

No. 22O159, Original

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

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STATE OF MISSOURI,  
*Applicant,*  
v.

STATE OF NEW YORK,  
*Respondent.*

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**REPLY IN SUPPORT OF MOTION FOR EXPEDITED CONSIDERATION**

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Missouri does not oppose an August 3 deadline for New York to respond with respect to the upcoming *sentence* against Donald Trump, but Missouri cannot agree to an August 3 deadline to respond with respect to the *gag order* that New York has imposed against Trump. While the sentencing has been scheduled for September 18—leaving this Court enough time to consider the preliminary injunction motion before then—the gag order is in place already. New York’s proposed deadline would permit the irreparable harm from that gag order to continue for at least another month.

New York tries to justify its request by downplaying the gag order. That is not justified. That gag order prevents Trump from discussing his concerns that the New York DA has coordinated with Trump’s general election opponent—Joseph Biden—to bring charges to harm Trump’s campaign. Specifically, the gag order prevents Trump from discussing, among other things, the concerning fact that the former

third-highest ranking member of the Department of Justice left his post in the Biden administration specifically to prosecute Trump. The gag order also prevents Trump from criticizing the New York judge's rulings in light of concerns that the judge's daughter stood to benefit financially from a conviction.

These topics are highly relevant both to voters in Missouri and to Missouri's prospective electors. Three of Missouri's ten prospective electors, for example, have testified they are "especially interested in hearing Mr. Trump's perspective on what happened at his trial, how he was treated by the system, and why Missourians should vote for him." Exhibits H–J to Mot. Expedite. They are further "concerned that the current gag order will prevent [them], and [their] fellow Missourians, from fully hearing his side of the story." *Ibid.* Similarly, regular voters in Missouri have expressed a desire to "hear his side of the story about the judge, prosecutor, and witnesses against him" and are concerned that the "gag order will prevent him from telling [them] his side of the story." Exhibits A–F to Mot. Expedite.

New York's proposed deadline would permit this gag order to continue for another month—and thus continue irreparable harm against Missouri voters and Missouri electors. New York tries to justify its requested extension by saying that the gag order was imposed in February, but in fact the *current* gag order—the one challenged here—was issued on June 25, one week before Missouri filed suit. And that gag order is scheduled to last for the *majority* of the time between June 25 and the November election. No better is New York's assertion that New York needs more time because this suit was filed "the day before a four-day holiday weekend." New

York Response at 4. While that timeline might justify an extension of *four* days beyond the usual 10 days to respond, it does not justify an extension of 21 days, creating a 31-day timeline to respond—more than triple the usual amount of time to respond. An extension of 4 to 6 days beyond the usual deadline would be much more reasonable.

### **CONCLUSION**

Missouri respectfully requests that the Court expedite consideration faster than the schedule proposed by New York.

July 10, 2024

Respectfully submitted,

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