

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE GRAND JURY SUBPOENAS
[REDACTED]

Case No. 22-gj-39 (BAH)

Chief Judge Beryl A. Howell

UNDER SEAL

ORDER

[REDACTED] was subpoenaed to testify before the grand jury but has yet to do so because of the former president's invocation of executive privilege and attorney-client privilege over communications and meetings relevant to the grand jury's investigation. In response, the government filed the pending [REDACTED]

[REDACTED] seeking an order to compel [REDACTED] to give testimony over the former president's privilege instruction.

Upon consideration of the government's Motion [REDACTED]

[REDACTED] and the entire record herein, the Court finds that (1) the testimony the government seeks from [REDACTED] is assumed to be presumptively protected by the presidential communications privilege arising from the former president's generalized interest in confidentiality and the former president's invocation of the presidential communications privilege; (2) attorney-client privilege is inapplicable to [REDACTED] prospective testimony before the grand jury because the subject matter concerns communications made or received by [REDACTED] in his capacity as an attorney within the Executive Branch; (3) the grand jury has a demonstrated, specific need for testimony from [REDACTED] about

communications and meetings that overcomes the former president's assertion of the presidential communications privilege; and (4) the government has sufficiently demonstrated that evidence of these communications is important and relevant to the grand jury's investigation and that the evidence is not available with due diligence elsewhere. Accordingly, it is hereby—

ORDERED that the government's Sealed Motion to Compel Grand Jury Testimony,

██████████, is **GRANTED**; it is further

ORDERED that ██████████ is to appear before the Grand Jury of the United States District Court for the District of Columbia and give testimony, which has previously been the subject of an assertion by former president Donald J. Trump of the presidential communications privilege or attorney-client privilege, relating, but not limited to, any communications and meetings regarding the topic areas generally described in the government's ██████████ letter, and any similar such communications or meetings; it is further

ORDERED that the government submit to the Court, ██████████ at 12 p.m., any proposed redactions to the accompanying Memorandum Opinion that are necessary before disclosure of the Opinion to the witness, his counsel, the former president, and his counsel.

SO ORDERED.

Date: December 9, 2022



Beryl A. Howell

BERYL A. HOWELL
Chief Judge