No. 26-518

In the Supreme Court of the United States

DONALD J. TRUMP, ET AL.,
PETITIONERS,

v.

HILLARY R. CLINTON, ET AL.,
RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether the statute of limitations should be equitably tolled for the President's private civil suit while the President is in office, even though the President filed other private suits while in office.

2. Whether the district court abused its discretion in imposing sanctions under its inherent authority based on petitioners' shotgun pleading containing numerous frivolous claims.

CORPORATE DISCLOSURE STATEMENT

Respondent Ashurst Perkins Coie US LLP is a limited liability partnership without a parent corporation, and no publicly held corporation owns 10% or more of its stock.

Respondent Bean LLC d/b/a Fusion GPS has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

Respondents Democratic National Committee and DNC Services Corporation are not publicly traded, have no parent corporations, and no publicly held corporation owns more than 10% of their stock.

Respondent HFACC, Inc. has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

Respondent Neustar, Inc., a Delaware corporation, is a wholly owned subsidiary of Trans Union LLC, a Delaware limited liability company. Trans Union LLC is a wholly owned subsidiary of TransUnion Intermediate Holdings, Inc., a Delaware corporation. TransUnion Intermediate Holdings, Inc. is a wholly owned subsidiary of TransUnion, a Delaware corporation. TransUnion is a publicly traded entity on the New York Stock Exchange under the ticker symbol: TRU. Dodge & Cox Group owns 10% or more of TransUnion's stock. The foregoing information is based on public information filed by Dodge & Cox with the Securities and Exchange Commission as of November 12, 2026.

Respondent Orbis Business Intelligence, Ltd. is a private limited corporation formed under the laws of England and wholly owned by Orbis Business International Ltd., which is also a private limited corporation formed under the laws of England. There is no parent or

publicly held corporation that owns 10% or more of its stock.

Respondent Vercara, LLC[*] was merged into DigiCert, Inc., a Utah corporation, on May 13, 2025. DigiCert, Inc. is a wholly owned subsidiary of DCert Buyer, Inc., a Delaware corporation, which is privately held and does not have any outstanding securities in the hands of the public.

[*] Respondent Security Services, LLC (identified on the docket and in petitioners' list of parties to the proceeding as "Neustar Security Services," its former trade name) has changed its name to Vercara, LLC.

PARTIES TO THE PROCEEDING

Petitioners Donald J. Trump, Alina Habba, and Habba Madaio & Associates were appellants before the Eleventh Circuit. Petitioner Trump was plaintiff before the district court.

Additional appellants before the Eleventh Circuit included Michael T. Madaio, Peter Ticktin, Jamie A. Sasson, and The Ticktin Law Group.

Respondents Hillary R. Clinton; HFACC, Inc.; John Podesta; Robert E. Mook; Jake Sullivan; Democratic National Committee; DNC Services Corporation; Debbie Wasserman Schultz; Marc Elias; Michael Sussmann; Charles Halliday Dolan, Jr.; Fusion GPS; Glenn Simpson; Peter Fritsch; Nellie Ohr; Bruce Ohr; Igor Danchenko; Rodney Joffe; Neustar, Inc.; Orbis Business Intelligence, Ltd.; and United States of America were appellees before the Eleventh Circuit and defendants before the district court.

Respondent Ashurst Perkins Coie US LLP was formerly known as Perkins Coie LLP. Perkins Coie LLP adopted its current name during this litigation. Perkins Coie LLP was incorrectly named "Pekins Coie, LLC" in the original and first amended complaint. Respondent Ashurst Perkins Coie US LLP was appellee before the Eleventh Circuit and defendant before the district court.

Respondent Vercara, LLC was formerly known as Security Services, LLC and was named by its former trade name, "Neustar Security Services," in the original and first amended complaint. Respondent Vercara, LLC was appellee before the Eleventh Circuit and defendant before the district court.

James Comey, Peter Strzok, Lisa Page, Kevin Clinesmith, Andrew McCabe, Adam Schiff, and Rod

Rosenstein were also defendants before the district court. The district court substituted respondent United States of America for these defendants.

"Phillipe Reines," Christopher Steele, John Does 1-10, and ABC Corporations 1-10 were named as defendants in the civil action filed in the district court but were not served with process, did not appear, and were not subject to the judgment below.

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BRIEF IN OPPOSITION

INTRODUCTION

"This case should never have been brought." Pet.App.38a. And it manifestly does not warrant this Court's review. Below, the district court dismissed the amended complaint, concluding that equitable tolling could not save late-filed claims that failed on the merits anyway. Because plaintiff had filed a shotgun amended pleading chock-full of frivolous claims—despite being on notice of numerous defects from an earlier round of motion-to-dismiss briefing—the district court imposed sanctions under its inherent authority against plaintiff

and his attorneys. The Eleventh Circuit, in a unanimous decision written by Chief Judge Pryor, affirmed in relevant part, concluding that equitable tolling was unwarranted and the sanctions award was well-founded.

Perhaps recognizing that such circumstances would not ordinarily warrant this Court's intervention, petitioners—President Donald Trump and his attorneys—attempt to frame a routine opinion disposing of a frivolous lawsuit as a threat to "the Presidency." Pet. 5. Equitable tolling, they argue, was warranted during Trump's first term given the burdens associated with holding presidential office. The Eleventh Circuit disagreed. As a result, petitioners contend the decision below intrudes on Article II prerogatives. And the district court's sanctions order, petitioners assert, punished them for raising a novel presidential equitable-tolling argument, purportedly stymieing the development of the law.

Neither question presented justifies review. The first question asks this Court to review the denial of equitable tolling for the duration of Trump's first term. Unsurprisingly, the petition identifies no other case involving a presidential equitable-tolling theory, which means this issue lacks both a split and any likelihood of recurring. Although petitioners lean on separation-of-powers principles, their arguments are at war with this Court's caselaw holding that suits against the President in his individual capacity do not unduly interfere with his constitutional prerogatives, duties, or responsibilities.

Several vehicle problems also plague the first question presented, including that petitioners failed to plead a factual predicate for equitable tolling, and the rationales Trump has offered to the courts have evolved throughout this matter. Trump's now-proffered basis for deciding not to file earlier was never presented to the courts below, let

alone pleaded in his amended complaint. Moreover, Trump failed to exercise reasonable diligence by waiting fourteen months *after* his term ended to initiate this suit. As a result, his complaint flunks even his own equitable-tolling theory. Worse still, the refusal to grant equitable tolling was not outcome-dispositive, since all of Trump's claims resoundingly failed on the merits.

On the merits, the decision below properly declined to toll the limitations period, because petitioners identified no extraordinary circumstance outside of Trump's control. Although petitioners vaguely allude to a burden on executive functions, Trump filed a slew of lawsuits in his personal capacity during both of his presidential terms.

The second question presented—which challenges the sanctions award—depends on a mischaracterization of the decision below. As petitioners tell it, the lower courts sanctioned them for raising a novel presidential equitable-tolling argument. To the contrary, the district court sanctioned petitioners for filing a shotgun pleading riddled with frivolous claims. Since petitioners were not sanctioned for making a new Article II argument, this case does not involve the second question presented at all. Indeed, petitioners (at 16) concede nearly as much by nodding to "other asserted grounds for sanctions," yet the second question presented never challenges the correctness of these other grounds.

Vehicle problems aside, the second question presented does not warrant review. It implicates neither a split nor a conflict with this Court's caselaw. A district court's decision to sanction a frivolous amended complaint plainly does not warrant this Court's review.

The district court's sanctions award was also correct. The imposition of sanctions was undeniably appropriate

given the egregious nature of the 193-page amended complaint. As the district court found—and the Eleventh Circuit agreed—the amended complaint was a shotgun pleading raising sixteen claims, each of which committed the "mortal sin of incorporating by reference" hundreds of preceding paragraphs without connecting those allegations to specific counts. Pet.App.147a (quotations omitted). Additionally, the amended complaint teemed with frivolous claims that lacked core elements, such as a malicious-prosecution claim without a prosecution. Confirming this point, Trump abandoned eleven of his sixteen claims for relief on appeal.

The Court should deny the petition.

STATEMENT

1. On March 24, 2022—fourteen months after his first term ended—Trump filed a 108-page, 508-paragraph complaint against 28 named defendants, ten unknown individuals, and ten unknown corporations. *See* D. Ct. Dkt. 1, Compl. The complaint raised sixteen claims under federal and state law, including for violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), the Computer Fraud and Abuse Act, and the Defend Trade Secrets Act of 2016, as well as for malicious prosecution, "Agency," and "Respondeat Superior/Vicarious Liability," among others. *Id.* Generally, the complaint alleged that before the 2016 election, respondents conspired to "defame Trump by fabricating a story that he and his campaign colluded with Russia." Pet.App.6a (cleaned up). Trump sought $24 million in damages for "defense costs and legal fees" as well as missed business opportunities. Pet.App.8a.

Respondents collectively filed fifteen motions to dismiss detailing the complaint's myriad flaws. D. Ct. Dkt. 52, 124, 139, 141, 143-47, 149, 157, 159-60, 162, 165. Having

been notified of numerous "deficiencies," D. Ct. Dkt. 111 at 1, Trump opted to file an amended complaint instead of opposing the motions, *see* D. Ct. Dkt. 177, Am. Compl.

2. Trump's amended complaint ballooned in size, adding three new defendants and spanning a whopping 193 pages and 819 paragraphs. *See generally id.* The "eighty new pages," however, contained "largely irrelevant allegations that did nothing to salvage the legal sufficiency of [Trump's] claims." Pet.App.41a.

Respondents renewed their motions to dismiss, once again identifying scores of defects in the amended complaint, many of which were highlighted in the first motions to dismiss. D. Ct. Dkt. 224-28, 256, 260. The district court granted the motions. Pet.App.138a-222a. The court observed that the amended complaint was "a quintessential shotgun pleading." Pet.App.147a. It was "neither short nor plain," did "not establish that Plaintiff is entitled to any relief," and raised claims "foreclosed by existing precedent." Pet.App.142a. Plus, the amended complaint "misrepresent[ed]" the content of the public documents it cited. Pet.App.144a-45a.

Turning to the claims, the district court concluded that the four-year statute of limitations for Trump's RICO claims ran in 2021, making the claims untimely. Pet.App.167a-71a. The court rejected Trump's invocation of equitable tolling based on his obligations as President, finding it both foreclosed by *Clinton v. Jones*, 520 U.S. 681 (1997), and undercut by Trump's filing of numerous other lawsuits in his personal capacity while in office. Pet.App.172a. The court added that "even if [the] RICO claims were timely, they still fail on the merits at every step of the analysis," since the amended complaint alleged no predicate acts, pattern of racketeering activity, enterprise, or RICO standing. Pet.App.176a-93a.

The amended complaint's other claims fared no better. The injurious-falsehood claims were untimely and lacked both damage to a property or contract right and falsity. Pet.App.193a-202a. The malicious-prosecution claims failed for numerous reasons, including because "Plaintiff was never prosecuted." Pet.App.202a-05a. The Computer Fraud and Abuse Act claim was time-barred, did not allege unlawful access to a computer, and lacked a recoverable loss. Pet.App.206a-11a. The theft-of-trade-secrets claim was untimely and did not allege a stolen trade secret owned by Trump; the Stored Communications Act claim was likewise untimely and missing elements to boot. Pet.App.211a-17a. The court dismissed the "Agency" and "Respondeat Superior" counts because neither constituted a "free-standing independent cause of action in Florida." Pet.App.218a-19a.

Lastly, the court denied Trump's request for further amendment as futile, reasoning that he had been "unable to cure his Complaint even with all its shortcomings clearly laid out for him" in the first set of motions to dismiss. Pet.App.221a.[1]

3. Following the dismissal order, nineteen defendants moved for sanctions; one invoked Rule 11 and the remainder invoked the court's inherent authority. D. Ct. Dkt. 268, 280. The court granted sanctions under both theories. Pet.App.38a-137a. As to the inherent-authority sanctions, the district court determined that Trump and his attorneys acted in bad faith in three ways: (1) the "case was initiated by a shotgun pleading"; (2) the amended complaint included multiple false statements;

[1] The court dismissed certain defendants for lack of personal jurisdiction and the United States for lack of subject-matter jurisdiction. Pet.App.150a-65a.

and (3) the claims were "frivolous." Pet.App.46a-67a (capitalization omitted).

Under its inherent authority, the district court held petitioners Trump, Alina Habba, and Habba Madaio & Associates jointly and severally liable for $937,989.30. Pet.App.101a. And the court awarded $66,274.23 in Rule 11 sanctions against Habba, Michael T. Madaio, Habba Madaio & Associates, Peter Ticktin, Jamie Sasson, and The Ticktin Law Group. Pet.App.136a-37a.

4. Trump and his attorneys appealed.[2] As relevant here, the Eleventh Circuit affirmed, opining that "the dismissals were sound."[3] Pet.App.16a.

The court held that Trump's untimely RICO claims were not subject to statutory or equitable tolling. The court observed that equitable tolling "pauses the running of" the statute of limitations only when a litigant "has pursued his rights diligently but some extraordinary circumstance prevents him from bringing a timely action." Pet.App.19a (citation omitted). And the extraordinary circumstance must be "beyond [Trump's] control." Pet.App.19a (citation omitted) (alteration in original). Though Trump proffered two circumstances, the court concluded that neither met this standard. Pet.App.20a.

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[2] The appeal was temporarily stayed while petitioners asked the district court to reconsider its ruling in light of Special Counsel John Durham's report; petitioners also moved for disqualification. The district court denied both motions. Pet.App.13a.

[3] The Eleventh Circuit vacated the dismissal with prejudice for lack of personal jurisdiction against respondent Orbis Business Intelligence, Ltd. and remanded with instructions to modify the dismissal to be without prejudice. And the court denied motions from Orbis and respondent Charles Dolan for appellate sanctions. Pet.App.37a.

First, equitable tolling based on the President's "workload" was unwarranted under *Clinton*, which had rejected a similar argument in the context of a President defending against a lawsuit. Pet.App.20a. Second, Trump's argument that pending investigations caused him to delay filing "g[ave] away the game," because equitable tolling requires the extraordinary circumstance to be beyond the plaintiff's control. Pet.App.20a. Because Trump's delay was due to circumstances within his control, he could "not avail himself of equitable tolling." Pet.App.21a.

The court also affirmed the dismissal of the remaining injurious-falsehood and malicious-prosecution claims, which were the only other claims Trump had pursued on appeal. Pet.App.21a-23a.

Next, the Eleventh Circuit affirmed the sanctions award. The court endorsed the district court's finding that petitioners acted in bad faith by filing "a shotgun pleading … for political purposes" and by raising "patently frivolous legal theories." Pet.App.28a. As to the shotgun pleading, the Eleventh Circuit explained that the amended complaint adopted the allegations of all preceding counts, constituting a "sanctionable" "abuse of judicial resources." Pet.App.30a. As to the frivolous legal theories, the Eleventh Circuit "set[] aside the tolling arguments" and found that "Trump brought several frivolous claims, including a 'malicious prosecution claim without a prosecution,' and a 'trade secret claim without a trade secret.'" Pet.App.31a. As further evidence of the claims' frivolousness, the court observed that Trump had abandoned eleven of his sixteen claims on appeal. Pet.App.31a.

5. The Eleventh Circuit denied Trump's petition for rehearing en banc. Pet.App.227a.

REASONS FOR DENYING THE PETITION

The petition should be denied. As to the first question presented, petitioners invite this Court to weigh in on a splitless equitable-tolling issue with a vanishingly slim likelihood of recurring. Were that not enough, petitioners' own complaint fails under their proposed presidential-tolling theory. The complaint included no allegations substantiating the proposed tolling, Trump did not exercise reasonable diligence, and Trump filed numerous other personal-capacity lawsuits while in office. The tolling issue, moreover, is not outcome-determinative: The district court alternatively dismissed the claims for lacking critical elements. Finally, the decision below was undoubtedly correct to deny the rare remedy of equitable tolling based on a nebulous appeal to Trump's presidential duties.

As to the second question presented, petitioners ask this Court to review a well-supported sanctions order by misrepresenting the record. Although the second question presented links the sanctions to petitioners' novel equitable-tolling and Article II arguments, in reality, the courts below imposed sanctions due to petitioners' shotgun pleading with sixteen frivolous claims. In short, this case does not even present the second question. Nor does the second question warrant review; it involves no circuit split, and petitioners' invocation of a conflict with this Court's precedents collapses under the slightest scrutiny. The sanctions award was also correct.

I. The First Question Presented Does Not Warrant Review

A. The First Question Presented Implicates No Split

The first question involves neither a circuit split nor an important question of law. Although petitioners raise the specter of separation-of-powers violations, their arguments fail in short order.

Without a split, petitioners (at 4-5, 11, 14-15) appeal to separation-of-powers principles and argue that the Eleventh Circuit's refusal to apply equitable tolling intrudes on presidential prerogatives. Although petitioners make much of the burden on the President purportedly imposed by the decision below, their argument rings hollow given Trump's practice of filing multiple lawsuits in his personal capacity during both presidential terms. *Infra* p. 14 n.4.

In any event, this Court's precedents confirm that petitioners' separation-of-powers concern is ill-founded. Petitioners (at 10) concede—as they must—that presidents must defend against private lawsuits while in office. *Clinton*, 520 U.S. at 709-10. That concession is dispositive, since petitioners (at 15) cannot articulate any "burden" on the "discharge of presidential responsibilities" that stems uniquely from the President choosing to file private lawsuits as opposed to defending against them. *Cf. Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 382 (2004). Stripped of their separation-of-powers concern, petitioners can provide no compelling reason for this Court to review the first question presented.

Petitioners (at 14) claim the decision below "affects every future President." This argument buckles under pressure. For one, the petition identifies no prior President who chose not to file a lawsuit in his private capacity until leaving office, indicating that the first question presented has a wafer-thin likelihood of recurring. For another, the Eleventh Circuit did not foreclose the possibility that a future President may succeed in obtaining equitable tolling based on some specific set of facts meeting the demanding standard for tolling. Pet.App.19a-21a. Instead, the court simply held that Trump had failed to

link his delay in filing to extraordinary circumstances outside his control. Pet.App.19a. This one-off case does not merit use of the Court's scarce judicial resources.

B. This Is a Manifestly Unsuitable Vehicle for Addressing the First Question Presented

Even if the Court were inclined to address the question of presidential equitable tolling, this is not the case to do so. The petition suffers from multiple vehicle problems.

1. To start, petitioners cannot satisfy their own presidential-tolling standard, as the factual predicate for tolling is nowhere to be found in the record. *See Menominee Indian Tribe of Wis. v. United States*, 577 U.S. 250, 256 (2016) (noting party "seeking equitable tolling bears the burden" (citation omitted)). The 108-page complaint and 193-page amended complaint included not one factual allegation suggesting that the limitations periods should be tolled due to the duties of the presidency. *See* Compl.; Am. Compl. Even if petitioners are correct that presidential equitable tolling exists in concept, its factual predicates were not pleaded.

Instead, Trump's presidential equitable-tolling argument first appeared in his motion-to-dismiss opposition, and it lacked grounding in or citation to the amended complaint. D. Ct. Dkt. 237 at 2-6. Trump's factual predicates have also evolved over time. Before the district court, Trump argued generically that he was "preoccupied with carrying out his eminently important presidential duties." *Id.* at 4. And he added it would have been "inappropriate" to bring this action earlier because several defendants were serving as government officials and there were investigations occurring. *Id.* at 5. Before the Eleventh Circuit, Trump argued he "could not, and should not, have been burdened with" this lawsuit while in office due to a

range of "domestic and international issues that consumed his time." C.A. Appellants' Br. 44-45. For the first time before this Court, Trump argues he consciously chose to wait to file his lawsuit because of his presidential burdens. *E.g.*, Pet. 10-11. This Court, as "a court of review, not of first view," should decline to consider Trump's newfound tolling theory. *See Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005).

No matter the theory, it was not detailed as a basis for equitable tolling in the complaints, and it did not evince a circumstance outside Trump's control that prevented him from filing. This case thus falls outside the equitable-tolling framework. *See* Pet.App.20a-21a; *infra* Part I.C.

2. Even if Trump had shown an extraordinary circumstance based on his presidential duties, his equitable-tolling argument would still fail because he did not exercise reasonable diligence. *See Holland v. Florida*, 560 U.S. 631, 649 (2010) (equitable tolling requires both extraordinary circumstance and reasonable diligence). Trump did not file his initial complaint until March 24, 2022—over a year after his first term ended. Trump provides no explanation for the additional fourteen-month delay in filing after completing his first term. Since Trump did not exercise reasonable diligence, his equitable-tolling argument falters notwithstanding presidential prerogatives.

3. Regardless, the equitable-tolling issue is not outcome-determinative as to any of Trump's remaining claims. The district court identified a host of defects with Trump's RICO and RICO conspiracy claims, noting "even if Plaintiff's RICO claims were timely, they still fail on the merits at every step of the analysis." Pet.App.176a. As the district court explained, the amended complaint failed to plausibly allege any element of a RICO claim: two

predicate acts; a pattern of racketeering activity; an enterprise; and RICO standing. Pet.App.176a-93a. Moreover, Trump forfeited his challenge on appeal to the merits-based dismissal of his injurious-falsehood and malicious-prosecution conspiracy claims. Pet.App.21a-23a. And Trump abandoned on appeal the amended complaint's remaining claims altogether. Pet.App.31a. Even if equitable tolling were allowed, Trump's complaint would still be dismissed in its entirety. The Court should not clutter its merits docket with a complaint that "should never have been brought." Pet.App.38a.

C. The Decision Below Is Correct

The decision below correctly declined to equitably toll the statute of limitations during Trump's presidency. The Eleventh Circuit's finding that Trump had failed to identify an extraordinary circumstance outside his control hewed to the record, this Court's precedents, and the policy rationales underlying statutes of limitations.

1. Equitable tolling is a "rare remedy." *Wallace v. Kato*, 549 U.S. 384, 396 (2007). The plaintiff must show that he acted diligently and that "extraordinary" circumstances "beyond [his] control" impeded timely filing. *Menominee Indian Tribe*, 577 U.S. at 257; *accord Holland*, 560 U.S. at 649. That standard is not met here. Trump did not plead that he "diligently" pursued the rights at issue, he alleged no "extraordinary circumstances," and he did not explain his fourteen-month delay in filing suit after he left office. *See* Pet.App.19a (quoting *Fedance v. Harris*, 1 F.4th 1278, 1284 (11th Cir. 2021)).

Below, Trump argued that the burden on the President's time and energy, the potential interference with his public duties, and the need to avoid the appearance of "interfering with law enforcement functions" were all extraordinary reasons justifying the delay. Pet.App.19a-

20a. Before this Court, Trump now argues (at 9) that his "decision to devote his attention to those [presidential] responsibilities" warranted tolling. *See also* Pet. 10 (referring to Trump's "judgment," "choice," and "decision"). But equitable tolling is not available "when a litigant [i]s responsible for its own delay." *Menominee Indian Tribe*, 577 U.S. at 257 (emphasis omitted). And, as the Eleventh Circuit recognized, Trump's bases for equitable tolling are premised on his decision to delay the filing—something inherently in his control. *See* Pet.App.20a-21a.

Indeed, Trump's history of filing numerous suits in his personal capacity during both his presidential terms shows that he was very much in control over deciding to pursue civil litigation during his Presidency, and that the demands of the office did not as a factual matter eclipse his ability to direct his private attorneys.[4] This pattern

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[4] During his first term, Trump filed at least the following lawsuits in his personal capacity: *Trump v. Vance*, No. 1:19-cv-08694 (S.D.N.Y. Sep. 19, 2019); *Trump v. Padilla*, No. 2:19-cv-01501 (E.D. Cal. Aug. 6, 2019); *Trump v. Comm. on Ways & Means*, No. 1:19-cv-02173 (D.D.C. July 23, 2019); *Trump v. Deutsche Bank, AG*, No. 1:19-cv-03826 (S.D.N.Y. Apr. 29, 2019); *Trump v. Mazars USA LLP*, No. 1:19-cv-01136 (D.D.C. Apr. 22, 2019).

During his second term, Trump has filed at least the following lawsuits in his personal capacity thus far: *Trump v. JPMorgan Chase Bank*, No. 2026-001356-CA-01 (Fla. Miami-Dade Cnty. Ct. Jan. 22, 2026) (later removed to federal court, S.D.N.Y. No. 26-cv-8731); *Trump v. Internal Revenue Serv.*, No. 1:26-cv-20609 (S.D. Fla. Jan. 29, 2026); *Trump v. British Broad. Corp.*, No. 1:25-cv-25894 (S.D. Fla. Dec. 15, 2025); *Trump v. N.Y. Times Co.*, No. 8:25-cv-02487 (M.D. Fla. Sep. 15, 2025); *Trump v. Dow Jones & Co.*, No. 1:25-cv-23229 (S.D. Fla. July 21, 2025) (administratively closed for failure to file case-initiation documents); *Trump v. Murdoch*, No. 1:25-cv-23232 (S.D. Fla. July 18, 2025).

shows that, in Trump's repeated estimation, filing civil suits does not interfere with his presidential duties.

The Eleventh Circuit's decision also correctly followed *Clinton*, 520 U.S. 681. There, the Court refused to excuse the President from judicial process during his term. *Id.* at 710. Clinton had made the same time-and-energy argument that Trump rehashes here. *Id.* at 702-05. The Court rejected that argument. The Court reasoned that the judiciary could review "the legality of the President's official conduct" without violating separation-of-powers principles. *Id.* at 705. And reviewing "his unofficial conduct" was not nearly as onerous, indicating that personal-capacity suits should be allowed under separation-of-powers principles too. *Id.* That logic squarely applies here. As the Eleventh Circuit put it, "[i]f a president can be haled into court, he cannot be excused from suing to enforce his rights." Pet.App.20a.

Finally, the decision below accords with the principles underlying limitations periods. As this Court has long explained, statutes of limitations "are vital to the welfare of society and are favored in the law." *Wood v. Carpenter*, 101 U.S. 135, 139 (1879). "They promote repose by giving security and stability to human affairs," and they "stimulate to activity and punish negligence." *Id.* Statutes of limitations also prevent "surprises" that would otherwise result if plaintiffs could revive claims after "evidence has been lost, memories have faded, and witnesses have disappeared." *CTS Corp. v. Waldburger*, 573 U.S. 1, 8-9 (2014) (citation omitted). Allowing all Presidents to toll limitations periods for up to eight years (if they serve consecutive terms) without making a showing of extraordinary circumstances or diligence would run roughshod over those principles and grossly overexpand equitable tolling. Equitable tolling, after all, is the exception and not the rule. *See Wallace*, 549 U.S. at 396.

2. Petitioners (at 9-10) respond that separation-of-powers principles require presidential equitable tolling. Again, however, *Clinton* forecloses this argument. *Supra* p. 15. The Court explained in *Clinton* that allowing a suit to proceed against a sitting president did not require the judiciary "to perform any function that might in some way be described as 'executive'" and instead was an ordinary exercise of judicial power. 520 U.S. at 701. The Court added that the mere "fact that a federal court's exercise of its traditional Article III jurisdiction may significantly burden the time and attention of the Chief Executive is not sufficient to establish a violation of the Constitution." *Id.* at 703. The same reasoning dictates the outcome here.

Cheney also does the President no good. *Contra* Pet. 9. True, the Court recognized the "unique" role of the presidency and opined that separation-of-powers considerations require "protecting the Executive Branch from vexatious litigation that might distract it from the energetic performance of its constitutional duties." 542 U.S. at 381-82; *accord Nixon v. Fitzgerald*, 457 U.S. 731, 751-53 (1982) (making similar point). But those concerns are not apparent when the President chooses to file civil lawsuits in his personal capacity.

Petitioners (at 10) also cite *Alexander v. Trump*, 413 So. 3d 795 (Fla. Dist. Ct. App. 2025). That case rejected an argument from the defendants that they were entitled to a stay of proceedings because the plaintiff was the President even though the plaintiff "ha[d] sought no such relief." *Id.* at 797. The court held that third parties could not invoke the burden of a lawsuit on executive functions. *Id.* at 798. But the court never opined on whether such an argument would have succeeded if the President had

brought it. *Id.* at 800-01. And *Alexander* cuts against petitioners by providing yet another example of the President pursuing a private civil claim while in office.[5]

Finally, petitioners (at 11) cite 50 U.S.C. § 3936(a), which tolls statutes of limitations during servicemembers' periods of service. If anything, this statute indicates that federal service-based grounds for tolling should be set out by Congress in statute, not shoehorned into equitable doctrines. If Congress had wanted to exempt the President from statutes of limitations without satisfying the ordinary equitable-tolling test, as it did for servicemembers, it would have said so. This statute cuts against petitioners.

II. The Second Question Presented Does Not Warrant Review

A. This Case Does Not Present the Second Question

Petitioners ask this Court to decide whether the district court improperly imposed sanctions "based on their advocacy of a substantial, unresolved argument that Article II responsibilities warrant equitable tolling." Pet. i. But neither the district court nor the Eleventh Circuit sanctioned petitioners for advocating their equitable-tolling argument. Even if the question warranted review in the abstract, this case does not present the issue.

1. As petitioners recognized before the Eleventh Circuit, the district court imposed sanctions because petitioners filed a "shotgun pleading." *See* C.A. Appellants' Br. 65. The numerous flaws in the amended

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[5] As *Alexander* shows, Trump has also continued to pursue cases filed after his first term ended without requesting a stay after resuming his presidential duties during his second term. *See also, e.g.*, *In re President Donald J. Trump*, 2025 WL 3011886 (8th Cir. Oct. 24, 2025).

complaint—unremedied after respondents put petitioners on notice of the pleading's basic failures in their initial motions to dismiss—drove the sanctions, not any "unresolved" equitable-tolling argument. *See* Pet.App.28a, 54a.

Petitioners' opening complaint spanned 108 pages, filled with 508 paragraphs of political argument. *See* Compl.; Pet.App.9a, 39a-40a. In motion-to-dismiss briefing, defendants identified numerous fatal defects. *See* D. Ct. Dkt. 52, 124, 139, 141, 143-47, 149, 157, 159-60, 162, 165. Here are a few examples of many: (i) the complaint alleged an "agency" claim, but "agency" is "not an independent cause of action," *e.g.*, D. Ct. Dkt. 52 at 20; (ii) a civil RICO claim requires two predicate acts, yet petitioners alleged none, D. Ct. Dkt. 139 at 8-9; and (iii) a malicious-prosecution claim only works if the plaintiff has been prosecuted, and Trump had not been, D. Ct. Dkt. 124 at 5-6.

Petitioners promised to file an amended complaint that would "cure the deficiencies raised in [respondents'] motions." D. Ct. Dkt. 66 at 2-3. Petitioners instead "added eighty new pages of largely irrelevant allegations that did nothing to salvage the legal sufficiency of [the] claims." Pet.App.41a. The amended complaint did not remedy its agency claim, plausibly allege even one predicate racketeering act, or plead any judicial proceeding that could support its malicious-prosecution claim. *See* Pet.App.41a.

The district court concluded that petitioners' conduct deserved sanctions after carefully examining the amended complaint and determining that petitioners had operated in bad faith. First, the amended complaint was a "shotgun pleading" "filled with immaterial, conclusory facts not connected to any particular cause of action," such as by including details about Trump's former Deputy Attorney General that had nothing to do with any

prosecution commenced against the President. Pet.App.46a-49a (capitalization omitted). Second, petitioners included multiple allegations that they knew to be false or made with a reckless disregard for the truth, such as claiming that the Mueller Report "exonerate[d] Donald J. Trump" of "collusion with Russia," even though the report did not. Pet.App.58a-64a. Third, "frivolous" claims lacked essential elements, such as seven counts without a cause of action, which demonstrated petitioners' failure to conduct basic legal research. Pet.App.31a, 64a-67a.

The Eleventh Circuit affirmed the sanctions for the first and third reasons. Pet.App.28a. The court explained that petitioners had filed a "paradigmatic" shotgun pleading. Pet.App.29a-30a. That was a "sanctionable" "abuse of judicial resources," and the shotgun pleading was "evidence" that petitioners "brought [the] suit purely to harass." Pet.App.30a (citation omitted).

"[S]etting aside the tolling arguments," the Eleventh Circuit concluded that petitioners' "legal arguments were indeed frivolous." Pet.App.31a. Petitioners "advanced legal theories foreclosed by precedent 'that the most basic legal research would have revealed,'" such as "a 'malicious prosecution claim without a prosecution' and a 'trade secret claim without a trade secret.'" Pet.App.30a-31a. Petitioners provided "no reason to reverse the district court's ruling that these claims were frivolous." Pet.App.31a.

The record thus forecloses petitioners' claim (at i, 11-13, 16) that the courts below punished Trump and his lawyers for exercising Article II prerogatives. To the contrary, the Eleventh Circuit expressly affirmed the sanctions on grounds other than petitioners' equitable-tolling argument.

2. Petitioners (at 16) emphasize the district court's solitary statement that "*Clinton v. Jones* … does not leave room for [the equitable-tolling] argument." Pet.App.65a. But the merits of that argument were not central to the district court's sanctions order. Petitioners isolate the statement from the entire context of the sanctions order, which provided numerous grounds for finding bad faith. *Supra* pp. 18-19.

And despite what petitioners (at 16) claim, the Eleventh Circuit did not label their equitable-tolling argument "frivolous." As noted, the court put "aside" any analysis of whether petitioners' equitable-tolling point had legal merit. Pet.App.31a. Instead, the court affirmed the sanctions based on the district court's other findings that petitioners "brought several frivolous claims." Pet.App.31a. Petitioners' question presented does not challenge the grounds on which the Eleventh Circuit based the sanctions order. Petitioners provide no reason to reconsider the sanctions order.

B. The Second Question Presented Implicates No Split

Review of this case is patently unwarranted. Petitioners identify no circuit split, no real conflict with this Court's precedent, and no other grounds that would necessitate this Court's intervention.

1. Unable to point to any circuit split, petitioners (at 12) contend that the decision below conflicts with this Court's precedents about the inherent authority of courts to sanction parties and attorneys. No such conflict exists.

Petitioners (at 12) recognize that courts have inherent authority to "fashion an appropriate sanction for conduct which abuses the judicial process," *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44-45 (1991), following a finding of bad faith, *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 767 (1980). That is precisely what the district court did

and what the Eleventh Circuit affirmed. *See infra* Part II.C.

The two remaining cases cited by petitioners are entirely irrelevant. *BE & K Construction Co. v. NLRB*, 536 U.S. 516, 532 (2002), did not involve inherent-authority sanctions. The Court held that an employer's failed retaliatory lawsuit against unions did not constitute an unfair-labor practice under the National Labor Relations Act absent a finding that the suit was objectively baseless. At the same time, the Court cautioned that "nothing in [its] holding today should be read to question the validity of common litigation sanctions imposed by courts" upon parties who file suits without a reasonable basis. *Id.* at 537.

And no one disputes petitioners' points (at 12) that "[a]n informed, independent judiciary presumes an informed, independent bar," *Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 545 (2001), or that unsuccessful litigation with a *reasonable basis* has some value, *BE & K*, 536 U.S. at 532; *see also* Fed. R. Civ. P. 11(b)(2) and advisory committee's note to 1983 amendment (noting the amendment was intended to spur "[g]reater attention … to pleading and motion abuses" so as to "lessen[] frivolous claims"). That is simply not why the lower courts sanctioned petitioners. *See supra* Part II.A.

2. Because the district court did not sanction petitioners for raising a novel legal theory, and the Eleventh Circuit did not affirm sanctions because petitioners "challeng[ed] a lower court's interpretation of precedent," petitioners' assertion (at 3, 13-15) that the order will prevent presidents from getting legal representation goes nowhere. There is no threat that presidents' lawyers will be sanctioned for "reasonable legal advocacy" and no evidence that presidents would be unable to find counsel to "defend the constitutional interests of their office." Pet.

14. Trump has had no difficulty finding legal representation to file suits during his presidencies. *See supra* p. 14 n.4.

The district court held Trump's lawyers to the same standard as lawyers for any party. *See infra* Part II.C. Its sanctions order in no way threatens to stymie development of the law or functioning of the adversary process. *Contra* Pet. 3, 13-15. By sanctioning bad-faith litigation conduct through its inherent authority, the district court protected the judiciary and deterred those who would otherwise abuse it. *See Chambers*, 501 U.S. at 45-46.

3. Petitioners assert (at 13) that their "claims could not possibly have been advanced in bad faith" because the "Eleventh Circuit ordered a limited remand" for petitioners to "seek reconsideration in light of the Durham Report." The district court rejected petitioners' motion for reconsideration. Pet.App.33a-34a. Two years later, the Eleventh Circuit affirmed, concluding that denial of reconsideration was proper because petitioners had not "satisf[ied] their burden under Rule 60(b)(6)" to prove that the Durham Report was new evidence, especially because the "existence of [the] investigation was already evident at the time of—and expressly mentioned in—the amended complaint." Pet.App.34a-35a. The limited remand thus appropriately had no impact on the Eleventh Circuit's consideration of bad faith.

C. The District Court Properly Awarded Sanctions

Other than taking an oblique shot at the district court's calculation of sanctions (at 16-17), petitioners have not challenged the district court's imposition of sanctions aside from their equitable-tolling argument. That is for good reason. The record supports the district court's finding of bad faith. *See supra* Part II.A.

Petitioners' egregious conduct was in bad faith. *See Roadway Express*, 447 U.S. at 766. The "inadequacy" of petitioners' lawsuit "as a legal claim was evident from the start." Pet.App.38a. Petitioners asserted claims that were not standalone causes of action, such as "agency," or otherwise had obvious "legal failings," such as an obstruction-of-justice claim "untethered to any official proceeding." *See, e.g.*, Pet.App.66a, 218a. They misrepresented facts (including that Twitter banned Trump two days after January 6, 2021, due to a "misinformation campaign waged by Hillary Clinton"). *See, e.g.*, Pet.App.58a-64a. They filed a shotgun complaint. *See, e.g.*, Pet.App.46a-53a. And they "persisted" in pursuing unfounded legal claims even after being put on notice of their deficiencies. *See, e.g.*, Pet.App.40a-41a, 66a. Except to "seek revenge on political adversaries" through "abusive litigation tactics," the district court concluded that "[n]o reasonable lawyer would have filed [petitioners' lawsuit]." Pet.App.38a, 46a-47a.

After determining that sanctions were appropriate for all of those reasons and more, the court explained its calculation of the attorneys' fees and costs was a "fair and just sanction" given the circumstances. Pet.App.86a. Respondents supported their requests for fees and costs with substantial evidence. Pet.App.86a. Petitioners filed "largely indecipherable" objections, even after the court offered petitioners a chance to "cure" the problems. Pet.App.87a-88a.

Because the district court made a sufficient finding of bad faith and appropriately tailored the resulting sanctions award, its approach was proper. *See, e.g.*, *Chambers*, 501 U.S. at 45-46; *Roadway Express*, 447 U.S. at 766-67. The Eleventh Circuit agreed, rejecting petitioners' objections because the district court did not commit clear error

by "rest[ing] its bad faith finding" on two "features of the amended complaint." Pet.App.28a. First, petitioners had no excuse for filing a shotgun pleading, which is "evidence of bad faith." Pet.App.30a. Second, the Eleventh Circuit highlighted how many of petitioners' claims were frivolous, so much so that "Trump le[ft] … *11* of his 16 claims" behind on appeal. Pet.App.31a (emphasis in original). And petitioners forfeited their objection to the reasonableness of the fee award by not raising it first in the district court. Pet.App.32a.

CONCLUSION

For the foregoing reasons, the Court should deny the petition.

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