

tacopina seigel trial lawyers

TACOPINA SEIGEL & DEOREO

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April 19, 2023

The Honorable Lewis A. Kaplan
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *E. Jean Carroll v. Donald J. Trump*, 22-cv-10016 (LAK)

Your Honor:

In light of the Court's Order requesting counsel to advise whether their respective clients intend to be present throughout the trial, we think it necessary to bring the following concern to Your Honor's attention given the unique status of our client, Defendant Donald J. Trump ("Trump"), as a former president.

Specifically, as counsel who appeared with Defendant Trump during his recent arraignment in New York Supreme Court, in *People v. Trump*, Indictment No. 7145/2023, I have personal knowledge of the logistical burdens associated with his appearance in a courtroom, much of which was witnessed during televised broadcasts. As a former president, the defendant was always accompanied by approximately a dozen secret service agents, the FDR Drive was shut down for a significant amount of time while he traveled to the courthouse, the courthouse itself was frozen while he was present, and the streets, within a three block radius of the courthouse, were blocked off while he was there. Defendant Trump's appearance in the Southern District of New York in connection with this matter would result in similar logistical and financial burdens upon New York City, its residents, and the Court itself. With respect to the latter, in order for Defendant Trump to appear, his movement would need to be coordinated preliminarily by a Secret Service advance team hours beforehand each day that he is present, so that a tactical plan may be developed. As part of that plan, according to Secret Service, courthouse floors would need to be locked down, elevators shut down, courthouse personnel confined to their offices, and members of the public restricted from the area.

Although Defendant Trump wishes to appear at trial, in order to avoid the burdens outlined above, if he does not do so, we respectfully request that the Court issue to the jury the following preliminary instruction: "While no litigant is required to appear at a civil trial, the absence of the defendant in this matter, by design, avoids the logistical burdens that his presence, as the former president, would cause the courthouse and New York City. Accordingly, his presence is excused unless and until he is called by either party to testify."

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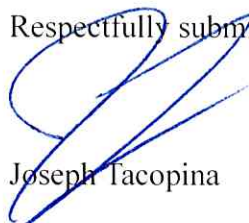
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Your consideration is greatly appreciated.

Respectfully submitted,



Joseph Tacopina

cc: All Counsel (By ECF)