

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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| <p>BARBARA J. LEE <i>et al.</i>,<br/><i>Plaintiffs</i>,</p> <p>v.</p> <p>DONALD J. TRUMP <i>et al.</i>,<br/><i>Defendants.</i></p> | <p>Case No. 21-cv-00400 (APM)<br/>(lead case)</p>         |
| <p>ERIC SWALWELL,<br/><i>Plaintiff</i>,</p> <p>v.</p> <p>DONALD J. TRUMP <i>et al.</i>,<br/><i>Defendants.</i></p>                 | <p>Case No. 21-cv-00586 (APM)<br/>(consolidated case)</p> |
| <p>JAMES BLASSINGAME <i>et. al.</i>,<br/><i>Plaintiffs</i>,</p> <p>v.</p> <p>DONALD J. TRUMP,<br/><i>Defendant.</i></p>            | <p>Case No. 21-cv-00858 (APM)<br/>(consolidated case)</p> |
| <p>CONRAD SMITH <i>et al.</i>,<br/><i>Plaintiffs</i>,</p> <p>v.</p> <p>DONALD J. TRUMP <i>et al.</i>,<br/><i>Defendants.</i></p>   | <p>Case No. 21-cv-02265 (APM)<br/>(consolidated case)</p> |
| <p>MARCUS J. MOORE <i>et al.</i>,<br/><i>Plaintiffs</i>,</p> <p>v.</p> <p>DONALD J. TRUMP,<br/><i>Defendant.</i></p>               | <p>Case No. 22-cv-00010 (APM)<br/>(consolidated case)</p> |

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| <p>BOBBY TABRON <i>et al.</i>,<br/><i>Plaintiff</i>,<br/>v.<br/>DONALD J. TRUMP,<br/><i>Defendants.</i></p> | <p>Case No. 22-cv-00011 (APM)<br/>(consolidated case)</p> |
| <p>BRIANA KIRKLAND,<br/><i>Plaintiff</i>,<br/>v.<br/>DONALD J. TRUMP,<br/><i>Defendant.</i></p>             | <p>Case No. 22-cv-00034 (APM)<br/>(consolidated case)</p> |
| <p>SANDRA GARZA,<br/><i>Plaintiff</i>,<br/>v.<br/>DONALD J. TRUMP <i>et al.</i>,<br/><i>Defendants.</i></p> | <p>Case No. 23-cv-00038 (APM)<br/>(consolidated case)</p> |

**JOINT STATUS REPORT**

The parties report that immunity-related discovery is proceeding cooperatively.

**PLAINTIFFS' REPORT:**

1. Plaintiffs have received several productions related to their Rule 45 subpoenas issued to non-party witnesses and anticipate receiving all outstanding Rule 45-related productions within the next few weeks. Plaintiffs have noticed third-party depositions and are in ongoing discussions with third-party counsel about the dates of their compliance.
2. Both sides continued to address various discovery requests, as well as responses and objections thereto.
3. On August 23, 2024, Plaintiffs sent their final list of intended deponents or declarants to Defendant Trump pursuant to the Court's August 6, 2024 Minute Order. This followed the Parties' exchange of their initial lists of intended deponents or declarants on August 13, 2024. Defendant Trump's counsel informed Plaintiffs' counsel by telephone on

August 27, 2024 that it did not have any additional declarants or deponents to the list provided to Plaintiffs' counsel on August 13, 2024.

No new declarants or deponents should be allowed for this stage of the litigation, other than the opportunity to depose any of the identified declarants once the parties disclose their declarations.

So that the parties may have a meaningful opportunity to depose any declarants, the Parties should be directed to exchange on or before September 11, 2024, any and all final declarations that they may use in adjudicating the immunity issue.

Further, the Parties should be directed that by September 16, 2024, they identify any declarants whom they seek to depose.

Thereafter, the Parties should be directed to conduct those depositions by September 30, 2024. Plaintiffs suggest that any summary judgment briefing on the issue of immunity begin very shortly thereafter.

National Archives and Record Administration (NARA) document production: To facilitate the timely completion of this discovery, and without waiving any objections to whether Defendant has any basis for withholding materials he received in response to a third-party subpoena, Plaintiffs propose that counsel for the defendant only produce materials related to the following:

1. The 2020 Trump Campaign
2. Allegations of election interference
3. The 2020 Presidential election
4. Any efforts to inquire into or challenge the results of the 2020 Presidential election
5. The January 6, 2021 rally, its funding, permitting, speakers, promotion and organization

Apart from any depositions the parties may conduct of declarants once their declarations are exchanged, or of witnesses whose appearances cannot be secured before

September 11, 2024, the discovery bearing on the immunity issue in this litigation should conclude by September 11, 2024. Plaintiffs continue to believe that Defendant Trump and all Plaintiffs can achieve this completion by the current deadline.<sup>1</sup>

**DEFENDANT TRUMP'S REPORT:**

President Trump's counsel received the detailed proposals contained in Plaintiffs' section of this report at 4:46 p.m. today and has, therefore, not had time to consider them or discuss them with their client. We will respond to them promptly once we have had the chance to do so. As a general matter, however, we believe that given the status of document discovery to date, Plaintiffs are overly optimistic about the prospects of finishing immunity discovery by September 11. But we do believe that it is likely that a 30-day extension of that date would suffice.

The four pieces of additional information that we can provide are as follows:

1. To clarify Plaintiffs' item number 3 above, on the August 27, 2024 call between counsel, counsel for President Trump confirmed that they had not added to the list of potential deponents since the original list exchange on August 13, 2024, but that President Trump may have an additional potential deponent and that they would inform the Plaintiffs shortly. We have subsequently identified this individual to Plaintiffs and it is someone from whom the Plaintiffs have already received documents through discovery in this case.
2. The Metropolitan Police Department produced one document in response to our subpoena within a few hours of the Court's contacting the Department and claims that it has completed its production. We have asked for a declaration certifying that this small production contained all documents located following a reasonable search and internal counsel for the Department

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<sup>1</sup> It should be noted that, while Plaintiffs submitted to the defendant their draft of the status report this afternoon, they vetted the proposals set forth in their status report on a telephone call they initiated yesterday.

said that she would “see what I can provide” and just moments ago (at 5:06 p.m.) emailed to request a call to discuss the issue;

3. The Secret Service informed us today that it “is aiming to make a production” by September 16, 2024; and
4. The Department of the Interior informed us yesterday that it anticipates “providing all remaining documents by August 30.”

Dated: August 28, 2024

Respectfully submitted,

s/ Joseph Sellers

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