



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, D.C. 20530

October 26, 2022

By ECF and Courtesy Copy

Judge Raymond J. Dearie
 United States District Court
 Eastern District of New York
 225 Cadman Plaza East
 Brooklyn, NY 11202

*Re: Donald J. Trump v. United States of America, Case No. 22-81294-CIV-CANNON –
 Global Issues Premotion Letter*

Dear Judge Dearie:

At last Tuesday’s status conference, Your Honor suggested that the parties could brief global issues before you begin review of the scanned seized materials. Your Honor asked the parties to file “a short premotion letter identifying the issues to be briefed and setting a proposed schedule.” 10/18/2022 Tr. 15: 6-11.

The parties met and conferred and identified global issues that might assist you in your review. The table below collects the issues identified by both parties.

Concept	Global Issue
Document categorization as Presidential record or personal record	<ul style="list-style-type: none"> • Whether Plaintiff may designate or convert Presidential records to personal ones during or after his term in office • Whether certain groups of documents (e.g., pardon packages) are Presidential records
Executive privilege	<ul style="list-style-type: none"> • Whether categorization of a document as a personal record means that it cannot be claimed by a former officeholder as subject to a claim of executive privilege • Whether Plaintiff may assert executive privilege to withhold seized materials from the government notwithstanding the four reasons and footnote in the government’s letter with respect to the 15 Filter A documents filed on October 20, 2022
Verification of the Detailed Property Inventory	<ul style="list-style-type: none"> • Whether Plaintiff should be required to file a declaration or affidavit regarding the government’s inventory as set forth in ECF 118, at 1-2

The parties agree to submit principal and responsive briefs simultaneously. To brief the global issues before review of the document categorization and executive privilege disputes begins on November 12, the parties propose that principal briefs be filed no later than Tuesday, November 8, and responsive briefs no later than Saturday, November 12.

The parties believe that resolution of the global issues will enable Your Honor to rule on large groups of documents and minimize the number of documents that require individualized review.

Thank you for your consideration.

Respectfully submitted,

On behalf of the United States:

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

MATTHEW G. OLSEN
Assistant Attorney General

By: /s/_____

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On behalf of the Plaintiff, Donald J. Trump:

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