

# Inner City Press

May 3, 2023

Hon. Lewis A. Kaplan, United States District Judge  
Southern District of New York, 500 Pearl Street, New York, NY 10007

Re: Press Application to for access to exhibits in Carroll v. Trump, 22-cv-10016 (LAK) and/or to intervene, if deemed necessary

Dear Judge Kaplan:

Earlier this morning in the above-captioned case the Court said that any request for public and press access to exhibits should be provided to counsel for the parties for their response. This is being cc-ed to each side's counsel.

Inner City Press and others have been covering this case involving a former President of the United States being sued for battery / sexual assault as well as defamation.

The exhibits, as well as the still-sealed motions and briefs, are of public interest. The motions and briefs should be docketed and redacted only as strictly necessary; a copy of any transcript of the referenced sealed April 27, 2023 proceeding should similarly be docketed, with any necessary redactions.

Exhibits can be provided in another way, in necessary. For example Judge Rakoff in this courthouse granted a similar Inner City Press request (admittedly in a criminal case):

"OPINION as to Ruben Weigand, Hamid Akhavan: 1. The Government must file an unredacted version of ECF No. 224 on the docket by 11:59 p.m. today [i.e., March 15]. 2. When an exhibit is received into evidence at trial in this action, the offering party must make the document accessible to the public and the press by no later than 11:59 p.m. the following day. All exhibits already in evidence must be made accessible to the public in accordance with the procedure stated immediately above by no later than 11:59 p.m. tomorrow (Signed by Judge Jed S. Rakoff on 4/1/2021) (See OPINION as set forth)(Inl) (Entered: 04/01/2021)"  
<https://www.courtlistener.com/docket/17048479/united-states-v-weigand/?page=2#entry-250>

Something like that should be done in this case.

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"Representatives of the press must be given an opportunity to be heard on the question of their exclusion from a court proceeding, and we have recognized a similar right of news media to intervene in this Court to seek unsealing of documents filed in a court proceeding." *Trump v. Deutsche Bank AG*, 940 F.2d 146, 150 (2d Cir. 2019).

See also, *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir 2006), and more recently, yes, *Giuffre v. Maxwell*, 325 F. Supp. 3d 428 (S.D.N.Y. 2018). Also, *In re Pineapple Antitrust Litig.*, No. 04 MD. 1628 RMB MHD, 2015 WL 5439090, at \*1 (S.D.N.Y. Aug. 10, 2015)

This is an application for this court to grant or if necessary schedule a hearing on this challenge to this proposed sealing, as SDNY Judges Hellerstein, Castel, Furman, Ramos and others have done. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> and *US v. Weigand*, 20-cr-188 (JSR), see Dkt. No. 250. See also Inner City Press' docketed request to unseal in *US v. Bankman Fried, et al.*, 22-cr-673 (LAK)

Because of the trial set to continue this week, leave is sought to make this application by letter filed on ECF.

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, and others as allowed will move this Court before Honorable Lewis A. Kaplan, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on making available the exhibits in this case sealing or unsealing of filings and transcript(s) in *Carroll v. Trump*, 22-cv-10016 (LAK).

On information and belief the Court will be receiving other media requests, beyond the hand-delivered letter we also signed on to; they should all be considered, and consolidated.

Thank you for your attention.

Respectfully submitted,

/s/

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