

SUMMARY STATEMENT ON APPLICATION FOR
EXPEDITED SERVICE AND/OR INTERIM RELIEF

(SUBMITTED BY MOVING PARTY)

Date: September 13, 2023Case # GEG-11111

Title Donald J. Trump, et al. v. Hon. Arthur F. Engoron, et al. Index/Indict/Docket # _____
 of _____
 Matter _____

Appeal Order ☐ Supreme ☐
 Judgment ☐ of Surrogate's ☐ County _____
 by _____ from Decree ☐ Family ☐ Court entered on _____, 20____

Name of Judge _____ Notice of Appeal filed on _____, 20____

If from administrative determination, state agency _____

Nature of Original Proceeding
 action _____
 or proceeding _____

Provisions of ☐ order
☐ judgment appealed from _____
☐ decree _____

This application by appellant ~~respondent~~ is for an interim stay of proceedings pending a full
panel determination of Article 78 Petition brought before this Court in nature of
a writ of mandamus / prohibition.

If applying for a stay, state reason why requested This Court's decision and order of June 27, 2023,
required dismissal of certain claims based on the statute of limitations. Respondents
Supreme Court and Attorney General have refused to comply with this Court's decision.

Has any undertaking been posted No If "yes", state amount and type _____

Has application been made to court below for this relief Yes If "yes", state Disposition Unsigned OTSC
 Has there been any prior application here in this court No If "yes", state dates and nature _____

Has adversary been advised of this application Yes Does he/she consent _____

Attorney for Movant

Attorney for Opposition

Name Clifford S. Robert and Michael Madaio

Kevin Wallace, Esq. and Colleen Faherty, Esq.

Address Robert & Robert PLLC, 526 RXR Plaza, Uniondale

People of the State of New York, by Letitia James,

NY 11566 / Habba Madaio & Associates, LLP, 112 West

Attorney General of the State of New York

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(212) 416-6376

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kevin.wallace@ag.ny.gov

Appearing by _____

colleen.faherty@ag.ny.gov

(Do not write below this line)

DISPOSITION

Justice

Date

Motion Date _____ Opposition _____ Reply _____

EXPEDITE _____ PHONE ATTORNEYS _____ DECISION BY _____

ALL PAPERS TO BE SERVED PERSONALLY.

Court Attorney

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

-----)
DONALD J. TRUMP, DONALD TRUMP, JR.,)
ERIC 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,)

Petitioners,)

vs.)

HON. ARTHUR F. ENGORON, PEOPLE OF)
THE STATE OF NEW YORK, by LETITIA)
JAMES, ATTORNEY GENERAL OF THE)
STATE OF NEW YORK,)

Respondents.)
-----)

Case No.: 4245/267: 2

ORDER TO SHOW CAUSE

UPON reading and filing the annexed Affirmation of Urgency of Clifford Robert, dated September 13, 2023 and the exhibits annexed thereto; the Verified Joint Article 78 Petition dated September 13, 2023 and the exhibits annexed thereto; and upon all the pleadings and proceedings heretofore had herein, and sufficient cause having been shown,

LET Respondents, by their attorneys, show cause before this Court, at the courthouse thereof, located at 27 Madison Avenue, New York, New York 10010, on the ____ day of October, 2023, at _____, or as soon thereafter as counsel may be heard, why an order pursuant to Article 78 of the Civil Practice Law and Rules should not be made and entered:

- (a) on the first cause of action, directing that the Honorable Arthur F. Engoron, J.S.C. comply with this Court's June 27, 2023, decision and order and render a

determination as to the scope of the claims to be tried in the underlying action pursuant to CPLR § 7803(1);

- (b) on the second cause of action, finding that Justice Engoron's decision to proceed to trial in the action captioned *People v. Trump, et al.*, Index No. 452564/2022 without complying with this Court's June 27, 2023, decision and order is in excess of Supreme Court's jurisdiction under CPLR § 7803(2); and
- (c) granting such other and further relief as this Court deems just, equitable and proper.

Sufficient cause therefore appearing, it is

ORDERED that the action captioned *People v. Trump, et al.*, Index No. 452564/2022 is stayed pending the resolution of this proceeding; and it is further

ORDERED that opposition papers, if any, are to be served on Petitioners' counsel via e-filing on or before the ____ day of September 2023; and it is further

ORDERED that reply papers, if any, are to be served on Respondent's counsel via e-filing on or before the ____ day of October 2023; and it is further

ORDERED that service of a copy of this Order to Show Cause and the papers upon which it is based, be made on or before September ____, 2023, by e-filing same shall be deemed good and sufficient service thereof.

Associate Justice
Appellate Division: First Department

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST DEPARTMENT

-----)
DONALD J. TRUMP, DONALD TRUMP, JR.,)
ERIC 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,)
Petitioners,)
vs.)
HON. ARTHUR F. ENGORON, PEOPLE OF)
THE STATE OF NEW YORK, by LETITIA)
JAMES, ATTORNEY GENERAL OF THE)
STATE OF NEW YORK,)
Respondents.)
-----)

Case No.: 2023-04580

AFFIRMATION OF URGENCY

CLIFFORD ROBERT, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the following statements to be true under the penalties of perjury:

1. I am the principal of the law firm of Robert & Robert PLLC, attorneys for Defendants Donald Trump, Jr., Eric Trump, The Donald J. Trump Revocable Trust, 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 . I am fully familiar with the facts and circumstances set forth herein based on the files and materials maintained by my firm.

2. This Affirmation of Urgency is submitted in support of the Verified Joint Article 78 Petition brought by Order to Show Cause of Petitioners Donald J. Trump, Donald Trump, Jr., Eric Trump, Allen Weisselberg, Jeffrey McConney, The Donald J. Trump Revocable Trust, The Trump Organization, Inc., The 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 (collectively, “Petitioners”) for an Order: (a) on the first cause of action, directing that the Honorable Arthur F. Engoron, J.S.C. comply with this Court’s June 27, 2023, decision and order and render a determination as to the scope of the claims to be tried in the underlying action pursuant to CPLR § 7803(1); (b) on the second cause of action, finding that Justice Engoron’s decision to proceed to trial in the action captioned *People v. Trump, et al.*, Index No. 452564/2022 before complying with this Court’s June 27, 2023, decision is in excess of Supreme Court’s jurisdiction under CPLR § 7803(2); and (c) granting such other and further relief as this Court deems just, equitable and proper (the “Petition”).

4. This Affirmation of Urgency is also submitted in support of Defendants’ request for a stay of the action captioned *People v. Trump, et al.*, Index No. 452564/2022 pursuant to CPLR § 7805 during the pendency of this proceeding.

5. The urgency of this application is evident, given that the parties are presently required to (i) prepare and submit witness and exhibits lists, deposition designations, and proposed facts to be proven at trial; (ii) prepare and submit pre-trial motions on September 22, 2023; (iii) prepare for and attend the final pre-trial conference on September 27, 2023; and (iv) prepare for and attend the trial beginning on October 2, 2023. Despite Respondents’ non-compliance with this Court’s June 27, 2023 order, which mandates the dismissal of certain claims based on the statute of limitations, Respondents insist on proceeding to trial on time-barred claims.

6. On September 6, 2023, Supreme Court (Engoron, J.S.C.) declined to sign Petitioners' motion brought by order to show cause for a stay of trial pursuant to CPLR § 2201 pending a decision on the motions for summary judgment and compliance with this Court's June 27, 2023 order.

7. On September 13, 2023, pursuant to 22 N.Y.C.R.R. § 1250.4(b)(2), I notified Respondents People of the State of New York, by Letitia James, Attorney General of the State of New York and Justice Engoron via e-mail, of Petitioners' request for a stay. A true and correct copy of my e-mail is annexed hereto as **Exhibit A**.

Dated: Uniondale, New York
September 13, 2023



CLIFFORD S. ROBERT

EXHIBIT A

From: Clifford Robert
Sent: Wednesday, September 13, 2023 9:49 AM
To: aengoron@nycourts.gov; argreenf@nycourts.gov; gajohnst@nycourts.gov;
kevin.wallace@ag.ny.gov; colleen.faherty@ag.ny.gov; Michael Madaio; Christopher Kise;
chris kise; Michael Farina
Subject: Donald J. Trump, et al. v. People of the State of New York, et al.

Dear Justice Engoron and Counsel:

Pursuant to 22 N.Y.C.R.R. 1250.4(b)(2), please be advised that Petitioners Donald J. Trump; Donald Trump, Jr.; Eric Trump; Allen Weisselberg; Jeffrey McConney; The Donald J. Trump Revocable Trust; The Trump Organization, Inc.; The 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 will be presenting an order to show cause tomorrow, September 14, 2023, at 10:00 a.m. to the First Department seeking a stay.

Respectfully,

Clifford S. Robert
Robert & Robert PLLC

Long Island Office

[526 RXR Plaza](#)

[Uniondale, New York 11556](#)

Tel: [516-832-7000](#)

Fax: [516-832-7080](#)

Mail and Service of Process Address

Manhattan Office

[One Grand Central Place](#)
[60 East 42nd Street, Suite 4600](#)

[New York, New York 10165](#)

Tel: [212-858-9270](#)

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STATE OF NEW YORK)
COUNTY OF NEW YORK) SS

Willie Addison, Being duly sworn, deposes and says that deponent is not party to the action, and is over 18 years of age.

That on 9/14/2023 deponent caused to be served 1 copy(s) of the within

Application for Interim Relief

upon the attorneys at the address below, and by the following method:

By Hand

Kevin Wallace, Esq.
Colleen Faherty, Esq.
People of the State of New York
by Letitia James
Attorney General of the State
of New York
28 Liberty Street
New York, New York 10005
212-416-6376
Kevin.Wallace@ag.ny.gov
Colleen.Faherty@ag.ny.gov

By Hand

The Honorable Arthur F. Engoron
New York Supreme Court
111 Centre Street
New York, New York 10013
646-386-3600



Sworn to me this

Thursday, September 14, 2023

KEVIN AYALA
Notary Public, State of New York
No. 01AY6207038
Qualified in New York County
Commission Expires 7/13/2025



Case Name: Trump v. Hon. Arthur F. Engoron

Docket/Case No: 2023-04580

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