

# **EXHIBIT 12**

**MARK F. POMERANTZ**

% Free & Fair Litigation Group  
128 East Broadway, Unit 793  
New York, NY 10002

March 27, 2023

BY E-MAIL

The Honorable Jim Jordan  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Jordan:

This responds to your March 22, 2023 letter to me, which seeks certain documents and testimony relating to my employment at the New York County District Attorney's Office ("DANY").

After receiving your letter, I received a letter from Leslie Dubeck, General Counsel at DANY. Through that letter (copy attached), DANY has instructed me to not provide any information or materials in response to your request. At the present time, and in light of the ongoing discussions between DANY and the Committee, I will act in a manner consistent with the instructions I have received from DANY. Further, please note that DANY has asked that all communications regarding your request be directed to them.

Sincerely,



Mark F. Pomerantz

cc: The Honorable Jerrold Nadler, Ranking Member  
Leslie Dubeck, General Counsel, DANY

Enclosure



**DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000**

ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

LESLIE B. DUBECK  
GENERAL COUNSEL

March 25, 2023

By email

Mr. Mark F. Pomerantz  
Former Special Assistant District Attorney,  
New York County  
New York, NY

Dear Mr. Pomerantz:

I am writing regarding the House Judiciary Committee (HJC) request of March 22, 2023, that you provide documents and information relating to your employment at the Office of the District Attorney of New York County (the "DA's Office"), which are similar to requests sent to the DA's Office on March 20, 2023.

The HJC's requests raise significant concerns about federalism, state sovereignty, the limits on congressional power, and the purpose and legality of the HJC's inquiry. In addition, the documents and information requested are protected from disclosure for many reasons, including because they relate to an ongoing criminal investigation, and are subject to the attorney client privilege, work product doctrine, and other legal protections.

For these reasons, the DA's Office has asked the HJC to provide additional information regarding their inquiries. To protect the DA's Office's interests and privileges, and until further notice, the DA's Office instructs you, as a former employee and attorney of the DA's Office, to not provide any information or materials relating to your work in the DA's Office in response to HJC's request. In addition, please direct HJC to communicate with the DA's Office regarding the request.

Sincerely,

A handwritten signature in black ink that reads "Leslie B. Dubeck".

Leslie B. Dubeck  
General Counsel