

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

CASE NO. 22-81294-CIV-CANNON

DONALD J. TRUMP,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

**MOTION FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN
OPPOSITION TO FORMER PRESIDENT TRUMP’S MOTION FOR
JUDICIAL OVERSIGHT AND ADDITIONAL RELIEF**

Former government officials Donald B. Ayer, Gregory A. Brower, John J. Farmer Jr., Stuart M. Gerson, Peter D. Keisler, William F. Weld, and Christine Todd Whitman respectfully move for leave to file the attached brief (Ex. 1) as *amici curiae* in opposition to former President Donald J. Trump’s Motion for Judicial Oversight and Additional Relief. In support of their motion, *Amici* state the following:

This Court has the “inherent authority” to appoint *amici curiae* to assist the Court in a proceeding. *Resort Timeshare Resales, Inc. v. Stuart*, 764 F. Supp. 1495, 1500–01 (S.D. Fla. 1991). *Amici* participate in a litigation only for the benefit of the court, and it is in the court’s sole discretion to “determine the fact, extent, and manner of participation by the *amicus*.” *City of S. Miami v. DeSantis*, 2019 WL 9514566, at *1 (S.D. Fla. Dec. 10, 2019). Courts have recognized that appointment of *amici curiae* is appropriate when the *amici* have a “special interest” or can provide assistance to the court. *Id.*

Amici respectfully submit that they have a special interest in this matter and can provide assistance to the Court. *Amici*, whose backgrounds are described more fully in the attached Appendix (Ex. 2), are former federal prosecutors and state and federal governmental officials who served in Republican administrations, and who collectively have decades of experience advising on matters involving the proper scope of executive power and executive privilege or prosecuting cases involving sensitive materials. *Amici* include those well-versed in the U.S. Department of Justice's investigatory procedures, both in connection with matters of great public interest and in cases involving the proper treatment of highly sensitive government documents. Finally, *Amici*, as demonstrated by their lengthy periods of government service, are committed to ensuring that the rule of law and legal processes are respected and safeguarded in this country.

CONCLUSION

For the foregoing reasons, *Amici* respectfully request that this Court grant them leave to file the attached brief. A proposed order is attached hereto (Ex. 3).

LOCAL RULE 7.1(a)(3) CERTIFICATION

In accordance with Local Rule 7.1(a)(3), counsel for *Amici* conferred by phone on August 30, 2022 with all parties to this case in a good faith effort to obtain consent to *Amici's* Motion. Defendant consents to the Motion and Plaintiff opposes the Motion.

Dated: August 30, 2022

/s/ Jay B. Shapiro

Jay B. Shapiro
STEARNS WEAVER MILLER
WEISSLER ALHADEFF &
SITTERSON, P.A.
150 West Flagler Street,
Suite 2200
Miami, FL 33130
Tel: (305) 789-3229
jshapiro@stearnsweaver.com

Norman L. Eisen*
NORMAN EISEN PLLC
2000 Massachusetts Avenue NW
Washington, DC 20036
Tel: (202) 709-4945
nleisen@normaneisenllc.com

Fred Wertheimer*
DEMOCRACY 21
2000 Massachusetts Avenue NW
Washington, DC 20036
Tel: (202) 355-9600
fwertheimer@democracy21.org

Respectfully submitted,

/s/ Brad S. Karp

Brad S. Karp*
Roberto Finzi*
Harris Fischman*
David K. Kessler*
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Tel: (212) 373-3000
bkarp@paulweiss.com
rfinzi@paulweiss.com
hfischman@paulweiss.com
dkessler@paulweiss.com

Counsel for Amici Curiae

** Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 30, 2022, a true and correct copy of the foregoing document was filed with the Clerk of the Court using the CM/ECF system. I also certify that copies of the foregoing document are being served on all counsel of record identified on the attached Service List via transmission of the Notice of Electronic Filing generated by CM/ECF.

/s/ Jay B. Shapiro
Jay B. Shapiro

SERVICE LIST

<p>James M. Trusty IFRAH, PLLC 1717 Pennsylvania Avenue, NW, Suite 650 Washington, DC 20006 202-852-5669 Email: jtrusty@ifrahlaw.com</p> <p>Lindsey Halligan 511 SE 5th Avenue Suite 1008 Fort Lauderdale, FL 33301 720-435-2870 Email: lindseyhalligan@outlook.com</p> <p>M. Evan Corcoran Silverman, Thompson, Slutkin, & White, LLC 400 East Pratt Street, Suite 900 Baltimore, MD 21230 410-385-2225 Email: ecorcoran@silvermanthompson.com <i>Counsel for Plaintiff Donald J. Trump</i></p>	<p>Juan Antonio Gonzalez , Jr. United States Attorney’s Office - H.I.D.T.A. 11200 NW 20th Street Suite 101 Miami, FL 33172 305-715-7640 Fax: 305-715-7639 Email: juan.antonio.gonzalez@usdoj.gov <i>Counsel for Defendant United States of America</i></p>
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