

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

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

Index No. 71543-23

**AFFIRMATION OF TODD  
BLANCHE IN SUPPORT OF  
PRESIDENT DONALD J.  
TRUMP'S OPPOSITION TO  
MOTION TO QUASH THE  
SUBPOENA TO MARK  
POMERANTZ**

Todd Blanche, a partner at the law firm Blanche Law PLLC, duly admitted to practice in the courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

1. I represent President Donald J. Trump in this matter and submit this affirmation and the accompanying memorandum of law in support of President Trump's opposition to the motion to quash President Trump's March 18, 2024 subpoena *duces tecum* to Mark Pomerantz.

2. This affirmation and the accompanying memorandum of law and exhibits are submitted upon my personal knowledge or upon information and belief, the source of which is my communications with prosecutors and with other counsel, my review of the documents in the case file, a review of the available discovery, and an independent investigation into the facts of this case.

3. Attached as Exhibit 1 is a true and accurate copy of defense counsel's January 27, 2024, to February 9, 2024 email communications with the People concerning Pomerantz communications, and [REDACTED] attached to the People's email on February 9, 2024.

4. Attached as Exhibit 2 is a true and accurate copy of the People's July 24, 2023 production cover letter.

5. Attached as Exhibit 3 is a true and accurate copy of the People's March 13, 2024 email concerning the production of [REDACTED] provided in the attached .zip file.

6. Attached as Exhibit 4 is a true and accurate copy of defense counsel's March 13, 2024 letter to the People.

7. Attached as Exhibit 5 is a true and accurate copy of the [REDACTED] produced by the People in discovery.

8. I incorporate by reference all factual statements made in the accompanying memorandum of law.

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, President Trump respectfully submits that the Court should deny the motion to quash the subpoena *duces tecum* to Pomerantz and order Pomerantz to produce responsive materials pursuant to the Court's protective order.

Dated: April 5, 2024  
New York, New York

By: /s/ Todd Blanche  
Todd Blanche  
Blanche Law PLLC  
99 Wall Street, Suite 4460  
New York, NY 10005  
212-716-1250  
toddblanchelaw.com

*Attorney for President Donald J. Trump*

# **EXHIBIT 1**

**From:** [Mangold, Rebecca](#)  
**To:** [Todd Blanche](#); [Hoffinger, Susan](#); [Conroy, Christopher](#); [Ellis, Katherine](#); [REDACTED]; [Steinglass, Joshua](#); [Colangelo, Matthew](#)  
**Cc:** [Gedalia Stern](#); [Susan Necheles](#); [REDACTED]; [Emil Bove](#); [Stephen Weiss](#)  
**Subject:** RE: People v. Trump, 71543-23  
**Date:** Friday, February 9, 2024 4:07:26 PM  
**Attachments:** [image001.png](#)  
[image006.png](#)  
[image003.png](#)  
[image004.png](#)  
[REDACTED]

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Todd,

Following up on the email below, we are producing today [REDACTED] [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] [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] <[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]  
[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

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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>

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**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]  
[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]  
<[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

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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**

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**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]> [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,

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]  
[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

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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

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**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]> <[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] [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] [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

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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>

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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.

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**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]> [REDACTED] <[REDACTED]> Susan Necheles ([REDACTED] <[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>

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**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]> 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>

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**From:** Alexander Parachini <[REDACTED]>  
**Sent:** Friday, November 17, 2023 12:59 PM  
**To:** [REDACTED]  
[REDACTED] Hoffinger, Susan <[REDACTED]>  
[REDACTED] Ellis, Katherine <[REDACTED]> Mangold, Rebecca  
<[REDACTED]> <[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](http://danyaperrylaw.com) website

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# **EXHIBIT 2**



**DISTRICT ATTORNEY  
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ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

July 24, 2023

**VIA HAND DELIVERY**

Todd Blanche  
99 Wall St., Ste. 4460  
New York, NY 10005

Susan R. Necheles  
1120 Sixth Ave., 4<sup>th</sup> Floor  
New York, NY 10036

Joseph Tacopina  
275 Madison Ave., 39<sup>th</sup> Floor  
New York, NY 10016

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

Dear Mr. Blanche, Ms. Necheles, and Mr. Tacopina:

We are producing today an external hard drive containing additional materials for the above-referenced case.

As detailed in the attached index, this production includes documents designated as "Covered Materials" under the May 8 protective order, including additional open source research materials and public court filings, as well as documents designated as "Limited Dissemination Materials." The "Limited Dissemination Materials" include materials identified through our review of internal email messages, including materials identified by the Bates prefixes "DANYEMAIL" and "DANYNEWS." Note that, in some circumstances, we may have withheld parent emails or attachments where those documents were not subject to disclosure (on work product or other grounds) or where those documents were separately produced. Thus, not all emails were produced as a family. Note further that many of the materials provided, including those with the Bates prefix "DANYNEWS," are not required to be disclosed under CPL § 245.20(1), but we are nevertheless making them available to you in an exercise of discretion.

In addition, we are serving today a Certificate of Compliance and a Supplemental Addendum to the Automatic Discovery Form. The Supplemental Addendum includes additional

information in Section D—“Promises, Rewards or Inducements (CPL § 245.20(1)(l))”; Section F—“*Brady/Giglio/Geaslen* Information (CPL § 245.20(1)(k))”; and Addendum A (listing books in the possession of the People which may include witness statements).

With respect to today’s production, please also note the following:

- *First*, all of the materials provided to you are subject to the protective order issued on May 8, 2023;
- *Second*, the People have designated certain of these materials “Limited Dissemination Materials” under the May 8 protective order;
- *Third*, the People’s disclosures may include documents, information, and materials that are not required to be disclosed under CPL § 245.20(1), but which have been disclosed in an exercise of the People’s discretion pursuant to the presumption of openness specified in CPL § 245.20(7). The production of any such material does not constitute a waiver of any of the People’s rights, including the People’s right to withhold work product under CPL § 245.65;
- *Fourth*, some materials or information may have been withheld in connection with protective orders issued pursuant to CPL § 245.70;
- *Finally*, where applicable, the materials provided have been Bates stamped to aid in the organization and digestion of the materials, and the Bates ranges have been noted on the attached index. Please note, however, that the numbering of the Bates stamps is not sequential.

Pursuant to CPL §§ 245.10(1)(a) and 245.60, we will produce additional discoverable materials and information we learn of or come into the possession of.

Sincerely,

/s/ Becky Mangold

Becky Mangold  
Assistant District Attorney

Received on July 24, 2023 by:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_





# **EXHIBIT 3**

**From:** [Mangold, Rebecca](#)  
**To:** [Todd Blanche](#); [Emil Bove](#); [Stephen Weiss](#); [Susan Necheles](#); [Gedalia Stern](#)  
**Cc:** [Colangelo, Matthew](#); [Hoffinger, Susan](#); [Conroy, Christopher](#); [Steinglass, Joshua](#); [REDACTED]  
**Subject:** RE: People v. Trump, No. 71543-23 - Supplemental Discovery  
**Date:** Wednesday, March 13, 2024 8:05:12 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[2024.03.13.zip](#)

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Counsel,

We are producing a supplemental set of discovery materials to you today via the attached zip file. The file contains [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

Not all of these materials that we received today are required to be disclosed under CPL § 245.20(1), but 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 provided all such materials in the People’s possession, custody, and control. 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.

Best,

Becky

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

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# **EXHIBIT 4**





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

March 13, 2024

Via Email

Assistant District Attorney Rebecca Mangold  
New York County District Attorney's Office  
1 Hogan Place  
New York, New York 10013

**Re: Untimely Discovery Production**

Dear Ms. Mangold:

We write in response to the late-produced discovery, provided to President Trump's counsel tonight at 8:04 p.m. Similar to the more than 100,000 pages of [REDACTED] that you have produced over the last two weeks, it is extremely difficult for us to understand how this information could be produced via FOIA, and yet not be produced by DANY in a timely fashion at the outset of this case. Moreover, sending us discoverable [REDACTED] strongly suggests that DANY still has not collected in a systematic fashion all of Mr. Pomerantz's communications regarding benefits, and efforts to obtain benefits, for Michael Cohen. Nor has DANY produced similar communications relating to Stephanie Clifford and the People's other witnesses. We are in no position to be able to tell whether the issue is one or more of (1) DANY not carefully searching the DANY phone that Pomerantz was using to send text messages relating to the investigation; (2) Pomerantz improperly using a private cellphone to conduct DANY business; and/or (3) Pomerantz deleting messages that have been recovered more recently from other sources. Any and all of these options are troubling following last month's untimely production of [REDACTED], and given where we are in this case. Information regarding any and all of these options is also discoverable as impeachment for Cohen and under *Kyles* as to the integrity of the investigation. We require complete disclosures, promptly, regarding all of these issues and what you have done to address them.

Furthermore, these [REDACTED]

[REDACTED]. Either Pomerantz drafted that letter on DANY systems, in which case you have the drafts and must produce them, or he drafted the letter on an outside system, in which case you must disclose that breach and seek to collect the documents directly from him. No privilege can be claimed over the draft letter, as it is obvious from the produced [REDACTED] that the letter was read and/or discussed with Cohen's counsel. It is equally clear that there were communications within DANY regarding whether and to what extent to provide the benefit that Cohen was seeking and that Pomerantz apparently promised to Cohen, Ms. Perry, and Mr. Davis. You have not produced all of those internal communications, either. As we explained in our discovery motion, you have relied, at least in part, on unacceptable and indefensible invocations of the work product privilege to withhold constitutionally mandated discovery. As

with the text message issue, your failure to do so up to this point is troubling. We require complete disclosure, promptly, regarding drafts of the letter and communications regarding its content.

,

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

Susan R. Necheles  
Gedalia M. Stern  
Necheles Law LLP

*Attorneys for President Donald J. Trump*

Cc: Susan Hoffinger  
Joshua Steinglass  
Matthew Colangelo  
(Via Email)

# **EXHIBIT 5**

