

Jun 17, 2024

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

CASE NO. 9:23-cr-80101(s)-AMC-BER

UNITED STATES OF AMERICA

v.

DONALD J. TRUMP,
WALTINE NAUTA, and,
CARLOS DE OLIVEIRA,

Defendants.

**MOTION FOR LEAVE TO SUBMIT FILINGS VIA ECF PORTAL
ON BEHALF OF *AMICI CURIAE* PROFESSOR SETH
BARRETT TILLMAN AND LANDMARK LEGAL FOUNDATION**

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**Pro Hac vice forthcoming*

Professor Seth Barrett Tillman and the Landmark Legal Foundation (*Amici*) respectfully submit this motion for leave to submit filings via the Court's electronic case filing system, and state:

1. On March 21, 2024, a proposed amicus brief from Professor Seth Barrett and the Landmark Legal Foundation was docketed in this case. [ECF No. 410¹]. The brief contended that the Special Counsel's temporary position is properly characterized as a mere "employee." *Buckley v. Valeo*, 424 U.S. 1, 126 n.162 (1976). Special Counsel Smith does not hold an "office," and he is not an "Officer of the United States." Both procedurally and substantively, the prosecutorial actions taken by Special Counsel Smith are ultra vires with respect to the Constitution.
2. On March 21, 2024, the Court granted *Amici*'s motion for leave to file the amicus brief. [ECF No. 411].
3. On May 7, 2024, the Court issued an order setting a hearing on the motion to dismiss the indictment based on the unlawful appointing of the Special Counsel. The hearing is scheduled for Friday, June 21, 2024, at 9:30 a.m. [ECF Nos. 530, 605].
4. On June 4, 2024, the Court granted leave for *Amici Curiae* Professor Seth Barrett Tillman and Landmark Legal Foundation to participate in oral argument on June 21, 2024. As a result, the undersigned reasonably anticipates the need to submit additional filings and seeks permission to do so via the Court's ECF system.
5. Undersigned counsel, Michael A. Sasso, is a member of The Florida Bar, is admitted to practice in the United States District Court of the Southern District of Florida, and has been permitted to submit other filings in this case. Counsel Josh Blackmun, has been admitted pro hac vice and has been permitted to submit filings in this case. Granting counsel leave to submit future filings via the ECF portal would eliminate the expense of postage and delay of traditional mail filings, and thus increase the efficiency of practice before the Court.

¹ Brief of Professor Seth Barrett Tillman and Landmark Legal Foundation as *Amici Curiae* in Support of Defendant Trump's Motion to Dismiss the Indictment, *United States v. Trump*, Case No. 9:23-cr-80101-AMC-BER (S.D. Fla. Mar. 2024) (filed by Professor Josh Blackman & Michael Adam Sasso, Esq.), ECF No. 410, 2024 WL 1214430, <https://ssrn.com/abstract=4755563>, <https://tinyurl.com/3kju33w4>.

WHEREFORE, *Amici Curiae*, PROFESSOR SETH BARRETT TILLMAN and LANDMARK LEGAL FOUNDATION, respectfully ask leave for their counsel of record to submit filings through the Court's electronic case filing system.

Date: June 14, 2024.

Respectfully submitted,

/s/ Josh Blackman

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*Counsel for Amici, Professor Seth Barrett
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2024, I caused a true and correct copy of the foregoing to be served via e-mail on all parties and counsel of record in this matter and filed through Fed Ex delivery to the Clerk of Court for docketing.

/s/ Michael A. Sasso

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