

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

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
 v.)
)
)
 WALTINE NAUTA, and)
 CARLOS DE OLIVEIRA,)
)
 Defendants.)
 _____)

RESPONSE TO NOTICE

Defendants’ “Notice” alleging a violation of this Court’s temporary injunction is incorrect. There is nothing about the government’s email to counsel for President-elect Trump, the government’s submission to the Eleventh Circuit, nor the Attorney General’s letter to Congress that violates this Court’s Order. Nor did the Special Counsel’s transmission of the Final Report to the Attorney General in any way violate the Order. The Court’s order prohibited (1) “releasing, sharing, or transmitting the Final Report or any drafts of such Report outside the Department of Justice” or (2) “otherwise releasing, distributing, conveying, or sharing with anyone outside the Department of Justice any information or conclusions in the Final Report or in drafts thereof.” Order, ECF No. 682. The government has complied with those instructions in all respects.

To begin, Defendants are incorrect to suggest that the Special Counsel acted inappropriately in transmitting his Final Report to the Attorney General. *See* Notice, ECF No. 685, at 1-2. Nothing in the Court’s Order prohibited the Special Counsel from doing

so. Rather, the Court's Order was explicit that the government was temporarily enjoined only from "releasing, sharing, or transmitting the Final Report or any drafts of such Report *outside the Department of Justice.*" Order, ECF No. 682, at 2 (emphasis added). Providing the Final Report to the Attorney General is in no way inconsistent with the clear terms of the Order. *See also* 28 C.F.R. 600.8(c) (stating that "[a]t the conclusion of the Special Counsel's work, he or she shall provide the Attorney General with a confidential report" concerning his or her decisions).

Nor did any of the government's other statements identified by Defendants violate the Order in any way. The relevant portion of the Order temporarily enjoined the government from sharing outside the Department "any information or conclusions *in the Final Report* or in drafts thereof." Order, ECF No. 682, at 2 (emphasis added). The Department of Justice's description of the matter as "significant" and conclusion that disclosure, when permitted, "is in furtherance of the public interest," *see* ECF No. 685-1, at 3, did not reveal information in the Report. Rather, those statements reflect the Department's characterization of the underlying investigations and prosecutions (which cannot reasonably be described as anything other than "significant") and the Department's determination of whether release of the Final Report "would be in the public interest," a determination that the Attorney General is expressly authorized to make under Department regulations. 28 C.F.R. § 600.9(c). Moreover, the Attorney General expressly acknowledged this Court's injunction as a reason why neither the Final Report nor any of its contents could be transmitted at this time. *See* ECF No. 685-1, at 1 ("Pursuant to an Order issued on January 7, 2025, by Southern District of Florida United States District Judge Aileen M. Cannon, the Department of Justice is temporarily enjoined from sharing

the Report outside the Department of Justice and may not share any information or conclusions in the Report. *United States v. Waltine Nauta and Carlos De Oliveira*, No. 23-80101-CR-Cannon, ECF No. 89 (S.D. Fla. Jan. 7, 2025”); *see also id.* at 2 (stating that the Department would not make public the Final Report until “permitted to do so by the court”). Indicating that the Department would provide the Final Report “when permitted to do so by the Court” does not reveal any information in the Final Report and obviously does not violate the Court’s order.

The government is in full compliance with the Court’s Order.

Dated: January 10, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which sends notice to all counsel of record.

/s/ Elizabeth J. Shapiro
Elizabeth J. Shapiro