

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION IN SUPPORT OF
PEOPLE'S OPPOSITION TO
DEFENDANT'S MOTION TO
DISMISS AND FOR AN
ADJOURNMENT

Ind. No. 71543-23

Matthew Colangelo, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office. I am assigned to the prosecution of the above-captioned case and am familiar with the facts and circumstances underlying the case.

2. I make this affirmation on information and belief, the sources of which are my involvement in the investigation, a review of documents within the files of the Office, conversations with knowledgeable individuals, and other sources as noted herein. Dates and times in this affirmation are approximate, unless stated otherwise. Statements attributed to individuals are summaries of portions of such statements unless otherwise indicated.

I. Preservation and collection of records from Mark Pomerantz.

3. Mark Pomerantz is a former Special Assistant District Attorney at DANY who worked in this Office from approximately December 2020 to February 2022.

4. When Mr. Pomerantz resigned from the Office in February 2022, the Office requested that Mr. Pomerantz return to the Office all case- and investigation-related materials in his possession.

5. In March 2022, the Office sent Mr. Pomerantz a preservation notice in connection with the *People v. Trump Corporation* prosecution. That notice reminded Mr. Pomerantz of his “obligation to preserve and not destroy any communications or documents concerning the investigation or prosecution of the Trump Organization, Mr. Trump or Mr. Weisselberg.” Ex. 6. It further noted: “Given your professional obligations, and the representations you made to our Office upon your resignation related to the return of case-related materials, we expect that you have already provided us with such materials. However, in an abundance of caution, and in the event that you have additional communications or materials that you have not provided to us, we are hereby making you aware of defense counsel’s preservation request, as described above, and request that you provide any such additional communications and materials to us.” Ex. 6.

6. As part of our review of records in the People’s possession, custody, or control for discovery in this matter, the People reviewed all of Mr. Pomerantz’s case-related emails, electronic files, and hard copy records, and produced all discoverable information that we located.

7. In addition, on June 27, 2023, in the course of discovery in this case and before filing our certificate of compliance on July 24, 2023, the People wrote to Mr. Pomerantz through counsel to request that [REDACTED]
[REDACTED]
[REDACTED],” and requested that [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]” Ex. 7.

8. Counsel for Mr. Pomerantz provided a small number of discoverable materials in response which were included in the People's discovery production, including [REDACTED]

[REDACTED] That [REDACTED] was produced at DANYDJT00172025.

9. In the course of the People's quality control review before finalizing our July 24, 2023 production and certifying compliance, we identified [REDACTED]

[REDACTED] On Saturday, July 22, 2023, we contacted counsel for Mr. Pomerantz and asked that [REDACTED]

[REDACTED]. On Sunday, July 23,

2023, counsel located and produced [REDACTED] to the People. The [REDACTED] were included in the People's July 24 production at DANYDJT00175441-DANYDJT00175448.

10. On January 29, 2024, defense counsel asked the People about [REDACTED] the People had produced six months earlier that [REDACTED]

[REDACTED]. Ex. 8 at 4. Defense counsel advised that [REDACTED] itself was not in the People's

production and asked if the People could locate and produce it and any other related [REDACTED].
Id.

11. After searching the People's records, we determined that we did not possess [REDACTED]
[REDACTED] Because [REDACTED]

[REDACTED], we promptly contacted Mr. Pomerantz's counsel on February 2, 2024 and asked that he promptly work with his client to locate [REDACTED]. We also reiterated our

request that Mr. Pomerantz locate and produce any other discoverable [REDACTED] on any personal device.

12. On February 8, 2024, Mr. Pomerantz's counsel sent us [REDACTED] that are the subject of defendant's motion. Mr. Pomerantz's counsel also produced [REDACTED] [REDACTED], whether discoverable or not. Mr. Pomerantz's counsel represented that in reviewing records in his possession for discoverable documents in June 2023 and July 2023, Mr. Pomerantz had inadvertently overlooked [REDACTED] despite otherwise searching for, and locating, [REDACTED]

13. The People applied redactions solely to protect [REDACTED] [REDACTED]; produced [REDACTED] in a supplemental discovery production less than 24 hours later, on February 9; and explained in the transmittal correspondence that we "redacted only references to [REDACTED] [REDACTED] Ex. 8 at 1. In producing [REDACTED] [REDACTED] to the defense, we noted that the production exceeded our discovery obligations because it included [REDACTED] that were not discoverable; and that the remaining [REDACTED] referred to information that was previously disclosed, either verbatim or in substance.

14. The People also asked Mr. Pomerantz through counsel to conduct another search of his phone and confirm, again, that he had no communications with any witness or attorney for a witness related to the subject matter of this case that had not previously been located and produced. The People asked specifically that Mr. Pomerantz search for [REDACTED] [REDACTED]. On February 11, 2024, counsel represented to the People that Mr. Pomerantz had performed such a search and confirmed that he had no other discoverable text messages in his possession.

15. On March 13, 2024, [REDACTED], provided us with [REDACTED]

[REDACTED]. The total number of [REDACTED] provided was 12, though some do not contain discoverable material. The People promptly produced those [REDACTED] to the defense the same day we received them, March 13, 2024, redacting only a single reference to a [REDACTED]

16. The next day, on March 14, I contacted Mr. Pomerantz's counsel by telephone and email, and asked him to determine why those text messages were not included in the materials Mr. Pomerantz previously provided to the People.

17. On March 16, 2024, Mr. Pomerantz's counsel advised me that Mr. Pomerantz did previously search his telephone for texts with Danya Perry in response to the People's requests; that his search did not locate the 2021 text messages because he used a search function to look for her number that did not retrieve those messages; and that in performing the search again in response to the People's request and using a different search function, he in fact located the messages on his phone. [REDACTED]

[REDACTED] The attached affidavit describes Mr. Pomerantz's prior search efforts and his understanding of why the text was not previously located despite search efforts. At my request, Mr. Pomerantz prepared an affirmation attesting to the facts herein described and including copies of the requested texts as Exhibit A to his affirmation.

II. The People's work product redactions.

18. The People's discovery productions included approximately 523 emails that we produced to defendant on July 24, 2023 after a comprehensive review of our records for potentially discoverable email communications. The People applied redactions to a subset of those emails for work product as permitted by CPL § 245.65, and where necessary to avoid disclosing the names of DANY staff members whose identity is protected from disclosure by the Court's May 8, 2023 Protective Order.

19. Six months later, on Saturday morning, January 27, 2024, defense counsel first contacted the People with a general question about those redactions. Ex. 8 at 8. The People responded in less than an hour and asked defense counsel to identify the Bates numbers of the records the defense wanted us to review. Ex. 8 at 7-8. Defense counsel responded by initially declining to identify any specific documents and instead pointed only to a production folder containing more than 500 records. Ex. 8 at 6-7.

20. The next day—on Sunday, January 28—the People reiterated our offer to review any records the defense would identify, and explained that in general our redactions in the entire discovery production were made only for work product or where authorized by the Court’s protective order. Ex. 8 at 5-6. We also noted that we had disclosed on several dozen occasions since May 2023 that we were redacting or withholding certain content on attorney work product grounds. Ex. 8 at 5-6 (listing the People’s approximately 28 prior disclosures of the basis for redactions in our discovery productions).

21. On Monday, January 29, the defense agreed to identify the documents that they believed raised specific concerns, and then raised a series of questions about 19 documents and asked for a response by Friday, February 2. Ex. 8 at 3-4. All of those questions related to documents the People had produced to the defense six months earlier, on July 24, 2023.

22. The People diligently began reviewing defense counsel’s questions about those 19 documents while also managing the demands of other pretrial and trial preparation steps for the February 15 hearing and the March 25 start of trial.

23. We re-reviewed each of the 19 documents and, in an email on February 2 (defendant’s requested deadline), confirmed that “all of the redactions fell into the two categories that we previously described (i.e., redactions of attorney work product or redactions consistent

with the Court’s protective order),” and provided four paragraphs of additional information about the redactions to disclose as much additional context as possible without revealing the substance of the underlying work product. Ex. 8 at 2.

24. Defendant did not respond to that email.

25. A few days later, on February 8, the Court emailed counsel an agenda for the February 15 hearing and expressly invited the parties to “please let me know by Tuesday the 13th whether there are any other issues you would like us to address on Thursday.”

26. Defendant did not respond to the Court’s email either.

27. Defendant did not raise this issue at the Court’s February 15 hearing, even though the People raised other discovery topics for the Court’s resolution.

28. On March 6, defendant sent a “notice of discovery violations” to the People on March 6, which asserted (among other things): “you have yet to adequately address the unauthorized redactions” to the DANY email production; and which demanded: “[w]e require a response by the end of the day on March 7, after which we will pursue judicial intervention and appropriate sanctions.”

III. The People’s production of [REDACTED]

29. Defendant’s March 8 motion is the first time defendant has raised any concern to the People about redactions to [REDACTED]
[REDACTED].

30. The People produced unredacted versions of the [REDACTED]
[REDACTED] to defendant on the same date and in the same production folder as [REDACTED]. See DANYDJT00000833-844 (redacted); DANYDJT00001103-1114 (unredacted); DANYDJT00000845-868 (redacted); DANYDJT00001115-1138 (unredacted); DANYDJT00088291-88307 (redacted); DANYDJT00001067-1083 (unredacted); DANYDJT00088308-88320 (redacted);

DANYDJT00001054-1066 (unredacted); DANYDJT00088321-88327 (redacted); DANYDJT00001084-1090 (unredacted).

31. The redactions on [REDACTED] existed on that document when the People received it from the federal government. Ex. 9. The People applied no redactions to that document.

IV. The People's response expert disclosure

32. On February 23, 2024, the People sought leave to extend to March 1, 2024, their deadline to identify a rebuttal expert in response to defendant's expert.

33. Defense counsel consented to the People's request for an extension to March 1. Ex. 10.

34. The People served their expert disclosures pursuant to CPL § 245.20(1)(f) on March 1, 2024. Those disclosures identified Adav Noti as the People's response expert.

35. Mr. Noti was initially retained by the People as a nontestifying, consulting expert on January 11, 2024. He was expressly not retained as a testifying expert and the People did not intend to designate him as a testifying expert until on or about February 29, 2024.

36. The People first asked Mr. Noti to consider serving as a testifying response expert on February 29, 2024. We reached agreement that he would do so on March 1, 2024; disclosed his potential testimony pursuant to CPL 245.20(1)(f) that day; and executed an Agreement memorializing that retention the following week, on March 8.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, the People respectfully request that the Court deny defendant's motions.

DATED: March 18, 2024

Respectfully submitted,

/s/ Matthew Colangelo
Matthew Colangelo
Assistant District Attorney

Ex. 6

From: [Hoffinger, Susan](#)
To: ["Mark Pomerantz"](#)
Cc: [Conroy, Christopher](#)
Subject: Preservation Notice
Date: Thursday, March 24, 2022 3:57:29 PM

Mark,

Defense counsel for Allen Weisselberg have informed us that the recent detailed reporting in the New York Times will be the subject of litigation and motion practice in the indicted tax case. Therefore, they have requested that we notify relevant parties of the obligation to preserve and not destroy any communications or documents concerning the investigation or prosecution of the Trump Organization, Mr. Trump or Mr. Weisselberg, including any communications with the press regarding the investigation or prosecution.

Given your professional obligations, and the representations you made to our Office upon your resignation related to the return of case-related materials, we expect that you have already provided us with any such materials. However, in an abundance of caution, and in the event that you have additional communications or materials that you have not provided to us, we are hereby making you aware of defense counsel's preservation request, as described above, and request that you provide any such additional communications and materials to us.

Thank you,

Susan Hoffinger

Executive Assistant DA

Chief, Investigation Division

New York County District Attorney's Office

1 Hogan Place, [REDACTED]

New York, NY 10013

[REDACTED]

[REDACTED]

Ex. 7



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000

June 27, 2023

VIA EMAIL

Mr. Theodore V. Wells
Paul, Weiss LLP
1285 Avenue of the Americas
New York, NY 10019
[REDACTED]

Re: People v. Donald J. Trump, Ind. No. 71543-23

Dear Mr. Wells:

I am one of the assistant district attorneys in the New York County District Attorney's Office ("DANY") currently assigned to the prosecution of the above-referenced case. I understand that you represent Mark Pomerantz, a former Special Assistant District Attorney in this office.

In service of the People's discovery obligations under CPL Article 245, we ask that your client conduct a diligent search of any personal accounts, devices, and files that may contain records relating to the subject matter of the *People v. Trump* prosecution, through the date of Mr. Pomerantz's resignation from DANY. To the extent your client has any records that relate to the subject matter of this case that were not already preserved on a DANY system, we ask that you promptly provide those records to our office. Such materials might include, but are not limited to, handwritten notes of conversations with witnesses, emails sent or received using a personal email account, and text messages sent or received on a personal phone.

Please feel free to reach out should you have any questions regarding the scope of the requested search.

Sincerely,

Katherine Ellis
Assistant District Attorney
[REDACTED]

cc: Roberto Finzi

Ex. 8

From: [Mangold, Rebecca](#)
To: ["Todd Blanche"; Hoffinger, Susan; Conroy, Christopher; Ellis, Katherine; \[REDACTED\]; Steinglass, Joshua; Colangelo, Matthew](#)
Cc: [Gedalia Stern; Susan Necheles \(gstern@necheleslaw.com\); Emil Boye; Stephen Weiss](#)
Subject: RE: People v. Trump, 71543-23
Date: Friday, February 9, 2024 4:03:44 PM
Attachments: [REDACTED]
[image001.png](#)
[image006.png](#)
[image003.png](#)
[image004.png](#)

Todd,

Following up on the email below, we are producing today [REDACTED], which we have also attached here. In an exercise of our discretion pursuant to the presumption of openness specified in CPL § 245.20(7), we went beyond our disclosure obligations under CPL § 245.20(1) and redacted only references to [REDACTED] from the text chain. We reiterate that the production of any information beyond our disclosure obligations does not constitute a waiver of our rights to withhold work product or material that is not the subject-matter of the case.

As you will see, the bulk of the attached [REDACTED] are purely administrative or otherwise not discoverable. There are also some references to information that was previously disclosed, either verbatim or in substance. For example, there are references to calls and meetings where the substance of the call or meeting was memorialized in another document that was previously produced. And there are references to requests for consideration by a potential witness, and discussions of potential promises, rewards and inducements made to a potential witness, that were memorialized elsewhere and previously disclosed. We have not identified any information that differs in nature from information that was previously disclosed.

We note that these materials were not in the People's actual possession until late in the day yesterday, despite good faith efforts and the exercise of due diligence in making reasonable inquiries to locate and collect these materials, including through multiple collections of potentially-discoverable information before the People's initial discovery deadline, which included the collection of text messages and other materials identified through our own quality-control review.

With this production, we believe that we have addressed all of your questions below. We remain available to discuss if you have any additional questions.

Becky

Rebecca G. Mangold
Assistant District Attorney
New York County District Attorney's Office
80 Centre Street, New York, NY 10013

From: Mangold, Rebecca [REDACTED]
Sent: Friday, February 2, 2024 5:22 PM
To: 'Todd Blanche' [REDACTED]; Hoffinger, Susan [REDACTED]
Conroy, Christopher [REDACTED]; Ellis, Katherine [REDACTED]
[REDACTED]; Steinglass, Joshua [REDACTED] Colangelo,
Matthew [REDACTED]
Cc: Gedalia Stern [REDACTED] Susan Necheles [REDACTED]
[REDACTED] Emil Bove <[REDACTED]>; Stephen Weiss
[REDACTED]
Subject: RE: People v. Trump, 71543-23

Todd,

We re-reviewed the redactions of the documents that you identified below and can confirm that all of the redactions fell into the two categories that we previously described (*i.e.*, redactions of attorney work product or redactions consistent with the Court's protective order). While we cannot describe the substance of the redacted information, we note the following for additional context:

- All of the redacted emails that you identified are purely internal communications among DANY / case team personnel about the case. If any part of an email chain contained external recipients, we left that portion unredacted.
- As you noted, certain internal case team emails contained statements reflecting the team's non-privileged communications with defense counsel (and other external parties). Where non-privileged communications were memorialized in an email chain that was otherwise work product protected, we disclosed those portions of the internal documents reflecting the team's non-privileged communications and redacted the surrounding work product communications.
- In a number of cases, in an exercise of our discretion pursuant to the presumption of openness specified in CPL § 245.20(7), we went beyond our disclosure obligations under CPL § 245.20(1) in unredacting information in the emails. We reiterate that the production of any such information does not constitute a waiver of any of our right to withhold work product under CPL § 245.65.
- Where the unredacted portion of an email referenced a discussion, call, or document relating to a witness, we separately produced the full notes of that discussion or call, and/or the underlying document, if applicable, although we withheld internal work product drafts of documents. With respect to your questions on Mr. Cohen and Mr. Pecker, we confirm that this included all promises, rewards and inducements made to potential witnesses, requests for consideration by potential witnesses, and copies of any documents relevant to a promise, reward or inducement, consistent with CPL § 245.20(1)(l).

We are still following up on your final question on DANYEMAIL00036, and will get back to you on that next week.

Becky

Rebecca G. Mangold
Assistant District Attorney
New York County District Attorney's Office
80 Centre Street, New York, NY 10013

From: Todd Blanche [REDACTED]
Sent: Monday, January 29, 2024 9:05 AM
To: Mangold, Rebecca [REDACTED]; Hoffinger, Susan [REDACTED]
Conroy, Christopher [REDACTED] Ellis, Katherine <[REDACTED]>
[REDACTED] Steinglass, Joshua <[REDACTED]> Colangelo,
Matthew [REDACTED]
Cc: Gedalia Stern [REDACTED]; Susan Necheles [REDACTED]
[REDACTED] Emil Bove [REDACTED]; Stephen Weiss
[REDACTED]
Subject: [EXTERNAL] RE: People v. Trump, 71543-23

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to phish@oti.nyc.gov as an attachment.

Becky,

Thank you for your detailed response. We are not asking the People to violate the Court's protective order nor are we asking the People to disclose privileged, work product communications that the law protects from disclosure. Our concern is that there are a series of redacted emails produced by the People where the redacted portions appear to contain material that should not have been redacted. Appreciating the effort you indicate below that the People went through prior to production, I highlight a few examples that gave rise to our concerns:

DANYEMAIL00013
DANYEMAIL00015
DANYEMAIL00016
DANYEMAIL00018
DANYEMAIL00036
DANYEMAIL00045
DANYEMAIL00053
DANYEMAIL00070
DANYEMAIL00130

DANYEMAIL00142
DANYEMAIL00153
DANYEMAIL00165
DANYEMAIL00166
DANYEMAIL00174
DANYEMAIL00186
DANYEMAIL00229
DANYEMAIL00343
DANYEMAIL00347
DANYEMAIL00370

Each of these emails have redactions that appear to include non-privileged communications with defense counsel. Obviously, we do not know what was redacted, which is why we asked that the People confirm the redactions were consistent with the law and, if not, to produce unredacted versions.

Many of the emails relate to [REDACTED]
[REDACTED]
[REDACTED] There are also emails regarding [REDACTED]
[REDACTED]
[REDACTED]. These communications are significant to our defense and possible cross examination of witnesses, and so we again request that the People confirm that the redactions are appropriate and, if not, to produce unredacted versions.

Separately, DANYEMAIL00036 shows that [REDACTED]
[REDACTED] We have not been able to locate the corresponding text message in discovery. We did, however, find a single text message and reply between them on the same day. So, unless we are missing it, it seems to us that there are responsive text messages from the People that have not been produced.

Thank you for your attention to these questions and issues,

Todd
Todd Blanche

Blanche Law
99 Wall Street
Suite 4460
New York NY, 10005
212-716-1250
<https://www.BlancheLaw.com>

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you

must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Blanche Law for any loss or damage arising in any way from its use.

From: Mangold, Rebecca <[REDACTED]>
Sent: Sunday, January 28, 2024 3:47 PM
To: Todd Blanche [REDACTED]; Hoffinger, Susan [REDACTED];
Conroy, Christopher [REDACTED]; Ellis, Katherine [REDACTED]
[REDACTED] Steinglass, Joshua [REDACTED] Colangelo,
Matthew [REDACTED]
Cc: Gedalia Stern [REDACTED] Susan Necheles [REDACTED]
[REDACTED]; Emil Bove [REDACTED] Stephen Weiss
[REDACTED]
Subject: RE: People v. Trump, 71543-23

Hi Todd,

As you know, we have always been happy to review our productions in response to any issues raised by the defense, and we are happy to accommodate defense counsel requests (like removing our standard-issue watermarks from the transcripts) out of professional courtesy, even where we are not obligated to do so.

In this case, we are happy to undertake a review, but we are not clear on what you are asking us to do. Your first email on Saturday morning identified a production folder from last July containing more than 500 records, but did not identify any specific documents or concerns. And in response to Susan's request that you point us to any concerns with that production, you not only declined to do so, but appeared to broaden your request to ask that we re-review all of the materials we have produced in discovery since last May.

If your request is for us to explain the grounds for the redactions again, we are happy to do that. As you correctly note, throughout our discovery productions, certain emails and documents in the "email review" production and elsewhere have been redacted. These redactions fall into two categories, which we have repeatedly disclosed since the beginning of discovery.

First, pursuant to CPL § 245.70 and the Court's May 8, 2023 Protective Order, we have redacted the names and identifying information of DANY personnel other than sworn members of law enforcement, assistant district attorneys, and expert or fact witnesses (other than summary witnesses). We have consistently disclosed in our production cover letters, including our letters dated June 8, June 15, July 24, July 27, August 3, August 11, August 24, September 22, September 28, October 13, October 27, December 1, December 21, 2023 and January 19, 2024, that some information may have been withheld as authorized by CPL § 245.70 and the Court's May 8, 2023 Protective Order. To date, defense counsel has not raised any issues with these types of redactions in discovery.

Second, we have redacted work product, pursuant to CPL § 245.65. In our June 8, 2023 protective order motion, we advised the Court and defense counsel that the production of internal emails required a review to identify and exclude work product. In addition, we have consistently stated in our production cover letters, including our letters dated June 8, June 15, July 24, July 27, August 3, August 11, August 24, September 22, September 28, October 13, October 27, December 1, December 21, 2023 and January 19, 2024, that we erred on the side of disclosing more than what was required under CPL § 245.20(1), but that such disclosure was not a waiver of “the People’s right to withhold work product under CPL 245.65”. And in the July 24, 2023 production cover letter that accompanied our “email review” production, we specifically noted that we were withholding certain information on work product grounds. Defense counsel has never raised an issue with any work product redactions until now.

Our team worked hard to ensure that any redactions we made were appropriate, and to our knowledge, all of the redactions in the productions were proper. If you have a basis to believe that any of the redactions was not proper, or if you have any specific concerns, we remain willing to review in response to issues that you identify. However, if you are raising for the first time an argument that the People may never exclude or redact work product from discovery, we disagree and do not think it is a valuable use of the Court’s time to litigate whether basic legal concepts like work product apply. Likewise, if you are declining to identify any records for our review and intend to seek the Court’s involvement on a general request that the People re-review every redacted document we have produced to defendant since last May, we again think that would be a poor use of the Court’s time. But in either instance, we are of course prepared to argue our position to the Court.

Best,

Becky

Rebecca G. Mangold
Assistant District Attorney
New York County District Attorney's Office
80 Centre Street, New York, NY 10013

From: Todd Blanche [REDACTED]
Sent: Saturday, January 27, 2024 6:40 PM
To: Hoffinger, Susan [REDACTED] Conroy, Christopher [REDACTED]
Ellis, Katherine [REDACTED] Mangold, Rebecca [REDACTED]
[REDACTED] Steinglass, Joshua [REDACTED] Colangelo,
Matthew [REDACTED] >
Cc: Gedalia Stern [REDACTED] Susan Necheles [REDACTED]
[REDACTED] Emil Bove <[REDACTED]> Stephen Weiss
[REDACTED]
Subject: [EXTERNAL] RE: People v. Trump, 71543-23

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to phish@oti.nyc.gov as an attachment.

Thanks Susan,

The folder we are generally referring to is titled: "email review" and there are numerous emails/documents that have been redacted, in what appears to be a violation of CPL 245.20(1). To the extent you are suggesting that it is a defendant's obligation to identify violations of CPL 245.20 by specific bates number, we disagree. It is the People's obligation to comply with its discovery obligations, not the defendant. We are also not limiting our request to the particular materials we have reviewed that contain inappropriate redactions, but point you to the folder titled "email review" by way of example of documents that are redacted without apparent justification. We believe it is the People's responsibility to produce discovery in compliance the rules, not our obligation to identify particular redacted documents that appear to violate the rules.

If you are not willing to undergo a review of the materials produced that contain inappropriate redactions without us providing a bates number, please let us know and we will ask the Court to intervene.

Thank you,
Todd

Todd Blanche

Blanche Law

99 Wall Street
Suite 4460
New York NY, 10005
212-716-1250

<https://www.BlancheLaw.com>

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Blanche Law for any loss or damage arising in any way from its use.

From: Hoffinger, Susan [REDACTED]
Sent: Saturday, January 27, 2024 11:25 AM
To: Todd Blanche <[REDACTED]>; Conroy, Christopher

[REDACTED] Ellis, Katherine [REDACTED] Mangold, Rebecca
[REDACTED]; Steinglass, Joshua
[REDACTED] Colangelo, Matthew [REDACTED]

Cc: Gedalia Stern [REDACTED]; Susan Necheles [REDACTED]
[REDACTED] Emil Bove [REDACTED]; Stephen Weiss
[REDACTED]

Subject: RE: People v. Trump, 71543-23

Todd,

Please identify by Bates number the specific records with redactions that you would like us to review.

Thanks, Susan

From: Todd Blanche <[REDACTED]>
Sent: Saturday, January 27, 2024 10:29 AM
To: Hoffinger, Susan [REDACTED]; Conroy, Christopher [REDACTED]
Ellis, Katherine [REDACTED] Mangold, Rebecca [REDACTED]
[REDACTED] Steinglass, Joshua [REDACTED] Colangelo,
Matthew [REDACTED]
Cc: Gedalia Stern [REDACTED]; Susan Necheles [REDACTED]
[REDACTED]; Emil Bove [REDACTED]; Stephen Weiss
[REDACTED]
Subject: [EXTERNAL] RE: People v. Trump, 71543-23

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to phish@oti.nyc.gov as an attachment.

Susan,

In connection with our continued review of the People's discovery, we identified internal DANY communications with substantial redactions. These include emails sent by Special ADA Mark Pomerantz, ADA Chris Conroy, and other members of the prosecution team (categorized in discovery as "Email Review") concerning witness statements and other investigative activities.

It appears that the redacted text in these communications is subject to your automatic discovery obligations under CPL 245.20(1). We ask that you provide unredacted copies of the communications as soon as possible, and no later than Friday, February 2.

Best regards,

Todd

Todd Blanche

Blanche Law

99 Wall Street

Suite 4460

New York NY, 10005

212-716-1250

<https://www.BlancheLaw.com>

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Blanche Law for any loss or damage arising in any way from its use.

From: Hoffinger, Susan [REDACTED]
Sent: Friday, January 19, 2024 12:39 PM
To: Todd Blanche [REDACTED] Conroy, Christopher
[REDACTED] Ellis, Katherine [REDACTED]; Mangold, Rebecca
[REDACTED]; [REDACTED]; Steinglass, Joshua
[REDACTED]; Colangelo, Matthew [REDACTED]
Cc: Gedalia Stern [REDACTED]; Susan Necheles [REDACTED]
[REDACTED]; Emil Bove [REDACTED]; Stephen Weiss
[REDACTED]
Subject: RE: People v. Trump, 71543-23

Todd,

Thank you for forwarding your proposed redactions, which we agree are appropriate.

In addition, please also redact ADA McCaw's direct telephone number from Exhibit 1 to your affirmation (attached and highlighted in yellow).

We also ask that you redact from page 5 of your motion papers the clause "[REDACTED]" (attached and highlighted in yellow) as that reflects the subject matter of interview reports, consistent with the May 8, 2023 Protective Order. Similarly, you appropriately redacted in the same paragraph the clause "[REDACTED]"

Please let us know if you agree to these two redactions or wish to discuss.

Thank you, Susan

Susan Hoffinger
Executive Assistant DA
New York County District Attorney's Office
1 Hogan Place, [REDACTED]
New York, NY 10013
[REDACTED]

From: Todd Blanche [REDACTED]
Sent: Wednesday, January 17, 2024 4:36 PM
To: Hoffinger, Susan [REDACTED]; Conroy, Christopher [REDACTED]
Ellis, Katherine [REDACTED]; Mangold, Rebecca [REDACTED]; [REDACTED]
[REDACTED] Steinglass, Joshua [REDACTED]
Cc: Gedalia Stern [REDACTED]; Susan Necheles [REDACTED]
[REDACTED]; Emil Bove [REDACTED]; Stephen Weiss
[REDACTED]
Subject: [EXTERNAL] FW: People v. Trump, 71543-23

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to phish@oti.nyc.gov as an attachment.

Please see attached our proposed redactions and let us know if you agree or if you have any questions.

Thank you,
Todd

Todd Blanche

Blanche Law

99 Wall Street
Suite 4460
New York NY, 10005
212-716-1250
<https://www.BlancheLaw.com>

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of

the recipient to ensure that it is virus free and no responsibility is accepted by Blanche Law for any loss or damage arising in any way from its use.

From: Todd Blanche

Sent: Wednesday, January 17, 2024 4:34 PM

To: Hon. Juan M. Merchan [REDACTED]; PART59 <[REDACTED]>; Stacy Villanueva [REDACTED]

Cc: Latoya B. Thomas [REDACTED]; Hoffinger, Susan [REDACTED]
Conroy, Christopher [REDACTED]; Ellis, Katherine [REDACTED] Mangold, Rebecca [REDACTED] Susan Necheles [REDACTED] Gedalia Stern

[REDACTED] Stephen Weiss [REDACTED]; Emil Bove [REDACTED] Steinglass, Joshua [REDACTED]

Subject: RE: People v. Trump, 71543-23

Dear Judge Merchan,

Please see attached motion to reargue with attached paperwork. Per the usual process, we will work with the People on an agreed-upon redacted version for the public file, and then serve the redacted motion on counsel for Mr. Cohen and file publicly.

Respectfully submitted,
Todd

Todd Blanche

Blanche Law

99 Wall Street

Suite 4460

New York NY, 10005

212-716-1250

<https://www.BlancheLaw.com>

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Blanche Law for any loss or damage arising in any way from its use.

From: Hon. Juan M. Merchan [REDACTED]

Sent: Monday, December 18, 2023 5:12 PM

To: Todd Blanche [REDACTED] Alexander Parachini

[REDACTED] PART59 [REDACTED] Stacy Villanueva

[REDACTED]; Hoffinger, Susan [REDACTED]

Ellis, Katherine [REDACTED] Mangold, Rebecca [REDACTED]; [REDACTED]
[REDACTED] Gedalia Stern
[REDACTED] Stephen Weiss [REDACTED]; Emil Bove
[REDACTED]
Cc: Danya Perry [REDACTED] Kimberly H. Fleming
[REDACTED] Latoya B. Thomas [REDACTED]
Subject: RE: People v. Trump, 71543-23

Good afternoon,

Please find attached this Court's Decision and Order on the People's Motion to quash the subpoena to Michael Cohen. A copy will be placed in the court file tomorrow morning. Thank you, JMM

Juan M. Merchan
Judge - Court of Claims
Acting Justice - Supreme Court, Criminal Term
Part 59 | Part 59M - Mental Health Court | Part 59V - Veteran's Treatment Court
100 Centre Street
New York, NY 10013
Chambers [REDACTED] | [REDACTED]

From: Todd Blanche [REDACTED]
Sent: Wednesday, December 6, 2023 12:19 PM
To: Alexander Parachini [REDACTED] Hon. Juan M. Merchan
[REDACTED]; PART59 [REDACTED]; Stacy Villanueva
[REDACTED] Hoffinger, Susan <[REDACTED]>
Ellis, Katherine [REDACTED] Mangold, Rebecca [REDACTED]
[REDACTED]; Gedalia Stern
[REDACTED] Stephen Weiss [REDACTED] Emil Bove
[REDACTED]
Cc: Danya Perry [REDACTED]; Kimberly H. Fleming
[REDACTED]
Subject: RE: People v. Trump, 71543-23

Danya and Alex,

Attached please find President Trump's opposition to the motions to quash (redacted). This will be filed on the public docket later today.

Thank you,
Todd

Todd Blanche

Blanche Law
99 Wall Street

Suite 4460
New York NY, 10005
212-716-1250
<https://www.BlancheLaw.com>

NOTE: The information in this email is confidential and may be legally privileged. If you are not the intended recipient, you must not read, use or disseminate the information; please advise the sender immediately by reply email and delete this message and any attachments without retaining a copy. Although this email and any attachments are believed to be free of any virus or other defect that may affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Blanche Law for any loss or damage arising in any way from its use.

From: Alexander Parachini [REDACTED]
Sent: Friday, November 17, 2023 12:59 PM
To: [REDACTED]; Hoffinger, Susan [REDACTED]
[REDACTED] Ellis, Katherine [REDACTED]; Mangold, Rebecca
[REDACTED] Todd Blanche
[REDACTED] Gedalia Stern
[REDACTED] Stephen Weiss [REDACTED]; Emil Bove
[REDACTED]
Cc: Danya Perry [REDACTED]; Kimberly H. Fleming
[REDACTED] >
Subject: People v. Trump, 71543-23

Dear Justice Merchan,

I write on behalf of E. Danya Perry, attorney for non-party Michael Cohen. Mr. Cohen respectfully submits the attached motion to quash Defendant Trump's subpoena to Mr. Cohen, with a supporting memorandum of law, affirmation of E. Danya Perry, and accompanying exhibit. Mr. Cohen will file a hard copy of this submission as instructed by the Court.

Respectfully submitted,
Alex Parachini

Alexander K. Parachini

Counsel | Perry Law

157 East 86th Street, New York, NY 10028

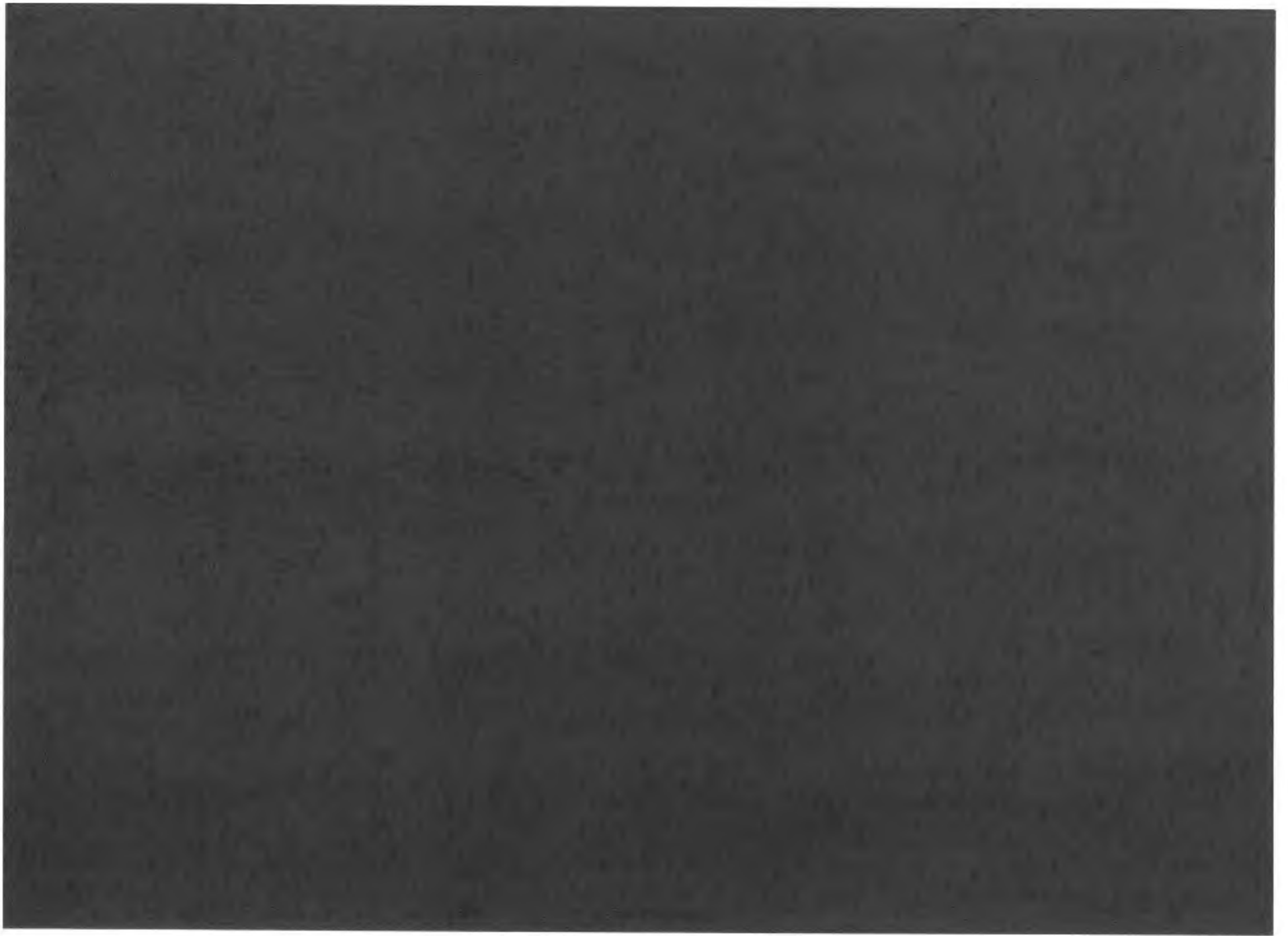
[REDACTED] cell [REDACTED] office
[REDACTED] email

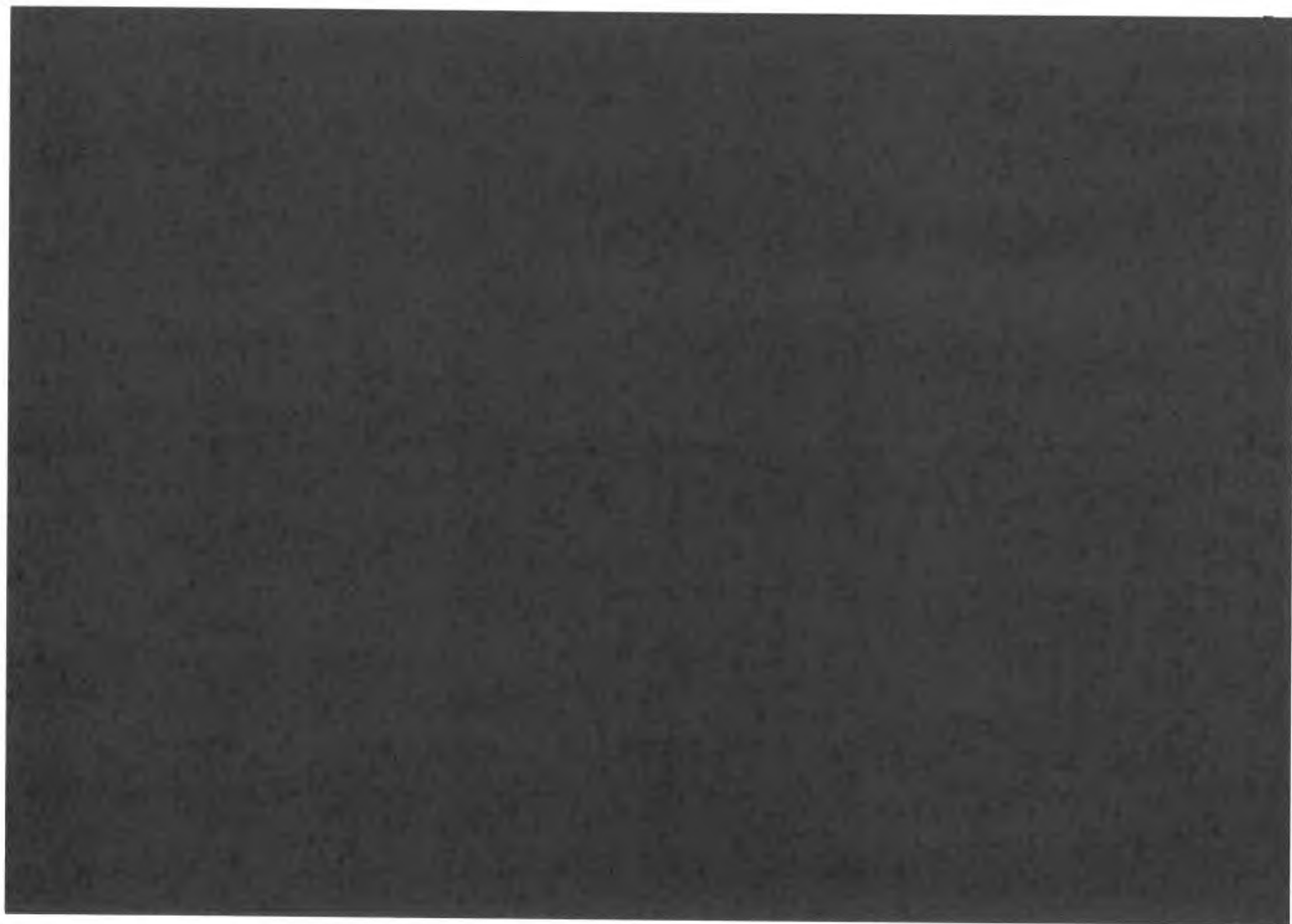
danyaperrylaw.com website

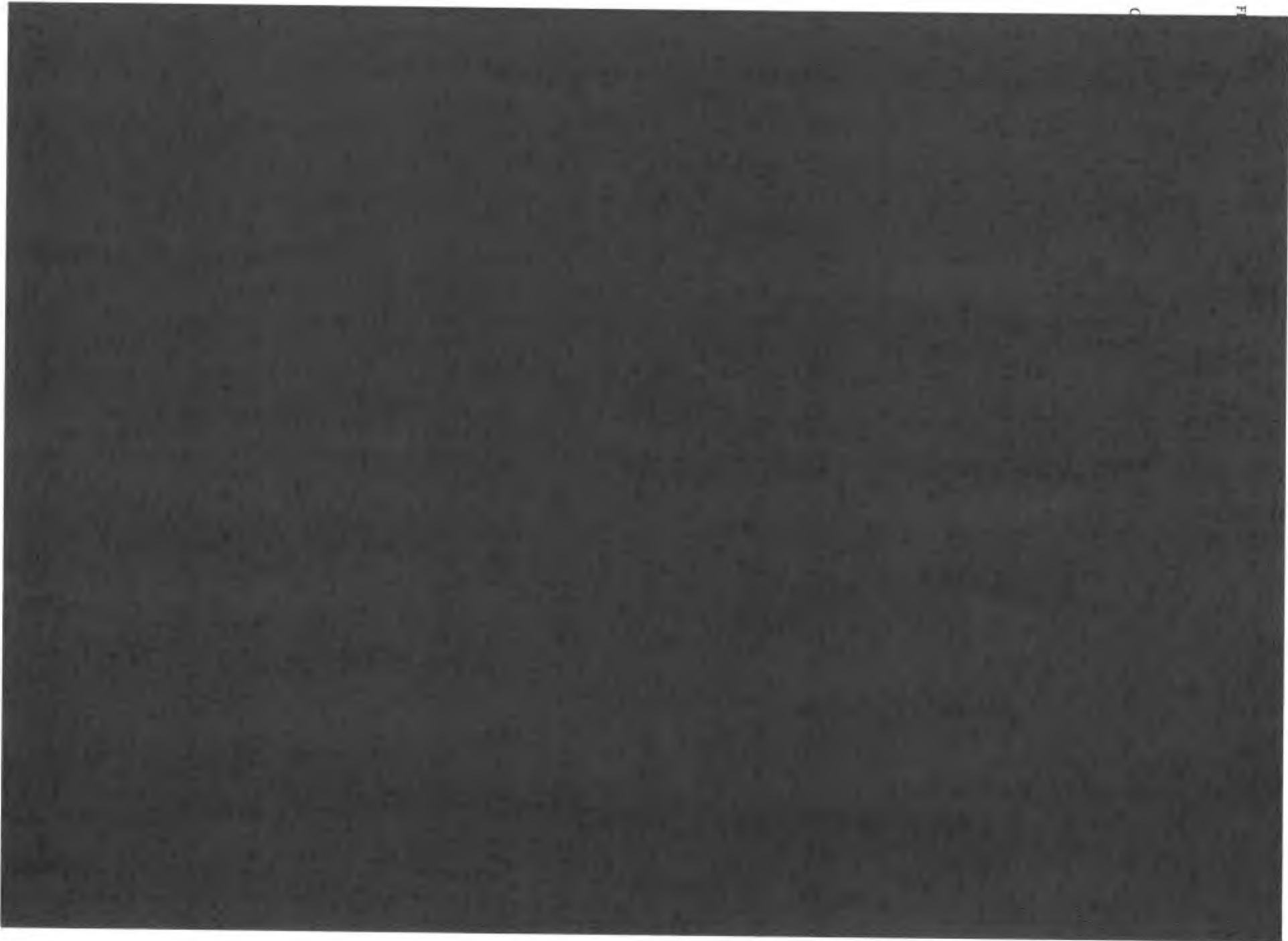
Please be CAREFUL when clicking links or opening attachments from external senders.

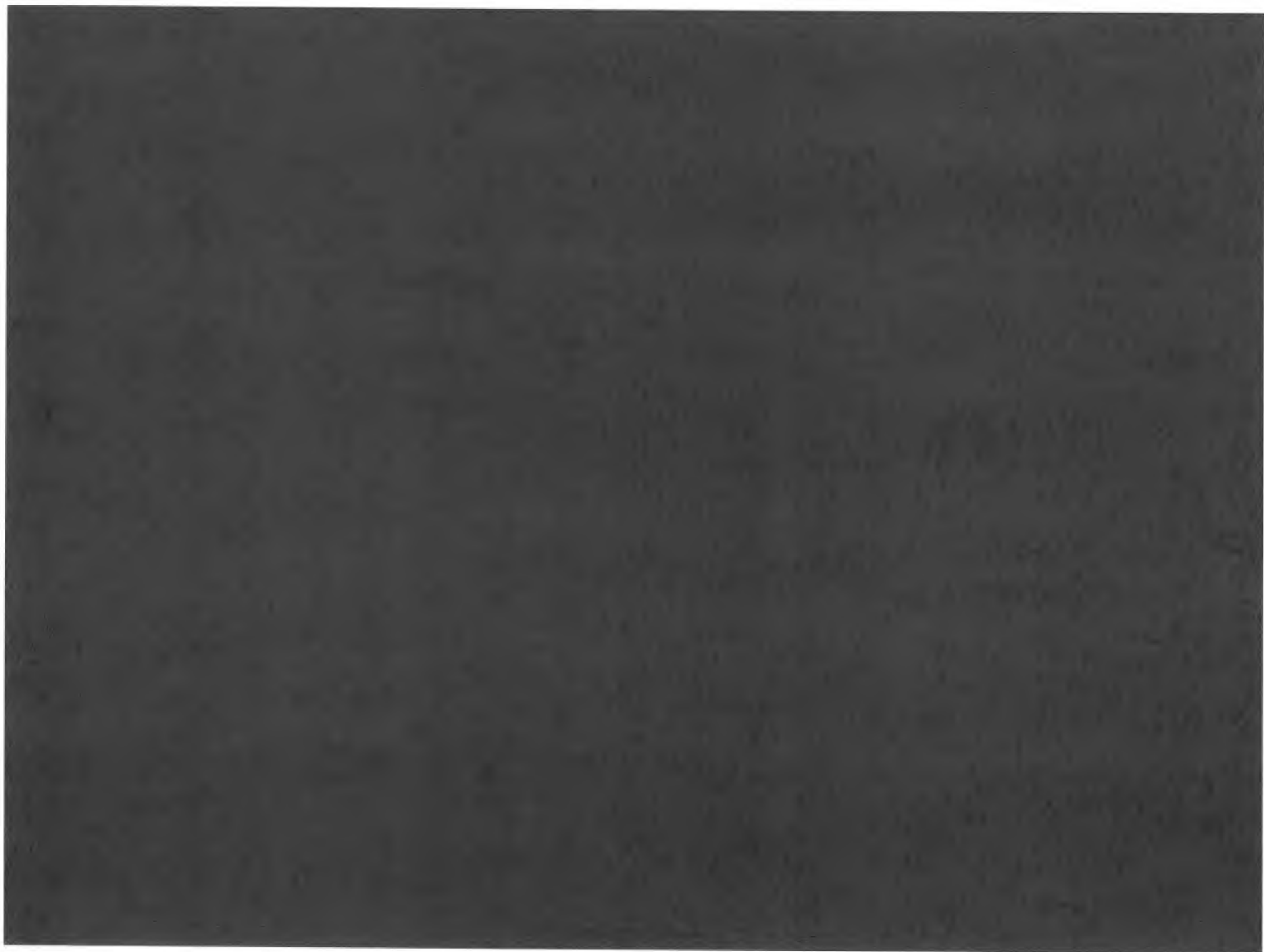
This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

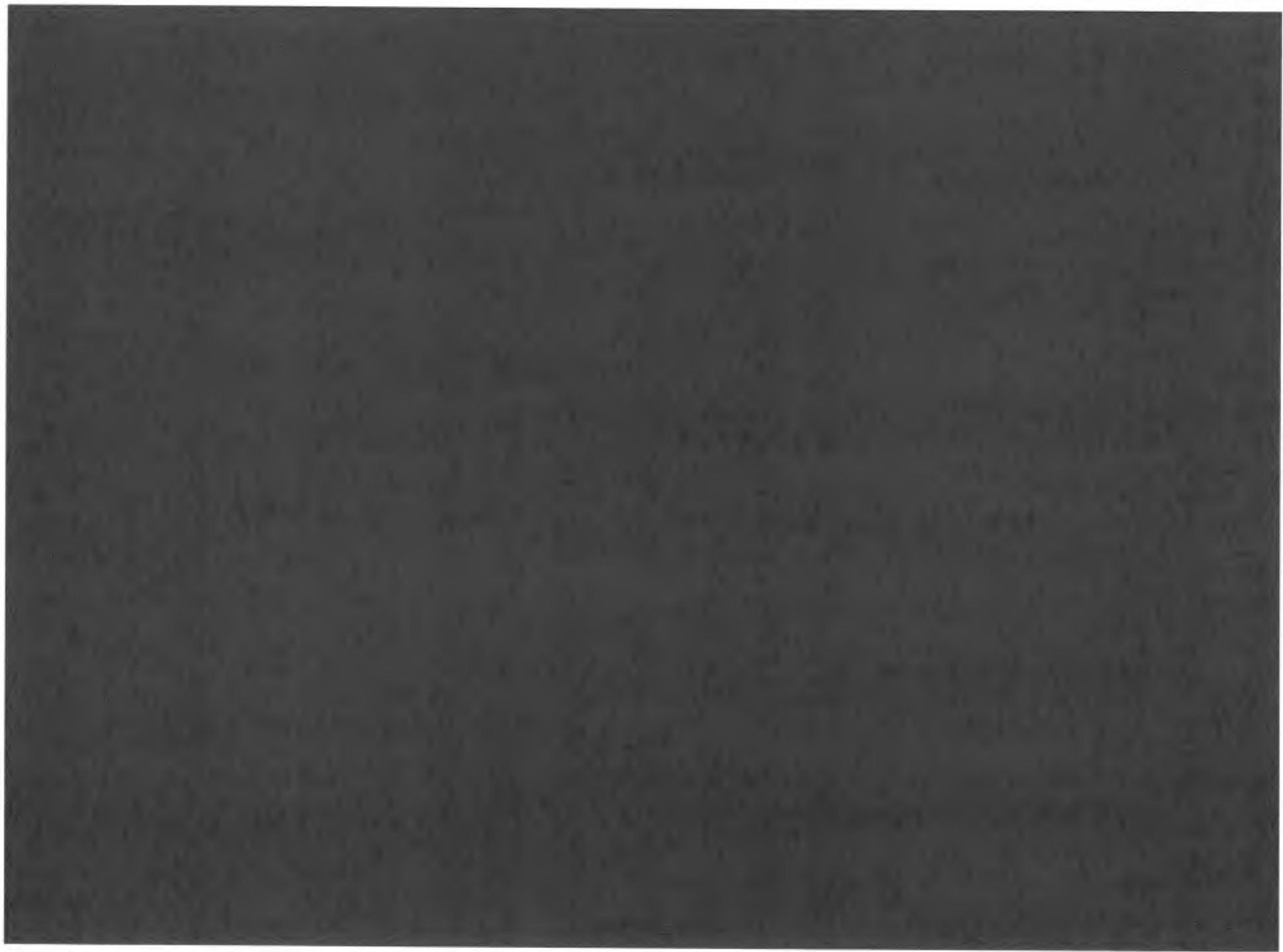
Ex. 9

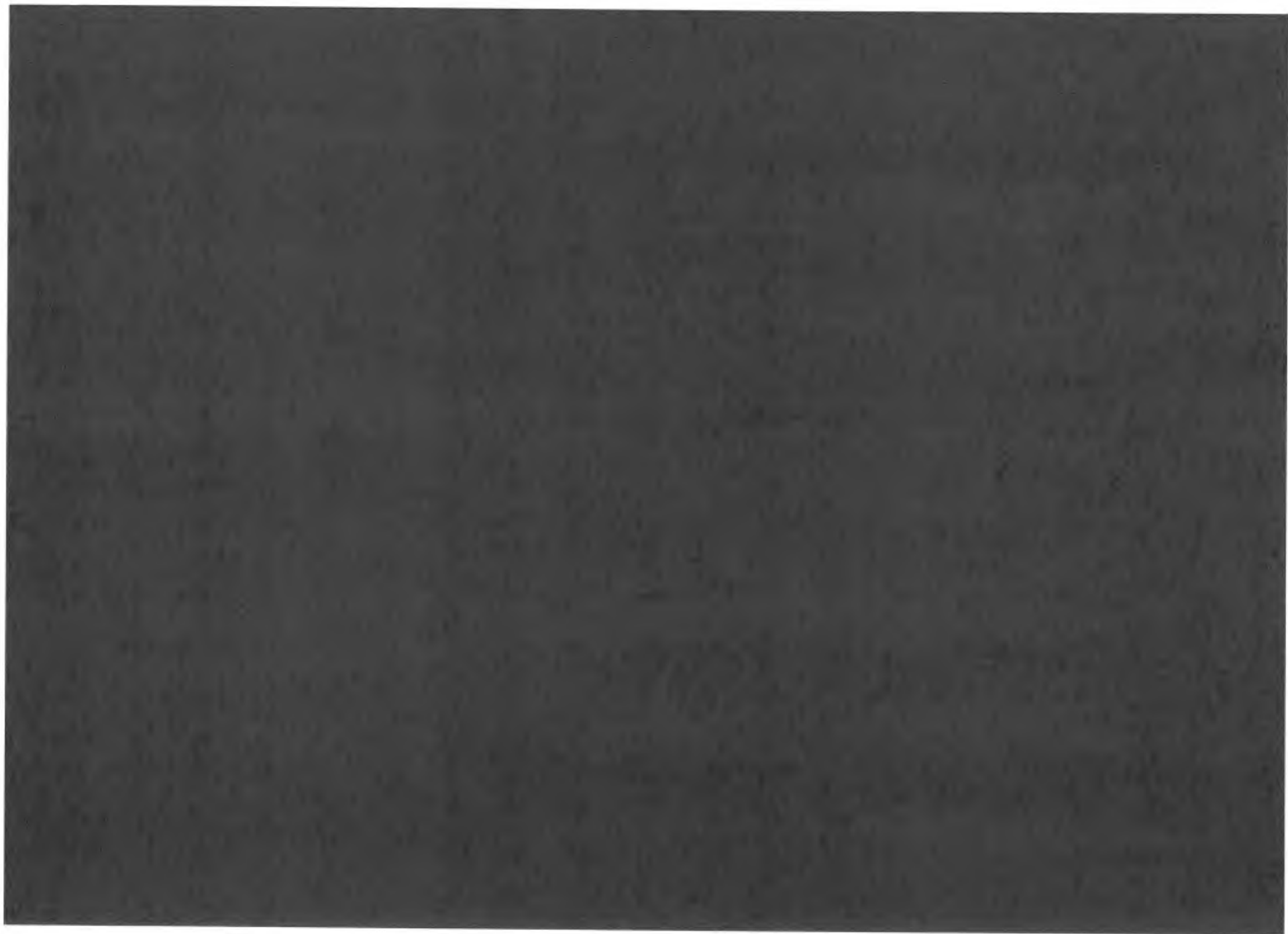












Ex. 10

From: [Stephen Weiss](#)
To: [Hon. Juan M. Merchan](#); [Colangelo, Matthew](#); [Stephen Suhovsky](#); [PART59](#); [Stacy Villanueva](#); [Todd Blanche](#); [Emil Bove](#); [Susan Necheles](#); [Gedalia Stern](#); [Steinglass, Joshua](#); [Hoffinger, Susan](#); [Conroy, Christopher](#); [Mangold, Rebecca](#)
Subject: [EXTERNAL] RE: People v. Trump, Ind. No. 71543-23, People's Letter regarding Rebuttal Expert
Date: Friday, February 23, 2024 3:13:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report suspected phishing emails with the Phish Alert Button or forward them to phish@oti.nyc.gov as an attachment.

Judge Merchan, no objection to the People's 3/1 deadline. Have a nice weekend.

Stephen

Stephen Weiss
Blanche Law

From: Hon. Juan M. Merchan [REDACTED]
Sent: Friday, February 23, 2024 2:54 PM
To: 'Colangelo, Matthew' [REDACTED] Stephen Suhovsky
[REDACTED] PART59 [REDACTED]; Stacy Villanueva
[REDACTED] Todd Blanche [REDACTED] Emil Bove
[REDACTED]; Stephen Weiss [REDACTED]; Susan Necheles
[REDACTED] Gedalia Stern [REDACTED] Steinglass, Joshua
[REDACTED] Hoffinger, Susan [REDACTED] Conroy, Christopher
[REDACTED] Mangold, Rebecca [REDACTED]
[REDACTED]
Subject: RE: People v. Trump, Ind. No. 71543-23, People's Letter regarding Rebuttal Expert

Good afternoon,

Does Counsel for the Defendant consent to the People's request? If not, please advise by the close of business today. Thank you, JMM

Juan M. Merchan
Judge - Court of Claims
Acting Justice - Supreme Court, Criminal Term
Part 59 | Part 59M - Mental Health Court | Part 59V - Veteran's Treatment Court
100 Centre Street
New York, NY 10013
Chambers [REDACTED]

From: Colangelo, Matthew <[REDACTED]>
Sent: Friday, February 23, 2024 2:33 PM
To: Hon. Juan M. Merchan <[REDACTED]> Stephen Suhovsky
[REDACTED] PART59 <[REDACTED]>; Stacy Villanueva
[REDACTED]; Todd Blanche <[REDACTED]>; Emil Bove
[REDACTED] Stephen Weiss <[REDACTED]>; Susan Necheles
[REDACTED] Gedalia Stern <[REDACTED]>; Steinglass, Joshua
[REDACTED] Hoffinger, Susan <[REDACTED]> Conroy, Christopher
[REDACTED] Mangold, Rebecca <[REDACTED]>
[REDACTED]
Subject: People v. Trump, Ind. No. 71543-23, People's Letter regarding Rebuttal Expert

Dear Justice Merchan,

The People respectfully submit the attached letter requesting a March 1, 2024 deadline for the People to identify any potential rebuttal expert in this matter.

Respectfully submitted,
Matthew Colangelo

This email communication and any files transmitted with it contain privileged and confidential information from the New York County District Attorney's Office and are intended solely for the use of the individuals or entity to whom it has been addressed. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this email is strictly prohibited. If you have received this email in error, please delete it and notify the sender by return email.

Please be CAREFUL when clicking links or opening attachments from external senders.