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EXECUTIVE DIVISION

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January 23, 2024

Via NYSCEF and E-Mail
Hon. Arthur F. Engoron
New York Supreme Court
New York County
Courtroom 418
60 Centre Street
New York, NY 10007

Re: People v. Donald J. Trump, et al. – Index No. 452564/2022

Dear Justice Engoron:

The Office of the Attorney General (“OAG”), counsel for Plaintiff in the above-referenced matter, opposes the Motion to Intervene filed by Robert S. Stone, Jr. (NYSCEF No. 1670) (Motion Sequence No. 37).

The proposed intervenor does not meet the legal standard for intervention in this case either by right or permission. The CPLR permits a nonparty to intervene upon timely motion when either a statute of the state confers on the nonparty a right to intervene, the representation of the nonparty’s interest may be inadequate and the nonparty may be bound by the judgment, the nonparty may be adversely affected by the judgment, or the nonparty’s claim or defense and the main action have a common question of law or fact. *See* C.P.L.R. §§ 1012(a), 1013; *see also Schron v. Grunstein*, 41 Misc. 3d 1207(A), 977 N.Y.S.2d 670, at *2 (Sup. Ct. N.Y. Cnty. Oct. 1, 2013). The proposed intervenor must have a “real and substantial interest in the outcome of the proceedings.” *Trent v. Jackson*, 129 A.D.3d 1062, 1062 (2d Dep’t 2015) (cleaned up).

To the extent the proposed intervenor’s legal position in support of intervention can be discerned at all from his supporting affirmation, he fails to articulate any basis that meets the statutory criteria for intervention, putting aside the untimely nature of his motion coming after the trial has already concluded. The most charitable view of his position is that he will be adversely affected by a judgment in this case because it may somehow prevent him from obtaining relief that has yet to be granted in an action (which is similarly incoherent) that he has recently attempted to file in Suffolk County. The proposed intervenor has no statutory right to intervene in this Executive Law § 63(12) action, will not be bound or adversely affected by any judgment in this action, and

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is not presenting any claim or defense in his Suffolk County complaint that shares a common question of law or fact with this action. Accordingly, his motion to intervene should be denied in its entirety.

Respectfully submitted,

/s/ Andrew Amer

Andrew Amer
Special Counsel

cc: Counsel of Record (via NYSCEF)