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March 3, 2023

VIA ECF

The Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Carroll v. Trump*, 20 Civ. 7311 (LAK) (JLC) (“*Carroll I*”)

Dear Judge Kaplan:

We write on behalf of Plaintiff E. Jean Carroll about the reply brief that Defendant Donald J. Trump purported to file yesterday in support of his motion in limine (ECF 140), despite the fact that the operative scheduling order in the above-captioned matter does not authorize reply briefs in connection with the motions in limine. *See* ECF 98 at 3; ECF 100.<sup>1</sup>

Because Trump’s reply brief was not authorized, we respectfully request that the Court decline to consider it. If the Court is inclined to consider Trump’s latest filing, then we would respectfully request that Carroll have an opportunity to submit a short reply brief (5 pages or less) in support her omnibus motion in limine by March 9, 2023. As Your Honor is no doubt aware, the motions in limine in *Carroll I* and *Carroll II* have substantially overlapped, and the governing scheduling order in *Carroll II* (unlike the schedule in *Carroll I*) *does* include a deadline for reply briefs. *Carroll II*, ECF 19 at 4. Accordingly, we would anticipate limiting our reply brief to the issues specific to *Carroll I*—namely, issues concerning Trump’s damages expert Robert J. Fisher. *Compare* ECF 134, with *Carroll II*, ECF 73.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record

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<sup>1</sup> Unfortunately, this is not the first time that Trump has violated this Court’s procedures in this way. He has submitted various reply briefs in support of discovery motions that also were not permitted under Your Honor’s Individual Rules of Practice. *See* ECF 94 (unauthorized reply in support of letter motion to stay discovery); *Carroll v. Trump*, 22 Civ. 10016 (“*Carroll IP*”), ECF 53 (unauthorized reply in support of letter motion to reopen discovery); *Carroll II*, ECF 63 (unauthorized reply in support of letter motion to adjourn expert discovery deadlines).