

tacopina seigel trial lawyers

TACOPINA SEIGEL & DEOREO

JOSEPH TACOPINA

EMAIL: jtacopina@tacopinalaw.com

www.tacopinalaw.com

275 Madison Avenue, 35th Floor

New York, NY 10016

Telephone (212) 227-8877

Facsimile (212) 619-1028

February 21, 2023

FILED BY ECF

Hon. 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) (“Carroll II”)

Your Honor:

We write as counsel for Defendant Donald J. Trump to respectfully submit a brief reply in response to Plaintiff’s recent letter opposing our request for a two-week adjournment of the deadlines for the completion of expert discovery concerning Plaintiff’s alleged emotional injuries. Plaintiff opposes this request because (1) the Defense believed, during the February 7, 2023 conference with the Court, that Dr. Edgar Nace could conduct an IME and issue a report by February 28, 2023; (2) the Defense chose to use Doctors Ian Lamoureux and Jill Hayes in the place of Dr. Nace; (3) the Defense did not meet and confer regarding scheduling due to the unavailability of Doctors Lamoureux and Hayes for an IME on Wednesday February 22, 2023; (4) Plaintiff was surprised by Dr. Lamoureux’s sudden withdrawal from the case after the parties had been communicating on Saturday concerning the logistics of the IME; and (5) Plaintiff is purportedly prejudiced by a two-week adjournment. We respectfully submit that Plaintiff’s reasons for opposing the requested adjournment lack merit.

First, as to Dr. Nace’s availability and the hiring of new experts, during the February 7, 2023 conference before Your Honor, we did believe that Dr. Nace could complete the IME and issue an expert report by February 28th. However, Dr. Nace subsequently informed the Defense that he could not make those deadlines. Therefore, the Defense had no choice but to find new expert(s) for the IME and expert report, which is what we did. Indeed, due to the unique circumstances of this case and the very tight window in which expert discovery must be completed, this was extremely difficult and it took some time to find and hire Doctors Lamoureux and Hayes.

TACOPINA SEIGEL & DEOREO


Second, as to Plaintiff's surprise that Doctors Lamoureux and Hayes withdrew from the case at such a late stage of this expedited expert discovery schedule with a "highly unusual formal letter," the Defense was even more surprised. As of Saturday afternoon, Dr. Lamoureux confirmed that he and Dr. Hayes were ready, willing and able to complete the IME and expert report all by February 28th. We were utterly shocked that he sent such a letter at 10:16 pm Sunday night.

Third, with regard to the unavailability of Doctors Lamoureux and Hayes to conduct the IME on February 22nd, we only learned that Saturday afternoon, and regardless, Dr. Lamoureux thereafter confirmed that he was still able to meet the current deadlines. It was not until late Sunday night that Dr. Lamoureux sent us the withdrawal letter.

Fourth, as to Plaintiff's purported prejudice, all that her counsel claims is that they will have less time to complete expert discovery and a potential motion in limine as to Plaintiff's alleged emotional injuries. However, even with a two-week adjournment, the Defense and its expert(s) will have far less time than Plaintiff's expert had to evaluate Plaintiff and issue an expert report. Furthermore, the scheduling deadlines of this case have always been expedited, and counsel for both sides have been so far meeting those deadlines. We see no reason why those deadlines cannot be met even if the two-week adjournment request for the Defense's expert report is granted.

We greatly appreciate the Court's consideration of this matter.

Respectfully submitted,



Joseph Tacopina

cc: All counsel by ECF