



Special Counsel's Office

November 24, 2022

David J. Smith, Clerk of the Court
United States Court of Appeals
for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: Plaintiff's Notice of Supplemental Authority in *Trump v. United States*, Case No. 22-13005-DD

To the Court:

Plaintiff asserts that *In re Search Warrants Executed on April 28, 2021*, No. 21-mc-425 (S.D.N.Y.), is an example of a case in which "a court has previously asserted equitable jurisdiction to enjoin the government from using seized materials in an investigation pending review by a special master." 11/23/22 Trusty 28(j) Letter, at 1. That is incorrect. As plaintiff recognizes, the court did not "enjoin the government," *id.*; instead, the government itself volunteered that approach. Moreover, the records there were seized from an attorney's office, the review was conducted on a rolling basis, and the case did not involve a separate civil proceeding invoking a district court's anomalous jurisdiction. *Cf. In the Matter of Search Warrants Executed on April 9, 2018*, No. 18-mj-3161 (S.D.N.Y.) (involving similar circumstances). None of those is true here.

Yours truly,

JACK SMITH
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