

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by
LETITIA JAMES, Attorney General of the State of
New York,

Plaintiff,

v.

DONALD J. TRUMP, DONALD TRUMP, JR., ERIC
TRUMP, IVANKA TRUMP, ALLEN
WEISSELBERG, JEFFREY MCCONNEY, THE
DONALD J. TRUMP REVOCABLE TRUST, THE
TRUMP ORGANIZATION, INC., TRUMP
ORGANIZATION LLC, DJT HOLDINGS LLC, DJT
HOLDINGS MANAGING MEMBER, TRUMP
ENDEAVOR 12 LLC, 401 NORTH WABASH
VENTURE LLC, TRUMP OLD POST OFFICE LLC,
40 WALL STREET LLC, and SEVEN SPRINGS
LLC,

Defendants,

Index No. 452564/2022

**AFFIRMATION OF
ALINA HABBA, ESQ.**

Alina Habba, Esq., an attorney duly admitted to practice before the Courts of the State of New York and this Court, hereby states the following under penalty of perjury and pursuant to CPLR § 2106:

1. I am the managing partner of Habba Madaio & Associates LLP, attorneys for several of the defendants, Donald J. Trump, Allen Weisselberg, Jeffrey McConney, The Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Holdings Managing Member LLC, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC, and Seven Springs LLC (collectively, "Defendants"), and am fully familiar with the facts and circumstances set forth below.

2. This Affirmation is submitted in support of the instant motion seeking the dismissal of the NYAG's Verified Complaint, with prejudice, pursuant to CPLR 3211(a)(1),(2),(3),(7) and/or (8), and granting such other and further relief as the Court deems just and proper.

FACTUAL BACKGROUND

3. Throughout her career, Letitia James, the Attorney General of the State of New York ("AG James"), has issued numerous statements, threats, and promises regarding her desire to prosecute the defendant, Donald J. Trump ("President Trump"), his family, and his namesake business, the Trump Organization.

4. Prior to serving as Attorney General, AG James served as a Democratic member of the New York City Council and New York City Public Advocate. Six and a half months into President Trump's term, AG James led "die-in" protests against Trump because, according to her, "we are all being killed by this administration."¹

5. Shortly thereafter, AG James accused President Trump of possessing a "blatant disregard for human lives."²

6. Roughly ten months into President Trump's term, AG James announced: "I've been leading the resistance against Donald Trump in NYC and will only continue to do so in every way possible."³

7. In May of 2018, after Attorney General Eric Schneiderman's resignation, AG James declared her candidacy for Attorney General of the State of New York.⁴

¹ *id.* (Aug. 14, 2017, 5:55 PM ET) <https://bit.ly/3lu9fqz> .

² Letitia James (@TishJames), Twitter (Sep. 5, 2017, 11:06 AM ET) <https://bit.ly/3lhVStj> "Trump admin once again showing blatant disregard for human lives.")

³ *Id.*, (Oct. 16, 2017, 7:57 PM ET) <https://bit.ly/3d4wBQr> emphasis added).do so in every way possible." *Id.*, (Oct. 16, 2017, 7:57 PM ET) <https://bit.ly/3d4wBQr> (emphasis added).

⁴ <https://www.nytimes.com/2018/05/16/nyregion/attorney-general-james-cuomo-ny.html> *Letitia James, Weighing Political Calculus, Enters Attorney General Race*, The New York Times, May 16, 2018, <https://nyti.ms/3V0eq3t>.

8. AG James premised her campaign on the promise of “taking on Donald Trump”⁵ and issued a bevy of public statements to that effect, as further described below.

9. AG James’s campaign website, among other things, accused President Trump of engaging in “public corruption.”⁶ At one point, her website provided a link (which has since been removed) to AG James’s strategy for rooting out corruption, with a section specifically devoted to Trump, his family, and the Trump Organization entitled “*Investigate Trump’s New York Business.*”

10. As stated in the outline, the investigation would include:

“a review of Trump-related real estate transactions, especially those in which the Trump family suddenly started paying cash for properties after years of operating their businesses exclusively by borrowing money.”

11. On July 19, 2018, in a campaign speech before The Bronx Democratic Party, AG James promised to use the law as a “sword” against President Trump and declared that “no one is above the law, including this illegitimate president...and so *I look forward to going into the office of Attorney General every day, suing him, defending your rights, and then going home!*”⁷

12. On August 6, 2018, AG James stated that “[t]he president of the United States has to worry about three things: [Special Counsel Robert] Mueller, [Michael] Cohen, and Tish James. We’re all closing in on him.”⁸

⁵ See, e.g., Letitia James (@TishJames), Twitter (June 27, 2018, 10:48 AM ET) <https://bit.ly/2GG4uuy> (“Congrats [now-Congresswoman Alexandria Ocasio Cortez] on your victory. Looking forward to working with you to help Democrats take on Donald Trump.”)

⁶ <http://www.tishjames2018.com/corruption/>

⁷ Letitia James, Facebook, 1:18 (July 19, 2018) (emphasis added), <https://m.facebook.com/LetitiaJamesforNY/videos/203059860348974>.

⁸ Hunter Walker, *New York Race Could Spark New Trump Investigation*, Yahoo News, Aug. 6, 2018, <https://yhoo.it/36yLzwT>.

13. On the same day, AG James tweeted “I’ve got my eyes on Trump Tower,”⁹ and promised to “work with Mueller to make sure justice is served.”¹⁰ AG James assured that her takedown of President Trump was “just getting started.”¹¹

14. On August 13, 2018, AG James announced that she was “getting ready to ask [Trump] some questions — under oath.” AG James emphasized again that “Trump should be worried about three people: 1. Robert Mueller 2. Michael Cohen 3. Tish James.”¹²

15. On August 21, 2018, AG James tweeted that President Trump is “running out of time,” and warned him that she would immediately investigate him and his “cronies” when she took office.¹³

16. On August 22, 2018, AG James forewarned that President Trump, among other things, should be scared” about her upcoming term.¹⁴

17. On September 1, 2018, AG James further committed to “take on [Trump] & his business in New York.”¹⁵

18. On September 12, 2018, AG James issued the following statement regarding President Trump:

I’m running for attorney general, because I will never be afraid to challenge this illegitimate president when our fundamental rights are at stake.... I believe that this president is incompetent. I believe that this president is ill equipped to serve in the highest office of this Land. And I believe that he is an embarrassment to all that we stand for. He should be charged with obstructing justice. I believe that the President of these United States can be indicted for criminal offenses and we would join with law enforcement and other attorneys general across this nation in removing this President from office. In addition to that, the office of attorney general will continue to follow the money because we believe he’s engaged in a pattern and practice

⁹ Letitia James (@TishJames), Twitter (Aug. 6, 2018, 3:47 PM ET) <https://bit.ly/3lmNPvs>

¹⁰ *id.*, (Aug. 6, 2018, 5:34 PM ET) <https://bit.ly/3iCnSpM>

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*, (Aug. 21, 2018, 1:01 PM ET) <https://bit.ly/33Dqi3j>. (“Just wait until I’m in the Attorney General’s office.”)

¹⁴ *Id.*, (Aug. 22, 2018, 9:09 AM ET) <https://bit.ly/3nq7OuM>.

¹⁵ *Id.*, (Sept. 1, 2018, 10:44 AM ET) <https://bit.ly/3ll6VBQ>.

of money laundering. Laundering the money from foreign governments here in New York State, and particularly related to his real estate holdings. It's important that everyone understand, the days of Donald Trump are coming to an end.¹⁶

19. On September 13, 2018, AG James secured her party's nomination for Attorney General. In her victory speech, AG James stated that her campaign has always been centered on "that man in the White House who can't go a day without threatening our fundamental rights."¹⁷

20. On October 3, 2018, AG James tweeted that President Trump's "days of defrauding Americans are coming to an end" and called upon "any agency with jurisdiction—from the IRS to the NY AG—to follow the facts wherever they may lead."¹⁸

21. On November 6, 2018, AG James was elected Attorney General of the State of New York. During her victory speech, she vowed to "shin[e] a bright light into every dark corner of [Trump's] real estate holdings."¹⁹

22. On December 12, 2018, during an NBC News interview given eighteen days before assuming office, AG James vowed to "use every area of the law to investigate President Trump and his businesses transactions and that of his family as well."²⁰ AG James also promised to investigate "anyone in [Trump's] orbit."

23. In an interview with political activist and former Democratic candidate for New York City Council Adina Sash, AG James was asked if she planned to "sue [Trump and the Trump

¹⁶ NowThis News, YouTube, <https://bit.ly/34zB7Tj>.

¹⁷ Jeffrey C. Mays, *Letitia James Makes History by Winning Attorney General Primary in New York*, The New York Times, September 13, 2018, <https://nyti.ms/3IXFkU9>

¹⁸ Letitia James (@TishJames), Twitter (October 3, 2018) <https://bit.ly/3pf1ol2>

¹⁹ Jeffrey C. Mays, *Breaking Barriers, Letitia James is Elected New York Attorney General*, The New York Times, November 6, 2018, <https://nyti.ms/3IXFkU9>

²⁰ Chris Mills Rodrigo, *Incoming New York AG: 'We Will Use Every Area of the Law to Investigate President Trump'*, The Hill, Dec. 12, 2018, 9:20 AM ET, <https://bit.ly/33CybpG>.

Organization].”²¹ AG James laughingly responded “[o]h, we’re definitely going to sue him. We’re going to be a real pain in the ass. He’s going to know my name personally.”²²

24. On January 3, 2019, AG James told CNN that she would “ensure that the man currently occupying the Oval Office is held accountable to [sic] any and everything he has done.” She also stated that she would “never be afraid to challenge this illegitimate president” and that investigating Trump “fuels [her] soul.”²³

25. In or about March 2019, the NYAG officially initiated an investigation into the financial dealings of the Trump Organization.

26. On April 23, 2019, AG James repeated her prior, unfounded allegation that President Trump and the Trump Organization were engaged in criminal activity: “We need to focus on Donald Trump and his abuses . . . we need to follow his money . . . we need to find out where he’s laundered money . . . all of those transactions have happened here in New York City.”²⁴

27. On July 23, 2019, AG James tweeted that President Trump “has spent his career hiding behind lawsuits” and promised to “vigorously fight” him.²⁵

28. On December 10, 2019, AG James accused President Trump of “abuse of power.”²⁶

29. On October 29, 2021, after declaring her candidacy for Governor of the State of New York, AG James boasted that she “sued the Trump Administration 76 times, but who is counting?”²⁷

²¹ Adina Sash (@FlatBushGirl), Instagram (Nov. 7, 2018) <https://bit.ly/34zVOhE>

²² *Id.*

²³ Athena Jones, *New NY Attorney General Vows to Target Trump*, CNN.com, Jan. 3, 2019, <https://cnn.it/3d48gu1>.

²⁴ MSNBC, *New York Attorney General on Plan to Thwart Trump Pardons*, YouTube, April 23, 2019, <https://bit.ly/33z1WaG>.

²⁵ Letitia James (@NewYorkStateAG) Twitter, July 23, 2019, 3:36 PM ET, <https://bit.ly/2GEOykG>.

²⁶ Letitia James (@NewYorkStateAG), Twitter, Dec. 10, 2019, 1:21 PM ET, <https://bit.ly/2F5ReXV>.

²⁷ Letitia James (@TishJames), Twitter, October 29, 2021, 1:31 PM ET. <https://www.nytimes.com/2021/10/29/nyregion/letitia-james-governor.html>

30. Subsequently, on August 24, 2020, the NYAG commenced a special proceeding pursuant to CPLR Article 4 to oversee compliance with various investigatory subpoenas. *See generally People v. Trump Organization, et al.*, Supreme Court, New York County, Index No. 451685/2020.

31. Thereafter, on September 21, 2022, the NYAG, acting “on behalf of the People of the State of New York pursuant to the New York Executive Law,” filed the instant action, alleging that President Trump, the Trump Organization, and 14 other defendants pursuant to its purported authority under Executive Law § 63(12). *See generally, People v. Donald J. Trump, et. al.*, Supreme Court, New York County, Index No. 452564/2022.

32. Annexed hereto as **Exhibit 1** is the Loan Agreement dated June 22, 2000, between Seven Springs LLC and Royal Bank of Pennsylvania, and Guaranty dated June 22, 2000, between Seven Springs LLC and Royal Bank of Pennsylvania, associated with the “2000 Seven Springs Transaction.”

33. Annexed hereto as **Exhibit 2** is the Consolidated Note dated July 23, 2010, between Trump Park Avenue LLC and Investors Savings Bank, and Amendment of Guaranty of Recourse Obligations dated June 26, 2007, between Donald J. Trump and UBS Real Estate Investments Inc., associated with the “2010 Park Avenue Transaction.”

34. Annexed hereto as **Exhibit 3** is the Term Loan Agreement dated June 11, 2012, between Trump Endeavor 12 LLC and Deutsche Bank Trust Company Americas, and Guaranty dated June 11, 2012, between Donald J. Trump and Deutsche Bank Trust Company Americas, associated with the “2012 Doral Transaction.”

35. Annexed hereto as **Exhibit 4** is the Amended and Restated Term Loan Agreement dated June 2, 2014, between 401 North Wabash Venture LLC and Deutsche Bank Trust Company


Americas, and Amended and Restated Guaranty dated June 2, 2014, between Donald J. Trump and Deutsche Bank Trust Company Americas, associated with the “2012 Chicago Transaction”;

36. Annexed hereto as **Exhibit 5** is the Loan Agreement dated August 12, 2014, between Trump Old Post Office LLC and Deutsche Bank Trust Company Americas, and Guaranty dated August 12, 2014, between Donald J. Trump and Deutsche Bank Trust Company Americas, associated with the “2013 OPO Transaction”; and

37. Annexed hereto as **Exhibit 6** is the Loan Agreement dated July 2, 2015, between 40 Wall Street LLC and Ladder Capital Finance I LLC, and Guaranty of Recourse Obligations dated July 2, 2015, between Donald J. Trump and Ladder Capital Finance I LLC, associated with the “2015 40 Wall Transaction”.

38. Defendants respectfully request that this Court grant the within motion in its entirety, along with such other and further relief this Court deems necessary.

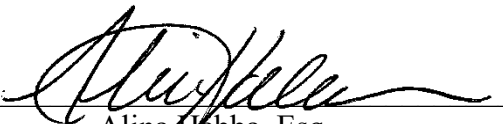
Dated: New York, New York
November 21, 2022


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Post Office LLC, 40 Wall Street LLC
and Seven Springs LLC*

CERTIFICATION OF COUNSEL

I hereby state, pursuant to pursuant to NYCRR 202.70.17, that the foregoing Affirmation was prepared with Microsoft Word. Pursuant to Microsoft Word's word count feature, the total number of words in the foregoing Affirmation (excluding the caption, table of contents, table of authorities, signature block, and this certification) is 2166.

Dated: November 21, 2022
New York, New York


Alina Habba, Esq.