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December 21, 2023

## VIA ECF

The Honorable Lewis A. Kaplan  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *Carroll v. Trump*, No. 20 Civ. 07311 (LAK)

Dear Judge Kaplan:

We write on behalf of Plaintiff E. Jean Carroll to propose a limited number of *voir dire* questions for the Court's consideration in connection with the upcoming trial in this action. The parties previously submitted proposed *voir dire* questions in the related action. *See Carroll v. Trump*, No. 22 Civ. 10016 (S.D.N.Y.), ECF 97, 99-3 ("*Carroll II*"). Since those filings, however, and in addition to the trial and verdict in *Carroll II*, there have been developments in numerous civil and criminal matters to which the Defendant Donald J. Trump is a party that may be relevant to the jury-selection process in this case.

Accordingly, Carroll proposes the following *voir dire* questions:

1. Have any of you read or heard, through the media or otherwise, anything about the New York Attorney General's lawsuit against Mr. Trump and his associates alleging fraud in connection with real estate ventures that would make it difficult to put that aside and decide this case fairly and impartially to both sides based solely on the evidence you see and hear in this courtroom?
2. The same question for:
  - a. The Department of Justice's charges against Mr. Trump and his associates for allegedly mishandling classified records;

- b. The Department of Justice's charges against Mr. Trump relating to his alleged involvement in the events at the U.S. Capitol on January 6, 2021;
  - c. The Fulton County, Georgia District Attorney's charges against Mr. Trump and his associates relating to alleged interference in the 2020 presidential election;
  - d. The Manhattan District Attorney's charges against Mr. Trump relating to alleged falsification of business records.
3. Is there anyone who has read or heard about any of the cases I've just mentioned and believes the cases are motivated by anything other than the pursuit of justice through the courts?
  4. Is there anyone who has read or heard about the verdict in another lawsuit brought by Ms. Carroll against Mr. Trump in which the jury determined that Mr. Trump sexually abused Ms. Carroll in the mid-1990s and then defamed her in October 2022?
    - a. If yes, is there anyone who disagreed with the verdict?
  5. In this case, you will be instructed to accept as true certain facts relating to Ms. Carroll and Mr. Trump, including that Mr. Trump defamed Ms. Carroll when he made statements denying that he had sexually assaulted her and accusing her of lying for political and financial purposes. That means that you cannot question those facts and must accept them as proven. Is there anyone who is unable or unwilling to follow that instruction?

We shared Carroll's proposed *voir dire* with Trump's counsel on December 18. Trump objects to questions 3-5 and makes the following counterproposal for questions 1-2:

1. Have any of you read or heard, through the media or otherwise, anything about the New York Attorney General's lawsuit against the Trump Organization alleging fraud in connection with real estate ventures that would make it difficult to put that aside and decide this case fairly and impartially to both sides based solely on the evidence you see and hear in this courtroom?
2. The same question for:
  - a. The Department of Justice's charges against Mr. Trump and others related to the handling of classified records;
  - b. The Department of Justice's charges against Mr. Trump and others relating to the 2020 Presidential Election;
  - c. The Fulton County, Georgia District Attorney's charges against Mr. Trump and others relating to the 2020 Presidential Election;

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- d. The Manhattan District Attorney's charges against Mr. Trump relating to the alleged falsification of business records.

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In addition, in light of the Court's prior request for a proposed preliminary instruction relating to the collateral estoppel effect of *Carroll II*, see ECF 226, 234, we are attaching for the Court's reference the preliminary instruction that Judge Howell gave in *Freeman v. Giuliani*, No. 21 Civ. 3354 (D.D.C.), a similar damages-only trial. See Ex. A.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record (via ECF)