

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. ARTHUR F. ENGORON PART IAS MOTION 37EFM

Justice

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THE PEOPLE OF THE STATE OF NEW YORK, BY
LETITIA JAMES, ATTORNEY GENERAL OF THE STATE
OF NEW YORK,

Petitioner,

INDEX NO. 451685/2020

MOTION DATE 09/23/2020,
08/24/2020

MOTION SEQ. NO. 002, 007

- v -

THE TRUMP ORGANIZATION, INC., DJT HOLDINGS LLC,
DJT HOLDINGS MANAGING MEMBER LLC, SEVEN
SPRINGS LLC, ERIC TRUMP, CHARLES MARTABANO,
MORGAN, LEWIS & BOCKIUS LLP, SHERI DILLON,

Respondents.

SUPPLEMENTAL ORDER

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This Court, having finished its in camera review of documents submitted by respondent Morgan, Lewis & Bockius LLP ("Morgan Lewis"), pursuant to this Court's orders of October 7, 2020 and December 15, 2020, hereby issues the following supplemental order:

MORGAN LEWIS IS HEREBY ORDERED TO PRODUCE TO PETITIONER, BY FEBRUARY 4, 2021, ALL DOCUMENTS MARKED "NOT PRIVILEGED" BY THIS COURT IN THE PRIVILEGE LOG BEING EMAILED TODAY UNDER SEPARATE COVER TO ALL PARTIES. RESPONDENT NEED NOT PRODUCE DOCUMENTS MARKED "PRIVILEGED" OR "IRRELEVANT."

The Court finds that many of the communications Morgan Lewis marked as privileged were communications addressing business tasks and decisions, not exchanges soliciting or rendering legal advice. "[A] lawyer's communication is not cloaked with privilege when the lawyer is hired for business or personal advice, or to do the work of a nonlawyer." Spectrum Systems Intern. Corp. v Chemical Bank, 78 NY2d 371, 379 (1991). Similarly, any communications within Morgan Lewis speaking to public relations are of a business, not legal, nature. Moreover, as previously noted, a client waives the privilege if communications are made in the presence of, or are subsequently revealed to, a third party. Ambac Assur. Corp. v Countrywide Home Loans, 27 NY3d 616, 624 (2016).

01/29/2021

DATE

ARTHUR F. ENGORON, J.S.C.

CHECK ONE:

Form with checkboxes for case disposition options.

CASE DISPOSED

GRANTED

Denial checkbox

DENIED

Form with checkboxes for non-final disposition options.

NON-FINAL DISPOSITION

GRANTED IN PART

Other checkbox

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE