

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

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendants.

Civil Action No. 21-3354 (BAH)

Judge Beryl A. Howell

**MOTION TO RECONSIDER COURT’S MAY 19<sup>TH</sup> MINUTE ORDER  
GRANTING, IN PART, MOTION TO COMPEL**

On May 19, 2023, the Court, in a minute order, granted in part Plaintiff’s Motion to Compel [Doc. 44] (“Motion”), by ordering Giuliani “in order to evaluate defendant’s claim of an inability to afford the cost of access to and search of, the TrustPoint dataset or to use a professional vendor” to produce documents “to plaintiffs’ requests for financial information in RFP Nos. 40 and 41”.

However, the Court, at the hearing on the Motion, the Court stated:

Now, if before May 30, 2023, when Mr. Giuliani is required to provide the responses to RFPs Nos. 40 and 41 to the plaintiffs -- if you are able to work out all of the arrears with Trustpoint and able to perform full and complete searches on the Trustpoint dataset, you can ask me -- you can come back to me to ask me about -- to reconsider the RFP -- responses to RFPs Nos. 40 and 41.

May 19, 2023 Hearing Transcript at 105:13-22.

As per Giuliani’s Declaration filed herewith, he has obtained funding to pay the arrearage with TrustPoint to allow for full and complete searches responsive to Plaintiffs’ RFPs. *See generally* Doc. 60. Therefore, Giuliani respectfully requests the Court reconsider its ruling in this regard. The Court correctly observes that *D’Onofrio v. Sfx Sports Grp., Inc.*, 247 F.R.D. 43, 53

(D.D.C. 2008) is the minority view, however, it is this minority view that has been recognized repeatedly in this District. *See id.* (collecting D.D.C. cases). Giuliani respectfully requests this Court follow the D.D.C. pattern of restricting access of financial documents “until necessary to prove up punitive damages.” *See John Does I–VI v. Yogi*, 110 F.R.D. 629, 633 (D.D.C. 1986).

**RELIEF REQUESTED**

For all of the reasons discussed herein, the Court should reconsider its prior ruling and deny the Motion as to RFP Nos. 40-41 unless and until it is necessary to prove up punitive damages. Alternatively, Giuliani requests the Court grant him a reasonable time from the date the Court denies this Motion to Reconsider to produce the documents. Giuliani also requests the Court suspend any deadlines related to briefing regarding his inability to pay for TrustPoint or professional vendors.

Date: May 30, 2023

Respectfully submitted,

By: /s/ Joseph D. Sibley IV

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**ATTORNEYS FOR RUDOLPH GIULIANI**

**CERTIFICATE OF COMPLIANCE WITH LR 7(m)**

I hereby certify that on this 30<sup>TH</sup> day of May, 2023, I conferred with Plaintiffs' counsel and they are opposed to the relief requested in this Motion. They also advise that despite Giuliani curing the arrearage with TrustPoint, they are not withdrawing their Motion to Compel.

/s/ Joseph D. Sibley IV

Joseph D. Sibley IV

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of May, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which I understand to have caused service on all counsel of record.

/s/ Joseph D. Sibley IV

Joseph D. Sibley IV