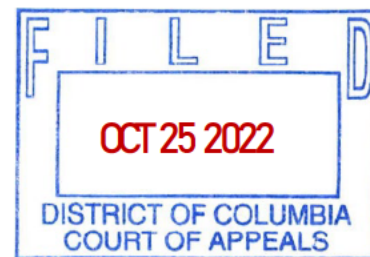


**District of Columbia
Court of Appeals**



No. 22-SP-745

DONALD J. TRUMP, *et al.*,
Appellants,

v.

20-3977

E. JEAN CARROLL,
Appellee.

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Beckwith, Easterly,
McLeese, Deahl, Howard, and AliKhan, Associate Judges.

ORDER

On consideration of the September 27, 2022, decision of the United States Court of Appeals for the Second Circuit wherein it certified a question of law pursuant to D.C. App. R. 22, and asked this court whether “[u]nder the laws of the District [of Columbia], were the allegedly libelous public statements made, during his term in office, by the President of the United States, denying allegations of misconduct, with regards to events prior to that term of office, within the scope of his employment as President of the United States?,” *Carroll v. Trump*, 49 F.4th 759, 781 (2d Cir. 2022); and this court’s discretionary authority under D.C. Code § 11-723(a) to entertain that question; it is

ORDERED that the court will consider the certified question and, upon a majority vote of the active judges of this court, that the case shall be heard initially by the en banc court. D.C. App. R. 35. It is

FURTHER ORDERED that this matter is hereby *sua sponte* expedited. It is

FURTHER ORDERED that appellants’ brief(s) shall be filed by November 9, 2022; any amicus curiae briefs supporting appellants, or supporting neither party, shall be filed by November 16, 2022; appellee’s brief shall be filed by December 1, 2022; any amicus briefs supporting appellee shall be filed by December 8, 2022; and appellants’ reply brief(s) shall be filed by December 15, 2022. D.C. App. R. 31. Because the case is expedited, no extension requests will be entertained. It is

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FURTHER ORDERED that, because the certified question as framed essentially has two parts: part one asks this court to determine the scope of the President of the United States' employment, therefore the parties' briefs should address whether this court should opine on that aspect of the certified question; and part two asks this court to clarify its *respondeat superior* case precedents, therefore the parties are further directed to address the extent, if any, to which this court's *respondeat superior* case precedents are unclear as applied to this case, and how this court might clarify or modify those precedents to help resolve the present dispute. It is

FURTHER ORDERED that this case shall be placed on the calendar for oral argument on Tuesday, January 10, 2023, at 10:00 a.m. It is

FURTHER ORDERED that all attorneys making an appearance in this case who are not licensed to practice in the District of Columbia shall apply for admission *pro hac vice*. D.C. App. R. 49(c)(7). It is

FURTHER ORDERED that all attorneys making an appearance in this case shall register for this court's electronic filing and service system. *See* Administrative Order 1-18 (Jan. 19, 2018).

PER CURIAM

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