No. 26-10503-A

In the
United States Court of Appeals
for the Eleventh Circuit

In re KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY and AMERICAN OVERSIGHT,

Petitioners.

On Petition for Writ of Mandamus to the United States District Court for the Southern District of Florida, No. 23 Cr. 80101 (Cannon, J.)

RESPONDENTS' NOTICE OF INTERVENING DISTRICT COURT ORDER

Richard C. Klugh
Jenny Wilson
KLUGH WILSON, LLC
40 N.W. 3rd Street, PH1
Miami, FL 33128
Counsel for Respondent Waltine Nauta

John S. Irving, IV
SECIL LAW PLLC
1701 Pennsylvania Ave. NW,
Ste. 200
Washington, DC 20006
Counsel for Respondent Carlos De Oliveira

Kendra L. Wharton
WHARTON LAW PLLC
500 S Australian Ave.,
Ste. 600-1139
West Palm Beach, FL 33401
(561) 247-5279
k.wharton@whartonlawpllc.com
Counsel for Respondent President Donald J. Trump

Knight First Amendment Institute at Columbia Uni, et al,
No. 26-10503-A

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1, 26.1-2, and 26.1-3, the undersigned counsel hereby certifies that the following persons and entities have an interest in the outcome of this proceeding:

1. Abdo, Alexander
2. American Oversight
3. Blanche, Todd
4. Bove, Emil
5. Bratt, Jay I.
6. Buckner & Miles, P.A.
7. Buckner, David Marc
8. Cannon, Hon. Aileen
9. Cooney, J.P.
10. Dadan, Sasha
11. Davis, Michael S.
12. De Oliveira, Carlos
13. Delgado, Jorge Roberto
14. Doty, George E., III

15. E & W Law
16. Edelstein, Julie A.
17. Fein, Ronald A.
18. Fields, Lazaro
19. Gelber Schacter & Greenberg, P.A.
20. Gilbert, Karen E.
21. Goodman, Hon. Jonathan
22. Haddix, Elizabeth
23. Harbach, David
24. Irving, John S., IV
25. Jaffer, Jameel
26. Kim, Noah
27. Kise, Christopher M.
28. Klugh Wilson LLC
29. Klugh, Jr., Richard Carroll
30. Knight First Amendment Institute at Columbia University
31. Lapointe, Markenzy
32. Llanes, Barbara R.
33. Martinez, Daniel Havlir

34. Maynard, Hon. Shaniek Mills

35. McNamara, Anne

36. Murrell, Jr., Larry Donald

37. Nauta, Waltine

38. O'Byrne, Hayden P.

39. Pearce, James Inman

40. Pellettieri, John M.

41. Porter, Michael David

42. Reboso, Manolo

43. Reding Quiñones, Jason A.

44. Reinhart, Hon. Bruce E.

45. Reynolds, Brett

46. Schachter, Adam Michael

47. SECIL Law PLLC

48. Shapiro, Elizabeth Jane

49. Siblesz, Alessandra M.

50. Singer, Gregory Michael

51. Smachetti, Emily M.

52. Smith, Jack

53. Stark, Loree

54. Thakur, Michael

55. Torres, Hon. Edwin G.

56. Trump, President Donald J.

57. VanDevender, Cecil Woods

58. Weiss, Stephen H.

59. Wharton Law PLLC

60. Wharton, Kendra

61. Wilkens, Scott B.

62. Wilson, Jenny

63. Woodward, Stanley E.

The undersigned further certifies that no publicly traded company or corporation has an interest in the outcome of this proceeding.

Dated: February 23, 2026

Respectfully submitted,

/s/ Kendra L. Wharton
Kendra L. Wharton
WHARTON LAW PLLC
500 S Australian Ave., Ste. 600-1139
West Palm Beach, FL 33401
(561) 247-5279
k.wharton@whartonlawpllc.com
Counsel for Respondent
President Donald J. Trump

RESPONDENTS' NOTICE OF INTERVENING DISTRICT COURT ORDER

Respondents President Donald J. Trump, Waltine Nauta, and Carlos De Oliveira, by and through undersigned counsel, respectfully submit this Notice of Intervening District Court Order in order to inform the Court of recent activity in *United States v. Trump*, No. 23 Cr. 80101 (S.D. Fla.) that renders moot the pending Petition for Writ of Mandamus in this matter.[1]

On February 23, 2026, the U.S. District Court for the Southern District of Florida entered an Order on Unopposed Motions Seeking Prohibition on Release of Volume II, a copy of which is attached hereto as Exhibit A. In that Order, the District Court granted President Trump's Expedited Motion for an Order Prohibiting the Release of Volume II of the Final Report Unlawfully Prepared by Jack Smith and His Office, D. Ct. Doc. 772, and granted in part Mr. Nauta's and Mr. De Oliveira's Expedited Motion For, and Response in Support of, an Order Permanently Prohibiting Release of Volume II of the Final Report Unlawfully Prepared by Jack Smith, D. Ct. Doc. 774.[2]

---

[1] This Notice is submitted to apprise the Court of intervening District Court activity and is not intended to serve as a substantive response to the pending Petition for Writ of Mandamus. Respondents respectfully reserve the right to file a full response addressing the merits of the Petition, should the Court request or order one pursuant to Fed. R. App. P. 21.

[2] "DE" citations refer to the docket in this mandamus proceeding, *In re Knight First Amendment Instit. at Columbia Uni., et al*, No. 26-10503-A (11th Cir.). "D. Ct. Doc."

The Order directs that "Attorney General Bondi or her successor(s), the Department of Justice, its officers, agents, officials, and employees, and all persons acting in active concert or participation with such individuals, are enjoined from (a) releasing, sharing, or transmitting Volume II of the Final Report or any drafts of Volume II outside the Department of Justice, or (b) otherwise releasing, distributing, conveying, or sharing with anyone outside the Department of Justice any information or conclusions in Volume II or in drafts thereof." Ex. A at 14-15. All additional relief requested, including an order of destruction of Volume II, is denied. *See id*. at 15.

By separate order, entitled Order Denying Non-Party Joint Motion to Intervene to Seek Stay, attached hereto as Exhibit B, the District Court denied the Joint Motion by Knight First Amendment Institute at Columbia University ("Knight Institute") and American Oversight to Intervene to Seek Stay of Proceedings, D. Ct. Doc. 775.

These intervening rulings bear directly on the issues presently before this Court in the mandamus proceeding. Respondents maintain that Knight Institute's and American Oversight's Petition for a Writ of Mandamus directing the District Court to stay proceedings, DE 1, and Motion to Expedite

---

citations refer to the District Court's docket in the underlying case, *United States v. Trump*, No. 23 Cr. 80101 (S.D. Fla.).

Consideration of Petition for Writ of Mandamus, DE 10, are mooted by the District Court's Orders, including its denial of Mr. Nauta's and Mr. De Oliveira's request for an order directing the destruction of Volume II. Therefore, the only further action required from this Court is dismissal of the mandamus proceeding.

Dated: February 23, 2026

By: /s/ Kendra L. Wharton
Kendra Wharton
WHARTON LAW PLLC
500 S Australian Ave., Ste. 600-1139
West Palm Beach, FL 33401
(561) 247-5279
k.wharton@whartonlawpllc.com
Counsel for Respondent President Donald J. Trump

/s/ John S. Irving, IV
John S. Irving, IV
SECIL LAW PLLC
1701 Pennsylvania Ave. NW,
Ste. 200
Washington, DC 20006
(301) 807-5670
jirving@secillaw.com
Counsel for Respondent Carlos De Oliveira

/s/ Richard C. Klugh
Richard C. Klugh
Jenny Wilson
KLUGH WILSON, LLC
40 N.W. 3rd Street, PH1
Miami, FL 33128
(305) 536-1191 (telephone)
(305) 536-2170 (facsimile)
rklugh@klughwilson.com
jenny@klughwilson.com
Counsel for Respondent Waltine Nauta

CERTIFICATE OF SERVICE

I, Kendra L. Wharton, counsel for Respondent President Donald J. Trump and a member of the Bar of this Court, certify that, on February 23, 2026, the attached Notice was filed through the Court's electronic filing system. I certify that all participants in the case are registered users with the electronic filing system and that service will be accomplished by that system.

February 23, 2026

By: /s/ Kendra L. Wharton
Kendra L. Wharton