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August 20, 2022

Via ECF

The Honorable John G. Koeltl
United States District Judge
500 Pearl Street
United States Courthouse, Courtroom 14A
New York, NY 10007

Re: *Grant et al. v. Trump et al.*, Case No. 1:20-cv-07103-JGK

Dear Judge Koeltl:

This firm represents plaintiffs Edmond Grant p/k/a “Eddy Grant”, Greenheart Music Limited, a United Kingdom Limited Company, and Greenheart Music Limited, an Antigua and Barbuda Limited Company (“Plaintiffs”) in the above-referenced action against defendants Donald J. Trump (“Trump”) and Donald J. Trump For President, Inc. (the “Company,” and together with Trump, “Defendants”). We write pursuant to Your Honor’s Individual Practices Rule I.E. to request a 45 day extension of the fact discovery end date currently scheduled for August 22, 2022.

There have been two previous extensions for Defendants to locate and produce a corporate representative of Donald J. Trump For President, Inc., pursuant to Federal Rule of Civil Procedure 30(b)(6), which were so ordered by the Court on June 14 (ECF Doc. No. 67) and July 13, 2022 (ECF Doc. No. 69).¹ The extensions both followed President Trump’s deposition, which occurred on June 9, 2022.

On August 16, 2022, for the first time, Defendants represented that they would not be able to locate a corporate representative to testify on behalf of the Company and thus would not be producing a 30(b)(6) witness or witnesses to respond to Plaintiff’s deposition notice (a copy of which is attached hereto as Exhibit 1). Then, on August 18, 2022, Defendants disclosed that the Company dissolved in October of 2021.

¹ An initial extension of all discovery deadlines was also so ordered on March 31, 2022 (ECF Doc. No. 65).

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Given these recent developments, Plaintiffs seek a 45 day extension to serve a subpoena on Dan Scavino, the former deputy chief of staff under President Trump's administration and social media director for the Trump campaign.² Mr. Scavino is reported to have frequently authored and/or reviewed Mr. Trump's tweets and Defendants have represented that Mr. Scavino had a role in the alleged tweet containing the infringing video. Defendants have also represented that Mr. Scavino was not employed by the Company. Plaintiffs have requested Mr. Scavino's last known address from Defendants and Defendants have responded by providing Plaintiffs with Mr. Scavino's attorney's contact information.

Plaintiff respectfully requests that the Court so order the requested extension in this letter motion if it finds the same acceptable.

We thank the Court for its attention to this matter.

Respectfully submitted,

s/ Brett Van Benthysen
Brett Van Benthysen

Encl.

cc: Counsel of Record

² Plaintiff also reserves the right to seek a motion to preclude given Defendants representation that there are no witnesses available to testify about the topics identified in Plaintiff's notice. *Justin R. v. Bloise*, 2009 WL 1953422 (S.D.N.Y. July 2, 2009).