

AFTER JUDGE KIMBA WOOD RULES ANY PRIVILEGE FIGHT WOULD HAVE TO BE PUBLIC, COHEN OR TRUMP WITHDRAW THREE CLAIMS OF PRIVILEGE

When Special Master Barbara Jones first reported privilege designations on matters seized from Michael Cohen on June 4, she found that three of the hard copy documents over which Cohen or Trump had claimed privilege were not.

1. Contents of Eight Boxes of Hard Copy Materials: Out of 639 total items consisting of 12,543 pages, the Special Master agrees with the Plaintiff and/or Intervenors and finds that 14 items are Privileged and/or Partially Privileged. The Special Master also finds that 3 items are not privileged.

Later that week, on June 8, Judge Kimba Wood ruled that if Cohen or Trump wanted to dispute any of Jones' recommendations (it was Trump, not Cohen, who raised the issue), the legal argument (but not the contested documents) would have to be public.

With respect to the President's letter dated June 6, 2018, (ECF No. 75), the Court agrees with the Government that Plaintiff and Intervenors' objections should be filed publicly, except for those portions that divulge "the substance of the contested documents," (ECF No. 76, at 1), which should be filed under seal and *ex parte*.

Jones has just submitted an amended report from those same materials, effectively reporting that Cohen and Trump now agree that the three documents are not privileged.

After no objections were filed in response to the Court's Amended Order dated May 31, 2018 [Dkt. No. 70], and pursuant to the Procedures set forth in the Special Master's report dated May 29, 2018 [Dkt. No. 65], the Plaintiff and/or Intervenors withdrew certain Privileged designations. Therefore, the Special Master amends its Report and Recommendation dated June 4, 2018 [Dkt. No. 72], and the following designations are being recommended to the Court for its review:

1. Contents of Eight Boxes of Hard Copy Materials: Out of 639 total items consisting of 12,543 pages, the Special Master agrees with the Plaintiff and/or Intervenors and finds that 13 items are Privileged and/or Partially Privileged and one item remains under consideration by the Special Master.

Perhaps it wasn't the threat of publicity surrounding the privilege claim, but it sure seems likely Trump preferred to have SDNY look at those files than to have to tell the rest of us what they pertained to.