

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

IN RE: )  
SPECIAL PURPOSE GRAND JURY ) 2022-EX-000024  
)  
) Judge Robert C.I. McBurney  
)  
)

**RUDOLPH WILLIAM LOUIS GIULIANI'S EMERGENCY MOTION TO  
CONTINUE HEARING/GRAND JURY APPEARANCE  
PURSUANT TO O.C.G.A § 24-13-26**

COMES NOW, Rudolph William Louis Giuliani, by and through counsel, William H. Thomas, Jr. and pursuant to O.C.G.A. § 24-13-26, moves this court for a continuance of his scheduled Grand Jury Appearance on August 9, 2022. In support of his request for continuance, Mr. Giuliani shows as follows.

**Introduction and Statement of Facts**

(1)

In January of 2022, the Fulton County District Attorney requested that the Superior Court of Fulton County empanel a Special Purpose Grand Jury for the purpose of investigating "possible criminal disruptions" with respect to the State of Georgia's administration of elections in 2020, including the State's Election of the President of the United States. (See Exhibit A Letter Dated January 20, 2022, from Fulton County District Attorney Fani Willis to Fulton County Superior Court Chief Judge Christopher S. Brasher). On January 24, 2022, the court granted that request. See Exhibit B.

(2)

On July 5, 2022 the Fulton County District Attorney, pursuant to O.C.G.A. § 24-13-90 et seq, sought to compel the attendance and testimony of Rudolph William Louis Giuliani before the Special Purpose Grand Jury. See Exhibit C.

(3)

On July 11, 2022, the New York Supreme Court issued an order to Mr. Giuliani, directing him to appear on July 13, 2022 before the New York Supreme Court, to address, or otherwise challenge, the request that he appear before the Special Purpose Grand Jury. See Exhibit. D.

Mr. Giuliani received notice/service on July 12, 2022, while recovering from a medical procedure, and set it aside until the next morning without looking at the date. When he reviewed it the next morning, he realized that he had missed the court date. Mr. Giuliani contacted the prosecutor handling the matter and was told he had a court date in Atlanta on August 9, 2022. See Exhibit E.

(4)

On or about August 2, 2022, Mr. Giuliani's New York counsel made the request to the Fulton County District Attorney's Office that his appearance before the Grand Jury be continued due to his inability to travel based on his recent medical procedure. See Exhibits F thru J. A doctor's note accompanied said request. Id. That request was rejected based on information the District Attorney's Office had obtained that indicated Mr. Giuliani had traveled since the referenced medical procedure. Id. In fact, Mr. Giuliani had traveled from New York to New Hampshire *by a private car in which he was the passenger*

subsequent to his procedure. Mr. Giuliani's counsel provided clarification regarding his ability to travel in the form of a second note from his doctor. That note specified that it was air travel that he was not cleared for, but the District Attorney remained firm in their refusal to agree to a continuance. Id.

(5)

In addition to engaging the District Attorney in conversations regarding a continuance of the Grand Jury appearance, Mr. Giuliani, through New York counsel offered to appear before the Grand Jury via Zoom, or some other virtual process. It is important to note here that Mr. Giuliani is no way seeking to inappropriately delay, or obstruct these proceedings or avoid giving evidence or testimony that is not subject to some claim of privilege in this matter. Stated another way, he is and has been willing to cooperate in this matter subject to any ethical obligations that may preclude that cooperation. As evidence of his willingness to cooperate in this and other related matters Mr. Giuliani points out to the court that he has testified pursuant to a similar request. On May 20, 2022, Mr. Giuliani *appeared virtually* before the January 6th Congressional Committee, which is investigating related matters, and gave over 9 hours of testimony. See (<https://www.cnn.com/2022/05/20/politics/rudy-giuliani-january-6-committee/index.html>)(last visited on August 5, 2022). Mr. Giuliani is willing to do the same here under conditions that replicate a grand jury proceeding.<sup>1</sup>

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<sup>1</sup> Although no details of such testimony were discussed, Mr. Giuliani would be willing to do so, in a room, alone, but with ability to leave the room and consult with counsel as need be --- the exact same conditions that would be present during a Grand Jury proceeding.

## **Legal Argument**

(6)

O.C.G.A. § 24-13-26(b) authorizes this court to grant a continuance of the proceedings. It states in part, that “[t]he court may also in appropriate proceedings grant continuance of the proceeding.” Here, Mr. Giuliani requests a continuance of the proceeding until such time that he is medically cleared to fly to Atlanta and give testimony. Mr. Giuliani has made every effort to reasonably accommodate the District Attorney’s investigation but this has been to no avail. He has provided evidence of his medical condition which precludes him from traveling by air. He has requested that they agree to a continuance of this matter, or proceed virtually, or that he participate in an interview. All of these options have been rejected. Accordingly, this court should exercise its authority and grant Mr. Giuliani a continuance of his appearance before the Special Purpose Grand Jury.

## **Conclusion**

(7)

WHEREFORE, Mr. Giuliani prays that, this Court (1) stays his appearance before the Special Purpose Grand Jury on August 9, 2022; (2) hold a hearing on his motion to continue his appearance before the Special Purpose Grand Jury; and (3) grant a continuance of his appearance before the Special Purpose Grand Jury until such time that he is medically cleared to fly to Atlanta.

[Signature Page to Follow]



Dated: August 6, 2022.

Respectfully submitted,

*William H. Thomas Jr.*

William H. Thomas, Jr.  
Georgia Bar No. 706610  
THE W.H. THOMAS FIRM, LLC  
511 E. Paces Ferry Road  
Atlanta, GA 30305  
404-897-3523 (ofc)  
678-965-1781 (fax)

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

IN RE: )  
SPECIAL PURPOSE GRAND JURY ) 2022-EX-000024  
)  
) Judge Robert C.I. McBurney  
)  
)

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the following pleading:

**RUDOLPH WILLIAM LOUIS GIULIANI'S EMERGENCY MOTION TO  
CONTINUE HEARING/GRAND JURY APPEARANCE  
PURSUANT TO O.C.G.A § 24-13-26**

by statutory electronic service, on August 6, 2022, upon:

[REDACTED]  
Fani Willis, District Attorney  
Fulton County District Attorney's Office  
141 Pryor St. SW  
Atlanta, GA 30303

[REDACTED]  
Will Wooten  
Fulton County District Attorney's Office  
141 Pryor St. SW  
Atlanta, GA 30303

Respectfully submitted,

William H. Thomas, Jr.  
William H. Thomas Jr.  
Ga. Bar No. 706610

The W.H. Thomas Firm LLC  
511 E. Paces Ferry Road  
Atlanta, GA 30305  
404-897-3523(ofc)  
678-965-1781(fax)

# Exhibit A

I hereby certify that the foregoing  
paper is a true copy of the original  
thereof filed in my office.

1/20/22

OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY  
ATLANTA JUDICIAL CIRCUIT  
136 PRYOR STREET SW, 3RD FLOOR  
ATLANTA, GEORGIA 30303

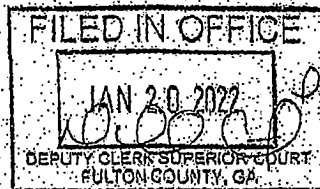
County Clerk and Clerk of  
Supreme Court, New York  
OFFICE OF THE CLERK OF  
TELEPHONE 404-612-4639

*Francis T. Willis*  
District Attorney



2022-EX-000017

The Honorable Christopher S. Brasher  
Chief Judge, Fulton County Superior Court  
Fulton County Courthouse  
185 Central Avenue SW, Suite T-8905  
Atlanta, Georgia 30303



January 20, 2022

Dear Chief Judge Brasher:

I hope this letter finds you well and in good spirits. Please be advised that the District Attorney's Office has received information indicating a reasonable probability that the State of Georgia's administration of elections in 2020, including the State's election of the President of the United States, was subject to possible criminal disruptions. Our office has also learned that individuals associated with these disruptions have contacted other agencies empowered to investigate this matter, including the Georgia Secretary of State, the Georgia Attorney General, and the United States Attorney's Office for the Northern District of Georgia, leaving this office as the sole agency with jurisdiction that is not a potential witness to conduct related to the matter. As a result, our office has opened an investigation into any coordinated attempts to unlawfully alter the outcome of the 2020 elections in this state.

We have made efforts to interview multiple witnesses and gather evidence, and a significant number of witnesses and prospective witnesses have refused to cooperate with the investigation absent a subpoena requiring their testimony. By way of example, Georgia Secretary of State Brad Raffensperger, an essential witness to the investigation, has indicated that he will not participate in an interview or otherwise offer evidence until he is presented with a subpoena by my office. Please see Exhibit A, attached to this letter.

Therefore, I am hereby requesting, as the elected District Attorney for Fulton County, pursuant to O.C.G.A. § 15-12-100 et. seq., that a special purpose grand jury be impaneled for the purpose of investigating the facts and circumstances relating directly or indirectly to possible attempts to disrupt the lawful administration of the 2020 elections in the State of Georgia. Specifically, a special purpose grand jury, which will not have the authority to return an indictment but may make recommendations concerning criminal prosecution as it shall see fit, is needed for three reasons: first, a special purpose grand jury can be impaneled by the Court for any time period required in order to accomplish its investigation, which will likely exceed a normal grand jury



term; second, the special purpose grand jury would be empowered to review this matter and this matter only, with an investigatory focus appropriate to the complexity of the facts and circumstances involved; and third, the sitting grand jury would not be required to attempt to address this matter in addition to their normal duties.

Additionally, I am requesting that, pursuant to O.C.G.A. § 15-12-101, a Fulton County Superior Court Judge be assigned to assist and supervise the special purpose grand jury in carrying out its investigation and duties.

I have attached a proposed order impaneling the special purpose grand jury for the consideration of the Court.

Respectfully,

  
Fani T. Willis

District Attorney, Atlanta Judicial Circuit

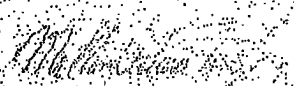
Exhibit A: Transcript of October 31, 2021 episode of *Meet the Press* on NBC News at 26:04  
(video archived at <https://www.youtube.com/watch?v=B71cBRPgt9k>)

Exhibit B: Proposed Order

cc:

The Honorable Kimberly M. Esmond Adams  
The Honorable Jane C. Barwick  
The Honorable Rachelle Carnesdale  
The Honorable Thomas A. Cox, Jr.  
The Honorable Eric Dunaway  
The Honorable Charles M. Eaton, Jr.  
The Honorable Belinda E. Edwards  
The Honorable Kelly Lee Ellerbe  
The Honorable Kevin M. Farmer  
The Honorable Ural Glanville  
The Honorable Shakura L. Ingram  
The Honorable Rachel R. Krause  
The Honorable Melynes Leftridge  
The Honorable Robert C.I. McBurney  
The Honorable Henry M. Newkirk  
The Honorable Emily K. Richardson  
The Honorable Craig L. Schwall, Sr.  
The Honorable Paige Reese Whitaker  
The Honorable Shermela J. Williams  
Fulton County Clerk of Superior Court Cathelene "Tina" Robinson

301 72 0000  
I hereby certify that the foregoing  
paper is a true copy of the original  
thereof, filed in my office.

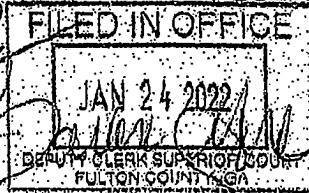
  
Cathelene "Tina" Robinson  
County Clerk and Clerk  
Superior Court, New York County  
OFFICIAL USE



# Exhibit B

IN THE SUPERIOR COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT  
STATE OF GEORGIA

IN RE: REQUEST FOR  
SPECIAL PURPOSE  
GRAND JURY



ORDER APPROVING REQUEST FOR SPECIAL PURPOSE  
GRAND JURY PURSUANT TO O.C.G.A. §15-12-100, et seq.

The District Attorney for the Atlanta Judicial Circuit submitted to the judges of the Superior Court of Fulton County a request to impanel a special purpose jury for the purposes set forth in that request. This request was considered and approved by a majority of the total number of the judges of this Court, as required by O.C.G.A. §15-12-100(b).

IT IS THEREFORE ORDERED that a special purpose grand jury be drawn and impaneled to serve as provided in O.C.G.A. § 15-12-62.1, 15-12-67, and 15-12-100, to commence on May 2, 2022, and continuing for a period not to exceed 12 months. Such period shall not include any time periods when the supervising judge determines that the special purpose grand jury cannot meet for safety or other reasons, or any time periods when normal court operations are suspended by order of the Supreme Court of Georgia or the Chief Judge of the Superior Court. The special purpose grand jury shall be authorized to investigate any and all facts and circumstances relating directly or indirectly to alleged violations of the laws of the State of Georgia, as set forth in the request of the District Attorney referenced herein above.

Pursuant to O.C.G.A. § 15-12-101(a), the Honorable Robert C. I. McBurney is hereby assigned to supervise and assist the special purpose grand jury, and shall charge said special purpose grand jury and receive its reports as provided by law.

DAVE  
I hereby certify that the foregoing  
paper is a true copy of the original  
hereof, filed in my office.

Robert C. I. McBurney  
CLERK OF SUPERIOR COURT  
FULTON COUNTY, GEORGIA

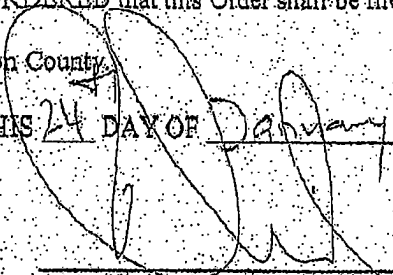


This authorization shall include the investigation of any overt acts or predicate acts relating to the subject of the special purpose grand jury's investigative purpose. The special purpose grand jury, when making its presentments and reports, pursuant to O.C.G.A. §§ 15-12-71 and 15-12-101, may make recommendations concerning criminal prosecution as it shall see fit. Furthermore, the provisions of O.C.G.A. § 15-12-83 shall apply.

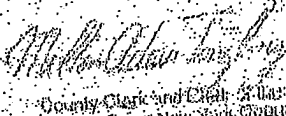
This Court also notes that the appointment of a special purpose grand jury will permit the time, efforts, and attention of the regular grand jury(ies) impaneled in this Circuit to continue to be devoted to the consideration of the backlog of criminal matters that has accumulated as a result of the COVID-19 Pandemic.

IT IS FURTHER ORDERED that this Order shall be filed in the Office of the Clerk of the Superior Court of Fulton County.

SO ORDERED, THIS 24 DAY OF January, 2022.

  
CHRISTOPHER S. BRASHER, CHIEF JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

DATE: Jan 27 2022  
I hereby certify that the foregoing paper is a true copy of the original thereof, filed in my office.

  
County Clerk and Clerk of the Superior Court  
Fulton County  
OFFICIAL USE

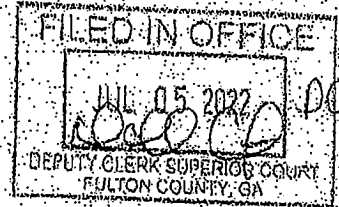




# Exhibit C

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA



IN RE: )
SPECIAL PURPOSE GRAND JURY ) 2022-EX-000024
)
) Judge Robert C. I. McBurney
)

CERTIFICATE OF MATERIAL WITNESS
PURSUANT TO UNIFORM ACT TO SECURE THE ATTENDANCE
OF WITNESSES FROM WITHOUT THE STATE,
CODIFIED IN THE STATE OF GEORGIA AS
O.C.G.A. § 24-13-90 ET SEQ.

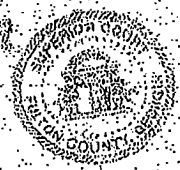
Upon the petition of Pani T. Willis, District Attorney, Atlanta Judicial Circuit, pursuant to the Uniform Act to Secure the Attendance of Witnesses from Without the State, codified at O.C.G.A. § 24-13-90 et seq., the Court issues the following Certificate under seal of this Court, and further says as follows:

- 1. A Special Purpose Grand Jury investigation commenced in Fulton County, Georgia, by order of this Court on May 2, 2022. See Order Impanelling Special Purpose Grand Jury Pursuant to O.C.G.A. § 15-12-100, et seq., "Exhibit A". The Special Purpose Grand Jury is authorized to investigate any and all facts and circumstances relating directly or indirectly to possible attempts to disrupt the lawful administration of the 2020 elections in the State of Georgia. See Letter Requesting Special Purpose Grand Jury, "Exhibit B".
2. Based on the representations made by the State in the attached "Petition for Certification of Need for Testimony Before Special Purpose Grand Jury Pursuant to O.C.G.A. § 24-13-90 et seq.", the Court finds that Rudolph William Louis Giuliani,

I hereby certify that the foregoing appears a true copy of the original thereof, filed in my office.

JUL 12 2022

Deputy Clerk Superior Court
Fulton County, Georgia



born May 28, 1944 (hereinafter, "the Witness"), is a necessary and material witness to the Special Purpose Grand Jury investigation. The Court further finds that the Witness currently resides at 45 E 56th Street, New York, NY 10065-6102.

3. Based on the representations made by the State in the attached "Petition for Certification of Need for Testimony Before Special Purpose Grand Jury Pursuant to O.C.G.A. § 24-13-90 et seq.", the Court further finds that the Witness was both a personal attorney for former President Donald Trump and a lead attorney for the Trump Campaign's legal efforts seeking to influence the results of the November 2020 election in Georgia and elsewhere. As part of those efforts, on December 3, 2020, the Witness and other individuals known to be associated with both him and the Trump Campaign appeared publicly before the Georgia State Senate at the Georgia State Capitol in Atlanta, Fulton County, Georgia. At that hearing, the Witness provided testimony, additional witnesses, and documentary evidence purporting to demonstrate the existence of election fraud in multiple Georgia counties during the administration of the November 2020 election. Among the evidence offered by the Witness was a video recording of election workers at State Farm Arena in Atlanta that purported to show election workers producing "suitcases" of unlawful ballots from unknown sources, outside the view of election poll watchers. Within 24 hours of the December 3, 2020, legislative hearing, the Georgia Secretary of State's Office debunked the State Farm video and explained that its investigation revealed no voter fraud of any kind had taken place at State Farm Arena. Despite this, the Witness made additional statements, both to the public and in subsequent legislative hearings, claiming widespread voter fraud in Georgia during the November 2020 election and

DATE: Jul 12 2023  
I hereby certify that the foregoing  
is a true copy of the original  
as recorded in my office.



using the now-debunked State Farm video in support of those statements. There is evidence that the Witness's appearance and testimony at the hearing was part of a multi-state, coordinated plan by the Trump Campaign to influence the results of the November 2020 election in Georgia and elsewhere.

4. Based on the representations made by the State in the attached "Petition for Certification of Need for Testimony Before Special Purpose Grand Jury Pursuant to O.C.G.A. § 24-13-90 et seq.", the Court further finds that the Witness, as both a personal attorney for former President Donald Trump and a lead attorney for the Trump Campaign's legal efforts seeking to influence the results of the November 2020 election in Georgia and elsewhere, is a necessary and material witness in this investigation. The Witness possesses unique knowledge concerning the acquisition of the State Farm video and the manner of its presentation to the Georgia State Senate as well as knowledge of the origin of numerous other claims of election fraud alleged in legal filings and to the public by the Witness, former President Trump, the Trump Campaign, and other known and unknown individuals. Additionally, the Witness possesses unique knowledge concerning communications between himself, former President Trump, the Trump Campaign, and other known and unknown individuals involved in the multi-state, coordinated efforts to influence the results of the November 2020 election in Georgia and elsewhere. Finally, the Witness's anticipated testimony is essential in that it is likely to reveal additional sources of information regarding the subject of this investigation.
5. The testimony of the Witness will not be cumulative of any other evidence in this matter.

I hereby certify  
under oath that this  
document filed in my

11/11/20

*[Signature]*

Court Clerk  
Superior Court



6. The Witness will be required to be in attendance and testify before the Special Purpose Grand Jury on July 12, 2022, and continuing through and until the conclusion of the Witness's testimony on or before August 31, 2022, at the Superior Court of Fulton County, Fulton County Courthouse, 136 Pryor Street, 3rd Floor, Atlanta, Georgia 30303.
7. The Office of the Fulton County District Attorney, in and for the State of Georgia, will pay all reasonable and necessary travel expenses and witness fees required to secure the Witness's attendance and testimony, in accordance with O.C.G.A. §24-13-90 et seq.
8. The Witness protection shall be given protection from arrest and from service of civil or criminal process, both within this State and in any other state through which the Witness may be required to pass in the ordinary course of travel, for any matters which arose before the Witness's entrance into this State and other states, while traveling to and from this Court for the purpose of testifying for this case.
9. The State of Georgia is a participant in a reciprocal program providing for the securing of witnesses to testify in foreign jurisdictions which likewise provide for such methods of securing witnesses to testify in their courts.
10. This Certificate is made for the purpose of being presented to a judge of the Supreme Court of New York, by the New York County District Attorney, or his duly authorized representative, who is proceeding at the request and on behalf of the Office of the Fulton County District Attorney to compel the Witness to be in attendance and testify before the Special Purpose Grand Jury on July 12, 2022, and continuing through and until the conclusion of the Witness's testimony on or before

DATE: *Jul 12 2022*  
I hereby certify that the foregoing  
is a true and correct copy of the original  
thereof, filed in my office.



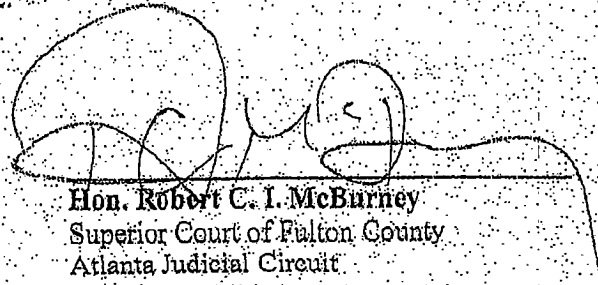
August 31, 2022, at the Superior Court of Fulton County, Fulton County Courthouse,

136 Pryor Street, 3rd Floor, Atlanta, Georgia 30303.

WITNESS MY HAND AND SEAL as a judge of the Superior Court of Fulton County,

Georgia,

This the 20<sup>th</sup> day of June, 2022.

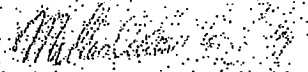


Hon. Robert C. I. McBurney  
Superior Court of Fulton County  
Atlanta Judicial Circuit  
State of Georgia

JUN 17 2022

DATE

I hereby certify that the foregoing  
paper is a true copy of all orders  
thereof, filed in my office.

  
County Clerk and  
Superior Court New York County  
OFFICIAL USE



# Exhibit D

301 7 2 2022

DATE  
The original certificate was filed in the  
paper 123-456789 in the  
thereof, filed in the office.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK, PART 52

X

*Michael J. ...*  
County Clerk and Clerk of  
Supreme Court New York County  
OFFICIAL SEAL

IN THE MATTER OF THE APPLICATION OF  
RANI T. WILLIS, DISTRICT ATTORNEY,  
ATLANTA JUDICIAL CIRCUIT, FULTON  
COUNTY, GEORGIA, FOR THE  
APPEARANCE OF RUDOLPH WILLIAM  
LOUIS GIULIANI, AS A MATERIAL WITNESS  
BEFORE THE SPECIAL PURPOSE GRAND  
JURY, SUPERIOR COURT OF FULTON  
COUNTY, ATLANTA JUDICIAL CIRCUIT,  
STATE OF GEORGIA.

ORDER TO SHOW  
CAUSE  
SCID# SMW-72787-22

X

TO: Rudolph William Louis Giuliani  
45 East 66<sup>th</sup> Street  
New York, New York 10065-6102

WHEREAS, there has been presented to me as a Justice of the Supreme Court, Part 52, State of New York, a Certificate to Secure the Attendance of Out-of-State Witnesses signed by the Honorable Christopher S. Brasher, Chief Judge of the Superior Court of Fulton County, Atlanta Judicial Circuit, State of Georgia, that a Special Purpose Grand Jury has been drawn and impaneled in said county, that Rudolph William Louis Giuliani is a necessary and material witness for the State of Georgia in said criminal proceeding; that the presence of Rudolph William Louis Giuliani will be required to be in attendance and testify before the Special Purpose Grand Jury commencing on July 12, 2022 and continuing through and until the conclusion of the Witness's testimony on or before August 31, 2022 and requesting that Rudolph William Louis Giuliani be ordered to appear and testify as a necessary and material witness pursuant to the attached Certificate from the Honorable Christopher S. Brasher, Chief Judge of the Superior Court of Fulton County, Atlanta Judicial Circuit, State of Georgia, a court of record.



**IT IS HEREBY ORDERED**, that Rudolph William Louis Giuliani appear before me at the New York State Supreme Court, Criminal Term, Part 63, 111 Centre Street, on the 13<sup>th</sup> day of July 2022 at 10:00 a.m. to show cause why a summons of this court should not be issued directing Rudolph William Louis Giuliani to appear and testify before the Special Purpose Grand Jury of the State of Georgia for the County of Fulton.

**IT IS FURTHER ORDERED**, that if Rudolph William Louis Giuliani, having been properly served with this Order to Show Cause, fails to appear before me at 10:00 a.m. on the 13<sup>th</sup> day of July, 2022 at Part 63, 111 Centre Street to show cause why a summons should not be issued as described, a final order will be issued by this Court which will direct Rudolph William Louis Giuliani to appear and testify before the Special Purpose Grand Jury in the Superior Court of the State of Georgia for the County of Fulton, from July 12, 2022, through August 31, 2022, and on any such other dates as the court there may order. To discuss this appearance further, contact District Attorney Fani T. Willis, Fulton County District Attorney's Office, 136 Pryor Street SW, Atlanta, Georgia, 30303 or Assistant District Attorney Lauren R. Angelo, New York County District Attorney's Office, One Hogan Place, New York, New York, 10013.

ENTERED as an order on this 11th day of July 2022.



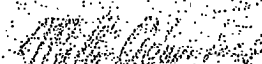
JUSTICE OF THE SUPREME COURT

HON. THOMAS FARBER

DATE

I hereby certify that the foregoing paper is a true copy of the original thereof, made in my office.

JUL 12 2022



CLERK and DEPUTY CLERK  
SUPREME COURT, FULTON COUNTY

# Exhibit E

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 52

DATE  
I hereby certify that the foregoing  
paper is a true copy of the original  
thereof, filed in my office.

JUL 13 2022

-----X

IN THE MATTER OF THE APPLICATION OF  
FANI T. WILLIS, DISTRICT ATTORNEY,  
ATLANTA JUDICIAL CIRCUIT, FULTON  
COUNTY, GEORGIA, FOR THE  
APPEARANCE OF RUDOLPH WILLIAM  
LOUIS GIULIANI, AS A MATERIAL WITNESS  
BEFORE THE SPECIAL PURPOSE GRAND  
JURY, SUPERIOR COURT OF FULTON  
COUNTY, ATLANTA JUDICIAL CIRCUIT,  
STATE OF GEORGIA.

*William Allan Tinsley*  
County Clerk and Clerk of the  
Supreme Court New York County  
OFFICIAL USE

**FINAL ORDER**

**SCID# SMW-72787-22**

-----X

**TO: Rudolph William Louis Giuliani  
45 East 66<sup>th</sup> Street  
New York, New York 10065-6102**

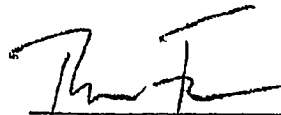
**WHEREAS**, there has been presented to me as a Justice of the Supreme Court, Part 52, State of New York, a Certificate to Secure the Attendance of Out-of-State Witnesses signed by the Honorable Christopher S. Brasher, Chief Judge of the Superior Court of Fulton County, Atlanta Judicial Circuit, State of Georgia, that a Special Purpose Grand Jury has been drawn and impaneled in said county, that Rudolph William Louis Giuliani is a necessary and material witness for the State of Georgia in said criminal proceeding, that the presence of Rudolph William Louis Giuliani will be required to be in attendance and testify before the Special Purpose Grand Jury commencing on July 12, 2022 and continuing through and until the conclusion of the Witness's testimony on or before August 31, 2022 and requesting that Rudolph William Louis Giuliani be ordered to appear and testify as a necessary and material witness pursuant to the attached Certificate from the Honorable Christopher S. Brasher, Chief Judge of the Superior Court of Fulton County, Atlanta Judicial Circuit, State of Georgia, a court of record.

**IT IS HEREBY ORDERED**, that Rudolph William Louis Giuliani, having been properly served with an Order to Show Cause and having failed to appear before me at 10:00 a.m. on the 13<sup>th</sup> day of July, 2022 at Part 63, 111 Centre Street to show cause why a summons should not be issued as described, a Final Order is hereby issued by this Court;

**THIS COURT** relying on the reciprocity between the State of Georgia and the State of New York pursuant to their mutual adoption of the Uniform Act to Secure Attendance of Witness Without the State in Criminal Cases, and being satisfied that the requested testimony of is material and necessary to the criminal proceeding and in the public interest;

**IT IS HEREBY ORDERED** that Rudolph William Louis Giuliani appear and testify before the Special Purpose Grand Jury in the Superior Court of the State of Georgia for the County of Fulton, on August 9, 2022, and on any such other dates as the court there may order.

**ENTERED** as an order on this 13th day of July 2022.



**JUSTICE OF THE SUPREME COURT**

**HON. THOMAS FARBER**

# Exhibit F

## Bill Thomas

---

**From:** Costello, Robert J. [REDACTED]  
**Sent:** Thursday, August 4, 2022 12:48 PM  
**To:** Bill Thomas  
**Subject:** Fwd: Rudolph Giuliani

Sent from my iPhone

Begin forwarded message:

**From:** "Costello, Robert J." [REDACTED]  
**Date:** August 2, 2022 at 12:28:12 PM EDT  
**To:** Will Wooten <will.wooten@fultoncountyga.gov>  
**Subject:** Rudolph Giuliani

Dear Mr. Wooten

Further to our telephone call of yesterday., I have now obtained a letter from Dr. Eric Neibart of Mt. Sinai Heart that Mr. Giuliani is not yet cleared to travel. Mayor Giuliani has a scheduled follow up visit with Dr. Neibart in two weeks time.

In light of this, we ask you to provide this letter to Eric Wade, the Special Prosecutor and convey to him our request to adjourn sine die, the August 9 appearance in Atlanta. If you believe it is necessary to obtain the consent of Justice Thomas Farber of the Supreme Court, New York County, we will take care of that, once we have your consent to the adjournment. We will revisit Mr. Giuliani's availability after his scheduled follow up visit.

Thank you for your consideration.

Very truly yours,  
Robert J. Costello  
Counsel for

Rudolph W. Giuliani



**Eric Neibart, MD**

1190 5<sup>th</sup> Avenue  
New York, NY 10029

tel: (212) 241-3459 Fax: (212) 241-4020 Email: [Eric.Neibart@mountsinai.org](mailto:Eric.Neibart@mountsinai.org)

8/2/2022

To Whom It May Concern,

Mr. Rudolph Giuliani has complex artery diagnosis and is s/p a recent invasive procedure.

He is not yet cleared for travel.

Feel free to reach out with any questions.

Sincerely,

Eric Neibart, MD

Sent from my iPhone

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\*\*\*\*\*

# Exhibit G



**Bill Thomas**

---

**From:** Costello, Robert J. [REDACTED]  
**Sent:** Thursday, August 4, 2022 12:49 PM  
**To:** Bill Thomas  
**Subject:** Fwd: Nathan Wade

Sent from my iPhone

Begin forwarded message:

**From:** "Costello, Robert J." [REDACTED]  
**Date:** August 2, 2022 at 1:59:47 PM EDT  
**To:** Will Wooten [REDACTED]  
**Subject:** Nathan Wade

Please remind Mr. Wade that I am waiting on his letter concerning Rudy Giuliani's request. Please ask him to specify the "travel" of Mr. Giuliani he discussed when he denied our request for an adjournment based upon the Doctor's note we provided.

Bob Costello

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\*\*\*\*\*

# Exhibit H

**Bill Thomas**

---

**From:** Costello, Robert J. [REDACTED]  
**Sent:** Thursday, August 4, 2022 12:49 PM  
**To:** Bill Thomas  
**Subject:** Fwd: Nathan Wade

Sent from my iPhone

Begin forwarded message:

**From:** "Costello, Robert J." [REDACTED]  
**Date:** August 2, 2022 at 2:20:51 PM EDT  
**To:** "Wooten, Will" [REDACTED]  
**Subject: Re: Nathan Wade**

Despite my request for specifics of your objection you continue to use nebulous terms. The trip to Atlanta requires air transportation and I am certain you do not have any contrary information about that. If you are unclear that we are talking about air transportation I will ask the doctor to make that clear to you.

Sent from my iPhone

On Aug 2, 2022, at 2:10 PM, Wooten, Will [REDACTED] wrote:

**CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST**

Mr. Costello,

I am following up on behalf of Mr. Wade. This is to memorialize our position that based on the information provided by you and information obtained through collateral sources, we do not consent to modify the order commanding Mr. Giuliani to appear in Fulton County on August 9, 2022, at 9:00 a.m. We have received information that your client has traveled out of state since his surgery, which is inconsistent with your position.

Best regards,

**Will Wooten (He/Him)**  
Deputy District Attorney  
White Collar Crime Unit  
DA's LGBTQ+ Advisory Committee Co-Chair

Fulton County District Attorney's Office  
136 Pryor Street SW  
Atlanta, GA 30303  
(404) 612-6560

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**From:** Costello, Robert J. [REDACTED]  
**Sent:** Tuesday, August 2, 2022 1:59 PM  
**To:** Wooten, Will [REDACTED]  
**Subject:** Nathan Wade

Please remind Mr. Wade that I am waiting on his letter concerning Rudy Giuliani's request. Please ask him to specify the "travel" of Mr. Giuliani he discussed when he denied our request for an adjournment based upon the Doctor's note we provided.  
Bob Costello

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\*\*\*\*\*

# Exhibit I

**Bill Thomas**

---

**From:** Costello, Robert J. [REDACTED]  
**Sent:** Thursday, August 4, 2022 12:48 PM  
**To:** Bill Thomas  
**Subject:** Fwd: Nathan Wade

Sent from my iPhone

Begin forwarded message:

**From:** "Wooten, Will" <[REDACTED]>  
**Date:** August 2, 2022 at 2:10:32 PM EDT  
**To:** "Costello, Robert J." [REDACTED]  
**Subject:** RE: Nathan Wade

**CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST**

Mr. Costello,

I am following up on behalf of Mr. Wade. This is to memorialize our position that based on the information provided by you and information obtained through collateral sources, we do not consent to modify the order commanding Mr. Giuliani to appear in Fulton County on August 9, 2022, at 9:00 a.m. We have received information that your client has traveled out of state since his surgery, which is inconsistent with your position.

Best regards,

**Will Wooten (He/Him)**  
Deputy District Attorney  
White Collar Crime Unit  
DA's LGBTQ+ Advisory Committee Co-Chair  
Fulton County District Attorney's Office  
136 Pryor Street SW  
Atlanta, GA 30303  
(404) 612-6560

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**From:** Costello, Robert J. [REDACTED]  
**Sent:** Tuesday, August 2, 2022 1:59 PM  
**To:** Wooten, Will [REDACTED]  
**Subject:** Nathan Wade

Please remind Mr. Wade that I am waiting on his letter concerning Rudy Giuliani's request. Please ask him to specify the "travel" of Mr. Giuliani he discussed when he denied our request for an adjournment based upon the Doctor's note we provided.  
Bob Costello

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\*\*\*\*\*

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\*\*\*\*\*

# Exhibit J

**Bill Thomas**

---

**From:** Costello, Robert J. <[REDACTED]>  
**Sent:** Thursday, August 4, 2022 12:49 PM  
**To:** Bill Thomas  
**Subject:** Fwd: Giuliani  
**Attachments:** [Untitled].pdf

Sent from my iPhone

Begin forwarded message:

**From:** "Costello, Robert J." <[REDACTED]>  
**Date:** August 2, 2022 at 4:05:28 PM EDT  
**To:** Will Wooten <[REDACTED]>  
**Subject:** Giuliani

Mr. Wooten,

Here is the latest letter from Dr. Neibart which specifies no air travel. I am certain you have no contrary evidence as you have offered none. If you are still uncertain please note Dr. Neibart has invited your office to reach out with any questions.

Let me have your earliest response.

Robert J. Costello

Sent from my iPhone

**IMPORTANT NOTICE:**Beware of Cyber Fraud. You should never wire money to any bank account that our office provides to you via email without first speaking with our office. Further,do not accept emailed wiring instructions from anyone else without voice verification from a known employee of our office. Even if an email looks like it has come from this office or someone involved in your transaction. Please call us first at a number you know to be correct for this office to verify the information before wiring any money. Be particularly wary of any request to change wiring instructions you already received.

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\*\*\*\*\*



**Eric Neibart, MD**

1190 5<sup>th</sup> Avenue  
New York, NY 10029

8/2/2022

To Whom It May Concern,

Mr. Rudolph Giuliani has complex artery diagnosis and is s/p a recent invasive procedure.

He is not yet cleared for air travel. Will reevaluate in 4 weeks.

Feel free to reach out with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Eric Neibart", written over a horizontal line.

Eric Neibart, MD

# Exhibit K

THE W.H. THOMAS FIRM, LLC  
511 EAST PACES FERRY ROAD NE  
ATLANTA, GEORGIA 30305  
Tel: (404) 897-3523 Fax: (678) 965-1781  
*www.whthomasfirm.com*

William H. Thomas Jr.  
Admitted in Georgia  
and California (Inactive)

August 5, 2022

[REDACTED]  
Fani Willis, District Attorney  
Fulton County District Attorney's Office  
141 Pryor St. SW  
Atlanta, GA 30303

[REDACTED]  
Will Wooten  
Deputy District Attorney  
Fulton County District Attorney's Office  
141 Pryor St. SW  
Atlanta, GA 30303

Mr. Nathan Wade – Special Prosecutor  
1827 Powers Ferry Road SE  
Building 23  
Atlanta, GA 30339

Re: In Re Special Purpose Grand Jury/ 2022-EX-000024  
Grand Jury Appearance of Rudolph William Louis Giuliani

Dear Ms. Willis, Mr. Wooten and Mr. Wade,

I am writing to discuss Mr. Giuliani's scheduled appearance before the Fulton County Special Purpose Grand Jury on August 9, 2022. I had hoped to discuss this matter with Mr. Wade, but I never heard back from him as promised. First and foremost, I would like to confirm Mr. Giuliani's status with respect to this investigation. That is whether or not he is a target of your investigation. Secondly, I had hoped we could come to some reasonable accommodation regarding his appearance ---- assuming that he is not a target of your investigation ---- given Mr. Giuliani's medical condition and the fact that he has not been cleared to fly by his doctor. Obviously if Mr. Giuliani is a target of the investigation, the parties would have to have other discussions regarding his appearance before the Grand Jury at any time.

I understand that there have been previous discussions with Mr. Giuliani's New York counsel about a continuance or an alternative to his appearing, but there was no meeting of the

**W.H. THOMAS FIRM, LLC | 511 East Paces Ferry Road NE  
Atlanta, Georgia 30305**



minds on a continuance or a reasonable alternative. I had hoped to inquire of Mr. Wade whether your office would agree to conduct a voluntary interview with Mr. Giuliani in lieu of his Grand Jury appearance. I am available anytime this week-end to discuss these matters but given that I have not heard back from your office, I feel the need to seek a continuance of this matter with Judge McBurney. Should we reach some accord over the week-end I will inform Judge McBurney that the parties have resolved this matter amongst themselves. Please feel free to reach out to me at your convenience. I look forward to hearing from you and hope that we are able to reach a mutually agreeable solution to this matter.

Sincerely,

The W.H. Thomas Firm, LLC

*William H. Thomas Jr.*

William H. Thomas, Jr.