



Alina Habba, Esq.
Managing Partner
ahabba@habbalaw.com
Admitted to practice in NJ, NY & CT

March 6, 2024

Via ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Carroll v. Trump, No. 1:20-cv-7311-LAK-JLC – Request for Temporary Administrative Stay of Execution Until Three Business Days After The Court’s Ruling on the Motion to Stay Execution of Judgment Pending Disposition of Post-Trial Motions

Dear Judge Kaplan:

On February 23, 2024, President Trump filed his motion and memorandum seeking to stay the execution of the judgment in this case pending the Court’s disposition of his post-trial motions. ECF Nos. 286, 287. Because the judgment becomes final on Monday, March 11, 2024, and time will be needed to finalize bond arrangements if the motion is denied, President Trump respectfully requested that the Court issue a ruling on his stay motion by March 4, 2024. ECF No. 287, at 16. In the alternative, if the Court were not to rule by March 4, President Trump requested that the Court “enter a temporary administrative stay of execution of the judgment pending its ruling on this motion.” *Id.*

Granting such temporary administrative stays while a court is considering whether to grant a stay motion is common practice in this Circuit, in this District, and in other jurisdictions. *See, e.g., Bragg v. Pomerantz*, 2023 WL 3015207, at *1 (2d Cir. Apr. 19, 2023) (Robinson, J.) (granting “an administrative stay ... so that a three-judge panel may consider the motion seeking a stay pending appeal of the district court’s order”); *Hassoun v. Searles*, 976 F.3d 121, 126 (2d Cir. 2020) (noting the court granted “entered an administrative stay ... so that the government’s motion for a stay pending appeal could be considered by a three-judge panel,” and then “before the administrative stay expired, the court entered a temporary extension of the administrative stay to ensure that it had adequate time to consider the government’s motion”); *Tereshchenko v. Karimi*, 2024 WL 195547, at *1 (S.D.N.Y. Jan. 18, 2024) (denying a full stay, but granting a temporary administrative stay “to permit the respondent to seek a stay from the Court of Appeals for the Second Circuit”); *Smarter Tools Inc. v. Chongqing Senci Import & Export Trade Co.*, 2019 WL 11825336, at *3 (S.D.N.Y. July 26, 2019) (granting administrative stay “in order to ensure that the Court of Appeals has adequate time to consider” a motion for a stay pending appeal); *see also, e.g., Brady v. Nat’l Football League*, 638 F.3d 1004, 1005 (8th Cir. 2011) (“The purpose of this administrative stay is to give the court sufficient opportunity to consider the merits of the motion

for a stay pending appeal.”) (citing cases granting temporary administrative stays pending the consideration of stay motions in the Fifth, Eighth, and D.C. Circuits).

On March 4, 2024, this Court entered an order indicating that its ruling would not issue yet but “will be rendered as promptly as is reasonably possible.” ECF No. 307. Requiring President Trump to post a bond or other security before this Court’s ruling on his stay motion threatens to impose irreparable injury in the form of substantial costs (which may or may not be recoverable). According, President Trump respectfully requests that, to the extent that his stay motion remains under the Court’s consideration through tomorrow, the Court enter a temporary administrative stay of execution until three business days after the Court rules on his stay motion. *See Tereshchenko*, 2024 WL 195547, at *1 (granting a three-day administrative stay).

New York, New York
March 6, 2024

Respectfully submitted,

/s/ Alina Habba

Alina Habba, Esq.
Michael T. Madaio, Esq.
HABBA MADAIO & ASSOCIATES LLP
1430 U.S. Highway 206, Suite 240
Bedminster, New Jersey 07921

-and-

112 West 34th Street, 17th & 18th Floors
New York, New York 10120
Telephone: (908) 869-1188
E-mail: ahabba@habbalaw.com

/s/ D. John Sauer

D. John Sauer*
William O. Scharf**
JAMES OTIS LAW GROUP, LLC
13321 North Outer Forty Road, Suite 300
Chesterfield, Missouri 63017
(314) 562-0031
John.Sauer@james-otis.com

* *Pro Hac Vice* pending

** *Pro Hac Vice* forthcoming

Attorneys for President Donald J. Trump