

EXHIBIT 17

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE GRAND JURY SUBPOENA
GJ 42-17 and GJ 42-69

Case No. 23-gj-10 (BAH)

Chief Judge Beryl A. Howell

UNDER SEAL

ORDER

Per. 18 and **Per. 18** (the “Witnesses”), attorneys who have represented former President Donald J. Trump, received grand jury subpoenas for documents and testimony and declined to comply in full because of the former president’s invocation of attorney-client privilege and the work-product doctrine, as well as, in **Per. 18**’s case, the attorney’s own independent claim to the protection of his opinion work product. The government filed the instant Motion to Compel, ECF No. 1, together with an *ex parte* supplement in support of the Motion, ECF No. 2, seeking an order to compel the Witnesses to give testimony and produce documents previously objected to by **Per. 18** and the former president.

Upon consideration of the government’s Motion and its *ex parte* supplement and the exhibits thereto; the oppositions submitted by the former president and **Per. 18** the government’s reply brief; the extensive supplemental briefing filed at the Court’s direction by the former president, **Per. 18** and the government; the March 9, 2023 hearing involving arguments from counsel for the former president, **Per. 18** and the government; **Per. 18**’s *in camera, ex parte* submission of the documents he withheld from the government; and the entire record herein, the Court finds that (1) the government has made a prima facie showing that the former president committed criminal violations; (2) the crime-fraud exception applies to pierce any attorney-client privilege and fact work-product doctrine protection that would otherwise

protect (a) all six topics, as enumerated below, upon which the government seeks testimony from the Witnesses, with the exception, for [REDACTED] of the final topic, (b) documents withheld by Per. 18 reflecting his efforts to comply with the grand jury subpoena issued to the Office of Donald J. Trump on May 11, 2022, and (c) documents withheld by Per. 18 that may have informed his knowledge of the June 24, 2022 grand jury subpoena issued to the Trump Organization in advance of his conversation with the former president in the afternoon of June 24, 2022; and (3) Per. 18 may withhold certain responsive documents in their entirety and others in part from the government on the basis of his independent claim to opinion work product protection, which the government does not presently argue is vitiated by the crime-fraud exception, as set forth in the attached Appendices. Accordingly, it is hereby—

ORDERED that the government’s Sealed Motion to Compel Testimony, ECF No. 1, is **GRANTED IN PART** and **DENIED IN PART**; it is further

ORDERED that Per. 18 is to appear before the Grand Jury of the U.S. District Court for the District of Columbia and give testimony, which has previously been the subject of an assertion by the former president of the attorney-client privilege and work-product doctrine protection, as well as an assertion by Per. 18 of opinion work product protection as to his own testimony, relating, but not limited to, any communications and meetings regarding the following six topics, and any similar such communications or meetings:

- (1) [REDACTED]
- [REDACTED]
- (2) [REDACTED]
- [REDACTED];

(3) The identities of individuals involved in selecting Per. 12 [REDACTED] [REDACTED]s, the reasons for Per. 12's selection, and communications (with Per. 12 and others) related to Per. 12 selection;

(4) [REDACTED]
[REDACTED]

(5) [REDACTED]
[REDACTED]
[REDACTED]; and

(6) What Per. 18 discussed with former President Donald J. Trump in a phone call on June 24, 2022; and it is further

ORDERED that [REDACTED] is to appear before the Grand Jury of the U.S. District Court for the District of Columbia and give testimony, which has previously been the subject of an assertion by the former president of the attorney-client privilege and work-product doctrine protection, relating, but not limited to, the first five of the above-enumerated topics; and it is further

ORDERED that, by noon on March 20, 2023, Per. 18 shall produce to the government: (1) the documents listed in Appendix A, (2) the documents listed in Appendix B-1 with Per. 18's proposed redactions executed, and (3) the documents listed in Appendix B-2 as redacted by the Court, which are appended as Attachments 1 and 2 to a separate Order filed *ex parte* with disclosure only to Per. 18 and the government; and it is further

ORDERED that the government's motion is DENIED as to the single withheld document by [REDACTED] unless such document is a duplicate of any documents withheld by Per. 18 upon which this Court has ruled and ordered production, in part or in full; and it is further

ORDERED that, by 10 a.m. on March 20, 2023, the government shall redact the accompanying Memorandum Opinion as necessary to protect matters occurring before the grand jury and the ongoing investigation, and disclose the resulting redacted Opinion, through counsel, to the Witnesses and former president, and file the redacted Opinion on the docket by the same time.

SO ORDERED.

Date: March 17, 2023



Beryl A. Howell

BERYL A. HOWELL
Chief Judge

**APPENDIX A:
NON-PRIVILEGED DOCUMENTS
THAT MUST BE PRODUCED**

1	P. 18	PRIV-002
2		PRIV-003
3		PRIV-004
4		PRIV-005
5		PRIV-006
6		PRIV-007
7		PRIV-009
8		PRIV-010
9		PRIV-011
10		PRIV-012
11		PRIV-013
12		PRIV-014
13		PRIV-015
14		PRIV-016
15		PRIV-017
16		PRIV-021
17		PRIV-022
18		PRIV-023
19		PRIV-024
20		PRIV-025
21		PRIV-026
22		PRIV-028
23		PRIV-029
24		PRIV-030
25		PRIV-037
26		PRIV-038
27		PRIV-041
28		PRIV-042
29		PRIV-043
30		PRIV-044
31		PRIV-047
32		PRIV-050
33		PRIV-053
34		PRIV-055
35		PRIV-057
36		PRIV-058
37		PRIV-059
38		PRIV-060

39	P. 18	-PRIV-064
40		-PRIV-067
41		-PRIV-068
42		-PRIV-069
43		-PRIV-070
44		-PRIV-081
45		-PRIV-084
46		-PRIV-085
47		-PRIV-086
48		-PRIV-087
49		-PRIV-088
50		-PRIV-089
51		-PRIV-091
52		-PRIV-092
53		-PRIV-093
54		-PRIV-094
55		-PRIV-099
56		-PRIV-102
57		-PRIV-103
58		-PRIV-104

**APPENDIX B-1:
DOCUMENTS THAT MUST BE PRODUCED
WITH OPINION WORK PRODUCT REDACTIONS
AS PROPOSED BY Per. 18**

The following documents must be produced with the redactions proposed by Per. 18

1	P. 18	-PRIV-027
2		-PRIV-031
3		-PRIV-036
4		-PRIV-039
5		-PRIV-063
6		-PRIV-095
7		-PRIV-096
8		-PRIV-097
9		-PRIV-098
10		-PRIV-101

**

**APPENDIX B-2:
DOCUMENTS THAT MUST BE PRODUCED
WITH OPINION WORK PRODUCT REDACTIONS
AS MADE BY THE COURT**

The following documents must be produced as redacted by the Court in the versions attached to the separate *ex parte* Order.

1	P. 18	-PRIV-082
2		-PRIV-083

**APPENDIX C:
DOCUMENTS THAT MAY BE
ENTIRELY WITHHELD**

	Per. 18	
1		PRIV-001
2		PRIV-008
3		PRIV-018
4		PRIV-019
5		PRIV-020
6		PRIV-032
7		PRIV-033
8		PRIV-034
9		PRIV-035
10		PRIV-040
11		PRIV-045
12		PRIV-046
13		PRIV-048
14		PRIV-049
15		PRIV-051
16		PRIV-052
17		PRIV-054
18		PRIV-056
19		PRIV-061
20		PRIV-062
21		PRIV-065
22		PRIV-066
23		PRIV-071
24		PRIV-072
25		PRIV-073
26		PRIV-074
27		PRIV-075
28		PRIV-076
29		PRIV-077
30		PRIV-078
31		PRIV-079
32		PRIV-080
33		PRIV-090
34		PRIV-100