



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

March 8, 2024

Via Email

Honorable Juan M. Merchan
Judge - Court of Claims | Acting Justice - Supreme Court, Criminal Term

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

Dear Justice Merchan:

We respectfully submit this premotion letter pursuant to the Court's March 8, 2024 order. We seek permission to file the enclosed motion for discovery sanctions based on the People's violations of CPL Article 245, which we were in the process of finalizing when we received the order at approximately 4:10 pm today.¹ As set forth in the motion papers, we seek dismissal of the Indictment or, in the alternative, (1) preclusion of testimony from Michael Cohen and Stephanie Clifford, as well as the preclusion of certain testimony from Adav Noti that is not proper rebuttal expert testimony, and (2) an adjournment of the trial date of at least 90 days. There are two principal bases for the motion.

First, the USAO-SDNY has produced over 73,000 pages of materials relating to [REDACTED] since Monday, March 4, 2024. Those productions are not complete. The People should have obtained and produced these materials long ago, and instead they chose to seek unsuccessfully to obstruct our access to them. President Trump requires additional time to review these untimely disclosures, potentially seek relief in motion practice depending on what is uncovered, and incorporate them into his defense strategy.

Second, also on March 4, 2024, the People produced [REDACTED]. [REDACTED] is core impeachment material subject to the People's automatic discovery obligations. They have been aware of [REDACTED] since at least December 2023, but chose not to obtain and produce it until this month. They apparently did so because [REDACTED], which we learned in the news yesterday and would cause extraordinarily prejudicial—and unacceptable—pretrial publicity on the current schedule. President Trump requires additional time to review [REDACTED], and the Court must allow additional time for the prejudice from its release to abate prior to commencing jury selection.

We respectfully submit that the Court should deem the enclosed motion filed immediately and direct the People to respond forthwith.

Respectfully Submitted,

/s/ Susan R. Necheles
Susan R. Necheles
Gedalia M. Stern
Necheles Law LLP

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

Attorneys for President Donald J. Trump

¹ Because this motion is based on facts and documents revealed only within the last few days, we cannot possibly have made it by the motion *in limine* deadline, and therefore it is proper to file now. With respect to the March 7, 2024 motion, we explained the reason for the timing of that filing: recent actions by the U.S. Supreme Court and ambiguities in the People's *in limine* filings. Moreover, while we have no objection to the Court seeking previews of incoming motions as a docket-management measure, we believe that it violates the CPL, the Sixth Amendment and other constitutional rights of President Trump if the Court were to refuse to permit the defense to file any particular motion and set forth all of the authorities in support of that motion.