

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
E. JEAN CARROLL,

Plaintiff,

-against-

20-cv-7311 (LAK)

DONALD J. TRUMP, in his personal capacity,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

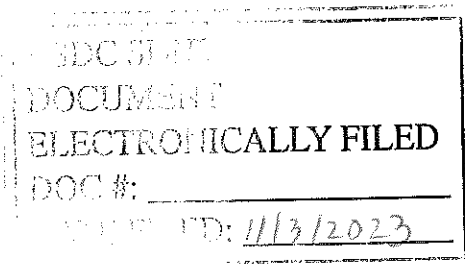
On October 11, 2023, the Court directed the parties to file any objections to trying this case before an anonymous jury. Neither objected, and the Court received no other opposition. For the reasons stated in the Court’s decision ordering the use of an anonymous jury in the trial of a closely related second case, *Carroll v. Trump*, No. 22-cv-10016 (LAK) (“*Carroll IP*”), the Court finds that “[i]f jurors’ identities [in the trial of this case] were disclosed, there would be a strong likelihood of unwanted media attention to the jurors, influence attempts, and/or harassment or worse by supporters of Mr. Trump [and/or by Mr. Trump himself].”¹ Indeed, in the very recent past, Mr. Trump has been fined twice for violating a gag order issued by a New York judge in response to comments made by Mr. Trump in relation to the judge’s clerk.² In view of Mr. Trump’s repeated public statements with

1

Carroll v. Trump, No. 22-CV-10016 (LAK), 2023 WL 2612260, at *4 (S.D.N.Y. Mar. 23, 2023).

2

See, e.g., Jack Queen and Jasper Ward, *Trump fined \$5,000 for violating gag order in New York civil trial*, REUTERS, Oct. 20, 2023, <https://www.reuters.com/legal/trump-fined-5000-post-disparaging-court-clerk-new-york-case-filing-2023-10-20/> (reporting that Mr. Trump was fined \$5,000 for violating a New York judge’s gag order because a “social media post

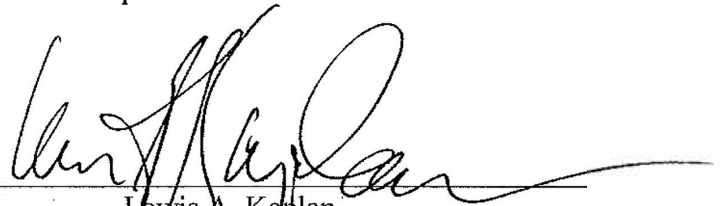


respect to the plaintiff and court in this case as well as in other cases against him, and the extensive media coverage that this case already has received and that is likely to increase once the trial is imminent or underway, the Court finds that there is strong reason to believe the jury requires the protections prescribed below. No less restrictive alternative has been suggested. The presumption of access to juror names is overcome by the risks identified herein and in the Court's previous decision.

Accordingly, (1) the names, addresses, and places of employment of prospective jurors on the *voir dire* panel, as well as jurors who ultimately are selected for the petit jury, shall not be revealed, (2) petit jurors shall be kept together during recesses and the United States Marshal Service ("USMS") shall take the petit jurors to, or provide them with, lunch as a group throughout the pendency of the trial, and (3) at the beginning and end of each trial day, the petit jurors shall be transported together or in groups from one or more undisclosed location or locations at which the jurors can assemble or from which they may return to their respective residences.

SO ORDERED.

Dated: November 3, 2023



Lewis A. Kaplan
United States District Judge

attacking the judge's clerk – which was deleted from the former president's Truth Social platform – had remained visible on his 2024 campaign website two weeks after an order was issued to take it down"); Jennifer Peltzand and Jake Offenhartz, *Trump is fined \$10,000 over a comment he made outside court in his New York civil fraud trial*, AP NEWS, Oct. 25, 2023, <https://apnews.com/article/trump-michael-cohen-fraud-lawsuit-7f6e536e97d77ef1cd441e4d5ec41ee4> ("Donald Trump was abruptly called to the witness stand and then fined \$10,000 on Wednesday after the judge in his civil fraud trial said the former president had violated a gag order. It was the second time in less than a week that Trump was penalized for his out-of-court comments.").

Examples of Mr. Trump's previous "attack[s] [on] courts, judges, various law enforcement officials and other public officials, and even individual jurors in other matters" are detailed in the Court's decision ordering the use of an anonymous jury in the trial of *Carroll II*. See generally *Carroll*, 2023 WL 2612260.