

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.

**UNITED STATES' NOTICE RESPECTING THE COURT'S APPOINTMENT OF A
SPECIAL MASTER**

On September 9, 2022, the parties submitted to this Court a joint filing, which, *inter alia*, listed each party's proposed special master candidates. D.E. 83. In that filing, the government noted that it received the Plaintiff's proposed candidates shortly after 6:00 p.m. on September 9, and the parties indicated that they would advise the Court about their respective positions on the proposed candidates on Monday, September 12, 2022. *Id.*

In accordance with that representation, the government hereby advises the Court that, because previous federal judicial experience and engagement in relevant areas of law are important qualifications for this position, the government submits that the Court should select one of the following three proposed candidates as special master: *The Honorable Barbara S. Jones* (ret.), *The Honorable Thomas B. Griffith* (ret.), or *The Honorable Raymond J. Dearie*.¹

¹ Although Plaintiff characterized Judge Dearie as retired in the joint filing, D.E. 83, the

Judges Jones, Griffith, and Dearie each have substantial judicial experience, during which they have presided over federal criminal and civil cases, including federal cases involving national security and privilege concerns. The government respectfully opposes the appointment of Paul Huck, Jr., who does not appear to have similar experience.

The government understands that each of the three candidates with prior judicial experience also currently employs staff who could assist in timely performing the duties assigned to the special master. In selecting among the three candidates, the government respectfully requests that the Court consider and select the candidate best positioned to timely perform the special master's assigned responsibilities.²

Respectfully submitted,

/s Juan Antonio Gonzalez

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government's understanding is that Judge Dearie currently remains on "senior active" status. If this Court were to select Judge Dearie as the special master, the government would defer to the Court and Judge Dearie to determine whether the special master role would constitute outside employment and what rules and/or restrictions, if any, would apply to his serving in this capacity.

² Prior to proposing retired Judge Jones and Judge Griffith as special master candidates, the government inquired as to their availability, and they both informed the government that they were both available immediately and have access to necessary staff to perform the work consistent with the schedule that the government proposes. On September 12, 2022, the government made the same inquiry of Judge Dearie. Judge Dearie indicated that he also was available and could perform the work expeditiously.

/s/ Jay I. Bratt _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 12, 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.

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