

No. 24-12311

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

WALTINE NAUTA and CARLOS DE OLIVEIRA,

Defendants-Appellees.

On Appeal from the United States District Court
for the Southern District of Florida

NOTICE

BRIAN M. BOYNTON
*Principal Deputy Assistant Attorney
General*

MARKENZY LAPOINTE
United States Attorney

MARK R. FREEMAN
*Appellate Staff
Civil Division, Room 7519
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-5714*

**AMENDED CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Eleventh Circuit Rule 26.1-1, counsel for Plaintiff-Appellant the United States of America certify that the following have an interest in the outcome of this appeal:

1. Advance Publications, Inc.
2. Alonso, Cristina
3. America First Legal Foundation
4. America First Policy Institute
5. America's Future
6. American Broadcasting Companies, Inc., d/b/a ABC News
7. American Center for Law and Justice
8. Ayer, Donald
9. Bell, Daniel W.
10. Berry, Michael
11. Bird, Brenna
12. Blackman, Joshua
13. Blanche, Todd
14. Bloomberg, L.P.
15. Bondi, Pamela J.
16. Boos, Michael

17. Bove, Emil
18. Bowman, Chad
19. Bratt, Jay
20. Cable News Network, Inc.
21. Calabresi, Steven
22. Caldera, Louis
23. Cannon, Hon. Aileen
24. Cate, Matthew
25. CBS Broadcasting, Inc. o/b/o CBS News
26. Citizens for Responsibility and Ethics in Washington
27. Citizens United
28. Citizens United Foundation
29. *Clark, Jeffrey B.
30. CMG Media Corporation
31. Coleman, Russell
32. Coleman, Tom
33. Commonwealth of Kentucky
34. Conservative Legal Defense and Education Fund
35. Conway, George
36. Cooney, J.P.
37. Cox Enterprises, Inc. (COX) d/b/a The Atlanta Journal-Constitution

38. Cynkar, Robert J.
39. Dadan, Sasha
40. De Oliveira, Carlos
41. Dow Jones & Company, Inc., publisher of The Wall Street Journal
42. Dreeben, Michael
43. Drummond, Gentner
44. Edelstein, Julie
45. Ekonomou, Andrew J.
46. Fields, Lazaro
47. Fitzgerald, Patrick
48. Forrester, Nathan A.
49. Fort Myers Broadcasting Company
50. Freeman, Mark R.
51. Fugate, Rachel
52. Garland, Merrick B.
53. Gerson, Stuart
54. Gertner, Nancy
55. Gilbert, Karen E.
56. Gillers, Stephen
57. Goodman, Hon. Jonathan

58. Gray Media Group, Inc. (GTN)
59. Griffin, Tim
60. Guardian News & Media Limited
61. Gun Owners Foundation
62. Gun Owners of America
63. Gun Owners of California
64. Harbach, David
65. Heigis, Eric
66. Henneke, Robert
67. Hilgers, Michael T.
68. Hirsch, Steven A.
69. Hulser, Raymond
70. Insider, Inc.
71. Irving, John
72. Jackley, Marty J.
73. Jorjani, Daniel H.
74. Kise, Christopher
75. Klugh, Jr., Richard Carroll
76. Klukowski, Kenneth A.
77. Knudsen, Austin
78. Kobach, Kris

79. Kozinski, Alex
80. Labrador, Raúl R.
81. Lacovara, Philip Allen
82. Landmark Legal Foundation
83. Lapointe, Markenzy
84. Lawson, Gary
- Los Angeles Times Communications LLC, publisher of The Los Angeles Times
85. *MacDougald, Harry W.
86. Marshall, Steve
87. Maynard, Hon. Shaniek Mills
88. McElroy, Dana J.
89. McKay, John
90. McNamara, Anne
91. McSweeney, Patrick M.
92. Meese, Edwin
93. Miller, Justin A.
94. Miller, Matthew
95. Mishkin, Maxwell
96. Moelker, Nathan J.
97. Monson, Darrick W.
98. Moody, Ashley

99. Morgan, Jeremiah L.
100. Morrissey, Patrick
101. Mukasey, Hon. Michael B.
102. Murrell, Larry Donald
103. National Cable Satellite Corporation d/b/a C-SPAN
104. National Public Radio, Inc.
105. Nauta, Waltine
106. NBCUniversal Media, LLC d/b/a NBC News, a subsidiary of Comcast Corporation (CMCSA)
107. Nielson, Aaron L.
108. Olson, William J.
109. One Nation Under God Foundation
110. Orlando Sentinel Media Group, publisher of the Orlando Sentinel
111. Paxton, Ken
112. Pearce, James
113. Pellettieri, John
114. Pettit, Lanora C.
115. POLITICO LLC
116. Potter, Trevor
117. Public Advocate of the United States
118. Radio Television Digital News Association

119. Raul, Alan Charles
120. Ray, Robert W.
121. Reinhart, Hon. Bruce E.
122. Reuters News & Media, Inc.
123. Reyes, Sean
124. Rokita, Theodore E.
125. Roth, Stuart J.
126. Russell, Lauren
127. Salaro, Samuel
128. Sample, James J.
129. Sasso, Michael
130. Schaerr, Gene
131. Sekulow, Jay Alan
132. Sekulow, Jordan
133. Seligman, Matthew
134. Sisney, Benjamin P.
135. Skrmetti, Jonathan
136. Smith, Abbe
137. Smith, Fern
138. Smith, Jack
139. State Democracy Defenders Action

140. State of Alabama
141. State of Alaska
142. State of Arkansas
143. State of Florida
144. State of Idaho
145. State of Indiana
146. State of Iowa
147. State of Kansas
148. State of Louisiana
149. State of Mississippi
150. State of Missouri
151. State of Montana
152. State of Nebraska
153. State of Oklahoma
154. State of South Carolina
155. State of South Dakota
156. State of Tennessee
157. State of Texas
158. State of Utah
159. State of West Virginia
160. Steinman, Jessica Hart

161. Sun-Sentinel Company, LLC, publisher of the South Florida Sun Sentinel
162. TEGNA, Inc. (TGNA)
163. Telemundo Network Group, LLC d/b/a Noticias Telemundo
164. Texas Public Policy Foundation
165. Thakur, Michael
166. The Associated Press
167. The E.W. Scripps Company (SSP)
168. The McClatchy Company, LLC (MNI) d/b/a the Miami Herald
169. The New York Times Company (NYT)
170. The Palm Beach Post and USA TODAY, publications operated by subsidiaries of Gannett Co., Inc. (GCI)
171. Thompson, Larry
172. Tillman, Seth Barrett
173. Tobin, Charles
174. Torres, Hon. Edwin
175. Treg, Taylor
176. Trent, Edward H.
177. Tribe, Laurence
178. Troye, Olivia
179. Trump, Donald J.
180. Trusty, James

181. Twardy, Stanley
182. United States of America
183. Univision Networks & Studios, Inc.
184. U.S. Constitutional Rights Legal Defense Fund
185. VanDevender, Cecil
186. Webster, Brent
187. Weiss, Stephen
188. Weld, William
189. Weldon, Chance
190. Wessan, Eric H.
191. Wharton, Kendra
192. Whitaker, Henry C.
193. Whitaker, Matthew
194. Whitman, Christine Todd
195. Wilson, Alan
196. Woodward, Stanley
197. WP Company LLC d/b/a The Washington Post
198. WPLG, Inc.

Respectfully submitted,

By: /s/ Mark R. Freeman
MARK R. FREEMAN

NOTICE

Earlier this evening, January 9, this Court denied defendants' emergency motion to enjoin the Attorney General from publicly releasing any portion of the Final Report of the Special Counsel. The Court further indicated that, "[t]o the extent that Appellant seeks relief from the district court's January 7, 2025, order temporarily enjoining Appellant, Appellant may file a notice of appeal from that order."

We write to notify the Court that the United States has tonight filed a notice of appeal from the district court's order of January 7, 2025. *See* Dkt 686. As the Court knows, that order temporarily enjoined the Department of Justice, the Attorney General, the Special Counsel, and others from releasing or sharing the Special Counsel's Final Report "outside the Department of Justice" pending this Court's ruling on defendants' emergency motion. Dkt. 682 at 2. The district court specified that this prohibition would "remain[] in effect until three days after" this Court's resolution of defendants' motion in this Court. *Id.*

The United States respectfully renews its request that this Court vacate the district court's temporary injunction. After considering defendants' fully briefed motion and supporting amicus briefs, this Court concluded that defendants' motion for injunctive relief should be denied. For all of the same reasons, the district court erred in granting the same injunction. As we have explained, the Attorney General will not publicly release Volume Two of the Final Report while proceedings against defendants remain pending. But the district court had no proper basis for preventing

the Attorney General from making Volume Two available for in camera review by the Chairmen and Ranking Members of the House and Senate Judiciary Committees, pursuant to restrictions to protect confidentiality and subject to redactions to protect information protected by Rule 6(e) and court orders. And the district court had no basis at all for enjoining the public release of Volume One, which relates to a prosecution that does not concern defendants and which, in any event, defendants have identified no plausible merits theory for enjoining.

Given the unusual exigencies of this case, as illustrated by the emergency motions practice in both the district court and this Court, the United States respectfully renews its request that this Court promptly vacate the district court's temporary injunction.¹

¹ The government's notice of appeal, filed tonight, squarely invokes this Court's appellate jurisdiction. As soon as the new appeal is docketed in this Court, the United States intends to move to have that appeal consolidated with this one. To the extent there is any doubt concerning the Court's authority to review the temporary injunction, furthermore, we respectfully request that the Court construe our appeal as a petition for a writ of mandamus. *See Suarez-Valdez v. Shearson Leahman/American Express, Inc.*, 858 F.2d 648, 649 (11th Cir. 1988) (holding that appeal can be construed as a petition for mandamus if the Court harbors doubts as to its appellate jurisdiction).

Respectfully submitted,

BRIAN M. BOYNTON

*Principal Deputy Assistant Attorney
General*

MARKENZY LAPOINTE

United States Attorney

s/ Mark R. Freeman

MARK R. FREEMAN

Appellate Staff

Civil Division, Room 7519

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, DC 20530

(202) 514-5714

Mark.freeman2@usdoj.gov

January 2025