



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

BARBARA D. UNDERWOOD
SOLICITOR GENERAL
DIVISION OF APPEALS & OPINIONS

March 20, 2024

Honorable Susanna Molina Rojas
Clerk of the Court
Supreme Court of New York
Appellate Division, First Department
27 Madison Avenue
New York, NY 10010

Re: *People v. Trump*, No. 2024-01134, 2024-01135

Dear Ms. Rojas:

Pursuant to 22 N.Y.C.R.R. § 1250.4, on behalf of respondent People of the State of New York, by Letitia James, Attorney General of the State of New York (OAG), I write to respectfully request permission to file a surreply to defendants' motion for a stay pending appeal. OAG's proposed surreply would address the new factual allegations and new legal arguments raised for the first time in the reply affirmations of Gary Giulietti and Alan Garten and the reply memorandum of law in support of defendants' stay motion.

Sincerely,

Dennis Fan
Senior Assistant Solicitor General
(212) 416-8921

Application to file a surreply is granted.

SO ORDERED

JSC: _____ Date: 3/21/2024

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March 21, 2024

VIA NYSCEF

The Honorable Susanna Molina Rojas
Clerk of the Court
Supreme Court of New York
Appellate Division, First Department
27 Madison Avenue
New York, NY 10010

Re: People v. Donald J. Trump, et al., Case Nos. 2024-01134, 2024-01135

Dear Ms. Rojas:

On March 20, 2024, the Attorney General filed a letter seeking leave to file a “proposed surreply” to address Defendants’ reply affirmations because they, according to her wrongful filing, raise supposedly new arguments. March 20, 2024 Letter, at 1. That request should be rejected. The practice rules of the Appellate Division do not authorize the filing of surreplies. 22 N.Y.C.R.R. § 1250.4. Moreover, the reply Affirmations of Mr. Giulietti and Mr. Garten contain only new information addressing the unjust and impractical bond demand that was not available at the time Defendants filed their opening brief. They are directly responsive to unconstitutional and incorrect arguments raised in the Attorney General’s response brief. Given the complexity of these issues, we respectfully renew our request for oral argument and an interim stay pending decision on the stay motion.

Respectfully submitted,

ROBERT & ROBERT PLLC


CLIFFORD S. ROBERT

cc: All Counsel of Record (by NYSCEF)