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Iris Y. Martinez
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COOK COUNTY, IL
2024COEL000013

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

STEVEN DANIEL ANDERSON, <i>et al.</i> ,)	
)	
Petitioners/Objectors,)	Case No. 2024 COEL 13
)	
v.)	Hon. Tracie R. Porter
)	
DONALD J. TRUMP, <i>et al.</i> ,)	Calendar 9
)	
Respondents.)	

**RESPONDENT/CANDIDATE DONALD J. TRUMP’S EMERGENCY MOTION
TO CLARIFY DURATION OF THE STAY OF JUDGMENT,
OR IN THE ALTERNATIVE TO STAY JUDGMENT PENDING APPEAL**

Earlier this evening, the Court issued its “Memorandum of Judgment and Order,” which orders that the “Illinois State Board of Election shall remove Donald J. Trump from the ballot for the General Primary Election on March 19, 2024, or cause any votes cast for him to be suppressed” (the “Judgment”). Although Petitioners/Objectors had requested this relief, Petitioners had also recognized that the Court “should ... stay enforcement of its order until the Illinois Supreme Court rules in this case.” (Petr. Reply at 2; *see id.* Hdg. I; *id.* at 11.) Nonetheless, the Judgment also directed that: “[t]his Order is stayed until March 1, 2024 in anticipation of an appeal to the Illinois Appellate Court, First District, or the Illinois Supreme Court.” Approximately an hour ago, President Trump filed his Notice of Appeal. Contrary to Petitioners’ suggestion in the event an appeal was filed, the Judgment does not specify that the stay will continue past March 1.

Accordingly, President Trump files this emergency motion to clarify the length of the Court’s stay given the Judgment has been appealed to the First District. Candidate respectfully requests that the Court enter an Order as soon as possible, ideally by February 29, 2024 at 12:00 p.m., clarifying that given President’s Trump Notice of Appeal, the stay in the Judgment is extended beyond March 1, 2024 until a final order is entered by the Appellate Court.

In the alternative to a clarification order, Candidate respectfully requests that the Court simply enter an order staying the Judgment pending resolution of this case by the First District

Appellate Court or the Illinois Supreme Court. This is the same request that Petitioners made in their own briefing in this Court. As Petitioners put it: “[i]f this Court rules and then a stay is granted, the stay pending appeal in the Illinois Supreme Court, Illinois will be in the best possible position to respond promptly and effectively to any decision issued by the U.S. Supreme Court.” (Petr. Reply at 3.) In light of this Court’s decision on the merits, Candidate agrees with Petitioners regarding the propriety of a stay. Staying the judgment until the Illinois appellate courts finally decide this case would reduce the great risk of voter confusion and logistical difficulties for election officials.

Notably, the relief the Candidate seeks with this motion is identical to the relief ordered by the Colorado Supreme Court in *Anderson v. Griswold*: “we stay our ruling [pending appeal to the U.S. Supreme Court] [State election officials] will continue to be required to include President Trump’s name on the 2024 presidential primary ballot until the receipt of any order or mandate from the [U.S. Supreme Court].” *See* 2023 CO 63, ¶ 257.

Finally, Candidate notes the need for a very speedy decision on this motion. The Court’s current stay could be interpreted to expire, notwithstanding the pending appeal, less than 48 hours from now, *i.e.*, at the end of Friday, March 1, 2024. In addition to seeking clarification from this Court, Candidate wishes to preserve the Appellate Court’s ability to extend the stay before its arguable expiration, if the First District wishes to do so. *See* Ill. Sup. Ct. R. 305(d) (“Stays by the Reviewing Court”). Consequently, if this Court denies this motion or has not ruled by 12:00 noon on February 29, 2024, the Candidate intends to move the Appellate Court for such a stay on an emergency basis. President Trump therefore respectfully requests a ruling from this Court on this motion as early as possible on February 29.

Dated: February 28, 2024

Respectfully submitted,

RESPONDENT-APPELLANT DONALD J. TRUMP

By: /s/ Adam P. Merrill
One of his attorneys

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CERTIFICATE OF SERVICE

I, Adam P. Merrill, hereby certify that on February 29, 2024, at approximately 12:40 a.m., I caused a true and correct copy of the foregoing RESPONDENT/CANDIDATE DONALD J. TRUMP'S EMERGENCY MOTION TO CLARIFY DURATION OF THE STAY OF JUDGMENT, OR IN THE ALTERNATIVE TO STAY JUDGMENT PENDING APPEAL to be served upon all parties/ counsel of record via the Court's Electronic Filing System.

Under penalties as provided by law pursuant to section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this certificate of service are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Adam P. Merrill
Adam P. Merrill