

**In the
Supreme Court of the United States**

State of MISSOURI,

Applicant,

v.

State of NEW YORK,

Respondent.

RESPONSE TO MOTION FOR EXPEDITED CONSIDERATION

New York writes in response to Missouri’s Motion for Expedited Consideration, in which Missouri asks that New York be required to respond to Missouri’s Motion for Leave to File a Bill of Complaint by a date earlier than September 3, 2024, the current deadline under Rule 17.5 (*see* Mot. to Expedite at 6),¹ and otherwise seeks expedited consideration of its Motion for Leave to File a Bill of Complaint and its Motion for a Preliminary Injunction (*id.* at 1).

New York opposes Missouri’s request in part, and requests that the Court set a single deadline of August 3, 2024, for New York to respond to both the Motion for Leave to File a Bill of Complaint and the Motion for a Preliminary Injunction. Filing one response to both motions by an August 3

¹ Under Supreme Court Rule 17.5, New York’s response to Missouri’s Motion for Leave to File a Bill of Complaint is due sixty days from the July 3, 2024 filing date of that motion. However, sixty days from July 3 falls on September 2, 2024, which is the federal legal holiday of Labor Day. Accordingly, the current deadline is Tuesday, September 3. *See* S. Ct. Rule 30.1.

deadline will allow the Court to efficiently adjudicate both motions in a timely manner, while avoiding the need for New York to prepare, and for the Court to review, potentially duplicative filings. Moreover, setting August 3 as the deadline for New York to respond to both motions provides Missouri with a response to its Motion for Leave to File a Bill of Complaint prior to the current deadline, as Missouri requested, and provides New York with a reasonable amount of time to respond to both motions—which Missouri filed on July 3, immediately before a four-day holiday weekend. There is no urgency requiring the Court to consider either motion earlier than August 3, because Supreme Court, New York County has adjourned the criminal proceeding on which Missouri relies, *People v. Trump*, Ind. No. 71543-2023, to September 18, 2024. See Jake Offenhartz and Jennifer Peltz, *Judge Delays Trump’s Hush Money Sentencing Until At Least September After High Court Immunity Ruling*, AP News (July 2, 2024).²

We contacted Missouri on July 9, to request its position on the schedule proposed herein, and had not heard back by the time of filing this response.

² <https://apnews.com/article/trump-hush-money-sentencing-bragg-4d5f8ce399656abff72d7c114a04060d>

ARGUMENT

For three reasons, the Court should deny Missouri's motion to expedite in part and set a single deadline of August 3, 2024, for New York to respond to both the Motion for Leave to File a Bill of Complaint and the Motion for a Preliminary Injunction.

First, a single deadline of August 3 for New York to respond to both motions will allow the Court to efficiently adjudicate both motions in a timely manner, while avoiding the need for New York to prepare, and for the Court to review, potentially duplicative filings. Missouri makes many of the same arguments in support of each of its motions. *Compare, e.g.*, Mot. for Leave to File Bill of Complaint at 2-9, *with* Mot. for Prelim. Inj. at 3-10. And many of New York's arguments in response to each motion are likely to overlap with each other. A single deadline by which New York files one brief responding to both motions will thus avoid wasting state resources to prepare, and judicial resources to review, potentially duplicative filings.

Second, a single deadline of August 3 for New York to respond to both motions provides Missouri with part of its requested relief while also providing New York with a reasonable amount of time to respond to both motions. An August 3 deadline to respond to the Motion for Leave to File a Bill of Complaint would require New York to respond to that motion within 30 days of the motion-filing date, rather than within 60 days of the motion-filing date, as

provided under Supreme Court Rule 17.5. Missouri will thus receive expedited consideration of its Motion for Leave to File a Bill of Complaint, as it requested.

At the same time, New York needs more than the usual 10 days to respond to Missouri's Motion for a Preliminary Injunction, *see* S. Ct. Rule 21.4, because Missouri filed its motion on July 3, the day before a four-day holiday weekend when many when many senior attorneys in our Office were travelling with limited connectivity. A deadline of August 3 will provide New York with a reasonable amount of time to respond to both motions.

Third, there is no urgency requiring the Court's consideration of either motion earlier than August 3. In arguing for expedited consideration, Missouri primarily relies on the purportedly "impending" sentencing in *People v. Trump*, Ind. No. 71543-2023. *See* Mot. for Expedited Consideration at 1-2, 4-5. But Supreme Court, New York County has already adjourned the sentencing date to September 18, 2024, at the earliest, and the parties to that criminal proceeding are in the process of submitting further briefing to the trial court. *See* Offenhartz & Peltz, *supra*. The sentencing date is thus not impending, and an August 3 deadline will allow the Court to consider both motions more than a month before the adjourned sentencing date.

Nor is there any urgency from the Order Restricting Extrajudicial Statements that the trial court issued in *People v. Trump*, Ind. No. 71543-2023. *See* Mot. For Expedited Consideration at 2. That order issued in February 2024, five months before Missouri filed its Motion for a Preliminary Injunction.

And in June 2024, the trial court partially lifted the restrictions in that order by, inter alia, allowing Mr. Trump to publicly discuss witnesses who testified during the now completed jury trial. See Luc Cohen, *Judge Partially Lifts Trump Hush Money Gag Order*, Reuters (June 25, 2024).³ The remaining restrictions in that Order in effect preclude Mr. Trump from discussing only individual prosecutors, court staff, and their families during the remaining proceedings.

Respectfully submitted,

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³ <https://www.reuters.com/legal/judge-partially-lifts-trump-hush-money-gag-order-2024-06-25/>