

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DONALD J. TRUMP,

Defendant.

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CRIMINAL NO. 23-cr-257 (TSC)

GOVERNMENT’S OPPOSITION TO MOTION FOR EXTENSION OF TIME

The Government wants to provide discovery to the defendant. By his motion, the defendant seeks to delay that process. The defendant’s motion should be denied.

Three days ago, on August 2, the Government proposed to defense counsel a protective order that largely tracked one entered in the defendant’s other pending federal criminal case in the Southern District of Florida. *See* Defense Motion for Extension of Time, ECF No. 11, Ex. A at 1. In emails not appended to the defendant’s extension motion, the Government followed up on the evening of August 3 and early afternoon of August 4. Thereafter, defense counsel finally responded by sending an entirely different protective order. Since the defendant’s proposal was inadequate, the Government proposed another alternative—this one modeled after a protective order entered in a case before Judge Carl J. Nichols recently tried by one of the defendant’s attorneys present at his arraignment. Defense counsel declined to substantively confer on that proposal on a Friday evening, *see id.*, after which the Government moved separately for entry of the order. The Court ordered the defendant to respond by Monday with a redline of the Government’s proposal. *See* Minute Order, Aug. 5, 2023. Rather than spend time complying with the Court’s order, the defendant drafted a filing as to why he did not have time to review and consider the 5-page proposed protective order.

The defendant's extension motion proposes unnecessary delay to normal order. The defendant suggests that the delay "will enable Defendant to fully assess the Proposed Order and advise the Court of applicable law." ECF No. 11 at 1. Nothing prevents defense counsel from doing just that on the schedule already ordered by the Court. To the extent defense counsel wants to confer further, Government counsel is available at any time—evenings, weekends, or holidays. And if the Court enters the proposed protective order and the defendant later is dissatisfied, the defendant can seek to modify the order at any time.

The Government stands ready to press send on a discovery production. The defendant is standing in the way. The Court should deny the motion.

Respectfully submitted,

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