

# Inner City Press

May 7, 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:

On May 4, 2023 the Court directed the parties in the above-captioned case to file their response(s) to the Press about making exhibits available by May 5 at noon. The Press was to reply by May 7 at 5 pm.

Neither party filed by noon on May 5. On May 4, plaintiff's counsel made some but not all exhibits available by DropBox, each labeled PX. No Defense Exhibits have been made available to the Press.

Hence pursuant to the Court's May 4, 2023 Minute Order, this short reply / filing, on ECF and also e-mailed to the parties.

While during the trial defense counsel proffered and introduced a number of Defense Exhibits, none were included in what has been made available by plaintiff's counsel on DropBox, which consists of: PX 1, 4, 11, 12, 13, 14, 15, 16, 19, 22, 24, 45, 46, 48, 51, 53, 57, 108, 108-T, 112, 112-T, 121 and 200 (deposition of defendant, 48 minutes). No DX of any kind.

Our May 4 request was for both parties' exhibits, as well as the sealed motions we now understand will be docketed upon jury verdict in this case. So this filing seeks an order making all of the Defendant's Exhibit public.

These include but are not limited to: Defendant's exhibit AA, introduced by Mr. Seigel describing Ms. Carroll saying that Les Moonves graphically sexually assaulted her on an elevator, 162 of the transcript, lines 12 through 17;

Defense Exhibit AY, introduced by Mr. Tacopina, described as a spreadsheet by Cande Carroll; also Defense Exhibit BS; Defense Exhibit BT (it was unclear if it involved pages 21, or 23, or 31);

Defense Exhibit AJ, described as a text message involving Lisa Birnbach and Megan Twohey; Defense Exhibit ER, described as Carol Martin telling a friend

Inner City Press: In-house SDNY: Room 480, 500 Pearl Street, NY NY 10007  
E-mail: Matthew.Lee@innercitypress.com - Tel: 718-716-3540  
Regular Mail: Dag Hammarskjold Center, Box 20047, New York, NY 10017

that Ms. Carroll intended to sue Donald Trump for rape, that "it's gone to another level" and that for Ms. Carroll "this quest has become a life style."

As to seemingly not-yet-released Plaintiff's Exhibits, there appeared to be an Exhibit 52, in which a person referred to as Steph reportedly said, You're going to get hurt; Exhibit 31 and 31-T, Exhibit 17; these were not on DropBox.

These exhibits should be ordered released, including the Defense Exhibits. Again -- upon a verdict if not before - the sealed motions and briefs should be docketed and redacted only as strictly necessary; a copy of any transcript of the sealed April 27, 2023 proceeding should similarly be docketed, with any necessary redactions.

"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 *Giuffre v. Maxwell*, 325 F. Supp. 3d 428 (S.D.N.Y. 2018).

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 see Inner City Press' docketed request to unseal in *US v. Bankman Fried, et al.*, 22-cr-673 (LAK)

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 and sealed motions in *Carroll v. Trump*, 22-cv-10016 (LAK).

Thank you for your attention.

Respectfully submitted,

/s/

Matthew Russell Lee, Inner City Press

cc: counsel by ECF & [rkaplan@kaplanhecker.com](mailto:rkaplan@kaplanhecker.com), [info@tacopinalaw.com](mailto:info@tacopinalaw.com)