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August 8, 2025

The Honorable Gregory Carro
Supreme Court of the State of New York
100 Centre Street, Part 32
New York, NY 10013

Re: People v. Luigi Mangione
Indictment No. IND-75657-24

Dear Judge Carro:

This letter is submitted in response to defense counsel's letter to the Court dated July 17, 2025, wherein she claims that the People's subpoena to Aetna Health Inc. ("Aetna") dated May 14, 2025 ("the May 14th Subpoena") was "false and fraudulent," that the People violated defendant's rights under HIPAA, and that the People violated the physician-patient privilege (7/17/2025 Letter at 1-2, 5). None of those claims withstand scrutiny, and none of them entitle defendant to any relief in this proceeding.

In her letter, counsel repeatedly insists that there was something secretive or nefarious about the May 14th Subpoena, but it sought nothing more from Aetna than "the account number and period of time during which [Luigi Mangione] received coverage." That request was entirely unremarkable; to suggest otherwise is without merit or basis.

In any event, the May 14th Subpoena was lawful and properly drafted to return production of the requested materials to New York County Supreme Court Part 32 on a date prior to trial – May 23, 2025. CPL § 610.25(2) explains that "nothing in this article shall be deemed to prohibit the designation of a return date for a subpoena duces tecum prior to trial." That language makes abundantly clear that subpoenas for production at court may require compliance on a date prior to the actual date for commencement of the trial, thus creating a window for analysis of the materials without the need to adjourn the trial for that purpose.[1] And while the subpoena directed Aetna to provide the materials to Part 32, when Aetna provided the materials directly to the People, the People forwarded the materials to the Court. The subpoena response thus arrived at the appropriate destination.

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[1] *See* CPL § 610.25 Practice Commentaries by Peter Preiser (explaining that "[t]his section was enacted in 1977 to legislatively overrule judicial holdings that material produced in response to a subpoena *duces tecum* could not be retained by the issuer for the purpose of inspection and analysis prior to its use as evidence").

Given these circumstances, defendant's real complaint is not about the subpoena itself, but about Aetna's response to the subpoena, which included documents that the People had not requested. When the People dutifully alerted Aetna that it had sent material that exceeded the scope of the subpoena, Aetna submitted a new response containing only the information we requested. That information consisted of nothing more than defendant's account number and dates of coverage.[2] Defendant cites no authority to support his complaint that DANY was required to obtain a so-ordered subpoena to request that limited information (*see* 7/17/2025 Letter at 1, 3, 6). Indeed, upon careful examination, the requested information does not appear to be protected by HIPAA, since it did not relate to a condition, treatment, or payment for health care (45 C.F.R. § 160.103). The defense does not cite authority otherwise. Even assuming the requested information was HIPAA protected, HIPAA specifically contemplates production in response to a non-court-ordered subpoena. (45 C.F.R. § 164.512 (e)(1)(vi) (allowing covered entity [here, Aetna] to produce PHI in response to a subpoena after the covered entity gives requisite notice to individual)). The People did not make any request of Aetna that they not notify the defense of the subpoena or production, nor do the People have any information about whether they did or did not.

The People issued a valid subpoena to Aetna for an appropriately limited set of relevant information. Through no fault of the People, Aetna seemingly provided materials outside of the scope of the subpoena. The People then properly identified the error and notified the Court and the defense and deleted our copy of said materials.

Finally, even if Aetna violated HIPAA in their production of records, the remedy would not be suppression. *See People v. Marrero*, 71 Misc. 3d 1078, 1084 (N.Y. County 2021) (even if a subpoena violated HIPAA, the relevant records should not be suppressed at trial)[3]; *see also Matter of Miguel M. v. Barron*, 17 N.Y.3d 37, 45 (2011) ("We assume it is correct that, in a criminal case, a HIPAA or Privacy Rule violation does not always require the suppression of evidence."); *United States v. Elliott*, 676 F.Supp.2d 431, 440 (D. Md. 2009) (explaining that the remedy for any HIPAA violation is against the covered entity, not the prosecution through suppression). Likewise, suppression is not required based on any supposed violation of New York's physician-patient privilege. *People v. Greene*, 9 N.Y.3d 277 (2007).

Defendant is thus not entitled to any relief against the People.

Defendant's claims of the People's "fraudulent" intent are baseless. In the course of any court proceeding, mistakes do occur. Indeed, Aetna erroneously sent us materials that exceeded the request set out in the subpoena. We undertook the appropriate measures when

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[2] The People had already learned of defendant's coverage with Aetna through the execution of a judicial search warrant for defendant's I-Cloud account.

[3] In *Marrero*, the court further declined to grant defendant's motion to disqualify the Assistant District Attorney from the case on the ground that he or she had reviewed the entirety of the medical records at issue.

we realized the error. Like Aetna, the defense then erred, compounding Aetna's mistake—Defense counsel sent the People an email attaching the entire Aetna file she now complains about. Once again, we complied with our ethical obligations by asking counsel if she intended to send us the file. When she indicated that she did not and asked that we delete it, we complied with her request and did not take advantage of her error.

Thus, on this and all occasions when errors were made by defense counsel and by Aetna, the People acted ethically to alert the Court and counsel.

The defense nonetheless seeks to punish the People for the administrative mistakes of others, claiming that the People have perpetrated a "lie and a fraud" against defendant—an inflammatory and dubious accusation without any basis. Reviewing the substance of what occurred, it provides no reason for the defense to delay this case from moving forward toward a hearing and trial.

In sum, the People urge this Court to deny defendant's application in its entirety without a hearing and set dates for hearing and trial.

Sincerely,

Joel J. Seidemann

Joel J. Seidemann
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Assistant District Attorney
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