

Exhibits to People's Motion to Quash  
and for a Protective Order (Apr. 3, 2024)

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

THE PEOPLE OF THE STATE OF NEW YORK

Exhibit 1

Ind. Case No. 2024-00000

SUBPOENA DUCES TECUM

IN SENATE CHAMBERS OF THE STATE OF NEW YORK



## DEFINITIONS

1. "Documents" means communications, electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained directly, or, if necessary, after translation by the responding party into a reasonably usable form. Documents also includes any draft or non-identical copy of any of the foregoing materials.

## INSTRUCTIONS

1. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the effective ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below.
2. To the extent there are no responsive Documents to a particular Request, please indicate that in your response. If a Document once existed and has been lost, destroyed, or is otherwise missing, please provide sufficient information to identify the Document and the details concerning its non-existence.
3. To the extent that a Document otherwise responsive to any of the Requests is withheld on the ground(s) that it is subject to a privilege, please provide a log that identifies each such document and the specific reason for which it is being withheld in sufficient detail to allow assessment of the validity of the withholding.
4. If you redact any portion of a Document, please provide the reason for the redaction in sufficient detail to allow assessment of the validity of the claimed need for redaction.

## REQUESTS

1. Please provide all documents relating to the February 28, 2021 memorandum evaluating, *inter alia*, whether (a) Stephanie Clifford, a/k/a "Stormy Daniels," committed "extortion" and/or "larceny," and (b) whether President Trump was a "victim of blackmail."<sup>1</sup>
2. For the period from February 2, 2021 through March 23, 2022, please provide all Documents reflecting communications—including communications using personal (non-DANY) electronic devices or personal (non-DANY) email and electronic messaging accounts—with Michael Cohen, Lanny Davis, Danya Perry, or Jeremy Rosenberg relating to:

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<sup>1</sup> See M. Pomerantz, *People vs. Donald Trump: An Inside Account* at 57-58 (2023).

- a. Cohen's recollection of interactions with President Trump, President Trump's staff, Clifford, Karen McDougal, Dino Sajudin, Keith Davidson, American Media, Inc. ("AMI"), or AMI personnel;
  - b. Any form of bias or animosity toward President Trump; or
  - c. Requests for benefits or other consideration, including requests for submissions to judges presiding over cases in which Cohen was a party or otherwise interested.
3. For the period from February 2, 2021 through March 23, 2022, please provide all Documents reflecting communications—including communications using personal (non-DANY) electronic devices or personal (non-DANY) email and electronic messaging accounts—with potential witnesses other than Cohen, or those witnesses' counsel, relating to facts at issue in DANY's investigation of President Trump.
  4. For the period from March 23, 2022 through the present, please provide all Documents reflecting communications with DANY personnel regarding the collection of materials for purposes of discovery, disclosure, or litigation in *People v. Trump*, Indictment No. 71543-23.

Dated: March 18, 2024

By: /s/ Todd Blanche  
Todd Blanche  
Emil Bove  
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*Attorneys for President Donald J. Trump*

Exhibits to People's Motion to Quash  
and for a Protective Order (Apr. 3, 2024)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK, PART 31

THE PEOPLE OF THE STATE OF NEW YORK

AFFIRMATION

vs.

Ind. No. 123456

DOUGLAS M. TRUMP

# Exhibit 2

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as filed with the Court.

Subscribed and sworn to before me this 3rd day of April, 2024.

Notary Public in and for the State of New York

My Commission Expires on 12/31/2025

Notary Public in and for the State of New York

My Commission Expires on 12/31/2025

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Notary Public in and for the State of New York

My Commission Expires on 12/31/2025

Notary Public in and for the State of New York

My Commission Expires on 12/31/2025



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION

Ind. No. 71543-23

Mark F. Pomerantz, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. I served as a Special Assistant District Attorney (“SADA”) in the New York County District Attorney’s Office (“DANY”), working on an investigation of Donald Trump and related persons and entities, from February 2, 2021, to February 23, 2022, when I resigned from my position.

2. After the indictment in this case was returned in April 2023, DANY contacted my attorneys and, in service of their discovery obligations under CPL Article 245, asked that I

[REDACTED]  
[REDACTED] I was asked specifically to [REDACTED]  
[REDACTED]  
[REDACTED]

3. After receiving this request, I conducted a diligent search of materials in my possession that I had made or maintained as part of my work for the District Attorney’s Office. I provided requested materials to my attorneys, who forwarded them to DANY so that DANY could produce any discoverable materials. The decisions about what materials to produce to the defense were made entirely by DANY.

4. As described in my affirmation dated March 18, 2024 (attached as Exhibit 1), on several occasions in February and March of this year, DANY contacted my lawyers and asked that I [REDACTED]

[REDACTED]. I

reviewed my text messages and provided the requested text messages to my lawyers, who relayed them to DANY.

5. Because DANY requested material not already preserved on a DANY system, I did not provide DANY with retained copies of materials that were already preserved on a DANY system. So, by way of example, if I received an electronic copy of a witness interview memo from other DANY personnel, or sent materials to DANY personnel via email, DANY already had access to those materials and could produce any discoverable materials as necessary.

6. My production to DANY was limited to materials that related to the subject matter of the indictment that had been returned against Mr. Trump.

7. I have reviewed a subpoena addressed to me, issued by counsel to Mr. Trump and dated March 18, 2024. Upon learning of the subpoena, I once again conducted a diligent search of material in my possession that I made or maintained as part of my work on the Trump investigation. With regard to the Requests 1-3 of the March 18, 2024, subpoena, my search yielded no materials related to the subject matter of the pending prosecution that are not already in the possession of the District Attorney's Office.

8. Request 4 of the March 18, 2024, subpoena seeks documents reflecting communications with DANY personnel regarding the collection of material for purposes of discovery, disclosure, or litigation in this case. Request 4 has nothing to do with the facts at issue in the prosecution, but rather appears to be directed to probing the adequacy of the means by which the District Attorney's Office gathered materials for purposes of making discovery. Although I provided DANY with materials I was requested to produce, I had no role in DANY's decisions about discovery. Further, after the return of the indictment in this case, all communications with DANY personnel about the collection of my materials in connection with this case took place between my lawyers and DANY. To the extent I have materials reflecting my communications with my own lawyers about these matters, I believe that those materials are covered by the attorney-client privilege, and I respectfully object to their production to Mr. Trump's lawyers on that basis.

Dated: March 29, 2024  
New York, New York

Respectfully submitted,

*/s/ Mark F. Pomerantz*

Mark F. Pomerantz

DATE: APR 25 2024

IN RE: [Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

# EXHIBIT 1

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION

Ind. No. 71543-23

Mark F. Pomerantz, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. On July 11, 2023, in response to a request from DANY, my counsel produced, on my behalf, documents, emails, and text messages created and maintained as part of my work as an Assistant District Attorney on the Trump investigation that may have not have already been preserved on the DANY system.
2. In early February, 2024, in response to a follow up request from DANY, I performed a search for text messages between myself and Lanny Davis, an attorney for Michael Cohen. Despite reviewing my phone for potentially discoverable texts in connection with my July 2023 search, I had inadvertently overlooked certain texts, and on February 8, 2024, my counsel produced the results of my follow up search, which included various text messages.
3. Also in early February, in connection with DANY's request, I checked my iPhone to see if I had any text messages between myself and Danya Perry, another lawyer for Michael Cohen who had been referenced in a text message that had been sent to me by Mr. Davis and called to my attention by DANY.

4. Though I did not have Ms. Perry saved as a contact on my phone, I knew her telephone number from the text message that Mr. Davis had sent me. I therefore entered her phone number in the search function of the texting application on my iPhone.

5. The result of that search yielded only the single text to me from Mr. Davis which contained the reference to Ms. Perry and her telephone number. I knew that DANY already had that text. I did not locate any other text messages with Ms. Perry as a result of that search.

6. DANY has now directed my attention to additional text messages that were exchanged between me and Ms. Perry. I was able to locate these messages on my iPhone by entering her phone number in the "Compose" screen (rather than the search screen) in the texting application of my iPhone. This brought up messages in the text chain with Ms. Perry, rather than the single message yielded by using the "search" function. The full text message conversation I had with Ms. Perry is attached as Exhibit A.

Dated: March 18, 2024  
New York, New York

Respectfully submitted,

*/s/ Mark F. Pomerantz*

Mark F. Pomerantz

# **EXHIBIT A**



