At a November 9, 2022 press conference at the White House, President Joseph R. Biden made the following remark, according to a transcript posted on the White House website: "Well, we just have to demonstrate that [Donald Trump] will not take power – if we – if he does run. I'm making sure he, under legitimate efforts of our Constitution, does not become the next President again." Dunagan Decl., ¶ 2 (citing <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/11/09/remarks-by-president-Biden-in-press-conference>).

23. Special Counsel Smith obtained indictments of former President Donald J. Trump and two other individuals in June 2023 in Florida and in August 2023 in the District of Columbia, and a superseding indictment was issued in July 2023 in the Florida criminal proceeding. The dockets show that both cases have been litigated vigorously and have included at least two appeals. Dunagan Decl., ¶¶ 3-8 and Exs. 1-6.

24. The trial of the District of Columbia case was scheduled to begin on March 4, 2024, until it was stayed on December 13, pending the outcome of former President Trump's appeal of his claim of immunity. Dunagan Decl., ¶ 4 and Ex. 2 at ECF Nos. 39 and 186.

25. Oral argument on the appeal of former President Trump's claim of immunity took place on January 9, 2024 in the District of Columbia. Dunagan Decl., ¶ 6 and Ex. 4.

26. A January 16, 2024 filing by the former president seeking to compel discovery from the United States presents a trove of information about the history and background of the SCO's investigation, even though substantial portions of the 223-page submission were filed under seal. A coalition of media organizations have moved to unseal the filing, citing the substantial public interest in the prosecution. Dunagan Decl., ¶ 3 and Ex. 1 at ECF Nos. 262 and 269.

27. The social media site known as X, formerly Twitter, litigated a search warrant issued to it by the SCO for information regarding the former president's Twitter account, and, although it appears that the matter was filed under seal originally, records were unsealed on October 16, 2023, if not earlier. Dunagan Decl., ¶¶ 7, 8, and 12 and Exs. 5 and 6.

28. According to the SCO's statement of expenses for the period from November 18, 2022 through March 31, 2023, the SCO spent \$2.7 million on personnel compensation and benefits and its expenses totaled \$5.4 million. This figure includes both SCO employees and DOJ employees detailed to the SCO. Dunagan Decl., ¶ 9 and Ex. 7.

29. According to the SCO's statement of expenses for the period from April 1, 2023 to September 30, 2023, the SCO spent \$4.8 million on personnel compensation and benefits and total expenses of \$7.4 million. This figure includes both SCO employees and DOJ employees detailed to the SCO. Dunagan Decl., ¶ 10 and Ex. 8.

30. Plaintiff was able to identify with relative ease – reviewing the public dockets of the SCO's litigation and a quick internet search – a total of twenty-three SCO staffers, far more than the nine Defendant identified to Plaintiff. Dunagan Decl., ¶ 11; Brinkmann Decl., ¶ 14 and

Ex. H. Other than SCO spokesperson Myron Marlin, all but four of these twenty-three are attorneys whose names appear on the dockets as counsel for the United States in various SCO litigation. Dunagan Decl., ¶ 11. Plaintiff was able to identify the remaining four – also attorneys – from media reports. *Id.* They are: Matthew Burke, Tim Duree, Jonathan Haray, and David Rody. *Id.* Defendant identified only nine of these twenty-three individuals in response to Plaintiff’s FOIA request. *Id.*

31. Plaintiff also located on the “Unsealed Orders, Opinions, Documents and Docket Reports” section of this Court’s website records disclosing the email addresses of several SCO attorneys and the cell phone number of one SCO attorney. Dunagan Decl., ¶ 12. It appears from the common formatting of the SCO attorneys’ email addresses on these records that it is possible to identify the likely email addresses of other SCO staffers. *Id.*

32. According to the Indictment filed on September 7, 2023 in *United States v. Shry*, No. 4:23-cr-00413 (S.D. Tex. 2023), a Texas woman, Abigail Jo Shry, is alleged to have left a voicemail message on Judge Tanya Chutkan’s chambers telephone line – which is published on this Court’s website – threatening to kill the judge, “anyone who went after former President Trump,” a specific member of Congress, “all democrats in Washington, D.C., and all people in the ‘LGBTQ’ community.” Dunagan Decl., ¶ 13. According to the docket, the woman is receiving substance abuse treatment and is scheduled to be tried beginning on February 26, 2024. *Id.*

33. According to the Criminal Complaint and Affidavit in Support of Criminal Complaint and Arrest Warrants filed on December 16, 2022 in *United State v. Kelley, et al.*, 3:22-cr-00118 (E.D. Tenn.), a Tennessee man, Edward Kelley, was indicted in this Court for alleged offenses on January 6, 2021 at the U.S. Capitol, then allegedly conspired to kill FBI agents

involved in the investigation of and arrest on the charges against him in the District of Columbia. Dunagan Decl., ¶ 14. He has pled not guilty and is scheduled to be tried beginning on March 26, 2024. According to the docket in the case, a co-conspirator, Austin Carter, pled guilty on January 22, 2024. *Id.*

34. On September 25, 2020, the U.S. Department of Justice released to Plaintiff, in response to an earlier FOIA request, a staff roster for the special counsel investigation headed by former FBI Director Robert Mueller. Dunagan Decl., ¶ 15 and Ex. 9.

35. According to a June 2018 report by the U.S. Department of Justice Inspector General entitled “A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election,” FBI employees Peter Strzok and Lisa Page were both members of Special Counsel Robert Mueller’s investigation of then-President Trump. Dunagan Decl., ¶ 16. Strzok, a Deputy Assistant Director, was the lead FBI investigator assigned to the probe, and Page, the Special Counsel to FBI Deputy Director Andrew McCabe, was a “general attorney” on Special Counsel Mueller’s staff. *Id.* During the investigation, it was discovered that Strzok and Page had exchanged voluminous texts disparaging then-candidate Trump during the 2016 presidential campaign, commenting that “we’ll stop” Trump from becoming president, and citing having an “insurance policy” in case he did. *Id.* The IG report was highly critical of the exchanges, noting with respect to the “we’ll stop it” text in particular:

[W]hen one senior FBI official, Strzok, who was helping to lead the Russia investigation at the time, conveys in a text message to another senior FBI official, Page, “No. No he won’t. We’ll stop it” in response to her question “[Trump’s] not ever going to become president, right? Right?!”, it is not only indicative of a biased state of mind but, even more seriously, implies a willingness to take official action to impact the presidential candidate’s electoral prospects. This is antithetical to the core values of the FBI and the Department of Justice.

Id.

35. Fulton County, Georgia District Attorney Fani Willis, who has brought criminal charges against the former president in the State of Georgia, is now reportedly under investigation herself for allegedly choosing her paramour, Nathan Wade, to lead the prosecution. Dunagan Decl., ¶ 17.

36. Numerous news reports have been published about the persons chosen by Special Counsel Smith to prosecute former President Donald J. Trump. Dunagan Decl., ¶ 18.

Dated: January 31, 2024

Respectfully submitted,

/s/ Paul J. Orfanedes

Paul J. Orfanedes

DC Bar No. 429716

JUDICIAL WATCH, INC.

425 Third Street SW, Suite 800

Washington, DC 2024

Tel: (202) 646-5172

Email: porfanedes@judicialwatch.org

Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|-----------------------------|---|-----------------------------------|
| JUDICIAL WATCH, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 23-cv-1485 (CRC) |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| JUSTICE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

DECLARATION OF SEAN DUNAGAN

I, Sean Dunagan, declare that the following is true and correct:

1. I am a Senior Investigator at Judicial Watch, Inc. I have held this position for more than a decade. In the course of my duties at Judicial Watch, Inc., I submitted the December 9, 2022 Freedom of Information Act (“FOIA”) request to the U.S. Department of Justice at issue in this litigation. I also have closely followed developments in Special Counsel Jack Smith’s investigation and prosecutions of former President Donald J. Trump. I am also familiar with FOIA requests served by Judicial Watch, Inc. concerning other special counsel investigations, including a June 27, 2017 request for records concerning the special counsel investigation headed by former FBI Director Robert Mueller.

2. According to the transcript of a November 9, 2022 press conference at the White House posted on the White House website, President Joseph R. Biden made the following remark during the press conference: “Well, we just have to demonstrate that [Donald Trump] will not take power – if we – if he does run. I’m making sure he, under legitimate efforts of our Constitution, does not become the next President again.” The transcript is available at

<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/11/09/remarks-by-president-biden-in-press-conference>).

3. Attached hereto as Exhibit 1 is a true and correct copy of the docket in *United States v. Trump, et al.*, Case No. 9:23-cr-80101-AMC (S.D. Fla.), downloaded from PACER.

4. Attached hereto as Exhibit 2 is a true and correct copy of the docket in *United States v. Trump*, Case No. 1:23-cr-00257 (TSC) (D.D.C.), downloaded from PACER.

5. Attached hereto as Exhibit 3 is a true and correct copy of the docket in *United States v. Trump*, Case No. 23-3190 (D.C. Cir.), downloaded from PACER.

6. Attached hereto as Exhibit 4 is a true and correct copy of the docket in *United States v. Trump*, Case No. 23-3228 (D.C. Cir.), downloaded from PACER.

7. Attached hereto as Exhibit 5 is a true and correct copy of the docket in *In re: Search of Information That Is Stored At Premises Controlled by Twitter, Inc.*, Case No. 1:23-sc-00031 (JEB) (D.D.C), downloaded from PACER.

8. Attached hereto as Exhibit 6 is a true and correct copy of the docket in *In re: Search of Information That Is Stored At Premises Controlled by Twitter, Inc.*, Case No. 23-5044 (D.C. Cir.), downloaded from PACER.

9. Attached hereto as Exhibit 7 is a true and correct of the Statement of Expenditures issued by the U.S. Department of Justice for the Office of Special Counsel Jack Smith for the period from November 18, 2022 through March 31, 2023. The statement is available on the U.S. Department of Justice's website at <https://www.justice.gov/sco-smith>.

10. Attached hereto as Exhibit 8 is a true and correct of the Statement of Expenditures issued by the U.S. Department of Justice for the Office of Special Counsel Jack Smith for the

period from April 1, 2023 through September 30, 2023. The statement is available on the U.S. Department of Justice’s website at <https://www.justice.gov/sco-smith>.

11. I was able to identify the following twenty-three individuals working for Special Counsel Smith by reviewing the public dockets of litigation in which the Special Counsel’s Office (“SCO”) is involved and some quick internet searches:

1. Bernstein, Gregory D.
2. Burke, Matthew
3. Bratt, Jay I.
4. Cooney, Joseph Patrick
5. Dohrmann, Mary L.
6. Dreeben, Michael R.
7. Duree, Tim
8. Edelstein, Julie A.
9. Gaston, Molly G.
10. Gilbert, Karen E.
11. Haray, Jonathan
12. Harbach, David
13. Hulser, Raymond N.
14. Marlin, Myron
15. McNamara, Anne
16. Pearce, James
17. Pellettieri, John M.
18. Raskin, David
19. Reynolds, Brett
20. Rody, David
21. Thakur, Michael
22. VanDevender, Cecil W.
23. Windom, Thomas

Other than SCO spokesperson Myron Marlin, all but four of these twenty-three are attorneys whose names appear on the dockets as counsel for the United States in various SCO litigation. I was able to identify the remaining four – also attorneys – from media reports. They are: Matthew Burke, Tim Duree, Jonathan Haray, and David Rody. The U.S. Department of Justice only identified nine of these twenty-three individuals in response to my FOIA request.

12. On the “Unsealed Orders, Opinions, Documents and Docket Reports” section of this Court’s website are records from *In re: Search of Information That Is Stored At Premises Controlled by Twitter, Inc.*, Case No. 1:23-sc-00031 (JEB) (D.D.C) that contain the email addresses of several SCO attorneys and the cell phone number of one SCO attorney. See <https://www.dcd.uscourts.gov/sites/dcd/files/23sc31%20Attachment%20B-%20Documents%20unsealed%20without%20redactions.pdf> at 295-301 (pdf pages). It appears that these records were filed under seal originally, but were unsealed on October 16, 2023, if not earlier. See Ex. 5 at Entries for June 28, 2023 and October 16, 2023. It appears from the common formatting of the SCO attorneys’ email addresses on these records that it is possible to identify the likely email addresses of other SCO staffers.

13. According to the Indictment filed on September 7, 2023 in *United States v. Shry*, No. 4:23-cr-00413 (S.D. Tex. 2023), a Texas woman, Abigail Jo Shry, is alleged to have left a voicemail message on Judge Tanya Chutkan’s chambers telephone line – which is published on this Court’s website – threatening to kill the judge, “anyone who went after former President Trump,” a specific member of Congress, “all democrats in Washington, D.C., and all people in the ‘LGBTQ’ community.” ECF No. 11 at 1-2. According to the docket, the woman has been receiving substance abuse treatment and is scheduled to be tried beginning on February 26, 2024. ECF Nos. 21, 23, and 26.

14. According to the Criminal Complaint and Affidavit in Support of Criminal Complaint and Arrest Warrants filed on December 16, 2022 in *United State v. Kelley, et al.*, 3:22-cr-00118 (E.D. Tenn.), a Tennessee man, Edward Kelley, was indicted in this Court for alleged offenses on January 6, 2021 at the U.S. Capitol, then allegedly conspired to kill FBI agents involved in the investigation of and arrest on the charges against him in the District of Columbia.

ECF No. 3. He has pled not guilty and is scheduled to be tried beginning on March 26, 2024.

ECF Nos. 23 and 40. According to the docket in the case, a co-conspirator, Austin Carter, pled guilty on January 22, 2024. ECF No. 42.

15. Attached hereto as Exhibit 9 is a true and correct copy of the U.S. Department of Justice's September 25, 2020 response to a June 27, 2017 FOIA request served by Judicial Watch, Inc. for records about the special counsel investigation headed by former FBI Director Robert Mueller.

16. According to a June 2018 report by the U.S. Department of Justice Inspector General entitled "A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election" ("OIG Report"), FBI employees Peter Strzok and Lisa Page were both members of Special Counsel Robert Mueller's investigation of then-President Trump. OIG Report at 396. Strzok, a Deputy Assistant Director, was the lead FBI investigator assigned to the probe, and Page, the Special Counsel to FBI Deputy Director Andrew McCabe, was a "general attorney" on Special Counsel Mueller's staff. *Id.* During the investigation, it was discovered that Strzok and Page had exchanged voluminous texts disparaging then-candidate Trump during the 2016 presidential campaign, commenting that "we'll stop" Trump from becoming president, and citing having an "insurance policy" in case he did. *Id.* The IG report was highly critical of the exchanges, noting with respect to the "we'll stop it" text in particular:

[W]hen one senior FBI official, Strzok, who was helping to lead the Russia investigation at the time, conveys in a text message to another senior FBI official, Page, "No. No he won't. We'll stop it" in response to her question "[Trump's] not ever going to become president, right? Right?!", it is not only indicative of a biased state of mind but, even more seriously, implies a willingness to take official action to impact the presidential candidate's electoral prospects. This is antithetical to the core values of the FBI and the Department of Justice.

Id. at xi-xii (Executive Summary). The report is available on the U.S. Department of Justice’s website at <https://oig.justice.gov/reports/2018/o1804.pdf>.

17. According to media reports, Fulton County, Georgia District Attorney Fani Willis, who has brought criminal charges against former President Trump and others in the State of Georgia, is now reportedly under investigation herself for allegedly choosing her paramour, Nathan Wade, to lead the prosecution. *See, e.g.*, Jeff Amy, “Georgia Senate passes a panel with subpoena power to investigate District Attorney Fani Willis,” *Associated Press* (Jan. 26, 2024) (available at <https://apnews.com/article/fani-willis-donald-trump-georgia-6097851a4dd52314ecfdf282418789c0>).

18. In the course of my research regarding Special Counsel Simth’s investigation and prosecution of former President Trump, I have come across numerous news reports about the persons chosen by Special Counsel Smith to prosecute the former president, including the following:

- a. <https://abcnews.go.com/Politics/lawyers-working-special-counsel-jack-smith-trump-jan/story?id=98893019>;
- b. <https://news.yahoo.com/trump-special-counsel-probe-adds-153654008.html>;
- c. <https://www.law.com/nationallawjournal/2023/08/03/the-big-law-backgrounds-of-special-counsel-jack-smiths-legal-team/>;
- d. <https://www.washingtonpost.com/national-security/2023/09/10/jack-smith-special-counsel-trump-investigations/>; and

//

//

- e. <https://www.politico.com/news/2024/01/04/harrison-floyd-trump-bodycam-footage-jack-smith-00133933>.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
January 31, 2024.

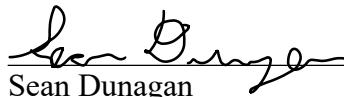

Sean Dunagan

EXHIBIT 1

BER,BNDDUTY,BNDEGT,REF_EVENTS ONLY (NEFs)

U.S. District Court
Southern District of Florida (West Palm Beach)
CRIMINAL DOCKET FOR CASE #: 9:23-cr-80101-AMC All Defendants

Case title: USA v. Trump, et al.

Date Filed: 06/08/2023

Assigned to: Judge Aileen M. Cannon
Referred to: Magistrate Judge Bruce E.
Reinhart

Defendant (1)

Donald J. Trump
63675-510
YOB: 1946; English

represented by **Christopher Michael Kise**
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED
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Pending Counts

WILLFUL RETENTION OF
NATIONAL DEFENSE
INFORMATION/18:793.F
(1-31)

WILLFUL RETENTION OF
NATIONAL DEFENSE
INFORMATION 18:793.F

Disposition

(1s-32s)

CONSPIRACY TO OBSTRUCT
JUSTICE/18:1512K.F
(32)

WITHHOLDING A DOCUMENT OR
RECORD/18:1512B.F
(33)

CONSPIRACY TO OBSTRUCT
JUSTICE 18:1512K.F
(33s)

CORRUPTLY CONCEALING A
DOCUMENT OR
RECORD/18:1512C.F
(34)

WITHHOLDING A DOCUMENT OR
RECORD 18:1512B.F
(34s)

CONCEALING A DOCUMENT IN A
FEDERAL
INVESTIGATION/18:1519.F
(35)

CORRUPTLY CONCEALING A
DOCUMENT OR RECORD
18:1512C.F
(35s)

SCHEME TO CONCEAL/18:1001.F
(36)

CONCEALING A DOCUMENT IN A
FEDERAL INVESTIGATION
18:1519.F
(36s)

FALSE STATEMENTS AND
REPRESENTATIONS/18:1001.F
(37)

SCHEME TO CONCEAL 18:1001.F
(37s)

FALSE STATEMENTS AND
REPRESENTATIONS 18:1001.F
(38s)

ALTERING, DESTROYING,
MUTILATING, OR CONCEALING
AN OBJECT 18:1512B.F
(40s)

CORRUPTLY ALTERING,
DESTROYING, MUTILATING OR
CONCEALING A DOCUMENT,
RECORD, OR OTHER OBJECT
18:1512C.F
(41s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Aileen M. Cannon
Referred to: Magistrate Judge Bruce E. Reinhart

Defendant (2)

Waltine Nauta
63672-510
YOB: 1983; English

represented by **Sasha Dadan**
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ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

CONSPIRACY TO OBSTRUCT
JUSTICE/18:1512K.F
(32)

WITHHOLDING A DOCUMENT OR
RECORD/18:1512B.F
(33)

CONSPIRACY TO OBSTRUCT
JUSTICE 18:1512K.F
(33s)

CORRUPTLY CONCEALING A
DOCUMENT OR
RECORD/18:1512C.F
(34)

WITHHOLDING A DOCUMENT OR
RECORD 18:1512B.F
(34s)

CONCEALING A DOCUMENT IN A
FEDERAL
INVESTIGATION/18:1519.F
(35)

CORRUPTLY CONCEALING A
DOCUMENT OR RECORD
18:1512C.F

Disposition

(35s)

SCHEME TO CONCEAL/18:1001.F

(36)

CONCEALING A DOCUMENT IN A
FEDERAL INVESTIGATION

18:1519.F

(36s)

SCHEME TO CONCEAL 18:1001.F

(37s)

FALSE STATEMENTS AND
REPRESENTATIONS/18:1001.F

(38)

FALSE STATEMENTS AND
REPRESENTATIONS 18:1001.F

(39s)

ALTERING, DESTROYING,
MUTILATING, OR CONCEALING
AN OBJECT 18:1512B.F

(40s)

CORRUPTLY ALTERING,
DESTROYING, MUTILATING OR
CONCEALING A DOCUMENT,
RECORD, OR OTHER OBJECT

18:1512C.F

(41s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Aileen M.
Cannon
Referred to: Magistrate Judge
Bruce E. Reinhart

Defendant (3)

Carlos De Oliveira
70743-510
YOB 1966; ENGLISH

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Designation: Retained

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Designation: Retained

Pending Counts

CONSPIRACY TO OBSTRUCT
JUSTICE 18:1512K.F
(33s)

ALTERING, DESTROYING,
MUTILATING, OR
CONCEALING AN OBJECT
18:1512B.F
(40s)

CORRUPTLY ALTERING,
DESTROYING, MUTILATING
OR CONCEALING A
DOCUMENT, RECORD, OR
OTHER OBJECT 18:1512C.F
(41s)

FALSE STATEMENTS AND
REPRESENTATIONS 18:1001.F
(42s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Disposition

Disposition

Plaintiff

USA

represented by **Jay I. Bratt**
Counterintelligence and Export Control
Section
National Security Division
U.S. Department of Justice
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
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Julie A. Edelstein

Counterintelligence & Export Control
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ATTORNEY TO BE NOTICED

Karen E. Gilbert

United States Attorney's Office
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ATTORNEY TO BE NOTICED

Michael Thakur

US Attorney's Office, Southern District of
Florida
99 N.E. 4th St
Miami, FL 33132
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|---|-------------|
|------------|---|-------------|

| | | |
|------------|-----------|---|
| 06/08/2023 | <u>1</u> | MOTION to seal by USA as to Donald J. Trump, Waltine Nauta. (sl) (Entered: 06/08/2023) |
| 06/08/2023 | <u>2</u> | ORDER granting <u>1</u> Motion to seal as to Donald J. Trump (1), Waltine Nauta (2). Signed by Ch. Magistrate Judge Edwin G. Torres on 6/8/2023. <i>See attached document for full details.</i> (sl) (Entered: 06/08/2023) |
| 06/08/2023 | <u>3</u> | INDICTMENT as to Donald J. Trump (1) count(s) 1–31, 32, 33, 34, 35, 36, 37, Waltine Nauta (2) count(s) 32, 33, 34, 35, 36, 38. (sl) (Additional attachment(s) added on 6/8/2023: # <u>1</u> Restricted Unredacted Indictment) (sl). (Entered: 06/08/2023) |
| 06/08/2023 | <u>4</u> | Criminal Summons Issued in case as to Donald J. Trump. Documents contained herein are restricted from public viewing pursuant to the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Initial Appearance set for 6/13/2023 03:00 PM in Miami Division (Courtroom 13–3 Wilkie D. Ferguson Building) before MIA Duty Magistrate Judge. (sl) (Entered: 06/08/2023) |
| 06/08/2023 | <u>5</u> | Criminal Summons Issued in case as to Waltine Nauta. Documents contained herein are restricted from public viewing pursuant to the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Initial Appearance set for 6/13/2023 03:00 PM in Miami Division (Courtroom 13–3 Wilkie D. Ferguson Building) before MIA Duty Magistrate Judge. (sl) (Entered: 06/08/2023) |
| 06/09/2023 | <u>6</u> | MOTION to Unseal by USA as to Donald J. Trump, Waltine Nauta. (sl) (Entered: 06/09/2023) |
| 06/09/2023 | <u>7</u> | ORDER UNSEALING CASE, Granting <u>6</u> Motion to Unseal as to Donald J. Trump (1), Waltine Nauta (2). Signed by Ch. Magistrate Judge Edwin G. Torres on 6/9/2023. <i>See attached document for full details.</i> (sl) (Entered: 06/09/2023) |
| 06/09/2023 | <u>8</u> | Press Motion to Intervene and Unseal The Indictment of Former President Donald Trump by WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Publisher of The Los Angeles Times, Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Publisher of The Wall Street Journal, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump. (drz) (Entered: 06/12/2023) |
| 06/12/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Charles David Tobin, Chad R. Bowman, Maxwell S. Mishkin, Lauren Russell for WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Charles David Tobin, Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc. added (sk) (Entered: 06/12/2023) |
| 06/12/2023 | <u>9</u> | Bar Letter re: Admissions sent to attorneys Chad R. Bowman, Maxwell S. Mishkin, Lauren Russell and Todd Blanche, mailing date June 12, 2023, as to Donald J. Trump, Waltine Nauta. (cw) (Entered: 06/12/2023) |
| 06/12/2023 | <u>10</u> | MOTION for (1) pre–hearing photography and videorecording and (2) release of courtroom audio recording by WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump, Waltine Nauta. Responses due by 6/26/2023 (Tobin, Charles) (Entered: 06/12/2023) |
| 06/12/2023 | <u>11</u> | ORDER ON "PRESS COALITION" MOTION. Signed by Magistrate Judge Jonathan Goodman on 6/12/2023. <i>See attached document for full details.</i> (mkr) (Entered: 06/12/2023) |

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| 06/13/2023 | <u>12</u> | PAPERLESS ORDER denying as moot <u>8</u> Press Motion to Intervene and Unseal the Indictment of Former President Donald Trump. Movants seek to intervene for the "limited purpose of seeking an order promptly unsealing [the] indictment" <u>8</u> . By prior Order, the Court already unsealed the indictment <u>7</u> . Thus, the Press Motion to Intervene and Unseal is moot. Signed by Judge Aileen M. Cannon on 6/13/2023. (sj00) Modified on 6/13/2023 (tci). (Entered: 06/13/2023) |
| 06/13/2023 | <u>13</u> | NOTICE OF ATTORNEY APPEARANCE: Christopher Michael Kise appearing for Donald J. Trump . Attorney Christopher Michael Kise added to party Donald J. Trump(pty:dft). (Kise, Christopher) (Entered: 06/13/2023) |
| 06/13/2023 | <u>14</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Todd Blanche. Filing Fee \$ 200.00. Receipt # AFLSDC-16688222 by Donald J. Trump. Responses due by 6/27/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Kise, Christopher) (Entered: 06/13/2023) |
| 06/13/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Todd Blanche for Donald J. Trump added (pt) (Entered: 06/13/2023) |
| 06/13/2023 | <u>15</u> | PAPERLESS ORDER granting <u>14</u> Motion to Appear <i>Pro Hac Vice</i> , Consent to Designation, and Requests to Electronically Receive Notices of Electronic Filings for Attorney Todd Blanche. The Court reserves the power to withdraw permission for special appearance at any time. Failure to abide by any court order or failure to appear at any scheduled matter may result in immediate revocation of counsel's <i>pro hac vice</i> status. Local counsel must be ready to adequately represent the party at any time. Signed by Judge Aileen M. Cannon on 6/13/2023. (sj00) (Entered: 06/13/2023) |
| 06/13/2023 | | Arrest of Donald J. Trump (mdc) (Entered: 06/14/2023) |
| 06/13/2023 | <u>16</u> | Minute Order for proceedings held before Magistrate Judge Jonathan Goodman: Initial Appearance and ARRAIGNMENT as to Donald J. Trump (1) Count 1-31,32,33,34,35,36,37 held on 6/13/2023. Todd Blanche, pro hac vice and Christopher Kise appeared as PERMANENT Counsel of Record. Bond set: Donald J. Trump (1) Personal Recognizance. <i>See document for full details</i> . Court Reporter: Stephanie McCarn, 305-523-5518 / Stephanie_McCarn@flsd.uscourts.gov. It is ORDERED AND ADJUDGED that pursuant to the Due Process Protections Act, the Court confirms the United States obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States case, as required by <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. The government has a duty to disclose any evidence that goes to negating the defendants guilt, the credibility of a witness, or that would reduce a potential sentence. The defendant is entitled to this information without a request. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court. PAPERLESS STANDING DISCOVERY ORDER: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. Signed by Magistrate Judge Jonathan Goodman on 6/13/2023. (mdc) (Entered: 06/14/2023) |
| 06/13/2023 | <u>17</u> | Personal Recognizance Bond Entered as to Donald J. Trump Approved by Magistrate Judge Jonathan Goodman. <i>Please see bond image for conditions of release</i> . (mdc) (Additional attachment(s) added on 6/14/2023: # <u>1</u> Restricted Bond with 7th Page) (mdc). (Main Document 17 replaced on 6/14/2023) (mdc). (Attachment 1 replaced on 6/14/2023) (mdc). (Entered: 06/14/2023) |

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| 06/13/2023 | | Arrest of Waltine Nauta (mdc) (Entered: 06/14/2023) |
| 06/13/2023 | <u>18</u> | Minute Order for proceedings held before Magistrate Judge Jonathan Goodman: Initial Appearance as to Waltine Nauta held on 6/13/2023. Stanley Woodward appeared and is to file a Motion for Pro hac vice. Bond set: Waltine Nauta (2) Personal Recognizance. A Report Re: Counsel Hearing and Arraignment is set for 6/27/2023 at 09:45 AM in the Miami Division before Chief Magistrate Judge Edwin G. Torres, James Lawrence King Federal Justice Building, 99 NE 4th Street, 10th Floor – Courtroom 5, Miami, FL 33132. Court Reporter: Stephanie McCarn, 305-523-5518 / Stephanie_McCarn@flsd.uscourts.gov. It is ORDERED AND ADJUDGED that pursuant to the Due Process Protections Act, the Court confirms the United States obligation to disclose to the defendant all exculpatory evidence– that is, evidence that favors the defendant or casts doubt on the United States case, as required by <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. The government has a duty to disclose any evidence that goes to negating the defendants guilt, the credibility of a witness, or that would reduce a potential sentence. The defendant is entitled to this information without a request. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court. Signed by Magistrate Judge Jonathan Goodman on 6/13/2023. (mdc) (Entered: 06/14/2023) |
| 06/13/2023 | <u>19</u> | Personal Recognizance Bond Entered as to Waltine Nauta. Approved by Magistrate Judge Jonathan Goodman. <i>Please see bond image for conditions of release.</i> (mdc) (Additional attachment(s) added on 6/14/2023: # <u>1</u> Restricted Bond with 7th Page) (mdc). (Entered: 06/14/2023) |
| 06/15/2023 | <u>20</u> | PAPERLESS ORDER: On or before June 16, 2023 , all attorneys of record and forthcoming attorneys of record shall contact the Litigation Security Group of the U.S. Department of Justice, if they have not done so already, to expedite the necessary clearance process for all team members anticipated to participate in this matter, and thereafter file a Notice of Compliance no later than June 20, 2023 . Signed by Judge Aileen M. Cannon on 6/15/2023. (sj00) (Entered: 06/15/2023) |
| 06/16/2023 | <u>21</u> | NOTICE of Compliance by Donald J. Trump re 20 Order, (Kise, Christopher) (Entered: 06/16/2023) |
| 06/16/2023 | <u>22</u> | NOTICE OF ATTORNEY APPEARANCE Julie A. Edelstein appearing for USA. . Attorney Julie A. Edelstein added to party USA(pty:pla). (Edelstein, Julie) (Entered: 06/16/2023) |
| 06/16/2023 | <u>23</u> | MOTION for Protective Order by USA as to Donald J. Trump, Waltine Nauta. Responses due by 6/30/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Bratt, Jay) (Entered: 06/16/2023) |
| 06/16/2023 | <u>24</u> | NOTICE OF ATTORNEY APPEARANCE Karen E. Gilbert appearing for USA. . Attorney Karen E. Gilbert added to party USA(pty:pla). (Gilbert, Karen) (Entered: 06/16/2023) |
| 06/16/2023 | <u>25</u> | PAPERLESS ORDER: Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the Government's Motion for Protective Order <u>23</u> is hereby referred to Magistrate Judge Bruce E. Reinhart for appropriate disposition. Signed by Judge Aileen M. Cannon on 6/16/2023. (sj00) (Entered: 06/16/2023) |
| 06/16/2023 | <u>26</u> | NOTICE OF ATTORNEY APPEARANCE David Harbach appearing for USA. . Attorney David Harbach added to party USA(pty:pla). (Harbach, David) (Entered: 06/16/2023) |
| 06/19/2023 | <u>27</u> | ORDER granting <u>23</u> Unopposed Motion for Protective Order as to Donald J. Trump (1), Waltine Nauta (2). Signed by Magistrate Judge Bruce E. Reinhart <i>See attached document for full details.</i> (BER) (Entered: 06/19/2023) |
| 06/20/2023 | <u>28</u> | OMNIBUS ORDER SETTING TRIAL DATE AND ESTABLISHING PRETRIAL INSTRUCTIONS AND SENTENCING PROCEDURES as to Donald J. Trump. In Limine Motions due by 7/24/2023. Motions due by 7/24/2023. Calendar Call set for |

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| | | 8/8/2023 01:45 PM in Fort Pierce Division before Judge Aileen M. Cannon. Jury Trial set for 8/14/2023 in Fort Pierce Division before Judge Aileen M. Cannon. Signed by Judge Aileen M. Cannon on 6/20/2023. <i>See attached document for full details.</i> (drz) <u>Pattern Jury Instruction Builder</u> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here . (Entered: 06/20/2023) |
| 06/21/2023 | <u>29</u> | NOTICE OF ATTORNEY APPEARANCE Michael Thakur appearing for USA. . Attorney Michael Thakur added to party USA(pty:pla). (Thakur, Michael) (Entered: 06/21/2023) |
| 06/21/2023 | <u>30</u> | First RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta (Edelstein, Julie) (Entered: 06/21/2023) |
| 06/22/2023 | <u>31</u> | TRANSCRIPT of Initial Appearance and Arraignment as to Donald J. Trump, Waltine Nauta held on 06/13/23, before Magistrate Judge Jonathan Goodman, 1–36 pages, Court Reporter: Stephanie McCarn, 305–523–5518 / Stephanie_McCarn@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/13/2023. Redacted Transcript Deadline set for 7/24/2023. Release of Transcript Restriction set for 9/20/2023. (smn) (Entered: 06/22/2023) |
| 06/23/2023 | <u>32</u> | MOTION for Hearing <i>Pursuant to Classified Information Procedures Act</i> by USA as to Donald J. Trump, Waltine Nauta. Responses due by 7/7/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Bratt, Jay) (Entered: 06/23/2023) |
| 06/23/2023 | <u>33</u> | MOTION for Bond <i>to Implement Special Condition of Release</i> by USA as to Donald J. Trump, Waltine Nauta. Responses due by 7/7/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Bratt, Jay) (Entered: 06/23/2023) |
| 06/23/2023 | <u>34</u> | MOTION to Continue Trial by USA as to Donald J. Trump, Waltine Nauta. Responses due by 7/7/2023 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Harbach, David) (Entered: 06/23/2023) |
| 06/26/2023 | <u>35</u> | MOTION to Intervene and Oppose the Government's Motion to File Witness List Under Seal by WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump, Waltine Nauta re <u>33</u> MOTION for Bond <i>to Implement Special Condition of Release</i> Replies due by 7/3/2023.. Attorney Charles David Tobin added to party CMG Media Corporation(pty:ip). (Tobin, Charles) Modified Title Text and to convert to a Motion on 6/26/2023 (pcs). (Entered: 06/26/2023) |
| 06/26/2023 | <u>36</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Chad R. Bowman. Filing Fee \$ 200.00. Receipt # FLSDC–16717919 by Univision Networks & Studios, Inc., Telemundo Network Group LLC, Reuters News & Media Inc., Radio Television Digital News Association, National Cable Satellite Corporation, WP Company LLC, TEGNA Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc. as to Donald J. Trump, Waltine Nauta. Responses due by 7/10/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Tobin, Charles) (Entered: 06/26/2023) |
| 06/26/2023 | <u>37</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Maxwell S.Mishkin. Filing Fee \$ 200.00. Receipt # FLSDC–16717981 by Univision Networks & Studios, Inc., |

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| | | Telemundo Network Group LLC, Reuters News & Media Inc., Radio Television Digital News Association, National Cable Satellite Corporation, WP Company LLC, TEGNA Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc. as to Donald J. Trump, Waltine Nauta. Responses due by 7/10/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Tobin, Charles) (Entered: 06/26/2023) |
| 06/26/2023 | <u>38</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Matthew S.L. Cate. Filing Fee \$ 200.00. Receipt # FLSDC-16718009 by Univision Networks & Studios, Inc., Telemundo Network Group LLC, Reuters News & Media Inc., Radio Television Digital News Association, National Cable Satellite Corporation, WP Company LLC, TEGNA Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc. as to Donald J. Trump, Waltine Nauta. Responses due by 7/10/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Tobin, Charles) (Entered: 06/26/2023) |
| 06/26/2023 | <u>39</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Lauren Russell. Filing Fee \$ 200.00. Receipt # FLSDC-16718168 by Univision Networks & Studios, Inc., Telemundo Network Group LLC, Reuters News & Media Inc., Radio Television Digital News Association, National Cable Satellite Corporation, WP Company LLC, TEGNA Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc. as to Donald J. Trump, Waltine Nauta. Responses due by 7/10/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Tobin, Charles) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Matthew S.L. Cate for Univision Networks & Studios, Inc., Matthew S.L. Cate for Telemundo Network Group LLC, Matthew S.L. Cate for Reuters News & Media Inc., Matthew S.L. Cate for Radio Television Digital News Association, Matthew S.L. Cate for National Cable Satellite Corporation, Matthew S.L. Cate for WP Company LLC, Matthew S.L. Cate for TEGNA Inc., Matthew S.L. Cate for POLITICO LLC, Matthew S.L. Cate for The New York Times Company, Matthew S.L. Cate for NBC Universal Media, LLC, Matthew S.L. Cate for National Public Radio, Inc., Matthew S.L. Cate for Los Angeles Times Communications LLC, Matthew S.L. Cate for Gray Media Groups, Inc., Matthew S.L. Cate for The E.W. Scripps Company, Matthew S.L. Cate for Dow Jones & Company, Inc., Matthew S.L. Cate for Cox Enterprises, Inc., Matthew S.L. Cate for CBS Broadcasting, Inc., Matthew S.L. Cate for Bloomberg L.P., Matthew S.L. Cate for The Associated Press, Matthew S.L. Cate for American Broadcasting Companies, Inc., Matthew S.L. Cate for Advance Publications, Inc., Matthew S.L. Cate for Cable News Networks, Inc. added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Maxwell S. Mishkin, Chad R. Bowman for National Cable Satellite Corporation added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Maxwell S. Mishkin, Chad R. Bowman for Radio Television Digital News Association added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Matthew S.L. Cate for Reuters News & Media Inc. added (pt) (Entered: 06/26/2023) |

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| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Matthew S.L. Cate for Reuters News & Media Inc. added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Maxwell S. Mishkin, Chad R. Bowman for Telemundo Network Group LLC added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Maxwell S. Mishkin, Chad R. Bowman for Univision Networks & Studios, Inc. added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | Attorney update in case as to Donald J. Trump, Waltine Nauta. Attorney Lauren Russell for Univision Networks & Studios, Inc., Lauren Russell for Telemundo Network Group LLC, Lauren Russell for Radio Television Digital News Association, Lauren Russell for National Cable Satellite Corporation added (pt) (Entered: 06/26/2023) |
| 06/26/2023 | | SYSTEM ENTRY – Docket Entry 40 restricted/sealed until further notice. (pcs) (Entered: 06/26/2023) |
| 06/26/2023 | 41 | PAPERLESS ORDER denying without prejudice <u>33</u> Government's Motion to Implement Special Condition of Release. The Government seeks an order implementing a special condition of bond related to Defendants' communication with eighty-four listed witnesses about the facts of the case, except through counsel [ECF No. 17 p. 4]. The Government conditions its request on the filing of the non-exhaustive list under seal. Defendants take no position on the Government's seal request but reserve the right to object to the special condition and the manner by which the Government intends to implement it. In the meantime, numerous news organizations have moved to intervene to oppose the Government's Motion to File Witness List Under Seal, citing the First Amendment and related legal principles <u>35</u> . Upon review of the foregoing materials, the Government's Motion <u>33</u> is denied without prejudice, and the Motion to Intervene <u>35</u> and accompanying Motions to Appear Pro Hac Vice <u>36</u> <u>37</u> <u>38</u> <u>39</u> are denied as moot. The Government's Motion does not explain why filing the list with the Court is necessary; it does not offer a particularized basis to justify sealing the list from public view; it does not explain why partial sealing, redaction, or means other than sealing are unavailable or unsatisfactory; and it does not specify the duration of any proposed seal. <i>See</i> S.D. Fla. L.R. 5.4(a), (c)(1). The Clerk is directed to return the Pro Hac Vice fees to the filing attorneys. Signed by Judge Aileen M. Cannon on 6/26/2023. (sj00) (Entered: 06/26/2023) |
| 06/26/2023 | <u>42</u> | Order Granting Unopposed Motion for Pretrial Conference Pursuant to Section 2 of the Classified Information Procedures Act. A pretrial conference pursuant to Section 2 of the CIPA is set for 7/14/2023 at 10:00 AM in the Fort Pierce Division before Judge Aileen M. Cannon. Signed by Judge Aileen M. Cannon on 6/26/2023. <i>See attached document for full details.</i> (kts) (Entered: 06/26/2023) |
| 06/26/2023 | 43 | PAPERLESS ORDER: On or before July 6, 2023, Defendants shall respond to the Government's Motion for Continuance <u>34</u> , either individually or in a combined filing. Signed by Judge Aileen M. Cannon on 6/26/2023. (kts) (Entered: 06/26/2023) |
| 06/27/2023 | <u>44</u> | Minute Order for proceedings held before Ch. Magistrate Judge Edwin G. Torres: Status Conference re: Report Re: Counsel and Arraignment as to Waltine Nauta held on 6/27/2023. Defendant's flight cancelled – not in attendance. Counsel, Stanley Woodward is requesting a continuance of the Report Re: Counsel and Arraignment, no objection from the Government. Arraignment reset for 7/6/2023 at 10:00 AM in Miami Division before MIA Duty Magistrate Judge. Report Re: Counsel Hearing reset for 7/6/2023 at 10:00 AM in Miami Division before MIA Duty Magistrate Judge. (Digital 9:45:48) Signed by Ch. Magistrate Judge Edwin G. Torres on 6/27/2023. (jbs) (Entered: 06/27/2023) |
| 06/28/2023 | | SYSTEM ENTRY – Docket Entry 45 restricted/sealed until further notice. (amb) (Entered: 06/28/2023) |
| 06/28/2023 | | SYSTEM ENTRY – Docket Entry 46 restricted/sealed until further notice. (amb) (Entered: 06/28/2023) |
| 06/28/2023 | 47 | PAPERLESS Order as to Waltine Nauta. The Report Re: Counsel Hearing and Arraignment are RESET for 7/6/2023 at 11:00 AM in the Miami Division before Chief |

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| | | Magistrate Judge Edwin G. Torres, James Lawrence King Federal Justice Building, 99 NE 4th Street, 10th Floor – Courtroom 5, Miami, FL 33132. Signed by Ch. Magistrate Judge Edwin G. Torres on 6/28/2023. (mdc) (Entered: 06/28/2023) |
| 06/29/2023 | | SYSTEM ENTRY – Docket Entry 48 restricted/sealed until further notice. (c ds) (Entered: 06/29/2023) |
| 06/30/2023 | 49 | PAPERLESS ORDER: In light of the postponement of Defendant Waltine Nauta's arraignment 44 47 , the deadline for Defendants to respond to the Government's Motion for Continuance <u>34</u> is hereby reset to July 10, 2023. Signed by Judge Aileen M. Cannon on 6/30/2023. (kts) (Entered: 06/30/2023) |
| 06/30/2023 | | Set/Reset Deadlines/Hearings as per order DE#49 in case as to Donald J. Trump, Waltine Nauta <u>34</u> MOTION to Continue Trial . Responses due by 7/10/2023 (drz) (Entered: 06/30/2023) |
| 07/06/2023 | <u>50</u> | <p>Minute Order for proceedings held before Ch. Magistrate Judge Edwin G. Torres: Report Re: Counsel Hearing as to Waltine Nauta held on 7/6/2023. Attorney added: Sasha Dadan. ARRAIGNMENT as to Waltine Nauta (2) Count 32,33,34,35,36,38 held on 7/6/2023. (Digital 11:01:39)</p> <p>It is ORDERED AND ADJUDGED that pursuant to the Due Process Protections Act, the Court confirms the United States obligation to disclose to the defendant all exculpatory evidence– that is, evidence that favors the defendant or casts doubt on the United States case, as required by <i>Brady v. Maryland</i>, 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. The government has a duty to disclose any evidence that goes to negating the defendants guilt, the credibility of a witness, or that would reduce a potential sentence. The defendant is entitled to this information without a request. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.</p> <p>PAPERLESS STANDING DISCOVERY ORDER: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. Signed by Ch. Magistrate Judge Edwin G. Torres on 7/6/2023. (mdc) (Entered: 07/06/2023)</p> |
| 07/06/2023 | <u>51</u> | NOTICE OF ATTORNEY PERMANENT APPEARANCE: Sasha Dadan appearing for Waltine Nauta. (drz) (Entered: 07/06/2023) |
| 07/06/2023 | <u>52</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Stanley E. Woodward, Jr. Filing Fee \$ 200.00 Receipt # FLS271854 by Waltine Nauta. Responses due by 7/20/2023 (Attachments: # <u>1</u> Certification)(drz) (Entered: 07/06/2023) |
| 07/06/2023 | <u>53</u> | NOTICE OF CONVENTIONAL FILING re <u>52</u> MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Stanley E. Woodward, Jr.. Filing Fee \$ 200.00 Receipt # FLS271854, <u>51</u> Notice of Attorney Appearance – Defendant by Waltine Nauta (drz) (Entered: 07/06/2023) |
| 07/06/2023 | | Attorney update in case as to Waltine Nauta. Attorney Stanley E. Woodward for Waltine Nauta added (pt) (Entered: 07/06/2023) |
| 07/06/2023 | 54 | PAPERLESS ORDER granting <u>52</u> the Motion to Appear <i>Pro Hac Vice</i> , Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Stanley E. Woodward, Jr. The Court reserves the power to withdraw permission for special appearance at any time. Failure to abide by any court order or |

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| | | failure to appear at any scheduled matter may result in immediate revocation of counsel's <i>pro hac vice</i> status. Local counsel must be ready to adequately represent the party at any time. Signed by Judge Aileen M. Cannon on 7/6/2023. (kts) (Entered: 07/06/2023) |
| 07/06/2023 | <u>55</u> | OMNIBUS ORDER SETTING TRIAL DATE AND ESTABLISHING PRETRIAL INSTRUCTIONS AND SENTENCING PROCEDURES as to Waltine Nauta. In Limine Motions due by 7/24/2023. Motions due by 7/24/2023. Calendar Call set for 8/8/2023 01:45 PM in Fort Pierce Division before Judge Aileen M. Cannon. Jury Trial set for 8/14/2023 in Fort Pierce Division before Judge Aileen M. Cannon. Signed by Judge Aileen M. Cannon on 7/6/2023. <i>See attached document for full details.</i> (drz) <u>Pattern Jury Instruction Builder</u> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here. (Entered: 07/06/2023) |
| 07/06/2023 | 56 | Clerk's Notice of Filing Fee refunded pursuant to ECF No. 41 PAPERLESS ORDER in the amount of \$200.00 on July 06, 2023 re: <u>36</u> MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Chad R. Bowman. Filing Fee \$ 200.00. Receipt # AFLSDC-16717919. Additional Notice of Electronic Filing (NEF) sent to Financial Clerk (jc) (Entered: 07/06/2023) |
| 07/06/2023 | 57 | PAPERLESS ORDER: On or before July 13, 2023, and as directed by the Litigation Security Group of the Department of Justice, all attorneys of record shall complete all outstanding applicant tasks required to obtain the requisite security clearances in this matter, and thereafter file a Notice of Compliance no later than July 13, 2023. Signed by Judge Aileen M. Cannon on 7/6/2023. (kts) (Entered: 07/06/2023) |
| 07/06/2023 | <u>58</u> | ORDER granting provisional CM/ECF access to Defendant Waltine Nauta's counsel, Sasha Dadan. Signed by Ch. Magistrate Judge Edwin G. Torres on 7/6/2023. <i>See attached document for full details.</i> (elk) (Entered: 07/06/2023) |
| 07/06/2023 | <u>59</u> | Second RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta (Edelstein, Julie) (Entered: 07/06/2023) |
| 07/07/2023 | 60 | Clerk's Notice of Filing Fee refunded pursuant to ECF No. 41 PAPERLESS ORDER in the amount of \$200.00 on July 07, 2023 re: <u>37</u> MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Maxwell S.Mishkin. Filing Fee \$ 200.00. Receipt # FLSDC-16717981. Additional Notice of Electronic Filing (NEF) sent to Financial Clerk (jc) (Entered: 07/07/2023) |
| 07/07/2023 | 61 | Clerk's Notice of Filing Fee refunded pursuant to ECF No. 41 PAPERLESS ORDER in the amount of \$200.00 on July 07, 2023 re: <u>38</u> MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Matthew S.L. Cate. Filing Fee \$ 200.00. Receipt # AFLSDC-16718009. Additional Notice of Electronic Filing (NEF) sent to Financial Clerk (jc) (Entered: 07/07/2023) |
| 07/07/2023 | 62 | Clerk's Notice of Filing Fee refunded pursuant to ECF No. 41 PAPERLESS ORDER in the amount of \$200.00 on July 07, 2023 re: <u>39</u> MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Lauren Russell. Filing Fee \$ 200.00. Receipt # AFLSDC-16718168. Additional Notice of Electronic Filing (NEF) sent to Financial Clerk (jc) (Entered: 07/07/2023) |
| 07/10/2023 | <u>63</u> | MOTION to Continue <i>pretrial CIPA conference</i> by Waltine Nauta. Responses due by 7/24/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Dadan, Sasha) (Entered: 07/10/2023) |
| 07/10/2023 | <u>64</u> | Memorandum in Opposition by USA as to Waltine Nauta re <u>63</u> MOTION to Continue <i>pretrial CIPA conference</i> Replies due by 7/17/2023. (Bratt, Jay) (Entered: 07/10/2023) |

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| 07/10/2023 | <u>65</u> | RESPONSE to Motion by Donald J. Trump as to Donald J. Trump, Waltine Nauta re 63 MOTION to Continue <i>pretrial CIPA conference</i> Replies due by 7/17/2023. (Kise, Christopher) (Entered: 07/10/2023) |
| 07/10/2023 | <u>66</u> | RESPONSE in Opposition by Donald J. Trump as to Donald J. Trump, Waltine Nauta re <u>34</u> MOTION to Continue Trial Replies due by 7/17/2023. (Kise, Christopher) (Entered: 07/10/2023) |
| 07/11/2023 | <u>67</u> | NOTICE of Change of Address, Email or Law Firm Name by Sasha Dadan (Dadan, Sasha) (Entered: 07/11/2023) |
| 07/11/2023 | 68 | PAPERLESS ORDER: Being fully advised in the premises, the Court grants in part 63 and authorizes a 4-Day Continuance of the Pretrial CIPA Section 2 Conference. The Pretrial CIPA Section 2 Conference is hereby rescheduled to July 18, 2023, at 2:00 P.M. in the Fort Pierce Division. All other aspects of the Court's prior Order <u>42</u> remain in effect. Signed by Judge Aileen M. Cannon on 7/11/2023. (sj00) (Entered: 07/11/2023) |
| 07/11/2023 | | Reset Hearings as to Donald J. Trump, Waltine Nauta: Per DE#68. Pretrial CIPA Section 2 Conference set for 7/18/2023 DE# Modified on 7/11/2023 (cqs). (Entered: 07/11/2023) |
| 07/11/2023 | 69 | CLERK'S NOTICE – Attorney Admissions has not updated address and/or email information for attorney Sasha Dadan as to Waltine Nauta re <u>67</u> Notice of Change of Address, Email or Law Firm Name. Attorney Sasha Dadan has not completed the required procedures for updating their information with the Court. Attorney is instructed to go to their PACER account, Manage My Account, to complete the process of updating their information. The Court is NOT responsible for updating secondary email addresses. See the Courts website for detailed instructions. www.flstd.uscourts.gov/updates-your-information (pt) (Entered: 07/11/2023) |
| 07/11/2023 | <u>70</u> | TRANSCRIPT of REPORT RE: COUNSEL AND ARRAIGNMENT as to Waltine Nauta held on 07/06/2023 before Ch. Magistrate Judge Edwin G. Torres, 1–7 pages, Court Reporter: Stephen Franklin, 561–313–8439 / SFranklinUSDC@aol.com. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/1/2023. Redacted Transcript Deadline set for 8/11/2023. Release of Transcript Restriction set for 10/10/2023. (jes) (Entered: 07/11/2023) |
| 07/11/2023 | 71 | CLERK'S NOTICE – Attorney Admissions has updated only the address information for attorney Sasha Dadan as to Waltine Nauta re <u>67</u> Notice of Change of Address, Email or Law Firm Name. (pt) (Entered: 07/11/2023) |
| 07/11/2023 | <u>72</u> | SPEEDY TRIAL REPORT <i>First Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta (Bratt, Jay) (Entered: 07/11/2023) |
| 07/11/2023 | 73 | CLERK'S NOTICE – Attorney Admissions has not updated primary email information for attorney Sasha Dadan as to Waltine Nauta re <u>67</u> Notice of Change of Address, Email or Law Firm Name. In addition, Attorney selected not to receive notices at her primary email address which is why her email address shows Inactive. Attorney is instructed to go to her PACER account, Manage My Account, to complete the process of updating her primary email information. See the Court's website for detailed instructions. www.flstd.uscourts.gov/updates-your-information . (cw) (Entered: 07/11/2023) |
| 07/12/2023 | <u>74</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Stephen H. Weiss. Filing Fee \$ 200.00. Receipt # AFLSDC–16760010 by Donald J. Trump. Responses due by 7/26/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Kise, Christopher) (Entered: 07/12/2023) |
| 07/13/2023 | | Attorney update in case as to Donald J. Trump. Attorney Stephen H. Weiss for Donald J. Trump added (pt) (Entered: 07/13/2023) |
| 07/13/2023 | 75 | PAPERLESS ORDER granting <u>74</u> the Motion to Appear <i>Pro Hac Vice</i> , Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Stephen H. Weiss. The Court reserves the power to withdraw permission for |

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| | | special appearance at any time. Failure to abide by any court order or failure to appear at any scheduled matter may result in immediate revocation of counsel's <i>pro hac vice</i> status. Local counsel must be ready to adequately represent the party at any time. Signed by Judge Aileen M. Cannon on 7/13/2023. (kts) (Entered: 07/13/2023) |
| 07/13/2023 | <u>76</u> | REPLY TO RESPONSE to Motion by USA as to Donald J. Trump, Waltine Nauta re <u>34</u> MOTION to Continue Trial (Harbach, David) (Entered: 07/13/2023) |
| 07/13/2023 | <u>77</u> | NOTICE of Compliance by Donald J. Trump re 57 Order, (Kise, Christopher) (Entered: 07/13/2023) |
| 07/13/2023 | <u>78</u> | NOTICE of Compliance by Waltine Nauta re 57 Order, (Dadan, Sasha) (Entered: 07/13/2023) |
| 07/17/2023 | <u>79</u> | MOTION for Protective Order Pursuant to Section 3 of the Classified Information Procedures Act by USA as to Donald J. Trump, Waltine Nauta. Responses due by 7/31/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Edelstein, Julie) (Entered: 07/17/2023) |
| 07/17/2023 | <u>80</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta (Edelstein, Julie) (Entered: 07/17/2023) |
| 07/17/2023 | <u>81</u> | PAPERLESS ORDER: The parties shall be prepared to discuss the Government's Motion for Continuance and Proposed Revised Scheduling Order <u>34</u> at the CIPA Section 2 pretrial conference scheduled for July 18, 2023, including the proposed deadlines contained therein [34-2] and particularized objections thereto, in light of 18 U.S.C. § 3161, the Federal Rules of Criminal Procedure, and the CIPA. Signed by Judge Aileen M. Cannon on 7/17/2023. (kts) (Entered: 07/17/2023) |
| 07/18/2023 | <u>82</u> | PAPERLESS Minute Entry for proceedings held before Judge Aileen M. Cannon: Pretrial Conference Pursuant to Section 2 of CIPA held on July 18, 2023. The Court heard argument from the parties on the Government's Motion for Continuance and Request for Proposed Revised Scheduling Order <u>34</u> . The Court denied the Government's Motion for Protective Order <u>79</u> without prejudice for lack of meaningful conferral. Order to follow. Total time in court: 1 hour, 40 minutes. Attorney Appearances: Jay I. Bratt, David Harbach, Julie A. Edelstein, Christopher Michael Kise, Todd Blanche, Sasha Dadan, Stanley E. Woodward. Other Appearances: Waltine Nauta. Court Reporter: Diane Miller, 772-467-2337 / Diane_Miller@flsd.uscourts.gov. (kts) (Entered: 07/19/2023) |
| 07/21/2023 | <u>83</u> | ORDER GRANTING IN PART GOVERNMENT'S MOTION <u>34</u> TO CONTINUE TRIAL AND RESETTING DEADLINES. The Government's Motion to Continue Trial and Revised Proposed Schedule <u>34</u> is GRANTED IN PART. Calendar Call is hereby reset for Tuesday, 5/14/2024 at 01:45 PM in Fort Pierce Division before Judge Aileen M. Cannon. Jury Trial is hereby reset for Monday, 5/20/2024 at 09:30 AM in Fort Pierce Division before Judge Aileen M. Cannon. Signed by Judge Aileen M. Cannon on 7/21/2023. See attached document for full details. (mno) (Entered: 07/21/2023) |
| 07/27/2023 | <u>84</u> | Renewed MOTION for Protective Order Pursuant to Section 3 of the Classified Information Procedures Act by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 8/10/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Edelstein, Julie) (Entered: 07/27/2023) |
| 07/27/2023 | <u>85</u> | SUPERSEDING INDICTMENT as to Donald J. Trump (1) count(s) 1s-32s, 33s, 34s, 35s, 36s, 37s, 38s, 40s, 41s, Waltine Nauta (2) count(s) 33s, 34s, 35s, 36s, 37s, 39s, 40s, 41s, Carlos De Oliveira (3) count(s) 33s, 40s, 41s, 42s. (mdc) (Additional attachment(s) added on 7/27/2023: # <u>1</u> Restricted Unredacted Indictment) (mdc). (Entered: 07/27/2023) |
| 07/27/2023 | <u>86</u> | NOTICE of Superseding Indictment by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>85</u> Indictment, (Thakur, Michael) (Entered: 07/27/2023) |
| 07/27/2023 | <u>87</u> | Criminal Summons Issued in case as to Carlos De Oliveira. Documents contained herein are restricted from public viewing pursuant to the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Initial Appearance and Arraignment set for 7/31/2023 10:30 AM in Miami Division before Chief Magistrate Judge Edwin G. Torres. (mdc) (Entered: 07/27/2023) |

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| 07/28/2023 | 88 | NOTICE OF HEARING as to Carlos De Oliveira: An Initial Appearance is set for 7/31/2023 at 10:30 AM in the Miami Division before Chief Magistrate Judge Edwin G. Torres, James Lawrence King Federal Justice Building, 99 NE 4th Street, 10th Floor – Courtroom 5, Miami, FL 33132. (mdc) (Entered: 07/28/2023) |
| 07/31/2023 | <u>89</u> | Minute Order for proceedings held before Ch. Magistrate Judge Edwin G. Torres: Initial Appearance as to Carlos De Oliveira held on 7/31/2023. The Court GRANTS the ore tenus motion for John Irving from Washington D.C. to appear as Temporary Counsel of record. Local counsel has not yet been retained. Bond recommendation/set: Carlos De Oliveira (3) The Court sets bond \$100K PSB. Date of Location Custody (Arrest or Surrender): 7/31/2023. Arraignment set for 8/10/2023 10:00 AM in Fort Pierce Division before FTP Duty Magistrate Judge. Report Re: Counsel Hearing set for 8/10/2023 10:00 AM in Fort Pierce Division before FTP Duty Magistrate Judge. (Digital 10:33:34) Signed by Ch. Magistrate Judge Edwin G. Torres on 7/31/2023. (kan) Modified text on 7/31/2023 (kan). (Entered: 07/31/2023) |
| 07/31/2023 | <u>90</u> | \$100,000.00 PSB Bond Entered as to Carlos De Oliveira Approved by Ch. Magistrate Judge Edwin G. Torres. <i>Please see bond image for conditions of release.</i> (kan) (Additional attachment(s) added on 7/31/2023: # <u>1</u> Restricted Bond with 7th Page) (kan). (Entered: 07/31/2023) |
| 07/31/2023 | 91 | PAPERLESS Order as to Carlos De Oliveira. John Irving of Washington DC appeared as Temporary Counsel of Record. Local Counsel has not yet been retained. A Report Re: Counsel Hearing and Arraignment are set for 8/10/2023 at 10:00 AM in the Fort Pierce Division before the FTP Duty Magistrate Judge. Signed by Ch. Magistrate Judge Edwin G. Torres on 7/31/2023. (mdc) (Entered: 07/31/2023) |
| 07/31/2023 | <u>92</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 07/31/2023) |
| 08/01/2023 | <u>93</u> | SPEEDY TRIAL REPORT <i>Second Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 08/01/2023) |
| 08/01/2023 | 94 | PAPERLESS Order as to Donald J. Trump and Waltine Nauta. The Arraignment on the Superseding Indictment is set for 8/10/2023 at 10:00 AM in the Fort Pierce Division before U.S. Magistrate Judge Shaniek Mills Maynard at the Alto Lee Adams, Sr. United States Courthouse, 101 South U.S. Highway 1, 4th Floor – Courtroom 4074, Fort Pierce, FL 34950. Signed by Ch. Magistrate Judge Edwin G. Torres on 8/1/2023. (mdc) (Entered: 08/01/2023) |
| 08/02/2023 | | SYSTEM ENTRY – Docket Entry 95 restricted/sealed until further notice. (amb) (Entered: 08/02/2023) |
| 08/02/2023 | | SYSTEM ENTRY – Docket Entry 96 restricted/sealed until further notice. (amb) (Entered: 08/02/2023) |
| 08/02/2023 | <u>97</u> | MOTION for Hearing <i>on Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> , by USA as to Waltine Nauta. Responses due by 8/16/2023 (Thakur, Michael) (Entered: 08/02/2023) |
| 08/04/2023 | <u>98</u> | WAIVER of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by Donald J. Trump (Kise, Christopher) (Entered: 08/04/2023) |
| 08/04/2023 | <u>99</u> | TRANSCRIPT of Initial Appearance Proceedings as to Carlos De Oliveira held on 07/31/2023 before Ch. Magistrate Judge Edwin G. Torres, Volume Number 1 of 1, 1–11 pages, Court Reporter: Quanincia Hill, 305–523–5634 / Quanincia_Hill@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/25/2023. Redacted Transcript Deadline set for 9/5/2023. Release of Transcript Restriction set for 11/2/2023. (qhl) (Entered: 08/04/2023) |
| 08/07/2023 | <u>100</u> | ORDER STRIKING SEALED FILINGS AND ORDERING BRIEFING. Order denying 95 Sealed Motion. Clerk is directed to Strike from the docket sealed entries 95 and 96. Waltine Nauta shall file a response to the Motion for a Garcia hearing 97 on or before 8/17/2023. Special Counsel shall reply on or before 8/22/2023. Signed by Judge Aileen M. Cannon on 8/7/2023. <i>See attached document for full details.</i> (jmd) (Entered: 08/07/2023) |

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| 08/07/2023 | | SYSTEM ENTRY – Docket Entry 101 restricted/sealed until further notice. (jmd) (Entered: 08/07/2023) |
| 08/07/2023 | <u>102</u> | Unopposed MOTION to Bring Electronic Equipment into the courtroom <i>for the August 10, 2023 Arraignment</i> by USA Today, The Palm Beach Post, WPLG, Inc., Univision Networks & Studios, Inc., Telemundo Network Group LLC, Sun–Sentinel Company, LLC, Radio Television Digital News Association, Orlando Sentinel Media Group, National Cable Satellite Corporation, The McClatchy Company, LLC, Insider Inc., Guardian News & Media Limited, Fort Myers Broadcasting Company, WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 8/21/2023 (Tobin, Charles) (Entered: 08/07/2023) |
| 08/09/2023 | 103 | PAPERLESS ORDER denying <u>102</u> motion for permission to bring electronic equipment into the Alto Lee Adams Sr. United States Courthouse for the August 10, 2023 arraignment. Signed by Judge Aileen M. Cannon on 8/9/2023. (sj00) (Entered: 08/09/2023) |
| 08/09/2023 | <u>104</u> | RESPONSE in Opposition by Donald J. Trump re <u>84</u> Renewed MOTION for Protective Order <i>Pursuant to Section 3 of the Classified Information Procedures Act</i> Replies due by 8/16/2023. (Attachments: # <u>1</u> Exhibit 1 – Affirmation of Todd Blanche, # <u>2</u> Exhibit 2 – July 18, 2023 Hearing Transcript) (Kise, Christopher) (Entered: 08/09/2023) |
| 08/09/2023 | <u>105</u> | Memorandum in Opposition by Waltine Nauta re <u>84</u> Renewed MOTION for Protective Order <i>Pursuant to Section 3 of the Classified Information Procedures Act</i> Replies due by 8/16/2023. (Dadan, Sasha) (Entered: 08/09/2023) |
| 08/10/2023 | <u>106</u> | Minute Order for proceedings held before Magistrate Judge Shaniek Mills Maynard: ARRAIGNMENT as to Donald J. Trump (1) Count 1s–32s,33s,34s,35s,36s,37s,38s,40s,41s held on 8/10/2023. Defendant waived his appearance for his arraignment. Defendant pleads not guilty, demands a trial by jury, and the Standing Discovery Order entered on June 13, 2023 remains in effect. Court Reporter: Diane Miller, 772–467–2337 / Diane_Miller@flsd.uscourts.gov. Signed by Magistrate Judge Shaniek Mills Maynard on 8/10/2023. (mab) (Entered: 08/10/2023) |
| 08/10/2023 | <u>107</u> | Minute Order for proceedings held before Magistrate Judge Shaniek Mills Maynard: ARRAIGNMENT as to Waltine Nauta (2) Count 33s,34s,35s,36s,37s,39s,40s,41s held on 8/10/2023. Defendant present in court for his arraignment. Defendant pleads not guilty, demands a trial by jury, and the Standing Discovery Order entered on July 6, 2023 remains in effect. Court Reporter: Diane Miller, 772–467–2337 / Diane_Miller@flsd.uscourts.gov. Signed by Magistrate Judge Shaniek Mills Maynard on 8/10/2023. (mab) (Entered: 08/10/2023) |
| 08/10/2023 | <u>108</u> | NOTICE OF ATTORNEY APPEARANCE: Larry Donald Murrell, Jr appearing for Carlos De Oliveira <i>for trial purposes only</i> . Attorney Larry Donald Murrell, Jr added to party Carlos De Oliveira(pty:dft). (Murrell, Larry) (Entered: 08/10/2023) |
| 08/10/2023 | <u>109</u> | Minute Order for proceedings held before Magistrate Judge Shaniek Mills Maynard: Status Conference re: Report re Counsel and Arraignment as to Carlos De Oliveira held on 8/10/2023. (Arraignment reset for 8/15/2023 10:00 AM in Fort Pierce Division before FTP Duty Magistrate Judge., Report Re: Counsel Hearing reset for 8/15/2023 10:00 AM in Fort Pierce Division before FTP Duty Magistrate Judge.) Defendant present in Court for his hearings. Counsel for the Defendant has not been finalized. Report re Counsel and Arraignment on superseding indictment hearings reset for Tuesday, August 15, 2023, at 10 a.m. Court Reporter: Diane Miller, 772–467–2337 / Diane_Miller@flsd.uscourts.gov. Signed by Magistrate Judge Shaniek Mills Maynard on 8/10/2023. (mab) (Entered: 08/10/2023) |

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| 08/10/2023 | <u>110</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for John S. Irving, Esq.. Filing Fee \$ 200.00. Receipt # AFLSDC-16833507 by Carlos De Oliveira. Responses due by 8/24/2023 (Attachments: # <u>1</u> Certification of John S. Irving, Esq., # <u>2</u> Certification of Good Standing, # <u>3</u> Text of Proposed Order on Motion to Appear Pro Hac Vice)(Murrell, Larry) (Entered: 08/10/2023) |
| 08/10/2023 | | Attorney update in case as to Carlos De Oliveira. Attorney John S. Irving for Carlos De Oliveira added (pt) (Entered: 08/10/2023) |
| 08/10/2023 | <u>111</u> | WAIVER of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by Donald J. Trump. (mab) (Entered: 08/10/2023) |
| 08/10/2023 | 112 | PAPERLESS ORDER granting <u>110</u> the Motion to Appear <i>Pro Hac Vice</i> , Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney John S. Irving. The Court reserves the power to withdraw permission for special appearance at any time. Failure to abide by any court order or failure to appear at any scheduled matter may result in immediate revocation of counsel's <i>pro hac vice</i> status. Local counsel must be ready to adequately represent the party at any time. Signed by Judge Aileen M. Cannon on 8/10/2023. (kts) (Entered: 08/10/2023) |
| 08/11/2023 | <u>113</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 08/11/2023) |
| 08/11/2023 | 114 | PAPERLESS ORDER: On or before August 22, 2023, all new counsel of record who do not already possess a required security clearance shall initiate and complete all tasks as directed by the Litigation Security Group of the U.S. Department of Justice, and thereafter file a Notice of Compliance no later than August 23, 2023. Signed by Judge Aileen M. Cannon on 8/11/2023. (kts) (Entered: 08/11/2023) |
| 08/11/2023 | | SYSTEM ENTRY – Docket Entry 115 restricted/sealed until further notice. (kpe) (Entered: 08/11/2023) |
| 08/11/2023 | | SYSTEM ENTRY – Docket Entry 116 restricted/sealed until further notice. (kpe) (Entered: 08/11/2023) |
| 08/14/2023 | | SYSTEM ENTRY – Docket Entry 117 restricted/sealed until further notice. (scn) (Entered: 08/14/2023) |
| 08/14/2023 | | SYSTEM ENTRY – Docket Entry 118 restricted/sealed until further notice. (scn) (Entered: 08/14/2023) |
| 08/14/2023 | | SYSTEM ENTRY – Docket Entry 119 restricted/sealed until further notice. (jmd) (Entered: 08/14/2023) |
| 08/14/2023 | <u>120</u> | REPLY TO RESPONSE to Motion by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>84</u> Renewed MOTION for Protective Order Pursuant to Section 3 of the Classified Information Procedures Act (Edelstein, Julie) (Entered: 08/14/2023) |
| 08/15/2023 | <u>121</u> | Minute Order for proceedings held before Magistrate Judge Shaniek Mills Maynard: Report Re: Counsel Hearing as to Carlos De Oliveira held on 8/15/2023, ARRAIGNMENT as to Carlos De Oliveira (3) Count 33s,40s,41s,42s held on 8/15/2023. Defendant present in court. Larry Donald Murrell filed his Permanent Notice of Appearance on 8/10/2023. Order granting the Motion to Appear Pro Hac Vice for Attorney John S. Irving filed 8/10/2023. Defendant waives formal reading of the Superseding Indictment and enters a plea of not guilty, demands a trial by jury, and requests entry of Standing Discovery Order. Due Process Protections Act (BRADY) Order entered. Court Reporter: Diane Miller, 772-467-2337 / Diane_Miller@flsd.uscourts.gov. It is ORDERED AND ADJUDGED that pursuant to the Due Process Protections Act, the Court confirms the United States obligation to disclose to the defendant all exculpatory evidence– that is, evidence that favors the defendant or casts doubt on the United States case, as required by <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) and its progeny, and ORDERS the United States to do so. The government has a duty to disclose any evidence that goes to negating the defendants guilt, the credibility of a witness, or that would reduce a potential sentence. The defendant is entitled to this information without a request. Failure to disclose exculpatory evidence in a timely |

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| | | <p>manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.</p> <p>PAPERLESS STANDING DISCOVERY ORDER: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. Signed by Magistrate Judge Shaniek Mills Maynard on 8/15/2023. (mab) (Entered: 08/15/2023)</p> |
| 08/15/2023 | <u>122</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 08/15/2023) |
| 08/16/2023 | <u>123</u> | MOTION for Hearing <i>on Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> by USA as to Carlos De Oliveira. Responses due by 8/30/2023 (Thakur, Michael) (Entered: 08/16/2023) |
| 08/17/2023 | <u>124</u> | ORDER Scheduling Sealed Hearing on CIPA Section 3 Protective Order. Signed by Judge Aileen M. Cannon on 8/17/2023. <i>See attached document for full details.</i> (kts) (Entered: 08/17/2023) |
| 08/17/2023 | <u>125</u> | NOTICE <i>Regarding Filings In A Separate Case</i> by Donald J. Trump (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Kise, Christopher) (Entered: 08/17/2023) |
| 08/17/2023 | <u>126</u> | RESPONSE in Opposition by Waltine Nauta as to Donald J. Trump, Waltine Nauta re 97 MOTION for Hearing <i>on Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> , Replies due by 8/24/2023. (Dadan, Sasha) (Entered: 08/17/2023) |
| 08/18/2023 | <u>127</u> | Supplemental MOTION for Protective Order <i>Pursuant to Section 3 of the Classified Information Procedures Act</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 9/1/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Edelstein, Julie) (Entered: 08/18/2023) |
| 08/21/2023 | 128 | PAPERLESS ORDER: Defendant De Oliveira is hereby subject to the deadlines, instructions, and findings contained in the Court's Scheduling Order 83 issued on July 21, 2023. Signed by Judge Aileen M. Cannon on 8/21/2023. (kts) (Entered: 08/21/2023) |
| 08/22/2023 | <u>129</u> | REPLY TO RESPONSE to Motion by USA as to Waltine Nauta re <u>97</u> MOTION for Hearing <i>on Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> , (Harbach, David) (Entered: 08/22/2023) |
| 08/22/2023 | <u>130</u> | SPEEDY TRIAL REPORT <i>Third Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 08/22/2023) |
| 08/22/2023 | <u>131</u> | NOTICE of Compliance <i>re 114 Order</i> by Carlos De Oliveira (Murrell, Larry) (Entered: 08/22/2023) |
| 08/22/2023 | <u>132</u> | SPEEDY TRIAL REPORT by Carlos De Oliveira (Murrell, Larry) (Entered: 08/22/2023) |
| 08/23/2023 | <u>133</u> | NOTICE of Compliance <i>re 114 Order</i> by Carlos De Oliveira (Murrell, Larry) (Entered: 08/23/2023) |
| 08/25/2023 | <u>134</u> | MOTION for Leave to File <i>Sur-Reply re 129</i> by Waltine Nauta. Responses due by 9/8/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Dadan, Sasha) (Entered: 08/25/2023) |

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| 08/25/2023 | <u>135</u> | PAPERLESS ORDER granting <u>134</u> Defendant Nauta's Motion for Leave to File Sur–Reply. On or before August 31, 2023, Defendant Nauta may file a sur–reply to the Special Counsel's Reply in Support of the Motion for a <i>Garcia</i> Hearing <u>129</u> . Signed by Judge Aileen M. Cannon on 8/25/2023. (kts) (Entered: 08/25/2023) |
| 08/25/2023 | <u>136</u> | NOTICE of Filing by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit Exhibit 1) (Bratt, Jay) (Entered: 08/25/2023) |
| 08/30/2023 | <u>137</u> | RESPONSE in Opposition by Carlos De Oliveira re <u>123</u> MOTION for Hearing on <i>Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> Replies due by 9/6/2023. (Murrell, Larry) (Entered: 08/30/2023) |
| 08/31/2023 | | SYSTEM ENTRY – Docket Entry 138 restricted/sealed until further notice. (amb) (Entered: 08/31/2023) |
| 09/01/2023 | | SYSTEM ENTRY – Docket Entry 139 restricted/sealed until further notice. (pcs) (Entered: 09/01/2023) |
| 09/01/2023 | | SYSTEM ENTRY – Docket Entry 140 restricted/sealed until further notice. (tci) (Entered: 09/01/2023) |
| 09/01/2023 | | SYSTEM ENTRY – Docket Entry 141 restricted/sealed until further notice. (kpe) (Entered: 09/01/2023) |
| 09/01/2023 | | SYSTEM ENTRY – Docket Entry 142 restricted/sealed until further notice. (pcs) (Entered: 09/01/2023) |
| 09/01/2023 | <u>143</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 09/01/2023) |
| 09/05/2023 | <u>144</u> | Surreply by Waltine Nauta to <u>97</u> MOTION for Hearing on <i>Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> , (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Dadan, Sasha) (Entered: 09/05/2023) |
| 09/06/2023 | <u>145</u> | REPLY TO RESPONSE to Motion by USA as to Carlos De Oliveira re <u>123</u> MOTION for Hearing on <i>Potential Conflicts of Interest, pursuant to United States v. Garcia, 517 F.2d 272 (5th Cir. 1975)</i> (Harbach, David) (Entered: 09/06/2023) |
| 09/07/2023 | <u>146</u> | NOTICE OF ATTORNEY APPEARANCE John M. Pellettieri appearing for USA. . Attorney John M. Pellettieri added to party USA(pty:pla). (Pellettieri, John) (Entered: 09/07/2023) |
| 09/12/2023 | <u>147</u> | SPEEDY TRIAL REPORT <i>Fourth Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 09/12/2023) |
| 09/12/2023 | <u>148</u> | SPEEDY TRIAL REPORT by Carlos De Oliveira (Murrell, Larry) (Entered: 09/12/2023) |
| 09/12/2023 | <u>149</u> | PAPERLESS Minute Entry for proceedings held before Judge Aileen M. Cannon: Sealed Hearing held on September 12, 2023. The Court heard argument from the parties on the Special Counsel's Motions for Protective Order Pursuant to Section 3 of the Classified Information Procedures Act <u>84 127</u> . Orders to follow. Total time in court: 2 hours, 5 minutes. Attorney Appearances: Jay I. Bratt, David Harbach, John M. Pellettieri, Christopher Michael Kise, Todd Blanche, Sasha Dadan, Stanley E. Woodward, Larry Donald Murrell, Jr., John S. Irving. Other Appearances: Waltine Nauta. Court Reporter: Diane Miller, 772–467–2337 / Diane_Miller@flsd.uscourts.gov. (kts) (Entered: 09/13/2023) |
| 09/13/2023 | <u>150</u> | Protective Order Pertaining to Classified Information Disclosed to Former President Donald J. Trump and Defense Counsel. Signed by Judge Aileen M. Cannon on 9/13/2023. <i>See attached document for full details.</i> (kts) (Entered: 09/13/2023) |
| 09/13/2023 | <u>151</u> | Protective Order Pertaining to Classified Information Disclosed to Waltine Nauta and Defense Counsel. Signed by Judge Aileen M. Cannon on 9/13/2023. <i>See attached document for full details.</i> (kts) (Entered: 09/13/2023) |
| 09/13/2023 | <u>152</u> | Protective Order Pertaining to Classified Information Disclosed to Defense Counsel for Carlos De Oliveira. Signed by Judge Aileen M. Cannon on 9/13/2023. <i>See attached document for full details.</i> (kts) (Entered: 09/13/2023) |

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| 09/13/2023 | <u>153</u> | Order Following CIPA Section 3 Hearing. Signed by Judge Aileen M. Cannon on 9/13/2023. <i>See attached document for full details.</i> (kts) (Entered: 09/13/2023) |
| 09/13/2023 | 154 | The Court is in receipt of the Speedy Trial Reports filed by the Special Counsel, as agreed to by former President Trump and Waltine Nauta, and the competing Speedy Trial Reports filed by Carlos De Oliveira <u>130</u> <u>132</u> <u>147</u> <u>148</u> . As stated in the Court's prior Order 128 following the return of the Superseding Indictment charging De Oliveira as a new defendant in this action <u>85</u> , De Oliveira is "subject to the deadlines, instructions, and findings in the Court's Scheduling Order 83 ." <i>See</i> 18 U.S.C. § 3161(h)(7)(A). One speedy trial clock governs as to all defendants in this multi-defendant case, <i>Henderson v. United States</i> , 476 U.S. 321, 323 n.2 (1986); <i>United States v. Sarro</i> , 742 F.2d 1286, 1299 (11th Cir. 1984); no severance has been granted or requested, <i>see</i> 18 U.S.C. § 3161(h)(6); De Oliveira has made no substantive showing of unreasonable delay or prejudice stemming from the Court's Orders 83 128 ; and the continuance granted in this case clearly serves the ends of justice as to all defendants, for all of the reasons previously stated 83 , as amplified by the addition of a third defendant and the manifest complexity of this case. To the extent there remain any disputes as to the exact computation of trial time under the Speedy Trial Act following the return of the Superseding Indictment, the Court adopts the calculations in the Special Counsel's Speedy Trial Report <u>147</u> . Signed by Judge Aileen M. Cannon on 9/13/2023. (kts) (Entered: 09/13/2023) |
| 09/14/2023 | <u>155</u> | NOTICE OF ATTORNEY APPEARANCE David Raskin appearing for USA. . Attorney David Raskin added to party USA(pty:pla). (Raskin, David) (Entered: 09/14/2023) |
| 09/14/2023 | <u>156</u> | NOTICE OF ATTORNEY APPEARANCE Brett Reynolds appearing for USA. . Attorney Brett Reynolds added to party USA(pty:pla). (Reynolds, Brett) (Entered: 09/14/2023) |
| 09/14/2023 | <u>157</u> | NOTICE of Filing of CIPA Section 10 Notice by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit) (Reynolds, Brett) (Entered: 09/14/2023) |
| 09/14/2023 | <u>158</u> | STATUS REPORT <i>Joint Discovery Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 09/14/2023) |
| 09/18/2023 | <u>159</u> | NOTICE of Filing by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit) (Reynolds, Brett) (Entered: 09/18/2023) |
| 09/22/2023 | <u>160</u> | MOTION For A Revised Schedule For Motions To Compel And CIPA § 4 Litigation by Donald J. Trump. Responses due by 10/6/2023 (Kise, Christopher) (Entered: 09/22/2023) |
| 09/25/2023 | 161 | PAPERLESS ORDER granting in part Special Counsel's 97 123 Motions for <i>Garcia</i> Hearings. The Court will hold two separate <i>Garcia</i> hearings on October 12, 2023, in the Fort Pierce Division. Defendant Carlos De Oliveira's hearing will commence at 1:00 P.M. Defendant Waltine Nauta's hearing will commence at 3:00 P.M. Defendants De Oliveira and Nauta, associated defense counsel, and attorneys for the Office of Special Counsel must be present. The potential witnesses identified in the Special Counsel's 97 123 Motions need not appear. The Office of Special Counsel shall be prepared to articulate the nature and scope of the potential conflicts identified in its 97 123 Motions, along with any evidence in support. Defendants shall be prepared to respond. At its discretion, the Court may elect to hold a portion of each hearing sealed and <i>ex parte</i> to protect privileged communications. References during the hearing to the identified potential witnesses are to be made in accordance with the witness designations as stated in the Motions 97 123 . The remainder of the Special Counsel's 97 123 Motions are denied without prejudice. Signed by Judge Aileen M. Cannon on 9/25/2023. (kts) (Entered: 09/25/2023) |
| 09/25/2023 | <u>162</u> | Memorandum in Support by USA as to Waltine Nauta, Carlos De Oliveira re <u>127</u> Supplemental MOTION for Protective Order Pursuant to Section 3 of the Classified Information Procedures Act (Harbach, David) (Entered: 09/25/2023) |
| 09/25/2023 | <u>163</u> | RESPONSE in Opposition by Waltine Nauta re <u>84</u> Renewed MOTION for Protective Order Pursuant to Section 3 of the Classified Information Procedures Act Replies due by 10/2/2023. (Dadan, Sasha) (Entered: 09/25/2023) |

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| 09/26/2023 | <u>164</u> | NOTICE of Intent to Adopt Co-Defendant Nauta's Supplemental Briefing Re: CIPA by Carlos De Oliveira (Murrell, Larry) (Entered: 09/26/2023) |
| 09/27/2023 | <u>165</u> | RESPONSE in Opposition by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>160</u> MOTION For A Revised Schedule For Motions To Compel And CIPA § 4 Litigation Replies due by 10/4/2023. (Edelstein, Julie) (Entered: 09/27/2023) |
| 10/03/2023 | <u>166</u> | SPEEDY TRIAL REPORT <i>Fifth Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 10/03/2023) |
| 10/04/2023 | <u>167</u> | REPLY TO RESPONSE to Motion by Donald J. Trump re <u>160</u> MOTION For A Revised Schedule For Motions To Compel And CIPA § 4 Litigation (Kise, Christopher) (Entered: 10/04/2023) |
| 10/06/2023 | 168 | PAPERLESS ORDER temporarily staying CIPA § 4 deadlines <u>83</u> pending consideration and resolution of Defendants' Motion for a Revised Schedule for Motions to Compel and CIPA § 4 Litigation <u>160</u> and the Supplemental Briefs on CIPA §§ 3 and 4 <u>162</u> <u>163</u> <u>164</u> . Signed by Judge Aileen M. Cannon on 10/6/2023. (kts) (Entered: 10/06/2023) |
| 10/06/2023 | | SYSTEM ENTRY – Docket Entry 169 restricted/sealed until further notice. (amb) (Entered: 10/06/2023) |
| 10/06/2023 | | SYSTEM ENTRY – Docket Entry 170 restricted/sealed until further notice. (amb) (Entered: 10/06/2023) |
| 10/06/2023 | | SYSTEM ENTRY – Docket Entry 171 restricted/sealed until further notice. (jmd) (Entered: 10/06/2023) |
| 10/06/2023 | <u>172</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 10/06/2023) |
| 10/09/2023 | <u>173</u> | RESPONSE in Opposition by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>160</u> MOTION For A Revised Schedule For Motions To Compel And CIPA § 4 Litigation <i>Government's Opposition to Defendants' Motion for Adjournment of Trial Date</i> Replies due by 10/16/2023. (Bratt, Jay) (Entered: 10/09/2023) |
| 10/10/2023 | <u>174</u> | MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Emil Bove. Filing Fee \$ 200.00. Receipt # AFLSDC-16981314 by Donald J. Trump. Responses due by 10/24/2023 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Kise, Christopher) (Entered: 10/10/2023) |
| 10/10/2023 | <u>175</u> | MOTION To Intervene And Be Heard On Closure Of The Courtroom During The Oct. 12, 2023 Garcia Hearings by USA Today, The Palm Beach Post, WPLG, Inc., Univision Networks & Studios, Inc., Telemundo Network Group LLC, Sun-Sentinel Company, LLC, Radio Television Digital News Association, Orlando Sentinel Media Group, National Cable Satellite Corporation, The McClatchy Company, LLC, Insider Inc., Guardian News & Media Limited, Fort Myers Broadcasting Company, WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 10/24/2023 (Tobin, Charles) (Entered: 10/10/2023) |
| 10/10/2023 | | Attorney update in case as to Donald J. Trump. Attorney Emil Bove for Donald J. Trump added (pt) (Entered: 10/10/2023) |
| 10/11/2023 | 176 | PAPERLESS ORDER granting <u>174</u> the Motion to Appear <i>Pro Hac Vice</i> , Consents to Designation, and Requests to Electronically Receive Notices of Electronic Filing for Attorney Emil Bove. The Court reserves the power to withdraw permission for special appearance at any time. Failure to abide by any court order or failure to appear at any scheduled matter may result in immediate revocation of counsel's <i>pro hac vice</i> status. Local counsel must be ready to adequately represent the party at any time. Signed by Judge Aileen M. Cannon on 10/11/2023. (mys) (Entered: 10/11/2023) |

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| 10/11/2023 | <u>177</u> | PAPERLESS ORDER: The Court is in receipt of the Movant Press Coalition's <u>175</u> Motion to Intervene and be Heard on Possible Limited Closure of the Courtroom during the October 12, 2023, <i>Garcia</i> Hearings. Upon review of the Motion, the Court determines as follows. Should a basis arise to warrant consideration of a temporary closure of the courtroom to protect confidential attorney–client communications, Movant, through counsel, will be given an opportunity to be heard prior to any decision on closure. Accordingly, on or before 9:00 A.M. on October 12, 2023, designated counsel shall file a Notice on the docket specifying the name of the singular counsel to deliver any such presentation. Insofar as the Press Coalition's Motion seeks relief beyond an opportunity to be heard in the event of a possible limited closure, any such broader request for relief is denied. Signed by Judge Aileen M. Cannon on 10/11/2023. (mys) (Entered: 10/11/2023) |
| 10/11/2023 | <u>178</u> | REPLY TO RESPONSE to Motion by Donald J. Trump re <u>160</u> MOTION For A Revised Schedule For Motions To Compel And CIPA § 4 Litigation <i>And Motion For Adjournment Of The Trial Date</i> (Kise, Christopher) (Entered: 10/11/2023) |
| 10/11/2023 | <u>179</u> | NOTICE of Counsel Appearing on Behalf of Press Coalition for October 12, 2023 Hearing by USA Today, The Palm Beach Post, WPLG, Inc., Univision Networks & Studios, Inc., Telemundo Network Group LLC, Sun–Sentinel Company, LLC, Radio Television Digital News Association, Orlando Sentinel Media Group, National Cable Satellite Corporation, The McClatchy Company, LLC, Insider Inc., Guardian News & Media Limited, Fort Myers Broadcasting Company, WP Company LLC, TEGNA Inc., Reuters News & Media Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>177</u> Order,,, (Fugate, Rachel) (Entered: 10/11/2023) |
| 10/11/2023 | 180 | PAPERLESS ORDER clarifying Movant Press Coalition's <u>179</u> Notice of Attorney Appearance. The Court has not authorized intervention in this proceeding or otherwise acted upon Movant's Motion to Intervene except to the extent reflected in the Court's prior Order permitting designated counsel to be heard if, and only if, a basis arises during the October 12, 2023, public hearing to close the courtroom temporarily to protect confidential attorney–client communications <u>177</u> . To the extent the Notice <u>179</u> suggests that Movant has been given intervenor status or that such an opportunity to be heard necessarily will arise, the Notice is hereby narrowed in that respect. Signed by Judge Aileen M. Cannon on 10/11/2023. (mys) (Entered: 10/11/2023) |
| 10/15/2023 | 181 | PAPERLESS Minute Entry for proceedings held before Judge Aileen M. Cannon: <i>Garcia</i> Hearing as to Carlos De Oliveira held on October 12, 2023. After a full colloquy, the Court found that Defendant De Oliveira made a knowing, intelligent, and voluntary waiver of any potential or actual conflict of interest arising from John S. Irving's former representation of the three potential witnesses identified in the Special Counsel's Motion <u>123</u> . Order to follow. Total time in court: 1 hour, 19 minutes. Attorney Appearances: Jay I. Bratt, David Harbach, John M. Pellettieri, Michael Thakur, John S. Irving, Larry Donald Murrell, Jr., Todd Blanche, Sasha Dadan, Stanley E. Woodward. Other Appearances: Carlos De Oliveira, Waltine Nauta. Court Reporter: Pauline Stipes, 561–803–3434 / Pauline_Stipes@flsd.uscourts.gov. (jf01) (Entered: 10/15/2023) |
| 10/15/2023 | <u>182</u> | ORDER Following <i>Garcia</i> Hearing and Accepting Waiver of Defendant Carlos De Oliveira. Signed by Judge Aileen M. Cannon on 10/15/2023. <i>See attached document for full details.</i> (jf01) (Entered: 10/15/2023) |
| 10/15/2023 | <u>183</u> | MOTION for Extension of Time of Deadline for Discovery Requests and Motions to Compel by Donald J. Trump. Responses due by 10/30/2023 (Kise, Christopher) (Entered: 10/15/2023) |
| 10/16/2023 | <u>184</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 10/16/2023) |
| 10/16/2023 | 185 | PAPERLESS Minute Entry for proceedings held on October 12, 2023, before Judge Aileen M. Cannon: Previously scheduled <i>Garcia</i> Hearing as to Defendant Waltine |

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| | | Nauta continued. Order rescheduling hearing to follow. Total time in court: 29 minutes. Attorney Appearances: Jay I. Bratt, David Harbach, John M. Pellettieri, Michael Thakur, John S. Irving, Larry Donald Murrell, Jr., Todd Blanche, Sasha Dadan, Stanley E. Woodward. Other Appearances: Carlos De Oliveira, Waltine Nauta. Court Reporter: Pauline Stipes, 561-803-3434 / Pauline_Stipes@flsd.uscourts.gov. (jf01) (Entered: 10/16/2023) |
| 10/16/2023 | <u>186</u> | ORDER Following Hearing and Rescheduling <i>Garcia</i> Hearing as to Defendant Nauta for 10/20/2023 02:00 PM in Fort Pierce Division before Judge Aileen M. Cannon. Signed by Judge Aileen M. Cannon on 10/16/2023. <i>See attached document for full details.</i> (mys) (Entered: 10/16/2023) |
| 10/16/2023 | <u>187</u> | Memorandum in Opposition by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>183</u> MOTION for Extension of Time of Deadline for Discovery Requests and Motions to Compel Replies due by 10/23/2023. (Bratt, Jay) (Entered: 10/16/2023) |
| 10/17/2023 | 188 | PAPERLESS ORDER: The parties are advised that production of classified discovery to defense counsel is deemed timely upon placement in an accredited facility in the Southern District of Florida, not in another federal district. It is the responsibility of the Office of the Special Counsel to make and carry out arrangements to deposit such discovery to defense counsel in this District, in consultation with the Litigation Security Group for security purposes. The Office of the Special Counsel shall update and/or clarify any prior responses to the Standard Discovery Order in accordance with this Order. Signed by Judge Aileen M. Cannon on 10/17/2023. (AMC) (Entered: 10/17/2023) |
| 10/18/2023 | <u>189</u> | SUPPLEMENT by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira <i>Supplement to Garcia Motion</i> (Pellettieri, John) (Entered: 10/18/2023) |
| 10/19/2023 | <u>190</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 10/19/2023) |
| 10/19/2023 | <u>191</u> | Reply by Donald J. Trump to <u>190</u> Response to Standing Discovery Order (Kise, Christopher) (Entered: 10/19/2023) |
| 10/19/2023 | 192 | PAPERLESS NOTICE SCHEDULING HEARING on pending scheduling Motions <u>160</u> <u>183</u> for November 1, 2023, at 1:00 P.M. in the Fort Pierce Division. Defense counsel and attorneys for the Office of Special Counsel must be present. The October 2023 deadlines set forth in the Court's Scheduling Order <u>83</u> are temporarily stayed pending this hearing and further Court order. Signed by Aileen M. Cannon on 10/19/2023. (jf01) (Entered: 10/19/2023) |
| 10/19/2023 | <u>193</u> | SUPPLEMENT to <u>126</u> Response in Opposition, filed by Waltine Nauta, <u>144</u> Response/Reply/Answer (Other), filed by Waltine Nauta by Waltine Nauta (Dadan, Sasha) (Entered: 10/20/2023) |
| 10/20/2023 | 194 | PAPERLESS Minute Entry for proceedings held before Judge Aileen M. Cannon: <i>Garcia</i> Hearing as to Waltine Nauta held on October 20, 2023. After a full colloquy, the Court found that Defendant Nauta made a knowing, intelligent, and voluntary waiver of any potential or actual conflict of interest arising from Stanley E. Woodward's former and current representation of the two remaining potential witnesses identified in the Special Counsel's Motion <u>97</u> <u>186</u> . Order to follow. Total time in court: 53 minutes. Attorney Appearances: Jay I. Bratt, David Harbach, John M. Pellettieri, Michael Thakur, Larry Donald Murrell, Jr., Todd Blanche, Sasha Dadan, Stanley E. Woodward. Other Appearances: Waltine Nauta. Court Reporter: Diane Miller, 772-467-2337 / Diane_Miller@flsd.uscourts.gov. (jf01) (Entered: 10/20/2023) |
| 10/24/2023 | <u>195</u> | SPEEDY TRIAL REPORT <i>Sixth Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 10/24/2023) |
| 10/24/2023 | 196 | PAPERLESS ORDER denying as moot Movant Press Coalition's <u>175</u> Motion to Intervene and be Heard on Possible Limited Closure of the Courtroom during <i>Garcia</i> Hearings. The hearings were held publicly 181 194 . Signed by Judge Aileen M. Cannon on 10/24/2023. (jf01) (Entered: 10/24/2023) |
| 10/25/2023 | <u>197</u> | NOTICE OF ATTORNEY APPEARANCE Anne McNamara appearing for USA. . Attorney Anne McNamara added to party USA(pty:pla). (McNamara, Anne) (Entered: 10/25/2023) |

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| 10/25/2023 | <u>198</u> | ORDER Following <i>Garcia</i> Hearing and Accepting Waiver of Defendant Waltine Nauta. Signed by Judge Aileen M. Cannon on 10/25/2023. <i>See attached document for full details.</i> (jf01) (Entered: 10/25/2023) |
| 10/26/2023 | <u>199</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 10/26/2023) |
| 10/30/2023 | <u>200</u> | Unopposed MOTION for Remote Appearance by Donald J. Trump. Responses due by 11/13/2023 (Kise, Christopher) (Entered: 10/30/2023) |
| 10/31/2023 | 201 | PAPERLESS ORDER granting Unopposed Motion for Telephonic Appearance by Co-Counsel Christopher Kise Due to Trial Conflict <u>200</u> . Remaining counsel to appear in person. Signed by Judge Aileen M. Cannon on 10/31/2023. (mys) (Entered: 10/31/2023) |
| 11/01/2023 | <u>202</u> | ORDER Following CIPA Section 3 Supplemental Briefing. Signed by Judge Aileen M. Cannon on 11/1/2023. <i>See attached document for full details.</i> (mys) (Entered: 11/01/2023) |
| 11/02/2023 | <u>203</u> | NOTICE of Filing in District of Columbia by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit) (Bratt, Jay) (Entered: 11/02/2023) |
| 11/02/2023 | <u>204</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 11/02/2023) |
| 11/03/2023 | 205 | PAPERLESS Minute Entry for proceedings held before Judge Aileen M. Cannon: Hearing held on November 1, 2023. The Court heard argument from the parties on Defendants' pending motions to continue <u>160</u> <u>167</u> <u>183</u> . Pre-trial deadlines temporarily stayed pending order to follow. Total time in court: 1 hour, 38 minutes. Attorney Appearances: Jay I. Bratt, David Harbach, John M. Pellettieri, Michael Thakur, John S. Irving, Larry Donald Murrell, Jr., Todd Blanche, Emil Bove, Christopher Michael Kise (telephonic), Sasha Dadan, Stanley E. Woodward. Court Reporter: Diane Miller, 772-467-2337 / Diane_Miller@flsd.uscourts.gov. (mys) (Entered: 11/03/2023) |
| 11/03/2023 | 206 | PAPERLESS ORDER ON NOTICES: The parties are hereby reminded of the requirements of Local Rule 7.8 on Notices of Supplemental Authority. Except as authorized by Court order, the substantive content of any such notice (or response) may not exceed 200 words and may not be used as a surreply absent leave of Court. Future non-compliant notices or unauthorized filings will be stricken without further notice. Signed by Judge Aileen M. Cannon on 11/3/2023. (AMC) (Entered: 11/03/2023) |
| 11/03/2023 | | SYSTEM ENTRY – Docket Entry 207 restricted/sealed until further notice. (tci) (Entered: 11/03/2023) |
| 11/03/2023 | <u>208</u> | MOTION for Disclosure of Advice of Counsel Defense by USA as to Donald J. Trump. Responses due by 11/17/2023 (Harbach, David) (Entered: 11/03/2023) |
| 11/08/2023 | <u>209</u> | TRANSCRIPT of Pretrial/Scheduling Hearing as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira held on 7/18/2023 before Judge Aileen M. Cannon, 1-83 pages, Court Reporter: Diane Miller, 772-467-2337 / Diane_Miller@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/29/2023. Redacted Transcript Deadline set for 12/11/2023. Release of Transcript Restriction set for 2/6/2024. (dmr) (Entered: 11/08/2023) |
| 11/08/2023 | <u>210</u> | TRANSCRIPT of Arraignment Hearing as to Donald J. Trump, Waltine Nauta, held on 8/10/2023 before Magistrate Judge Shaniek Mills Maynard, 1-12 pages, Court Reporter: Diane Miller, 772-467-2337 / Diane_Miller@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/29/2023. Redacted Transcript Deadline set for 12/11/2023. Release of Transcript Restriction set for 2/6/2024. (dmr) (Entered: 11/08/2023) |

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| 11/08/2023 | <u>211</u> | TRANSCRIPT of Garcia Hearing as to Waltine Nauta held on 10/20/23 before Judge Aileen M. Cannon, 1–44 pages, Court Reporter: Diane Miller, 772–467–2337 / Diane_Miller@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/29/2023. Redacted Transcript Deadline set for 12/11/2023. Release of Transcript Restriction set for 2/6/2024. (dmr) (Entered: 11/08/2023) |
| 11/09/2023 | | SYSTEM ENTRY – Docket Entry 212 restricted/sealed until further notice. (amb) (Entered: 11/09/2023) |
| 11/09/2023 | <u>213</u> | TRANSCRIPT of Garcia Hearing as to Carlos De Oliveira held on 10/12/23 before Judge Aileen M. Cannon, 1–64 pages, Court Reporter: Pauline Stipes, 561–803–3434 / Pauline_Stipes@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/30/2023. Redacted Transcript Deadline set for 12/11/2023. Release of Transcript Restriction set for 2/7/2024. (Stipes, Pauline) (Entered: 11/09/2023) |
| 11/09/2023 | <u>214</u> | TRANSCRIPT of Garcia Hearing as to Waltine Nauta held on 10/12/23 before Judge Aileen M. Cannon, 1–28 pages, Court Reporter: Pauline Stipes, 561–803–3434 / Pauline_Stipes@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/30/2023. Redacted Transcript Deadline set for 12/11/2023. Release of Transcript Restriction set for 2/7/2024. (Stipes, Pauline) (Entered: 11/09/2023) |
| 11/10/2023 | <u>215</u> | ORDER GRANTING IN PART DEFENDANTS' MOTIONS TO CONTINUE PRETRIAL DEADLINES <u>160</u> <u>183</u> AND DENYING WITHOUT PREJUDICE MOTION TO ADJOURN TRIAL <u>167</u> . Signed by Judge Aileen M. Cannon on 11/10/2023. <i>See attached document for full details.</i> (AMC) (Entered: 11/10/2023) |
| 11/10/2023 | | Set/Reset Deadlines/Hearings per order de <u>215</u> as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira: Motions due by 2/22/2024. Status Report due by 1/9/2024. Scheduling Conference set for 3/1/2024 before Judge Aileen M. Cannon. (drz) (Entered: 11/13/2023) |
| 11/13/2023 | <u>216</u> | Unopposed MOTION to Reschedule Hearing on CIPA § 4 Motions by Donald J. Trump. Responses due by 11/27/2023 (Kise, Christopher) (Entered: 11/13/2023) |
| 11/14/2023 | <u>217</u> | SPEEDY TRIAL REPORT <i>Seventh Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 11/14/2023) |
| 11/14/2023 | <u>218</u> | TRANSCRIPT of Motions Hearing as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira held on 11/1/2023 before Judge Aileen M. Cannon, 1–78 pages, Court Reporter: Diane Miller, 772–467–2337 / Diane_Miller@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/5/2023. Redacted Transcript Deadline set for 12/15/2023. Release of Transcript Restriction set for 2/12/2024. (dmr) (Entered: 11/14/2023) |
| 11/15/2023 | <u>219</u> | MOTION for Disclosure <i>Motion for CIPA Section 5 Notification</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 11/29/2023 (Bratt, Jay) (Entered: 11/15/2023) |
| 11/16/2023 | 220 | PAPERLESS ORDER granting Defendant Trump's <u>216</u> Unopposed Motion to Reschedule Hearing on CIPA Section 4 Motions. The CIPA Section 4 Motion Hearing currently scheduled for February 15–16, 2024 <u>215</u> is rescheduled for February 12–13, 2024. Signed by Judge Aileen M. Cannon on 11/16/2023. (jf01) (Entered: 11/16/2023) |
| 11/16/2023 | 221 | PAPERLESS ORDER denying without prejudice <u>219</u> Motion for CIPA Section 5 Notification. As stated in the Court's November 10, 2023, Order <u>215</u> , "[a]ll previously remaining deadlines in the Court's July 21, 2023, Order are superseded except calendar call and trial." The Court "reset[] the first set of pre–trial deadlines" as indicated on |

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| | | pages 8 and 9 of that Order <u>215</u> and scheduled a conference on March 1, 2024, "to address remaining deadlines." To the extent the Special Counsel's motion seeks reconsideration in part of the Court's November 10, 2023, Order <u>215</u> , that request is denied. CIPA Section 5 deadlines, and all other pre-trial deadlines not included in the first batch of pre-trial deadlines contained in the Court's revised schedule <u>215</u> , will be set following the March 1, 2024, scheduling conference. Signed by Judge Aileen M. Cannon on 11/16/2023. (jf01) (Entered: 11/16/2023) |
| 11/22/2023 | <u>222</u> | *Unsealed* MOTION TO FILE GOVERNMENT'S EX PARTE MOTION TO EXCEED PAGE LIMITS UNDER SEAL. (Attachments: # <u>1</u> Proposed Order) (amb) Modified on 12/1/2023 to Unseal, per Order DE #228. (jmd) (Entered: 11/22/2023) |
| 11/22/2023 | <u>223</u> | EX PARTE MOTION TO EXCEED PAGE LIMITS filed by The Government. (Attachments: # <u>1</u> Proposed Order) (amb) Modified to Unseal per DE 231 on 12/4/2023 (amb). (Entered: 11/22/2023) |
| 11/27/2023 | <u>224</u> | SEALED EX PARTE ORDER denying without prejudice <u>222</u> Sealed Motion as to Donald J. Trump (1), Waltine Nauta (2), Carlos De Oliveira (3); denying without prejudice <u>223</u> Sealed Motion as to Donald J. Trump (1), Waltine Nauta (2), Carlos De Oliveira (3). Miscellaneous Deadline 11/29/2023. Signed by Judge Aileen M. Cannon on 11/27/2023. <i>See attached document for full details.</i> (jmd) Modified to Unseal per DE 231 on 12/4/2023 (amb). (Entered: 11/28/2023) |
| 11/29/2023 | <u>225</u> | *Unsealed* CONSENT MOTION TO EXCEED PAGE LIMITS filed by The Government. (amb) Modified on 12/1/2023 to Unseal, per Order DE #228. (jmd) (Entered: 11/29/2023) |
| 11/29/2023 | <u>226</u> | *Unsealed* Sealed Order Granting in Part SEALED Consent Motion to Exceed Page Limits as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira and resetting Government CIPA Section 4 Motions to 12/06/2023. Signed by Judge Aileen M. Cannon on 11/29/2023. (tci) Modified on 12/1/2023 to Unseal, per Order DE #228. (jmd) (Entered: 11/29/2023) |
| 11/30/2023 | <u>227</u> | Consent MOTION to Unseal Docket Entries <u>222</u> , <u>223</u> , <u>224</u> , <u>225</u> , <u>226</u> by Waltine Nauta as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 12/14/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Dadan, Sasha) (Entered: 11/30/2023) |
| 12/01/2023 | 228 | PAPERLESS ORDER: The Court is in receipt of Defendants' <u>227</u> Motion to Unseal and the Special Counsel's position on the Motion as reflected therein. Upon review, Defendants' Motion is granted in part as follows. The Clerk is directed to unseal docket entries 222, 225, and 226. On or before December 1, 2023, the Special Counsel shall (1) transmit unredacted copies of docket entries 223 and 224 to Defendants, and (2) file under seal but not <i>ex parte</i> a response to Defendants' Motion, justifying and specifying its request for any limited redactions of docket entries 223 and 224 in light of the strong presumption in favor of public access to judicial documents. As a final matter, Defendants' unopposed request for a two-day extension of time within which to file any defense motion related to the <i>ex parte</i> nature of CIPA Section 4 is granted, to December 6, 2023. Signed by Judge Aileen M. Cannon on 12/1/2023. (jmd) (Entered: 12/01/2023) |
| 12/01/2023 | 229 | CLERK'S NOTICE of Compliance re 228 Order on Motion to Unseal. (jmd) (Entered: 12/01/2023) |
| 12/01/2023 | <u>230</u> | RESPONSE to the Court's December 1, 2023 Order by USA as to all Defendants. (kpe) Modified to Unseal per DE 231 on 12/4/2023 (amb). (Entered: 12/01/2023) |
| 12/04/2023 | 231 | PAPERLESS ORDER: In light of the Special Counsel's Response to Defendants' Motion to Unseal <u>230</u> , and mindful of the strong presumption in favor of public access to judicial documents, the Clerk is directed to unseal docket entries 223, 224, and 230. Signed by Judge Aileen M. Cannon on 12/4/2023. (jf01) (Entered: 12/04/2023) |
| 12/04/2023 | 232 | NOTICE of Compliance re 231 Order. (DE's 223, 224 and 230 Unsealed) (amb) Text Modified on 12/4/2023 (amb). (Entered: 12/04/2023) |
| 12/05/2023 | <u>233</u> | SPEEDY TRIAL REPORT <i>Eighth Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 12/05/2023) |

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| 12/06/2023 | <u>234</u> | MOTION to Travel by Carlos De Oliveira. (Attachments: # <u>1</u> Text of Proposed Order on Motion for Leave to Travel)(Murrell, Larry) (Entered: 12/06/2023) |
| 12/06/2023 | <u>235</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 12/06/2023) |
| 12/06/2023 | <u>236</u> | NOTICE of Filing of CIPA Section 4 Motions by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit) (Edelstein, Julie) (Entered: 12/06/2023) |
| 12/06/2023 | <u>237</u> | MOTION For Access to CIPA § 4 Filings by Donald J. Trump. Responses due by 12/20/2023 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Kise, Christopher) (Entered: 12/06/2023) |
| 12/06/2023 | <u>238</u> | MOTION for Access to CIPA § 4 Filings re <u>236</u> Notice (Other) by Waltine Nauta as to Waltine Nauta, Carlos De Oliveira. Responses due by 12/20/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Dadan, Sasha) (Entered: 12/06/2023) |
| 12/07/2023 | <u>239</u> | ORDER granting <u>234</u> Motion to Travel as to Carlos De Oliveira (3). Signed by Judge Aileen M. Cannon on 12/7/2023. <i>See attached document for full details.</i> (tci) (Entered: 12/07/2023) |
| 12/19/2023 | <u>240</u> | MOTION for Written Jury Questionnaire by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 1/2/2024 (Bratt, Jay) (Entered: 12/19/2023) |
| 12/20/2023 | <u>241</u> | RESPONSE in Opposition by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>238</u> MOTION for Access to CIPA § 4 Filings re <u>236</u> Notice (Other) , <u>237</u> MOTION For Access to CIPA § 4 Filings Replies due by 12/27/2023. (Edelstein, Julie) (Entered: 12/20/2023) |
| 12/20/2023 | <u>242</u> | Memorandum in Opposition by Donald J. Trump re <u>240</u> MOTION for Written Jury Questionnaire Replies due by 12/27/2023. (Kise, Christopher) (Entered: 12/20/2023) |
| 12/21/2023 | <u>243</u> | REPLY TO RESPONSE to Motion by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>240</u> MOTION for Written Jury Questionnaire (Bratt, Jay) (Entered: 12/21/2023) |
| 12/22/2023 | <u>244</u> | PAPERLESS ORDER granting in part Special Counsel's <u>240</u> Motion for Written Jury Questionnaire. On or before February 28, 2024 , the parties shall meaningfully confer and file a joint jury questionnaire for the Court's consideration, clearly denoting any areas of agreement and disagreement. The Court reserves ruling on the specific process by which questionnaires will be transmitted/completed. Nothing in this Order shall be construed as modifying the instructions and deadlines set forth in the Court's Operative Scheduling Orders <u>215</u> <u>221</u> . Signed by Judge Aileen M. Cannon on 12/22/2023. (jf01) (Entered: 12/22/2023) |
| 12/26/2023 | <u>245</u> | SPEEDY TRIAL REPORT <i>Ninth Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 12/26/2023) |
| 12/27/2023 | <u>246</u> | REPLY TO RESPONSE to Motion by Donald J. Trump re <u>237</u> MOTION For Access to CIPA § 4 Filings (Kise, Christopher) (Entered: 12/27/2023) |
| 12/27/2023 | <u>247</u> | REPLY TO RESPONSE to Motion by Waltine Nauta as to Waltine Nauta, Carlos De Oliveira re <u>238</u> MOTION for Access to CIPA § 4 Filings re <u>236</u> Notice (Other) (Dadan, Sasha) (Entered: 12/27/2023) |
| 12/29/2023 | <u>248</u> | RESPONSE in Opposition by Donald J. Trump re <u>208</u> MOTION for Disclosure of <i>Advice of Counsel Defense</i> Replies due by 1/5/2024. (Kise, Christopher) (Entered: 12/29/2023) |
| 01/03/2024 | <u>249</u> | MOTION Bring Electronic Devices into the Courthouse by Waltine Nauta as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 1/17/2024 (Attachments: # <u>1</u> Text of Proposed Order)(Dadan, Sasha) (Entered: 01/03/2024) |
| 01/04/2024 | <u>250</u> | ORDER granting <u>249</u> Motion to Bring Electronic Equipment into the Courthouse as to Defendants Donald J. Trump and Waltine Nauta. Signed by Judge Aileen M. Cannon on 1/4/2024. <i>See attached document for full details.</i> (tci) (Entered: 01/04/2024) |

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| 01/05/2024 | <u>251</u> | REPLY TO RESPONSE to Motion by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>208</u> MOTION for Disclosure of Advice of Counsel Defense (Harbach, David) (Entered: 01/05/2024) |
| 01/09/2024 | <u>252</u> | STATUS REPORT <i>Joint Discovery Status Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 01/09/2024) |
| 01/11/2024 | <u>253</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 01/11/2024) |
| 01/11/2024 | 254 | PAPERLESS ORDER: In advance of the upcoming CIPA § 4 Hearings <u>215</u> <u>220</u> , and to assist in the Court's evaluation of Defendants' Motions for Access to CIPA § 4 Filings <u>237</u> <u>238</u> , the Court hereby schedules a hearing with the Special Counsel on January 31, 2024, at 10:00 A.M. This hearing shall be conducted on a sealed, ex parte basis in a facility suitable for the discussion of classified information contained in the Special Counsel's Section 4 Filings <u>236</u> . The Court reserves ruling on Defendants' Motions for Access to CIPA § 4 Filings pending the February 2024 CIPA § 4 hearings and review of Defendants' forthcoming CIPA § 4 challenges. Signed by Judge Aileen M. Cannon on 1/11/2024.(tci) (Entered: 01/11/2024) |
| 01/12/2024 | <u>255</u> | Consent MOTION for Leave to File Excess Pages by Donald J. Trump. Responses due by 1/26/2024. (Kise, Christopher) (Entered: 01/12/2024) |
| 01/12/2024 | <u>256</u> | NOTICE of Filing of Government's Classified Notice of Expert Testimony by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit) (Reynolds, Brett) (Entered: 01/12/2024) |
| 01/12/2024 | <u>257</u> | NOTICE of Expert Witnesses by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B, # <u>3</u> Exhibit Attachment C, # <u>4</u> Exhibit Attachment D, # <u>5</u> Exhibit Attachment E, # <u>6</u> Exhibit Attachment F) (Thakur, Michael) (Entered: 01/12/2024) |
| 01/12/2024 | 258 | PAPERLESS ORDER granting Defendants' <u>255</u> Consent Motion for Leave to File Oversized Consolidated Brief in Support of Motions to Compel. Defendants may file one consolidated classified brief and one consolidated unclassified brief, neither to exceed 120 double-spaced pages using 12-point font. The Special Counsel is granted corresponding relief for its combined responses. This Order construes Defendants' <u>255</u> Consent Motion as applied to all Defendants filing jointly. To the extent the Consent Motion requests otherwise, the parties shall comply with the Local Rules. Signed by Judge Aileen M. Cannon on 1/12/2024. (jf01) (Entered: 01/12/2024) |
| 01/12/2024 | 259 | PAPERLESS ORDER denying without prejudice Special Counsel's Motion to Compel Disclosure Regarding Advice-of-Counsel Defense <u>208</u> . The Court has reviewed the Motion, Defendants' Opposition <u>248</u> , the Special Counsel's Reply <u>251</u> , and is fully advised in the premises. Assuming the facts and circumstances in this case warrant an order compelling disclosure of an advice-of-counsel trial defense, the Court determines that such a request is not amenable to proper consideration at this juncture, prior to at least partial resolution of pre-trial motions, transmission to Defendants of the Special Counsel's exhibit and witness lists, and other disclosures as may become necessary. The Special Counsel's Motion <u>208</u> is therefore denied without prejudice. Signed by Judge Aileen M. Cannon on 1/12/2024. (jf01) (Entered: 01/12/2024) |
| 01/16/2024 | <u>260</u> | SPEEDY TRIAL REPORT <i>Tenth Speedy Trial Report</i> by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Bratt, Jay) (Entered: 01/16/2024) |
| 01/16/2024 | <u>261</u> | MOTION For Temporary Leave to File Redacted Brief by Donald J. Trump. Responses due by 1/30/2024. (Kise, Christopher) (Additional attachment(s) added on 1/16/2024: # <u>1</u> Unredacted Copy of Motion) (wc). (Entered: 01/16/2024) |
| 01/16/2024 | <u>262</u> | MOTION to Compel <i>Discovery</i> by Donald J. Trump. Responses due by 1/30/2024. (Attachments: # <u>1</u> Exhibit)(Kise, Christopher) (Additional attachment(s) added on 1/16/2024: # <u>2</u> Unredacted Motion and Exhibits) (wc). (Entered: 01/16/2024) |
| 01/17/2024 | <u>263</u> | NOTICE of Filing by Donald J. Trump (Attachments: # <u>1</u> Exhibit) (Kise, Christopher) (Entered: 01/17/2024) |
| 01/17/2024 | <u>264</u> | NOTICE of Filing by Donald J. Trump (Attachments: # <u>1</u> Exhibit) (Kise, Christopher) (Entered: 01/17/2024) |

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| 01/17/2024 | 265 | PAPERLESS ORDER: The Court is in receipt of Defendant Trump's Notice of CIPA § 4 Challenge <u>264</u> , dated January 17, 2024. On or before January 18, 2024 , Defendant Trump shall file a Notice confirming the non-ex parte nature of this defense filing. Signed by Judge Aileen M. Cannon on 1/17/2024. (jf01) (Entered: 01/17/2024) |
| 01/18/2024 | <u>266</u> | NOTICE of Non-Ex Parte Filing by Donald J. Trump (Kise, Christopher) (Entered: 01/18/2024) |
| 01/18/2024 | <u>267</u> | RESPONSE to Motion by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira re <u>262</u> MOTION to Compel <i>Discovery</i> . Replies due by 1/25/2024. (amb) (Entered: 01/18/2024) |
| 01/18/2024 | | SYSTEM ENTRY – Docket Entry 268 restricted/sealed until further notice. (amb) (Entered: 01/18/2024) |
| 01/22/2024 | <u>269</u> | MOTION to Intervene and Unseal Defendants' Motions to Compel Discovery re <u>262</u> MOTION to Compel <i>Discovery</i> by USA Today, The Palm Beach Post, WPLG, Inc., Univision Networks & Studios, Inc., Telemundo Network Group LLC, Sun-Sentinel Company, LLC, Radio Television Digital News Association, Orlando Sentinel Media Group, National Cable Satellite Corporation, The McClatchy Company, LLC, Insider Inc., Guardian News & Media Limited, Fort Myers Broadcasting Company, WP Company LLC, TEGNA Inc., POLITICO LLC, The New York Times Company, NBC Universal Media, LLC, National Public Radio, Inc., Los Angeles Times Communications LLC, Gray Media Groups, Inc., The E.W. Scripps Company, Dow Jones & Company, Inc., Cox Enterprises, Inc., CBS Broadcasting, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc., Advance Publications, Inc., Cable News Networks, Inc., CMG Media Corporation as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira. Responses due by 2/5/2024. (Tobin, Charles) (Entered: 01/22/2024) |
| 01/22/2024 | <u>270</u> | RESPONSE in Support by Donald J. Trump re <u>262</u> MOTION to Compel <i>Discovery</i> (Kise, Christopher) (Entered: 01/22/2024) |
| 01/23/2024 | <u>271</u> | RESPONSE in Opposition by Donald J. Trump re <u>269</u> MOTION to Intervene and Unseal Defendants' Motions to Compel Discovery re <u>262</u> MOTION to Compel <i>Discovery</i> Replies due by 1/30/2024. (Kise, Christopher) (Entered: 01/23/2024) |
| 01/23/2024 | <u>272</u> | NOTICE of Response to CIPA § 4 Submission by Waltine Nauta as to Waltine Nauta, Carlos De Oliveira re <u>236</u> Notice (Other) (Dadan, Sasha) (Entered: 01/23/2024) |
| 01/26/2024 | <u>273</u> | Supplemental RESPONSE to Standing Discovery Order by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Edelstein, Julie) (Entered: 01/26/2024) |
| 01/30/2024 | <u>274</u> | NOTICE OF ATTORNEY APPEARANCE J.P. Cooney appearing for USA. . Attorney J.P. Cooney added to party USA(pty:pla). (Cooney, J.P.) (Entered: 01/30/2024) |
| 01/30/2024 | <u>275</u> | NOTICE of Filing by USA as to Donald J. Trump, Waltine Nauta, Carlos De Oliveira (Attachments: # <u>1</u> Exhibit) (Reynolds, Brett) (Entered: 01/30/2024) |

EXHIBIT 2

**U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:23-cr-00257-TSC-1**

Case title: USA v. TRUMP

Date Filed: 08/01/2023

Assigned to: Judge Tanya S.
Chutkan

Appeals court case numbers:
23-3190, 23-3228

Defendant (1)

DONALD J. TRUMP

represented by **John F. Lauro**
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Pending Counts

18 U.S.C. 371; CONSPIRACY TO DEFRAUD THE UNITED STATES; Conspiracy to Defraud the United States

(1)

18 U.S.C. 1512(k); TAMPERING WITH WITNESS, VICTIM, OR AN INFORMANT; Conspiracy to Obstruct an Official Proceeding

(2)

18 U.S.C. 1512(c)(2), 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of, and Attempt to Obstruct, an Official Proceeding

(3)

18 U.S.C. 241; CONSPIRACY AGAINST RIGHTS OF CITIZENS; Conspiracy Against Rights

(4)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **J.P. Cooney**
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ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

James Pearce

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Designation: Assistant U.S. Attorney

| Date Filed | # | Docket Text |
|------------|----------|--|
| 08/01/2023 | <u>1</u> | INDICTMENT as to DONALD J. TRUMP (1) count(s) 1, 2, 3, 4. (zltpt) (Entered: 08/01/2023) |
| 08/01/2023 | <u>3</u> | MOTION to Seal Case by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order)(zltpt) (Entered: 08/01/2023) |
| 08/01/2023 | <u>4</u> | ORDER granting <u>3</u> Motion to Seal Case as to DONALD J. TRUMP (1). Signed by Magistrate Judge Moxila A. Upadhyaya on 8/1/2023. (zltpt) (Entered: 08/01/2023) |
| 08/01/2023 | | Case unsealed as to DONALD J. TRUMP (zltpt) (Entered: 08/01/2023) |
| 08/03/2023 | <u>5</u> | NOTICE OF ATTORNEY APPEARANCE: John F. Lauro appearing for DONALD J. TRUMP (Lauro, John) (Entered: 08/03/2023) |
| 08/03/2023 | <u>7</u> | MOTION for Leave to Appear Pro Hac Vice Todd Blanche Filing fee \$ 100, receipt number ADCDC-10252226. Fee Status: Fee Paid. by DONALD J. TRUMP. (Lauro, John) (Entered: 08/03/2023) |
| 08/03/2023 | <u>8</u> | Summons Returned Executed on 8/3/2023 as to DONALD J. TRUMP. (ztl) (Entered: 08/04/2023) |

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| 08/03/2023 | | MINUTE ORDER as to Donald J. Trump: As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge Moxila A. Upadhyaya on 8/3/2023. (ztl) (Entered: 08/04/2023) |
| 08/03/2023 | | ORAL MOTION for Speedy Trial by USA as to DONALD J. TRUMP. (ztl) (Entered: 08/04/2023) |
| 08/03/2023 | | Minute Entry for proceedings held before Magistrate Judge Moxila A. Upadhyaya: Return on Summons/Initial Appearance/Arraignment as to Counts 1,2,3,4 held on 8/3/2023. Plea of Not Guilty entered as to all counts. The Court advised the Government of its due process obligation under Rule 5(f). Status Conference set for 8/28/2023 at 10:00 AM in Courtroom 9– In Person before Judge Tanya S. Chutkan. Bond Status of Defendant: Defendant Remain on Personal Recognizance; Court Reporter: Jeff Hook; Defense Attorney: John Lauro and Todd Blanche; US Attorney: Thomas Windom and Molly Gaston; Pretrial Officer: Takeysha Robinson. (ztl) (Entered: 08/04/2023) |
| 08/03/2023 | | MINUTE ORDER as to DONALD J. TRUMP: A status conference will be held in this matter on August 28, 2023 at 10:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. The court waives the requirement for Defendant to appear at that conference. It is hereby ORDERED that Defendant shall file any motion for excluding the time until the next status conference from the Speedy Trial Act clock by August 8, 2023; and that the government shall file any opposition to that motion by August 13, 2023. It is FURTHER ORDERED that by August 10, 2023, the government shall file a brief proposing a trial date and providing an estimate of the time required to set forth the prosecution's case in chief during that trial; and that by August 17, 2023, Defendant shall file a response brief likewise proposing a trial date and estimating, to the extent possible, the time required to set forth the defense at trial. Signed by Judge Tanya S. Chutkan on 8/3/2023. (ztl) (Entered: 08/04/2023) |
| 08/03/2023 | <u>13</u> | ORDER Setting Conditions of Release as to DONALD J. TRUMP (1) Personal Recognizance. Signed by Magistrate Judge Moxila A. Upadhyaya on 8/3/2023. (Attachment: # 1 Appearance Bond) (znjb) (Entered: 08/07/2023) |
| 08/04/2023 | <u>9</u> | MOTION for Leave to Appear Pro Hac Vice Filzah I. Pavalon Filing fee \$ 100, receipt number ADCDC–10255735. Fee Status: Fee Paid. by DONALD J. TRUMP. (Lauro, John) (Entered: 08/04/2023) |
| 08/04/2023 | <u>10</u> | MOTION for Protective Order by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order)(Gaston, Molly) (Entered: 08/04/2023) |
| 08/05/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that by 5:00 PM on August 7, 2023, Defendant shall file a response to the government's <u>10</u> Motion for Protective Order, stating Defendant's position on the Motion. If Defendant disagrees with any portion of the government's proposed Protective Order, ECF No. 10–1, his response shall include a revised version of that Protective Order with any modifications in redline. Signed by Judge Tanya S. Chutkan on 08/05/2023. (lcss) (Entered: 08/05/2023) |
| 08/05/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Granting <u>9</u> Motion for Leave to Appear Pro Hac Vice. Filzah I. Pavalon is hereby admitted pro hac vice to appear in this matter on behalf of Defendant. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions. Signed by Judge Tanya S. Chutkan on 08/05/2023. (lcss) (Entered: 08/05/2023) |
| 08/05/2023 | <u>11</u> | MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION for Protective Order , MOTION for Hearing by DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order)(Lauro, John) (Entered: 08/05/2023) |
| 08/05/2023 | <u>12</u> | RESPONSE by USA as to DONALD J. TRUMP re <u>11</u> MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION for Protective Order MOTION for Hearing (Gaston, Molly) (Entered: 08/05/2023) |
| 08/05/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Defendant's <u>11</u> Motion for Extension of Time is hereby DENIED. Defendant may continue to confer with the government |

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| | | regarding its proposed protective order before or after the August 7, 2023 5:00 PM deadline for his response. The court will determine whether to schedule a hearing to discuss the proposed protective order after reviewing Defendant's response and, if included, his revised proposed protective order with modifications in redline. Signed by Judge Tanya S. Chutkan on 08/05/2023. (lcss) (Entered: 08/05/2023) |
| 08/06/2023 | | Set/Reset Deadline as to DONALD J. TRUMP: Defendant shall file a response to the government's <u>10</u> Motion for Protective Order, stating Defendant's position on the Motion by 5:00 PM on August 7, 2023. If Defendant disagrees with any portion of the government's proposed Protective Order, (Dkt. #10-1), his response shall include a revised version of that Protective Order with any modifications in redline. (jth) (Entered: 08/06/2023) |
| 08/07/2023 | <u>14</u> | RESPONSE by DONALD J. TRUMP re <u>10</u> MOTION for Protective Order (Lauro, John) (Entered: 08/07/2023) |
| 08/07/2023 | <u>15</u> | REPLY in Support by USA as to DONALD J. TRUMP re <u>10</u> MOTION for Protective Order (Gaston, Molly) (Entered: 08/07/2023) |
| 08/07/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Upon consideration of the government's <u>10</u> Motion for Protective Order and Defendant's <u>14</u> Response, as well as the government's <u>15</u> Reply, the court will schedule a hearing on the parties' respective proposals. The court will waive the requirement of Defendant's appearance. Accordingly, it is hereby ORDERED that no later than 3:00 PM on August 8, 2023, the parties shall meet and confer and file a joint notice of two dates and times on or before August 11, 2023 when both parties are available for a hearing. Signed by Judge Tanya S. Chutkan on 08/07/2023. (lcss) (Entered: 08/07/2023) |
| 08/08/2023 | | Set/Reset Deadline as to DONALD J. TRUMP: by 3:00 PM on 8/8/2023, the parties shall meet and confer and file a joint notice of two dates and times on or before 8/11/2023 when both parties are available for a hearing. (jth) (Entered: 08/08/2023) |
| 08/08/2023 | <u>16</u> | <p>TRANSCRIPT OF RETURN ON SUMMONS/INITIAL APPEARANCE/ARRAIGNMENT in case as to DONALD J. TRUMP before Magistrate Judge Moxila A. Upadhyaya held on August 3, 2023. Page Numbers: 1 – 24. Date of Issuance: August 8, 2023. Court Reporter: Jeff Hook. Contact Information: 202-354-3373 jeff_hook@dcd.uscourts.gov. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 8/29/2023. Redacted Transcript Deadline set for 9/8/2023. Release of Transcript Restriction set for 11/6/2023.(Hook, Jeff) (Entered: 08/08/2023)</p> |
| 08/08/2023 | <u>17</u> | NOTICE by the Parties in Response to Court's August 7, 2023 Minute Order by USA as to DONALD J. TRUMP re Order,, (Gaston, Molly) (Entered: 08/08/2023) |
| 08/08/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The court hereby schedules a hearing on the parties' respective protective order proposals in this matter on August 11, 2023 at 10:00 AM in Courtroom 9. The requirement of Defendant's appearance is waived for this hearing. Signed by Judge Tanya S. Chutkan on 08/08/2023. (lcc) (Entered: 08/08/2023) |
| 08/08/2023 | <u>18</u> | MOTION to Exclude <i>Time Under Speedy Trial Act</i> by DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order Granting Motion)(Lauro, John) (Entered: 08/08/2023) |

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| 08/09/2023 | | Set/Reset Hearing as to DONALD J. TRUMP: A Hearing on the Parties' Respective Protective Order Proposals is set for August 11, 2023, at 10:00 AM in Courtroom 9. before Judge Tanya S. Chutkan. The requirement of Defendant's appearance is waived for this hearing. (jth) (Entered: 08/09/2023) |
| 08/09/2023 | <u>19</u> | ENTERED IN ERROR.....NOTICE <i>Updated Certificate of Good Standing</i> by DONALD J. TRUMP re <u>7</u> MOTION for Leave to Appear Pro Hac Vice Todd Blanche Filing fee \$ 100, receipt number ADCDC-10252226. Fee Status: Fee Paid. (Lauro, John) Modified on 8/9/2023 (zhsj). (Entered: 08/09/2023) |
| 08/09/2023 | | NOTICE OF ERROR as to DONALD J. TRUMP regarding <u>19</u> Notice (Other). The following error(s) need correction: Incorrect format (Letter)- correspondence is not permitted (LCrR 49(f)(4)). Please refile as a Notice of Filing attaching your Certificate of Good Standing to a Notice of Filing Document Containing the Caption of the Court. (zhsj) (Entered: 08/09/2023) |
| 08/09/2023 | <u>20</u> | NOTICE of Filing by DONALD J. TRUMP re <u>7</u> MOTION for Leave to Appear Pro Hac Vice Todd Blanche Filing fee \$ 100, receipt number ADCDC-10252226. Fee Status: Fee Paid. (Lauro, John) (Entered: 08/09/2023) |
| 08/09/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Granting <u>7</u> Motion for Leave to Appear Pro Hac Vice Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions as to DONALD J. TRUMP (1). Signed by Magistrate Judge Moxila A. Upadhyaya on 8/9/2023. (zcll) (Entered: 08/09/2023) |
| 08/09/2023 | <u>21</u> | NOTICE OF ATTORNEY APPEARANCE: Filzah Pavalon appearing for DONALD J. TRUMP (Pavalon, Filzah) (Entered: 08/09/2023) |
| 08/10/2023 | <u>22</u> | MOTION for Leave to Appear Pro Hac Vice Gregory M. Singer Filing fee \$ 100, receipt number ADCDC-10266892. Fee Status: Fee Paid. by DONALD J. TRUMP. (Lauro, John) (Entered: 08/10/2023) |
| 08/10/2023 | <u>23</u> | RESPONSE TO ORDER OF THE COURT by USA as to DONALD J. TRUMP re Order,,, Set Deadlines,,, <i>Government's Response to Court's August 3, 2023 Minute Order</i> (Gaston, Molly) (Entered: 08/10/2023) |
| 08/10/2023 | <u>25</u> | MOTION for Hearing <i>Pursuant to Classified Information Procedures Act</i> by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order)(Windom, Thomas) (Entered: 08/10/2023) |
| 08/10/2023 | <u>26</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re Motion for Speedy Trial, <u>18</u> Motion to Exclude (Gaston, Molly) (Entered: 08/10/2023) |
| 08/10/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Granting <u>22</u> Motion for Leave to Appear Pro Hac Vice. Gregory M. Singer is hereby admitted pro hac vice to appear in this matter on behalf of Defendant. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions. Signed by Judge Tanya S. Chutkan on 08/10/2023. (lcc) (Entered: 08/10/2023) |
| 08/10/2023 | <u>27</u> | NOTICE OF ATTORNEY APPEARANCE: Todd Blanche appearing for DONALD J. TRUMP (Blanche, Todd) (Entered: 08/10/2023) |
| 08/10/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The government's 24 Sealed Motion for Leave to Submit Exhibit Ex Parte and Under Seal is hereby DENIED without prejudice. Signed by Judge Tanya S. Chutkan on 8/10/2023. (zjd) (Entered: 08/10/2023) |
| 08/11/2023 | | Minute Entry for proceedings held before Judge Tanya S. Chutkan: Hearing on the Parties' Respective Protective Order Proposals as to DONALD J. TRUMP held on 8/11/2023. The Court shall issue a protective order consistent with the rulings made on the record. Oral Order of the Court granting Government's <u>25</u> Motion for Pretrial Conference Pursuant to the Classified Information Procedures Act. This hearing shall proceed on August 28, 2023 at 10:00 AM in Courtroom 9 before Judge Tanya S. Chutkan. Bond Status of Defendant: remains on Personal Recognizance; Court Reporter: Bryan A. Wayne; Defense Attorneys: John F. Lauro, Gregory M. Singer, and Todd Blanche; US Attorneys: Thomas Windom and Molly G. Gaston. (zjd) (Entered: 08/11/2023) |

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| 08/11/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The government's <u>25</u> Motion for Hearing Pursuant to Classified Information Procedures Act (CIPA) is GRANTED. Defense counsel consented to the motion during the August 11, 2023 hearing. Accordingly, the court will hold a hearing pursuant to CIPA Section 2 during the status conference currently scheduled for August 28, 2023. Signed by Judge Tanya S. Chutkan on 8/11/2023. (zjd) (Entered: 08/11/2023) |
| 08/11/2023 | <u>28</u> | PROTECTIVE ORDER GOVERNING DISCOVERY AND AUTHORIZING DISCLOSURE OF GRAND JURY TESTIMONY as to DONALD J. TRUMP. Consistent with the rulings made on the record during the hearing on August 11, 2023, the Court grants in part and denies in part the Government's <u>10</u> Motion for Protective Order. Signed by Judge Tanya S. Chutkan on 8/11/2023. (zjd) (Entered: 08/11/2023) |
| 08/11/2023 | <u>29</u> | TRANSCRIPT OF HEARING ON PROTECTIVE ORDER in case as to DONALD J. TRUMP before Judge Tanya S. Chutkan held on August 11, 2023; Page Numbers: 1–73. Date of Issuance: 8/11/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 9/1/2023. Redacted Transcript Deadline set for 9/11/2023. Release of Transcript Restriction set for 11/9/2023.(Wayne, Bryan) (Main Document 29 replaced on 8/23/2023) (zhsj). (Entered: 08/11/2023) |
| 08/17/2023 | <u>30</u> | RESPONSE TO ORDER OF THE COURT by DONALD J. TRUMP re Order,,, Set Deadlines,,, (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Lauro, John) (Entered: 08/17/2023) |
| 08/21/2023 | <u>31</u> | MOTION for Leave to File <i>Reply Brief</i> by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Windom, Thomas) (Entered: 08/21/2023) |
| 08/21/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The government's <u>31</u> Motion for Leave to File Reply is hereby GRANTED. The government may file a reply in support of its brief proposing a trial date by August 22, 2023. The reply brief shall be limited to six pages. Signed by Judge Tanya S. Chutkan on 8/21/2023. (zjd) (Entered: 08/21/2023) |
| 08/21/2023 | <u>32</u> | RESPONSE TO ORDER OF THE COURT by USA as to DONALD J. TRUMP re Order,,, Set Deadlines,,, Order on Motion for Leave to File,, Set/Reset Deadlines, (<i>Reply Brief</i>) (Windom, Thomas) (Entered: 08/21/2023) |
| 08/21/2023 | <u>40</u> | LEAVE TO FILE DENIED–Motion of D.A. Feliciano for Leave to File Amicus Curiae Brief Supporting Neither Plaintiff Nor Defendant as to DONALD J. TRUMP. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedures course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>41</u> | LEAVE TO FILE DENIED– Motion for Judicial Notice Affidavit of Victor Shorkin as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it |

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| | | necessary to depart from the ordinary procedures course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>42</u> | LEAVE TO FILE DENIED–Motion to Intervene as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedures course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>43</u> | LEAVE TO FILE DENIED–Petition for a Writ of Habeas Corpus as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedures course by permitting this filing".. Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>44</u> | LEAVE TO FILE DENIED– Galaxy Bar Association as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedures course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>45</u> | LEAVE TO FILE DENIED– Amicus Curiae in Support of Donald Trump as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedures course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>46</u> | LEAVE TO FILE DENIED– Moton of Former Judges and Senior Legal Officials for Leave to File an Amicus Curiae Brief in Support of Government Proposed Trial Date and Schedule as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "This document is unavailable as the Court denied its filing. Although Courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedures nor the Local Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedures course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 08/29/2023) |
| 08/21/2023 | <u>81</u> | LEAVE TO FILE DENIED– MOTION TO INTERVENE THE OUTCOME OF CASE AFFECTS DAVID REGINALD HERON AFTER MOTION INTERVENE GRANTED [DAVID FILE SEPARATE MOTION – RULING TO HIRE ATTORNEY) as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing thissubmission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rulescontemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 8/21/2023. (zhsj) (Entered: 10/06/2023) |
| 08/22/2023 | <u>33</u> | Consent MOTION to Appoint a Classified Information Security Officer by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Windom, Thomas) (Entered: 08/22/2023) |

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| 08/22/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The government's <u>33</u> Consent Motion to Appoint a Classified Information Security Officer is hereby GRANTED. The court will issue a separate sealed order designating the Officer and any alternate Officers. Signed by Judge Tanya S. Chutkan on 8/22/2023. (zjd) (Entered: 08/22/2023) |
| 08/22/2023 | <u>35</u> | Unopposed MOTION for Protective Order Pursuant to the Classified Information Procedures Act by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order Proposed CIPA Protective Order)(Windom, Thomas) (Entered: 08/22/2023) |
| 08/22/2023 | <u>37</u> | ORDER as to DONALD J. TRUMP granting <u>35</u> Unopposed MOTION for Protective Order Pursuant to the Classified Information Procedures Act. Signed by Judge Tanya S. Chutkan on 8/22/2023. (zjd) (Entered: 08/22/2023) |
| 08/28/2023 | | Minute Entry for proceedings held before Judge Tanya S. Chutkan: Status Conference and Hearing Pursuant to Classified Information Procedures Act (CIPA) as to DONALD J. TRUMP held on 8/28/2023. In the interests of justice (XT), and for the reasons stated on the record, the Court grants Defendant's <u>18</u> Motion for Exclusion of Time Under Speedy Trial Act. The time from 8/3/2023 through and including 8/28/2023 shall be excluded in computing the date for speedy trial in this case. Jury Trial in this matter is set for March 4, 2024 at 9:30 AM in Courtroom 9 before Judge Tanya S. Chutkan. Bond Status of Defendant: appearance waived, remains on personal recognizance; Court Reporter: Bryan Wayne; Defense Attorneys: John F. Lauro and Todd Blanche; US Attorneys: Molly G. Gaston and Thomas Windom. (zjd) (Entered: 08/28/2023) |
| 08/28/2023 | <u>38</u> | <p>TRANSCRIPT OF 8/28/23 STATUS HEARING in case as to DONALD J. TRUMP before Judge Tanya S. Chutkan held on August 28, 2023; Page Numbers: 1–61. Date of Issuance: 8/28/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form</p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 9/18/2023. Redacted Transcript Deadline set for 9/28/2023. Release of Transcript Restriction set for 11/26/2023.(Wayne, Bryan) (Entered: 08/28/2023)</p> |
| 08/28/2023 | <u>39</u> | STAYED PURSUANT TO <u>186</u> ORDER FILED 12/13/2023.....PRETRIAL ORDER as to DONALD J. TRUMP: Upon consideration of the parties' Proposed Briefing Schedules <u>23</u> <u>30</u> <u>32</u> , the court hereby sets the following pretrial schedule. All pre–trial motions, excluding motions in limine, due 10/9/23, oppositions due 10/23/23, and replies due 11/6/23. Motions in limine and Suppression Motions due 12/27/23, oppositions due 1/9/24, and replies due 1/22/24. Not later than 12/4/23, the government shall provide notice of evidence it intends to offer pursuant to Fed. R. Evid. 404(b). Parties shall exchange expert witnesses on 12/11/23. Parties shall exchange exhibit lists by 12/18/23 and file any objections to exhibits by 1/3/24; replies due 1/9/24. Proposed jury instructions and voir dire questions due 1/15/24. Parties shall exchange witness lists by 2/19/24. Trial will commence on 3/4/24 at 9:30 a.m. in Courtroom 9 unless otherwise specified. See Order for additional details and instructions. Signed by Judge Tanya S. Chutkan on 8/28/2023. (zjd) Modified on 10/6/2023: See 82 Opinion and Order for amendments made to this order. Modified on 11/7/2023: See 146 Opinion and Order for further amendments to this order. (zjd). (Entered: 08/28/2023) |
| 09/05/2023 | | VACATED PURSUANT TO MINUTE ORDER FILED 9/5/2023.....MINUTE ORDER as to DONALD J. TRUMP: The Government's 47 Motion for Leave to File |

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| | | Unredacted Motion Under Seal, and to File Redacted Motion on Public Docket is hereby GRANTED. The Clerk of the Court is directed to file under seal the unredacted copy of the Government's Motion (ECF No. 47-1), attaching Exhibit 1 to the Government's Motion (ECF No. 47-2). The Clerk of the Court is further directed to file on the public docket the redacted copy of the Government's Motion (ECF No. 47-3), attaching a placeholder sheet for Exhibit 1 to the Motion (ECF No. 47-4), and the two proposed orders referenced in the Motion (ECF Nos. 47-5 and 47-6). Signed by Judge Tanya S. Chutkan on 9/5/2023. (zjd) Modified on 9/5/2023 (zjd). (Entered: 09/05/2023) |
| 09/05/2023 | <u>48</u> | MOTION to Vacate by DONALD J. TRUMP. (Lauro, John) (Entered: 09/05/2023) |
| 09/05/2023 | <u>49</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>48</u> Motion to Vacate (Gaston, Molly) (Entered: 09/05/2023) |
| 09/05/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Defendant's <u>48</u> Motion to Vacate is hereby GRANTED. The court's previous Minute Order of September 5, 2023 is VACATED. Defendant shall respond to the government's 47 Motion for Leave to File by September 11, 2023; the government may file a Reply by September 13, 2023. Any opposition or reply may be filed under seal. Going forward, all motions, including motions for leave to file, must (1) indicate whether the movant has conferred with opposing counsel, and (2) state the nonmovant's position on the motion, if known. As it has done here, the court may require briefing on motions for leave to file under seal on a timeline shorter than the default periods provided for in the Local Criminal Rules. However, all such briefing may be filed under seal without further order of the court. Signed by Judge Tanya S. Chutkan on 9/5/2023. (zjd) (Entered: 09/05/2023) |
| 09/11/2023 | <u>50</u> | MOTION for Recusal by DONALD J. TRUMP. (Attachments: # <u>1</u> Exhibit Transcript Excerpt 1, # <u>2</u> Exhibit Transcript Excerpt 2)(Lauro, John) (Entered: 09/11/2023) |
| 09/11/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Upon consideration of Defendant's <u>50</u> Motion for Recusal, it is hereby ORDERED that the government shall file any opposition no later than September 14, 2023, and the defense shall file any reply within three calendar days from the filing date of the government's opposition. All other deadlines set by the court remain in effect. Defense counsel is reminded of the requirement to confer with opposing counsel before filing any motion and to indicate whether the motion is opposed. See 09/05/2023 Second Minute Order. Future motions that fail to comply with that requirement may be denied without prejudice. Signed by Judge Tanya S. Chutkan on 9/11/2023. (zjd) (Entered: 09/11/2023) |
| 09/13/2023 | <u>77</u> | LEAVE TO FILE DENIED--Application for Relief in a Criminal Case by a Person not a Party--Applicant Charles E. Hill as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. Signed by Judge Tanya S. Chutkan on 9/13/2023. (zhsj) (Entered: 10/06/2023) |
| 09/13/2023 | <u>78</u> | LEAVE TO FILE DENIED--Application for Relief in a Criminal Case by a Person not a Party--Applicant Charles E. Hill as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/13/2023. (zhsj) (Entered: 10/06/2023) |
| 09/13/2023 | <u>79</u> | LEAVE TO FILE DENIED-- Petition for a Writ of Habeas Corpus Continued Application to Arrest Protective Order Dated: 8/11/23 as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/13/2023. (zhsj) (Entered: 10/06/2023) |

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| 09/13/2023 | <u>80</u> | LEAVE TO FILE DENIED–Letter Regarding Defendant's Right to Attend Trial as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing" Signed by Judge Tanya S. Chutkan on 9/13/2023. (zhsj) (Entered: 10/06/2023) |
| 09/13/2023 | <u>83</u> | LEAVE TO FILE DENIED–Motion to Decriminalize as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. Signed by Judge Tanya S. Chutkan on 9/13/2023. (zhsj) (Entered: 10/06/2023) |
| 09/13/2023 | <u>84</u> | LEAVE TO FILE DENIED– Petition for Intervention as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/13/2023. (zhsj) (Entered: 10/06/2023) |
| 09/14/2023 | <u>53</u> | MOTION FOR BRIEFING SCHEDULE as to DONALD J. TRUMP. (Lauro, John) Modified on 9/15/2023 (zhsj). (Entered: 09/14/2023) |
| 09/14/2023 | <u>54</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>50</u> Motion for Recusal (Gaston, Molly) (Entered: 09/14/2023) |
| 09/15/2023 | <u>55</u> | Opinion and Order as to DONALD J. TRUMP granting the government's 47 Motion for Leave to File Unredacted Motion Under Seal, and to File Redacted Motion on Public Docket, and granting in part and denying in part Defendant's <u>53</u> Motion for Briefing Schedule. Defendant shall file any Opposition to the government's substantive Motion by September 25, 2023, and the government shall file any Reply by September 30, 2023. The Clerk of the Court is directed to file under seal the unredacted copy of the government's substantive Motion (ECF No. 47–1), attaching Exhibit 1 to the that Motion (ECF No. 47–2) under seal as well. The Clerk of the Court is further directed to file on the public docket the redacted copy of the government's Motion (ECF No. 47–3), attaching a placeholder sheet for Exhibit 1 to the Motion (ECF No. 47–4), and attaching the two proposed orders referenced in the Motion (ECF Nos. 47–5 and 47–6). Finally, the Clerk of the Court is directed to unseal Defendant's motion, ECF No. 53. See Order for details. Signed by Judge Tanya S. Chutkan on 9/15/2023. (zjd) (Entered: 09/15/2023) |
| 09/15/2023 | <u>57</u> | MOTION to Ensure that Extrajudicial Statements Do Not Prejudice these Proceedings by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order Exhibit 47–5, # <u>3</u> Text of Proposed Order Exhibit 47–6) (zhsj) (Attachment 2 replaced on 9/21/2023) (zhsj). (Entered: 09/15/2023) |
| 09/17/2023 | <u>58</u> | REPLY in Support by DONALD J. TRUMP re <u>50</u> MOTION for Recusal (Lauro, John) (Entered: 09/17/2023) |
| 09/25/2023 | <u>59</u> | NOTICE of Filing by USA as to DONALD J. TRUMP (Attachments: # <u>1</u> Cover Sheet)(Gaston, Molly) (Entered: 09/25/2023) |
| 09/25/2023 | <u>60</u> | Memorandum in Opposition by DONALD J. TRUMP re <u>57</u> Motion for Miscellaneous Relief, (Lauro, John) (Entered: 09/25/2023) |
| 09/27/2023 | <u>61</u> | MEMORANDUM OPINION and ORDER as to DONALD J. TRUMP denying <u>50</u> Defendant's Motion for Recusal of District Judge Pursuant to 28 U.S.C. § 455(a). See attached memorandum opinion and order for full details. Signed by Judge Tanya S. Chutkan on 9/27/2023. (zjd) (Entered: 09/27/2023) |
| 09/27/2023 | <u>62</u> | MOTION for Extension of Time to <i>File CIPA Sect. 5 and response to ex parte notice</i> by DONALD J. TRUMP. (Blanche, Todd) (Entered: 09/27/2023) |

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| 09/27/2023 | <u>67</u> | LEAVE TO FILE DENIED– Petition for Writ of Error Corum Noblis and Memorandum of Law in Support Thereof as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>68</u> | LEAVE TO FILE DENIED–Motion to Intervene as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases,neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does notfind it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>69</u> | LEAVE TO FILE DENIED– Application for Relief in a Criminal Case by a Person not a Party–Applicant Charles E. Hill as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>70</u> | LEAVE TO FILE DENIED–Motion for Reconsideration of Order Date 8/21/2023 as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–partysubmissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>71</u> | LEAVE TO FILE DENIED– Motion to Intervene as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rulescontemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>72</u> | LEAVE TO FILE DENIED– Motion of D.A. Feliciano for Leave to File Amicus Curiae Brief Supporting Neither Plaintiff Nor Defendant as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Although courts have in rare instances exercised theirdiscretion to permit third–party submissions in criminalcases, neither the Federal Rules of Criminal Procedure northe Local Criminal Rules contemplate the filing of amicuscuriae briefs. At this time, the court does not find it necessaryto depart from the ordinary procedural course by permittingthis filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>73</u> | LEAVE TO FILE DENIED– New Motion to Intervene–New Fresh Most Recent Evidence Relate 6/4/2009 &11/4/2008 as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded thatfiling this submission is warranted. Although courts have in rare instances exercised their discretion topermit |

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| | | third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing".. Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/05/2023) |
| 09/27/2023 | <u>86</u> | LEAVE TO FILE DENIED– Petition for Writ of Error Coram Nobis as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |
| 09/27/2023 | <u>87</u> | LEAVE TO FILE DENIED– Motion to Intervene as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing." Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |
| 09/27/2023 | <u>88</u> | LEAVE TO FILE DENIED– Proof of Service as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing".. Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |
| 09/27/2023 | <u>89</u> | LEAVE TO FILE DENIED– Motion for Reconsideration of Order Date 8/21/2023 as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |
| 09/27/2023 | <u>90</u> | LEAVE TO FILE DENIED– Motion to Intervene as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing." Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |
| 09/27/2023 | <u>91</u> | LEAVE TO FILE DENIED– Motion of D.A. Feliciano for Leave to File Amicus Curiae Brief Supporting Neither Plaintiff Nor Defendant as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing." Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |

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| 09/27/2023 | <u>92</u> | LEAVE TO FILE DENIED– New Motion to Intervene–New Fresh Most Recent Evidence Relate 6/4/2009 &11/4/2008 as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/27/2023. (zhsj) (Entered: 10/09/2023) |
| 09/28/2023 | <u>63</u> | MOTION for Extension of Time to <i>File Pretrial Motions</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 09/28/2023) |
| 09/28/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that by October 3, 2023, the government shall file any opposition to both Defendant's <u>62</u> Motion for Access to CIPA § 4 Filing and an Adjournment of the CIPA § 5 Deadline and Defendant's <u>63</u> Motion for Extension of Time to File Pretrial Motions; and that the defense shall file any reply within three calendar days from the filing date of the government's opposition. Signed by Judge Tanya S. Chutkan on 9/28/2023. (zjd) (Entered: 09/28/2023) |
| 09/29/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The court hereby schedules a hearing on the government's <u>57</u> Motion to Ensure that Extrajudicial Statements Do Not Prejudice These Proceedings on October 16, 2023 at 10:00 AM in Courtroom 9. The requirement of Defendant's appearance is waived for this hearing. Signed by Judge Tanya S. Chutkan on 9/29/2023. (zjd) (Entered: 09/29/2023) |
| 09/29/2023 | <u>64</u> | REPLY in Support by USA as to DONALD J. TRUMP re <u>57</u> MOTION to Ensure that Extrajudicial Statements Do Not Prejudice these Proceedings (Gaston, Molly) (Entered: 09/29/2023) |
| 10/02/2023 | <u>65</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>62</u> Motion for Extension of Time to <i>File CIPA Section 5 and Response to Ex Parte Notice</i> (Windom, Thomas) (Entered: 10/02/2023) |
| 10/02/2023 | <u>66</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>63</u> Motion for Extension of Time to <i>File Pretrial Motions</i> (Windom, Thomas) (Entered: 10/02/2023) |
| 10/03/2023 | | MINUTE ORDER as to DONALD J. TRUMP: By October 10, 2023, defense counsel John F. Lauro and Gregory M. Singer shall initiate and complete all security clearance tasks as directed by the Litigation Security Group of the U.S. Department of Justice, and thereafter file a Notice of Compliance by October 11, 2023. The Notice shall also state whether the defense anticipates that any other of its members, whose assistance is reasonably required, will need to obtain a security clearance. Signed by Judge Tanya S. Chutkan on 10/3/2023. (zjd) (Entered: 10/03/2023) |
| 10/03/2023 | | Set/Reset Deadlines as to DONALD J. TRUMP: Notice of Compliance due by 10/11/2023. (mac) (Entered: 10/03/2023) |
| 10/04/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that court will hold an ex parte Classified Information Procedures Act hearing with the defense at a time and place arranged with defense counsel. Signed by Judge Tanya S. Chutkan on 10/4/2023. (zjd) (Entered: 10/04/2023) |
| 10/05/2023 | <u>74</u> | MOTION to Dismiss Case by DONALD J. TRUMP. (Lauro, John) (Entered: 10/05/2023) |
| 10/05/2023 | <u>75</u> | REPLY in Support by DONALD J. TRUMP re <u>63</u> MOTION for Extension of Time to <i>File Pretrial Motions</i> (Lauro, John) (Entered: 10/05/2023) |
| 10/05/2023 | <u>76</u> | REPLY in Support by DONALD J. TRUMP re <u>62</u> MOTION for Extension of Time to <i>File CIPA Sect. 5 and response to ex parte notice</i> (Lauro, John) (Entered: 10/05/2023) |
| 10/06/2023 | <u>82</u> | OPINION and ORDER as to DONALD J. TRUMP granting in part and denying in part Defendant's <u>62</u> Motion for Access to CIPA § 4 Filing and An Adjournment of the CIPA § 5 Deadline; granting in part and denying in part Defendant's <u>63</u> Motion for Extension of Time to File Pretrial Motions; and amending in part the court's <u>39</u> Pretrial |

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| | | Order. Defense objections to ex parte nature of government's CIPA § 4 submission due October 11, 2023; government response due October 18, 2023. Defense CIPA § 5 notice due on October 26, 2023, with supplemental notices due within 20 days of receiving access to additional classified discovery materials. Dispositive motions, including motions to dismiss, due October 23, 2023; oppositions due within 14 days of motion's filing; replies due within 10 days of opposition's filing. Rule 17(c) motions and motions to compel due November 9, 2023; oppositions due November 24, 2023; replies due December 1, 2023. See Opinion & Order for details. Signed by Judge Tanya S. Chutkan on 10/6/2023. (zjd) Modified on 11/7/2023: See 146 Opinion and Order for amendments to the deadlines set in this opinion and order. (zjd). Modified on 12/13/2023 (zjd,). (Entered: 10/06/2023) |
| 10/06/2023 | <u>94</u> | LEAVE TO FILE DENIED– Notice of Appeal as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even assuming a third party could file a notice of appeal in a criminal case which the Federal Rules of Criminal Procedure and Local Criminal Rules do not contemplate, this filing does not comply with Rule 3(c) of the Circuit Rules of the U.S. Court of Appeals for the District of Columbia Circuit". Signed by Judge Tanya S. Chutkan on 10/6/2023. (zhsj) (Entered: 10/10/2023) |
| 10/06/2023 | <u>96</u> | LEAVE TO FILE DENIED– Petition for a Writ of Habeas Corpus, Continued Judge Chutkan Impermissibly Held First Amendment to be Unconstitutional as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 10/6/2023. (zhsj) (Entered: 10/10/2023) |
| 10/09/2023 | <u>85</u> | MOTION for Leave to Appear Pro Hac Vice Emil Bove Filing fee \$ 100, receipt number ADCDC–10406576. Fee Status: Fee Paid. by DONALD J. TRUMP. (Lauro, John) (Entered: 10/09/2023) |
| 10/10/2023 | <u>93</u> | LEAVE TO FILE DENIED– Notice of Appeal as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even assuming a third party could file a notice of appeal in a criminal case, which the Federal Rules of Criminal Procedure and Local Criminal Rules do not contemplate, this filing does not comply with Rule 3(c) of the Circuit Rules of the U.S. Court of Appeals for the District of Columbia Circuit" .. Signed by Judge Tanya S. Chutkan on 10/6/2023. (zhsj) (Entered: 10/10/2023) |
| 10/10/2023 | <u>95</u> | LEAVE TO FILE DENIED– Notice of Appeal as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even assuming a third party could file a notice of appeal in a criminal case, which the Federal Rules of Criminal Procedure and Local Criminal Rules do not contemplate, this filing does not comply with Rule 3(c) of the Circuit Rules of the U.S. Court of Appeals for the District of Columbia Circuit" .. Signed by Judge Tanya S. Chutkan on 10/6/2023. (zhsj) (Entered: 10/10/2023) |
| 10/10/2023 | <u>97</u> | MOTION for Order for Fair and Protective Jury Procedures by USA as to DONALD J. TRUMP. (Gaston, Molly) (Entered: 10/10/2023) |
| 10/10/2023 | <u>98</u> | MOTION for Formal Pretrial Notice of the Defendant's Intent to Rely on Advice–of–Counsel Defense by USA as to DONALD J. TRUMP. (Attachments: # <u>1</u> Text of Proposed Order)(Windom, Thomas) (Entered: 10/10/2023) |
| 10/10/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that by October 20, 2023, the defense shall file any opposition to the government's <u>97</u> Motion for Fair and Protective Jury Procedures and <u>98</u> Motion for Formal Pretrial Notice of the Defendant's Intent to Rely on Advice–of–Counsel Defense; and that the government shall file any reply in support of those motions by October 25, 2023. Signed by Judge Tanya S. Chutkan on 10/10/2023. (zjd) (Entered: 10/10/2023) |
| 10/11/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Granting <u>85</u> Motion for Leave to Appear Pro Hac Vice. Emil Bove is hereby admitted pro hac vice to appear in this |

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| | | matter on behalf of Defendant. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCrR 44.5(a). Click for instructions. Signed by Judge Tanya S. Chutkan on 10/11/2023. (zjd) (Entered: 10/11/2023) |
| 10/11/2023 | <u>99</u> | MOTION for Discovery (<i>PRE-TRIAL RULE 17(c) SUBPOENAS</i>) by DONALD J. TRUMP. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit)(Lauro, John) (Entered: 10/11/2023) |
| 10/11/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that by October 25, 2023, the government shall file any opposition to Defendant's <u>99</u> Motion for Pre-Trial Rule 17(c) Subpoenas; and the defense shall file any reply in support of its motion by November 1, 2023. Signed by Judge Tanya S. Chutkan on 10/11/2023. (zjd) (Entered: 10/11/2023) |
| 10/11/2023 | <u>100</u> | NOTICE of Compliance by DONALD J. TRUMP re Order,, Set Deadlines,, (Lauro, John) (Entered: 10/11/2023) |
| 10/11/2023 | <u>101</u> | MOTION to Access <i>CIPA Section 4 Filing</i> by DONALD J. TRUMP. (Blanche, Todd) (Entered: 10/11/2023) |
| 10/13/2023 | <u>102</u> | NOTICE OF ATTORNEY APPEARANCE: Emil Bove appearing for DONALD J. TRUMP (Bove, Emil) (Entered: 10/13/2023) |
| 10/16/2023 | | Minute Entry for proceedings held before Judge Tanya S. Chutkan: Motion Hearing as to DONALD J. TRUMP held on 10/16/2023 re <u>57</u> Motion to Ensure that Extrajudicial Statements Do Not Prejudice These Proceedings. Order forthcoming. Bond Status of Defendant: appearance waived, remains on personal recognizance; Court Reporter: Bryan Wayne; Defense Attorneys: John F. Lauro and Todd Blanche; US Attorneys: Molly G. Gaston and Thomas Windom. (zjd) (Entered: 10/16/2023) |
| 10/16/2023 | <u>103</u> | TRANSCRIPT OF MOTION HEARING in case as to DONALD J. TRUMP before Judge Tanya S. Chutkan held on October 16, 2023; Page Numbers: 1-86. Date of Issuance: 10/16/2023. Court Reporter: Bryan A. Wayne. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 11/6/2023. Redacted Transcript Deadline set for 11/16/2023. Release of Transcript Restriction set for 1/14/2024.(Wayne, Bryan) (Entered: 10/16/2023) |
| 10/16/2023 | <u>104</u> | NOTICE OF ATTORNEY APPEARANCE James Pearce appearing for USA. (Pearce, James) (Main Document 104 replaced on 10/17/2023) (zhsj). (Entered: 10/16/2023) |
| 10/17/2023 | <u>105</u> | OPINION and ORDER as to DONALD J. TRUMP: Granting in part and denying in part the government's <u>57</u> Motion to Ensure that Extrajudicial Statements Do Not Prejudice These Proceedings; and denying as moot the government's sealed 56 Motion to Ensure that Extrajudicial Statements Do Not Prejudice These Proceedings. Signed by Judge Tanya S. Chutkan on 10/17/2023. (zjd) Modified on 10/20/2023: Opinion and Order administratively stayed pursuant to Minute Order filed 10/20/2023 (zjd). Modified on 10/29/2023: Administrative stay lifted pursuant to <u>124</u> Opinion and Order (zjd). (Entered: 10/17/2023) |
| 10/17/2023 | <u>106</u> | NOTICE OF APPEAL (Interlocutory) by DONALD J. TRUMP re <u>105</u> Memorandum Opinion,, Order,. Filing fee \$ 505, receipt number ADCDC-10425241. Fee Status: Fee Paid. Parties have been notified. (Lauro, John) (Entered: 10/17/2023) |

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| 10/18/2023 | <u>107</u> | Transmission of the Notice of Appeal, <u>105</u> Opinion and Order, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid on 10/17/2023 as to DONALD J. TRUMP re <u>106</u> Notice of Appeal – Interlocutory. (zhsj) (Entered: 10/18/2023) |
| 10/18/2023 | | USCA Case Number as to DONALD J. TRUMP 23–3190 for <u>106</u> Notice of Appeal – Interlocutory filed by DONALD J. TRUMP. (zhsj) (Entered: 10/18/2023) |
| 10/18/2023 | <u>108</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>101</u> Motion to Access <i>CIPA Section 4 Filing</i> (Windom, Thomas) (Entered: 10/18/2023) |
| 10/19/2023 | <u>109</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>74</u> Motion to Dismiss Case (Pearce, James) (Entered: 10/19/2023) |
| 10/20/2023 | <u>110</u> | MOTION to Stay <i>Pending Appeal, Request for Temporary Administrative Stay, and Memorandum in Support</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 10/20/2023) |
| 10/20/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Upon consideration of Defendant's opposed <u>110</u> Motion for Stay Pending Appeal, Request for Temporary Administrative Stay, and Memorandum in Support, it is hereby ORDERED that the court's <u>105</u> Opinion and Order is administratively STAYED to permit the parties' briefing and the court's consideration of Defendant's Motion. It is FURTHER ORDERED that the government shall file any opposition to Defendant's Motion by October 25, 2023, and that Defendant shall file any Reply by October 28, 2023. Signed by Judge Tanya S. Chutkan on 10/20/2023. (zjd) (Entered: 10/20/2023) |
| 10/20/2023 | <u>111</u> | RESPONSE by DONALD J. TRUMP re <u>97</u> MOTION for Order for Fair and Protective Jury Procedures (Lauro, John) (Entered: 10/20/2023) |
| 10/20/2023 | <u>112</u> | RESPONSE by DONALD J. TRUMP re <u>98</u> MOTION for Formal Pretrial Notice of the Defendant's Intent to Rely on Advice-of-Counsel Defense (Lauro, John) (Entered: 10/20/2023) |
| 10/23/2023 | <u>113</u> | MOTION to Dismiss Case <i>Based on Constitutional Grounds</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 10/23/2023) |
| 10/23/2023 | <u>114</u> | MOTION to Dismiss Case <i>Based on Statutory Grounds</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 10/23/2023) |
| 10/23/2023 | <u>115</u> | MOTION to Strike <i>Inflammatory Allegations From the Indictment</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 10/23/2023) |
| 10/23/2023 | <u>116</u> | MOTION to Dismiss Case <i>for Selective and Vindictive Prosecution</i> by DONALD J. TRUMP. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4)(Bove, Emil) (Entered: 10/23/2023) |
| 10/25/2023 | <u>117</u> | REPLY in Support by USA as to DONALD J. TRUMP re <u>97</u> MOTION for Order for Fair and Protective Jury Procedures (Attachments: # <u>1</u> Text of Proposed Order)(Gaston, Molly) (Entered: 10/25/2023) |
| 10/25/2023 | <u>118</u> | REPLY in Support by USA as to DONALD J. TRUMP re <u>98</u> MOTION for Formal Pretrial Notice of the Defendant's Intent to Rely on Advice-of-Counsel Defense (Windom, Thomas) (Entered: 10/25/2023) |
| 10/25/2023 | <u>119</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>99</u> Motion for Discovery, (Windom, Thomas) (Entered: 10/25/2023) |
| 10/25/2023 | <u>120</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>110</u> Motion to Stay (Gaston, Molly) (Entered: 10/25/2023) |
| 10/26/2023 | <u>121</u> | NOTICE of <i>CIPA § 5 Filing and Objection to Unauthorized Deletions of Classified Information</i> by DONALD J. TRUMP (Blanche, Todd) (Entered: 10/26/2023) |
| 10/26/2023 | <u>122</u> | REPLY in Support by DONALD J. TRUMP re <u>74</u> MOTION to Dismiss Case (Lauro, John) (Entered: 10/26/2023) |
| 10/27/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Defendant's combined response, if any, to the <u>1</u> Media Coalition's Application for Audiovisual Access to Criminal Trial Proceedings, filed in Case No. 23–mc–99–TSC, and <u>1</u> Application of NBCUniversal |

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| | | Media, LLC to Permit Video and Audio of Trial in United States v. Donald Trump, filed in Case No. 23-mc-107-TSC, is due November 10, 2023. It is FURTHER ORDERED that any response shall be docketed in Case No. 23-mc-99-TSC. Signed by Judge Tanya S. Chutkan on 10/27/2023. (zjd) (Entered: 10/27/2023) |
| 10/28/2023 | <u>123</u> | REPLY in Support by DONALD J. TRUMP re <u>110</u> MOTION to Stay <i>Pending Appeal, Request for Temporary Administrative Stay, and Memorandum in Support</i> (Lauro, John) (Entered: 10/28/2023) |
| 10/29/2023 | <u>124</u> | OPINION and ORDER as to DONALD J. TRUMP: Denying Defendant's <u>110</u> Motion to Stay Pending Appeal, and lifting the administrative stay imposed by the court's October 20, 2023 Minute Order. Signed by Judge Tanya S. Chutkan on 10/29/2023. (zjd) (Entered: 10/29/2023) |
| 10/31/2023 | <u>125</u> | LEAVE TO FILE DENIED– Motion of the American Civil Liberties Union & the American Civil Liberties Union of the District of Columbia for Leave to File Brief Amici Curiae in Aid of the Court's Re-Evaluation of its Gag Order as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing." Signed by Judge Tanya S. Chutkan on 10/31/2023. (zhsj) (Entered: 10/31/2023) |
| 10/31/2023 | <u>131</u> | LEAVE TO FILE DENIED– Amicus Declaration in Support of United States Opposition to Defendant's Motion to Dismiss Dkt 74 Due "Presidential Immunity" as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 10/31/2023. (zhsj) (Entered: 11/03/2023) |
| 10/31/2023 | <u>132</u> | LEAVE TO FILE DENIED– Plaintiff's Demand for Default Judgments in Third Party Joinder Under FRCP, Rule 18(a) and (b) as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 10/31/2023. (zhsj) (Entered: 11/03/2023) |
| 10/31/2023 | <u>133</u> | LEAVE TO FILE DENIED– Motion to Withdraw New Motion to Intervene – New Fresh Most Recent Evidence Relate 6/4/2009 & 11/4/2008 Set June Date Kill Reddie as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 10/31/2023. (zhsj) (Entered: 11/03/2023) |
| 10/31/2023 | <u>134</u> | LEAVE TO FILE DENIED– Motion of Former Officials in Five Republican Administrations, Et Al for Leave to File an Amici Curiae Brief in Opposition to Defendant's Motion to Dismiss Indictment Based on Presidential Immunity as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural |

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| | | course by permitting this filing". Signed by Judge Tanya S. Chutkan on 10/31/2023. (zhsj) (Entered: 11/03/2023) |
| 10/31/2023 | <u>135</u> | LEAVE TO FILE DENIED– Pro Se Amicus Curiae re: Defendant's Motion to Dismiss Indictment Based on Presidential Immunity as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 10/31/2023. (zhsj) Modified on 11/3/2023 (zhsj). (Entered: 11/03/2023) |
| 11/01/2023 | <u>126</u> | OPINION and ORDER as to DONALD J. TRUMP: Granting the government's Classified Ex Parte, In Camera, and Under Seal Motion for a Protective Order Pursuant to Section 4 of the Classified Information Procedures Act and Rule 16(d)(1) of the Federal Rules of Criminal Procedure; and denying Defendant's Motion for Access to CIPA § 4 Filing, ECF No. 101. See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 11/1/2023. (zjd) (Entered: 11/01/2023) |
| 11/01/2023 | <u>127</u> | REPLY in Support by DONALD J. TRUMP re <u>99</u> MOTION for Discovery (<i>PRE-TRIAL RULE 17(c) SUBPOENAS</i>) (Lauro, John) (Entered: 11/01/2023) |
| 11/01/2023 | <u>128</u> | MOTION to Stay <i>Case Pending Immunity Determination</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 11/01/2023) |
| 11/01/2023 | <u>129</u> | MOTION for Extension of Time to <i>File Motions for Rule 17(c) Subpoenas and Motions to Compel</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 11/01/2023) |
| 11/02/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that the government shall file any opposition to Defendant's <u>129</u> Motion for Extension of Time by November 4, 2023; and that Defendant shall file any reply in support of that Motion by November 6, 2023. Signed by Judge Tanya S. Chutkan on 11/2/2023. (zjd) (Entered: 11/02/2023) |
| 11/02/2023 | <u>130</u> | ORDER as to DONALD J. TRUMP: Granting the government's <u>97</u> Motion for Fair and Protective Jury Procedures. See Order for details. Signed by Judge Tanya S. Chutkan on 11/2/2023. (zjd) (Entered: 11/02/2023) |
| 11/03/2023 | <u>136</u> | MOTION for Leave to File <i>Oversized Brief</i> by USA as to DONALD J. TRUMP. (Windom, Thomas) (Entered: 11/03/2023) |
| 11/03/2023 | | MINUTE ORDER as to DONALD J. TRUMP: It is hereby ORDERED that Defendant shall file any opposition to the government's <u>136</u> Motion for Leave to File Oversized Brief by 7:00 PM on November 4, 2023. This will allow the court to rule on the Motion in advance of the November 6, 2023 deadline for the brief in question. Signed by Judge Tanya S. Chutkan on 11/3/2023. (zjd) (Entered: 11/03/2023) |
| 11/03/2023 | <u>137</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>129</u> Motion for Extension of Time to <i>File Pretrial Motions Related to Discovery and Subpoenas</i> (Windom, Thomas) (Entered: 11/03/2023) |
| 11/04/2023 | <u>138</u> | RESPONSE by DONALD J. TRUMP re <u>136</u> MOTION for Leave to File <i>Oversized Brief</i> (Lauro, John) (Entered: 11/04/2023) |
| 11/05/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The government's <u>136</u> Motion for Leave to File Oversized Brief is hereby GRANTED. The government may submit a combined opposition brief to Defendant's <u>113</u> Motion to Dismiss Based on Constitutional Grounds and <u>114</u> Motion to Dismiss Based on Statutory Grounds. The brief may not exceed 90 pages in total. The discussion of each Motion therein shall not exceed 45 pages. Signed by Judge Tanya S. Chutkan on 11/5/2023. (zjd) (Entered: 11/05/2023) |
| 11/06/2023 | <u>139</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>113</u> Motion to Dismiss Case, <u>114</u> Motion to Dismiss Case (Pearce, James) (Entered: 11/06/2023) |

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| 11/06/2023 | <u>140</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>115</u> Motion to Strike (Gaston, Molly) (Entered: 11/06/2023) |
| 11/06/2023 | <u>141</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>116</u> Motion to Dismiss Case <i>for Selective and Vindictive Prosecution</i> (Windom, Thomas) (Entered: 11/06/2023) |
| 11/06/2023 | <u>142</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>128</u> Motion to Stay (Gaston, Molly) (Entered: 11/06/2023) |
| 11/06/2023 | <u>143</u> | NOTICE OF ATTORNEY APPEARANCE John M. Pellettieri appearing for USA. (Pellettieri, John) (Entered: 11/06/2023) |
| 11/06/2023 | <u>144</u> | REPLY in Support by DONALD J. TRUMP re <u>129</u> MOTION for Extension of Time to <i>File Motions for Rule 17(c) Subpoenas and Motions to Compel</i> (Lauro, John) (Entered: 11/06/2023) |
| 11/07/2023 | <u>146</u> | OPINION and ORDER as to DONALD J. TRUMP: granting in part and denying in part Defendant's <u>129</u> Motion for Extension of Time to File Pretrial Motions Related to Discovery and Subpoenas. Motions to compel due November 27, 2023; oppositions due December 11, 2023; replies due December 18, 2023. Rule 17(c) motions due December 13, 2023; oppositions due December 27, 2023; replies due January 3, 2024. See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 11/7/2023. (zjd) (Entered: 11/07/2023) |
| 11/08/2023 | <u>147</u> | OPINION and ORDER as to DONALD J. TRUMP: Granting in part and denying in part the government's Motion for Formal Pretrial Notice of the Defendant's Intent to Rely on Advice-of-Counsel Defense, ECF No. <u>98</u> . See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 11/8/2023. (zjd) (Entered: 11/08/2023) |
| 11/08/2023 | <u>148</u> | ORDER as to DONALD J. TRUMP: By November 22, 2023, the government shall submit a classified brief responding to the objection set forth in Defendant's classified CIPA § 5 submission. See Order for details. Signed by Judge Tanya S. Chutkan on 11/8/2023. (zjd) (Entered: 11/08/2023) |
| 11/09/2023 | <u>149</u> | NOTICE of Filing by USA as to DONALD J. TRUMP (Windom, Thomas) (Entered: 11/09/2023) |
| 11/09/2023 | <u>153</u> | LEAVE TO FILE DENIED–Motion for Leave to File Amicus as to DONALD J. TRUMP. This document is unavailable as the Court denied its filing. "Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 11/9/2023. (zhsj) (Entered: 11/14/2023) |
| 11/09/2023 | <u>154</u> | LEAVE TO FILE DENIED–Notice of Appeal as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even assuming a third party could file a notice of appeal in a criminal cases which the Federal Rules of Criminal Procedure and Local Criminal Rules do not contemplate, this filing does not comply with Rule 3(c) of the Circuit Rules of the U.S. Court of Appeals for the District of Columbia Circuit". Signed by Judge Tanya S. Chutkan on 11/9/2023. (zhsj) (Entered: 11/14/2023) |
| 11/09/2023 | <u>155</u> | LEAVE TO FILE DENIED–Proof of Service/Notice of Filing as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Even if construed as a motion for leave to file an amicus curiae brief, the court is not persuaded that filing this submission is warranted. Although courts have in rare instances exercised their discretion to permit third-party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 9/11/2023. (zhsj) (Entered: 11/14/2023) |
| 11/12/2023 | <u>150</u> | MOTION for Extension of Time to File Response/Reply as to <u>116</u> MOTION to Dismiss Case <i>for Selective and Vindictive Prosecution</i> , <u>128</u> MOTION to Stay Case <i>Pending Immunity Determination</i> , <u>115</u> MOTION to Strike <i>Inflammatory Allegations From the Indictment</i> , <u>113</u> MOTION to Dismiss Case <i>Based on Constitutional</i> |

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| | | <i>Grounds</i> , <u>114</u> MOTION to Dismiss Case <i>Based on Statutory Grounds</i> by DONALD J. TRUMP. (Lauro, John) (Entered: 11/12/2023) |
| 11/13/2023 | <u>151</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>150</u> Motion for Extension of Time to File Response/Reply, (Gaston, Molly) (Entered: 11/13/2023) |
| 11/13/2023 | <u>152</u> | ORDER as to DONALD J. TRUMP: Granting in part and denying in part Defendant's <u>150</u> Motion for Extension of Time to File Reply Briefs. Defendant may file any Reply in support of his motions to dismiss based on <u>113</u> constitutional, <u>114</u> statutory, and <u>116</u> selective prosecution grounds by November 22, 2023; and Defendant may file any Reply in support of his pending <u>115</u> Motion to Strike and <u>128</u> Motion to Stay by November 15, 2023. Signed by Judge Tanya S. Chutkan on 11/13/2023. (zjd) (Entered: 11/13/2023) |
| 11/15/2023 | <u>156</u> | REPLY in Support by DONALD J. TRUMP re <u>115</u> MOTION to Strike <i>Inflammatory Allegations From the Indictment</i> (Lauro, John) (Entered: 11/15/2023) |
| 11/15/2023 | <u>157</u> | REPLY in Support by DONALD J. TRUMP re <u>128</u> MOTION to Stay <i>Case Pending Immunity Determination</i> (Lauro, John) (Entered: 11/15/2023) |
| 11/17/2023 | <u>158</u> | OPINION and ORDER as to DONALD J. TRUMP: Denying Defendant's <u>115</u> Motion to Strike Inflammatory Allegations From the Indictment. See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 11/17/2023. (zjd) (Entered: 11/17/2023) |
| 11/21/2023 | <u>159</u> | Unopposed MOTION for Extension of Time to File Response/Reply to the <i>Special Counsel's Classified CIPA Sec. 5 Motion to Strike</i> by DONALD J. TRUMP. (Blanche, Todd) (Entered: 11/21/2023) |
| 11/21/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Defendant's unopposed <u>159</u> Motion for Extension of Time to File Opposition to the Special Counsel's Classified CIPA Sec. 5 Motion to Strike is hereby GRANTED. Defendant may file any opposition to the government's Motion to Strike by November 27, 2023. Signed by Judge Tanya S. Chutkan on 11/21/2023. (zjd) (Entered: 11/21/2023) |
| 11/22/2023 | <u>160</u> | NOTICE of Filing by USA as to DONALD J. TRUMP (Windom, Thomas) (Entered: 11/22/2023) |
| 11/22/2023 | <u>161</u> | REPLY in Support by DONALD J. TRUMP re <u>116</u> MOTION to Dismiss Case <i>for Selective and Vindictive Prosecution</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Blanche, Todd) (Entered: 11/22/2023) |
| 11/22/2023 | <u>162</u> | REPLY in Support by DONALD J. TRUMP re <u>113</u> MOTION to Dismiss Case <i>Based on Constitutional Grounds</i> (Lauro, John) (Entered: 11/22/2023) |
| 11/22/2023 | <u>163</u> | REPLY in Support by DONALD J. TRUMP re <u>114</u> MOTION to Dismiss Case <i>Based on Statutory Grounds</i> (Lauro, John) (Entered: 11/22/2023) |
| 11/22/2023 | <u>164</u> | LEAVE TO FILE DENIED– Motion for Leave to File Amicus as to DONALD J. TRUMP This document is unavailable as the Court denied its filing. "Although courts have in rare instances exercised their discretion to permit third–party submissions in criminal cases, neither the Federal Rules of Criminal Procedure nor the Local Criminal Rules contemplate the filing of amicus curiae briefs. At this time, the court does not find it necessary to depart from the ordinary procedural course by permitting this filing". Signed by Judge Tanya S. Chutkan on 11/22/2023. (zhsj) Modified on 11/27/2023 (zhsj). (Entered: 11/27/2023) |
| 11/27/2023 | <u>165</u> | OPINION and ORDER as to DONALD J. TRUMP: Denying Defendant's <u>99</u> Motion for Pretrial Rule 17(c) Subpoenas. See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 11/27/2023. (zjd) (Entered: 11/27/2023) |
| 11/27/2023 | <u>166</u> | MOTION for Leave to File <i>Under Seal Unredacted Motion and Exhibits</i> by DONALD J. TRUMP. (Attachments: # <u>1</u> PRESIDENT DONALD J. TRUMPS MOTION FOR AN ORDER REGARDING THE SCOPE OF THE PROSECUTION TEAM (REDACTED), # <u>2</u> Exhibit A, # <u>3</u> Exhibit B (redacted), # <u>4</u> Exhibit C (redacted), # <u>5</u> Exhibit D, # <u>6</u> Exhibit E (redacted), # <u>7</u> Exhibit F (redacted), # <u>8</u> Exhibit G (redacted), # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O)(Blanche, Todd) (Entered: 11/27/2023) |

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| 11/27/2023 | <u>167</u> | MOTION to Compel <i>Discovery</i> by DONALD J. TRUMP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Blanche, Todd) (Entered: 11/27/2023) |
| 11/28/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Defendant's <u>166</u> Motion for Leave to File Under Seal is hereby GRANTED. The proposed filing contains Sensitive Materials, which the court has already determined warrant sealing. See Protective Order, ECF No. <u>28</u> . Defendant shall file under seal an unredacted copy of his Motion for an Order Regarding the Scope of the Prosecution Team, and shall publicly file a redacted copy of that Motion, by November 29, 2023. The court reminds Defendant that all motions must indicate whether they are opposed. Going forward, if any party seeks to make a filing under seal, the party shall file a sealed motion for leave to file under seal that attaches (1) an unredacted copy of the filing to be docketed under seal, and (2) a redacted copy of the filing that may be publicly docketed. If the court decides to grant such sealed motions for leave to file under seal, it will then direct the Clerk of the Court to docket those attached filings under seal and publicly, respectively. See, e.g., ECF No. 47 (Government's sealed motion for leave to file under seal); ECF No. <u>55</u> (court order granting motion and directing Clerk to docket filings appropriately); see also Protective Order at 4; Local R. Crim. P. 49(f)(6)(i). Filings that do not comply with those procedures may be stricken. It is further ORDERED that the Government shall file any opposition to Defendant's Motion for an Order Regarding the Scope of the Prosecution Team by December 9, 2023; and Defendant shall file any Reply in support of that Motion by December 14, 2023. In addition, the Government shall file any Opposition to Defendant's <u>167</u> Motion to Compel Discovery by December 11, 2023; and Defendant shall file any Reply in support of that Motion by December 18, 2023. Signed by Judge Tanya S. Chutkan on 11/28/2023. (zjd) (Entered: 11/28/2023) |
| 11/28/2023 | <u>168</u> | NOTICE Pursuant to CIPA Section 5 by DONALD J. TRUMP (Blanche, Todd) (Entered: 11/28/2023) |
| 11/29/2023 | <u>169</u> | REDACTED DOCUMENT by DONALD J. TRUMP of Motion for an Order Regarding the Scope of the Prosecution Team (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B (redacted), # <u>3</u> Exhibit C (redacted), # <u>4</u> Exhibit D, # <u>5</u> Exhibit E (redacted), # <u>6</u> Exhibit F (redacted), # <u>7</u> Exhibit G (redacted), # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O)(Blanche, Todd) (Entered: 11/29/2023) |
| 12/01/2023 | <u>171</u> | MEMORANDUM OPINION as to DONALD J. TRUMP re: Defendant's <u>74</u> Motion to Dismiss Based on Presidential Immunity, and Defendant's <u>113</u> Motion to Dismiss Based on Constitutional Grounds. Signed by Judge Tanya S. Chutkan on 12/1/2023. (zjd) (Entered: 12/01/2023) |
| 12/01/2023 | <u>172</u> | ORDER as to DONALD J. TRUMP: Denying Defendant's <u>74</u> Motion to Dismiss Based on Presidential Immunity, and denying Defendant's <u>113</u> Motion to Dismiss Based on Constitutional Grounds. Signed by Judge Tanya S. Chutkan on 12/1/2023. (zjd) (Entered: 12/01/2023) |
| 12/01/2023 | | MINUTE ORDER as to DONALD J. TRUMP: In light of the court's <u>172</u> Order denying Defendant's <u>74</u> Motion to Dismiss Based on Presidential Immunity; Defendant's <u>128</u> Motion to Stay Case Pending Immunity Determination is hereby DENIED as moot. Signed by Judge Tanya S. Chutkan on 12/1/2023. (zjd) (Entered: 12/01/2023) |
| 12/04/2023 | <u>173</u> | NOTICE of Filing by USA as to DONALD J. TRUMP (Windom, Thomas) (Entered: 12/04/2023) |
| 12/05/2023 | | MINUTE ORDER as to DONALD J. TRUMP: The Government's unopposed <u>174</u> Sealed Motion for Leave to File Unredacted Notice Under Seal and for Entry of Redacted Notice on Public Docket is hereby GRANTED. The proposed filing contains Sensitive Materials, which the court has already determined warrant sealing. See Protective Order, ECF No. <u>28</u> . The Clerk of the Court is directed to file under seal the unredacted copy of the Government's Notice (ECF No. 174-1), and to file on the public docket the redacted copy of the Government's Notice (ECF No. 174-2). Signed by Judge Tanya S. Chutkan on 12/5/2023. (zjd) (Entered: 12/05/2023) |
| 12/05/2023 | <u>176</u> | NOTICE Pursuant to Federal Rule of Evidence 404(b) by USA as to DONALD J. TRUMP. (zhsj) (Entered: 12/05/2023) |

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| 12/07/2023 | <u>177</u> | NOTICE OF APPEAL (Interlocutory) by DONALD J. TRUMP re <u>172</u> Order on Motion to Dismiss Case, <u>171</u> Memorandum Opinion. Filing fee \$ 605, receipt number ADCDC-10543486. Fee Status: Fee Paid. Parties have been notified. (Lauro, John) (Entered: 12/07/2023) |
| 12/07/2023 | <u>178</u> | MOTION for Stay <i>Order Regarding Automatic Stay of Proceedings Pending Appeal</i> re <u>177</u> Notice of Appeal – Interlocutory by DONALD J. TRUMP. (Blanche, Todd) Modified event on 12/8/2023 (znmw). (Entered: 12/07/2023) |
| 12/07/2023 | <u>179</u> | NOTICE OF APPEAL (Interlocutory) by DONALD J. TRUMP re <u>172</u> Order on Motion to Dismiss Case, <u>171</u> Memorandum Opinion. Filing fee \$605, receipt number ADCDC-10543486. Fee Status: Fee Paid. Parties have been notified. (zhsj) (Entered: 12/07/2023) |
| 12/07/2023 | | MINUTE ORDER as to DONALD J. TRUMP: Upon consideration of Defendant's <u>178</u> Motion for Order Regarding Automatic Stay of Proceedings Pending Appeal, it is hereby ORDERED that the government shall file any opposition to Defendant's Motion by 5:00 p.m. on Sunday, December 10, 2023, and that Defendant shall file any Reply by 5:00 p.m. on Tuesday, December 12, 2023. Signed by Judge Tanya S. Chutkan on 12/7/2023. (zjd) (Entered: 12/07/2023) |
| 12/08/2023 | <u>180</u> | Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid ON 12/7/2023 as to DONALD J. TRUMP re <u>179</u> Notice of Appeal – Interlocutory. (zhsj) (Entered: 12/08/2023) |
| 12/08/2023 | | USCA Case Number as to DONALD J. TRUMP 23-3228 for <u>179</u> Notice of Appeal – Interlocutory filed by DONALD J. TRUMP. (zstd) (Entered: 12/18/2023) |
| 12/08/2023 | <u>187</u> | MANDATE of USCA as to DONALD J. TRUMP re <u>106</u> Notice of Appeal – Interlocutory. In accordance with the Judgment filed on December 8, 2023, it is Ordered and Adjudged that the District Court's Order be affirmed in part and vacated in part, in accordance with the opinion of the court filed herein this date. It is Further Ordered that this court's administrative stay entered on November 3, 2023, be dissolved. USCA Case Number 23-3190. (Attachments: # <u>1</u> USCA Judgment of 12/8/2023, # <u>2</u> USCA Opinion Argued 11/20/2023 and Decided on 12/8/2023)(zstd) (Entered: 12/18/2023) |
| 12/09/2023 | <u>181</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>167</u> Motion to Compel <i>and in Opposition to ECF No. 166-1 (Motion for an Order Regarding the Scope of the Prosecution Team)</i> (Windom, Thomas) (Entered: 12/09/2023) |
| 12/10/2023 | <u>182</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>178</u> Motion for Stay Order (Gaston, Molly) Modified text on 12/12/2023 (zstd). (Entered: 12/10/2023) |
| 12/11/2023 | <u>183</u> | NOTICE of Summary of Anticipated Expert Testimony by USA as to DONALD J. TRUMP (Gaston, Molly) (Entered: 12/11/2023) |
| 12/12/2023 | <u>184</u> | NOTICE of Filing by USA as to DONALD J. TRUMP (Windom, Thomas) (Entered: 12/12/2023) |
| 12/12/2023 | <u>185</u> | REPLY in Support by DONALD J. TRUMP re <u>178</u> MOTION for Order Regarding Automatic Stay of Proceedings Pending Appeal re <u>177</u> Notice of Appeal – Interlocutory (Blanche, Todd) (Entered: 12/12/2023) |
| 12/13/2023 | <u>186</u> | OPINION and ORDER as to DONALD J. TRUMP: Granting in part and denying in part Defendant's <u>178</u> Motion to Stay Proceedings Pending Appeal. See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 12/13/2023. (zjd) (Entered: 12/13/2023) |
| 12/18/2023 | <u>188</u> | NOTICE of Service by USA as to DONALD J. TRUMP (Windom, Thomas) (Entered: 12/18/2023) |
| 12/18/2023 | <u>189</u> | RESPONSE by DONALD J. TRUMP re <u>188</u> Notice of Service (Attachments: # <u>1</u> Exhibit A)(Singer, Gregory) Modified text on 12/19/2023 (zstd). (Entered: 12/18/2023) |
| 12/27/2023 | <u>191</u> | MOTION in Limine by USA as to DONALD J. TRUMP. (Gaston, Molly) (Entered: 12/27/2023) |

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| 01/04/2024 | <u>192</u> | OPPOSED MOTION for Order to Show Cause Why Prosecutors Should Not Be Held in Contempt by DONALD J. TRUMP. (Lauro, John) Modified text on 1/4/2024 (zstd). (Entered: 01/04/2024) |
| 01/05/2024 | <u>193</u> | Memorandum in Opposition by USA as to DONALD J. TRUMP re <u>192</u> Motion for Order to Show Cause (Windom, Thomas) (Entered: 01/05/2024) |
| 01/12/2024 | <u>194</u> | REPLY in Support by DONALD J. TRUMP re <u>192</u> MOTION for Order to Show Cause <i>Why Prosecutors Should Not Be Held in Contempt</i> (Lauro, John) (Entered: 01/12/2024) |
| 01/18/2024 | <u>195</u> | OPINION and ORDER as to DONALD J. TRUMP: Granting in part and denying in part Defendant's <u>192</u> Motion for Order to Show Cause Why Prosecutors Should Not Be Held in Contempt. Until the mandate is returned in this case, the parties shall not file any substantive pretrial motions without first seeking leave of court, and any such request for leave shall state whether the proposed motion concerns matters involved in the appeal or is instead ancillary to it. See Opinion and Order for details. Signed by Judge Tanya S. Chutkan on 1/18/2024. (zjd) (Entered: 01/18/2024) |

EXHIBIT 3

General Docket
United States Court of Appeals for District of Columbia Circuit

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| Court of Appeals Docket #: 23-3190 USA v. Donald Trump Appeal From: United States District Court for the District of Columbia Fee Status: Fee Paid | Docketed: 10/18/2023 Termed: 12/08/2023 |
| Case Type Information: 1) Criminal 2) Interlocutory 3) | |
| Originating Court Information: District: 0090-1 : 1:23-cr-00257-TSC-1 Lead: <u>1:23-cr-00257-TSC-1</u> Court Reporter: Jeff Hook, Court Reporter Court Reporter: Bryan Wayne Trial Judge: Tanya S. Chutkan, U.S. District Judge Date Filed: 08/01/2023 Date Order/Judgment: 10/17/2023 Date NOA Filed: 10/17/2023 | |
| Prior Cases: None | |
| Current Cases: None | |
| Panel Assignment: Panel: PAM CTLP BNG Date of Hearing: 11/20/2023 Date of Decision: 12/08/2023 Date Completed: 12/08/2023 | |

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| United States of America <p style="text-align: right;">Plaintiff - Appellee</p> | Molly Gaston Direct: 202-616-5647 Email: molly.gaston@usdoj.gov [COR LD NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Criminal Division 12th Floor 1400 New York Avenue, NW Washington, DC 20530 Cecil Woods VanDevender Direct: 202-689-7463 Email: cecil.vandevender@usdoj.gov [COR LD NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Special Counsel's Office Room B-206 950 Pennsylvania Avenue, NW Washington, DC 20530 James Pearce Direct: 202-532-4991 Email: james.pearce@usdoj.gov Fax: 202-305-2121 [COR NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Criminal Division, Appellate Section Room 1250 950 Pennsylvania Avenue, NW Washington, DC 20530 |
| v. | |
| Donald J. Trump <p style="text-align: right;">Defendant - Appellant</p> | John F. Lauro Direct: 813-222-8990 Email: jlauro@laurosinger.com Fax: 813-222-8991 |

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State of Alaska

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| | | |
|--------------------------|-----------------------------|---|
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| State of Indiana | Amicus Curiae for Appellant | Eric H. Wessan Direct: 515-823-9117 [COR LD NTC Gvt Non-Federal] (see above) |
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| Commonwealth of Kentucky | Amicus Curiae for Appellant | Eric H. Wessan Direct: 515-823-9117 [COR LD NTC Gvt Non-Federal] (see above) |
| State of Louisiana | Amicus Curiae for Appellant | Eric H. Wessan Direct: 515-823-9117 [COR LD NTC Gvt Non-Federal] (see above) |
| State of Mississippi | Amicus Curiae for Appellant | Eric H. Wessan Direct: 515-823-9117 [COR LD NTC Gvt Non-Federal] (see above) |
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| State of Oklahoma | Amicus Curiae for Appellant | Eric H. Wessan Direct: 515-823-9117 [COR LD NTC Gvt Non-Federal] (see above) |
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| State of South Dakota | Amicus Curiae for Appellant | Eric H. Wessan Direct: 515-823-9117 [COR LD NTC Gvt Non-Federal] (see above) |
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Jeremy C. Bates
Terminated: 11/27/2023

Movant-Amicus Curiae for Appellee

United States of America,

Plaintiff - Appellee

v.

Donald J. Trump,

Defendant - Appellant

State of Iowa; State of West Virginia; State of Alabama; State of Alaska; State of Idaho; State of Indiana; State of Kansas;
Commonwealth of Kentucky; State of Louisiana; State of Mississippi; State of Missouri; State of Nebraska; State of North Dakota; State
of Oklahoma; State of South Carolina; State of South Dakota; State of Texas; State of Utah; America First Legal Foundation; Christian
Family Coalition Florida, Inc.,
















Amici Curiae for Appellant

Treniss Jewell Evans, III,

Movant-Amicus Curiae for Appellant

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| 10/18/2023 | <input type="checkbox"/> | CRIMINAL CASE docketed. [23-3190] [Entered: 10/18/2023 10:42 AM] |
| 10/18/2023 | <input type="checkbox"/> | NOTICE OF APPEAL [2022319] seeking review of a decision by the U.S. District Court in 1:23-cr-00257-TSC-1 filed by Donald J. Trump. Appeal assigned USCA Case Number: 23-3190. [23-3190] [Entered: 10/18/2023 11:19 AM] |
| 10/18/2023 | <input type="checkbox"/> | LETTER [2022321] sent regarding attorney membership to John F. Lauro for Donald J. Trump. Application for Admission due 11/02/2023. [23-3190] [Entered: 10/18/2023 11:22 AM] |
| 10/18/2023 | <input type="checkbox"/> | ENTRY OF APPEARANCE [2022369] filed by Dean John Sauer on behalf of Appellant Donald J. Trump. [23-3190] (Sauer, Dean) [Entered: 10/18/2023 01:05 PM] |
| 10/24/2023 | <input type="checkbox"/> | CLERK'S ORDER [2023543] filed directing appellant to file initial submissions: APPELLANT transcript status report due 11/08/2023 and APPELLANT docketing statement due 11/08/2023. [23-3190] [Entered: 10/24/2023 01:42 PM] |
| 10/31/2023 | <input type="checkbox"/> | ENTRY OF APPEARANCE [2024510] filed by Cecil W. VanDevender on behalf of Appellee USA. [23-3190] (VanDevender, Cecil) [Entered: 10/31/2023 09:01 AM] |
| 11/02/2023 | <input type="checkbox"/> | AMENDED ENTRY OF APPEARANCE [2025140] filed by Dean John Sauer and co-counsel William Owen Scharf; Michael E. Talent on behalf of Appellant Donald J. Trump. [23-3190] (Scharf, William) [Entered: 11/02/2023 06:20 PM] |
| 11/02/2023 | <input type="checkbox"/> | EMERGENCY MOTION [2025149] for stay pending appeal and temporary administrative stay filed by Donald J. Trump (Service Date: 11/02/2023 by CM/ECF NDA) Length Certification: 5152 words. [23-3190] (Sauer, Dean) [Entered: 11/02/2023 08:14 PM] |
| 11/03/2023 | <input type="checkbox"/> | PER CURIAM ORDER [2025399] filed considering motion to stay case [2025149-2], ORDERED that the district court's October 17, 2023, order be administratively stayed pending further order of the court. Further ordered that his case be expedited. setting briefing schedule: APPELLANT Brief due 11/08/2023, at 5:00 p.m.. APPENDIX due 11/08/2023, at 5:00 p.m.. APPELLEE Brief due on 11/14/2023, at 5:00 p.m., APPELLANT Reply Brief due 11/17/2023, at 12:00 p.m., scheduling oral argument on Monday, 11/20/2023. Before Judges: Millett, Pillard and Garcia. [23-3190] [Entered: 11/03/2023 05:06 PM] |
| 11/04/2023 | <input type="checkbox"/> | ENTRY OF APPEARANCE [2025420] filed by Dean John Sauer and co-counsel Emil Bove on behalf of Appellant Donald J. Trump. [23-3190] (Bove, Emil) [Entered: 11/04/2023 01:19 PM] |
| 11/07/2023 | <input type="checkbox"/> | PER CURIAM ORDER [2025782] filed allocating oral argument time as follows: Appellant - 20 Minutes, Appellee - 20 Minutes; directing party to file Form 72 notice of arguing attorney by 11/09/2023 [23-3190] [Entered: 11/07/2023 02:45 PM] |
| 11/08/2023 | <input type="checkbox"/> | APPELLANT BRIEF [2025974] filed by Donald J. Trump [Service Date: 11/08/2023] Length of Brief: 12,767 words per 13,000 word limit. [23-3190] (Sauer, Dean) [Entered: 11/08/2023 03:28 PM] |
| 11/08/2023 | <input type="checkbox"/> | JOINT APPENDIX [2025997] filed by Donald J. Trump [Volumes: 1] [Service Date: 11/08/2023] [23-3190] (Sauer, Dean) [Entered: 11/08/2023 04:07 PM] |
| 11/08/2023 | <input type="checkbox"/> | TRANSCRIPT STATUS REPORT [2026000] filed by Donald J. Trump [Service Date: 11/08/2023]. Status of Transcripts: Final - All transcripts needed for the appeal have been completed and received. [23-3190] (Sauer, Dean) [Entered: 11/08/2023 04:19 PM] |
| 11/08/2023 | <input type="checkbox"/> | DOCKETING STATEMENT & CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES [2026003] filed by Donald J. Trump [Service Date: 11/08/2023] [23-3190]--[Edited 11/09/2023 by LMM] (Sauer, Dean) [Entered: 11/08/2023 04:21 PM] |
| 11/08/2023 | <input type="checkbox"/> | SEALED APPENDIX [2026031] filed by Donald J. Trump. [Volumes: 1] [Service Date:11/08/2023] [23-3190] [Entered: 11/09/2023 07:10 AM] |
| 11/09/2023 | <input type="checkbox"/> | FORM 72 submitted by arguing attorney, Dean John Sauer, on behalf of Appellant Donald J. Trump (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [23-3190] (Sauer, Dean) [Entered: 11/09/2023 11:36 AM] |
| 11/09/2023 | <input type="checkbox"/> | FORM 72 submitted by arguing attorney, Cecil W. VanDevender, on behalf of Appellee USA (<i>For Internal Use Only: Form is restricted to protect counsel's personal contact information</i>). [23-3190] (VanDevender, Cecil) [Entered: 11/09/2023 11:40 AM] |
| 11/14/2023 | <input type="checkbox"/> | APPELLEE BRIEF [2026922] filed by USA [Service Date: 11/14/2023] Length of Brief: 12,944 Words. [23-3190] (VanDevender, Cecil) [Entered: 11/14/2023 12:52 PM] |
| 11/14/2023 | <input type="checkbox"/> | UNOPPOSED MOTION [2026924] to supplement the appendix filed by USA [Service Date: 11/14/2023] Length Certification: 151 Words. [23-3190] (VanDevender, Cecil) [Entered: 11/14/2023 12:54 PM] |
| 11/14/2023 | <input type="checkbox"/> | SUPPLEMENTAL APPENDIX [2026926] lodged by USA. [Volumes: 1] [Service Date:11/14/2023] [23-3190] --[MODIFIED EVENT FROM FILED TO LODGED--Edited 11/14/2023 by LMM] (VanDevender, Cecil) |

[Entered: 11/14/2023 12:55 PM]

- 11/14/2023  AMICUS FOR APPELLANT BRIEF [2027024] filed by Iowa, West Virginia, Alabama, Alaska, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, and Utah [Service Date: 11/14/2023] Length of Brief: 2,925. [23-3190] (Wessan, Eric) [Entered: 11/14/2023 05:23 PM]
23 pg, 334.71 KB
- 11/14/2023  MOTION [2027025] to participate as amicus curiae [Disclosure Listing: Attached] filed by America First Legal Foundation [Service Date: 11/14/2023] [23-3190] (Stone, Judd) [Entered: 11/14/2023 05:42 PM]
7 pg, 86.51 KB
- 11/14/2023  AMICUS FOR APPELLANT BRIEF [2027026] lodged by America First Legal Foundation [Service Date: 11/14/2023] Length of Brief: 3,727. [23-3190]--[MODIFIED EVENT FROM FILED TO LODGED--Edited 11/15/2023 by LMM] (Stone, Judd) [Entered: 11/14/2023 05:43 PM]
26 pg, 163.91 KB
- 11/15/2023  MOTION [2027282] to participate as amicus curiae [Disclosure Listing: Previously Filed] filed by Christian Family Coalition [CFC] Florida, Inc. [Service Date: 11/15/2023] [23-3190] (Grossman, Dennis) [Entered: 11/15/2023 11:39 PM]
39 pg, 187.3 KB
- 11/16/2023  AMICUS FOR APPELLANT BRIEF [2027311] lodged by Christian Family Coalition Florida, Inc. [Service Date: 11/15/2023] Length of Brief: 4,964 words. [23-3190]--[Edited 11/16/2023 by HNG--MODIFIED EVENT FROM FILED TO LODGED] [Entered: 11/16/2023 09:54 AM]
30 pg, 140.86 KB
- 11/17/2023  APPELLANT REPLY BRIEF [2027571] filed by Donald J. Trump [Service Date: 11/17/2023] Length of Brief: 6,482 words. [23-3190] (Sauer, Dean) [Entered: 11/17/2023 11:04 AM]
37 pg, 294.53 KB
- 11/20/2023  MOTION [2027864] to participate as amicus curiae [Disclosure Listing: Not Applicable to this Party] filed by Jeremy Bates [Service Date: 11/20/2023] [23-3190] (Bates, Jeremy) [Entered: 11/20/2023 12:29 PM]
32 pg, 376.96 KB
- 11/20/2023  ORAL ARGUMENT HELD before Judges Millett, Pillard and Garcia. [23-3190] [Entered: 11/20/2023 12:35 PM]
1 pg, 39.7 KB
- 11/20/2023  PER CURIAM ORDER [2027976] filed granting appellee's unopposed motion for leave to file a supplemental appendix [2026924-2]; The Clerk is directed to file the lodged supplemental appendix [2026926-2]; granting motion of American First Legal Foundation for leave to participate as amicus curiae [2027025-2], granting motion of Christian Family Coalition Florida, Inc. for leave to participate as amicus curiae [2027282-2]; The Clerk is directed to file lodged Amicus brief [2027311-2]. The Clerk is directed to file lodged Amicus brief [2027026-2]. Before Judges: Millett, Pillard and Garcia. [23-3190] [Entered: 11/20/2023 05:13 PM]
1 pg, 38.59 KB
- 11/20/2023 PER ABOVE ORDER lodged supplemental appendix [2026926-2] is filed [23-3190] [Entered: 11/20/2023 05:18 PM]
- 11/20/2023 PER ABOVE ORDER lodged Amicus brief [2027311-2], Amicus brief [2027026-2] is filed [23-3190] [Entered: 11/20/2023 05:18 PM]
- 11/20/2023 [LEAVE TO FILE DENIED BY ORDER ON 11/27/23]--AMICUS FOR APPELLEE BRIEF [2028195] lodged by Mr. Jeremy C. Bates [Service Date: 11/20/2023] Length of Brief: 3,878 words. [23-3190]--[MODIFIED EVENT FROM FILED TO LODGED--Edited 11/21/2023 by LMM] [Entered: 11/21/2023 03:05 PM]
- 11/23/2023  LETTER [2028463] pursuant to FRAP 28j advising of additional authorities filed by USA [Service Date: 11/23/2023] [23-3190] (VanDevender, Cecil) [Entered: 11/23/2023 02:20 PM]
26 pg, 15.12 MB
- 11/24/2023  RESPONSE [2028464] to letter Rule 28j authorities [2028463-2], letter [2028463-3] filed by Donald J. Trump [Service Date: 11/24/2023 by CM/ECF NDA] Length Certification: 349 words. [23-3190] (Sauer, Dean) [Entered: 11/24/2023 09:33 AM]
2 pg, 233.73 KB
- 11/27/2023  PER CURIAM ORDER [2028729] filed denying motion of Jeremy C. Bates for leave to file brief as amicus curiae in support of the United States and dismissal [2027864-2]. The Clerk is directed to note the docket accordingly. Before Judges: Millett, Pillard and Garcia. [23-3190] [Entered: 11/27/2023 03:52 PM]
1 pg, 37.81 KB
- 12/08/2023  PER CURIAM JUDGMENT [2030688] filed that the District Court's Order be affirmed in part and vacated in part. It is FURTHER ORDERED that this court's administrative stay entered on November 3, 2023, be dissolved. The Clerk is directed to issue the mandate forthwith, for the reasons in the accompanying opinion . Before Judges: Millett, Pillard and Garcia. [23-3190] [Entered: 12/08/2023 01:59 PM]
1 pg, 53.64 KB
- 12/08/2023  PUBLIC REDACTED OPINION [2030689] filed (Pages: 68) for the Court by Judge Millett. [23-3190] [Entered: 12/08/2023 02:02 PM]
68 pg, 416.62 KB
- 12/08/2023 SEALED OPINION [2030690] filed (Pages: 68) for the Court by Judge Millett. [23-3190] [Entered: 12/08/2023 02:03 PM]
- 12/08/2023  PER CURIAM ORDER [2030695] filed, on the court's own motion, that the parties show cause, on or before December 18, 2023, why the sealed portions of the redacted opinion of the court issued on December 8, 2023, should not be unsealed. In the event the parties conclude that any of the redacted portions of the opinion of the court should remain under seal, the parties are directed to identify the redaction and provide an explanation for why the redacted material should remain under seal. The parties

are strongly encouraged to submit a joint response, which may be filed under seal if necessary. The response(s) may not exceed 1,300 words each. Before Judges: Millett, Pillard and Garcia. [23-3190] [Entered: 12/08/2023 02:11 PM]












- 12/08/2023  MANDATE ISSUED to Clerk, U.S. District Court. [23-3190] [Entered: 12/08/2023 02:13 PM]
1 pg, 38.87 KB
- 12/12/2023  MOTION [2032121] to participate as amicus curiae [Disclosure Listing: Not Applicable to this Party] filed by Treniss Jewell Evans, III [Service Date: 12/19/2023] [23-3190] [Entered: 12/19/2023 07:38 AM]
6 pg, 6.06 MB
- 12/12/2023  MOTION [2032122] to extend time to file brief filed by Treniss Jewell Evans, III (Service Date: 12/19/2023 by CM/ECF NDA) Length Certification: 86 words. [23-3190] [Entered: 12/19/2023 07:50 AM]
6 pg, 5.56 MB
- 12/12/2023  MOTION [2032123] for other relief, styled as a motion for leave to file hard copy filed by Treniss Jewell Evans, III (Service Date: 12/19/2023 by CM/ECF NDA) Length Certification: 55 words. [23-3190] [Entered: 12/19/2023 07:53 AM]
4 pg, 3.79 MB
- 12/12/2023  AMICUS FOR APPELLANT BRIEF [2032124] lodged by Treniss Jewell Evans, III [Service Date: 12/19/2023] Length of Brief: 6,013 words. [23-3190] [Entered: 12/19/2023 07:56 AM]
72 pg, 58.96 MB
- 12/18/2023  PETITION [2032007] for rehearing, for rehearing en banc, Administrative Stay filed by Appellant Donald J. Trump [Service Date: 12/18/2023 by CM/ECF NDA] Length Certification: 3,840 Words. [23-3190] (Sauer, Dean) [Entered: 12/18/2023 02:01 PM]
97 pg, 777.39 KB
- 12/18/2023  JOINT RESPONSE [2032055] to order [2030695-2], [2030695-3] filed by USA (Service Date: 12/18/2023 by CM/ECF NDA) Length Certification: 139. [23-3190] (VanDevender, Cecil) [Entered: 12/18/2023 03:27 PM]
1 pg, 121.4 KB
- 12/20/2023  PER CURIAM ORDER [2032663] filed discharging the order to show cause [2030695-3]. It is FURTHER ORDERED that the sealed opinion issued December 8, 2023, be amended [2030690-3] (SEE ORDER FOR DETAILS). It is FURTHER ORDERED that the opinion filed under seal on December 8, 2023, as amended and with formatting changes, be unsealed. The Clerk is directed to unseal the opinion and release it publicly. Before Judges: Millett, Pillard and Garcia. [23-3190] [Entered: 12/20/2023 03:38 PM]
2 pg, 47.24 KB
- 12/20/2023  PUBLIC OPINION [2032665] filed (Pages: 65) for the Court by Judge Millett. [23-3190] [Entered: 12/20/2023 03:40 PM]
65 pg, 373.13 KB
- 12/21/2023  CLERK'S ORDER [2032851] filed, on the court's own motion, that within 15 days of the date of this order, appellee file a response to the petition for rehearing en banc [2032007-4]. The response may not exceed 3,900 words. Absent an order of the court, a reply to the response will not be accepted for filing. [23-3190] [Entered: 12/21/2023 01:15 PM]
1 pg, 37.91 KB
- 12/31/2023  RESPONSE [2033815] to petition for rehearing [2032007-2], petition for rehearing en banc [2032007-4], petition to stay case [2032007-5] filed by USA [Service Date: 12/31/2023 by CM/ECF NDA] Length Certification: 3,879 words. [23-3190] (VanDevender, Cecil) [Entered: 12/31/2023 02:18 PM]
24 pg, 197.52 KB

EXHIBIT 4

General Docket
United States Court of Appeals for District of Columbia Circuit

| | |
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| Court of Appeals Docket #: 23-3228 USA v. Donald Trump Appeal From: United States District Court for the District of Columbia Fee Status: Fee Paid | Docketed: 12/08/2023 |
| Case Type Information: 1) Criminal 2) Interlocutory 3) | |
| Originating Court Information: District: 0090-1 : 1:23-cr-00257-TSC-1 Lead: <u>1:23-cr-00257-TSC-1</u> Court Reporter: Jeff Hook, Court Reporter Court Reporter: Bryan Wayne Trial Judge: Tanya S. Chutkan, U.S. District Judge Date Filed: 08/01/2023 Date Order/Judgment: Date NOA Filed: 12/01/2023 12/07/2023 | |
| Prior Cases: None | |
| Current Cases: None | |
| Panel Assignment: Panel: KLH JMC FYP Date of Hearing: 01/09/2024 Date of Decision: | |

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| United States of America Plaintiff - Appellee | <p>James Pearce Direct: 202-532-4991 Email: james.pearce@usdoj.gov Fax: 202-305-2121 [COR LD NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Criminal Division, Appellate Section Room 1250 950 Pennsylvania Avenue, NW Washington, DC 20530</p> <p>John M. Pellettieri, Attorney Direct: 202-307-3766 Email: john.pellettieri@usdoj.gov Fax: 202-305-2121 [COR LD NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Criminal Division, Appellate Section Room 1264 950 Pennsylvania Avenue, NW Washington, DC 20530</p> <p>Thomas Windom Direct: 202-870-7186 Email: thomas.windom@usdoj.gov [COR LD NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Special Counsel's Office 950 Pennsylvania Avenue, NW Washington, DC 20530</p> <p>Joseph Patrick Cooney [COR NTC Gvt US DOJ] U.S. Department of Justice (DOJ) Special Counsel's Office 950 Pennsylvania Avenue, NW Washington, DC 20530</p> |
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(DOJ) Special Counsel's Office
Room B-206
950 Pennsylvania Avenue, NW
Washington, DC 20530

v.

Donald J. Trump

Defendant - Appellant

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Plaintiff - Appellee

v.

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Defendant - Appellant

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| 12/08/2023 | <input type="checkbox"/> | CRIMINAL CASE docketed. [23-3228] [Entered: 12/08/2023 10:05 AM] |
| 12/08/2023 | <input type="checkbox"/> | NOTICE OF APPEAL [2030604] seeking review of a decision by the U.S. District Court in 1:23-cr-00257-TSC-1 filed by Donald J. Trump. Appeal assigned USCA Case Number: 23-3228. [23-3228] [Entered: 12/08/2023 10:07 AM] |
| 12/08/2023 | <input type="checkbox"/> | CLERK'S ORDER [2030625] filed directing party to file initial submissions: APPELLANT transcript status report due 12/26/2023. APPELLANT docketing statement due 12/26/2023. APPELLANT entry of appearance due 12/26/2023 [23-3228] [Entered: 12/08/2023 11:10 AM] |
| 12/08/2023 | <input type="checkbox"/> | ENTRY OF APPEARANCE [2030634] filed by Dean John Sauer and co-counsel William O. Scharf, Michael E. Talent on behalf of Appellant Donald J. Trump. [23-3228] (Sauer, Dean) [Entered: 12/08/2023 11:30 AM] |
| 12/11/2023 | <input type="checkbox"/> | MOTION [2030867] to expedite case filed by USA (Service Date: 12/11/2023 by CM/ECF NDA) Length Certification: 954 Words. [23-3228] (Pearce, James) [Entered: 12/11/2023 12:24 PM] |
| 12/11/2023 | <input type="checkbox"/> | PER CURIAM ORDER [2030988] filed directing appellant file a response to the motion to expedite by 10:00 a.m. on Wednesday, December 13, 2023. Any reply is due by 10:00 a.m. on Thursday, December 14, 2023. Before Judges: Henderson, Childs and Pan. [23-3228] [Entered: 12/11/2023 05:20 PM] |
| 12/11/2023 | <input type="checkbox"/> | LETTER [2031350] received from the Clerk of the Supreme Court of the United States notifying this court of the following activity in the case before it: A petition for writ of certiorari before judgment was filed and placed on the docket on 12/11/2023 as No. 23-624. [23-3228] [Entered: 12/13/2023 02:44 PM] |
| 12/12/2023 | <input type="checkbox"/> | MOTION [2031174] to participate as amicus curiae [Disclosure Listing: Not Applicable to this Party] filed by Former Officials in Five Republican Administrations [Service Date: 12/12/2023] [23-3228] (Bernstein, Richard) [Entered: 12/12/2023 02:51 PM] |
| 12/12/2023 | <input type="checkbox"/> | TRANSCRIPT STATUS REPORT [2031187] filed by Donald J. Trump [Service Date: 12/12/2023]. Status of Transcripts: Final - No transcripts are needed for the appeal. [23-3228] (Sauer, Dean) [Entered: 12/12/2023 03:39 PM] |
| 12/12/2023 | <input type="checkbox"/> | DOCKETING STATEMENT [2031188] filed by Donald J. Trump [Service Date: 12/12/2023] [23-3228] (Sauer, Dean) [Entered: 12/12/2023 03:43 PM] |
| 12/12/2023 | <input type="checkbox"/> | AMICUS FOR APPELLEE BRIEF [2031216] lodged by Donald B. Ayer, John B. Bellinger, III, Richard Bernstein, Barbara Comstock, John C. Danforth, Mickey Edwards, Mr. Charles Fried, Stuart M. Gerson, Esquire, John Giraud, Peter D. Keisler, Edward J. Larson, Mr. J. Michael Luttig, Carter G. Phillips, Mr. Alan Charles Raul, Paul Rosenzweig, Nicholas Rostow, Robert B. Shanks, Christopher Shays, Michael Shepherd, Larry Thompson, Stanley Twardy, Christine Todd Whitman, Keith E. Whittington and Wendell Willkie, II [Service Date: 12/12/2023] Length of Brief: 5,730 words. [23-3228]--[Edited 12/13/2023 by EKC--MODIFIED EVENT FROM FILED TO LODGED] (Bernstein, Richard) [Entered: 12/12/2023 04:49 PM] |
| 12/13/2023 | <input type="checkbox"/> | RESPONSE IN OPPOSITION [2031248] to motion to expedite case [2030867-2] filed by Donald J. Trump [Service Date: 12/13/2023 by CM/ECF NDA] Length Certification: 3,049 Words. [23-3228] (Sauer, Dean) [Entered: 12/13/2023 08:29 AM] |
| 12/13/2023 | <input type="checkbox"/> | REPLY [2031335] filed by USA to response [2031248-2] [Service Date: 12/13/2023 by CM/ECF NDA] Length Certification: 1,464 Words. [23-3228] (Pearce, James) [Entered: 12/13/2023 02:04 PM] |
| 12/13/2023 | <input type="checkbox"/> | PER CURIAM ORDER [2031419] filed expediting this appeal. The following briefing schedule will apply: APPELLANT'S Brief due 12/23/2023. JOINT APPENDIX due 12/23/2023. APPELLEE'S Brief due on 12/30/2023. APPELLANT'S Reply Brief due 01/02/2024. It is FURTHER ORDERED that any oral argument be scheduled before this panel. The parties will be informed later of the date of any oral argument. Before Judges: Henderson, Childs and Pan. [23-3228] [Entered: 12/13/2023 06:12 PM] |
| 12/14/2023 | <input type="checkbox"/> | ENTRY OF APPEARANCE [2031501] filed by James I. Pearce and co-counsel Thomas P. Windom; Molly G. Gaston on behalf of Appellee USA. [23-3228] (Pearce, James) [Entered: 12/14/2023 11:33 AM] |
| 12/14/2023 | <input type="checkbox"/> | ENTRY OF APPEARANCE [2031503] filed by James I. Pearce and co-counsel Michael R. Dreeben on behalf of Appellee USA. [23-3228] (Pearce, James) [Entered: 12/14/2023 11:34 AM] |
| 12/18/2023 | <input type="checkbox"/> | PER CURIAM ORDER [2032082] filed scheduling oral argument on Tuesday, 01/09/2024. Before Judges: Henderson*, Childs and Pan. [23-3228] * Judge Henderson would stay any further action by this court until the United States Supreme Court has taken final action on the Government's Petition for Certiorari before Judgment now pending before it in this case. [Entered: 12/18/2023 04:54 PM] |
| 12/23/2023 | <input type="checkbox"/> | APPELLANT BRIEF [2033200] filed by Donald J. Trump [Service Date: 12/23/2023] Length of Brief: 12,900 Words. [23-3228] (Sauer, Dean) [Entered: 12/23/2023 10:44 PM] |
| 12/23/2023 | <input type="checkbox"/> | JOINT APPENDIX [2033201] filed by Donald J. Trump [Volumes: 1] [Service Date: 12/23/2023] [23-3228] (Sauer, Dean) [Entered: 12/23/2023 10:47 PM] |

- 12/26/2023  PER CURIAM ORDER [2033287] filed granting motion by former officials in five Republican administrations for leave to participate as amicus curiae in support of appellee [2031174-2]; The Clerk is directed to file the lodged Amicus brief [2031216-2] [23-3228] [Entered: 12/26/2023 01:04 PM]
1 pg, 38.45 KB
- 12/26/2023 PER ABOVE ORDER lodged Amicus brief [2031216-2] is filed [23-3228] [Entered: 12/26/2023 01:05 PM]
- 12/29/2023  [AMENDED BY ORDER ON 12/29/23] PER CURIAM ORDER [2033754] filed allocating oral argument time as follows: Appellant - 20 Minutes, Appellee - 20, Appellant Rebuttal - 10 Minutes; directing party to file Form 72 notice of arguing attorney by 01/02/2024 [23-3228] [Entered: 12/29/2023 11:44 AM]
1 pg, 41.3 KB
- 12/29/2023  MOTION [2033763] to participate as amicus curiae [Disclosure Listing: Attached] filed by American Oversight [Service Date: 12/29/2023] [23-3228]--[Edited 01/02/2024 by AY] (Jones, R.) [Entered: 12/29/2023 01:32 PM]
42 pg, 380.94 KB
- 12/29/2023  AMICUS FOR APPELLEE BRIEF [2033784] filed by Bradford A. Berenson, Gregory A. Brower, Tom Campbell, Ty Cobb, Tom Coleman, George T. Conway III, John J. Farmer Jr., Patrick J. Fitzgerald, William Kristol, Philip Allen Lacovara, John McKay, Trevor Potter, Claudine Schneider, Fern M. Smith, Olivia Troy [Service Date: 12/29/2023] Length of Brief: 5,505 Words. [23-3228]--[Edited 01/02/2024 by LMF] (Waxman, Seth) [Entered: 12/29/2023 03:19 PM]
36 pg, 198.91 KB
- 12/29/2023  AMENDED PER CURIAM ORDER [2033790] filed, on the court's own motion, that the court's December 29, 2023 order allocating oral argument time be amended to reflect the followig revised rebuttal time [2033754-4]: Appellant - 20 Minutes, Appellee - 20 Minutes, Rebuttal - 5 Minutes [23-3228] [Entered: 12/29/2023 04:04 PM]
1 pg, 41.24 KB
- 12/29/2023 FORM 72 submitted by arguing attorney, James I. Pearce, on behalf of Appellee USA (*For Internal Use Only: Form is restricted to protect counsel's personal contact information*). [23-3228] (Pearce, James) [Entered: 12/29/2023 04:17 PM]
- 12/29/2023  AMICUS BRIEF [2033835] lodged by American Oversight [Service Date: 12/29/2023] Length of Brief: 3849 words. [23-3228] [Entered: 01/02/2024 08:32 AM]
31 pg, 244.19 KB
- 12/30/2023  APPELLEE BRIEF [2033810] filed by USA [Service Date: 12/30/2023] Length of Brief: 12,997 Words. [23-3228] (Pearce, James) [Entered: 12/30/2023 02:16 PM]
82 pg, 421.71 KB
- 12/30/2023  NOTICE [2033812] of intention to participate as amicus curiae [Disclosure Listing: Attached] filed by Former Attorney General Edwin Meese III and Law Professors Steven Calabresi and Gary Lawson [Service Date: 12/30/2023] [23-3228]--[Edited 01/02/2024 by LMF] (Miller, Justin) [Entered: 12/30/2023 08:48 PM]
6 pg, 124.7 KB
- 12/30/2023  AMICUS BRIEF [2033813] filed by Former Attorney General Edwin Meese III, and Law Professors Steven G. Calabresi and Gary S. Lawson [Service Date: 12/30/2023] Length of Brief: 6,497 Words. [23-3228] (Miller, Justin) [Entered: 12/30/2023 08:55 PM]
44 pg, 321.45 KB
- 12/31/2023 FORM 72 submitted by arguing attorney, Dean John Sauer, on behalf of Appellant Donald J. Trump (*For Internal Use Only: Form is restricted to protect counsel's personal contact information*). [23-3228] (Sauer, Dean) [Entered: 12/31/2023 02:07 PM]
- 01/02/2024  CORRECTED AMICUS BRIEF [2033906] filed by former Attorney General Edwin Meese III and law professors Steven G. Calabresi and Gary S. Lawson [Service Date: 01/02/2024] Length of Brief: 6,497. [23-3228]--[Edited 01/02/2024 by LMF] (Miller, Justin) [Entered: 01/02/2024 11:22 AM]
44 pg, 322.41 KB
- 01/02/2024  PER CURIAM ORDER [2033921] filed, on the court's own motion, that counsel be prepared to address at oral argument on January 9, 2024, any inquiries by the Court regarding discrete issues raised in the briefs filed by amici curiae. Before Judges: Henderson, Childs and Pan. [23-3228] [Entered: 01/02/2024 12:04 PM]
1 pg, 38.47 KB
- 01/02/2024  PER CURIAM ORDER [2033927] filed granting motion of American Oversight for leave to participate as amicus curiae [2033763-2]; The Clerk is directed to file the lodged brief amicus curiae [2033835-2]. Before Judges: Henderson, Childs and Pan. [23-3228] [Entered: 01/02/2024 12:10 PM]
1 pg, 38.26 KB
- 01/02/2024 PER ABOVE ORDER lodged Amicus brief [2033835-2] is filed [23-3228] [Entered: 01/02/2024 01:25 PM]
- 01/02/2024  NOTICE [2034068] of Filing Corrected Brief of Former Attorney General Edwin Meese III and Law Professors Steven G. Calabresi and Gary S. Lawson as Amici Curiae Supporting Neither Party filed by Edwin A. Meese, III, Steven G. Calabresi and Gary S. Lawson [Service Date: 01/02/2024] [23-3228] (Schaerr, Gene) [Entered: 01/02/2024 04:12 PM]
4 pg, 131.56 KB
- 01/02/2024  APPELLANT REPLY BRIEF [2034095] filed by Donald J. Trump [Service Date: 01/02/2024] Length of Brief: 6,459 Words. [23-3228] (Sauer, Dean) [Entered: 01/02/2024 10:50 PM]
41 pg, 338.25 KB
- 01/04/2024  AMICUS FOR APPELLANT BRIEF [2034448] filed by Paul Dorsey [Service Date: 01/02/2024] Length of Brief: 731 words. [23-3228] [Entered: 01/04/2024 03:24 PM]
18 pg, 16.16 MB
- 01/05/2024  MOTION [2034661] for leave to file brief filed by Victor Williams (Service Date: 01/02/2024 by Clerk) Length Certification: 4 pages. [23-3228] [Entered: 01/05/2024 03:35 PM]
4 pg, 3.12 MB




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| 01/05/2024 | <input type="checkbox"/>  | AMICUS FOR APPELLANT BRIEF [2034662] lodged by Victor Williams [Service Date: 01/02/2024] Length of Brief: 1846 words. [23-3228] [Entered: 01/05/2024 03:37 PM] |
| | 14 pg, 12.28 MB | |
| 01/08/2024 | <input type="checkbox"/>  | PER CURIAM ORDER [2034873] filed granting motion for leave to file as amicus curiae [2034661-2]. The Clerk is directed to file the lodged brief [2034662-2]. Before Judges: Henderson, Childs and Pan. [23-3228] [Entered: 01/08/2024 06:11 PM] |
| | 1 pg, 37.94 KB | |
| 01/08/2024 | <input type="checkbox"/> | PER ABOVE ORDER lodged Amicus brief [2034662-2] is filed. [23-3228] [Entered: 01/08/2024 06:16 PM] |
| 01/09/2024 | <input type="checkbox"/>  | ORAL ARGUMENT HELD before Judges Henderson, Childs and Pan. [23-3228] [Entered: 01/09/2024 11:03 AM] |
| | 1 pg, 40.08 KB | |

EXHIBIT 5

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:23-sc-00031-JEB**

IN THE MATTER OF THE SEARCH OF INFORMATION
THAT IS STORED AT PREMISES CONTROLLED BY
TWITTER INC. IDENTIFIED IN ATTACHMENT A

Assigned to: Chief Judge James E. Boasberg

Case in other court: 23-05044

Cause: Civil Miscellaneous Case

Date Filed: 01/05/2023

Jury Demand: None

Nature of Suit: 890 Other Statutory
Actions

Jurisdiction: U.S. Government Plaintiff

In Re

**IN THE MATTER OF THE SEARCH
OF INFORMATION THAT IS
STORED AT PREMISES
CONTROLLED BY TWITTER INC.
IDENTIFIED IN ATTACHMENT A**

Interested Party

UNITED STATES OF AMERICA

represented by **Gregory Douglas Bernstein**

USAO

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Central District of California

Los Angeles, CA 90012

213-894-3183

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| Date Filed | # | Docket Text |
|------------|----------|---|
| 01/17/2023 | <u>3</u> | ORDER granting <u>2</u> Application for an Order pursuant to 18 USC 2705(b) as to TWITTER, INC. Signed by Chief Judge Beryl A. Howell on January 17, 2023. Counsel has been notified electronically.(lcbah3) (Entered: 01/17/2023) |
| 02/02/2023 | <u>5</u> | MOTION for Order to Show Cause by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) (Entered: 02/02/2023) |
| 02/02/2023 | <u>6</u> | MOTION to Seal Case by TWITTER INC. (Attachments: # <u>1</u> Text of Proposed Order) (zhsj) (Entered: 02/02/2023) |
| 02/02/2023 | <u>7</u> | MOTION to Vacate or Modify Non-Disclosure Order and Stay Twitter's Compliance with Search Warrant by TWITTER INC. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Motion to Vacate or Modify Non-Disclosure Order Issued Pursuant to 18 U.S.C. 2705(b) And Stay Twitter's Compliance with Search Warrant, # <u>2</u> Text of Proposed Order) (zhsj) (Entered: 02/02/2023) |
| 02/02/2023 | | MINUTE ORDER (paperless) GRANTING Twitter, Inc.'s unopposed <u>6</u> Motion to Seal; and DIRECTING the government and Twitter, Inc. to confer and propose, by February 3, 2023 at 1 PM, a briefing schedule for the pending <u>5</u> governments Motion for an Order to Show Cause and <u>7</u> Twitter, Inc.'s Motion to Vacate or Modify Non-Disclosure Order, as well as a date for hearing on these pending motions. Signed by Chief Judge Beryl A. Howell on February 2, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/02/2023) |

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| 02/03/2023 | | Set/Reset Deadlines: Response to Order of the Court due by 1:00 PM on 2/3/2023. (ztg) (Entered: 02/03/2023) |
| 02/03/2023 | <u>8</u> | NOTICE of Proposed Briefing Schedule in Response to Court's Order dated February 2, 2023, by UNITED STATES OF AMERICA, TWITTER INC. (ztg) (Entered: 02/03/2023) |
| 02/03/2023 | | <p>MINUTE ORDER (paperless) Upon consideration of the parties' proposed briefing schedules submitted by email by the government, <i>see</i> <u>8</u> NOTICE of Proposed Briefing Schedule, ISSUING the following SCHEDULING ORDER regarding the government's <u>5</u> Motion for Order to Show Cause:</p> <p>(1) By February 6, 2023 at 10:00 AM, Twitter, Inc. shall file any opposition to the government's motion;</p> <p>(2) By February 6, 2023 at 6:00 PM, the government shall file any reply;</p> <p>(3) On February 7, 2023 at 1:30 PM, the parties are DIRECTED to appear in-person in Courtroom 22A for a sealed hearing on the government's motion; and</p> <p>ISSUING the following SCHEDULING ORDER regarding Twitter, Inc.'s <u>7</u> Motion to Vacate or Modify Non-Disclosure Order:</p> <p>(1) By February 16, 2023 at 4:00 PM, the government shall file any opposition to Twitter, Inc.'s motion;</p> <p>(2) By February 23, 2023 at 4:00 PM, Twitter, Inc. shall file any reply; and</p> <p>(3) A hearing, if necessary, will be scheduled at a later date.</p> <p>Signed by Chief Judge Beryl A. Howell on February 3, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/03/2023)</p> |
| 02/03/2023 | | Set/Reset Deadlines/Hearings: Twitter, Inc.'s opposition to the government's motion due by 10:00 AM on 2/6/2023; government's reply due by 6:00 PM on 2/6/2023; Sealed Motion Hearing scheduled for 2/7/2023, at 1:30 PM in Courtroom 22A- In Person before Chief Judge Beryl A. Howell. Government's opposition to Twitter, Inc.'s motion due by 4:00 PM on 2/16/2023; Twitter Inc.'s reply due by 4:00 PM on 2/23/2023. (ztg) (Entered: 02/03/2023) |
| 02/06/2023 | <u>10</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- George P. Varghese, by TWITTER INC.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Varghese PHV Declaration, # <u>3</u> Varghese - Certificate of Good Standing)(zstd) (Entered: 02/06/2023) |
| 02/06/2023 | | Filing fee received: \$ 100.00, receipt number: 203958 re <u>10</u> Motion for Leave to Appear Pro Hac Vice (zstd) (Entered: 02/06/2023) |
| 02/06/2023 | | MINUTE ORDER (paperless) GRANTING Twitter, Inc.'s <u>10</u> Motion for Admission Pro Hac Vice. Mr. Varghese may enter an appearance pro hac vice for the purpose of representing Twitter, Inc. in this action. Counsel should register for e-filing via PACER and file a notice of appearance pursuant to LCvR 83.6(a). Click for instructions . Signed by Chief Judge Beryl A. Howell on February 6, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/06/2023) |
| 02/06/2023 | <u>11</u> | REPLY to opposition to motion re <u>5</u> MOTION for Order to Show Cause filed by UNITED STATES OF AMERICA. (zstd) (Entered: 02/07/2023) |
| 02/07/2023 | <u>12</u> | NOTICE of Appearance by George P. Varghese on behalf of TWITTER INC. (zstd) (Entered: 02/07/2023) |
| 02/07/2023 | | Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing held on 2/7/2023. <u>5</u> MOTION for Order to Show Cause filed by UNITED STATES OF AMERICA, heard and GRANTED; an order will be issued by the Court. (Court Reporter Elizabeth Saint-Loth.) (ztg) (Entered: 02/07/2023) |
| 02/07/2023 | | MINUTE ORDER (paperless) GRANTING the government's <u>5</u> Motion for Order to Show Cause; DIRECTING that Twitter, Inc.: (1) By February 7, 2023 at 5:00 PM, comply with the 4 Search and Seizure Warrant, which itself required compliance by January 27, 2023; and (2) by February 8, 2023 at 5 PM, submit a list of each case in which Twitter, Inc. has filed a challenge to a non-disclosure order, issued pursuant to 18 U.S.C. § 2705(b), summarizing for each case the court's resolution of that challenge; and further ORDERING that Twitter, Inc. shall be held in contempt if it |

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| | | fails to comply with the 4 Search and Seizure Warrant by February 7, 2023 at 5:00 PM, and that Twitter, Inc. shall be fined \$50,000, a fine amount that shall double every day, for failing to comply with this Order, payable to the Clerk of this Court. Signed by Chief Judge Beryl A. Howell on February 7, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/07/2023) |
| 02/08/2023 | <u>13</u> | MOTION to Partially Unseal for Purpose of Ordering Transcript by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) (Entered: 02/08/2023) |
| 02/08/2023 | | MINUTE ORDER (paperless) GRANTING the government's <u>13</u> Motion to Partially Unseal for Purpose of Ordering Transcript and AUTHORIZING the Court Reporter to provide the February 7, 2023, sealed hearing transcript to counsel of record for the government. Signed by Chief Judge Beryl A. Howell on February 8, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/08/2023) |
| 02/09/2023 | | MINUTE ORDER (paperless) DIRECTING, upon notice from government counsel, via email, that Twitter, Inc. has advised the government that records responsive to the 4 Search and Seizure Warrant have not been fully produced by the deadline for compliance set out in the Court's February 7, 2023 Minute Order, that the parties appear in-person, on February 9, 2023 (today) at 11:00 AM, in Courtroom 22A for a hearing on the status of Twitter, Inc.'s compliance with the Warrant. Signed by Chief Judge Beryl A. Howell on February 9, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/09/2023) |
| 02/09/2023 | <u>14</u> | Letter from Twitter, Inc Counsel. "Leave to file GRANTED". Signed by Chief Judge Beryl A. Howell on 2/9/2023. (zstd) (Entered: 02/09/2023) |
| 02/09/2023 | | Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 2/9/2023. (Court Reporter Elizabeth Saint-Loth.) (ztg) (Entered: 02/09/2023) |
| 02/09/2023 | <u>15</u> | MOTION Requesting Authorization for Transcription and Distribution re Motion Hearing, by TWITTER INC.. (Attachments: # <u>1</u> Text of Proposed Order Regarding February 7, 2023 Proceedings)(zstd) (Entered: 02/10/2023) |
| 02/09/2023 | <u>16</u> | MOTION Requesting Authorization for Transcription and Distribution re Status Conference by TWITTER INC.. (Attachments: # <u>1</u> Text of Proposed Order Regarding February 9, 2023 Proceedings)(zstd) (Entered: 02/10/2023) |
| 02/09/2023 | <u>25</u> | NOTICE by UNITED STATES OF AMERICA regarding Twitter's non-compliance with the warrant. (ztg) (Entered: 02/21/2023) |
| 02/09/2023 | <u>28</u> | NOTICE of Appearance by Aaron Zebley on behalf of TWITTER INC. (zstd) (Entered: 02/27/2023) |
| 02/10/2023 | <u>17</u> | MOTION to Partially Unseal for Purpose of Ordering Transcript by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) (Entered: 02/10/2023) |
| 02/10/2023 | | MINUTE ORDER (paperless) GRANTING Twitter, Inc.'s <u>15</u> Motion Requesting Authorization for Transcription and Distribution regarding Motion Hearing and <u>16</u> Motion Requesting Authorization for Transcription and Distribution regarding Status Conference, and AUTHORIZING the Court Reporter to provide the February 7, 2023, and February 9, 2023, sealed hearing transcripts to counsel of record for Twitter, Inc. Signed by Chief Judge Beryl A. Howell on February 10, 2023. Counsel has been notified electronically. (lcbah4) (Entered: 02/10/2023) |
| 02/10/2023 | | MINUTE ORDER (paperless) GRANTING the government's <u>17</u> Motion to Partially Unseal for Purpose of Ordering Transcript and AUTHORIZING the Court Reporter to provide the February 9, 2023, sealed hearing transcript to counsel of record for the government. Signed by Chief Judge Beryl A. Howell on February 10, 2023. Counsel has been notified electronically. (lcbah4) (Entered: 02/10/2023) |
| 02/13/2023 | <u>19</u> | NOTICE Regarding Accrued Sanction by UNITED STATES OF AMERICA (zstd) (Entered: 02/14/2023) |

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| 02/16/2023 | <u>20</u> | MOTION to Seal and to Authorize Limited Disclosure by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Order Authorizing Limited Disclosure and Imposing Protection)(zstd) (Entered: 02/17/2023) |
| 02/16/2023 | <u>21</u> | Memorandum in opposition to re <u>7</u> Motion to Vacate or Modify Non-Disclosure Order and Stay Twitter's Compliance with Search Warrant filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A)(zstd) (Entered: 02/17/2023) |
| 02/17/2023 | <u>23</u> | MOTION for Leave to Late-File the Government's Opposition to Twitter's Motion to Vacate or Modify the NDO by UNITED STATES OF AMERICA. (zstd) (Entered: 02/17/2023) |
| 02/17/2023 | <u>24</u> | ORDER Authorizing limited disclosure and imposing protection. See order for further details. Signed by Chief Judge Beryl A. Howell on February 17, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/17/2023) |
| 02/17/2023 | | MINUTE ORDER (paperless) granting the government's <u>23</u> Motion for Leave to File to Late-File. Signed by Chief Judge Beryl A. Howell on February 17, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/17/2023) |
| 02/21/2023 | <u>26</u> | MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Vacate or Modify Non-Disclosure Order by TWITTER INC.. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) (Entered: 02/21/2023) |
| 02/21/2023 | | MINUTE ORDER (paperless) GRANTING Twitter, Inc.'s <u>26</u> Motion for Extension of Time to File Reply, and DIRECTING Twitter, Inc. to file any reply in support of its <u>7</u> Motion to Vacate or Modify Non-Disclosure Order by February 24, 2023, at 4:00 PM. Signed by Chief Judge Beryl A. Howell on February 21, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 02/21/2023) |
| 02/24/2023 | <u>27</u> | REPLY to opposition to motion re <u>7</u> MOTION to Vacate MOTION or Modify Non-Disclosure Order and Stay Twitter's Compliance with Search Warrant filed by TWITTER INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(zstd) (Entered: 02/24/2023) |
| 03/03/2023 | <u>29</u> | ORDER denying Twitter's <u>7</u> Motion to Vacate or Modify Non-Disclosure Order and Stay Twitter's Compliance with Search Warrant, and DIRECTING Twitter to pay sanctions for its failure to comply with the Court's February 7, 2023 Minute Order. See Order for for further details. Signed by Chief Judge Beryl A. Howell on March 3, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 03/03/2023) |
| 03/03/2023 | | MINUTE ORDER (paperless), upon consideration of the government's 31 proposed redactions to protect the confidentiality of information in an ongoing criminal investigation, DIRECTING, by 5 PM today, that the government file on the sealed docket a redacted version of 30 Memorandum Opinion, as proposed by the government, and transmit the redacted version promptly to counsel for Twitter, Inc. Signed by Chief Judge Beryl A. Howell on March 3, 2023. Signed by Chief Judge Beryl A. Howell on March 3, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 03/03/2023) |
| 03/03/2023 | <u>32</u> | NOTICE OF FILING REDACTED DOCUMENT re 30 Memorandum & Opinion by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Redacted Memorandum Opinion)(zstd) (Entered: 03/03/2023) |
| 03/07/2023 | <u>33</u> | NOTICE OF APPEAL TO DC CIRCUIT COURT as to 30 Memorandum & Opinion, <u>29</u> Order on Motion to Vacate., Order on Motion to Modify, by TWITTER INC.. Filing fee \$ 505, receipt number 204148. Fee Status: Fee Paid. Parties have been notified. (Attachments: # <u>1</u> Exhibit A- Order, # <u>2</u> Exhibit B- Memorandum Opinion)(zstd) (Entered: 03/07/2023) |
| 03/07/2023 | <u>34</u> | MOTION for Stay Pending Appeal by TWITTER INC.. (zstd) (Entered: 03/07/2023) |
| 03/07/2023 | <u>35</u> | Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid re <u>33</u> Notice of Appeal to DC Circuit Court (zstd) (Entered: 03/07/2023) |
| 03/07/2023 | | MINUTE ORDER (paperless) ISSUING, upon consideration of Twitter, Inc.'s <u>34</u> Emergency Motion for Stay Pending Appeal, which fails to propose, after conferral with the government, any briefing schedule on this motion, the following |

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| | | SCHEDULING ORDER: (1) By March 9, 2023 at 3 PM, the government shall file any response to Twitter, Inc.'s motion; and (2) By March 10, 2023 at 3 PM, Twitter Inc. shall file any reply in support of its motion. Signed by Chief Judge Beryl A. Howell on March 7, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 03/07/2023) |
| 03/07/2023 | | USCA Case Number 23-5044 for <u>33</u> Notice of Appeal to DC Circuit Court, filed by TWITTER INC. (zstd) (Entered: 03/13/2023) |
| 03/10/2023 | <u>37</u> | JOINT STATUS REPORT by UNITED STATES OF AMERICA. (zstd) (Entered: 03/10/2023) |
| 03/10/2023 | <u>38</u> | REPLY in Support re <u>34</u> MOTION to Stay Pending Appeal filed by TWITTER INC. (zstd) (Entered: 03/10/2023) |
| 03/10/2023 | <u>39</u> | MEMORANDUM & ORDER denying Twitter Inc.'s <u>34</u> Motion to Stay. Signed by Chief Judge Beryl A. Howell on March 10, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 03/10/2023) |
| 03/11/2023 | | MINUTE ORDER (paperless) Upon consideration of the parties' <u>37</u> Joint Status Report, DIRECTING the parties to submit a joint status report advising the Court whether the <u>29</u> March 3, 2023 Order ("Order") and the 30 March 3, 2023 Memorandum Opinion ("Opinion") may be unsealed, in whole or in part with redactions, by June 8, 2023, or sooner if events occur that would permit earlier release of the Order and Opinion, in whole or in part with redactions. Signed by Chief Judge Beryl A. Howell on March 11, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 03/11/2023) |
| 03/13/2023 | <u>40</u> | Supplemental Record on Appeal transmitted to US Court of Appeals re <u>34</u> MOTION to Stay ;USCA Case Number 23-5044. (zstd) (Entered: 03/13/2023) |
| 03/24/2023 | | Wire payment for sanctions ordered: \$ 350,000, receipt number: 740004. (zstd) (Entered: 03/27/2023) |
| 03/27/2023 | <u>41</u> | NOTICE of Payment by TWITTER INC. (zstd) (Entered: 03/27/2023) |
| 06/08/2023 | <u>42</u> | CORPORATE DISCLOSURE STATEMENT by TWITTER INC. (zstd) (Entered: 06/09/2023) |
| 06/08/2023 | <u>43</u> | JOINT STATUS REPORT by UNITED STATES OF AMERICA. (zstd) (Entered: 06/09/2023) |
| 06/13/2023 | | MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>43</u> Joint Status Report, that the parties submit a joint status report advising the Court whether the <u>29</u> March 3, 2023 Order and the 30 March 3, 2023 Memorandum Opinion may be unsealed, in whole or in part with redactions, by December 8, 2023, or within 10 days after the D.C. Circuit issues a decision concerning Twitter Inc.'s <u>33</u> Notice of Appeal to the D.C. Circuit, whichever date occurs earlier. Signed by Judge Beryl A. Howell on June 13, 2023. Counsel has been notified electronically.(lcbah4) (Entered: 06/13/2023) |
| 06/13/2023 | | Set/Reset Deadlines: Joint Status Report due by 12/8/2023, or within 10 days after the D.C. Circuit issues a decision concerning Twitter Inc.'s <u>33</u> Notice of Appeal to the D.C. Circuit, whichever date occurs earlier. (ztg) (Entered: 06/13/2023) |
| 06/13/2023 | <u>44</u> | NOTICE of Filing Letter by TWITTER INC. (Attachments: # <u>1</u> Letter)(zstd) (Entered: 06/14/2023) |
| 06/20/2023 | <u>45</u> | Exparte MOTION to Modify and Extend Nondisclosure Order by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A)(zstd) (Entered: 06/20/2023) |
| 06/22/2023 | <u>47</u> | MOTION to Unseal Limited Information Regarding the Case by TWITTER INC.. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) (Entered: 06/22/2023) |
| 06/28/2023 | | MINUTE ORDER GRANTING <u>47</u> Motion to Unseal Limited Information Regarding the Case. So ORDERED, by Chief Judge James E. Boasberg on 6/28/2023. Counsel has been notified electronically.(zbn) (Entered: 06/28/2023) |

| | | |
|------------|-----------|--|
| 07/17/2023 | <u>48</u> | SUPERSEDING ORDER GRANTING <u>47</u> Motion to Unseal Limited Information Regarding the Case. Signed by Chief Judge James E. Boasberg on 7/17/2023. Counsel has been notified electronically.(zbnbn) (Entered: 07/17/2023) |
| 08/10/2023 | | MINUTE ORDER: Given that the D.C. Circuit has now issued an unsealed Opinion in this matter, which triggered the parties' obligation (set out in this Court's Minute Order of June 13, 2023) to inform the Court of their positions on the unsealing of J. Howell's Opinion and Order, the Court ORDERS that they shall file a Joint Status Report by August 14, 2023, setting out such position(s). So ORDERED, by Chief Judge James E. Boasberg on 8/10/2023. Counsel has been notified electronically.(zbnbn) (Entered: 08/10/2023) |
| 08/15/2023 | <u>50</u> | ORDER re 49 Status Report. Signed by Chief Judge James E. Boasberg on 8/15/2023. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B) Counsel has been notified electronically.(zbnbn) (Entered: 08/15/2023) |
| 08/24/2023 | | Case directly reassigned to Chief Judge James E. Boasberg. Judge Beryl A. Howell is no longer assigned to the case. (ztnr) (Entered: 08/24/2023) |
| 10/16/2023 | | ***Case Unsealed pursuant to order filed in case 23-mc-84. (zstd) (Entered: 10/17/2023) |

EXHIBIT 6

General Docket
United States Court of Appeals for District of Columbia Circuit

| | |
|--|--|
| Court of Appeals Docket #: 23-5044 Nature of Suit: 2890 Other Statutory Actions In re: Search of Information Stored at Twitter, Inc. Appeal From: United States District Court for the District of Columbia Fee Status: Fee Paid | Docketed: 03/07/2023 Termed: 07/18/2023 |
| Case Type Information: 1) Civil US 2) United States 3) | |
| Originating Court Information: District: 0090-1 : <u>1:23-sc-00031-BAH</u> Court Reporter: Elizabeth Saint-Loth, Court Reporter Trial Judge: Beryl A. Howell, U.S. District Judge Date Filed: 01/05/2023 Date Order/Judgment: 03/03/2023 Date NOA Filed: 03/07/2023 | |
| Prior Cases: None | |
| Current Cases: None | |
| Panel Assignment: Panel: CTLP JMC FYP Date of Hearing: 05/19/2023 Date of Decision: 07/18/2023 Date Completed: 07/18/2023 | |

| | |
|---|---|
| In re: Sealed Case Terminated: 09/21/2023 In re The Search of Information Stored at Premises Controlled by Twitter Inc. In re ----- Advance Publications, Inc. Amicus Curiae | Chad Russell Bowman Email: bowmanchad@ballardspahr.com [COR NTC Retained] Ballard Spahr LLP Firm: 202-661-2200 1909 K Street, NW 12th Floor Washington, DC 20006-1157 Maxwell Mishkin Email: mishkinm@ballardspahr.com [COR NTC Retained] Ballard Spahr LLP Firm: 202-661-2200 1909 K Street, NW 12th Floor Washington, DC 20006-1157 Lauren Russell Direct: 202-661-2200 Email: russelll@ballardspahr.com Fax: 202-661-2299 [COR NTC Retained] Ballard Spahr LLP Firm: 202-661-2200 1909 K Street, NW |
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Twitter, Inc.

Respondent - Appellant

In re: The Search of Information Stored at Premises Controlled by Twitter Inc.,



In re

Advance Publications, Inc.; American Broadcasting Companies, Inc., d/b/a ABC News; Bloomberg L.P.; CBS Broadcasting, Inc.; Cable News Network, Inc.; Dow Jones & Company, Inc.; Fox News Network LLC; Gray Media Group, Inc.; Los Angeles Times Communications LLC; NBCUniversal Media, LLC, d/b/a NBC News; National Cable Satellite Corporation, d/b/a C-SPAN; POLITICO, LLC; Radio Television Digital News Association; Reuters News & Media Inc.; TEGNA Inc.; Telemundo Network Group LLC, d/b/a Noticias Telemundo; The Associated Press; The E.W. Scripps Company; The New York Times Company; USA Today; Univision Networks & Studios, Inc.; WP Company LLC, d/b/a The Washington Post,




Amici Curiae











Electronic Frontier Foundation,

Amicus Curiae for Appellant

- 03/07/2023 US CIVIL CASE docketed. [23-5044] [Entered: 03/07/2023 03:31 PM]
- 03/07/2023 NOTICE OF APPEAL [1988991] seeking review of a decision by the U.S. District Court in 1:23-sc-00031-BAH filed by Appellant. Appeal assigned USCA Case Number: 23-5044. [23-5044] [Entered: 03/07/2023 03:32 PM]
- 03/09/2023 MOTION [1989406] to stay underlying order in case filed by Appellant (Service Date: 03/09/2023 by Email) Length Certification: 5,200 words. [23-5044] [Entered: 03/09/2023 05:38 PM]
- 03/09/2023 PER CURIAM ORDER [1989414] filed directing response to motion to stay case [1989406-2] Response due on 03/10/2023 by 5:00 p.m. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 03/09/2023 09:31 PM]
- 03/10/2023 EMERGENCY MOTION [1989605] to expedite briefing and proposed expedited briefing schedule filed by Appellant (Service Date: 03/10/2023 by Email) Length Certification: 5,028 words. [23-5044] [Entered: 03/10/2023 12:41 PM]
- 03/10/2023 RESPONSE IN OPPOSITION [1989703] to motion for stay [1989406-2] filed by Appellee [Service Date: 03/10/2023 by Email] Length Certification: 5,196 words. [23-5044] [Entered: 03/10/2023 04:42 PM]
- 03/10/2023 REPLY [1989728] filed by appellant to response [1989703-2] [Service Date: 03/10/2023 by Email] Length Certification: 2,590 words. [23-5044] [Entered: 03/11/2023 11:32 AM]
- 03/11/2023 PER CURIAM ORDER [1989733] filed considering motion to stay case [1989406-2] and response [1989703-2], and motion to expedite case [1989605-2]. Administratively staying deadline contained in the district court's order. Expediting the appeal and setting briefing schedule: APPELLANT Brief due 03/31/2023. APPENDIX due 03/31/2023. APPELLEE Brief due on 04/21/2023. APPELLANT Reply Brief due 05/05/2023. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 03/11/2023 04:05 PM]
- 03/13/2023 NOTICE [1989882] received from the Clerk of the U.S. District Court to supplement record with memorandum and order filed 03/10/2023. [23-5044] [Entered: 03/13/2023 03:04 PM]
- 03/23/2023 PER CURIAM ORDER [1991524] filed ORDERED that the administrative stay be dissolved. It is FURTHER ORDERED that the motion for stay be denied. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 03/23/2023 04:10 PM]
- 03/24/2023 CLERK'S ORDER [1991652] filed scheduling oral argument on Friday, 05/19/2023. [23-5044] [Entered: 03/24/2023 12:45 PM]
- 03/31/2023  APPELLANT BRIEF [1992820] filed by Appellant [Service Date: 03/31/2023] Length of Brief: 12,998 words. [23-5044]--[Edited 09/15/2023 by DJR--UNSEALED PURSUANT TO ORDER FILED 09/15/2023] [Entered: 04/03/2023 08:53 AM]
92 pg, 363.75 KB
- 03/31/2023 JOINT APPENDIX [1992822] filed by Appellant [Volumes: 1] [Service Date: 03/31/2023] [23-5044] [Entered: 04/03/2023 08:58 AM]
- 04/21/2023 APPELLEE BRIEF [1995844] filed by Appellee [Service Date: 04/21/2023] Length of Brief: 12,995 words. [23-5044] [Entered: 04/21/2023 12:50 PM]
- 04/21/2023 EX PARTE APPELLEE BRIEF [1996208] filed by Appellee [Service Date: 04/21/2023] Length of Brief: 12,995 words. [23-5044] [Entered: 04/24/2023 04:10 PM]
- 05/04/2023 PER CURIAM ORDER [1997875] filed allocating oral argument time as follows: Appellant - 15 Minutes, Appellee - 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney by 05/08/2023 [23-5044] [Entered: 05/04/2023 11:10 AM]
- 05/04/2023 FORM 72 submitted by arguing attorney on behalf of Appellee (*For Internal Use Only: Form is restricted to protect counsel's personal contact information*). [23-5044] [Entered: 05/04/2023 01:37 PM]
- 05/05/2023  APPELLANT REPLY BRIEF [1998158] filed by Appellant [Service Date: 05/05/2023] Length of Brief: 6,498 words. [23-5044]--[Edited 09/15/2023 by DJR--UNSEALED PURSUANT TO ORDER FILED 09/15/2023] [Entered: 05/05/2023 03:06 PM]
39 pg, 223.52 KB
- 05/08/2023 FORM 72 submitted by arguing attorney on behalf of Appellant (*For Internal Use Only: Form is restricted to protect counsel's personal contact information*). [23-5044] [Entered: 05/08/2023 10:56 AM]
- 05/19/2023 ORAL ARGUMENT HELD before Judges Pillard, Childs and Pan. Argument closed to public. [23-5044] [Entered: 05/19/2023 11:48 AM]
- 06/13/2023 TRANSCRIPT [2003235] of joint oral argument session (*For Internal Use Only: Transcript is only available to court staff*). [23-5044]--[Edited 09/15/2023 by DJR--UNSEALED PURSUANT TO ORDER FILED 09/15/2023] [Entered: 06/13/2023 09:24 AM]
- 06/13/2023 TRANSCRIPT [2017122] of ex parte oral argument session (*For Internal Use Only: Transcript is only available to court staff*). [23-5044]--[Edited 09/15/2023 by DJR-- PARTIALLY UNSEALED PURSUANT TO

ORDER FILED 09/15/2023] [Entered: 09/15/2023 12:09 PM]

- 06/21/2023 LETTER [2004485] filed by Appellee [Service Date: 06/21/2023] [23-5044] [Entered: 06/22/2023 08:59 AM]
- 06/22/2023 LETTER [2004522] filed by Appellant [Service Date: 06/22/2023] [23-5044] [Entered: 06/22/2023 10:27 AM]
- 07/18/2023  SEALED PER CURIAM JUDGMENT [2008297] filed, that the judgment of the District Court appealed from in this cause be affirmed in all respects, for the reasons in the accompanying opinion. Before Judges: Pillard, Childs and Pan. [23-5044]--[Edited 08/09/2023 by DJR--UNSEALED PER ORDER FILED 08/09/2023] [Entered: 07/18/2023 09:51 AM]
1 pg, 263.42 KB
- 07/18/2023 SEALED REDACTED OPINION [2008302] filed (Pages: 34) for the Court by Judge Pan. [23-5044]--[Edited 08/09/2023 by DJR--AMENDED PER ORDER FILED 08/09/2023] [Entered: 07/18/2023 09:56 AM]
- 07/18/2023 SEALED EX PARTE UNREDACTED OPINION [2008304] filed (Pages: 34) for the Court by Judge Pan. [23-5044] [Entered: 07/18/2023 09:57 AM]
- 07/18/2023 SEALED PER CURIAM ORDER [2008306] filed, on the court's own motion, that the parties show cause. Responses to Order due 07/28/2023. The responses may not exceed the length limitations established in the order. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 07/18/2023 10:02 AM]
- 07/18/2023 SEALED CLERK'S ORDER [2008308] filed withholding issuance of the mandate. [23-5044] [Entered: 07/18/2023 10:04 AM]
- 07/28/2023 SEALED JOINT RESPONSE [2010199] to order [2008306-2] filed by appellants and appellee's (Service Date: 07/28/2023 by Email) Length Certification: 3 pages. [23-5044] [Entered: 07/31/2023 09:51 AM]
- 07/28/2023 SEALED EX PARTE RESPONSE [2010202] to order [2008306-2] filed by appellee (Service Date: 07/28/2023 by CM/ECF NDA, Email) Length Certification: 2 pages. [23-5044] [Entered: 07/31/2023 10:04 AM]
- 08/02/2023 SEALED SUPPLEMENT [2010755] to response [2010202-2], [2010199-2] filed by appellee's [Service Date: 08/02/2023] [23-5044] [Entered: 08/02/2023 03:26 PM]
- 08/03/2023 SEALED SUPPLEMENTAL LETTER [2010994] filed by appellant [Service Date: 08/03/2023] [23-5044] [Entered: 08/04/2023 09:11 AM]
- 08/09/2023 PER CURIAM ORDER [2011546] filed discharging Merits Panel order to show cause [2008306-3]. It is FURTHER ORDERED that the Sealed Ex Parte Unredacted Opinion issued on July 18, 2023, remain under seal. It is FURTHER ORDERED that the Sealed Per Curiam Judgment filed on July 18, 2023, be unsealed [2008297-2]. It is FURTHER ORDERED that the Sealed Redacted Opinion issued on July 18, 2023, be amended [2008302-4]. It is FURTHER ORDERED that the Amended Redacted Opinion be unsealed. The Clerk is directed to unseal the Sealed Per Curiam Judgment and file it on the public docket. The Clerk is further directed to docket the Amended Redacted Opinion and release it publicly. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 08/09/2023 12:16 PM]
- 08/09/2023  AMENDED REDACTED OPINION [2011549] filed (Pages: 34) for the Court by Judge Pan. [23-5044] [Entered: 08/09/2023 12:20 PM]
34 pg, 2.22 MB
- 08/16/2023 PER CURIAM ORDER [2012796] filed, on the court's own motion, that the parties show cause, by August 30, 2023, why the sealed merits briefs in this case, excluding the ex parte appellee brief, and the audio recording and transcript of the joint session of the oral argument should not be unsealed. It is FURTHER ORDERED, on the court's own motion, that the government show cause, by August 30, 2023, why the ex parte appellee brief and the audio recording and transcript of the ex parte session of the oral argument should not be unsealed. Counsel are reminded of their obligation to "promptly notify the Court when it is no longer necessary to maintain the record or portions of the record under seal." D.C. Cir. Rule 47.1(f)(4). Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 08/16/2023 11:28 AM]
- 08/21/2023 SEALED JOINT RESPONSE [2013561] to order [2012796-2] filed by Joint Parties (Service Date: 08/21/2023 by Email, Clerk) Length Certification: 2 pages. [23-5044] [Entered: 08/22/2023 12:20 PM]
- 08/29/2023 SEALED EX PARTE RESPONSE [2014908] to order [2012796-3] filed by appellee (Service Date: 08/29/2023 by Email, Clerk) [23-5044] [Entered: 08/31/2023 01:10 PM]
- 09/01/2023 ENTRY OF APPEARANCE [2015105] filed by attorney for appellant. [23-5044] [Entered: 09/01/2023 03:01 PM]
- 09/01/2023  PETITION [2015106] for rehearing en banc filed by Appellant [Service Date: 09/01/2023 by Email] Length Certification: 3900 words. [23-5044]--[Edited 09/15/2023 by DJR--UNSEALED PURSUANT TO ORDER FILED 09/15/2023] [Entered: 09/01/2023 03:04 PM]
64 pg, 3.13 MB
- 09/01/2023 UNOPPOSED MOTION [2015107] to unseal filed by appellant [Service Date: 09/01/2023] Length Certification: 5,200 words. [23-5044] [Entered: 09/01/2023 03:05 PM]

- 09/05/2023  UNOPPOSED MOTION [2015278] to extend time to file amicus briefs to 09/29/2023 filed by Electronic Frontier Foundation [Service Date: 09/05/2023] Length Certification: 552 words. [23-5044]--[Edited 09/05/2023 by SHA] (Greene, David) [Entered: 09/05/2023 12:57 PM]
5 pg, 148.62 KB
- 09/06/2023  MOTION [2015572] to participate as amicus curiae [Disclosure Listing: Not Attached] filed by 22 Press Organizations : WP Company LLC, Univision Networks & Studios, Inc., Telemundo Network Group LLC, TEGNA Inc., Reuters News & Media Inc., Radio Television Digital News Association, POLITICO, LLC, The New York Times Company, NBCUniversal Media, LLC, National Cable Satellite Corporation, Los Angeles Times Communications LLC, Gray Media Group, Inc., USA Today, Fox News Network LLC, The E.W. Scripps Company, Dow Jones & Company, Inc., CBS Broadcasting, Inc., Cable News Network, Inc., Bloomberg L.P., The Associated Press, American Broadcasting Companies, Inc. and Advance Publications, Inc. [Service Date: 09/06/2023] [23-5044]--[Edited 09/07/2023 by LMF] (Tobin, Charles) [Entered: 09/06/2023 04:33 PM]
5 pg, 142.12 KB
- 09/06/2023  AMICUS BRIEF [2015574] LODGED by 22 Press Organizations [Service Date: 09/06/2023] Length of Brief: 2262. [23-5044]--[Edited 09/07/2023 by LMF] (Tobin, Charles) [Entered: 09/06/2023 04:36 PM]
23 pg, 292.34 KB
- 09/08/2023  MOTION [2016062] to participate as amicus curiae [Disclosure Listing: Attached] filed by Electronic Frontier Foundation [Service Date: 09/08/2023] [23-5044]--[Edited 09/12/2023 by LMF] (Greene, David) [Entered: 09/08/2023 05:22 PM]
42 pg, 276.59 KB
- 09/08/2023  AMICUS BRIEF [2016167] lodged by Electronic Frontier Foundation [Service Date: 09/08/2023] Length of Brief: 2587 words. [23-5044] [Entered: 09/11/2023 11:29 AM]
35 pg, 255.93 KB
- 09/11/2023 CLERK'S ORDER [2016296] filed, on the court's own motion, that within 15 days of the date of this order, appellee file a response to the petition for rehearing en banc [2015106-2]. The response may not exceed 3,900 words. Absent an order of the court, a reply to the response will not be accepted for filing. [23-5044] [Entered: 09/11/2023 04:17 PM]
- 09/15/2023  PER CURIAM ORDER [2017063] filed granting appellant's unopposed motion to unseal its petition for rehearing en banc [2015107-2]. It is FURTHER ORDERED that appellant's petition for rehearing en banc be unsealed. It is FURTHER ORDERED that this appeal going forward be unsealed such that any future filings can be filed publicly in the first instance, except insofar as they contain material that remains under seal. The Clerk is directed to file this order on the public docket. The Clerk is further directed to unseal appellant's petition for rehearing en banc and docket it on the public docket. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 09/15/2023 10:52 AM]
1 pg, 38.67 KB
- 09/15/2023 SEALED EX PARTE PER CURIAM ORDER [2017076] filed, that the transcript of the ex parte session of oral argument be unsealed in part. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 09/15/2023 11:01 AM]
- 09/15/2023  PER CURIAM ORDER [2017095] filed discharging Merits Panel order to show cause [2012796-3]. It is FURTHER ORDERED that the motion for leave to file a brief as amici curiae be granted [2015572-2]. The Clerk is directed to file the lodged amici brief. It is FURTHER ORDERED that appellant's brief, appellant's reply brief, and the audio recording and transcript of the joint session of oral argument be unsealed in their entirety. It is FURTHER ORDERED that appellee's brief (with ex parte redactions), appellee's unredacted ex parte brief, and the joint appendix be unsealed in part, in accordance with the proposed redactions set forth in the parties' joint response and appellee's ex parte response to the order to show cause, and the separate ex parte order issued today. The Clerk is directed to unseal and file on the public docket appellant's brief, filed March 31, 2023, and appellant's reply brief, filed May 5, 2023. The Clerk is further directed to file on the public docket appropriately redacted versions of appellee's brief and the joint appendix; unseal the audio recording of the joint session of oral argument and make it publicly available on the court's website; unseal the transcript of the joint session of oral argument and note the docket accordingly; and unseal the appropriately redacted transcript of the ex parte session of oral argument and note the docket accordingly. The Clerk is further directed to maintain under seal the unredacted joint appendix, filed March 31, 2023, appellee's brief (with ex parte redactions), filed April 21, 2023, appellee's unredacted ex parte brief, filed April 21, 2023, and the audio recording and unredacted transcript of the ex parte session of oral argument. Before Judges: Pillard, Childs and Pan. [23-5044] [Entered: 09/15/2023 11:17 AM]
1 pg, 41.12 KB
- 09/15/2023  REDACTED APPELLEE BRIEF [2017103] filed by Appellee [Service Date: 09/15/2023] Length of Brief: 12,995 words. [23-5044] [Entered: 09/15/2023 11:26 AM]
71 pg, 481.6 KB
- 09/15/2023  REDACTED JOINT APPENDIX [2017106] filed by Appellant [Volumes: 1] [Service Date: 09/15/2023]. [23-5044] [Entered: 09/15/2023 11:30 AM]
403 pg, 39.43 MB
- 09/15/2023 PER ABOVE ORDER lodged Amicus brief [2015574-2] is filed. [23-5044] [Entered: 09/15/2023 11:32 AM]
- 09/15/2023  CLERK'S ORDER [2017109] filed dismissing as moot Electronic Frontier Foundation's unopposed motion for extension of time to file briefs amicus curiae in support of the petition for rehearing en banc [2015278-2]. Electronic Frontier Foundation's motion for invitation to file brief as amicus curiae and the lodged amicus brief were timely filed. [23-5044] [Entered: 09/15/2023 11:34 AM]
1 pg, 37.64 KB




- 09/21/2023  LETTER [2018279] pursuant to FRAP 28j advising of additional authorities filed by Twitter, Inc. [Service Date: 09/21/2023] [23-5044] (Waxman, Seth) [Entered: 09/21/2023 03:44 PM]
17 pg, 421.91 KB
- 09/26/2023  RESPONSE [2018981] to petition for rehearing en banc [2015106-2] filed by USA [Service Date: 09/26/2023 by CM/ECF NDA] Length Certification: 3,886 Words. [23-5044] (Pearce, James) [Entered: 09/26/2023 01:09 PM]
26 pg, 226.64 KB
- 09/28/2023 CASE CAPTION updated [2019408]. The parties shall caption all future pleadings as "In re: The Search of Information Stored at Premises Controlled by Twitter, Inc." [23-5044] [Entered: 09/28/2023 12:46 PM]
- 10/06/2023  PER CURIAM ORDER, En Banc, [2020874] filed granting the motion for invitation to file a brief as amicus curiae in support of rehearing en banc, filed by movant Electronic Frontier Foundation [2016062-2]. The Clerk is directed to file the lodged brief amicus curiae. Before Judges: Srinivasan, Henderson, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan and Garcia. [23-5044] [Entered: 10/06/2023 04:09 PM]
1 pg, 39.19 KB
- 10/06/2023 PER ABOVE ORDER lodged Amicus brief [2016167-2] is filed. [23-5044] [Entered: 10/06/2023 04:12 PM]

EXHIBIT 7

**U.S. Department
of Justice**

**Special Counsel's Office – Smith
Statement of Expenditures
November 18, 2022 through March 31, 2023**



The accompanying Statement of Expenditures summarizes the financial activity of the Special Counsel's Office (SCO) of John L. Smith for the period November 18, 2022 through March 31, 2023. As an organization within the Department of Justice, the SCO is required to comply with the rules, regulations, procedures, practices, and policies of the Department of Justice.¹ SCO management is responsible for designing, operating, and maintaining a system of internal control to enable the SCO to accurately report its financial information to the Department and meet the requirements of applicable laws and regulations. In addition, SCO management is responsible for ensuring that controls exist to meet the requirements of DOJ Order 2030.4G, *Control of Funds under Apportionment*.

The Department recognizes the importance of maintaining adequate internal control and is committed to the continuous improvement and oversight of financial management controls. The Department has a network of internal review groups that provides assistance to components with their internal control programs. As part of the Department's annual assessment of internal control over financial reporting, the Justice Management Division, Internal Review and Evaluation Office conducted a review of SCO business processes related to budget, obligations and expenditures, and financial reporting during the assessment period of November 18, 2022 through March 31, 2023. The review identified no material weaknesses or significant deficiencies in the design or operation of SCO controls.

The Department will continue to dedicate and leverage resources to maintain strong program and financial management controls. Management takes its program and financial accountability seriously and is dedicated to ensuring that funds are used in a responsible and transparent manner.

¹ 28 CFR 600.7 – Conduct and Accountability

The Special Counsel's Office - Smith
Statement of Expenditures
For the period November 18, 2022 through March 31, 2023

| | | |
|---|----|-----------|
| Direct and Reimbursed Expenditures (note 1) | | |
| Personnel Compensation and Benefits (note 2) | \$ | 2,672,783 |
| Travel and Transportation of Persons (note 3) | | 150,230 |
| Rent, Communications, and Utilities | | 456,808 |
| Printing and Reproduction | | 3,214 |
| Contractual Services (note 4) | | 1,881,926 |
| Supplies and Materials | | 38,844 |
| Acquisition of Equipment (note 5) | | 224,774 |
| <hr/> | | |
| Total SCO Expenditures (note 6) | \$ | 5,428,579 |
| <hr/> <hr/> | | |

Note 1 – Summary of Significant Accounting Policies

- A. Reporting entity: On November 18, 2022, John L. Smith [was appointed](#) by Attorney General Merrick B. Garland to serve as Special Counsel to conduct the ongoing investigation into whether any person or entity violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021, and conduct the ongoing investigation referenced and described in the United States' Response to Motion for Judicial Oversight and Additional Relief, Donald J Trump v. United States. The statement presents the expenditures of the SCO for the period of November 18, 2022, to March 31, 2023, including direct-funded, reimbursed, and non-reimbursed expenditures. All amounts shown refer to the aforementioned reporting period only.
- B. Funding: SCO expenditures are funded by 1) the permanent, indefinite appropriation for independent counsels (IC Appropriation) (28 U.S.C. § 591 note), which the Department of Justice (DOJ) has determined is legally available to fund this SCO investigation (see also Government Accountability Office opinion agreeing with DOJ that this appropriation was legally available to fund special counsels (B-302582, Sept. 30, 2004)); and 2) the direct appropriations of DOJ components who have incurred non-reimbursed expenditures in support of the SCO. Expenditures funded through the IC Appropriation are a combination of expenses directly incurred by the SCO and expenses incurred by other components of DOJ and reimbursed by the IC Appropriation.
- C. DOJ component expenses: Although not legally required, DOJ components that support the SCO were asked to track non-reimbursed expenditures attributable to this investigation, which includes hours worked by agents and investigative support analysts, as well as the cost of protective details for the Special Counsel when warranted. The expenditures for this period totaled \$3,818,818.
- D. Basis of accounting: The statement has been prepared on an accrual basis of accounting, in which expenses are recorded when incurred regardless of when cash is exchanged.

Note 2 – Personnel Compensation and Benefits

- IC Appropriation: \$2,672,783 was expended for salaries and benefits, including:
 - \$213,805 for SCO employees
 - \$2,458,978 for reimbursable DOJ employees detailed to the SCO

Note 3 – Travel and Transportation of Persons

- IC Appropriation: \$150,230 was expended for travel, including:
 - \$81,360 for temporary duty relocation of DOJ employees detailed to the SCO
 - \$68,870 for other travel

Note 4 – Contractual Services

- IC Appropriation: \$1,881,926 was expended for contractual services, including:
 - \$1,674,947 for litigation/investigative Support
 - \$143,493 for IT services
 - \$63,151 for transcripts
 - \$335 for other services

Note 5 – Acquisition of Equipment

- IC Appropriation: Non-capitalized personal property equipment purchased using IC appropriation funds will remain the property of the federal government at the conclusion of the investigation.

Note 6 – Total SCO Expenditures

- SCO expenditures represent expenditures incurred during the reporting period and standard closing adjustments.

EXHIBIT 8

**U.S. Department
of Justice**

**Special Counsel's Office – Smith
Statement of Expenditures
April 1, 2023 through September 30, 2023**



The accompanying Statement of Expenditures summarizes the financial activity of the Special Counsel's Office (SCO) of John L. Smith for the period April 1, 2023 through September 30, 2023. As an organization within the Department of Justice, the SCO is required to comply with the rules, regulations, procedures, practices, and policies of the Department of Justice.¹ SCO management is responsible for designing, operating, and maintaining a system of internal control to enable the SCO to accurately report its financial information to the Department and meet the requirements of applicable laws and regulations. In addition, SCO management is responsible for ensuring that controls exist to meet the requirements of DOJ Order 2030.4G, *Control of Funds under Apportionment*.

The Department recognizes the importance of maintaining adequate internal control and is committed to the continuous improvement and oversight of financial management controls. The Department has a network of internal review groups that provides assistance to components with their internal control programs. As part of the Department's annual assessment of internal control over financial reporting, the Justice Management Division, Internal Review and Evaluation Office conducted a review of SCO business processes related to budget, obligations and expenditures, and financial reporting during the assessment period of April 1, 2023 through September 30, 2023. The review identified no material weaknesses or significant deficiencies in the design or operation of SCO controls.

The Department will continue to dedicate and leverage resources to maintain strong program and financial management controls. Management takes its program and financial accountability seriously and is dedicated to ensuring that funds are used in a responsible and transparent manner.

¹ 28 CFR 600.7 – Conduct and Accountability

The Special Counsel's Office - Smith
Statement of Expenditures
For the period April 1, 2023 through September 30, 2023

| | | |
|---|----|-----------|
| Direct and Reimbursed Expenditures (note 1) | | |
| Personnel Compensation and Benefits (note 2) | \$ | 4,779,835 |
| Travel and Transportation of Persons (note 3) | | 410,138 |
| Rent, Communications, and Utilities | | 730,662 |
| Printing and Reproduction | | 240 |
| Contractual Services (note 4) | | 1,235,113 |
| Supplies and Materials | | 57,779 |
| Acquisition of Equipment (note 5) | | 165,322 |
| <hr/> | | |
| Total SCO Expenditures (note 6) | \$ | 7,379,089 |
| <hr/> | | |

Note 1 – Summary of Significant Accounting Policies

- A. Reporting entity: On November 18, 2022, John L. Smith was appointed by Attorney General Merrick B. Garland to serve as Special Counsel to conduct the ongoing investigation into whether any person or entity violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021, and conduct the ongoing investigation referenced and described in the United States' Response to Motion for Judicial Oversight and Additional Relief, Donald J Trump v. United States. The statement presents the expenditures of the SCO for the period of April 1, 2023, to September 30, 2023, including direct-funded, reimbursed, and non-reimbursed expenditures. All amounts shown refer to the aforementioned reporting period only.
- B. Funding: SCO expenditures are funded by 1) the permanent, indefinite appropriation for independent counsels (IC Appropriation) (28 U.S.C. § 591 note), which the Department of Justice (DOJ) has determined is legally available to fund this SCO investigation (see also Government Accountability Office opinion agreeing with DOJ that this appropriation was legally available to fund special counsels (B-302582, Sept. 30, 2004)); and 2) the direct appropriations of DOJ components who have incurred non-reimbursed expenditures in support of the SCO. Expenditures funded through the IC Appropriation are a combination of expenses directly incurred by the SCO and expenses incurred by other components of DOJ and reimbursed by the IC Appropriation.
- C. DOJ component expenses: Although not legally required, DOJ components that support the SCO were asked to track non-reimbursed expenditures attributable to this investigation, which includes hours worked by agents and investigative support analysts and may include the cost of protective details for the Special Counsel if warranted. The expenditures for this period totaled \$7,277,783.
- D. Basis of accounting: The statement has been prepared on an accrual basis of accounting, in which expenses are recorded when incurred regardless of when cash is exchanged.

Note 2 – Personnel Compensation and Benefits

- IC Appropriation: \$4,779,835 was expended for salaries and benefits, including:
 - \$569,173 for SCO employees
 - \$4,210,662 for reimbursable DOJ employees detailed to the SCO

Note 3 – Travel and Transportation of Persons

- IC Appropriation: \$410,138 was expended for travel, including:
 - \$276,916 for temporary duty relocation of DOJ employees detailed to the SCO
 - \$133,222 for other travel

Note 4 – Contractual Services

- IC Appropriation: \$1,235,113 was expended for contractual services, including:
 - \$757,107 for litigation/investigative Support
 - \$156,537 for IT services
 - \$318,275 for transcripts
 - \$3,194 for other services

Note 5 – Acquisition of Equipment

- IC Appropriation: Non-capitalized personal property equipment purchased using IC appropriation funds will remain the property of the federal government at the conclusion of the investigation.

Note 6 – Total SCO Expenditures

- SCO expenditures represent expenditures incurred during the reporting period and standard closing adjustments.

EXHIBIT 9



U.S. Department of Justice

Justice Management Division

Office of General Counsel

Washington, D.C. 20530

September 25, 2020

William F. Marshall
Judicial Watch, Inc.
425 Third St. SW, Suite 800
Washington, D.C. 20024
info@JudicialWatch.org

RE: JMD FOIA # 110220

Dear Mr. Marshall,

I am responding on behalf of the Justice Management Division (JMD) to your Freedom of Information Act (FOIA) request dated June 27, 2017, for the budgets and expenditures of Special Counsel Robert Mueller, as well as records reflecting the names, positions, and salaries of personnel involved in the investigation overseen by Mr. Mueller. Your request was referred to JMD by the Office of Information Policy. I apologize for the delay in responding to your request.

The Special Counsel's Office was established in FY 2017 and dissolved in FY 2019. The Special Counsel's Office budgets for FY 2017, FY 2018, and FY 2019 are now publicly available in the Department of Justice's on-line FOIA Library at the following links:

<https://www.justice.gov/jmd/page/file/1134701/download>

<https://www.justice.gov/jmd/page/file/1134711/download>

In addition, the statements of expenditures of the Special Counsel's Office can be found at the following link: <https://www.justice.gov/sco/statements-expenditures>.

Please also find attached a spreadsheet showing the names, position titles, and salaries of all individuals who were directly hired by, or detailed to, the Special Counsel's Office as of April 24, 2018, the date of our search. For three individuals whose details to the office ended before April 24, 2018, the spreadsheet shows their salaries as of the last date of their details. We have redacted the names of certain non-attorney personnel under FOIA exemptions 6 and 7(C). We have determined that the privacy interests outweigh the public interest in disclosure of such information.

You may contact our FOIA Public Liaison, Karen McFadden at (202) 514-3101 or JMDFOIA@usdoj.gov for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College

Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with JMD's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Arthur E. Gary
General Counsel

Special Counsel's Office Staff Salaries and Titles

(as of April 24, 2018 unless otherwise noted)

| Status | Name (Last, First) | Salary | Official Title | Working Title |
|-----------|----------------------------------|---------------|----------------------------------|--------------------------------------|
| Employee | Andres, Greg | \$ 164,200.00 | Attorney | Senior Assistant Special Counsel |
| Employee | Richardson, Brian | \$ 103,435.00 | Assistant Special Counsel | Assistant Special Counsel |
| Employee | (b) (6), (b) (7)(C) | \$ 96,970.00 | Special Assistant | Special Assistant |
| Employee | Zebley, Aaron | \$ 164,200.00 | Deputy Special Counsel | Deputy Special Counsel |
| Employee | Mueller III, Robert | \$ 164,200.00 | Special Counsel | Special Counsel |
| Employee | Rhee, Jeannie | \$ 164,200.00 | Counsel | Counsel |
| Employee | (b) (6), (b) (7)(C) | \$ 134,789.00 | Special Assisitant | Special Assisitant |
| Employee | McGarry, Beth | \$ 179,700.00 | Executive Officer | Executive Officer |
| Employee | Quarles, III, James | \$ 164,200.00 | Counselor to the Special Counsel | Counselor to the Special Counsel |
| On Detail | Ahmad, Zainab | \$ 164,100.00 | Assistant U.S. Attorney | Senior Assistant Special Counsel |
| On Detail | Atkinson, Lawrence R. | \$ 148,267.00 | Trial Attorney | Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) | \$ 56,233.00 | Paralegal Specialist | Paralegal Specialist |
| On Detail | Carr, Peter | \$ 148,267.00 | Public Affairs Specialist | Public Affairs Officer |
| On Detail | (b) (6), (b) (7)(C) | \$ 129,869.00 | Supervisory Security Specialist | Security Officer |
| On Detail | Dreeben, Michael | \$ 189,600.00 | Deputy Solicitor General | Counselor to the Special Counsel |
| On Detail | (b) (6), (b) (7)(C) | \$ 56,233.00 | Staff Operations Specialist | Administrative Assistant |
| On Detail | Freeny, Kyle | \$ 161,746.00 | Trial Attorney | Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) ¹ | \$ 115,755.00 | Management and Program Analyst | Administrative Liaison |
| On Detail | Goldstein, Andrew | \$ 164,100.00 | Assistant U.S. Attorney | Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) ² | \$ 65,606.00 | Secretary S/OA | Administrative Assistant |
| On Detail | (b) (6), (b) (7)(C) | \$ 100,203.00 | Management and Program Analyst | Records Manager |
| On Detail | Jed, Adam | \$ 157,253.00 | Trial Attorney (Appellate) | Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) | \$ 157,253.00 | Supervisory Special Agent | Senior Congressional Affairs Liaison |
| On Detail | (b) (6), (b) (7)(C) | \$ 84,266.00 | Management and Program Analyst | Administrative Liaison |
| On Detail | (b) (6), (b) (7)(C) | \$ 126,049.00 | Program Analyst | Budget Officer |
| On Detail | Meisler, Scott | \$ 164,200.00 | Trial Attorney | Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) | \$ 59,983.00 | Paralegal Specialist | Paralegal Specialist |
| On Detail | Page, Lisa ³ | \$ 153,730.00 | General Attorney | Attorney |
| On Detail | Prelogar, Elizabeth | \$ 164,200.00 | Trial Attorney | Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) | \$ 58,108.00 | Paralegal Specialist | Paralegal Specialist |
| On Detail | Van Grack, Brandon | \$ 164,200.00 | Trial Attorney | Senior Assistant Special Counsel |
| On Detail | Weissmann, Andrew | \$ 189,600.00 | Chief, Fraud Section | Senior Assistant Special Counsel |
| On Detail | (b) (6), (b) (7)(C) | \$ 145,148.00 | Supervisory Program Specialist | Administrative Officer |
| On Detail | Zelinsky, Aaron | \$ 108,207.00 | Assistant U.S. Attorney | Assistant Special Counsel |

1 Salary as of 10/1/17

2 Salary as of 1/30/18

3 Salary as of 7/26/17

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

| | | |
|-----------------------------|---|-----------------------------------|
| JUDICIAL WATCH, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 23-cv-1485 (CRC) |
| |) | |
| UNITED STATES DEPARTMENT OF |) | |
| JUSTICE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

[PROPOSED] ORDER

Upon consideration of Defendant’s motion for summary judgment, Plaintiff’s opposition, the reply thereto, and the entire record herein, it is hereby ORDERED that:

1. The motion is denied.

SO ORDERED.

Dated:

The Hon. Christopher R. Cooper
United States District Judge