

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

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

ORDER IN ANTICIPATION OF SCHEDULING CONFERENCE AND HEARING

THIS CAUSE comes before the Court in anticipation of the Scheduling Conference set for March 1, 2024, at 10:00 AM [ECF Nos. 215, 332]. To facilitate an orderly and productive conference, the parties are advised as follows:

1. On or before **February 29, 2024, at 6:00 P.M.**, the Special Counsel and Defendants shall separately file scheduling proposals, taking into account all pending motions (both publicly filed and filed temporarily *in camera*) [*see, e.g.*, ECF Nos. 262, 294, 312, 323–327], associated requests for hearings (evidentiary and non-evidentiary) [ECF Nos. 262, 323, 324, 325],¹ and any pertinent topics related to scheduling.

¹ Pursuant to the Court's February 20, 2024, Order [ECF No. 320], Defendants submitted to the Special Counsel and the Court for temporary *in camera* review an additional eight substantive pretrial motions that await public filing pending resolution of the various sealing/redaction issues before the Court [*see* ECF Nos. 261, 267, 269, 271, 278, 282–283, 286, 294, 296 (Sealed), 312, 316, 328, 333–334]. Based on the Court's preliminary review, three of the eight *in camera* motions are accompanied by requests for hearings.

- a. The proposals shall be mindful of the potential need to hold any portion of the hearing(s) in a facility suitable for the discussion of classified information and/or under complete or partial seal.
 - b. Defendants' proposal shall be filed in consolidated form, identifying any areas of divergence or disagreement within the consolidated filing.
 - c. The parties should be guided by the chart/template provided in the Court's July 21, 2023, Order on the Special Counsel's Motion to Continue Trial [ECF No. 83 pp. 5–8], supplementing with additional deadlines/hearings as necessary.
2. Further, at the **March 1, 2024**, Scheduling Conference, the parties shall be prepared to discuss the requested hearing on Defendants' Motions to Compel [ECF No. 262], including the format (evidentiary/non-evidentiary), scope, anticipated duration, possible factual disputes for resolution, and possible CIPA and/or sealing/redaction implications.
3. Finally, at the **March 1, 2024**, Scheduling Conference, the parties shall be prepared (in the afternoon session) to present studied legal argument on the Special Counsel's pending Motion for Reconsideration [ECF No. 294] and all related/forthcoming filings concerning sealing/redaction [ECF Nos. 261, 267, 269, 271, 278, 282–283, 286, 294, 296 (Sealed), 312, 316, 320, 328, 333–334]. The parties shall be informed on the various details implicated in the filings, noting the categories of information involved and the current posture of this criminal case. Based on the various pre-trial motions filed to date, the categories of information include, for example, the names of "potential government witnesses" as referenced in pre-trial motions requiring judicial resolution; the substance of statements of potential government witnesses; grand jury transcripts,

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exhibits, subpoenas, and court orders from an expired grand jury investigation; search warrant application(s); and any miscellaneous exhibits implicated in Defendants' Motions to Compel and/or requests for leave to file discovery (*e.g.*, floorplans). The parties shall incorporate in their presentation relevant authorities, including caselaw applying the First Amendment in the criminal context (post-indictment), the Sixth Amendment right to a public trial, Rules 6(e) and 16(d)(1) of the Federal Rules of Criminal Procedure, the Local Rules of this District, and any applicable common law principles.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 27th day of February 2024.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record