



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE DIVISION
OFFICE OF FEDERAL INITIATIVES

May 26, 2022

By ECF

Honorable Brenda K. Sannes
United States District Judge
United States District Court
Northern District of New York
P.O. Box 7336
Syracuse, NY 13261

RE: *Trump v. James*, NDNY No. 21 Civ. 1352 (BKS)(CFH)

Dear Judge Sannes,

The Office of the Attorney General (“OAG”) represents Defendant, Attorney General Letitia James, in the above-captioned case. We write to provide the Court with further, supplemental information concerning the New York State special proceeding, *People v. The Trump Organization, Inc.*, NY County, NY Supreme NYSCEF No. 451685/2020, (hereafter, the “NY Proceeding”), specifically related to the portion of the proceeding that has been under review on appeal with the First Department. In particular, please find attached as Exhibit 1 the Decision and Order (“D&O”) issued today by the three Justice panel (Justices Acosta, P.J., Singh, Moulton, and Kennedy, J.J.), denying Donald J. Trump, Ivanka Trump, and Donald Trump Jr.’s appeal of the February 17, 2022 order in the NY Proceeding.

We respectfully submit that the following language from the D&O may be relevant to the issues currently before this Court:

“The political campaign and other public statements made by OAG about appellants do not support the claim that OAG initiated, or is using, the subpoenas in this civil investigation to obtain testimony solely for use in a criminal proceeding or in a manner that would otherwise improperly undermine appellants’ privilege against self-incrimination” D&O at 2 (citing *United States v Kordel*, 397 US 1, 11-12 [1970]); and

“The civil investigation was initiated in March 2019 after testimony before Congress by Michael Cohen, former Trump Organization senior executive and special counsel, in which Cohen alleged that respondent The Trump Organization, Inc. had issued fraudulent financial statements. This sequence of events suggests that the investigation was lawfully

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initiated at its outset and well founded, apart from any parallel criminal investigation undertaken by the District Attorney” D&O at 2-3 (citations omitted).

Respectfully submitted,

/s/ Colleen K. Faherty

Colleen K. Faherty

Assistant Attorney General

(212) 416-6046