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April 13, 2023

**VIA ECF**

The Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
500 Pearl Street  
New York, New York 10007

Re: *E. Jean Carroll v. Donald J. Trump*  
1:22-cv-10016 (LAK)

Dear Judge Kaplan:

We write on behalf of the defendant, Donald J. Trump (“Defendant”), with respect to the recent, belated disclosure of material information by the plaintiff, E. Jean Carroll (“Plaintiff”), which raises significant concerns as to Plaintiff’s bias and motive in commencing the instant lawsuit, and necessitates that discovery be re-opened for the limited purpose of addressing this issue.

For background, on October 14, 2022, Plaintiff sat for her deposition in the parallel proceeding of *Carroll v. Trump*, No. 1:20-cv-7311 (LAK) (“*Carroll P*”).<sup>1</sup> At that time, she was asked about a pertinent issue that looms large over this case – whether her legal fees are being funded by a third-party benefactor, particularly one with political ties. She answered, unequivocally, in the negative:

Q: Are you presently paying your counsel's fees?

A: This is a contingency case.

Q: So you're not paying expenses or anything out of pocket to date; is that correct?

A: I'm not sure about expenses. I have to look that up.

Q. Is anyone else paying your legal fees, Ms. Carroll?

A: No.

See **Exhibit A** at tr. 209:11-21.

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<sup>1</sup> Pursuant to the Court’s Order dated December 21, 2022 (ECF No. 19), Plaintiff’s October 14, 2022 deposition has, for all intents and purposes, been incorporated into the instant action and serves as the operative deposition with respect to all substantive issues aside from a particular subset of Plaintiff’s damages claim.

Now, nearly six months later and a mere *two weeks* before trial is scheduled to commence, Plaintiff has acknowledged that the above statement was inaccurate. On April 10, 2023, defense counsel received a letter from Plaintiff’s attorneys which stated, without elaboration, that Plaintiff “now recalls that at some point her counsel secured additional funding from a nonprofit organization to offset certain expenses and legal fees.” See **Exhibit B** at 1.

Of course, the proposition that Plaintiff has suddenly “recollected” the source of her funding for this high-profile litigation—which has spanned four years, spawned two separate actions, and been before numerous state, federal, and appellate courts—is not only preposterous, it is demonstrably false. *Id.* Indeed, it simply defies logic to believe that Plaintiff’s attorneys—four of whom were present at her deposition—were unaware that their *own firm* had “secured additional funding from a nonprofit organization” to bankroll their client’s various lawsuits and ensure their bills were being paid. *Id.* It is equally inconceivable that neither Plaintiff nor her counsel have been aware of the identity of the third-party benefactor who was providing these payments. There is simply no justifiable excuse for Plaintiff’s prolonged failure to disclose this information to Defendant in a timely manner. In short, Plaintiff apparently perjured herself during her deposition; her counsel sat by and allowed her to do so, knowing full well that her testimony was false<sup>2</sup>; and then they conspired to conceal the truth for nearly six months, only to disclose it on the eve of trial.

After receiving the April 10 letter, Defendant immediately scheduled a meet and confer with Plaintiff’s counsel, which was held via conference call the next day, April 11, 2023. During the call, defense counsel: (i) inquired as to the identity of the “nonprofit organization” that was funding Plaintiff’s lawsuits; (ii) requested that Plaintiff turn over documentation relating to the source of funding (i.e., payment history, retainer agreement with the third-party benefactor, communications with the third-party benefactor, etc.); (iii) requested that plaintiff appear for a supplemental deposition, limited in scope to the source of funding issue; and (iv) sought Plaintiff’s consent to make a joint application to this Court seeking a brief adjournment of the trial date to allow sufficient time for the parties to engage in the additional discovery proceedings. In response, Plaintiff’s counsel refused to disclose the identity of the “non-profit organization” and stated that they would advise as to their position on Defendant’s remaining requests.

Later that evening, Plaintiff’s lead counsel, Roberta Kaplan, submitted a letter to defense counsel, wherein she stated that she “would be willing to disclose the identity of the funder and agree not to object on relevance grounds to questions [defense counsel] might ask Ms. Carroll on cross-examination regarding her personal knowledge of the funding that her counsel secured” and suggested a follow-up meet and confer meeting. See **Exhibit C** at 2. Thereafter, pursuant to Ms. Kaplan’s suggestion, a meet and confer was held via conference call the next morning, April 12, 2023. On the call, however, Plaintiff’s counsel initially refused to disclose the identity of the third-party benefactor unless defense counsel first agreed to waive its ability to seek court intervention with respect to additional discovery surrounding the third-party benefactor. When defense counsel declined to do so, Plaintiff’s counsel provided only the name of an individual, Reid Hoffman, who,

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<sup>2</sup> See Rules of Professional Conduct, 22 NYCRR 1200.0, Rule 3.3(a)(3) (“If a . . . lawyer’s client . . . has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures[.]”); Rule 3.4(a) (“A lawyer shall not . . . suppress any evidence that the lawyer or the client has a legal obligation to reveal or produce [or] conceal or knowingly fail to disclose that which the lawyer is required by law to reveal[.]”).

according to Plaintiff's counsel, is primary backer of the "non-profit organization." Plaintiff's counsel continued to refuse to disclose the identity of the "non-profit organization" itself, prompting the parties to have a follow-up meet and confer later that day, when Plaintiff's counsel ultimately disclosed that the "non-profit organization" is American Future Republic. Additional discussions took place between the sides, but no agreement was able to be reached with respect to additional discovery to be turned over.

The eleventh-hour disclosure that Plaintiff's legal fees are being subsidized by American Future Republic and Reid Hoffman is troubling and raises significant questions that require further investigation. Based upon defense counsel's initial research, there appears to be little to no publicly available information on American Future Republic, aside from the fact that it is a 501(c)(4) social welfare organization entity funded by Reid Hoffman, the billionaire founder of LinkedIn. Hoffman is one of the largest donors to the Democratic party—reportedly “one of the most influential Democratic donors of the Trump era”<sup>3</sup>—and a vocal critic of Defendant and his political policies. In fact, Hoffman is on record stating that he would “‘spend as much as [he] possibly can’ to avoid another Trump presidency, saying it would be ‘destructive to our society,’”<sup>4</sup> and, since 2017, has reportedly been “funding groups to create a bulwark against Mr. Trump’s agenda.”<sup>5</sup> Previously, Hoffman contributed more than \$600,000 to the legal defense fund of Bean LLC<sup>6</sup>—otherwise known as Fusion GPS, the company responsible for the creation of the Steele Dossier—and was the primary source of funding for an organization that launched an “elaborate false flag” operation which involved spreading misinformation about a Republican senatorial candidate in the hopes that it would cost him the senatorial election.<sup>7</sup>

This revelation raises significant questions as to Plaintiff's credibility, as well as her motive for commencing and/or continuing the instant action. It also strikes at the heart of one of the key aspects of Plaintiff's defamation claim – whether the instant action is a “hoax” that was commenced and/or continued to advance a political agenda. As such, this issue has a material bearing on Defendant's defense strategy and additional discovery is needed. Due to the belated nature of Plaintiff's disclosure, Defendant was deprived of an opportunity to investigate this information in the course of discovery proceedings. In fact, given that this information was concealed for numerous months, only to be abruptly divulged on the eve of trial, Plaintiff's conduct appears to be a deliberate attempt to cut-off Defendant's ability to investigate this matter. *See, e.g., Haibo Jiang v. Town of Tonawanda*, No. 15-cv-898-A, 2018 WL 3215575, at \*4 (W.D.N.Y. July

<sup>3</sup> Theodore Schleifer, “This billionaire built a big-money machine to oust Trump. Why do some Democrats hate him?” *Vox*, September 23, 2020, available at <https://www.vox.com/recode/21451481/linkedin-reid-hoffman-billionaire-democratic-party-tension-silicon-valley>.

<sup>4</sup> Aaron Mok, “Reid Hoffman, LinkedIn cofounder, said he talks to his friend Peter Thiel less to avoid political discussions and feuding over Donald Trump,” *Business Insider*, March 22, 2023, available at <https://www.businessinsider.com/reid-hoffman-peter-thiel-politics-clash-dont-talk-trump-2023-3>.

<sup>5</sup> Katie Benner, “Using Silicon Valley Tactics, LinkedIn’s Founder Is Working to Blunt Trump,” *The New York Times*, September 8, 2017, available at <https://www.nytimes.com/2017/09/08/technology/reid-hoffman-silicon-valley-blunt-trump.html>.

<sup>6</sup> [https://projects.propublica.org/nonprofits/display\\_990/821110585/02\\_2020\\_prefixes\\_81-82%2F821110585\\_201812\\_990\\_2020021417149016](https://projects.propublica.org/nonprofits/display_990/821110585/02_2020_prefixes_81-82%2F821110585_201812_990_2020021417149016)

<sup>7</sup> Tony Romm, “Internet Billionaire Reid Hoffman Apologizes For Funding Group Tied to Disinformation In Alabama Race,” *The Washington Post*, December 6, 2018, available at <https://www.washingtonpost.com/technology/2018/12/26/internet-billionaire-reid-hoffman-apologizes-funding-group-behind-disinformation-alabama-race/?noredirect=on>.

2, 2018) (“Given the timing of these disclosures—well after the discovery cutoff date, and on the eve of trial—the Defendant was unable to investigate these issues. The resulting prejudice to the Defendant was obvious.”) (citing *Rienzi & Sons, Inc. v. N. Pugilisi & F. Industria Paste Alimentari*, No. 80-cv-2540 (DLI), 2011 WL 1239867, at \*3 (E.D.N.Y. Mar. 30, 2011)); *Res. Funding Corp. v. DeGeorge Fin. Corp.*, 306 F.3d 99, 112 (2d Cir. 2002) (remanding and admonishing that “as a discovery deadline or trial date draws near, discovery conduct that might have been considered ‘merely’ discourteous at an earlier point in the litigation may well breach a party’s duties to its opponent and to the court.”).

Therefore, in view of the circumstances at hand, and for the reasons outlined below, Defendant respectfully seeks: (i) a limited re-opening of the discovery period restricted to investigation into the narrow source of funding issue, and (ii) a one-month continuance of the trial date, the need for which, with respect to this issue, stems solely from Plaintiff’s failure to disclose the subject information in a timely manner; or (iii) in the alternative, that the Court permit an adverse inference instruction against Plaintiff with respect to her willful defiance of her discovery obligations.

\* \* \*

“A district court has broad discretion in deciding whether to re-open discovery.” *Carroll v. Trump*, No. 22-cv-10016 (LAK), 2023 WL 2006312, at \*15 (S.D.N.Y. Feb. 15, 2023) (citing *Iacovacci v. Brevet Holdings, LLC*, No. 1:18-cv-08048 (MKV), 2022 WL 540658, at \*1 (S.D.N.Y. Feb. 23, 2022); *Wills v. Amerada Hess Corp.*, 379 F.3d 32, 41 (2d Cir. 2004)). Pursuant to Federal Rule of Civil Procedure 16, discovery may be re-opened upon a showing of “good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4).

“District courts in this Circuit generally consider six factors in deciding whether good cause to re-open discovery exists: ‘(1) whether trial is imminent, (2) whether the request is opposed, (3) whether the non-moving party would be prejudiced, (4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court, (5) the foreseeability of the need for additional discovery in light of the time allowed for discovery by the district court, and (6) the likelihood that the discovery will lead to relevant evidence.’” *Carroll*, 2022 WL 540658, at 16 (citing *Bakalar v. Vavra*, 851 F. Supp. 2d 489, 493 (S.D.N.Y. 2011)). Here, all six factors weigh in Defendant’s favor.

**First**, trial is currently scheduled to commence in less than two weeks, on April 25, 2023. Typically, such a close proximity to trial would weigh against Defendant, the moving party. However, given the circumstances at hand, this factor should be construed against Plaintiff, since it was Plaintiff’s withholding of relevant information and then sudden disclosure on the eve of trial that created this dispute in the first place. Indeed, Plaintiff’s counsel deliberately waited 178 days following their client’s deposition to correct her materially false statement, clearly to gain a tactical advantage over Defendant in this proceeding. Had Plaintiff disclosed the source of her funding in a timely manner, Defendant would have been afforded ample opportunity to investigate the issue through routine discovery. Plaintiff should not be permitted to benefit from her failure to do so, nor the fact that she waited until the last possible moment.

**Second**, the request is opposed by Plaintiff. However, like the first factor, this consideration should not be weighed against Defendant. It is of no moment that Plaintiff opposes the instant motion, as she willfully neglected her discovery obligations. Thus, to consider this factor in her favor would be inequitable and unjust.

**Third**, Plaintiff would not be prejudiced by re-opening discovery for the purpose of allowing Defendant to engage in limited fact-finding surrounding the source of Plaintiff's funding. To the extent re-opening discovery causes any delay in the trial schedule, any such postponement would simply be the consequence of Plaintiff's own failure to timely abide by her discovery obligations. The resulting prejudice, if any, falls squarely upon Plaintiff's shoulders and should not be considered as a relevant factor by this Court.

**Fourth**, Defendant was diligent in obtaining discovery within the timeframe permitted by the Court. In his First Set of Interrogatories, served on May 27, 2022 in *Carroll I*, Defendant demanded that Plaintiff disclose the following information:

23. Identify all Persons who have made, provided, discussed, or offered to make or provide, any funds, payments, donations, gifts or consideration of any value, in connection with this Action . . . including but not limited to . . . attorneys' fees, and describe: (a) the nature of the contribution or provision of value or consideration; and (b) b. the dollar amount of the contribution or provision of value or consideration, if not financial in nature, the equivalent dollar amount of the contribution.

See **Exhibit D** at ¶ 23.<sup>8</sup> In her response, Plaintiff asserted that the information was protected by attorney-client privilege. See **Exhibit E** at 13. Thereafter, defense counsel questioned Plaintiff as to whether any third party was paying her legal fees, to which she unequivocally stated "No." See **Ex. A** at tr. 209:21.

Plaintiff's assertion of attorney-client privilege, coupled with her sworn denial that any third party was covering her legal expenses, provided Defendant with no reason to believe that any third-party benefactor was involved in the payment of Plaintiff's legal fees. It was only when Plaintiff corrected her false statement in her April 10, 2023 letter that Defendant was alerted to fact that a "nonprofit organization" has been funding her lawsuits. Since this information was not previously discoverable—and, in fact, was actively concealed by Plaintiff—Defendant never had *any* opportunity to engage in fact-finding on this issue within the confines of this Court's Scheduling Order. As such, this factor weighs heavily in favor of Defendant. See, e.g., *Sokol Holdings, Inc. v. BMD Munai, Inc.*, 2009 WL 2524611, at \*7 (S.D.N.Y. Aug. 14, 2009) (stating that, to re-open discovery, a moving party "must show that, despite its having exercised diligence, the applicable deadline could not have been reasonably met."); Fed. R. Civ. P. 16 Advisory Comm. Notes to 1983 Amendment (noting that a court "may modify the [discovery] schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension."); *Geneva Pharm. Tech. Corp. v. Barr Labs., Inc.*, No. 98-cv-861, 2005 WL 2132438,

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<sup>8</sup> Defendant propounded a corresponding document request upon Plaintiff seeking related documents and communications, to which she made the same assertion of attorney-client privilege. See **Ex. C** at 1-2.

at \*5 (S.D.N.Y. Sept. 6, 2005) (“[M]aterial events have occurred since the last discovery period, which justice requires that the parties have an opportunity to develop through discovery.”).

**Fifth**, for the same reasons described above, it was entirely unforeseeable that Defendant would require additional discovery as to the source of Plaintiff’s third-party funding, since Plaintiff actively concealed the existence of a third-party benefactor throughout the course of discovery. This fact only came to light within the past couple days, after Plaintiff suddenly reversed course and disclosed said information. As a result, it was impossible for Defendant to foresee the need for discovery into this area of inquiry. Therefore, this factor weighs in favor of Defendant.

**Sixth**, there is a significant likelihood that the information sought by Defendant will lead to the discovery of relevant evidence. Relevance “has been construed broadly to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S.Ct. 2380, 57 L.Ed.2d 253 (1978); *Thomas E. Hoar, Inc. v. Sara Lee Corp.*, 882 F.2d 682, 687 (2d Cir.1989) (holding that “the broad scope of discovery delimited by the Federal Rules of Civil Procedure is designed to achieve disclosure of all the evidence relevant to the merits of a controversy”). Indeed, the “right of litigants to discover and present relevant evidence in civil litigations is given great weight in federal courts,” and there is a tendency “toward admitting as much evidence as possible so that the facts may be more accurately determined.” *Apicella v. McNeil Labs.*, 66 F.R.D. 78, 82 (E.D.N.Y. 1975). “So long as a chain of inferences leads the trier of fact to conclude that the proffered submission affects the mix of material information, the evidence cannot be excluded at the threshold relevance inquiry.” *United States v. Jones*, 2018 WL 1115778, at \*9 (S.D.N.Y. Feb. 27, 2018).

Here, there is no question that information pertaining to the “nonprofit organization” that has been funding Plaintiff’s attorneys’ fees is relevant to this case. It is well established that “[c]ourts can require [a party] to produce ... documents indicating the source of third-party payment of its legal fees.” *Alfadda v. Fenn*, 1994 WL 577002, at \*1 (S.D.N.Y. Oct. 19, 1994); *see also United States v. Zarrab*, 15-cr-867 (RMB), 2017 WL 1753466 (S.D.N.Y. Apr. 5, 2017). Such disclosure does not implicate attorney-client privilege or the attorney work product doctrine. *Vingelli v. U.S., Drug Enf’t Agency*, 992 F.2d 449, 452 (2d Cir. 1993) (“[I]n the absence of special circumstances client identity and fee arrangements do not fall within the attorney-client privilege because they are not the kinds of disclosures that would not have been made absent the privilege and their disclosure does not incapacitate the attorney from rendering legal advice.”) (2d Cir. 1993); *E. Profit Corp. Ltd. v. Strategic Vision US, LLC*, 18-CV-2185 (LJL), 2020 WL 7490107, at \*8 (S.D.N.Y. Dec. 18, 2020) (“The identity of a person providing litigation funding—whether a private individual or a corporation or an insurance company—is not protected by the attorney-client privilege or attorney work product doctrine.”); *In re Shargel*, 742 F.2d 61, 64 n.2 (2d Cir. 1984) (“[T]he privilege does not protect the identity of a ‘benefactor’ so far as legal fees are concerned . . . [t]he payment of another’s legal fees is an act independent of that explanation and should not be accorded more protection against disclosure under the attorney-client privilege than a payment directly to the person for purposes of his or her retaining a lawyer.”).

In addition, the source of funding of Plaintiff's legal fees is particularly relevant in the instant matter given the political overtones of this case. This action was filed against Defendant while he was the sitting President of the United States, and it has continued into his candidacy for the 2024 Presidential Election where he is currently the leading Republican candidate. Plaintiff, for her part, has long been an outspoken critic of Defendant's political policies and, at or around the time *Carroll I* was commenced, she frequently expressed her desire to see him removed from office.<sup>9</sup> Perhaps most interestingly, Plaintiff admitted during her deposition that she initiated the instant lawsuit at the urging of George Conway, a well-known detractor of Defendant and his politics,<sup>10</sup> who referred her to her current counsel, Kaplan Hecker & Fink LLP, a firm with ties to the Democratic party which is engaged in numerous lawsuits against Defendant.<sup>11</sup>

Q: At what point did you decide to file a lawsuit against the defendant?

A: Well, wherever I went after the story went people said are you going to sue him, are you going to sue him and I would say no, no, no, not going to do it. I'm just not -- and then I had a conversation with someone who knew the ins and outs, an actual lawyer, and he said you should really seriously think about this.

Q: Who was that lawyer without getting into the conversation?

A: George Conway.

[. . .]

Q: So after you spoke to George, did you retain counsel?

A: Yes.

Q: How soon after?

A: The day after. The day – two days later.

Q: Did George recommend Ms. Kaplan?

A: Yes, he did.

*See Ex. A* at tr. 205:4-16, 209:3-10.

<sup>9</sup> *See, e.g.*, @ejeancarroll, 12/17/19, 6:05pm, <https://twitter.com/ejeancarroll/status/1207074320440315906> (“I am a woman, and I want to see Trump Impeached and Removed. I want to stop the damage he and his flunkies are inflicting on the rights of women to control our our destinies!”); @ejeancarroll, February 3, 2017, 1:54pm, <https://twitter.com/ejeancarroll/status/827591114437824514> (“The greatest threat to America is Donald Trump!”); @ejeancarroll, June 30, 2018, 4:39pm, <https://twitter.com/ejeancarroll/status/1013160235295494144> (“Each of us should find one Trump Woman THAT WE PERSONALLY KNOW and spend the next three months tenderly and intelligently convincing her to vote against the candidates of his party in November. THAT WOULD STOP HIM.”).

<sup>10</sup> *See, e.g.*, Erik Larson, “Roberta Kaplan Builds Progressive Firm Suing Trump, Defending Wall Street,” *Bloomberg News*, March 13, 2021, available at <https://news.bloomberglaw.com/us-law-week/roberta-kaplan-builds-progressive-firm-suing-trump-defending-wall-street>; Catherine Triomphe, “Roberta Kaplan, The Lawyer Taking On Donald Trump And Fighting the Far-Right,” *Barron's*, February 6, 2021, available at <https://www.barrons.com/news/roberta-kaplan-the-lawyer-taking-on-donald-trump-and-the-far-right-01612662609>.

<sup>11</sup> *See, e.g.*, George Conway III, “Unfit for Office: Donald Trump’s narcissism makes it impossible for him to carry out the duties of the presidency in the way the Constitution requires,” *The Atlantic*, available at <https://www.theatlantic.com/ideas/archive/2019/10/george-conway-trump-unfit-office/599128/> (11,000 word op-ed written by Conway claiming that Trump’s is unfit for office).

Moreover, Plaintiff's counsel has admitted that Reid Hoffman was one of the underlying sources of her funding. Hoffman is one of the largest individual donors to the Democratic party, an outspoken critic of Defendant, and an active contributor to numerous "anti-Trump" initiatives. Given the political machinations which are at issue in this case, Mr. Hoffman's involvement is certainly noteworthy.

In *Eastern Profit Corporation Limited v. Strategic Vision US, LLC*, No. 18-cv-2185 (LJL), 2020 WL 7490107 (S.D.N.Y. Dec. 18, 2020), the court made a conditional ruling allowing the admission of evidence at trial concerning the identity and political leanings of a third-party benefactor that had been funding the litigation costs of the defendant. The court permitted testimony and questioning on the identity of the funder provided that plaintiff could show it had a "good faith belief" that the funder was affiliated with a foreign political party, accepting the plaintiff's argument that this fact, if shown, would "tend to establish a relationship between [the] [d]efendant and the [foreign political party] and its supporters" and therefore make it "less likely" that certain defenses raised by the defendant were valid. *Id.* at \*8. In so ruling, the court observed that the defendant had put "its own political associations" in issue and, therefore, could not complain if the plaintiff sought to "probe those associations." *Id.*

Here, similarly, Plaintiff's potential political ties are pertinent to her motivation for filing her lawsuits, her potential bias against Defendant, and her credibility as a witness. Plaintiff waited until Defendant was a sitting President to come forward with her purported twenty-five-year-old allegation that he sexually assaulted her; and she chose to do so in a profoundly public manner – through the publication of a book detailing her claims. She has also admitted that she had no intention of filing *Carroll I* (or, by extension, the instant lawsuit), until she was urged to do so by an individual with well-documented disdain for Defendant's political leanings. Thus, Plaintiff has undoubtedly put her "political associations" in issue in this case, and Defendant is entitled to "probe those associations." *Id.*

Moreover, aside from its relevance to Plaintiff's bias, motive, and intent, the source of litigation funding bears on a material aspect of Plaintiff's defamation claim – namely, whether this action has been brought for the purpose of advancing a political agenda. Defendant has consistently claimed that Plaintiff's *Carroll I* and *Carroll II* lawsuits are a "con job" and a "hoax," *see* Compl. (ECF No. 1) at ¶ 92, and has questioned whether she is "push[ing] a political agenda" or being funded by a rival political party, *id.* at ¶ 83 ("Shame on those who make up false stories of assault to try to get publicity for themselves, or sell a book, or carry out a political agenda[.]"); ("If anyone has information that the Democratic Party is working with Ms. Carroll or New York Magazine, please notify us as soon as possible. The world should know what's really going on. It is a disgrace and people should pay dearly for such false accusations."). Carroll has also brought this issue into question, having argued that Defendant "asserts a far broader conspiracy of malfeasance that encompasses Carroll, her lawyer, the justice system at large, and even this Court," *see* ECF No. 79 at 16, and repeatedly questioning Defendant on these theories, *see, e.g., Exhibit F* at tr. 88 14:-23 ("Q: Another thing that you say in your June 21 statement is that Ms. Carroll was trying to carry out a political agenda? A: Yeah. Q: How did you know she had a political agenda if you didn't know who she was? A: Somebody told me early on that she was somehow aligned with Hillary Clinton[.]"); tr. 89:22-25 ("Q: Before you issued your June 21 statement, did you have any documents indicating that she was pursuing a political agenda? A: No."); tr. 197:6-16 ("Q: So in



that video, you're talking about the women who had accused you of sexual impropriety; correct? A: Yeah. Q: And you say, "These are lies being pushed by the media and the Clinton campaign"; correct? A: Yeah. Not in all cases, but in some, yeah. I think that's what's happening with you and your client. I don't know if it's Clinton or if it's the Democrat party. It's probably not Clinton anymore."). Thus, the question of whether American First Republic and/or Reid Hoffman funded Plaintiff's legal fees for the purpose of pushing a political agenda is a substantive issue that goes directly towards the merits of Plaintiff's defamation claim. As a result, discovery that sheds light on this issue is relevant as a matter of law.

Lastly, should this Court not be inclined to re-open discovery, Defendant respectfully requests that the Court permit an adverse inference instruction against Plaintiff for her failure to comply with her discovery obligations. "[D]istrict courts have broad discretion in fashioning an appropriate sanction for a party's failure to produce documents in breach [of] its discovery obligations . . ." *Bogosian v. All Am. Concessions*, No. 06-CV-1633 (RRM) (RML), 2011 U.S. Dist. LEXIS 109082, 2011 WL 4460362, at \*7 n.4 (E.D.N.Y. Sept. 26, 2011); *accord Residential Funding Corp. v. DeGeorge Fin. Corp.*, 306 F.3d 99, 106-07 (2d Cir. 2002) ("Even in the absence of a discovery order, a court may impose sanctions on a party for misconduct in discovery under its inherent power to manage its own affairs."); *Reilly v. Natwest Markets Group Inc.*, 181 F.3d 253, 267 (2d Cir. 1999) ("Whether exercising its inherent power, or acting pursuant to Rule 37, a district court has wide discretion in sanctioning a party for discovery abuses."). An adverse inference may be drawn if (1) the party having control over the evidence had an obligation to timely produce it; (2) the party that failed to timely produce the evidence had a culpable state of mind; and (3) the missing evidence is relevant to a claim or defense such that a reasonable trier of fact could find that it would support that claim or defense. *Residential Funding Corp.*, 306 F.3d at 107. As set forth at length above, Plaintiff, after receiving a written demand for discovery relating to third-party funding, failed to timely disclose responsive evidence and subsequently lied, under oath, when questioned about it. Further, Plaintiff and her counsel were fully aware that Reid Hoffman, through his non-profit, American Future Republic, was funding Plaintiff's litigation fees and yet consciously withheld this information. Finally, the sought after evidence is relevant to Plaintiff's credibility and bias, and it also relates directly to a substantive aspect of her defamation claim, namely, whether political considerations played into Plaintiff's decision to commence and/or continue the instant lawsuit. Therefore, permitting an adverse inference against Plaintiff is an appropriate sanction for Plaintiff's deliberate attempts to circumvent the discovery process.

For the reasons set forth above, Defendant respectfully seeks: (i) a limited re-opening of the discovery period restricted to fact-finding surrounding Plaintiff's litigation funding, including permitting Defendant to serve written discovery demands and re-depose Plaintiff on this singular issue, and (ii) a one month continuance of the trial date; or (iii) in the alternative, that the Court permit an adverse inference instruction against Plaintiff with respect to her willful defiance of her discovery obligations.

Respectfully submitted,



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*Counsel for Defendant, Donald J. Trump*

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

E. JEAN CARROLL, )  
Plaintiff, )  
)  
-against- ) 20-cv-7311 (LAK)  
)  
DONALD J. TRUMP, in his )  
personal capacity, )  
Defendant. )  
\_\_\_\_\_ )

\*\*\*CONFIDENTIAL\*\*\*

VIDEOTAPED DEPOSITION OF  
E. JEAN CARROLL  
New York, New York  
Friday, October 14, 2022

Reported By:  
CATHI IRISH, RPR, CRR, CLVS

1 CARROLL - CONFIDENTIAL

2 she's swollen with happiness. That's a  
3 prime example.

4 Q. At what point did you decide to  
5 file a lawsuit against the defendant?

6 A. Well, wherever I went after the  
7 story went people said are you going to  
8 sue him, are you going to sue him and I  
9 would say no, no, no, not going to do it.  
10 I'm just not -- and then I had a  
11 conversation with someone who knew the ins  
12 and outs, an actual lawyer, and he said  
13 you should really seriously think about  
14 this.

15 Q. Who was that lawyer without  
16 getting into the conversation?

17 A. George Conway.

18 Q. How did you meet George Conway?

19 A. Met him at a party at Molly  
20 Jong-Fast's house.

21 Q. Was he your lawyer at the time?

22 A. No, no, no, no.

23 Q. Where was that?

24 A. Manhattan, 83rd Street or 84th  
25 Street.

1 CARROLL - CONFIDENTIAL

2 A. No.

3 Q. So after you spoke to George, did  
4 you retain counsel?

5 A. Yes.

6 Q. How soon after?

7 A. The day after. The day -- two  
8 days later.

9 Q. Did George recommend Ms. Kaplan?

10 A. Yes, he did.

11 Q. Are you presently paying your  
12 counsel's fees?

13 A. This is a contingency case.

14 Q. So you're not paying expenses or  
15 anything out of pocket to date; is that  
16 correct?

17 A. I'm not sure about expenses. I  
18 have to look that up.

19 Q. Is anyone else paying your legal  
20 fees, Ms. Carroll?

21 A. No.

22 Q. You speak a lot about the Adult  
23 Survivors Act being passed and we've  
24 discussed numerous people who have  
25 attacked you, assaulted you; is that

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CARROLL - CONFIDENTIAL

C E R T I F I C A T E

STATE OF NEW YORK     )  
  : ss.  
COUNTY OF NASSAU     )

I, CATHI IRISH, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public within and for the State of New York, do hereby certify:

That E. JEAN CARROLL, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of October, 2022.



CATHI IRISH, RPR, CRR, CLVS

# **EXHIBIT B**



# KAPLAN HECKER & FINK LLP

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April 10, 2023

## VIA EMAIL

Alina Habba  
Habba Madaio & Associates LLP  
1430 US Highway 206  
Bedminster, New Jersey 07921

Re: *Carroll v. Trump*, 22 Civ. 10016 (LAK)

Dear Alina:

We write to provide certain supplemental information relating to a set of questions that Ms. Carroll was asked at her deposition in *Carroll I*. More specifically, at her deposition in our offices on October 14, 2022, you asked the following questions and Ms. Carroll gave the following answers:

Q. Are you presently paying your counsel's fees?

A. This is a contingency case.

Q. So you're not paying expenses or anything out of pocket to date; is that correct?

A. I'm not sure about expenses. I have to look that up.

Q. Is anyone else paying your legal fees, Ms. Carroll?

A. No.

Dep. Tr. at 209:11-21.

During the course of preparing for her testimony at trial, Ms. Carroll has recollected additional information. While Ms. Carroll stands by that testimony about this case being a contingency case, she now recalls that at some point her counsel secured additional funding from a nonprofit organization to offset certain expenses and legal fees.

To be clear, these issues are irrelevant to Ms. Carroll's claims. *See, e.g., Kaplan v. S.A.C. Capital Advisors, L.P.*, No. 12 Civ. 9350, 2015 WL 5730101, at \*3-5 (S.D.N.Y. Sept. 10, 2015), *aff'd*, 141 F. Supp. 3d 246 (S.D.N.Y. 2015) (Marrero, J.); *Benitez v. Lopez*, No. 17 Civ. 3827, 2019 WL 1578167, at \*2 (E.D.N.Y. Mar. 14, 2019); *see also* ECF 95 at 21-22. Nevertheless, we are supplementing the record out of an excess of caution. If you intend to pursue these issues in cross-examining Ms. Carroll, or in any other way at trial, then we should schedule a meet-and-confer so

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that the question of admissibility can be properly presented for a determination by the Court, if necessary.

Respectfully submitted,



Roberta A. Kaplan

cc: Counsel of Record

# **EXHIBIT C**

# KAPLAN HECKER & FINK LLP

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April 11, 2023

## VIA EMAIL

Chad Seigel  
Tacopina Seigel & DeOreo LLP  
275 Madison Avenue, 35th Floor  
New York, New York 10016

Re: *Carroll v. Trump*, 22 Civ. 10016 (LAK)

Dear Chad:

We write as a follow up to our meet-and-confer earlier today regarding my letter to Alina dated April 10, 2023. We maintain our position that funding secured to defray certain of Ms. Carroll's expenses and fees is not relevant to any of the issues that the jury will consider at trial.

Based on our discussion, it appears that you may be operating on a misunderstanding of the facts. As Ms. Carroll testified at her deposition, she had (and continues to have) a contingency fee arrangement with her counsel. In September 2020—well after Ms. Carroll filed her state court complaint in November 2019—counsel for Ms. Carroll secured financial support from a nonprofit organization that would help offset certain costs and fees in connection with counsel's work on Ms. Carroll's behalf. Ms. Carroll has never met and has never been party to any communications (written or oral) with anyone associated with that nonprofit or its financial supporters.<sup>1</sup>

The resources that Ms. Carroll's counsel were able to secure obviously have nothing to do with what happened at Bergdorf Goodman and whether Donald Trump lied about Ms. Carroll starting in June 2019 when this dispute began. This is consistent both with the position that we have taken throughout these proceedings and your failure to raise this issue in connection with our objection to your discovery request. *See, e.g.*, Plaintiff's Response No. 14 to Defendant's Requests for Production (objecting to request for documents concerning "funds...which have

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<sup>1</sup> We note that Donald Trump made many misstatements at his own deposition on October 19, 2022, concerning issues that (unlike this one) are in fact relevant to the jury determination in this case, such as with whom Mr. Trump spoke about Ms. Carroll's allegations, yet we would not contend that they are bases to reopen discovery now. *Compare* Deposition of Donald J. Trump, taken October 19, 2022 in *Carroll v. Trump*, No. 20 Civ. 7311 (S.D.N.Y.) ("*Carroll I*"), at 99:23–103:5 with Defendant Donald J. Trump's Supplemental Responses to Plaintiff's First Set of Interrogatories, *Carroll I* (Aug. 23, 2022).

KAPLAN HECKER & FINK LLP

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been...provided...in connection with this Action or in connection with ... consultations with any legal counsel”).

For these reasons, we cannot agree to this effort to adjourn the trial by reopening discovery on this irrelevant point. Nevertheless, in an effort at compromise in order to put this issue behind us, we would be willing to disclose the identity of the funder and agree not to object on relevance grounds to questions you might ask Ms. Carroll on cross-examination regarding her personal knowledge of the funding that her counsel secured. Please let us know whether we should schedule an additional meet-and-confer to discuss our proposal. In the event that you decide to ask the Court for any relief on this issue, we would request that you include this letter in any submission that you file.

Very truly yours,



Roberta A. Kaplan

cc: Counsel of Record

# **EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

E. JEAN CARROLL,

*Plaintiff,*

v.

DONALD J. TRUMP, in his personal capacity,

*Defendant.*

Civil Action No.: 1:20-cv-7311-LAK-JLC

**DEFENDANT’S FIRST SET OF INTERROGATORIES TO PLAINTIFF**

PLEASE TAKE NOTICE that, pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant, Donald J. Trump (“Defendant”), subject to and reserving all rights to his immunity under the Federal Employees Liability Reform and Tort Compensation Act of 1988 (the “Westfall Act”) and any other applicable laws or doctrines, hereby demands that Plaintiff, E. Jean Carroll (“Plaintiff”) provide the following information, under oath, within twenty (20) days of the service of this notice at the offices of Habba Madaio & Associates, LLP, located at 270 West 60th Street, New York, New York 10023.

**DEFINITIONS**

1. “Action” shall mean the above-captioned action, including but not limited to the allegations and filings herein.
2. “Article” refers to the June 21, 2019, article written by Plaintiff on the New York magazine website, The Cut, “*Donald Trump assaulted me in a Bergdorf Goodman dressing room 23 years ago. But he’s not alone on the list of awful men in my life.*”
3. “Barbaro” shall mean Michael Barbaro, and his Representatives, as referenced in

Paragraph 101 of the Complaint.

4. “Bennet” shall mean Jessica Bennet, and her Representatives, as referenced in Paragraph 105 of the Complaint.

5. “Bergdorf” shall mean Bergdorf Goodman, the luxury department store on Fifth Avenue in New York City, referenced in Paragraph 22 of the Complaint and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes, without limitation, each of their current or former officers, directors, members, partners, shareholders, employees, agents, officials, Representatives, and all Persons and entities acting or purporting to act on their behalf.

6. “Birnbach” shall mean Lisa Birnbach, and her Representatives, as referenced in Paragraph 43 of the Complaint.

7. “The Book” refers to the book written by Plaintiff: “*What Do We Need Men For? A Modest Proposal.*”

8. “Communication(s)” shall mean the transmittal of information (in the form of facts, ideas, inquiries or otherwise, either orally or in writing), including but not limited to correspondence, presentations, demonstratives, visual aids, packages, conversations, meetings, discussions, telephone calls, text messages, instant messages, electronic messaging, social media messages or postings, telegrams, telexes, telecopies, seminars, conferences, messages, notes, emails and memoranda. The transmission of documents or things by mail, courier or electronic service or otherwise is included, without limitation, in the definition of Communication.

9. “Complaint” shall mean the complaint, dated November 4, 2019, in this Action.

10. “Concerning” shall mean about, regarding, relating to, referring to, reflecting, describing, evidencing, or constituting, and shall be construed as necessary to bring within the



scope of the Request all Documents that might otherwise be construed as outside of its scope.

11. “Defendant” shall mean defendant Donald J. Trump.

12. “Document(s)” and “all documents” shall mean the original and any copy differing from the original of any printed, written, typed, recorded, graphic, photographic, computerized printout, computer program, computer data base or other tangible matter from whatever source; whether produced or reproduced or stored on paper, cards, tapes, discs, belts, films, computer storage devices, or any other material or device; whether in draft or otherwise; whether sent or received or neither; including, but not limited to, the original or a true copy (if the original is not available) and all non-identical copies (whether different from the original by reason of any notation made on such copies or otherwise); and includes, without limitation, all writings, correspondence, letters, calendars, diaries, journals, notebooks, files, logs, time logs or other indications of work done or time spent, telephone message slips, drafts, charts, data sheets, statistics, telegrams, email messages, text messages, instant messages, electronic messaging, social media messages or postings, teletypes, telefaxes, telecopies, facsimile transmissions, cables, contracts, agreements, policies, studies, transcripts, summaries, newspaper or magazine materials, pamphlets, books, ledgers, registers, reports, financial statements, prospectuses, minutes, agendas, invoices, purchase orders, order confirmations, statements, checks, receipts, returns, estimates, projections, memoranda, notes, interoffice and intra-office communications, offers, notations of any sort of conversations, bulletins, pictures, photographs, videos, films, computer printouts, work papers, work sheets and all drafts, alterations, modifications, and changes and amendments of any kind. Documents shall include any associated ESI.

13. “ESI” shall mean electronically stored information

14. “*Elle*” shall mean *Elle* magazine and each of its current or former subsidiaries,

affiliates, parents, predecessors and successors, divisions, distributors, publishers, departments and operating units, and includes, without limitation, each of their current or former officers, directors, members, partners, shareholders, employees, agents, officials, Representatives, and all persons and entities acting or purporting to act on their behalf, including but not limited to Hearst.

15. “Hearst” shall mean Hearst Communications, Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, distributors, publishers, departments and operating units, and includes, without limitation, each of their current or former officers, directors, members, partners, shareholders, employees, agents, officials, Representatives, and all Persons and entities acting or purporting to act on their behalf.

16. “Kaplan Hecker & Fink” shall mean Kaplan Hecker & Fink LLP and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes, without limitation, each of their current or former officers, directors, members, partners, shareholders, employees, agents, officials, Representatives, and all Persons and entities acting or purporting to act on their behalf.

17. “Kaplan” shall mean Roberta A. Kaplan and her Representatives.

18. “Martin” shall mean Carol Martin, and her Representatives, as referenced in Paragraph 47 of the Complaint.

19. “Person” shall mean any natural Person or any business, legal or governmental entity, agency, service, or association.

20. “Representative” shall mean, without limitation, any Person, including any current or former directors, officers, employees, agents, brokers, consultants, contractors, attorneys, partners, members, shareholders, intermediaries, subsidiaries and affiliates, who acts, has at any time acted, or has at any time by any Person been requested or solicited to act, at the Person’s

request, for the Person's benefit, or on the Person's behalf, or one who acts or has at any time acted on the Person's behalf or for the Person's benefit with the Person's knowledge, consent, or acquiescence. "Statements" shall mean the allegedly defamatory statements as described in the Complaint.

21. "Carroll," "Plaintiff," "You," and "Your" shall mean Plaintiff E. Jean Carroll, her Representatives, and her former Representatives, including but not limited to, Kaplan Hecker & Fink, and Kaplan.

### **INSTRUCTIONS**

1. These interrogatories are continuing, and if additional information is acquired or discovered by You or Your Representatives, You should, within ten days of the acquisition of such information, serve supplemental responses. Defendant will object to the testimony of any witness, or presentation of any evidence, with regard to which information has been requested by these interrogatories but was not fully and timely furnished.

2. If any of the interrogatories herein call for information to which You assert a claim of privilege, You should produce with Your responses to these interrogatories a complete statement of the factual and legal basis for the claim of privilege, including specific identification of any judicial decisions or state privilege rules or statutes being invoked.

3. These interrogatories are directed to Your knowledge or information, and the answers hereto are to be completed to the best of Your knowledge.

4. If any of the information requested herein is not in Your or Your Representatives' possession but is known or believed to be in the possession of another Person, identify that Person.

5. Where an objection is made to any interrogatory or any sub-part thereof, the objection shall state with specificity all grounds. No part of an interrogatory shall be left

unanswered merely because an objection is interposed to another part of the interrogatory. When used in reference to an individual Person, “identify” means to state his or her full name and present or last known address and telephone number, and contemporaneous or last known position and business affiliation at the time in question. When used in reference to a business organization or entity other than an individual, “identify” means to state its full name, its principal business address, and the nature of the organization (*e.g.*, corporation, partnership). When used in reference to a document, “identify” means to set forth its date, author, designated and actual recipients, type of document (*e.g.*, report, memorandum), beginning Bates number, number of pages and the identity (as defined above) of its present or last known custodian.

6. As used herein, “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories all responses that might otherwise be construed outside of its boundaries. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed as outside of its scope.

7. The word “all” shall be construed as “any and all,” the word “any” shall be construed as “any and all,” and the word “each” shall be construed as “all and each,” so as to bring within the scope of these interrogatories any information or documents that might otherwise be considered to be beyond their scope.

8. The term “describe” means to explain all the specific circumstances and details involved or surround a particular event or occurrence. With respect to a conversation, it means to identify each party to the conversation and to relate the substance of what was said by each one, and to estimate the duration of the conversation.

9. The use of the singular form of any word includes the plural and vice versa.

10. Unless otherwise indicated below, the time period for the Requests is January 1995 to the present.

### **INTERROGATORIES**

1. Identify all Persons who have any knowledge or information about any of the allegations in the Complaint, and for each Person identified, describe the subject matter of the knowledge that each Person possesses.

2. Identify each Person or entity with whom You or Your Representatives communicated in any way (including, but not limited to, in-person, by telephone, by e-mail, by facsimile, or in writing) about the Action or any of the allegations in the Complaint.

3. For each Statement, identify all Persons, other than You or Your Representatives, who have viewed, read, heard, or in any way became aware of that Statement.

4. Identify each Person with whom You discussed the purported incident described in Paragraphs 22 through 42 of the Complaint.

5. Identify and describe the exact damages that You are seeking in the Complaint and the facts upon which such damages are based, and identify all documents that describe, reflect, support, or relate to the damages sought.

6. Identify all of Your business or social relationships that were affected by the Statements, and identify how each such relationship was harmed, as referenced in Paragraph 129 of the Complaint.

7. Identify all medical providers, including mental health professionals, that have treated you from 1990 to the present, and explain the nature and purpose of such treatment.

8. Identify all medication You have been prescribed since 1990 to the present, including the dates on which You were taking such medications, and the reason You were

prescribed such medication.

9. Describe in detail your record of employment, stating specifically as to each job the name and address of your employer, your duties, title, job description and authority, and the inclusive dates of beginning and ending each employment.

10. Describe in detail each communication You had concerning Defendant, any interaction or communication with Defendant, or the allegations in the Complaint, including identifying the Person with whom You had the communication.

11. Identify each Person with knowledge of Your decision to write or publish the Book or the Article, and Your thought process behind such decision, as alleged in paragraphs 74 through 76 of the Complaint.

12. Identify each romantic partner You have had since the date of the purported incident.

13. Identify each Person with knowledge of Your decision to speak with reporter, Barbaro, along with Martin and Birnbach, referenced in Paragraphs 101-104 in the Complaint.

14. Describe in detail how each of the Statements tended to or did injure Your trade, occupation or business, reputation, or finances, as alleged in paragraphs 82 through 100 of the Complaint, identify each Person with knowledge of such alleged injury, and for each financial loss, identify:

- a. the amount of each loss;
- b. the date of each loss;
- c. whether the loss was a realized loss or an unrealized loss;
- d. whether you claimed and/or received a tax deduction for such loss;
- e. each account and account number that reflects each loss; and

f. whether the loss has be recouped or mitigated in any way.

15. Describe in detail Your alleged emotional harm, as alleged in paragraph 145 of the Complaint, including but not limited to any treatment You received in connection with Your alleged emotional harm and identify each person with knowledge of such treatment.

16. For all of Your attorneys' fees and other professional fees You allegedly incurred as a result of the Statements, provide the name of the attorney or other professional, the work performed, and the date and amount of the invoice.

17. Identify each individual member of the group of, "Sixteen Women," referenced in Paragraph 78 of the Complaint, and describe, with respect to each individual member of the group:

- a. Your relationship; and
- b. any communications You had with such women.

18. Identify all Persons who have ever characterized Your statements, assertions, accusations, or allegations of being biased, bogus, concocted, counterfeit, deceptive, dishonest, erroneous, exaggerated, fabricated, fake, fallacious, false, feigned, fictitious, flawed, forged, fraudulent, hyperbolic, impartial, imprecise, inaccurate, inconsistent, incorrect, inexact, invented, misleading, perfidious, phony, specious, spurious, unfounded, unreliable, untrue, or wrong.

19. Describe in detail each instance of any arrest by law enforcement authorities, including the specific violation or offense for which You were arrested, the disposition of the arrest, the date and place of the arrest, and the date, court, and place of any conviction.

20. Describe in detail any instance in which You accused another Person of sexual assault or inappropriate sexual conduct, including but not limiting to by identifying each such Person.

21. Identify all amounts of compensation, remuneration, or funds, received in

connection with the Book or the Article.

22. Identify any publishers or distributors with which You had any discussions concerning publishing or distributing the Book.

23. Identify all Persons who have made, provided, discussed, or offered to make or provide, any funds, payments, donations, gifts or consideration of any value, in connection with this Action or in connection with any media or public appearances, press interviews, or consultations with any legal counsel or any other person concerning the Defendant, any accusation or allegation concerning Defendant, this Action, the Statements, Defendant's presidency or campaign, including but not limited to for security expenses, relocation, expenses, consulting, or attorneys' fees, and describe:

- a. the nature of the contribution or provision of value or consideration; and
- b. the dollar amount of the contribution or provision of value or consideration, if not financial in nature, the equivalent dollar amount of the contribution.

24. Identify all other litigations, arbitrations, or other formal disputes involving You.

25. Describe in detail Your reputation before the alleged defamation compared to Your reputation afterward, indicating all facts, contentions and opinions that reflect in any way upon Your reputation before and after the alleged defamation.

Dated: May 27, 2022  
New York, New York



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Alina Habba, Esq.  
**HABBA MADAIO & ASSOCIATES LLP**  
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-and-  
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# **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

E. JEAN CARROLL,  
*Plaintiff,*

v.

DONALD J. TRUMP, in his personal capacity,  
*Defendant.*

No. 20 Civ. 7311 (LAK) (JLC)

**PLAINTIFF’S RESPONSES AND OBJECTIONS TO  
DEFENDANT’S FIRST SET OF INTERROGATORIES TO PLAINTIFF**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York (together, the “Rules”), Plaintiff E. Jean Carroll (“Carroll”), by and through her undersigned attorneys, hereby submits her Responses and Objections (the “Responses”) to the First Set of Interrogatories of Defendant Donald J. Trump (“Trump”) dated May 27, 2022 (the “Interrogatories”).

**GENERAL OBJECTIONS**

The following general objections and responses (the “General Objections”) are incorporated into each specific objection and response (the “Specific Objections”) as if fully set forth therein:

1. Carroll objects to the Interrogatories to the extent they are duplicative or cumulative or seek information that has been or will be provided through other means of discovery.
2. Carroll objects to the Interrogatories to the extent they are vague, ambiguous, overly broad, unduly burdensome, seek information not relevant to the claims or defenses of any party, or are not proportional to the needs of the case.

3. Carroll objects to Definition No. 5 on the ground that it purports to include Bergdorf Goodman's "current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes, without limitation, each of their current or former officers, directors, members, partners, shareholders, employees, agents, officials, Representatives, and all Persons and entities acting or purporting to act on their behalf." Subject to this General Objection, in responding to the Interrogatories, Carroll will construe "Bergdorf" to refer only to "Bergdorf Goodman" and no other entity.

4. Carroll objects to Definition No. 8 on the grounds that it is broader than the uniform definition of "communication" in Local Rule 26.3(c)(1). Subject to this General Objection, in responding to the Interrogatories, Carroll will use the definition of "communication" set forth in that Rule.

5. Carroll objects to Definition No. 10 on the grounds that it is broader than the uniform definition of "concerning" in Local Rule 26.3(c)(7). Subject to this General Objection, in responding to the Interrogatories, Carroll will use the definition of "concerning" set forth in that Rule.

6. Carroll objects to Definition No. 12 on the grounds that it is broader than the uniform definition of "document" in Local Rule 26.3(c)(2) and Federal Rule of Civil Procedure 34(a)(1)(A). Subject to this General Objection, in responding to the Interrogatories, Carroll will use the definition of "document" set forth in that Rule.

7. Carroll objects to Definition No. 14 on the ground that it purports to include *Elle's* "current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, distributors, publishers, departments and operating units, and includes, without limitation, each of their current or former officers, directors, members, partners, shareholders, employees, agents,

officials, Representatives, and all persons and entities acting or purporting to act on their behalf, but not limited to Hearst.” Subject to this General Objection, in responding to the Interrogatories, Carroll will construe “*Elle*” to refer only to “*Elle Magazine*” and no other entity. Carroll objects to Definition No. 21 on the ground that it defines “Carroll,” “Plaintiff,” “You,” and “Your” as “E. Jean Carroll and her Representatives and former Representatives, including but not limited to, Kaplan Hecker & Fink, and Kaplan.” Because this is solely a dispute between two parties, Carroll will construe “Plaintiff,” “You,” and “Your” to refer only to “E. Jean Carroll.”

8. Carroll objects to the Definitions and Instructions in the Interrogatories insofar as they purport to require unreasonable measures to identify responsive information or documents. In responding to the Interrogatories, Carroll will undertake a reasonable and diligent search of her accessible files, as required by the Federal Rules of Civil Procedure.

9. Carroll objects to Instruction No. 2 insofar as it seeks to impose obligations greater than those imposed by Local Rule 26.2. For all claims of privilege, Carroll will identify only the information that it is required to be identified under Local Rule 26.2.

10. Carroll objects to Instruction No. 5 insofar as it seeks to impose obligations greater than those imposed by Federal Rule of Civil Procedure 33(b)(4). For all objections, Carroll will state only the information that it is required to be stated under Federal Rule of Civil Procedure 33(b)(4).

11. Carroll objects to Instruction No. 5 on the grounds that it is broader than the uniform definitions of “identify” in Local Rule 26.3(c)(3)–(4). Subject to this General Objection, in responding to the Interrogatories, Carroll will use the definitions of “identify” set forth in that Rule.

12. Carroll objects to Instruction No. 6 and Instruction No. 7 on the grounds that they are broader than the uniform definitions of “and,” “or,” “and/or,” “all,” “any,” and “each” in Local Rule 26.3(d)(1)–(2). Subject to this General Objection, in responding to the Interrogatories, Carroll will use the definitions set forth in that Rule.

13. Carroll objects to Instruction No. 10 to the extent it encompasses information that is overbroad, unduly burdensome, disproportionate to the needs of the case, and irrelevant.

14. Carroll objects to the Interrogatories to the extent that they purport to call for information or documents that: (a) are subject to attorney-client privilege; (b) constitute attorney work product; (c) contain information protected from disclosure based on common interest or a similar privilege; or (d) are otherwise protected from disclosure under any applicable privilege, law, or rule. Carroll will not produce such information in response to the Interrogatories, and any inadvertent identification thereof shall not be deemed waiver of any privilege with respect to such information.

15. These Responses to the Interrogatories are made to the best of Carroll’s present knowledge, information, and belief. These Responses are subject to change based on additional facts that may come to light as a result of discovery or investigation.

16. Carroll reserves all objections or questions as to the competency, relevance, materiality, privilege, or admissibility of Carroll’s Responses herein, which are presented as evidence in any subsequent proceeding in, or trial of, this or any other action, for any purpose whatsoever. Carroll’s Interrogatories herein are not intended to be and shall not be construed as an agreement or concurrence with Trump’s characterization of any facts, circumstances, or legal obligations, and Carroll reserves the right to contest any such characterizations as inaccurate.

17. The following Responses are all designated as confidential on the understanding that the parties will agree on the terms of a protective order in this litigation.

18. Carroll is available to meet and confer with Trump in an effort to resolve any disputes that may arise concerning these Interrogatories.

### **RESPONSES AND OBJECTIONS TO SPECIFIC INTERROGATORIES**

1. Identify all Persons who have any knowledge or information about any of the allegations in the Complaint, and for each Person identified, describe the subject matter of the knowledge that each Person possesses.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and the improper requirement that Carroll identify every single individual who may have heard the Statements (which were highly publicized). Notwithstanding and without waiver of her General and Specific Objections, Carroll identifies the following Persons with whom she communicated—prior to publication of the Article—about the fact that Trump had sexually assaulted her:

<b><i>Individuals who Carroll informed about the Assault near-contemporaneously</i></b>	
Lisa Birnbach, Friend of Carroll	Contemporaneous outreach
Carol Martin, Friend of Carroll	Contemporaneous outreach
<b><i>Individuals who Carroll informed about the Assault prior to publication of the Article</i></b>	
Laurie Abraham, Editor at <i>Elle</i> Magazine; Editor at <i>New York</i> Magazine; Editor at <i>The Atlantic</i> Magazine	Read first draft of the Book and edited the Article
Matie Argiropoulous, Producer	Produced audio of the Book
Lisa Chase, Editor at <i>Elle</i> Magazine and <i>Outside</i> Magazine	Aware of Book publication
Elisabeth Dyssegaard, Editor at St. Martin's Press	Edited the Book
Nina Garcia, Editor-in-Chief at <i>Elle</i> Magazine	Oversaw Carroll's column at <i>Elle</i> Magazine until her termination in 2019
David Haskell, Editor-in-Chief at <i>New York</i> Magazine	Publisher of the Article
Sarah Lazin, Agent to Carroll since 1992	Assisted in selling Book to St. Martin's Press
Jody Quon, Photographer	Photographed the cover of the Article

Genevieve Smith, Editor at <i>New York Magazine</i>	Edited the Article
Dori Weintraub, Head of Publicity at St. Martin's Press	Coordinated publishing the Book

2. Identify each Person or entity with whom You or Your Representatives communicated in any way (including, but not limited to, in-person, by telephone, by e-mail, by facsimile, or in writing) about the Action or any of the allegations in the Complaint.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory insofar as it seeks information protected by attorney-client privilege, attorney work-product doctrine, and other applicable privileges. Carroll also objects to this Interrogatory on the grounds of overbreadth, undue burden, and disproportionality. Notwithstanding and without waiver of her General or Specific Objections, Carroll refers to her Response to Interrogatory No. 1.

3. For each Statement, identify all Persons, other than You or Your Representatives, who have viewed, read, heard, or in any way became aware of that Statement.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, and disproportionality. Carroll further objects to this Interrogatory on the ground that it is obviously impossible for her to identify all persons who “viewed, read, heard, or in any way became aware of” the Statements, which were covered widely in the national press and discussed on social media. Notwithstanding and without waiver of her General or Specific Objections, Carroll refers to her Response to Interrogatory No. 1.

4. Identify each Person with whom You discussed the purported incident described in Paragraphs 22 through 42 of the Complaint.

**RESPONSE:** Notwithstanding and without waiver of her General Objections, Carroll states that she told Carol Martin and Lisa Birnbach that Trump assaulted her soon after it occurred.

5. Identify and describe the exact damages that You are seeking in the Complaint and the facts upon which such damages are based, and identify all documents that describe, reflect, support, or relate to the damages sought.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory insofar as it seeks information protected by attorney-client privilege, attorney work-product doctrine, and other applicable privileges. Carroll further objects to this Interrogatory on the ground that it is premature since not a single document has been produced. Notwithstanding and without waiver of her General and Specific Objections, Carroll refers to Page 27 of the Complaint.

6. Identify all of Your business or social relationships that were affected by the Statements, and identify how each such relationship was harmed, as referenced in Paragraph 129 of the Complaint.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory insofar as it seeks information protected by attorney-client privilege, attorney work-product doctrine, and other applicable privileges. Carroll further objects to this Interrogatory on the ground that it is premature since not a single document has been produced. Moreover, Carroll objects to this Interrogatory on vagueness and irrelevance grounds. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that the letters she received for her “Ask E. Jean” column decreased by roughly 50% in the months of July, August, and September 2019 as compared to the number of letters received for the same period in 2018; and that her contract with *Elle* was not renewed in December 2019.

7. Identify all medical providers, including mental health professionals, that have treated you from 1990 to the present, and explain the nature and purpose of such treatment

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation. Notwithstanding and without waiver of her



General and Specific Objections, Carroll states that she did not seek professional treatment for any physical and/or mental injuries or conditions she suffered due to the Assault or the Statements.

8. Identify all medication You have been prescribed since 1990 to the present, including the dates on which You were taking such medications, and the reason You were prescribed such medication.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that she has not been prescribed medication as treatment for harms she has suffered in consequence of the Assault or the Statements.

9. Describe in detail your record of employment, stating specifically as to each job the name and address of your employer, your duties, title, job description and authority, and the inclusive dates of beginning and ending each employment.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, and disproportionality. Notwithstanding and without waiver of her General and Specific Objections, Carroll identifies the following jobs and employers:

<b>Job</b>	<b>Employer</b>	<b>Dates of Employment</b>
Columnist	“Ask E. Jean” Column Lisa Chase and/or Robbie Myers Elle Magazine 300 W 57 <sup>th</sup> St. New York, NY 10019	1993-2019
TV Host	Ask E. Jean on <i>America’s Talking</i> Roger Ailes 30 Rockefeller Plaza New York, NY 10112	1994-1996
Author	<i>A Dog in Heat Is a Hot Dog and Other Rules to Live By</i> Simon and Schuster 1230 6 <sup>th</sup> Ave. New York, NY 10020	1995-1996
Host and Writer	TV pilots for the Carsey-Warner Company, PBS, and Tribune Studios	1995-1999

Co-Founder	GreatBoyfriends.com	2000
Author	<i>Mr. Right, Right Now!</i> HarperCollins Publishers LLC 195 Broadway New York, NY 10007	2004
Author	<i>What Do We Need Men For?: A Modest Proposal</i> St. Martin's Press 120 Broadway New York, NY 10271	2019
Columnist	Laurie Abraham <i>The Atlantic Magazine</i> 600 New Hampshire Ave., N.W. Washington, D.C. 20037	2020

10. Describe in detail each communication You had concerning Defendant, any interaction or communication with Defendant, or the allegations in the Complaint, including identifying the Person with whom You had the communication.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, irrelevance, and disproportionality. It would be absurd and impossible—not to mention needless and burdensome—for Carroll to detail every conversation she has had concerning Trump, who served as President from 2016-2020. In the Complaint itself, Carroll describes her interactions and communications with Trump. Moreover, as set forth in her Response to Trump's Requests for Production, Carroll will produce certain documents that address her communications with third parties concerning this Action or the allegations in the Complaint.

11. Identify each Person with knowledge of Your decision to write or publish the Book or the Article, and Your thought process behind such decision, as alleged in paragraphs 74 through 76 of the Complaint.

**RESPONSE:** Notwithstanding and without waiver of her General Objections, Carroll identifies the following individuals, who are described in more detail in Response No.1: Laurie

Abraham, Lisa Birnbach, Elisabeth Dyssegaard, David Haskell, Sarah Lazin, Carol Martin, Genevieve Smith, and Dori Weintraub.

12. Identify each romantic partner You have had since the date of the purported incident.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of blatant sexism, overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that she has had zero romantic partners since Trump sexually assaulted her in the mid-1990s.

13. Identify each Person with knowledge of Your decision to speak with reporter, Barbaro, along with Martin and Birnbach, referenced in Paragraphs 101-104 in the Complaint.

**RESPONSE:** Notwithstanding and without waiver of her General Objections, Carroll states that she did not speak to Barbaro with respect to the events described in Paragraphs 101-104 in the Complaint.

14. Describe in detail how each of the Statements tended to or did injure Your trade, occupation or business, reputation, or finances, as alleged in paragraphs 82 through 100 of the Complaint, identify each Person with knowledge of such alleged injury, and for each financial loss, identify:

- a. the amount of each loss;
- b. the date of each loss;
- c. whether the loss was a realized loss or an unrealized loss;
- d. whether you claimed and/or received a tax deduction for such loss;
- e. each account and account number that reflects each loss; and
- f. whether the loss has be recouped or mitigated in any way.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, and disproportionality. Carroll further objects to this Interrogatory on the grounds that it is premature since not a single document has been produced. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that, during her tenure as a Columnist at *Elle* Magazine, she was paid \$5 a word, whereas at *The*

*Atlantic*, where she worked as a Contributing Writer since August 2020, she was paid \$.023 a word. As set forth in her Response to Trump's Requests for Production, Carroll will produce certain documents concerning the economic injuries that the Statements caused her to suffer.

15. Describe in detail Your alleged emotional harm, as alleged in paragraph 145 of the Complaint, including but not limited to any treatment You received in connection with Your alleged emotional harm and identify each person with knowledge of such treatment.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, and disproportionality. Carroll further objects to this Interrogatory on the grounds that it is premature since not a single document has been produced. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that she suffered severe emotional distress following the Statements but did not seek professional treatment. As set forth in her Response to Trump's Requests for Production, Carroll will produce certain documents concerning the emotional injuries that the Statements caused her to suffer.

16. For all of Your attorneys' fees and other professional fees You allegedly incurred as a result of the Statements, provide the name of the attorney or other professional, the work performed, and the date and amount of the invoice.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation. Carroll further objects to this Interrogatory on the ground that it seeks information protected by the attorney-client privilege, the attorney work-product doctrine, and other applicable privileges. Carroll further objects to this Interrogatory on the ground that it seeks information that could threaten Carroll's security if made public.

17. Identify each individual member of the group of, "Sixteen Women," referenced in Paragraph 78 of the Complaint, and describe, with respect to each individual member of the group:

- a. Your relationship; and
- b. any communications You had with such women.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that the following sixteen women have publicly revealed that (like Carroll herself) they were attacked by Trump: Kristin Anderson, Rachel Crooks Tasha Dixon, Jessica Drake, Jill Harth, Cathy Heller, Ninni Laaksonen, Jessica Leeds, Temple Taggard McDowell, Mindy McGillivray, Jennifer Murphy, Cassandra Searles, Natasha Stoyhoff, Bridget Sullivan, Karena Virginia, and Summer Zervos.

18. Identify all Persons who have ever characterized Your statements, assertions, accusations, or allegations of being biased, bogus, concocted, counterfeit, deceptive, dishonest, erroneous, exaggerated, fabricated, fake, fallacious, false, feigned, fictitious, flawed, forged, fraudulent, hyperbolic, impartial, imprecise, inaccurate, inconsistent, incorrect, inexact, invented, misleading, perfidious, phony, specious, spurious, unfounded, unreliable, untrue, or wrong.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation. Carroll further objects to this Interrogatory on the ground that it depends on disputable, subjective, and vague characterizations. Notwithstanding and without waiver of her General and Specific Objections, Carroll notes that Trump himself has characterized Carroll using terms of the kind set forth in the Interrogatory.

19. Describe in detail each instance of any arrest by law enforcement authorities, including the specific violation or offense for which You were arrested, the disposition of the arrest, the date and place of the arrest, and the date, court, and place of any conviction.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory as overbroad, unduly burdensome, and irrelevant to the truth or falsity of the claims or defenses in this litigation.

20. Describe in detail any instance in which You accused another Person of sexual assault or inappropriate sexual conduct, including but not limiting to by identifying each such Person.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or falsity of the claims or defenses in this litigation.

21. Identify all amounts of compensation, remuneration, or funds, received in connection with the Book or the Article

**RESPONSE:** Notwithstanding and without waiver of her General Objections, Carroll states that she received an advance of \$70,000 in connection with the Book, and that the money she received for the Article (\$7,500 total at a rate of \$1 per word) was used to pay off part of that advance. Carroll further states that the Book has yet to make back the advance.

22. Identify any publishers or distributors with which You had any discussions concerning publishing or distributing the Book.

**RESPONSE:** Notwithstanding and without waiver of her General Objections, Carroll identifies the following publishers and distributors with which she had discussions about publishing or distributing the Book: Laurie Abraham, Lisa Davis, Elisabeth Dyssegaard, Sarah Lazin, Danielle Prielipp, and Dori Weintraub.

23. Identify all Persons who have made, provided, discussed, or offered to make or provide, any funds, payments, donations, gifts or consideration of any value, in connection with this Action or in connection with any media or public appearances, press interviews, or consultations with any legal counsel or any other person concerning the Defendant, any accusation or allegation concerning Defendant, this Action, the Statements, Defendant's presidency or campaign, including but not limited to for security expenses, relocation, expenses, consulting, or attorneys' fees, and describe:

- a. the nature of the contribution or provision of value or consideration; and
- b. the dollar amount of the contribution or provision of value or consideration, if not financial in nature, the equivalent dollar amount of the contribution.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds of overbreadth, undue burden, disproportionality, and irrelevance to the truth or

falsity of the claims or defenses in this litigation. Carroll further objects to this Interrogatory insofar as it calls for information that is protected by the attorney-client privilege, attorney work-product doctrine, and other applicable privileges.


24. Identify all other litigations, arbitrations, or other formal disputes involving You.

**RESPONSE:** Notwithstanding and without waiver of her General Objections, Carroll states that she has never previously been involved in a lawsuit, arbitration, or other formal dispute.

25. Describe in detail Your reputation before the alleged defamation compared to Your reputation afterward, indicating all facts, contentions and opinions that reflect in any way upon Your reputation before and after the alleged defamation.

**RESPONSE:** In addition to her General Objections, Carroll objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and seeks information not relevant to the claims or defenses of any party in this Action. Notwithstanding and without waiver of her General and Specific Objections, Carroll states that, after Trump's Statements, she began to receive hate mail in response to his Statements and the allegations in this case, copies of which she will produce to Trump in discovery. Carroll further states that she had never before received hate mail in her life. She would, at times, get letters from people disagreeing with her advice, but never hate mail as vicious and targeted as she started to receive after Trump denied sexually assaulting her and called her a liar.

Dated: New York, New York  
June 27, 2022

By:   
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*Counsel for Plaintiff E. Jean Carroll*



**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

E. JEAN CARROLL,  
*Plaintiff,*

v.

DONALD J. TRUMP, in his personal capacity,  
*Defendant.*

No. 20 Civ. 7311 (LAK) (JLC)

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, June 27, 2022, I served a true and correct copy of Plaintiff E. Jean Carroll's Responses and Objections to Defendant's First Set of Interrogatories by e-mail upon counsel for Defendant Donald J. Trump and by overnight delivery service to:

Alina Habba  
HABBA MADAIO & ASSOCIATES LLP  
1430 U.S. Highway 206, Suite 240  
Bedminster, New Jersey 07921

*Attorney for the Defendant Donald J. Trump*

Dated: June 27, 2022  
New York, New York

By:

  
\_\_\_\_\_  
Joshua Matz

# **EXHIBIT F**

1  
2 UNITED STATES DISTRICT COURT  
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4 CASE No. 20 CIV. 7311 (LAK) (JLC)

5 E. JEAN CARROLL,

6 Plaintiff,

7 -vs-

8 DONALD J. TRUMP,  
9 in his personal capacity,

10 Defendant.  
\_\_\_\_\_ /

11  
12  
13 = = =

14 CONFIDENTIAL

15 = = =  
16

17 VIDEOTAPED DEPOSITION OF DONALD J. TRUMP

18 Wednesday, October 19, 2022  
19 10:22 a.m. - 3:50 p.m.

20 The Mar-a-Lago Club  
21 1100 South Ocean Boulevard  
22 Palm Beach, Florida, Florida

23 Stenographically Reported By  
24 Pamela J. Pelino, RPR, FPR, CLR  
25 Notary Public, State of Florida  
TSG REPORTING  
JOB NO. 218342

- - -

1 D. J. TRUMP

2 book sales?

3 A. No idea.

4 Q. Before you made this statement, do you  
5 know if you or anyone working for you went on to --  
6 withdrawn.

7 Before you made this statement that  
8 appears in DJT 20, do you know whether you or anyone  
9 working for you did any research on Ms. Carroll?

10 A. I just don't know. It's possible  
11 somebody -- when they heard this horrible  
12 accusation, it's possible that somebody did a little  
13 quick research but not that I know of.

14 Q. Another thing that you say in your June  
15 21 statement is that Ms. Carroll was trying to carry  
16 out a political agenda?

17 A. Yeah.

18 Q. How did you know she had a political  
19 agenda if you didn't know who she was?

20 A. Somebody told me early on that she was  
21 somehow aligned with Hillary Clinton. She was  
22 either aligned with her or -- I thought aligned with  
23 her.

24 Q. Who told you that?

25 A. I think you're aligned with her too

1 D. J. TRUMP

2 actually.

3 Q. Who told you that?

4 A. Somebody had mentioned it.

5 Q. Do you recall who?

6 A. I don't know. I don't know who said it,  
7 but somebody had mentioned it since, that she was  
8 somehow into that whole world.

9 Q. And you just said "I don't know who -- I  
10 don't know who said it, but somebody has mentioned  
11 it since"?

12 A. No. I meant since the accusation.

13 Q. Oh, since the accusation.

14 Do you remember what that person told you  
15 if you don't --

16 A. Just mentioned that they thought she was  
17 somewhat political and aligned with Hillary Clinton.

18 Q. Before issuing your statement on June 21,  
19 did you learn what political party Ms. Carroll  
20 belonged to?

21 A. No, I didn't know that.

22 Q. Before you issued your June 21 statement,  
23 did you have any documents indicating that she was  
24 pursuing a political agenda?

25 A. No.

1 D. J. TRUMP

2 (DJT Exhibit 39 was marked for  
3 identification.)

4 (Video played.)

5 BY MS. KAPLAN:

6 Q. So in that video, you're talking about  
7 the women who had accused you of sexual impropriety;  
8 correct?

9 A. Yeah.

10 Q. And you say, "These are lies being pushed  
11 by the media and the Clinton campaign"; correct?

12 A. Yeah. Not in all cases, but in some,  
13 yeah. I think that's what's happening with you and  
14 your client. I don't know if it's Clinton or if  
15 it's the Democrat party. It's probably not Clinton  
16 anymore.

17 Q. Let's watch --

18 A. But the Democrat party. That's you.

19 Q. I apologize.

20 Let's watch another video, tab 86.

21 (DJT Exhibit 40 was marked for  
22 identification.)

23 MS. KAPLAN: This is from the West Palm  
24 Beach event on October 13, 2016.

25 (Video played.)

1 D. J. TRUMP

2 C E R T I F I C A T E

3 STATE OF FLORIDA

4 COUNTY OF PALM BEACH

5

6 I, Pamela J. Pelino, Registered Professional  
7 Court Reporter and Notary Public in and for the State of  
8 Florida at Large, do hereby certify that the  
9 aforementioned witness was by me first duly sworn to  
10 testify the whole truth; that I was authorized to and  
11 did report said deposition in stenotype; and that the  
12 foregoing pages are a true and correct transcription of  
13 my shorthand notes of said deposition.

10

11 I further certify that said deposition was  
12 taken at the time and place hereinabove set forth and  
13 that the taking of said deposition was commenced and  
14 completed as hereinabove set out.

15 I further certify that I am not attorney  
16 or counsel of any of the parties, nor am I a  
17 relative or employee of any attorney or counsel of  
18 party connected with the action, nor am I  
19 financially interested in the action.

20 The foregoing certification of this  
21 transcript does not apply to any reproduction of the  
22 same by any means unless under the direct control  
23 and/or direction of the certifying reporter.

18

19

20 Dated this 19th day of October, 2022.

20

21



22

23 Pamela J. Pelino, RPR, FPR, CLR

23

24

25