UNITED STATES COURT OF APPEAL FOR THE SECOND CIRCUIT

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

Docket # 23-1085

NOTICE OF MOTION TO DISMISS APPEAL

PLEASE TAKE NOTICE that upon the annexed Declaration of Gedalia M. Stern, dated November 14, 2023, Donald J. Trump, by his counsel Blanche Law PLLC and NechelesLaw LLP, will move this Court, pursuant to F.R.A.P. 42(b)(2), on a date and time to be set by the Court, for an Order dismissing the appeal in this case.

Respectfully submitted,

Dated: November 14, 2023

New York, New York

By: /s/ Gedalia Stern

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Attorneys for President Donald J. Trump

UNITED STATES COURT OF A FOR THE SECOND CIRCUIT	APPEAL	
PEOPLE OF THE STATE OF N		
- against -	:	Docket # 23-1085
DONALD J. TRUMP,	:	
Def	endant. :	DECLARATION OF GEDALIA M. STERN
	X	

## **DECLARATION OF GEDALIA STERN**

Gedalia M. Stern, pursuant to Title 28, United States Code, § 1746, hereby declares under penalty of perjury:

- 1. I am a partner at the law firm NechelesLaw LLP, attorneys for Donald J. Trump. This Declaration is submitted in support of his motion to dismiss the appeal in this case.
- 2. This Declaration is submitted upon personal knowledge or upon information and belief, the source of my knowledge being my review of court documents and discovery, and an independent investigation into the facts.
- 3. On July 28, we filed a Notice of Appeal, Dkt. #1, to appeal the decision of the Hon. Alvin Hellerstein, U.S.D.J., remanding this case to state court pursuant to 18 U.S.C § 1445.
  - 4. The brief of the Defendant-Appellant Trump is currently due on November 15.
- 5. President Trump now moves this Court, through counsel, to dismiss this appeal, pursuant to F.R.A.P. 42(b)(2).
- 6. I have spoken to the People and they informed me that "they do not oppose voluntary dismissal with prejudice."
  - 7. Upon information and belief, the People incurred no costs in this case.

Dated: November 14, 2023 New York, N.Y.

By:	,	/s	

Gedalia M. Stern NechelesLaw LLP 1120 6<sup>th</sup> Ave., 4<sup>th</sup> Floor New York, NY 10036 (212) 997-7400 gstern@necheleslaw.com

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 23-1085	Caption[use short title]
Motion for: dismissal	-
Set forth below precise, complete statement of relief sought:  To dismiss the appeal in this case	PEOPLE OF THE STATE OF NEW YORK  v.
	DONALD J. TRUMP
MOVING PARTY: Donald J. Trump	OPPOSING PARTY: People of State of New York
Plaintiff Defendant  Appellant/Petitioner Appellee/Respondent	
MOVING ATTORNEY: Gedalia M. Stern	OPPOSING ATTORNEY: Matthew Collangelo
[name of attorney, with firm, add	lress, phone number and e-mail]  District Attorney of New York
1120 6th Ave., 4th Floor NYNY 10036	1 Hogan Place NY NY 10013
212-997-7400; GSTERN@NECHELESLAW.COM	colangelom@dany.nyc.gov; 212-335-9000
Court- Judge/ Agency appealed from: Judge Alvin Hellerstei	
Please check appropriate boxes:  Has movant notified opposing counsel (required by Local Rule 27.1):  Yes No (explain):	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUCTIONS PENDING APPEAL:  Has this request for relief been made below?  Has this relief been previously sought in this court?  Yes No
	Requested return date and explanation of emergency:
Opposing counsel's position on motion:  Unopposed Opposed Don't Know  Does opposing counsel intend to file a response:  Yes No Don't Know	
Is the oral argument on motion requested? Yes No (req	uests for oral argument will not necessarily be granted)
Has the appeal argument date been set? Yes No If y	es, enter date:
Signature of Moving Attorney:  Date: 11/14/23	Service : Electronic Other [Attach proof of service]

Form T-1080 (rev. 10-23)