

No. 24-12311-J

In the
United States Court of Appeals
for the Eleventh Circuit

UNITED STATES OF AMERICA,
Plaintiff-Appellant,

v.

DONALD J. TRUMP, WALTINE NAUTA,
and CARLOS DE OLIVEIRA
Defendants-Appellees.

On Appeal from the United States District Court for the
Southern District of Florida, No. 23 Cr. 80101 (Cannon, J.)

**DEFENDANTS-APPELLEES' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE OPENING BRIEF**

Emil Bove
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CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 and 26.1-2, Appellees hereby certify that the following is a list of persons and entities who have an interest in the outcome of this case:

1. Advance Publications, Inc.
2. Alonso, Cristina
3. America First Legal Foundation
4. American Broadcasting Companies, Inc., d/b/a ABC News
5. Ayer, Donald
6. Blackman, Joshua
7. Blanche, Todd
8. Bloomberg, L.P.
9. Bove, Emil
10. Bowman, Chad
11. Bratt, Jay
12. Cable News Network, Inc.
13. Calabresi, Steven
14. Caldera, Louis
15. Cannon, Hon. Aileen

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16. Cate, Matthew
17. CBS Broadcasting, Inc. o/b/o CBS News
18. Citizens for Responsibility and Ethics in Washington
19. Citizens United
20. Citizens United Foundation
21. CMG Media Corporation
22. Coleman, Tom
23. Conway, George
24. Cooney, J.P.
25. Couzo, Amber Aurora
26. Cox Enterprises, Inc. (COX) d/b/a The Atlanta Journal-Constitution
27. Dadan, Sasha
28. De Oliveira, Carlos
29. Dow Jones & Company, Inc., publisher of The Wall Street Journal
30. Dreeben, Michael
31. Edelstein, Julie
32. Fields, Lazaro
33. Fitzgerald, Patrick
34. Fort Myers Broadcasting Company

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35. Fugate, Rachel Elise
36. Garland, Merrick B.
37. Gerson, Stuart
38. Gertner, Nancy
39. Gilbert, Karen E.
40. Gillers, Stephen
41. Goodman, Hon. Jonathan
42. Gray Media Group, Inc. (GTN)
43. Guardian News & Media Limited
44. Harbach, David
45. Hirsch, Steven A.
46. Hulser, Raymond
47. Insider, Inc.
48. Irving, John
49. Kise, Christopher
50. Klugh, Richard C.
51. Lacovara, Philip Allen
52. Landmark Legal Foundation
53. Lawson, Gary

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54. Los Angeles Times Communications LLC, publisher of The Los Angeles Times
55. Maynard, Hon. Shaniek Mills
56. McElroy, Dana Jane
57. McKay, John
58. McNamara, Anne
59. Meese, Edwin
60. Mishkin, Maxwell
61. Mukasey, Hon. Michael B.
62. Murrell, Larry Donald
63. National Cable Satellite Corporation d/b/a C-SPAN
64. National Public Radio, Inc.
65. Nauta, Waltine
66. NBCUniversal Media, LLC d/b/a NBC News, a subsidiary of Comcast Corporation (CMCSA)
67. Orlando Sentinel Media Group, publisher of the Orlando Sentinel
68. Pearce, James
69. Pellettieri, John
70. POLITICO LLC
71. Potter, Trevor

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72. Radio Television Digital News Association
73. Raskin, David
74. Raul, Alan Charles
75. Reeder, L. Martin Jr.
76. Reinhart, Hon. Bruce E.
77. Reuters News & Media, Inc.
78. Reynolds, Brett
79. Russell, Lauren
80. Salario, Samuel
81. Sample, James J.
82. Sasso, Michael
83. Schaerr, Gene
84. Seligman, Matthew A.
85. Smith, Abbe
86. Smith, Fern
87. Smith, Jack
88. State Democracy Defenders Action
89. Sun-Sentinel Company, LLC, publisher of the South Florida Sun Sentinel
90. TEGNA, Inc. (TGNA)

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91. Telemundo Network Group, LLC d/b/a Noticias Telemundo
92. Thakur, Michael
93. The Associated Press
94. The E.W. Scripps Company (SSP)
95. The McClatchy Company, LLC (MNI) d/b/a the Miami Herald
96. The New York Times Company (NYT)
97. The Palm Beach Post and USA TODAY, publications operated by subsidiaries of Gannett Co., Inc. (GCI)
98. Thompson, Larry
99. Tillman, Seth Barrett
100. Tobin, Charles
101. Torres, Hon. Edwin
102. Trent, Edward H.
103. Tribe, Laurence
104. Troye, Olivia
105. Trump, President Donald J.
106. Trusty, James
107. Twardy, Stanley
108. United States of America
109. Univision Networks & Studios, Inc.

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110. VanDevender, Cecil
111. Weiss, Stephen
112. Weld, William
113. Wharton, Kendra
114. Whitman, Christine Todd
115. Woodward, Stanley
116. WP Company LLC d/b/a The Washington Post
117. WPLG, Inc.

**DEFENDANTS-APPELLEES' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Eleventh Circuit Rules 27-1(c) and 31-2(a), Defendants-Appellees President Donald J. Trump, Waltine Nauta, and Carlos De Oliveira respectfully submit this motion for a thirty (30) day extension of time to file their Opening Brief.¹

The current briefing schedule, set by operation of Eleventh Circuit Rule 31-1(a), provides that Appellees' Opening Brief(s) shall be filed on or before September 25, 2024. This request for a 30-day extension of the briefing schedule, through and including October 25, 2024, reflects Appellees' first request for an extension. *See* 11th Cir. R. 31-2(a) (permitting a party's first request of 30 days or less to be granted by the Clerk of the Court). This request is submitted more than seven (7) days in advance of the September 25, 2024 due date for filing, and is submitted pursuant to the request of the Clerk's Office that it be made in writing.

Good cause exists for this request. The brief 30-day extension requested by Appellees is warranted under the circumstances where, *inter alia*: (i) President Trump and his counsel are presently engaged in motion practice in a separate case brought by the Special Counsel in the District of Columbia, *United States v. Trump*, 23 Cr. 257 (TSC) (D.D.C. 2023), which will require counsel to spend time in a

¹ Pursuant to Eleventh Circuit Rule 26-1, governing motions in criminal appeals, counsel confirm that Appellees are not incarcerated.

sensitive compartmented information facility (“SCIF”) in Washington, D.C. in the coming weeks to meet that court’s briefing schedule, *see id.* ECF No. 233; (ii) President Trump and his counsel are also litigating issues of first impression in the U.S. Court of Appeals for the Second Circuit that require briefing in advance of a potential sentencing hearing presently set for November 26, 2024, *see Order Denying Motion for Emergency Stay*, Dkt. No. 31, *People of the State of New York v. Trump*, No. 24-2299 (2d Cir. Sept. 12, 2024); and (iii) Appellee-Nauta recently retained appellate counsel, Richard C. Klugh, Esq., who must be familiarized with the facts giving rise to this appeal and has pressing work before this Court and others that makes the existing schedule challenging.

Counsel for Appellees conferred with opposing counsel, who have requested that we include the following statement: “In light of the procedure described in Eleventh Circuit Rule 31-2(a) and without expressing a view on whether appellees have established good cause, the government does not oppose appellees’ 30-day extension request.”

Appellees hereby request for good cause that the Court and/or the Clerk of the Court grant a thirty (30) day extension of the time for filing their Opening Brief, through and including October 25, 2024, pursuant to Eleventh Circuit Rule 31-2(a).

Dated: September 17, 2024

Respectfully submitted,

/s/ Todd Blanche / Emil Bove

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE
REQUIREMENTS**

Counsel for President Donald J. Trump hereby certifies pursuant to Federal Rules of Appellate Procedure 27(d), 32(a), and 32(g) that this motion is proportionately spaced, has a typeface of 14 points, and contains 463 words, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f).

September 17, 2024

/s/ Kendra L. Wharton
Kendra L. Wharton

CERTIFICATE OF SERVICE

Counsel for President Donald J. Trump hereby certifies that on September 17, 2024, the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit using the Court's electronic filing system. Counsel further certifies that all participants in the case are represented by counsel registered with the electronic filing system and that service will be accomplished by that system.

September 17, 2024

/s/ Kendra L. Wharton
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