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MEMO ENDORSED

July 26, 2023

BY HAND

The Honorable Lewis A. Kaplan
United States District Court, Southern District of New York
Room 21B
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

RECEIVED
JUL 27 2023
JUDGE KAPLAN'S CHAMBERS

Re: *The People of the State of New York v. Donald J. Trump, Ind. No. 71543-23*
Carroll v. Trump, 22 Civ. 10016 (LAK)
Carroll v. Trump, 20 Civ. 07311 (LAK)

Dear Judge Kaplan,

On May 15, 2023, our Office served a trial subpoena on the law firm of Kaplan Hecker & Fink, LLP, attorneys for E. Jean Carroll, for “[t]he full transcript, full video recording, and all exhibits related to the videotaped deposition of Donald J. Trump taken on or about October 19, 2022 in the case titled *E. Jean Carroll vs. Donald J. Trump*, 1:20-cv-07311-LAK” (the “Kaplan Hecker Subpoena,” attached hereto as Exhibit 1). As demonstrated by the publicly released excerpts of the deposition shown at trial in *Carroll v. Trump, 22 Civ. 10016 (LAK)*, we believe the full transcript and video recording of the deposition are relevant and material to our proceedings, *The People of the State of New York v. Donald J. Trump*.

On May 31, 2023, defendant moved before New York Supreme Court Justice Juan M. Merchan to quash the Kaplan Hecker Subpoena, arguing that it was overbroad and an attempt to fish for impeachment material, and that the materials sought were subject to a Protective and Confidentiality Order in *Carroll v. Trump*.

On July 7, 2023, Justice Merchan issued a Decision and Order on Defendant’s Motion to Quash (attached hereto as Exhibit 2), finding:

[T]his subpoena is not overbroad or otherwise inappropriate. The People have demonstrated that the request seeks items that are relevant and material to these proceedings. However, this Court is unable to determine from the moving papers whether the Protective and Confidentiality Order is still in effect as to those materials which were *not* introduced into evidence at trial or otherwise publicly filed.

Ex. 2 at p. 6.

Justice Merchan's Order directed us to seek clarification from Your Honor as to whether compliance with the subpoena would in any way violate this Court's Protective and Confidentiality Order in *Carroll v. Trump*:

This Court does not wish to create any issue or conflict with Judge Kaplan's Order. Therefore, the appropriate course of action is for either, or both parties, to seek clarification from Judge Kaplan as to whether compliance with the subpoena would in any way violate his Order. If the Order is still in effect, then Kaplan Hecker & Fink LLP must not comply. On the other hand, if the requested materials, in their entirety, are no longer protected by the Order, then Kaplan Hecker & Fink LLP is directed to comply with the subpoena within 16 days from the date the parties receive confirmation from the Southern District.

Ex. 2 at p. 6.

Therefore, the People respectfully request that Your Honor apprise us as to whether Kaplan Hecker & Fink, LLP may comply with the People's trial subpoena or if the Protective and Confidentiality Order in *Carroll v. Trump* precludes such compliance.

The People have conferred with defense counsel in *The People of the State of New York v. Donald J. Trump*, who advise that they take no position with respect to this request.

Respectfully Submitted,

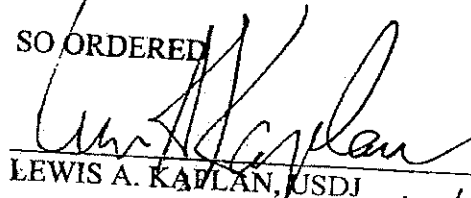


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cc: Todd Blanche, Susan Necheles, Joseph Tacopina, counsel for Defendant Donald J. Trump, and Roberta Kaplan, counsel for E Jean Carroll (by email with consent)

Kaplan Hecker & Fink LLP
may comply with the People's
trial subpoena.

SO ORDERED



LEWIS A. KAPLAN, USDJ

8/3/23