

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

---

<p>RUBY FREEMAN</p> <p><i>and</i></p> <p>WANDREA MOSS,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>RUDOLPH W. GIULIANI,</p> <p style="text-align: center;"><i>Defendant.</i></p>	<p>Civil Action No. 21-3354 (BAH)</p> <p>Judge Beryl A. Howell</p>
---	--

---

**PLAINTIFFS’ STATUS REPORT RE BERNARD KERIK DISCOVERY**

Pursuant to the Joint Stipulation Regarding Plaintiffs’ Motion to Compel Third Party Bernard Kerik, ECF. No. 83 (the “Kerik Stipulation”), the Plaintiffs Ruby Freeman and Wandrea ArShaye’ Moss (collectively, the “Plaintiffs”) submit this status report on Mr. Kerik’s discovery compliance and outstanding issues.

For purposes of this report, the Plaintiffs assume familiarity with the papers regarding Plaintiffs’ Motion to Compel Discovery Bernard Kerik to Produce a Document-By-Document Privilege Log and to Produce Documents and Testimony Improperly Withheld as Privileged, ECF No. 63 (Plaintiffs’ “Motion to Compel Kerik”), and recount only that background relevant here. *See* ECF Nos. 74, 76, 79, 82–83.

After months of unsuccessful attempts to procure documents and testimony from Mr. Kerik, who is “plainly an important source of relevant information” in this case, Plaintiffs filed the Motion to Compel Kerik. ECF. No. 82 at 6. Following additional filings by both parties, ECF

Nos. 74, 76, 79, the Court granted the Motion to Compel Kerik in part on July 13, 2023, ordering Mr. Kerik to produce a document-by-document privilege log that “sufficient information to enable other parties to assess the [privilege] claim” and show cause as to (1) why all withheld materials should not be produced to plaintiffs, (2) why Mr. Kerik should not be ordered to sit for another deposition on the withheld materials, and (3) why Plaintiffs should not be awarded attorney’s fees. ECF. 82 at 20 (internal quotations and citations omitted). July 13 Minute Order (July 13, 2023).

Following the Court’s order, on July, 23, Mr. Kerik produced a privilege log, (the “Revised Privilege Log”), *see* Exhibit 1, and 562 documents previously withheld as privileged (the “Previously Withheld Documents”) that were de-designated by the Trump Campaign. ECF. No. 83 at 2. On July 24, 2023, after meeting and conferring, Plaintiffs and Mr. Kerik filed the Joint Stipulation where the parties agreed that:

- should Plaintiff choose to challenge the privilege designation for any documents in the Revised Privilege Log, “Mr. Kerik takes no position and consents to their disclosure for in camera review by the Court;”
- Mr. Kerik will sit for a virtual deposition “covering all topics which were objected to during the first deposition” and the Previously Withheld Documents; and
- Plaintiffs would update the Court on August 4, 2023, regarding the review of the Previously Withheld Documents and any further discovery issues.

ECF. No. 83 at 3.

Plaintiffs have now reviewed the 562 Previously Withheld Documents and the Revised Privilege Log. It is Plaintiffs view, having completed this review and consistent with Plaintiffs’ predictions, that the vast majority (if not all) of the Previously Withheld Documents were not properly withheld as privileged. Apparently at the instruction of third parties, Mr. Kerik continues to withhold 318 documents based on both attorney-client and work product privilege. Plaintiffs have identified 97 documents that, on the face of the privilege log, appear not to be privileged, and also appear to be related to Plaintiffs’ claims. (*See* Ex. 2.) At minimum, Plaintiffs request that the

Court should review these 97 documents *in camera*. However, because Plaintiffs' assessment of what warrants further review is based on the descriptions in the Revised Privilege Log, and because Mr. Kerik previously logged documents which we not privileged, Plaintiffs respectfully submit that the more prudent course of action may be an *in camera* review of the full set of 318 documents. Mr. Kerik has previously stated that he has no opposition to this relief. *See* ECF No. 83 at 3. Finally, Plaintiffs note that they have no objection if the Court would prefer to defer any *in camera* review until after resolving Plaintiffs' outstanding Motion for Sanctions Against Defendant Giuliani, ECF Nos. 81, 86, as such resolution may affect the Court's need for further review of the documents.

DATED: August 4, 2023

**UNITED TO PROTECT DEMOCRACY**

John Langford  
Rachel Goodman  
82 Nassau Street, #601  
New York, NY 10038  
Tel: (202) 579-4582  
john.langford@protectdemocracy.org  
rachel.goodman@protectdemocracy.org

Christine Kwon\*  
555 W. 5th St.  
Los Angeles, CA 90013  
Tel: (919) 619-9819  
Christine.kwon@protectdemocracy.org

Sara Chimene-Weiss\*  
7000 N. 16th St. Ste. 120, #430  
Phoenix, AZ 85020  
Tel: (202) 579-4582  
Sara.chimene-weiss@protectdemocracy.org

Brittany Williams\*\*  
15 Main St., Suite 312  
Watertown, MA 02472  
Tel: (202) 579-4582  
brittany.williams@protectdemocracy.org

/s/ Michael J. Gottlieb

**WILLKIE FARR & GALLAGHER LLP**

Michael J. Gottlieb (974960)  
Meryl C. Governski (1023549)  
Timothy P. Ryan (1719055)  
J. Tyler Knoblett (1672514)  
1875 K Street NW  
Washington, DC 20006  
Tel: (202) 303-1000  
Fax: (202) 303-2000  
mgottlieb@willkie.com  
mgovernski@willkie.com  
tryan@willkie.com  
jknoblett@willkie.com

M. Annie Houghton-Larsen  
787 7th Avenue  
New York, New York  
Tel: (212) 728-8164  
Fax: (212) 728-9164  
mhoughton-larsen@willkie.com

**DUBOSE MILLER LLC**

Von A. DuBose  
75 14th Street NE  
Suite 2110  
Atlanta, GA 30309  
Tel: (404) 720-8111  
dubose@dubosemiller.com

\* **Admitted *pro hac vice***

\*\* ***Pro hac vice* application forthcoming**

***Attorneys for Plaintiffs Ruby Freeman and Wandrea' Moss***

**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2023, the foregoing document was filed with the Clerk of the Court of the U.S. District Court for the District of Columbia by using the CM/ECF system, which will automatically generate and serve notices of this filing to all counsel of record.

Dated: August 4, 2023

*/s/ Michael J. Gottlieb*  
**WILLKIE FARR & GALLAGHER LLP**  
Michael J. Gottlieb (974960)  
1875 K Street, #100  
Washington, DC 20006  
Tel: (202) 303-1000  
Fax: (202) 303-2000  
mgottlieb@willkie.com