

STATE OF MAINE

**MAINE SUPREME JUDICIAL
COURT- Sitting as the Law Court**

Docket No. Ken-24-24

Donald J. Trump,

Appellee.

v.

Secretary of State et al,

Appellant

MOTION TO CLARIFY

Donald J. Trump (“President Trump”) respectfully moves this Court to clarify the timing of the briefing schedule before this Court.

On January 17, 2024, the Superior Court issued an *Order and Decision* remanding this case for further proceedings before the Secretary of State. On January 19, 2024, the Secretary of State filed a notice of appeal of the Superior Court’s *Order and Decision*.

Just a few hours later, this Court issued an *Order to Show Cause Why Appeal Should Not Be Dismissed As Interlocutory*, noting that an appeal of an order to remand is interlocutory and generally not appealable. The Law Court issued briefing deadlines to show cause why the Secretary of State’s appeal should be dismissed as interlocutory.

In its order, the Law Court further noted that the court needed to decide this initial issue before the appeal could be “permitted to proceed to consideration on the merits.” Law Court, Order to Show Cause, ¶¶ 6, 7.

Based upon conferrals with the Secretary of State, undersigned counsel believes that the Secretary has taken the position that a briefing and decision on the merits by this Court is appropriate, and to that end she will be submitting a brief on the merits on Thursday, January 25, 2024.

Given that this Court has not yet determined whether the appeal is properly before it, President Trump believes it would be contrary to judicial efficiency and due process to start briefing the case while this Court is assessing whether it has jurisdiction.

Therefore, President Trump asks this Court to issue an order clarifying whether a briefing from the parties regarding the merits is currently due before this Court on Thursday, January 25, 2023. If this Court finds that this interlocutory appeal of the Superior Court’s remand is properly before the Court, President Trump requests that this Court enter an order:

1. Providing the parties with guidance as to which issue or issues are to be addressed in this interlocutory appeal, including whether the appeal will address the full merits of this case or merely whether remand to the Secretary was appropriate.
2. Setting forth a briefing schedule that allows time for the full briefing of the

merits of this case.

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