

Supreme Court
of the
State of New York



JUAN M. MERCHAN
JUDGE OF THE COURT OF CLAIMS
SUPREME COURT, CRIMINAL TERM
FIRST JUDICIAL DISTRICT

CHAMBERS
100 CENTRE STREET
NEW YORK, N.Y. 10013

VIA E-MAIL

April 28, 2023

Joseph Tacopina
Tacopina Seigel & DeOreo
275 Madison Avenue, 35th Floor
New York, NY 10013

Susan Hoffinger
Executive Assistant District Attorney
New York County District Attorney's Office
1 Hogan Place
New York, NY 10013

Re: People v. Trump, Ind. No. 71543/2023

Dear Counsel:

At the arraignment in this matter on April 4, 2023, the People advised the Court of a potential conflict involving Joseph Tacopina, because of prior communications between Stephanie Clifford, also known as Stormy Daniels, and his firm. The People referenced a letter dated April 3, 2023, from Clark O. Brewster, counsel for Ms. Clifford, to Mr. Tacopina, in which Mr. Brewster alleged the existence of a conflict and provided information seemingly in support of his claim. The People also alluded to comments Mr. Tacopina had previously made on various television networks which they allege, could potentially give rise to a conflict. It was the People's stated belief that it would eventually become necessary for this Court to inform Mr. Trump of his right to conflict-free representation and conduct what is commonly referred to as a *Gomberg* inquiry. See, *People v. Gomberg*, 38 N.Y.2d 307 (1975).

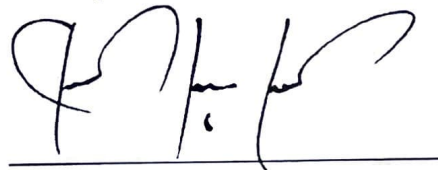
Mr. Tacopina acknowledged receipt of Mr. Brewster's letter and stated his belief that the letter contains factual inaccuracies. Mr. Tacopina denied ever speaking with Stormy Daniels and expressed his willingness to provide whatever the Court deemed necessary to resolve the matter. The People filed and served copies of the letter on April 5, 2023. After reviewing the letter, this Court directed the People and Mr. Tacopina, to supplement the representations made at the arraignment, in writing,

by Monday, April 17, 2023. Mr. Tacopina responded on April 12, 2023, and the People responded on April 14, 2023.

Upon review of the submissions, it is the belief of this Court that further inquiry is necessary before deciding whether to conduct a more comprehensive *Gomberg* inquiry or finding the existence of an actual conflict. To assist the Court with this determination, the People's suggestions are adopted and Mr. Tacopina and Tacopina, Seigel & DeOreo are directed to provide the following for *in camera* review: (1) any record containing Mr. Tacopina's, or his firm's communications with Ms. Clifford including notes, memoranda, correspondence, and emails; (2) any information describing the extent to which Mr. Tacopina may have provided any information he received from Ms. Clifford with the Defendant or counsel for the Defendant; (3) provide a copy of the written waiver Mr. Tacopina referred to at the arraignment; and (4) disclose what steps if any, Mr. Tacopina, or his firm, have taken to address issues related to this potential conflict. Responsive records are to be submitted no later than May 15th. The Court is aware that Mr. Tacopina is currently engaged in the Southern District of New York thus, an in person inquiry, if necessary, is deferred until after the completion of that trial.

The People are directed to inform the Court in writing by May 15th, whether any additional concerns exist related to a potential conflict besides, the Defendant's right to effective assistance of counsel.

Sincerely,



Juan M. Merchan
Acting Justice of the Supreme Court
Judge of the Court of Claims

HON. J. MERCHAN

APR 20 2023

cc: Susan Necheles, Esq., and
Todd Blanche, Esq., counsel for Donald J. Trump