

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

CASE NO. 23-80101-CR-CANNON

UNITED STATES,

Plaintiff,

vs.

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

Defendants.

ORDER STRIKING SEALED FILINGS AND ORDERING BRIEFING

THIS MATTER comes before the Court upon the Special Counsel’s Motion for a *Garcia* Hearing [ECF No. 97] and related filings [ECF Nos. 95, 96 (Sealed)]. It is **ORDERED AND ADJUDGED** as follows:

1. The Special Counsel moves [ECF No. 97] for a *Garcia* hearing to inquire into “potential conflicts of interests that may arise from attorney Stanley Woodward, Jr.’s prior and current representation of three individuals the Government may call to testify at the trial of his client Waltine Nauta” [ECF No. 97 p. 1]. Simultaneously, the Special Counsel moves for leave [ECF No. 95] to file under seal a “Supplement” containing additional information “to facilitate the Court’s inquiry” [ECF No. 96; *see* ECF No. 97 p. 2 n.2, p. 6]. The Special Counsel states in conclusory terms that the supplement should be sealed from public view “to comport with grand jury secrecy,” but the motion

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for leave and the supplement plainly fail to satisfy the burden of establishing a sufficient legal or factual basis to warrant sealing the motion and supplement.

2. The Special Counsel's motion for leave to file under seal [ECF No. 95] is **DENIED**.
3. The Clerk is directed to **STRIKE** from the docket sealed entries 95 and 96.
4. Waltine Nauta shall file a response to the Motion for a *Garcia* hearing [ECF No. 97] on or before **August 17, 2023**. Among other topics as raised in the Motion, the response shall address the legal propriety of using an out-of-district grand jury proceeding to continue to investigate and/or to seek post-indictment hearings on matters pertinent to the instant indicted matter in this district. The Special Counsel shall respond to that discussion in a Reply in Support of the Motion [ECF No. 97], due on or before **August 22, 2023**. The remaining Defendants may, but are not required to, file briefs of their own related to the grand jury issue referenced herein, but any such briefs are due by **August 17, 2023**, and may be submitted in combined or individual fashion.¹

DONE AND ORDERED in Chambers in Fort Pierce, Florida, this 7th day of August 2023.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record

¹ This request for supplemental briefing is not intended to substitute and/or to limit any future motion brought pursuant to Fed. R. Crim. P. 12(b).