

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

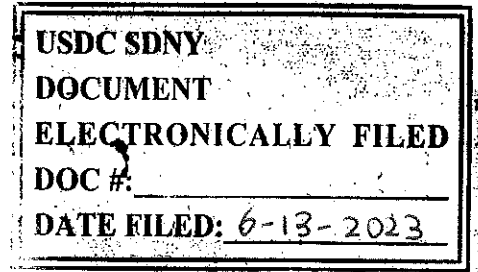
E. JEAN CARROLL,

Plaintiff,

-against-

DONALD J. TRUMP, in his personal capacity,

Defendant.
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20-cv-7311 (LAK)

ORDER

LEWIS A. KAPLAN, *District Judge.*

1. The plaintiff’s motion for leave to amend [Dkt 155] is granted. A memorandum opinion may follow. The amended complaint is deemed served and filed today.

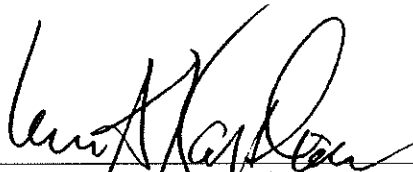
2. Defendant has requested that the Court, “[s]hould the Court . . . deny Plaintiff’s Motion to Amend” [Dkt 164, at 19], grant defendant permission to file a supplemental motion for summary judgment. As the Court has granted plaintiff’s motion, that request is moot.

3. The United States concedes that subsequent events have “overtaken” both (1) the government’s 2020 certification that the defendant acted within the scope of his employment in making his allegedly defamatory statements, and (2) the government’s 2020 motion to substitute the United States for the defendant in this case under the Westfall Act. It nevertheless has requested time following determination of the motion for leave to amend for the government to determine its present position on the scope of employment question. In all the circumstances, any further submission by the United States (including any new or amended certification and/or motion to

substitute) and/or the defendant with respect to substitution of the United States for the defendant shall be served and filed no later than July 13, 2023. Any response by the plaintiff shall be served and filed no later than July 27, 2023. Any reply(ies) by the United States and/or the defendant shall be served and filed no later than August 3, 2023.

SO ORDERED.

Dated: June 13, 2023



Lewis A. Kaplan
United States District Judge