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May 7, 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*, 22 Civ. 10016 (LAK)

Dear Judge Kaplan:

We write on behalf of Plaintiff E. Jean Carroll to update the Court about the two statements that Defendant Donald J. Trump made about this case on Truth Social on April 26, 2023, the second day of trial in this action.

We flagged these posts to Your Honor as soon as we learned of them, raising our concern that Mr. Trump was improperly making extrajudicial statements about inadmissible and prejudicial evidence. *See* Trial Tr. at 106–112, 240. Your Honor acknowledged this concern, stating that Mr. Trump seemed to be “basically endeavoring certainly to speak to his ‘public,’ but, more troublesome, to the jury in this case about stuff that has no business being spoken about.” *Id.* at 109; *see also id.* at 111 (statement “seems highly inappropriate”). The next day, Mr. Trump’s counsel reported that he had spoken with his client about the posts. He represented that the posts would be taken down in short order.¹

To be clear, we have no doubt that Mr. Tacopina spoke to his client about this and sincerely believed that the posts would be taken down. Unfortunately, the posts remain available on Truth Social as of the time of this filing. *See* Exs. A, B (Truth Social posts as of May 7, 2023). For the reasons previously stated, we continue to object to Mr. Trump’s public statements about evidence the Court held to be inadmissible at trial and remain concerned about the prejudice that his statements may have already caused Plaintiff in these proceedings.

¹ While Mr. Trump has not discussed the trial on his Truth Social account since April 26, he has spoken with reporters about the case, stating, among other things, that he planned “to go back [to New York] and ... confront [Carroll]. This woman is a disgrace.” Shawn Pogatchnik, *Trump Vows ‘to Confront’ Rape Accuser From Golf Course in Ireland*, Politico (May 4, 2023), <https://www.politico.eu/article/donald-trump-vows-confront-rape-accuser-golf-course-ireland/>.

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2

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record