

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, 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

Sup. Ct. New York County
Index No. 452564/2022
(Engoron, J.S.C.)

NOTICE OF APPEAL

PLEASE TAKE NOTICE THAT, pursuant to CPLR §§ 5511 and 5515, non-party Ivanka Trump hereby appeals to the Appellate Division, First Department, from the Decision and Order of the Honorable Arthur F. Engoron, J.S.C., as set forth on the record on October 27, 2023, so ordered October 30, 2023, entered in the Office of the Clerk of the Supreme Court, New York County on October 30, 2023, and served by Notice of Entry on October 30, 2023, requiring Ms. Trump to appear and testify in the above captioned case.

This appeal is taken from each and every part of the Order insofar as it applies to Ms. Trump. A copy of the Decision and Order served with Notice of Entry dated October 30, 2023 (NYSCEF No. 1622) is attached hereto as Exhibit A.

Dated: New York, New York
November 1, 2023

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Exhibit A

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

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

Plaintiff,

Index No. 452564/2022

-against-

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,

NOTICE OF ENTRY

Defendants.

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PLEASE TAKE NOTICE that annexed hereto is a true and correct copy of the Decision
and Order of the Honorable Arthur F. Engoron, J.S.C., as set forth on the record on October 27,
2023, so ordered October 30, 2023, and entered in the Office of the Clerk of the Supreme Court,
New York County on October 30, 2023.

Dated: New York, New York
October 30, 2023

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In The Matter Of:
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.

SHERI DILLON
October 27, 2023

NICOLE C. ROBINSON

So Ordered
(AE) 10/30/2023

HON. ARTHUR F. ENGORON

OCT 30 2023

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<p>1 SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK : CIVIL TERM : PART 37 2 3 PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK, 4 5 Plaintiff, 6 7 -against- Index No. 452564/2022 DONALD J. TRUMP; DONALD TRUMP, JR.; ERIC TRUMP; 8 IVANKA TRUMP; ALLEN WEISSELBERG; JEFFREY MCCONNEY; THE DONALD J. TRUMP REVOCABLE TRUST; THE TRUMP 9 ORGANIZATION, INC.; TRUMP ORGANIZATION, LLC; DJT HOLDINGS, LLC; DJT HOLDINGS MANAGING MEMBER; 10 TRUMP ENDEAVOR 12, LLC; 401 NORTH WABASH VENTURE, LLC; TRUMP OLD POST OFFICE, LLC; 40 WALL STREET, LLC.; AND SEVEN SPRINGS, LLC, 11 12 Defendants. X 13 Supreme Courthouse 60 Centre Street New York, New York October 27, 2023 14 15 B E F O R E: 16 HONORABLE ARTHUR F. ENGoron, Justice, Supreme Court 17 18 A P P E A R A N C E S: 19 OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK - LETITIA JAMES 20 Attorneys for Plaintiff 28 Liberty Street New York, New York 10005 21 BY KEVIN WALLACE, ESQ. 22 COLLEEN K. FAHERTY, ESQ. ANDREW AMER, ESQ. 23 ERIC HAREN, ESQ. LOUIS M. SOLOMON, ESQ. 24 MARK H. LADOV, ESQ. SHERIEF GABER, ESQ. 25 ALEX FINKELSTEIN, ESQ.</p>	<p>1 THE COURT OFFICER: All rise. Part 37 is now in 2 session. Honorable Judge Arthur Engoron presiding. Make 3 sure all cellphones are on silent. Laptops and cellphones 4 will be permitted, but only to members of the press. 5 There's absolutely no recording or photography of any kind 6 allowed in the courtroom. Now, be seated and come to order. 7 THE COURT: Okay. So why are we here at 9:30 8 instead of 10:00? Because we're going to hear oral argument 9 on a motion by Ivanka Trump to quash a subpoena, trial 10 subpoena issued against her. 11 I read the papers, so, please, don't be too 12 repetitive. I'm hoping that we can finish by 10:00. If we 13 can't, then by 10:30. We want to try to finish with the 14 current witness, Sheri Dillon, today. And without further 15 ado, who would like to speak on behalf of the motion? 16 MR. MOSKOWITZ: Good morning, Your Honor. Bennet 17 Moskowitz on behalf of non-party witness Ivanka Trump. 18 First, let me say thank you everyone here, especially Your 19 Honor, Ms. Greenfield and the parties for giving us the time 20 for this in the middle of a very busy trial. 21 I heard you loud and clear. I have no intention to 22 just rehash what's in my moving papers. As Your Honor 23 knows, I wasn't afforded a reply opportunity, so I'll take 24 this opportunity to address things mostly that the AG 25 raised. What I will say just to level set here and I don't</p>	
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<p>1 2 3 Attorneys for Defendants 101 North Monroe Street - Suite 750 4 Tallahassee, Florida 32302 BY: CHRISTOPHER M. KISE, ESQ. 5 BY: LAZARO P. FIELDS, ESQ. JESUS M. SUAREZ, ESQ. 6 7 ROBERT & ROBERT, PLLC Attorneys for Defendant 526 RXXR Plaza 8 Uniondale, New York 11556 BY: CLIFFORD S. ROBERT, ESQ. 9 10 HABBA MADAJO & ASSOCIATES, LLP Attorneys for Defendants 1430 US Highway - Suite 240 11 Bedminster, New Jersey, 07921 BY: ALINA HABBA, ESQ. 12 13 MORIAN LAW, PLLC Attorneys for Defendants 60 East 42nd Street - Suite 4600 14 New York, New York 10165 BY: ARMEN MORIAN, ESQ. 15 16 THE TRUMP ORGANIZATION 725 Fifth Avenue New York, New York 10022 17 BY: ALAN G. GARTEN, ESQ. 18 TROUTMAN PEPPER HAMILTON SANDERS, LLP Attorneys for Defendant 19 IVANKA TRUMP 875 Third Avenue New York, New York 10022 20 BY: BENNET J. MOSKOWITZ, ESQ. 21 22 23 24 25 NICOLE C. ROBINSON, CSR JANELLE LONDON, RMR, CRR Senior Court Reporters</p>	<p>1 want to get lost in the shuffle with all the papers flying 2 back and forth on this. We're not here about technical 3 service defects. This is about fundamental issues of 4 jurisdiction. 5 THE COURT: Good. That makes things a lot simpler. 6 MR. MOSKOWITZ: Right, and hearing only facts that 7 matter for purposes of the jurisdiction. Ms. Trump does not 8 live in New York. She's not domiciled here and despite the 9 fact that the AG concludes otherwise and doesn't present 10 evidence supporting that conclusion, she does not transact 11 business here. Let me say it again, she does not transact 12 business here. That has a very specific meaning under New 13 York law. 14 Weinstein, Korn & Miller, no offense to Professor 15 Siegal. He's great, too. I picked it up and Section 30809 16 of Weinstein, Korn & Miller, so that section of Weinstein, 17 Korn & Miller provides, Your Honor, that actual place of 18 business under New York law means where that person is 19 regularly, physically present and regularly transacts 20 business. 21 Ivanka Trump does not regularly transact business 22 and does not regularly at any of the addresses where they 23 served these subpoenas to these entities at most since 2017 24 and if they want an affidavit for that business, that's 25 fine. By the way, side note, they didn't put in an</p>	

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<p>1 affidavit because I urge the Court, and you read the papers,</p> <p>2 if you revisit it, maybe you don't need to, the</p> <p>3 correspondence attached to my affirmation, the AG's position</p> <p>4 on this motion has been like a moving target.</p> <p>5 First they said, "Oh, it is a subpoena to these</p> <p>6 entities." No, it is a subpoena to her. Now I'm hearing in</p> <p>7 their papers for the first time that she transacts business</p> <p>8 at Trump Tower. She does not. Since 2017, she's been there</p> <p>9 once or twice a year, never for business, to say hello,</p> <p>10 people including family members for 15 minutes, 30 minutes,</p> <p>11 things like that. So there is no basis to say a service on</p> <p>12 an entity at Trump Tower is service on her individually.</p> <p>13 That's just wrong.</p> <p>14 Let's look at the case law here and I'll address</p> <p>15 mostly the case law that was cited by my friends across on</p> <p>16 the other side. First, they don't deal with the fact that</p> <p>17 Justice Fried's decision just as an example, Amelius is</p> <p>18 decisive. A non-party, non-domiciliary is not subject to</p> <p>19 the subpoena power of the court. That's 64 New York State</p> <p>20 3d 855 at 866. Again, that was Justice Fried.</p> <p>21 When we had the ongoing discussions leading up to</p> <p>22 this motion and still today, perhaps the AG relied on cases</p> <p>23 like 2323 Communications Corp. Those cases stand for a</p> <p>24 principle that's very different which is that where an</p> <p>25 entity is a party, it can be compelled to appear through a</p>		<p>1 months leading up to this. So if that's the best case they</p> <p>2 can do, I'm happy with it. It doesn't help them. It helps</p> <p>3 me.</p> <p>4 There are other cases. The Court doesn't have to</p> <p>5 take my word for it. A lot of cases have cited that Gibson</p> <p>6 Dunn case and what they rely upon such as this Napoli vs.</p> <p>7 Bern which is 2021 Westlaw 5458747 at page three, 2021 case</p> <p>8 with the line of cases that I found talking about the Gibson</p> <p>9 Dunn case. They'll hook on to that inducement. This guy</p> <p>10 had the legal fees sent there, represented that's where he</p> <p>11 worked, and then he turned around and said ha-ha, fee over</p> <p>12 legal dispute, can't get me there.</p> <p>13 Now, there is another new argument and, you know,</p> <p>14 Your Honor, I always tell younger associates there comes a</p> <p>15 time in trial where parties go a bridge too far and try not</p> <p>16 to do it. Here is the AG's bridge way too far. How they</p> <p>17 assert for the first time and they are getting a little</p> <p>18 desperate here, respectfully, that Ms. Trump consented to</p> <p>19 this jurisdiction in this case because she's a party in the</p> <p>20 special proceedings.</p> <p>21 They must take us all for fools. I'm looking</p> <p>22 around. This is not the special proceedings. They didn't</p> <p>23 issue the subpoenas in the special proceedings. There was</p> <p>24 no trial in the special proceedings, so that's just false on</p> <p>25 its face. And in any event, we could cite case law that</p>	
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<p>1 specific person. The entities they subpoenaed are not</p> <p>2 parties, so those cases are not applicable.</p> <p>3 They also talk about this Gibson Dunn case. Let's</p> <p>4 take a close look at that case, Your Honor. It is a First</p> <p>5 Department case, doesn't help them. Maybe they didn't find</p> <p>6 anything better. In that case, you could tell that -- it's</p> <p>7 a Gibson Dunn case, is a dispute over legal fees and the</p> <p>8 person trying to evade service, Your Honor, had the legal</p> <p>9 fees sent to a specific Madison Avenue address. In the few</p> <p>10 months leading up to --</p> <p>11 THE COURT: Wait. Wait, you don't mean that the</p> <p>12 legal fee was sent. How the bills were sent.</p> <p>13 MR. MOSKOWITZ: The bill, excuse me, for the legal</p> <p>14 fees. Invoice me here kind of thing. Then there is a suit</p> <p>15 over legal fees. The person trying to say service didn't</p> <p>16 apply, jurisdiction didn't apply had been to that address</p> <p>17 for work multiple times leading up to the legal proceedings</p> <p>18 and leading up to the service. And what the court found</p> <p>19 there was this guy induced Gibson Dunn to rely on this place</p> <p>20 where he does go to work sometimes. He can't now turn to</p> <p>21 the court and say that "I'm actually not really there that</p> <p>22 much." That's not this case.</p> <p>23 Ivanka Trump didn't induce anyone to go to Trump</p> <p>24 Tower. She hasn't been there working since 2017 and she did</p> <p>25 not go to work there since then, certainly not in the three</p>		<p>1 stands for the proposition, including First Department case</p> <p>2 law and this is pretty basic, that even consent in one</p> <p>3 action does not mean that there's jurisdiction over a person</p> <p>4 who consents even in a related action. Here is not what we</p> <p>5 are dealing with. They're saying we had this years-long</p> <p>6 social proceeding. She was subject to jurisdiction in that</p> <p>7 proceeding. Therefore, in this trial, under separate index</p> <p>8 number, which we issued subpoenas, she must come today. Not</p> <p>9 how it works and there's a reason we didn't hear that</p> <p>10 argument previously. It doesn't fly.</p> <p>11 So let's talk about the entities. Again, I urge</p> <p>12 Your Honor to revisit the fact that the AG kind of spoke</p> <p>13 from both sides of the mouth about what these subpoenas</p> <p>14 were. It is pretty simple. We all know what happened here.</p> <p>15 They had easy jurisdiction over Ivanka Trump. They could</p> <p>16 have served her at her house. Much different. We probably</p> <p>17 wouldn't be here today. What appears to happen is they task</p> <p>18 one someone in their office for saying let's go to the</p> <p>19 transcript let's look at documents let's find some entities</p> <p>20 that have something to do with her and let's fire off</p> <p>21 subpoenas. That's what they did.</p> <p>22 THE COURT: Wait. Wait. Entities that had</p> <p>23 something to do with her? Didn't she own some of them and</p> <p>24 didn't some of them own parts of others?</p> <p>25 MR. MOSKOWITZ: I'll get to that. It is not clear.</p>	

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<p>1 The TTT and OPO entity, she absolutely has an affiliation</p> <p>2 with those entities as do other people who can competently</p> <p>3 testify for those entities, but let me stop there. Again,</p> <p>4 as non-parties, you don't get to subpoena those entities and</p> <p>5 say you must appear via specific person X rather, I'll get</p> <p>6 to it in a minute, it's black letter law an entity can</p> <p>7 provide anyone who's competent to testify which goes back to</p> <p>8 my point.</p> <p>9 I asked them why TTT? Why this OPO entity? Why</p> <p>10 502 Park? I never got an answer because what they were very</p> <p>11 honest about, and I appreciate, is that they want her to</p> <p>12 appear and there's no limitation in their mind of what they</p> <p>13 could ask her about because it is really not about these</p> <p>14 entities. That's just the way that they're trying to get</p> <p>15 jurisdiction over her. 502 Park, I said to them, "Guys, I'm</p> <p>16 having trouble here. I can't find anything on my end that</p> <p>17 shows what she has to do with this entity. What did you</p> <p>18 have before you served the subpoena." I didn't get an</p> <p>19 answer. You don't get to -- subpoena powers are awesome --</p> <p>20 THE COURT: You might get an answer today if there</p> <p>21 is an answer.</p> <p>22 MR. MOSKOWITZ: Yeah, I would like to know the</p> <p>23 answer because I haven't found it. I said, "Please, share</p> <p>24 it because if there is something "-- I'll note I spent a</p> <p>25 lot of time. I don't even know that that entity was used</p>		<p>1 person.</p> <p>2 MR. MOSKOWITZ: That's exactly right. At the end</p> <p>3 of the day, Your Honor, they just don't have jurisdiction</p> <p>4 over her. They tried with this transient business again</p> <p>5 articulated to me for the first time in their papers that</p> <p>6 they submitted to Your Honor and I just addressed it. It's</p> <p>7 just wrong and if they want an affidavit saying what I just</p> <p>8 represented to the Court as an officer and I'll say it again</p> <p>9 that she does not transact business at any of those places</p> <p>10 they served, I will be happy to do it.</p> <p>11 THE COURT: Did she ever transact business?</p> <p>12 MR. MOSKOWITZ: Yes.</p> <p>13 THE COURT: When was the last time she transacted</p> <p>14 business?</p> <p>15 MR. MOSKOWITZ: Before 2017.</p> <p>16 THE COURT: Okay. So what?</p> <p>17 MR. MOSKOWITZ: You have to have jurisdiction over</p> <p>18 her now. If someone worked in New York 50 years ago and</p> <p>19 leaves, you don't get to say, "Hey, you once worked at this</p> <p>20 address. Come to trial." That's not how it works. It has</p> <p>21 to be jurisdiction now, transact business here now.</p> <p>22 THE COURT: How are we going to define now? What</p> <p>23 if somebody transacts business here, leaves on a vacation or</p> <p>24 a business trip or is away?</p> <p>25 MR. MOSKOWITZ: Again --</p>	
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<p>1 for anything. It exists, I grant you that. I could</p> <p>2 speculate at what it might have been. I have no document</p> <p>3 that says that like the other two that she was an officer or</p> <p>4 anything like that. She doesn't know what it is and the AG</p> <p>5 doesn't know what it is.</p> <p>6 So they weren't served on Ivanka Trump. They were</p> <p>7 served at best on these entities. And, by the way, not all</p> <p>8 cleanly, but again, I'm not here about service stands or</p> <p>9 what. If they insist they need those entities, those</p> <p>10 entities can appear. I think they should articulate with</p> <p>11 why they need those entities, but I understand the</p> <p>12 defendants will speak for themselves. They offered -- for</p> <p>13 the two that we concern that they offer, they offered for</p> <p>14 someone who has lived here appear and testify for those</p> <p>15 entities, which you are allowed to do.</p> <p>16 New York law again, I pulled out Weinstein, Korn &</p> <p>17 Miller. You can look at Section 230504, "If a subpoena to</p> <p>18 testify is served on and is addressed to an entity, that</p> <p>19 entity may choose the person who will be deposed," period.</p> <p>20 So they cite --</p> <p>21 THE COURT: I'm very familiar with that concept</p> <p>22 that the entity has the right in the first instance to</p> <p>23 decide who to produce. I think we are in a different</p> <p>24 situation than the normal one here. As we all recognize, we</p> <p>25 are not looking for the entities. They're looking for the</p>		<p>1 THE COURT: A week later, they're not still --</p> <p>2 MR. MOSKOWITZ: No. The Weinstein, Korn & Miller</p> <p>3 basic principle addresses that, Your Honor. If it is a</p> <p>4 place you regularly return to work such as like I work on</p> <p>5 Third Avenue where my law firm offices are. If I leave for</p> <p>6 a week and they serve me there, I can't turn around and say,</p> <p>7 "Oh, I was gone that week." Here, you have someone who</p> <p>8 didn't work at the place for many, many years. They no</p> <p>9 longer return there for work.</p> <p>10 THE COURT: Let me ask you a question. Did Ivanka</p> <p>11 submit any sworn statement?</p> <p>12 MR. MOSKOWITZ: On this motion, no, because again,</p> <p>13 I didn't hear this argument and didn't get a reply for it.</p> <p>14 I'm happy to submit one now. I would have done it in a</p> <p>15 reply brief.</p> <p>16 THE COURT: Now is too late. I'm hoping to decide</p> <p>17 this today and if she testifies, it will be fairly soon.</p> <p>18 MR. MOSKOWITZ: I wasn't put on notice that that</p> <p>19 was their argument because they kept changing it. How could</p> <p>20 I respond to something they didn't articulate? I can't</p> <p>21 guess what their position is.</p> <p>22 THE COURT: Well, it's standard practice in New</p> <p>23 York law that you need to have an affidavit from someone</p> <p>24 with personal knowledge if you're going to start spouting</p> <p>25 facts, but --</p>	

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<p>1 MR. MOSKOWITZ: I agree, and they don't have one</p> <p>2 either showing the opposite, but I'm happy to put one in</p> <p>3 today.</p> <p>4 THE COURT: I'm not sure that they can prove a</p> <p>5 negative. Ivanka would be the person best able to say when</p> <p>6 she ever -- when was the last time she worked in New York</p> <p>7 or whether she still works in New York, what she owns here,</p> <p>8 et cetera, et cetera, but --</p> <p>9 MR. MOSKOWITZ: I could get it to the Court ASAP.</p> <p>10 THE COURT: I promise you I'm not a "Ha-ha, I got</p> <p>11 you" judge. I'm not trying to say, "Ha-ha, you didn't have</p> <p>12 an affidavit from her," but it does weaken your argument</p> <p>13 because you keep talking about what she does and doesn't do.</p> <p>14 She would know better than you.</p> <p>15 MR. MOSKOWITZ: I agree, and if I had been afforded</p> <p>16 an opportunity to reply, I would have submitted it. I did</p> <p>17 not want to disregard what the Court advised me which was no</p> <p>18 reply afforded, which was the e-mail I received.</p> <p>19 THE COURT: Whether you should have needed a reply,</p> <p>20 waited for a reply, a reply is to respond to their</p> <p>21 arguments, but if you don't make out a prima facie case by</p> <p>22 an affidavit from Ivanka saying "I don't do these things. I</p> <p>23 don't live there," et cetera, I don't think that should have</p> <p>24 been in the reply. That should have been in moving papers,</p> <p>25 but that's just my opinion. All right, continue.</p>		<p>1 sorry. She is and that changes things fundamentally.</p> <p>2 You're no longer in the case. You're not a resident. You</p> <p>3 don't work here. You don't have jurisdiction over that</p> <p>4 person. That's the breaks.</p> <p>5 THE COURT: The expression is "that is the breaks."</p> <p>6 MR. MOSKOWITZ: I'm referring in the singular</p> <p>7 situation, but I appreciate Your Honor's.</p> <p>8 THE COURT: All right. Anything else on your</p> <p>9 initial -- I don't know whether we will have time for a</p> <p>10 reply, but was that it for now?</p> <p>11 MR. MOSKOWITZ: Yes, Your Honor. I mean, I</p> <p>12 appreciate the possibility if I hear something new, to</p> <p>13 address it.</p> <p>14 THE COURT: Probably. Probably.</p> <p>15 MR. MOSKOWITZ: Yeah.</p> <p>16 THE COURT: Okay. It is my understanding that the</p> <p>17 defendants themselves do not have standing to contest this,</p> <p>18 but I'll let them talk if they want to.</p> <p>19 MR. KISE: Thank you, Your Honor. I don't know</p> <p>20 that I would say we don't have standing since it affects the</p> <p>21 impact of the trial and it affects the course of the trial,</p> <p>22 but in all events, I appreciate the opportunity to address.</p> <p>23 THE COURT: We always like to hear your mellifluous</p> <p>24 voice.</p> <p>25 MR. KISE: That's good. At least there's something</p>	
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<p>1 MR. MOSKOWITZ: Thank you, Your Honor. So going</p> <p>2 back to the idea that corporations can designate their own</p> <p>3 witnesses, they cite the Standard Fruit case, totally</p> <p>4 different. In that case -- by the way, it was from</p> <p>5 1977 -- the court did allow a party to subpoena an</p> <p>6 out-of-state witness. It was after the witness provided by</p> <p>7 the subpoenaed corporation was unable to testify to the</p> <p>8 relevant facts. And even then, the court allowed the</p> <p>9 corporate entity to select between two different</p> <p>10 individuals.</p> <p>11 THE COURT: When I said, I read all the papers, I</p> <p>12 didn't read all the cases, but that case, I did read.</p> <p>13 MR. MOSKOWITZ: Right. Right. So again, that's</p> <p>14 our point. The corporation gets to put someone up and it</p> <p>15 has to be someone who can speak to the facts, again, which</p> <p>16 is why my first question to them when we got notice that</p> <p>17 they were trying to serve these subpoenas, "Hey, what</p> <p>18 testimony are you going for" and we quoted this and it is in</p> <p>19 the exhibits to my affirmation. They were honest about it.</p> <p>20 I appreciate that. It was basically limited. It was, "She</p> <p>21 knows this, she knows that, but I can't really limit it," so</p> <p>22 they want her here. They want it to be unlimited. They</p> <p>23 didn't depose her. They could have. They didn't de benne</p> <p>24 esse, you know, subpoena her. They could have done that. I</p> <p>25 guess they didn't think she'd be out of the case. I'm</p>		<p>1 positive that may happen here. I will try not to go over as</p> <p>2 you suggested, Your Honor. I'm not going to belabor the</p> <p>3 papers. I know you've read them and you've seen in our</p> <p>4 papers that we view the subpoena truly as just continued</p> <p>5 harassment of President Trump's children. They were all</p> <p>6 named and included in this case as leverage. There's no</p> <p>7 serious evidence that any of them had any involvement in the</p> <p>8 Statement of Financial Condition preparation.</p> <p>9 Ms. Trump was dismissed from the lawsuit by the</p> <p>10 First Department and now despite having a year to depose Ms.</p> <p>11 Trump in this case, several months post-dismissal to depose</p> <p>12 her, now all of a sudden in the trial, the Attorney General</p> <p>13 claims that her testimony is somehow essential. I thought</p> <p>14 Mr. Wallace was going to object when he stood up. I'm just</p> <p>15 so used to it. No. No.</p> <p>16 THE COURT: Obviously, testimony does not have to</p> <p>17 be "essential."</p> <p>18 MR. KISE: Even if it were relevant then, then they</p> <p>19 should have done it during discovery. They're claiming now</p> <p>20 that only she can provide this information and if it was so</p> <p>21 essential, then why are we here in the middle of trial?</p> <p>22 There was no even attempt to do a de benne esse deposition</p> <p>23 which was done with other witnesses who may or may not be</p> <p>24 available for trial.</p> <p>25 The exhibits attached to their motion demonstrate</p>	

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<p>1 that this is an inexcusable delay. All of the documents</p> <p>2 that I saw that were attached as exhibits were all things</p> <p>3 they had in their possession for at least a year, if not</p> <p>4 more. The Attorney General certified in their NOI, their</p> <p>5 note of issue, that all discovery was complete and the</p> <p>6 service of that prohibits reopening. I'll cite the Court to</p> <p>7 the Melcher case, 38 AD3d 376. It is a First Department</p> <p>8 case that stands for that proposition that their</p> <p>9 certification meant that they've completed their</p> <p>10 investigative efforts for trial, their discovery efforts for</p> <p>11 trial and yet, this is tantamount to a discovery subpoena.</p> <p>12 Nothing was done.</p> <p>13 To us, again, our answer is obvious they want to</p> <p>14 put Ms. Trump on the stand, create another media event while</p> <p>15 I'm always certainly happy to have the Attorney General in</p> <p>16 the courtroom, her presence today demonstrates that that's</p> <p>17 what this is about. I doubt she came here to hear Ms.</p> <p>18 Dillon. I doubt she came here to hear Mr. Flores.</p> <p>19 Although, I'm sure the testimony will be riveting. Really</p> <p>20 the purpose here is to focus on another one of Mr. Trump's</p> <p>21 children who has been dismissed from the lawsuit.</p> <p>22 To the jurisdictional point that Mr. Moskowitz</p> <p>23 raised, there's just no legal authority for the Court to</p> <p>24 require a non-party, non-domiciliary to appear at trial as a</p> <p>25 representative of a non-party entity. It's non, non, non.</p>		<p>1 information about that entity, about Standard Fruit, about</p> <p>2 that specific entity. They produced, as was their right,</p> <p>3 the first witness, the corporate designee to testify about</p> <p>4 relevant facts. Only after that witness testified and there</p> <p>5 was a demonstration that that witness could not -- could</p> <p>6 not testify did the court order another witness.</p> <p>7 The Amelius case, which we also cite 64 NY Supp. 3d</p> <p>8 855, draws the distinction further bearing out, Standard</p> <p>9 Fruit draws the distinction between a non-party corporation</p> <p>10 and a corporation under investigation. Here, you have three</p> <p>11 non-parties, none of which are under investigation, none of</p> <p>12 which have any association heretofore with this case.</p> <p>13 So, the subpoenas were not served. They were</p> <p>14 served all on Ms. Trump. They were served on the non-party</p> <p>15 entities. Those non-party entities are entitled to</p> <p>16 designate a corporate representative and the Attorney</p> <p>17 General has the burden in the first instance to demonstrate</p> <p>18 that that designation was inadequate. The Barone case, 260</p> <p>19 AD2d 417 and the other cases we cite stands for that</p> <p>20 proposition that there must be some demonstration that the</p> <p>21 initial witness that is designated by the entity is</p> <p>22 inadequate.</p> <p>23 There's no showing that the individual that's been</p> <p>24 designated here by the corporate entities, Eric Trump is</p> <p>25 inadequate. In fact, the Attorney General herself alleged</p>	
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<p>1 And the Court itself could not compel her attendance under</p> <p>2 these circumstances.</p> <p>3 The service issue, I'll just touch on briefly. The</p> <p>4 service on -- and the cases -- I'm not citing all the</p> <p>5 papers. They're in their papers, Your Honor. The service</p> <p>6 on a non-party entity registered agent is not service. It</p> <p>7 is not service on Ms. Trump in her individual capacity and a</p> <p>8 non-party, non-domiciliary not subject to the court's</p> <p>9 subpoena power does not constitute service on Ms. Trump.</p> <p>10 And I'll cite, as in our papers, the Genger case,</p> <p>11 50 Misc.2d 361. The Attorney General argues that Ms. Trump</p> <p>12 did not contest jurisdiction in the special proceeding, but</p> <p>13 that's frankly a complete non sequitur. The Courts case</p> <p>14 they cite is completely in opposite. That's a judgment</p> <p>15 debtor who fled the jurisdiction after judgment that then</p> <p>16 filed a parallel action against the creditor in a New York</p> <p>17 court.</p> <p>18 There was no dispute that the court could obtain</p> <p>19 the jurisdiction over the debtor in the very case at issue,</p> <p>20 but here, you have Ms. Trump is not a party. She was</p> <p>21 dismissed by the First Department. She's not a judgment</p> <p>22 debtor and she's not actively litigating any affirmative</p> <p>23 case in New York.</p> <p>24 The Standard Fruit case that they cite is also in</p> <p>25 opposite. There, an investigative subpoena sought</p>		<p>1 in the complaint that Eric Trump is responsible for all</p> <p>2 aspects of management. I mean, that's their allegation. So</p> <p>3 I don't see how they can claim without any explanation</p> <p>4 that -- or any proof that Eric Trump is now somehow an</p> <p>5 inadequate corporate designee, and they're not entitled to</p> <p>6 raise that issue unless and until they make that -- make</p> <p>7 that showing and that has been established by the court.</p> <p>8 Finally, and just briefly, the subpoena itself</p> <p>9 revealing what this is all about is truly overly broad.</p> <p>10 There is no attempt to narrow the issues. They just want</p> <p>11 another free-for-all on one of President Trump's children.</p> <p>12 There's no real relevance to the proceeding. It's more in</p> <p>13 the nature of a subpoena for a deposition where we're going</p> <p>14 to spend seven hours. "What do you know about this?" "What</p> <p>15 do you know about that"?</p> <p>16 THE COURT: She was deposed already in a different</p> <p>17 case related, if you pardon the expression, so it is not</p> <p>18 like they're not -- it is not like a total shot in the</p> <p>19 dark.</p> <p>20 MR. KISE: It may not be a total shot in the dark,</p> <p>21 but the subpoena is pretty close. The lights are on dimly</p> <p>22 and they're shooting off to the right when there's someone</p> <p>23 over on the left that's their target. So yeah, maybe it is</p> <p>24 in the same room, but the lights are dim and they're going</p> <p>25 in the wrong direction. So there's -- if they had a</p>	

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<p>1 specific focus, then they would have put that in the</p> <p>2 subpoena. If they had a specific purpose, they would have</p> <p>3 put that in the subpoena.</p> <p>4 And frankly, had they had such specific focus and</p> <p>5 specific purpose, we wouldn't be here because they would</p> <p>6 have either deposed Ms. Trump during the long course of</p> <p>7 discovery in this case. They had ample opportunity to</p> <p>8 depose anyone they wanted. She was certainly available for</p> <p>9 that while she was a party. And then after she wasn't a</p> <p>10 party as of June of this year, they still had several months</p> <p>11 to conduct a de benne esse deposition.</p> <p>12 They haven't even deposed -- made any showing to</p> <p>13 the Court as to why that wouldn't suffice or wouldn't have</p> <p>14 sufficed. Even after the commencement of trial, they</p> <p>15 haven't even proposed that. And I'm not going to agree to</p> <p>16 that on behalf of Mr. Moskowitz' client. I'm just showing</p> <p>17 that it just shows the real purpose here is to drag her into</p> <p>18 court. It is bad faith and it is harassment of another one</p> <p>19 of President Trump's children who has been dismissed out of</p> <p>20 this case.</p> <p>21 The First Department determined that she left in</p> <p>22 2017, so to your point, Your Honor, about affidavit or</p> <p>23 connectivity, I mean, I think the First Department has</p> <p>24 certainly, if not established it fully, has established it</p> <p>25 almost 95 to 99 percent of the way. They basically said she</p>			<p>1 this case. She was dismissed in the case the end of June.</p> <p>2 There was still time to do the de benne esse deposition and</p> <p>3 they did not and instead of coming before this Court</p> <p>4 forthright and saying, "Listen, we want Ivanka Trump and</p> <p>5 these are the reasons why," they come up with this Ruth</p> <p>6 Goldberg, coming up with these three companies that have</p> <p>7 nothing to do with it. We want them.</p> <p>8 Mr. Moskowitz in consultation with my client says,</p> <p>9 you know what, for the two companies that have something to</p> <p>10 do with Trump, Eric Trump is willing to be the corporate</p> <p>11 representative because he's going to be testifying anyway</p> <p>12 and they said, "Well, no, no, not so fast." They were</p> <p>13 smoked out as Your Honor pointed out. They want Ivanka</p> <p>14 Trump. If they want Ivanka Trump, there is a mechanism to</p> <p>15 do it. If they do it in the appropriate way and even if</p> <p>16 there is still an objection by Mr. Moskowitz, that becomes a</p> <p>17 motion that's before Your Honor. But right now, all there</p> <p>18 are are three subpoenas, three subpoenas in our view in our</p> <p>19 papers are defective. There should be no question that they</p> <p>20 be quashed and we move on. Thank you, Your Honor.</p> <p>21 (Continued on the next page.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 doesn't have anything to do with this case and she should be</p> <p>2 out. She left years ago. This is not as Your Honor</p> <p>3 posited, respectfully, a situation where she's gone on some</p> <p>4 vacation or some business tip. She's been gone for years,</p> <p>5 multiple years, years and so for those reasons and the</p> <p>6 reasons stated in our papers and those of Ms. Trump's</p> <p>7 counsel, we would ask the Court to quash the subpoena.</p> <p>8 Thank you.</p> <p>9 THE COURT: Mr. Robert.</p> <p>10 MR. ROBERT: As usual, I will be extremely brief.</p> <p>11 The goosey gander rule, Your Honor refers to it, what's</p> <p>12 sauce for the goose is sauce for the gander. Yesterday</p> <p>13 morning when Mr. Holl was on the stand and I had colloquy</p> <p>14 with the Attorney General's office because we didn't think</p> <p>15 he was going to be called and I said, "Are you going to call</p> <p>16 him back?" And they said, "Well, no. Try to serve a</p> <p>17 subpoena on him." Turns out he is an out-of-state resident.</p> <p>18 We did effectuate service on him outside once he left the</p> <p>19 court yesterday, but the rules are the rules.</p> <p>20 The motion that's before Your Honor today is a</p> <p>21 motion to quash the subpoena on three entities. I agree</p> <p>22 with Your Honor's sentiment that what this is really about</p> <p>23 is trying to serve a subpoena on Ivanka Trump individually.</p> <p>24 Then that's what they should have done. There were plenty</p> <p>25 of opportunities to do it. They could have deposed her in</p>		<p>1 THE COURT: Does the Attorney General have anything</p> <p>2 to say?</p> <p>3 MR. WALLACE: I will try to be brief, Your Honor.</p> <p>4 THE COURT: You don't have to be. They took their</p> <p>5 time.</p> <p>6 MR. WALLACE: I want to try to be, though.</p> <p>7 So I'll start with the point the defendants made</p> <p>8 about whether there is a mystery as to what Ms. Trump might</p> <p>9 testify to, why it might be that Eric Trump is not a</p> <p>10 suitable replacement for Ms. Trump and the answer as you</p> <p>11 somewhat indicated is they have a very good idea of exactly</p> <p>12 what we would like to ask Ivanka Trump. I don't think we</p> <p>13 were hiding it. Her name is on the subpoena. We've been</p> <p>14 going back and forth about whether Ivanka Trump, the person,</p> <p>15 would be appearing.</p> <p>16 We have her examination during the investigation.</p> <p>17 We've even offered as -- as a resolution that we would put</p> <p>18 being sued into evidence, her examination from</p> <p>19 investigation. We even gave the defendants the designations</p> <p>20 of what we would have introduced from her examination and</p> <p>21 the defendants, as is their right, declined to waive the</p> <p>22 fact that they were not present to cross examine her during</p> <p>23 that exam and hence, it's not admissible. But they very</p> <p>24 much know exactly what we would like to put into evidence</p> <p>25 from Ms. Trump.</p>	

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<p>1 I'll also go back to the idea that she is no longer</p> <p>2 a party and somehow the statute of limitations may play into</p> <p>3 whether or not she has relevant evidence to provide the</p> <p>4 Court and courts at trial.</p> <p>5 I will note that the statute of limitations</p> <p>6 stretches back to 2014. That means that Ms. Trump was an</p> <p>7 executive of the Trump Organization in 2014, 2015 and 2016</p> <p>8 before departing the company in 2017. All of that is</p> <p>9 relevant to the case and within the statute of limitations</p> <p>10 period. She was an executive of defendant entities and she</p> <p>11 undertook transactions on their behalf.</p> <p>12 Whether or not the First Department thought that we</p> <p>13 had established she committed fraud during the period that</p> <p>14 she was subject to the statute of limitations is unrelated</p> <p>15 to whether or not she has relevant knowledge of what was</p> <p>16 happening within the company at that time. And part of the</p> <p>17 reason we need her knowledge and not Eric Trump's is because</p> <p>18 she was the direct contact with Deutsche Bank on the OPO</p> <p>19 loan. She ran that project, not Eric Trump. And I believe</p> <p>20 the case law in our brief establishes that we're not</p> <p>21 required to take a witness who may educate themselves about</p> <p>22 the company's position and then testify.</p> <p>23 I will also add the idea that we should have taken</p> <p>24 her deposition is -- it is a red herring. She has a</p> <p>25 presence in this state. She owns multiple businesses within</p>		<p>1 And this is identified in paragraph 17 and 18 of our</p> <p>2 supporting affidavit. "She returned as a manager to that</p> <p>3 entity after her time in Washington was over."</p> <p>4 So she is a manager of the Trump Organization</p> <p>5 business. I think you combine that with the fact that</p> <p>6 they're offering Eric Trump as a replacement suggests that</p> <p>7 she is very much still intertwined with the Trump</p> <p>8 Organization.</p> <p>9 So we're not just focused on the specifics of the</p> <p>10 mechanics of service. I certainly think that under the</p> <p>11 operative words of this Court she could be brought here by</p> <p>12 the Trump Organization. They certainly seem to have enough</p> <p>13 control of her.</p> <p>14 The only other point that I think I would make is</p> <p>15 she clearly owns and operates businesses. They're still</p> <p>16 affiliated with defendants, they're still relevant to this</p> <p>17 case and are located in New York. If she truly wanted to</p> <p>18 completely absent herself from the company, from the state,</p> <p>19 she was free to do that. She has maintained these</p> <p>20 businesses and these businesses aren't complete strangers to</p> <p>21 this action. Ivanka OPO is the ownership interest she held.</p> <p>22 As late as after the sale of this property she obtained I</p> <p>23 believe at least \$4 million from her interests in the sale</p> <p>24 of the OPO property which explains very much directly at</p> <p>25 issue in this case. She was acting in her own interest when</p>	
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<p>1 the state. She owns multiple businesses that have their</p> <p>2 principal place of business within the state.</p> <p>3 And I'll note that Mr. Bennet -- Mr. Moskowitz</p> <p>4 keeps talking about I believe he's a Weinstein & Miller fan.</p> <p>5 THE COURT: Weinstein Koren & Miller is with a "K"</p> <p>6 and not a "C."</p> <p>7 MR. WALLACE: I'm aware of that at least. But he</p> <p>8 also ignores the plain language of the CPLR 3086 which</p> <p>9 states: "For purposes of this section, actual place of</p> <p>10 business shall include any location that the defendant</p> <p>11 through regular solicitation or advertisement has held out</p> <p>12 as its place of business." Ivanka Trump has certainly held</p> <p>13 out the location of Trump Tower and the Trump Organization</p> <p>14 as a place of business for the OPO Ivanka entity, for TTT</p> <p>15 and for the 502 entity.</p> <p>16 I will add that if Mr. Moskowitz needs additional</p> <p>17 information on relationship to the 502 entity that can be</p> <p>18 found in the -- paragraphs 24 through 26 of the supporting</p> <p>19 affidavit that we submitted and the documents attached</p> <p>20 thereto. It is a property that she owns and is renting out</p> <p>21 as a commercial enterprise for TTT.</p> <p>22 I would note that this is part of the case already.</p> <p>23 Ms. Kidder talked about it during week two of the trial. It</p> <p>24 is part of the licensing fees that the company earns.</p> <p>25 I would also note that she returned as a manager.</p>		<p>1 she was negotiating a loan with Deutsche Bank on OPO.</p> <p>2 So, in any event, she very much remains intertwined</p> <p>3 with the Trump Organization. She very much still has a</p> <p>4 presence in New York and we are now obligated to go seek her</p> <p>5 de bene esse deposition because she is still available to</p> <p>6 this Court and through that commercial presence. She is a</p> <p>7 hundred percent someone who can come in and testify and is</p> <p>8 susceptible to subpoena in this jurisdiction.</p> <p>9 So I don't think she is currently unavailable. She</p> <p>10 is a hundred percent available and the subpoenas were</p> <p>11 properly served on business addresses she maintains. Either</p> <p>12 businesses can require her to come forward and testify or</p> <p>13 she is holding out herself as doing business in those</p> <p>14 locations in the services appropriate. The fact that</p> <p>15 they're multiple avenues to secure her testimony in this</p> <p>16 court does not mean that we're doing something untoward or</p> <p>17 hidden or changing our tune. She is still apart of the</p> <p>18 Trump Organization. She still has commercial interests here</p> <p>19 in New York. She operates businesses here. Whether or not</p> <p>20 she visits them once a year just to say hello to the good</p> <p>21 people who are handling her paperwork or she comes more</p> <p>22 regularly is really irrelevant under 308 subsection six.</p> <p>23 But I'm happy to answer any questions Your Honor might have,</p> <p>24 but we really don't see this as being a closed issue. She</p> <p>25 has sufficient contact with New York if the subpoenas were</p>	

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1 appropriate.		1 MR. MOSKOWITZ: Say owner. I can go with that.	
2 THE COURT: What are your thoughts about granting		2 Someone who lives in Nebraska can own shares in 50 New York	
3 the motion only in part and limiting her testimony to the		3 corporations. The case law is clear, Weinstein Koren &	
4 OPO, Old Post Office transaction?		4 Miller with a "K" is clear, Siegel is clear that service of	
5 MR. WALLACE: I don't think -- I'm not sure what		5 a subpoena of process of a complaint, whatever it is on	
6 the basis would be for that. She would have the knowledge		6 those entities is not service on that person and does not	
7 in her head of what the transactions are. I think it would		7 mean that you necessarily have jurisdiction over that person	
8 also cover her information on the licensing agreements of		8 absent something like someone who is also subject to general	
9 TTT, her knowledge of the 502 Park apartment. But honestly,		9 jurisdiction which is not what we're here talking about	
10 if it's just the OPO, I do think relevant -- the course of		10 today. Thank you, Your Honor.	
11 conduct with Deutsche Bank is relevant to the OPO loan. I'm		11 MR. KISE: Just briefly, Your Honor. I think	
12 not sure it presents that much of a restriction to the scope		12 Mr. Wallace's points about we have a very good idea what we	
13 of her testimony, but I think it -- the entities we've		13 want out of Ms. Trump's testimony, we knew about the OPO	
14 subpoenaed really do cover most of the breadth of what we		14 loan involvement, all the facts that he's reciting they've	
15 would be interested in hearing -- what we would be		15 known about since the investigation. Forget about since the	
16 interested in having her testify about.		16 case started. Since the investigation.	
17 THE COURT: Brief replies?		17 So the question comes up again why not do this	
18 MR. MOSKOWITZ: Thank you, Your Honor.		18 during discovery. Why not depose her during discovery? Why	
19 First, as to the only argument I heard that touches		19 not depose her after she was dismissed from the case? They	
20 on actual jurisdiction, the issue which is what dictates the		20 had plenty of time to do that. Why issue a Note of Issue if	
21 result today is whether there is jurisdiction over my		21 they had a witness that they still needed an essential	
22 client. I heard this argument with this other CPLR section.		22 witness. The rules exist --	
23 There is no case that says that being affiliated with an		23 THE COURT: You file a Note of Issue. You don't	
24 entity registered to do business in New York means that		24 issue a Note of Issue.	
25 service of a subpoena on that entity means you have		25 MR. KISE: That actually sounds better.	
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1 jurisdiction over that individual. That is just wrong. We		1 THE COURT: I'm just trying to get you up to speed	
2 do cite cases in our brief that go to that point.		2 on New York law.	
3 Even when it's a party entity the cases make clear		3 MR. KISE: By the time we're done here in November	
4 it's not the same thing. What I guess I'm hearing now,		4 of 2025, I probably will be. The rules exist for a reason,	
5 again, a new argument going back to, you know, why I didn't		5 Your Honor, they do. And the case I cited it's just black	
6 put in certain affidavits I was replying to. I'm now		6 letter law. Once the Attorney General files a Note of	
7 hearing basically a general jurisdiction argument. There is		7 Issue, that's it. They don't get to reopen discovery.	
8 no evidentiary record of asserting general jurisdiction over		8 Particularly -- it would be one thing if this were some new	
9 Ms. Trump and now that we're here today and I'm hearing it		9 witness that no one knew about before that. Well, this is	
10 for the first time I go as far as to say that argument's		10 something critical to our case and we didn't know about	
11 been waived.		11 these facts and there is some justification. This is an	
12 I also heard beyond the jurisdictional argument		12 individual that's been associated with the investigative	
13 that was the briefest part of Mr. Wallace's presentation. I		13 process and then this case then dismissed and no attempt to	
14 heard a lot of, "I want this, we want her for that." I want		14 do anything despite the fact that as Mr. Wallace said we	
15 lots of things. My kid wants a unicorn. What I didn't hear		15 have a very good idea we've known about these specifics,	
16 is why there is jurisdiction over her such that you can get		16 we've known about her specific involvement in the OPO	
17 those things. There isn't. A lot of these things are not		17 transaction, etc.. So they haven't provided the Court with	
18 in the record. A lot of it was just their say so		18 any explanation for that. The designations that Mr. Wallace	
19 conclusion. She holds herself out as doing business in New		19 represent, I'm glad that he acknowledged and I appreciate	
20 York? No, she doesn't. Where is that in the record?		20 him acknowledging. Of course, we weren't there which is our	
21 Again, all they have submitted and all that there is in life		21 biggest problems with using the examinations under oath, but	
22 is that she is affiliated with certain entities that are		22 the designations offer little because there were	
23 registered to do business in New York.		23 designations essentially with most of the transcript. So it	
24 THE COURT: Well, again, "affiliated?" That's kind		24 wasn't really a narrowing in that sense.	
25 of a loosey-goosey term.		25 The idea that somehow Ms. Trump is under the	

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<p>1 control of the Trump Organization or any of the defendants,</p> <p>2 her father, all I can say is anyone that's raised a daughter</p> <p>3 past the age of 13 knows they are not under your control.</p> <p>4 She lives in Florida, she has her own family. The</p> <p>5 jurisdiction must be here and now irrespective of what she</p> <p>6 did five years ago, ten years ago with the OPO transaction,</p> <p>7 the jurisdiction must be here and it must be now and it</p> <p>8 simply doesn't exist.</p> <p>9 And respectfully, the Court doesn't have the</p> <p>10 authority to just ignore that impediment. Respectfully, it</p> <p>11 doesn't have the authority to ignore the Note of Issue.</p> <p>12 Respectfully, the Court doesn't have the authority to just</p> <p>13 say well, I don't care if they knew about all this a long</p> <p>14 time ago, we're going to let this happen in the middle of</p> <p>15 trial. I think the case law on that is very well</p> <p>16 established.</p> <p>17 So -- and, again, they haven't even proffered --</p> <p>18 I'm not offering this on behalf of Mr. Moskowitz and his</p> <p>19 client. They haven't proffered the least intrusive means</p> <p>20 which would be some deposition taking place where she does</p> <p>21 live, in Florida. And if it's so narrow and it's so focused</p> <p>22 her testimony, then perhaps that can accommodate the issues.</p> <p>23 Again, I'm not volunteering that, but what I'm saying is the</p> <p>24 Attorney General's offered nothing to this Court but no, she</p> <p>25 must come in here now. We didn't depose her, we don't have</p>		<p>1 York now.</p> <p>2 MR. KISE: Again, I don't know other than what's in</p> <p>3 the record and that would -- any ownership of any nonparty</p> <p>4 entity or party entity would not necessarily give the Court</p> <p>5 jurisdiction.</p> <p>6 THE COURT: I acknowledge that.</p> <p>7 MR. KISE: Because JP Morgan is headquartered here</p> <p>8 and I think it's somewhere in my 401(k) -- I have ownership</p> <p>9 interest in a New York entity.</p> <p>10 THE COURT: You have to be careful what you do up</p> <p>11 here.</p> <p>12 MR. KISE: Yes, right.</p> <p>13 THE COURT: Defendants, what, if anything, in the</p> <p>14 record shows current ownership interest by Ivanka in New</p> <p>15 York?</p> <p>16 MR. WALLACE: I believe that's almost everything</p> <p>17 that's laid out in our affirmation in support. She owns the</p> <p>18 OPO entity, which has its principal place of business at</p> <p>19 Trump Tower; she owns the 502 entity; she owns an interest</p> <p>20 in TTT Consulting. We -- she is also one of the managers.</p> <p>21 She owns two apartments at the Trump Park Avenue property.</p> <p>22 I believe that's primarily the scope of what we laid out in</p> <p>23 our affirmation.</p> <p>24 THE COURT: And was the affirmation -- were the</p> <p>25 affirmations by someone with personal knowledge?</p>	
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<p>1 jurisdiction over her, we're sending subpoenas to these</p> <p>2 nonparty entities, but she must show up now. Only one</p> <p>3 reason: They want her in the courtroom so that it will be</p> <p>4 filled again with media and we can have another circus day.</p> <p>5 So for those reasons and the ones stated, the subpoena</p> <p>6 should be quashed, Your Honor.</p> <p>7 THE COURT: Okay. Give me a moment.</p> <p>8 (Whereupon, there is a pause in the proceedings.)</p> <p>9 THE COURT: Let me turn on the microphone first.</p> <p>10 Defendants, I'm not saying that this is sufficient. In</p> <p>11 fact, it's not sufficient, but what properties does she</p> <p>12 currently own in New York or what economic interests does</p> <p>13 she currently have in New York? If you don't know, you</p> <p>14 don't know. That's okay.</p> <p>15 MR. MOSKOWITZ: I don't know, Your Honor.</p> <p>16 THE COURT: Okay.</p> <p>17 MR. MOSKOWITZ: And I'll point out that if it were</p> <p>18 clearly in the submissions, which it's not, I would have</p> <p>19 addressed it and I don't --</p> <p>20 MR. KISE: I don't know either, Your Honor. I just</p> <p>21 know there is nothing in the record that shows that she does</p> <p>22 other than ownership and entities that are nonparties.</p> <p>23 Again, as Mr. Moskowitz --</p> <p>24 THE COURT: I didn't ask whether they were parties</p> <p>25 or not. I asked whether she has ownership interest in New</p>		<p>1 MR. WALLACE: It was made by someone with personal</p> <p>2 knowledge of our files and it attaches the documents that</p> <p>3 are the support, so it shows the agreements relevant to the</p> <p>4 OPO entity, to the TTT entity and to 502. So it lays out</p> <p>5 documentary evidence that supports our assertions on those</p> <p>6 fronts.</p> <p>7 THE COURT: Any last words by defendants? And then</p> <p>8 I'll retreat for properly ten or 12 minutes and come back</p> <p>9 with a decision.</p> <p>10 MR. MOSKOWITZ: Thank you, Your Honor. I can</p> <p>11 answer Your Honor's question. No, it was not someone with</p> <p>12 personal knowledge. It was a member of counsel for the</p> <p>13 Attorney General who attached stale documents. None of them</p> <p>14 show, answer the question that I can't answer either, which</p> <p>15 is what does she currently own.</p> <p>16 By the way, that's all stuff that usually gets</p> <p>17 addressed at a Traverse hearing, which again, they didn't</p> <p>18 ask for. We're not submitting to, but that's all about</p> <p>19 general jurisdiction which they never even argued until now.</p> <p>20 THE COURT: I once read all the way through</p> <p>21 "Prince, Richardson & Farrow On Evidence." One of the</p> <p>22 things I really appreciated learning is there is a</p> <p>23 presumption in the law that facts stay the same, that they</p> <p>24 don't change unless there is some reason to think they</p> <p>25 change. So I don't think the -- well, we don't know what</p>	

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<p>1 she owns today. Because she owns something six months ago,</p> <p>2 I don't think that --</p> <p>3 MR. MOSKOWITZ: I was just going to say someone can</p> <p>4 show you a piece of paper that says I go to NYU.</p> <p>5 Unfortunately, for me, those days are long gone and my point</p> <p>6 is that as to the question of what gives jurisdiction over</p> <p>7 her now, there is nothing in this affidavit from someone who</p> <p>8 in any event doesn't have personal knowledge of that</p> <p>9 question.</p> <p>10 THE COURT: You said you went to NYU?</p> <p>11 MR. MOSKOWITZ: Yes, Your Honor.</p> <p>12 THE COURT: Which division, which school?</p> <p>13 MR. MOSKOWITZ: College of Arts and Science.</p> <p>14 THE COURT: Okay. The law school, '79.</p> <p>15 MR. MOSKOWITZ: I'm aware of because my colleague</p> <p>16 went to school with you.</p> <p>17 THE COURT: Anyway, interesting.</p> <p>18 MR. MOSKOWITZ: Your Honor, I could submit an</p> <p>19 affidavit, though, again, if the Court has questions I would</p> <p>20 like to point out, though, they flip the burden.</p> <p>21 My life as a litigator would be very easy if I</p> <p>22 could fire off subpoenas without the basis to do so which</p> <p>23 last I checked I have to have the basis when I serve a</p> <p>24 subpoena and then say to the person tell me why it shouldn't</p> <p>25 be this subpoena which is what they're doing here, but</p>		<p>1 Also, and this phrase is engrained in all lawyers,</p> <p>2 "Ms. Trump has clearly availed herself of the privilege of</p> <p>3 doing business in New York."</p> <p>4 Finally, plaintiff's papers make abundantly clear</p> <p>5 by documentary evidence that Ms. Trump owns property in New</p> <p>6 York and has done business in New York. Even Ms. Trump's</p> <p>7 own papers admit that she is occasionally here.</p> <p>8 With all due respect to Mr. Moskowitz, the record</p> <p>9 is devoid of any evidence because we do not have a sworn</p> <p>10 statement from Ms. Trump that she does not do currently or</p> <p>11 has not recently done business here. The time to submit any</p> <p>12 such affidavit in the first place was in the moving papers.</p> <p>13 Movant made the argument. There is no jurisdiction over her</p> <p>14 and it was her burden to provide an affidavit of someone</p> <p>15 with personal knowledge, meaning herself, to substantiate</p> <p>16 that. It is black letter law that you may not use a reply</p> <p>17 to state facts that should have been in your moving papers.</p> <p>18 Basically we don't know what she does or doesn't do because</p> <p>19 only she could tell us that and it's too late to tell us</p> <p>20 that now. That was -- that should have been, could only</p> <p>21 have been in the moving papers. That's what you do in the</p> <p>22 motion to quash a subpoena and I've seen that all the time.</p> <p>23 I get affidavits from people in California or</p> <p>24 Nebraska saying I don't own property here, I don't come</p> <p>25 here, I don't do business here. We don't have that.</p>	
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<p>1 again, I could submit an affidavit and do it very quickly.</p> <p>2 THE COURT: All right. Let's take a break until</p> <p>3 10:35. I suspect to come back with a decision.</p> <p>4 (Whereupon, there is a recess in the proceedings.)</p> <p>5 THE COURT OFFICER: All rise. Part 37 is back in</p> <p>6 session. Be seated and come to order.</p> <p>7 THE COURT: Let me start with two basic ancient</p> <p>8 principals for which no citation is necessary.</p> <p>9 A trial is a search for the truth and the law is</p> <p>10 entitled to every person's evidence. On the other hand, we</p> <p>11 don't compel people to testify unless the Court has personal</p> <p>12 jurisdiction over them. As we learned in law school in the</p> <p>13 international shoe case, personal jurisdiction to satisfy</p> <p>14 due process has two elements: Notice and power.</p> <p>15 Here, the power of the Court to compel Ms. Trump</p> <p>16 into court to testify. In this case, notice is clear which</p> <p>17 is why we are here and in any event I think was essentially</p> <p>18 conceded by her attorney.</p> <p>19 I find that the power element is also clearly</p> <p>20 satisfied here. "The due process element is satisfied where</p> <p>21 the non-domiciliary has minimum contacts with New York State</p> <p>22 and based upon those contacts the non-domiciliary could or</p> <p>23 should have reasonably anticipated being hailed into court,"</p> <p>24 and that's more or less an exact quote or paraphrase from</p> <p>25 LaMarca, 95 NY2d 216.</p>		<p>1 So the motion is denied, but her testimony shall</p> <p>2 not be scheduled before Wednesday, November 1st for</p> <p>3 Ms. Trump to appeal this decision if she deems herself so</p> <p>4 advised.</p> <p>5 Now, let's go on to the trial. First witness, next</p> <p>6 witness or same witness?</p> <p>7 Sure, Mr. Moskowitz, you want to say something</p> <p>8 first?</p> <p>9 MR. MOSKOWITZ: I just want to request a so</p> <p>10 ordering of the transcript unless the written decision is</p> <p>11 forthcoming.</p> <p>12 THE COURT: Unlike what I sometimes do there won't</p> <p>13 be a follow-up written decision. The decision will be a so</p> <p>14 order of the transcript and I'll make sure it gets so</p> <p>15 ordered today.</p> <p>16 MR. MOSKOWITZ: Thank you, Your Honor.</p> <p>17 MR. KISE: Not to volunteer, would the Court</p> <p>18 entertain -- I mean, we just did one on Monday, a de bene</p> <p>19 esse deposition? We just did one on Monday. That way</p> <p>20 Ms. Trump doesn't have to leave her family and three</p> <p>21 children to come to New York.</p> <p>22 THE COURT: No. Denied. I want to see her in</p> <p>23 person. That's how we prefer testimony.</p> <p>24 I'll get the signed transcript from which you can</p> <p>25 appeal by Monday morning. It's just tough, but you know</p>	

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1 what it will say.		1 A Yes.	
2 MR. WALLACE: Your Honor, before the witness begins		2 Q Okay. Please turn back to page six.	
3 her testimony, we did have one housekeeping matter		3 I'd like to focus your attention on the "Subject of the	
4 concerning today. I believe Mr. Solomon has maybe an hour		4 Assignment and Relevant Characteristics."	
5 and a half -- at least an hour and a half of questioning. I		5 THE COURT: Let me just suggest to the witness she	
6 believe the defendants are going to cross and the question		6 has -- you have three different ways to see this: the paper	
7 is should we bring the next witness, Mr. Flores, back to the		7 copy, the screen in front of you and the screen there. I	
8 courthouse or do defendants expect this will take us through		8 often find the screens are a lot simpler. You don't have to	
9 the remainder of today?		9 turn pages, they turn the pages for you, but whatever you	
10 MR. KISE: I don't know if we're going to cross		10 want to do is okay. Some people like physical papers in	
11 this witness at this time. We may call her in our case, but		11 their hands.	
12 to preserve time we're not going to take up the Court's time		12 THE WITNESS: Thank you.	
13 today necessarily. We reserve the right as we have with		13 Q Ma'am, if you look at this paragraph, did you	
14 other witnesses, but I'm not sure that's going to become		14 understand you or your firm were retaining Cushman & Wakefield	
15 necessary. So I don't want to unnecessarily delay the		15 to "perform an appraisal on the hypothetical 71-unit development	
16 proceedings.		16 site located at Briarcliff Manor?"	
17 THE COURT: So that will save time for today.		17 A Yes, I did.	
18 Will there be enough time to finish the current		18 Q Okay. And was that appraisal to be done in connection	
19 witness and have Flores testify?		19 with a potential donation of a conservation easement?	
20 MR. KISE: If we go like yesterday --		20 A Yes, it was.	
21 MR. SOLOMON: Your Honor, my questions -- I should		21 Q Thank you.	
22 be able to finish. With respect to objections and how long		22 A And to be clear, the purpose of this was to document	
23 they take, I can't speak to that. I will do everything in		23 the value of the conservation easement. In connection with that	
24 my power to finish this witness today, if at all possible,		24 as apart of that assignment it was to appraise the hypothetical	
25 yes.		25 71-unit the residential development.	
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1 THE COURT: The question is will we be able to get		1 Q The development didn't exist at the time of the	
2 to Mr. Flores today at all? Let's make it easy on		2 appraisal; correct?	
3 everybody.		3 A No, no, no. It was a hypothetical.	
4 MR. KISE: I think it would be optimistic.		4 Q When you say "no" let's clarify this.	
5 THE COURT: All right, so we'll have Flores testify		5 Did the 71-unit development exist at the time of the	
6 starting next week, okay.		6 appraisal?	
7 MR. WALLACE: Understood, Your Honor.		7 A There was no building.	
8 MS. FAHERTY: Thank you, Your Honor.		8 Q And, in fact --	
9 THE COURT: I like to make life easy on everybody.		9 A Or two buildings.	
10 I'll remind the witness as I always do that she is		10 Q And, in fact, to your knowledge, it's never been built;	
11 still under oath.		11 right?	
12 And let's get right into it, Mr. Solomon.		12 A To my knowledge, it's never been built.	
13 MR. SOLOMON: Thank you, Your Honor.		13 Q Okay.	
14 CONTINUED DIRECT EXAMINATION		14 MR. SOLOMON: Can I please have 3194? May I ask	
15 BY MR. SOLOMON:		15 the court officer to put 3194 in front of the witness which	
16 Q Ma'am, I'd like to ask the court officer for PX 158 in		16 was already in evidence.	
17 front of you. This document is already in evidence.		17 A I'm sorry, could I clarify one more thing?	
18 If turn to page six of 13 you'll see that it's		18 THE COURT: Yes.	
19 addressed to you from Cushman & Wakefield, David McArdle's		19 A I guess it wasn't -- while there was a general scope of	
20 letterhead. Do you see that?		20 -- I think you need to look more at the general scope of work to	
21 A Yes.		21 understand the work that was being done. And, again, this was	
22 Q Okay. And if you turn to page 11 of 13, is that your		22 all about documenting the value of a conservation easement and	
23 signature?		23 not just the 71-unit hypothetical buildings, you know, units	
24 A Yes.		24 needed to be appraised, but it was also the golf course and	
25 Q And did you sign it on or about February 19, 2014?		25 other properties. So it was a little bit shorthand or	

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1 abbreviation just to say is that the 71-unit. That was part of		1	"The development site is entitled to allow the
2 the whole project.		2	construction of 71 luxury housing units contained within two
3 Q I appreciate that.		3	adjacent low rise structure." Do you see that?
4 A That's why I wanted to take a look at the letter		4	A Yes, I do.
5 because that didn't sound right to me, but I wanted to get that		5	Transcript continues on the following page....
6 right.		6	
7 Q Sure. I appreciate that.		7	
8 The appraisal needs to determine whether the		8	
9 surrounding parcels or contiguous parcels that may be owned by		9	
10 the same party are enhanced in some way by the conservation		10	
11 easement. I think you mentioned that yesterday; right?		11	
12 A That's apart of it, but again, the whole point is to		12	
13 get to the differentials. What is the value of the conservation		13	
14 easement, the rights and restrictions, the economic value of		14	
15 those things that were being given away.		15	
16 Q But in that process one of the steps is valuing the		16	
17 hypothetical 71-unit residential development; right?		17	
18 A That is apart of the assignment but it's not the entire		18	
19 assignment. There was more to the assignment than that.		19	
20 Q If you take a look at PX 3194. The cover is an e-mail		20	
21 to you from Mr. McArdle dated April 25, 2014. Do you see that?		21	
22 A I don't have that yet, but --		22	
23 MR. SOLOMON: PX 3194.		23	
24 A Yes. It is an e-mail to me from Mr. McArdle.		24	
25 Q And did you receive it in or about April of -- April --		25	
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1 on or about April 25, 2014?		1	Q So in connection with this project, did the appraisers
2 A I have no recollection of that, but I assume that I did		2	determine in trying to calculate the value of the conservation
3 since it's an e-mail addressed to me and I have no reason to		3	easement the value of the right to build 71 luxury housing
4 believe I did not.		4	units?
5 MR. SOLOMON: We offer it in evidence.		5	A My understanding, that was part of the assignment, yes.
6 THE COURT: Granted. It's in evidence.		6	Q Please turn to page 4 of 193. The chart in the middle
7 MR. ROBERT: Statute of limitations.		7	of the page, "Final Value Reconciliation." And do you see,
8 THE COURT: Overruled. Understood.		8	"Final Value Conclusion of Conservation Easement \$43,300,000?"
9 (Whereupon, the item previously referred to is		9	Do you see that?
10 received and marked Plaintiff's Exhibit Number 3194 in		10	A I see that.
11 evidence.)		11	Q Did you share this information, the value of the
12 Q If you turn to page six of 193, please, under "General		12	conservation easement, with your client as reflected in this
13 Description." Do you see that?		13	appraisal?
14 MR. ROBERT: Excuse me, I haven't been provided		14	A Yeah, I believe, I can. Although, this easement was
15 with a hard copy. Is it just the e-mail or is there an		15	never completed, I'm not entirely sure.
16 attachment seeking to move it into evidence?		16	Q Would it have been your practice whether the easement
17 MR. SOLOMON: It's already in.		17	was actually completed and donated or not to share the valuation
18 MR. ROBERT: I thought you moved it into evidence.		18	in the appraisal with your client?
19 That's why you asked to move it. You said "we offer it into		19	A It would have been my practice as the project was going
20 evidence."		20	along to share values along the way with my client. Do I have a
21 MR. SOLOMON: I'm sorry. It was already in		21	specific recollection of this? No.
22 evidence.		22	Q I understand, but you said it was your practice and I
23 MR. ROBERT: Got it. Thank you.		23	appreciate that.
24 Q If you could turn to page six of 193. I'd like to		24	MR. SOLOMON: PX 132, please. It's already in
25 focus you on the general description, second sentence:		25	evidence.

Supreme Court of the State of New York

Appellate Division: First Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		For Court of Original Instance	
PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK, <div style="text-align: center;">- against -</div> 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		<div style="height: 60px;"></div> <div style="text-align: center; padding-top: 10px;">Date Notice of Appeal Filed</div>	
For Appellate Division			

Case Type	Filing Type
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration </div> <div style="width: 48%;"> <input type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding </div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278 </div> <div style="width: 48%;"> <input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review </div> </div>

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.			
<input type="checkbox"/> Administrative Review	<input checked="" type="checkbox"/> Business Relationships	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input checked="" type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Informational Statement - Civil

Appeal			
Paper Appealed From (Check one only):		If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.	
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment	<input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment	<input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: Supreme Court		County: New York	
Dated: 10/30/2023		Entered: 10/30/2023	
Judge (name in full): Arthur F. Engoron, J.S.C.		Index No.: 452564/2022	
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final		Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury	
Prior Unperfected Appeal and Related Case Information			
<p>Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. 2023-04925; 2023-05181</p> <p>Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:</p>			
Original Proceeding			
Commenced by: <input checked="" type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus			Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:			
Proceeding Transferred Pursuant to CPLR 7804(g)			
Court: Choose Court		County: Choose County	
Judge (name in full):		Order of Transfer Date:	
CPLR 5704 Review of Ex Parte Order:			
Court: Choose Court		County: Choose County	
Judge (name in full):		Dated:	
Description of Appeal, Proceeding or Application and Statement of Issues			
<p>Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.</p> <p>The Supreme Court entered a Decision and Order requiring non-party, non-resident, and non-domiciliary Ivanka Trump to appear and testify in the above captioned case.</p>			

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

- (1) Whether the Supreme Court of the State of New York County of New York has jurisdiction over Ms. Trump, a non-party, non-domiciliary, and non-resident.
- (2) Whether the New York Attorney General bore the initial burden of establishing jurisdiction and whether that burden was met.
- (3) Whether the standard applied for determining jurisdiction was the standard applicable to a non-party.
- (4) Whether Ms. Trump can be required to appear on behalf of the non-party entities to whom the subpoenas were addressed.
- (5) Whether the non-party entities were deprived of their right to designate a witness of their choosing.
- (6) Whether Ms. Trump was properly served with the subpoenas at issue.
- (7) Whether the subpoenas were overly broad and sought irrelevant information.
- (8) Whether Ms. Trump was improperly denied her right to submit a reply.
- (9) Whether a protective order should have been issued in this case.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	People Of The State Of New York	Plaintiff	Respondent
2	Donald J. Trump	Defendant	None
3	Donald J. Trump, Jr.	Defendant	None
4	Allen Weisselberg	Defendant	None
5	Jeffrey McConney	Defendant	None
6	The Donald J. Trump Revocable Trust	Defendant	None
7	The Trump Organization, Inc.	Defendant	None
8	Trump Organization LLC	Defendant	None
9	DJT Holdings LLC	Defendant	None
10	DJT Holdings Managing Member LLC	Defendant	None
11	Trump Endeavor 12 LLC	Defendant	None
12	401 North Wabash Venture LLC	Defendant	None
13	Trump Old Post Office LLC	Defendant	None
14	40 Wall Street LLC	Defendant	None
15	Seven Springs LLC	Defendant	None
16	Eric Trump	Defendant	None
17	Ivanka Trump	Nonparty	Appellant
18			
19			
20			

Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Eric Delpozo and Judith Vale, Office of the New York State Attorney General

Address: 28 Liberty Street

City: New York State: New York Zip: 10005 Telephone No: 212-416-6046

E-mail Address: eric.delpozo@ag.ny.gov; judith.vale@ag.ny.gov

Attorney Type: ☐ Retained ☐ Assigned ☒ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1

Attorney/Firm Name: Troutman Pepper Hamilton Sanders

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City: New York State: New York Zip: 10022 Telephone No: 212.704.6087

E-mail Address: bennet.moskowitz@troutman.com

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 17

Attorney/Firm Name: Alina Habba, Esq. and Michael Madaio, Esq., Habba Madaio & Associates, LLP

Address: 112 West 34th Street, 17th and 18th Floors

City: New York State: New York Zip: 10020 Telephone No: 908-869-1188

E-mail Address:

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 2, 4-15

Attorney/Firm Name: Chris Kise, Esq., Continental PLLC

Address: 101 North Monroe Street, Suite 750

City: Tallahassee State: New York Zip: 32301 Telephone No: 305-677-2707

E-mail Address: ckise@continentalpllc.com

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Party or Parties Represented (set forth party number(s) from table above): 6, 9-11, 13-15

Attorney/Firm Name: Clifford S. Robert, Esq. and Michael Farina, Esq., Robert & Robert PLLC

Address: 526 RXR Plaza

City: Uniondale State: New York Zip: 11556 Telephone No: 516-832-7000

E-mail Address: crobert@robertlaw.com; mfarina@robertlaw.com

Attorney Type: ☒ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 3 and 16

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: ☐ Retained ☐ Assigned ☐ Government ☐ Pro Se ☐ Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

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, 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

Sup. Ct. New York County
Index No. 452564/2022
(Engoron, J.S.C.)

CERTIFICATE OF SERVICE

BENNET J. MOSKOWITZ, 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 a Partner at Troutman Pepper Hamilton Sanders LLP, attorneys for non-party
Ivanka Trump.

2. On November 1, 2023, I caused the within Notice of Appeal and Informational
Statement, both dated November 1, 2023, together with a copy of the Decision and Order of the
Supreme Court of the State of New York, New York County (Honorable Arthur F. Engoron,

J.S.C.), so-ordered October 30, 2023, with Notice of Entry, to be filed and served through the New York State Courts Electronic Filing System (NYSCEF).

Dated: New York, New York
November 1, 2023

TROUTMAN PEPPER HAMILTON SANDERS LLP

By: /s/ Bennet J. Moskowitz
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New York, New York 10022
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Attorneys for Non-Party Ivanka Trump