

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

DONALD J. TRUMP,

Defendant.

Case No. 1:23-cr-00257-TSC

**PRESIDENT DONALD J. TRUMP’S MOTION FOR LEAVE TO FILE
UNREDACTED MOTION AND EXHIBITS UNDER SEAL**

President Donald J. Trump, by and through undersigned counsel, hereby respectfully moves for leave, pursuant to the Protective Order entered by the Court in this case (ECF No. 28), to file an unredacted copy of the enclosed motion—President Trump’s Motion for an Order Regarding the Scope of the Prosecution Team (the “Motion”)—under seal because the Motion quotes Sensitive Materials as defined by the Protective Order.¹ President Trump also seeks the Court’s permission to file on the public docket a redacted version of the Motion, also enclosed, that do not disclose Sensitive Material to the public.

President Trump files the motion asking that the Court enter an order making plain the scope of the prosecution team and ordering the Special Counsel to identify and produce discovery for which President Trump is entitled. In support of the relief sought, the motion cites documents produced in discovery by the Special Counsel’s Office that have been designated as “Sensitive” under the terms of the Protective Order. *See* ECF No. 28 ¶ 8(e). Accordingly, as set forth in the Protective Order, these materials must be submitted under seal. *Id.* ¶ 11. (“If a party

¹ President Trump continues to object to any of the proceedings in this case being conducted under seal. The materials submitted as part of this motion should be available to the public, and the fact that the Protective Order requires that certain materials, as designated by the Special Counsel, be kept from the public’s eye, is wrong.

includes unredacted Sensitive Materials in any filing with the court, they shall be submitted under seal.”). President Trump must also provide a redacted copy of the motion to be filed on the public docket. *Id.* ¶ 12. (“Any filing under seal must be accompanied by . . . a redacted copy of any included Sensitive Materials for the Clerk of the Court to file on the public docket if the court were to grant the motion for leave to file under seal.”).

Consistent with these requirements, President Trump seeks leave to file the following documents under seal:

- Wholly unredacted copies of the Motion and exhibits designated as “Sensitive” under the Protective Order; and
- A proposed order consistent with the above.

The Court has inherent power to seal court filings when appropriate. *See United States v. Hubbard*, 650 F.2d 293, 315-316 (D.C. Cir. 1980) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). “A court must consider six factors in assessing whether the competing interests to seal overcome the presumption of public access: (1) the need for public access to the documents at issue; (2) the extent of previous public access to the documents; (3) the fact that someone has objected to disclosure, and the identity of that person; (4) the strength of any property and privacy interests asserted; (5) the possibility of prejudice to those opposing disclosure; and (6) the purposes for which the documents were introduced during the judicial proceedings.” *Allen v. Addi*, 2021 WL 5911175, at *5 (D.D.C. Nov. 23, 2021) (Chutkan, J.) (quoting *E.E.O.C. v. Nat’l - 2 - Children’s Ctr.*, 98 F.3d 1406, 1409 (D.C. Cir. 1996)). Here, the factors either weigh in favor of sealing or are neutral on the question. The Court already has implicitly balanced these factors by entering the Protective Order, over President Trump’s objections, permitting the Government to mark the proposed sealed materials as Sensitive.

For the reasons stated above, pursuant to the Protective Order, President Trump respectfully seeks the Court's leave to file the unredacted versions of the Motion and exhibits thereto under seal.

Dated: November 27, 2023

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Respectfully submitted,

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[PROPOSED] ORDER

The Court has received and reviewed President Donald J. Trump's Motion for Leave to File Unredacted Motion and Exhibits Under Seal. For the reasons stated therein, and for good cause, it is hereby **ORDERED**:

1. The motion is **GRANTED**.
2. The Clerk is ordered to docket, under seal, the unredacted copies of President Trump's Motion and exhibits thereto.

SO ORDERED this _____ day of November 2023.

HON. TANYA S. CHUTKAN
UNITED STATES DISTRICT JUDGE