



TODD BLANCHE
ToddBlanche@blanchelaw.com
(212) 716-1250

April 5, 2024

Via Email

Honorable Juan M. Merchan
Acting Justice - Supreme Court, Criminal Term

Re: People v. Trump, Ind. No. 71543/23

Dear Justice Merchan:

We respectfully submit this pre-motion letter seeking leave to file a motion to enforce Requests 1 and 2 of a subpoena served on Stephanie Clifford in Brooklyn, New York on March 18, 2024, and to compel the production of responsive documents. The subpoena is attached as Exhibit A. An affidavit of service is attached as Exhibit B. As a courtesy, following service on Clifford, defense counsel emailed a copy of the subpoena to Clifford's attorney, Clark Brewster. In the email attached as Exhibit C, on March 20, 2024, Brewster claimed, inaccurately, that service had not been completed. The subpoena was returnable on March 29, 2024. Neither Brewster nor Clifford have responded to the subpoena or filed a motion to quash.

The subpoena is a valid demand for documents pursuant to CPL § 610.20(3). With the exception of subparagraph 1(p), Request 1 seeks records regarding the production, release, compensation, and related disclosures to the People regarding Clifford's "Stormy" documentary. Clifford's work with NBC Universal to monetize her status as a witness in this case, enhance the commercial success of the documentary, and prejudice potential jurors against President Trump by promoting and releasing the film just one week prior to the then-scheduled start of jury selection constitutes admissible evidence relating to bias, motive, and hostility under, *inter alia*, Rule 6.13 and *People v. Gissendanner*, 48 N.Y.2d 543 (1979). Although we do not agree that New York's Shield Law protects NBC Universal from making these disclosures, it certainly does not apply to Clifford.

Requests 1(p) and 2 seek communications between Clifford and witnesses Michael Cohen and Karen McDougal, *see* Rule 6.13, and potential hearsay declarants E. Jean Carroll, Jessica Leeds, and Natasha Stoyhoff, *see* Rule 6.27. Communications between two fact witnesses, and confirmation that the communications were deleted, constitutes admissible evidence of bias and hostility arising from the strong inference that the witnesses communicated in order to coordinate their false testimony. Communications between Clifford and other women who have sought to monetize sexual assault claims against President Trump are probative of Clifford's motive and intent to do the same through false trial testimony. At minimum, we are entitled to two types of responsive materials concerning these requests. First, Clifford has communicated with Cohen regarding the allegations in this case, including in connection with her appearances on his podcast. Second, Kathy Griffin has stated publicly that she participates in multi-party electronic communications that include both Clifford and Carroll on a "daily" basis. President Trump is entitled to this specific evidence of bias, motive, and hostility under the state and federal constitutions, and the evidence is appropriately subject to a defense subpoena pursuant to CPL § 610.20(3)—particularly in light of public confirmation of some of the communications.

April 5, 2024
Page 2

Respectfully Submitted,

/s/ Todd Blanche
Todd Blanche
Emil Bove
Blanche Law PLLC

Attorneys for President Donald J. Trump

Enclosure

Cc: DANY attorneys of record

Clark Brewster, Esq.
(Via Email)

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- X
THE PEOPLE OF THE STATE OF NEW YORK :
YORK, :
- against - : Index No. 71543-23
DONALD J. TRUMP, : **SUBPOENA *DUCES TECUM***
Defendant. :
----- X

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK

To: Stephanie Clifford
a/k/a "Stormy Daniels"

YOU ARE HERBEY COMMANDED, all business and excuses being laid aside, to produce, at the Supreme Court of the State of New York, of the County of New York, Part 59, 100 Centre Street, New York N.Y., 10013, on or before March 29, 2024, at 10:00 a.m., the Documents responsive to the Requests set forth below.

The requirements of this subpoena *duces tecum* may be met by delivery of the responsive Documents by email or overnight delivery service, provided that it is received on or before the return date set forth herein.

DEFINITIONS

1. "Documents" means communications, electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained directly, or, if necessary, after translation by the responding party into a reasonably usable form. Documents also includes any draft or non-identical copy of any of the foregoing materials.
2. "Documentary" means the film entitled "Stormy," which was screened at the South by Southwest conference on March 8, 2024, is scheduled to be released on the Peacock streaming service on March 18, 2024, and is discussed at <https://www.imdb.com/title/tt31169602>.

INSTRUCTIONS

1. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the effective ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below.
2. To the extent there are no responsive Documents to a particular Request, please indicate that in your response. If a Document once existed and has been lost, destroyed, or is otherwise missing, please provide sufficient information to identify the Document and the details concerning its non-existence.
3. To the extent that a Document otherwise responsive to any of the Requests is withheld on the ground(s) that it is subject to a privilege, please provide a log that identifies each such document and the specific reason for which it is being withheld in sufficient detail to allow assessment of the validity of the withholding.
4. If you redact any portion of a Document, please provide the reason for the redaction in sufficient detail to allow assessment of the validity of the claimed need for redaction.

REQUESTS

1. Please provide all Documents that relate to the Documentary and one or more of the following topics:
 - a. The premiere of the Documentary;
 - b. The release date of the Documentary;
 - c. Editing of the Documentary;
 - d. Promotion of the Documentary;
 - e. Marketing of the Documentary;

- f. Any form of compensation relating to the Documentary;
 - g. Any rights to the Documentary maintained by Stephanie Clifford
 - h. Agreements between Ms. Clifford and NBCUniversal or any of its affiliates;
 - i. The Manhattan District Attorney's Office;
 - j. District Attorney Alvin Bragg;
 - k. Susan Hoffinger;
 - l. Rebecca Mangold;
 - m. Joshua Steinglass;
 - n. Matthew Colangelo;
 - o. The trial in *People v. Trump*, Indictment Number 71543-23, involving charges filed by the Manhattan District Attorney's Office;
 - p. Michael Cohen; and
 - q. Donald J. Trump.
2. For the period between April 2023 to the present, please provide all Documents relating to communications with the following: Michael Cohen or his representatives; Karen McDougal; Elizabeth Jean Carroll; Jessica Leeds; or Natasha Stoyloff.
3. For the period from April 2018 to the present, please provide all Documents relating to communications with the U.S. Attorney's Office for the Southern District of New York.

Dated: March 18, 2024

By: /s/ Todd Blanche
Todd Blanche
Emil Bove
Blanche Law PLLC
99 Wall Street, Suite 4460
New York, NY 10005
212-716-1260
toddblanche@blanchelaw.com

Attorneys for President Donald J. Trump

EXHIBIT B

SUPREME COURT FOR THE COUNTY OF NEW YORK, STATE OF NEW YORK

The People of the State of New York

Plaintiff

Index No.: 71543-23

vs.

Donald J. Trump

Defendant

AMENDED AFFIDAVIT OF SERVICE

State of New York, County of New York ss:

I, Dominic DellaPorte, a Private Process Server, being duly sworn, depose and say:

That I am over the age of eighteen years and not a party to or otherwise interested in this matter.

That I have been duly authorized to make service of the Subpoena Duces Tecum and Witness fee check in the amount of \$15.00 in the above entitled case.

That on 03/18/2024 at 5:54 PM, I personally served Stephanie Clifford a/k/a "Stormy Daniels" with the Subpoena Duces Tecum and Witness fee check in the amount of \$15.00 at 3 Dollar Bill, 260 Meserole Street, Brooklyn, New York 11206.

Stephanie Clifford a/k/a "Stormy Daniels" is described herein as:

Gender: Female Race/Skin: White Age: 45 Weight: 145 Height: 5'7" Hair: Blonde Glasses: No

That in addition to the service noted above, prior to perfecting service, I arrived at the 3 Dollar Bill, 260 Meserole Street, Brooklyn, New York 11206 at around 5:00 PM. Accordingly, I situated myself around some news-station employees and press, totaling around three to four other people. I waited there, and observed that the doors to the event opened at 5:30 PM. At around 5:53 PM, I saw a vehicle which looked to be a ride-share/Uber pull up in front, with Stephanie Clifford a/k/a "Stormy Daniels" in tow. As she was exiting and walking up to the venue, I observed a man behind her, who was likely with her team. Accordingly, I advised Stephanie Clifford a/k/a "Stormy Daniels" what I had and why I was there, and read the case caption information to her, and presented the paperwork to her, which she did not take in hand and I left them at her feet in her presence. At which time, I stated she was served as I identified her and explained to her what the documents were. She did not acknowledge me and kept walking inside the venue, and she had no expression on her face. After this time, I left the event.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

MARCH 21, 2024
Executed On




Dominic DellaPorte

Client Ref Number: N/A
Job #: 1633328

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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 - p. Michael Cohen; and
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Dated: March 18, 2024

By: /s/ Todd Blanche
Todd Blanche
Emil Bove
Blanche Law PLLC
99 Wall Street, Suite 4460
New York, NY 10005
212-716-1260
toddblanche@blanchelaw.com

Attorneys for President Donald J. Trump

EXHIBIT C

From: [Clark Brewster](#)
To: [Emil Bove](#)
Subject: Re: Subpoena - People v. Trump, 71543/23
Date: Wednesday, March 20, 2024 12:40:04 PM

Ms Daniels was not served any papers. Any representation to the contrary would be false.

Sent from my iPhone

On Mar 20, 2024, at 12:01 PM, Emil Bove <[REDACTED]> wrote:

Mr. Brewster,

Attached is a courtesy copy of the subpoena that was served on Ms. Clifford on Monday. The subpoena is returnable on March 29. We would be happy to discuss beforehand if you would like.

Thanks,
Emil

From: Todd Blanche
Sent: Tuesday, March 12, 2024 9:56 AM
To: [REDACTED]
Cc: Emil Bove <[REDACTED]>; Daniel Sitko
<[REDACTED]>
Subject: FW: Subpoena - People v. Trump, 71543/23

Good morning Mr. Brewster,

I will assume by your silence that you are not authorized to accept service of the above subpoena on behalf of Ms. Clifford.

Please feel free to call me if I am wrong. Otherwise, we will proceed with personal service.

Thank you,
Todd

Todd Blanche

Blanche Law

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

<https://www.BlancheLaw.com>

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From: Todd Blanche

Sent: Monday, March 11, 2024 11:11 AM

To: [REDACTED]

Cc: Emil Bove [REDACTED]; Daniel Sitko

[REDACTED]

Subject: Subpoena - People v. Trump, 71543/23

Mr. Brewster,

I represent the defendant in the above case, scheduled for trial on March 25, 2024. Enclosed please find a subpoena for documents from Ms. Clifford. Can you please let us know if continue to represent Ms. Clifford and if you are authorized to accept service of this subpoena on her behalf?

If helpful to talk, please let me know a convenient time.

Thank you,

Todd

Todd Blanche

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New York NY, 10005
212-716-1250

<https://www.BlancheLaw.com>

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<2024.03.18 Clifford Subpoena.pdf>