

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

MICHAEL A. SUSSMANN,

Defendant.

Case No. 1:21-cr-00582

**DEFENDANT'S PRELIMINARY
OBJECTIONS TO SPECIAL COUNSEL'S EXHIBIT LIST**

Defendant Michael A. Sussmann, by and through his counsel, hereby provides his preliminary objections to the Special Counsel's exhibit list, attached hereto as Exhibit A.

The defense has reviewed the Special Counsel's proposed exhibits in good faith and raised objections to the extent possible. However, without the benefit of context and without knowing the purpose for which the Special Counsel intends to introduce its proposed exhibits, Mr. Sussmann cannot identify all possible objections he may have. For example, in many cases, it is impossible from the face of a document to determine whether the Special Counsel intends to offer it for the truth of statements in the document, or whether the document may be admissible for a non-hearsay purpose or fit within a hearsay exception. Mr. Sussmann accordingly reserves his right to object to any exhibit offered by the Special Counsel at trial. This includes the right to object to any hearsay statement that the Special Counsel offers for the truth of the matter asserted.

Similarly, without knowing how the Special Counsel plans to use or seek admission of the exhibits, Mr. Sussmann cannot anticipate at this time deficiencies in foundation for admission of any of the exhibits. Should the Special Counsel fail to lay a proper foundation at trial for admission

of any exhibit, Mr. Sussmann reserves the right to object. As to all of the Special Counsel's exhibits, Mr. Sussmann reserves all rights and waives none.

Dated: May 5, 2022

Respectfully submitted,

/s/Sean M. Berkowitz

Sean M. Berkowitz (*pro hac vice*)
LATHAM & WATKINS LLP
330 North Wabash Avenue
Suite 2800
Chicago, IL 60611
Tel: (312) 876-7700
Fax: (312) 993-9767
Email: sean.berkowitz@lw.com

Michael Bosworth (*pro hac vice*)
LATHAM & WATKINS LLP
1271 Avenue of the Americas
New York, NY 10020
Tel: (212) 906-1200
Fax: (212) 751-4864
Email: michael.bosworth@lw.com

Natalie Hardwick Rao (D.C. Bar # 1009542)
Catherine J. Yao (D.C. Bar # 1049138)
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004
Tel: (202) 637-2200
Fax: (202) 637-2201
Email: natalie.rao@lw.com
Email: catherine.yao@lw.com