

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	:	
UNITED STATES OF AMERICA	:	
	:	No. 23-cr-257-TSC
	:	
v.	:	<b>FILED UNDER SEAL<sup>1</sup></b>
	:	
DONALD J. TRUMP,	:	
	:	
Defendant.	:	
_____	:	

**DEFENDANT DONALD J. TRUMP’S MOTION FOR BRIEFING SCHEDULE**

On September 5, 2023, the government moved for leave to file portions of a forthcoming motion under seal. Doc. 47 (the “Motion for Leave to File”). The government did not file the forthcoming motion itself, but instead attached a version of it as an exhibit to the Motion for Leave to File. Doc. 47-1 (the “Exhibit”). The government did not indicate, and still has not indicated, whether this Exhibit was in final form, or if it intended to make additional edits if the Court were to deny the Motion for Leave to File.

Nonetheless, in its reply brief (Doc. 52, the “Reply”), the Government argues, for the first time, that President Trump should substantively respond to the Exhibit within two weeks of its filing, even though it still has not been filed as a standalone motion. That would make President Trump’s response—to a currently unfiled motion—due next Tuesday. The government cites no authority in support of this position, which is contrary to LCrR 49(a)’s filing requirements and LCrR 47(b)’s default allowance of 14 days to respond to properly filed motions. Tellingly, the

<sup>1</sup> In an abundance of caution, we initially filed this motion under seal as it addresses other currently sealed filings. However, President Trump has no objection to the public disclosure of this motion and defers to the Court’s preferences.

government asserts this unsupportable position in its Reply, a document to which the defense does not have an automatic right to file a responsive pleading.<sup>2</sup>

The Court should reject the government's proposed deadline, which would put President Trump in the inequitable position of responding to an Exhibit before it is docketed as a motion, and while it may still potentially change.

Instead, consistent with LCrR 47(b), the Court should allow President Trump two weeks to respond to the government's forthcoming motion, beginning when (and if) the government docket its final pleading following the resolution of its Motion for Leave to File. This schedule, which tracks ordinary order, will ensure President Trump has a full and fair opportunity to respond to the government's final motion. Moreover, as the government seeks to strip President Trump of his fundamental First Amendment rights, this schedule will ensure the Court is fully informed of all relevant facts and law on this enormously consequential issue.<sup>3</sup>

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<sup>2</sup> The government also failed to confer regarding this proposed schedule. *See* September 11, 2023, Minute Order (“Future motions that fail to comply with [conferral] requirement[s] may be denied without prejudice.”).

<sup>3</sup> Prior to filing this motion, undersigned counsel conferred with counsel for the government, who advised the government opposes the relief requested herein.

Dated: September 14, 2023

Respectfully submitted,

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