

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

CASE NO. 23-80101-CR-CANNON(s)

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION
FOR LEAVE TO FILE RESPONSE TO GOVERNMENT’S NOTICE OF FILING**

Pursuant to the Court’s detailed and unambiguous minute order (ECF No. 643), the Government opposes Defendant Trump’s request (ECF No. 651) for leave to file a response to the Government’s Notice of Filing (ECF No. 652). During the hearing on June 24, 2024, the Court discussed with the parties (Hearing Transcript 6/24/2024 at 27) the potential need to supplement the evidentiary record regarding the Government’s Motion to Modify Conditions of Release, ECF No. 592. After the conclusion of the hearing, the Court issued a minute order setting the schedule and resolving the issue that the Court and the parties had discussed regarding the need for additional briefing. The minute order states: “Consistent with the instructions provided in open court, the evidentiary record on this Motion will be open until June 26, 2024, for the parties to file any additional evidentiary attachments/exhibits in support of, or in opposition to, the Motion [592](#). Any attachments/exhibits shall be docketed as a "Notice of

Filing" (separated by exhibits) and limited to specific evidentiary submissions only. No additional briefing will be permitted.”

The Court’s order issued *after* the hearing is clear and unambiguous – no additional briefing. And the Court’s minute order expressly stated that the additional filings were to be submitted as a “Notice of Filing.” When a party submits a notice of supplemental authority, Local Rule 7.8 states: “No replies are permitted.” If the only substantive notice under the local rules does not permit replies, certainly any other type of notice the parties file would not allow for a reply.

Despite the plain and unambiguous text of the Court’s order and the analogous restriction under Local Rule 7.8, Trump requests leave to file a response to the Government’s Notice. The Government understands that the Court meant what it said in its June 24, 2024 minute order: “No additional briefing will be permitted.” Trump’s request should be denied.

Respectfully submitted,

JACK SMITH
Special Counsel
N.Y. Bar No. 2678084

By: /s/ Jay I. Bratt
Jay I. Bratt
Counselor to the Special Counsel
Special Bar ID #A5502946
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

David V. Harbach, II
Assistant Special Counsel
Special Bar ID #A5503068

June 27, 2024

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which in turn serves counsel of record via transmission of Notices of Electronic Filing.

/s/ Jay I. Bratt
Jay I. Bratt