

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-CV-81294-CANNON

DONALD J. TRUMP,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

_____ /

**THE UNITED STATES' REPLY IN SUPPORT OF ITS MOTION FOR
A ONE-WEEK EXTENSION OF TIME
PENDING ISSUANCE OF THE ELEVENTH CIRCUIT'S MANDATE**

The United States of America respectfully replies in support of its motion to this Court for a one-week extension of time of upcoming deadlines pending the issuance of the Eleventh Circuit's mandate in *Donald J. Trump v. United States of America*, No. 22-13005 (11th Cir. Dec. 1, 2022) (*per curiam*). The motion is fully briefed and ripe for this Court's decision. A proposed order that reflects that the motion is fully briefed accompanies this reply.

1. By extending the deadlines for three submissions by one week, the government's motion saves both parties and most importantly the Special Master the time that would otherwise be spent preparing and in one instance filing submissions that may become moot upon issuance of the Eleventh Circuit's mandate. If the mandate issues, this Court's one-week extension of time will conserve the resources of this Court, the Special Master, and the parties. If the mandate does not issue, the Court, Special Master, and parties will resume work where they left off under the extended deadlines with only one

week's delay.

2. Plaintiff's counsel opposes the one-week extension and explains that "[t]he Eleventh Circuit shortened the time to issue the mandate, thereby decreasing the already limited time available to President Trump to pursue legal options." D.E. 195 ¶ 2.

3. The government's motion extends the time for three submissions in this Court. It does not modify or abridge Plaintiff's deadlines to petition for rehearing or suggest rehearing *en banc* in the Eleventh Circuit or petition for a writ of *certiorari* in the United States Supreme Court. Indeed, the one-week extension of time for the submissions in this Court would appear to free up the "limited time available to President Trump" and his counsel to consider and potentially pursue Plaintiff's options on appeal.

4. Plaintiff's opposition does not speak to the unnecessary burden imposed on the Special Master of continuing to work for another week towards a deadline on a voluminous report and recommendation that may become moot.

CONCLUSION

For the foregoing reasons, and those in the original motion (D.E. 194), the Court should extend by one week the upcoming deadlines of three submissions:

- The government's response to Plaintiff's motion to unseal the search-warrant affidavit (D.E. 189) be and hereby is extended to and including December 13, 2022;

- The parties' response to the News Media's Joint Motion for Access to Unredacted Search Warrant Affidavit (D.E. 192) be and hereby is extended to and including December 21, 2022; and
- The Special Master's report and recommendation (D.E. 125, at 5) be and hereby is extended to and including December 23, 2022.

Respectfully submitted,

JACK SMITH
SPECIAL COUNSEL

By: /s/
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Chief
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 2, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Julie A. Edelstein
Julie A. Edelstein

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[PROPOSED] ORDER EXTENDING UPCOMING DEADLINES BY ONE WEEK

THIS MOTION comes before the Court on the government's request [ECF No. 194] for a one-week extension of time of upcoming deadlines pending the issuance of the Eleventh Circuit's mandate in *Donald J. Trump v. United States of America*, No. 22-13005 (11th Cir. Dec. 1, 2022) (*per curiam*). The Court reviewed the government's motion, Plaintiff's opposition [ECF No. 195], the government's reply [ECF No. 196], and the full record. Upon review, the Court **GRANTS** the motion [ECF No. 194] and **EXTENDS** upcoming deadlines by one week as follows.

1. The government's response to Plaintiff's motion to unseal the search-warrant affidavit (D.E. 189) be and hereby is extended to and including December 13, 2022.

2. The parties' response to the News Media's Joint Motion for Access to Unredacted Search Warrant Affidavit (D.E. 192) be and hereby is extended to and including December 21, 2022.

3. The Special Master's report and recommendation (D.E. 125, at 5) be and hereby is extended to and including December 23, 2022.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this ____ day of December 2022.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record