

November 10, 2022

VIA NYSCEF

Hon. Arthur F. Engoron
New York State Supreme Court
60 Centre Street, Room 418
New York, NY 10007

Re: *People of the State of New York, et al. v. Donald J. Trump, et al.*,
Index No. 452564/2022 (Sup. Ct. New York County)

Dear Justice Engoron:

As you are aware, this firm represents defendants Donald J. Trump, Allen Weisselberg, Jeffrey McConney, The Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Holdings Managing Member LLC, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC and Seven Springs LLC in the above-captioned action (the “Action”).

We write on behalf of all defendants in the above-referenced action and in accordance with the Court’s Decision and Order, dated November 3, 2022 (NYSCEF No. 183), directing defendants to “identify no more than three potential monitors for the Court’s consideration” on or before November 10, 2022 (the “Order”). Subject to and without waiving any of the defendants’ rights or remedies (including, but not limited to, defendants’ appeal of the Order and application for a stay thereof), all of which are expressly reserved, defendants identify the following two individuals: (1) Kelly L. Donovan, managing director of KPMG LLP; and (2) Hon. Barbara S. Jones (Ret.), partner of Bracewell LLP. The *curricula vitae* of Ms. Donovan and Ms. Jones are annexed hereto as Exhibits A and B, respectively.

Should the Court have any questions, please feel free to contact me.

Respectfully submitted,



Alina Habba, Esq.
For Habba Madaio & Associates LLP

cc: All Counsel of Record (by NYSCEF)



The Honorable Barbara S. Jones (Ret.)

Hon. Barbara S. Jones (Ret.) served as a United States District Court Judge in the Southern District of New York for 17 years prior to entering private practice. As a member of the American Bar Association's ("ABA") Corporate Monitor Standards Committee, she assisted in authoring the ABA-approved standards for monitorships. Following her career on the bench, she has been appointed by the government and federal courts to conduct monitorships and special master assignments in a number of high-profile matters, and has been retained by corporations to conduct confidential reviews and assessments of their compliance programs.

Before her appointment to the federal bench, Judge Jones served both as an Assistant United States Attorney in the Southern District of New York, and as the Chief Assistant to Robert M. Morgenthau in the Manhattan District Attorney's Office.

As a federal prosecutor, Judge Jones investigated and prosecuted a number of organized crime cases involving a broad array of criminal conduct, including labor racketeering, narcotics distribution, tax evasion and money laundering. Judge Jones was appointed by the Department of Justice to Chief of its Organized Crime Strike Force in the Southern District of New York. This team encompassed a group of 14 Assistant U.S. Attorneys and special investigators working in conjunction with representatives from multiple law enforcement agencies, including the Federal Bureau of Investigation, the New York City Police Department, the Internal Revenue Service, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, the Secret Service, the

U.S. Customs Service, and the U.S. Postal Service. In this role, she initiated, assigned, and supervised all of the investigations in the Strike Force and worked with law enforcement agencies to evaluate targets and strategies. She also coordinated intelligence sharing among law enforcement partners and prosecutors, and sourced and deployed the necessary resources to carry out these complex investigations.

Following her tenure as a federal prosecutor, Judge Jones joined the Manhattan District Attorney's Office as Chief Assistant to the District Attorney. She oversaw the Homicide Investigation Unit, providing investigatory oversight and counsel on legal issues. She also advised the District Attorney on high profile cases, provided direct oversight of community affairs matters, and managed sensitive personnel and resource issues.

In January 1996, Judge Jones was appointed as a U.S. District Judge in the Southern District of New York. While on the bench, she managed a docket of approximately 350 civil cases and numerous criminal cases each year. Judge Jones was also appointed to the Multi-District Litigation Panel by the Chief Justice of the United States Supreme Court, where she served from 2010 until her departure from the bench in 2013. The Panel oversees the most complex cases in the federal court system.

In 2013, Judge Jones began her career in private practice. Shortly thereafter she was appointed by the Secretary of Defense to Chair the Response Systems to Adult Sexual Assault Crimes Panel. That committee, created by Congress, reviewed and assessed the investigation,

Judge Jones' Monitorship and Related Experience

| Company/Matter Name | Description |
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| Charter Communications, Inc. | Judge Jones was appointed Independent Compliance Officer by the Federal Communications Commission to evaluate the adequacy of Charter Communications' compliance with the terms of six conditions imposed on the company in connection with its merger with Time Warner Cable Inc. and Advance/Newhouse Partnership. The monitorship commenced in 2016 and is nearing its conclusion. To assess Charter's compliance with the conditions, Judge Jones and her team regularly met with and interviewed Charter executives across a wide range of company departments and requested and reviewed relevant documents. To assist with the more technical aspects of the case, Judge Jones and her team work closely with engineers and consultants to assess, for example, the accuracy of Charter's reported traffic exchanged at its interconnection exchange points. |
| Special Master: Materials seized from Rudolph W. Giuliani | Judge Jones was appointed in 2021 by Judge J. Paul Oetken as a Special Master to review materials seized by the FBI from Rudolph Giuliani's New York City apartments as part of a federal investigation into his dealings in Ukraine. |
| Special Master: Project Veritas | In 2021, Judge Jones was appointed by Judge Analissa Torres as a Special Master to review materials seized as part of the Government's investigation into the newsgathering organization Project Veritas, concerning the alleged theft of Ashely Biden's diary. |
| Special Master: Materials seized from Michael Cohen | In 2018, Judge Jones was appointed by the Judge Kimba M. Wood to serve as the Special Master to review materials seized as part of the Government's investigation into Michael Cohen. Approximately 3.7 million documents were seized in the search and, to carry out her duties, Judge Jones established procedures and protocols to efficiently review the materials and make privilege recommendations to the Court. |
| International Brotherhood of Teamsters Union | In 2016, Judge Jones was appointed by Judge Loretta Preska of the Southern District of New York as the Independent Review Officer for the International Brotherhood of Teamsters Union (IBT). <i>United States v. IBT</i> , 88 Civ. 4486 (LAP). The IBT entered into a consent decree with the objective of ridding the Union of any criminal element or corruption. In her role as Independent Review Officer, Judge Jones adjudicates disciplinary cases referred to her by the independent compliance officer and reviews trusteeships imposed by the IBT over local unions. |
| Archdiocese of New York | In 2018, Judge Jones was appointed by Cardinal Timothy Dolan as Independent Reviewer and Special Counsel to assess the Archdiocese of New York's compliance with the Charter for the Protection of Children and Young People, which was adopted by the United States Bishops in 2002 in response to the clergy sexual abuse crisis. In this role, Judge Jones and her team reviewed hundreds of thousands of documents, conducted dozens of interviews, and observed the investigation and adjudication of complaints in real time. Working collaboratively with the Archdiocese, Judge Jones made a number of recommendations to enhance the compliance program, including the development of an electronic case management system, which her team helped design and implement. |
| New York City Police Department | In 2018, Judge Jones was appointed by New York City Police Commissioner James P. O'Neill to serve on an independent three-member panel that conducted a full-scale review of the New York City Police Department's disciplinary system. The Panel assessed how internal discipline cases are initiated and prosecuted by the Department Advocate's Office, how such cases are tried in the department's trial rooms or otherwise resolved, and how final outcomes are determined, imposed, and recorded. The Panel released a public report in January 2019 outlining its findings and recommendations. The recommendations, which were all accepted by the NYPD, focused on increased transparency, accountability, efficiency, and enhanced technology. |
| New York City Business Integrity Commission | In 2014, Judge Jones was appointed by the New York City Business Integrity Commission (BIC) to monitor one of the largest waste hauling firms in New York City for suspected |

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| | <p>organized crime involvement and to ensure compliance with the Minority and Women-Owned Business Enterprise (MWBE) requirements. The monitorship included an analysis of thousands of documents and emails, numerous interviews of company executives, forensic accounting reviews of the company's books and records, and field surveillance to ensure the integrity of the contracts.</p> |
| <p>New York City Department of Investigation and the Metropolitan Transportation Authority (MTA)</p> | <p>In 2013, Judge Jones was appointed by the New York City Department of Investigation and the Metropolitan Transportation Authority (MTA) to monitor a construction company subject to a Deferred Prosecution Agreement with the New York County District Attorney's Office involving violations of the New York State MWBE laws. In this role, she interacted with the President of the company and its Chief Compliance Officer, reviewed the company's compliance code, conducted compliance training and set up a hotline for internal reporting. She also reviewed and approved business practices and procedures to ensure the integrity of all contracts, and analyzed the company's books and records to identify any potential payroll fraud and abuses.</p> |
| <p>The Committee on Armed Services for the United States Senate and House of Representatives</p> | <p>In 2013, Judge Jones was appointed by Congress and selected by the Secretary of Defense to Chair the Response Systems to Adult Sexual Assault Crimes Panel ("RSP"). The RSP was a review panel created by the Congressional Armed Services Committees for both the House and Senate to review and assess the systems the United States military used to investigate, prosecute and adjudicate sexual assault crimes in the armed forces. As Chair, Judge Jones led 14 days of public hearings and 65 subcommittee meetings, and conducted site visits to several military installations and civilian agencies within the Department of Defense. The work culminated in a report of findings and recommendations that were presented to – and adopted by – Congress.</p> |
| <p>Port Authority of New York & New Jersey</p> | <p>In 2019, Judge Jones was retained by the Port Authority of New York & New Jersey to review and assess the agency's policies and procedures regarding personnel matters, and to provide compliance advice with respect to those matters.</p> |
| <p>New York City District Council of Carpenters (Carpenters Union)</p> | <p>Since 2014, Judge Jones has represented the Carpenters Union in connection with their monitorship before Judge Victor Marrero of the Southern District of New York. In that role, Judge Jones works on behalf of her client with the court-appointed Monitor and with the U.S. Attorney in order to ensure that the monitorship is carried out effectively.</p> |
| <p>U.S. Bank, et. al., v. UBS Real Estate Securities, Inc., 12 Civ. 7322 (PKC) SDNY.</p> | <p>In 2017, Judge Jones was appointed by the Honorable P. Kevin Castel of the Southern District of New York to serve as the Special Master in U.S. Bank, et. al., v. UBS Real Estate Securities, Inc., 12 Civ. 7322 (PKC). In her role as Special Master, Judge Jones was responsible for evaluating thousands of loans bundled and sold as mortgage-backed securities to determine whether the representations made in the transactions were accurate. Judge Jones and her team evaluated each outstanding loan for asserted breaches of contract and rendered decisions on a loan- by-loan basis. This process was instrumental in bringing about a settlement in the case.</p> |
| <p>Fox News Workplace Professionalism and Inclusion Council</p> | <p>In 2017, Judge Jones was appointed one of four independent experts serving on the Fox News Workplace Professionalism and Inclusion Council, an oversight panel that was created as part of a shareholder settlement agreement in response to harassment and discrimination claims against the network. The panel, which provides written reports to Fox Corporation's (formerly 21st Century Fox) directors, is responsible for overseeing Fox's efforts to examine its workplace culture and effectively respond to workplace issues.</p> |
| <p>Signet Jewelers Ltd.</p> | <p>In 2017, Judge Jones was retained by Signet Jewelers, the world's largest retailer of diamond jewelry, to conduct a review and assessment of the company's policies and procedures relating to workplace conduct, including the company's policies prohibiting discrimination, harassment, and retaliation. She also reviewed the company's training on these policies, and provided feedback and recommendations to a special committee of the Board of Directors regarding the company's culture as it related to workplace conduct.</p> |



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Function and Specialization

Kelly specializes in fraud, misconduct and regulatory investigations, fraud risk management, best practices and internal controls, compliance and monitoring services in public and private sectors.

Languages

English

Professional Associations

- Member of the International Association of Independent Corporate Monitors
- NYC Professional Women in Construction
- New York City Bar Association
- Board of Visitors, Columbus School of Law, Catholic University of America
- Lawyer's Committee, Inner City Scholarship Fund, Archdiocese of New York

Publications and Presentations

Risk Management Audit and Financial Controls, Adjunct Professor, Columbus School of Law, Catholic University of America, Spring 2019, 2020, 2021 and 2022

Building Integrity into the Infrastructure, Metropolitan Corporate Counsel, March 2017.

The Need for Effective MCO Partnerships – Program Integrity Within Managed Care, National Association of Medicaid Program Integrity (NAMPI), August 2017.

New Administration – New Regulatory Environment? Construction Super Conference, December 2017.

Education, Licenses & Certifications

- Juris Doctor, Catholic University of America
- Bachelor of Arts, Boston College
- Licensed Attorney, New York
- Admitted to Practice, Supreme Court of the State of New York

Background

Kelly L. Donovan is a Managing Director in the New York City office of KPMG's U.S. Advisory Services, Risk Consulting practice.

As a member of KPMG's Forensic Investigations & Disputes Network and State & Local team, Kelly conducts state and national misconduct and fraud investigations, helps assess, design, and implement regulatory compliance programs and provides fraud and risk management to public and private clients

Professional and Industry Experience

Prior to joining KPMG, Kelly was the Executive Deputy Attorney General for Criminal Justice in the New York State Attorney General's Office, and was responsible for all investigations, prosecutions and settlements involving the Criminal Division's five main bureaus – Financial Crimes, Public Integrity, Organized Crime Task Force, Taxpayer Protection, and the Medicaid Fraud Control Unit. She served on the Justice Task Force and the New York State District Attorney Association's Best Practice Committee. During this time, she also served as Counsel to the Moreland Commission on Public Corruption. She also served as Chief of Investigations for the NYS Attorney General's Medicaid Fraud Control Unit, where led investigations into among other things, financial fraud and patient neglect by nursing home providers, large scale illegal drug buy-back schemes, over-prescribing and sale of opioid prescriptions, False Claims Act and patient protection matters.

Previously, Kelly was the First Deputy Inspector General in the office of the New York State Inspector General, where she led investigations and issued reports into misconduct, fraud and waste involving public authorities, contractors, and vendors, in more than 150 NY State agencies, comprising nearly 200,000 State employees. During her time at the IG's Office, Ms. Donovan also served as Chair of the working group of the NYS Stimulus Oversight Panel, created to ensure the \$31 billion in stimulus funds were utilized with transparency and accountability. Ms. Donovan served as Senior Investigative Counsel and Deputy Bureau Chief of the Labor Racketeering Unit in the New York County District Attorney's Office, which she joined in 1993.

Kelly currently serves as Lead Engagement Partner on the following engagements:

- Multi-state fraud, waste and abuse analytics and investigations in the federally funded Emergency Rental Assistance Program (ERAP) and Homeowners Assistance Programs (HAF), from project set up, detection analytics implementation and state and federal reporting.
- For the New York City Law Department, she supervised a team conducting a forensic review of childcare services and related payments. Having uncovered payment irregularities and compliance failures, she presented findings to the City, its agencies, and the targets of the investigation to seek restitution and civil settlements.
- Following a DOJ investigation and settlement of FCPA claims, assisted a global company with internal forensic accounting and compliance assessment in support of a court appointed monitor.
- Assists two global corporate clients and outside counsel with forensic audit services and litigation support services, including all phases of investigation, forensic accounting, valuation, interviews, reporting and expert testimony.

- Leads the fraud, waste, and abuse team for a large health care agency's system implementation within its Medicaid program.
- Providing on-going vendor integrity due diligence and third-party risk management for a global technology firm, and for the State of Florida's hurricane disaster recovery efforts.
- Conducts confidential cyber privacy and security audit for a NYC agency.
- Manages a third party annual financial reporting and ethics program for a large international government agency.
- Provides forensic audit and investigative services to a state agency regarding securities fraud schemes.
- Assisted a law enforcement agency conduct an internal control review and establish policies and procedures.