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September 10, 2025

VIA ECF

Hon. Jamel K. Semper
United States District Judge
Frank R. Lautenberg Post Office
& U.S. Courthouse
2 Federal Square
Newark, New Jersey 07102

Re: *United States v. LaMonica McIver*, Crim. No. 25-388

Dear Judge Semper:

On August 26, 2025, the Court ordered Congresswoman McIver “to submit a letter to the other side detailing the specific discovery requests sought in Section III of her Motion to Dismiss” based on Selective Enforcement and Prosecution, and Vindictive Prosecution. *See* ECF 25. The Court directed that, “[i]f the parties [could not] agree, they shall submit the disputed requests in a letter to the Court.” *Id.* Accordingly, we now submit this joint letter to provide the Court with an update.

On September 3, our firm wrote to the U.S. Attorney’s Office proposing a discovery plan involving incremental steps and identifying initial document requests relevant to the issues raised by that motion. That letter is attached as Exhibit A.

Then, on September 8, we met and conferred with the Assistant U.S. Attorneys handling this matter, who made clear that their Office will not agree to provide any discovery regarding those issues at this juncture. On September 9, they memorialized that position in the letter that is attached as Exhibit B.

Counsel for both sides are, of course, available to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Fishman".

Paul J. Fishman

Arnold & Porter

Hon. Jamel K. Semper
September 10, 2025
Page 2

cc: Lee M. Cortes, Jr.
Amanda J. Raines
AUSA Mark J. McCarren
AUSA Benjamin D. Bleiberg

Encl.: Ex. A – September 3, 2025 Letter from Arnold & Porter to U.S. Attorney's Office; and
Ex. B – September 9, 2025 Letter from U.S. Attorney's Office to Arnold & Porter.