

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BARBARA J. LEE <i>et al.</i> , <i>Plaintiffs</i> , v. DONALD J. TRUMP <i>et al.</i> , <i>Defendants.</i>	Case No. 21-cv-00400 (APM) (lead case)
ERIC SWALWELL, <i>Plaintiff</i> , v. DONALD J. TRUMP <i>et al.</i> , <i>Defendants.</i>	Case No. 21-cv-00586 (APM) (consolidated case)
JAMES BLASSINGAME <i>et. al.</i> , <i>Plaintiffs</i> , v. DONALD J. TRUMP, <i>Defendant.</i>	Case No. 21-cv-00858 (APM) (consolidated case)
CONRAD SMITH <i>et al.</i> , <i>Plaintiffs</i> , v. DONALD J. TRUMP <i>et al.</i> , <i>Defendants.</i>	Case No. 21-cv-02265 (APM) (consolidated case)
MARCUS J. MOORE <i>et al.</i> , <i>Plaintiffs</i> , v. DONALD J. TRUMP, <i>Defendant.</i>	Case No. 22-cv-00010 (APM) (consolidated case)

BOBBY TABRON <i>et al.</i> , <i>Plaintiff</i> , v. DONALD J. TRUMP, <i>Defendants.</i>	Case No. 22-cv-00011 (APM) (consolidated case)
BRIANA KIRKLAND, <i>Plaintiff</i> , v. DONALD J. TRUMP, <i>Defendant.</i>	Case No. 22-cv-00034 (APM) (consolidated case)
SANDRA GARZA, <i>Plaintiff</i> , v. DONALD J. TRUMP <i>et al.</i> , <i>Defendants.</i>	Case No. 23-cv-00038 (APM) (consolidated case)

PRESIDENT DONALD J. TRUMP'S STATUS REPORT REGARDING STATUS OF PRODUCTION FROM NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

On August 6, 2024, this Court held a status conference regarding the status of discovery production from several entities, including the National Archives and Records Administration (NARA). At that hearing, counsel for NARA represented to the Court that their production would amount to 4,270 documents, including 4,202 emails and 268 “Work Folder” documents. Due to some technical difficulties in the transfer of files (which we worked through with NARA personnel), our ability to assess what was provided took longer than we had hoped, but, it is now apparent that representation—though undoubtedly made in good faith—has proved to be a significant understatement.

To date, NARA has produced 231,121 unique documents, totaling 1,702,834 pages, with an

additional 288 documents—such as Excel files—not readily quantifiable as a specific number of pages. Many of the documents appear to be irrelevant to these proceedings, with a substantial number dating to the years 2017, 2018, and 2019, and including many documents that contain material that is both substantively irrelevant and also subject to executive and/or attorney-client privilege, such as deliberative materials pertaining to national security and foreign relations, Supreme Court nominations, DHS security briefs, and emails from White House counsel. In addition, some “documents” are, in fact, collections of many unrelated documents together in a single .pdf file, with respect to which the date and content cannot be determined without a page-by-page review.

In other circumstances, this might present less of a challenge. But in this case, where we cannot provide plaintiffs’ counsel with copies of the irrelevant documents provided by NARA due to the executive privilege, attorney-client privilege, and in some cases national security equities involved. President Trump, through his counsel, has an obligation to ensure that such materials are not disseminated to persons—including plaintiffs’ counsel—not authorized to review them. As a result, it is not possible to produce these documents to Plaintiffs without conducting an individual review on a page-by-page basis and making the necessary redactions or withholdings and creating a corresponding log. That process is underway and we are trying to complete it as quickly as possible.

After consultation, counsel for plaintiffs have agreed that there is no need either to produce or log documents dating to years prior to 2020. That will undoubtedly streamline the process, although as noted it is not always possible to identify such documents without human review due to the form in which they were produced. Nonetheless, that leaves at least 5,908 unique files totaling 187,797 pages dating from 2020 and 2021 which have already been produced by NARA to be reviewed page-by-page for privilege. As noted, that time-consuming work is underway. We further

note that just today NARA informed our office that an additional 4,202 emails from 2020-2021, which had been previously identified by NARA but inadvertently withheld, would soon be produced. Those have now been received. Our initial analysis shows that this additional production includes 14,777 documents, comprising 224,316 pages. We are just beginning to process and review these additional documents.

Dated: August 21, 2024

Respectfully submitted,

/s/ Gary Lawkowski

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