

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL DIVISION

PRESIDENT DONALD J. TRUMP,

Plaintiff,

v.

Case No.: \_\_\_\_\_

LETITIA JAMES, individually and in  
her official capacity as Attorney  
General of The State of New York,

Defendant.

\_\_\_\_\_ /

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff, PRESIDENT DONALD J. TRUMP (“President Trump”), by and through his undersigned counsel, sues Defendant, LETITIA JAMES (“James” or “Defendant”), individually and in her official capacity as Attorney General of the State of New York, and alleges:

**PRELIMINARY STATEMENT**

1. Extraordinary wrongdoing requires extraordinary relief. As set forth below, James has repeatedly abused her position as Attorney General for the State of New York to pursue a relentless, pernicious, public, and unapologetic crusade against President Trump, a resident of Palm Beach County, Florida, with the stated goal of destroying him personally, financially, and politically. Suffice it to say that these actions are contrary to both the laws of New York and Florida.

2. James' war of intimidation and harassment on President Trump, his family, his business interests, and his associates is longstanding and continuing. James campaigned for Attorney General on the promise of launching investigations of President Trump before even the pretext of a predicate existed. Since her election, she made good on those campaign promises and established within her office a policy of intimidating and harassing President Trump whenever possible. These crusades began shortly after President Trump became President of the United States and have continued since he returned to his residence in Palm Beach County, Florida.

3. In September 2022, as the midterm elections approached and James herself faced reelection against a Republican challenger, James began amping up her attacks on President Trump to rev up her political base. James initiated an abusive civil enforcement action in the state court in New York (the "Civil Action") claiming that President Trump and others committed fraud on sophisticated commercial lenders and insurance companies (represented by some of the largest, finest, and toughest law firms in the world) by submitting statements of President Trump's net worth which, on their face, contained numerous disclaimers regarding the manner in which the estimates were prepared. To place this abusive claim in context, the many assets owned by President Trump carry very little debt and most are free and clear.

4. Though James' vehicle is unimpressive her ultimate destination is staggering. Using the Civil Action, James seeks unprecedented oversight of President

Trump’s business and financial affairs — including control over President Trump’s Florida revocable trust<sup>1</sup> — as she grandstands in demanding \$250 million in “restitution” for the people of New York.

5. In truth, James knows that no restitution is owed but seeks only attention for herself and retribution against President Trump.

6. As outlined below, James’s longstanding and continued bias against President Trump and the Trump Organization is immediately and objectively apparent, demonstrated by her own oft-repeated statements.

7. James began making threats against President Trump before she was even elected, at a time when she possessed no actual information or insight into President Trump’s business. She campaigned for her position on the promise to weaponize her resources against President Trump and “anyone in [his] orbit.” During her unsuccessful bid for governor of New York, she boasted about suing him “76 times.” Now up for reelection as Attorney General, she is campaigning once again on the promise that if reelected she will continue her vitriolic and obsessive pursuit of President Trump. None of these actions are proper actions for a state Attorney General.

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<sup>1</sup> The Trust itself was incorrectly named as a defendant in the Civil Action and has not been properly served with process in New York. James failed to sue the trustee in his capacity as such and merely named the trust itself as a defendant. A Florida revocable trust is not a separate legal entity with capacity to sue or be sued.

8. But what began as a cartoonish, thinly-veiled effort to publicly malign President Trump for personal political gain has morphed into a plot to obtain control of a global private enterprise ultimately owned by a Florida revocable trust in which President Trump is the settlor.

9. Defendant, an individual guided solely by political animus and a desire to harass, intimidate, and retaliate against President Trump has been permitted to hand-pick the New York state court judge to rule on her request to seize control of the Trump business empire, comprised of highly valued real estate and other assets, minimal debt, and brand value which, if properly managed and run, is virtually incalculable. This is supposedly because, as the Attorney General claims, that sophisticated lenders and insurance companies received inflated estimates of President Trump's net worth, despite that over the last ten years in question not one bank missed an interest payment, cash payment, redemption, or principal payment of any kind and, during the same period, not one notice of default was ever sent for payments due. Likewise, insurance companies were paid in full, on time, and on schedule and made no complaints to the Attorney General about President Trump or any of his companies before James ginned up this investigation.

10. James purportedly brought the suit to protect these sophisticated banks and insurance companies (again represented by the largest, toughest, and finest law firms in the United States and beyond) only to find, late in the process, however,

after reviewing more than 10 million pages of documents, that the Trump Organization was highly underleveraged with very low debt, owned some of the finest assets in the world, and that all loans were current without defaults or delinquencies of any kind. This was a disaster for the out-of-control James but she decided out of hatred and scorn of President Trump, and for the simple reason of using the publicity, to proceed anyway.

11. As a private company, nobody knew very much about the great business that then-businessman Donald Trump had built but now it is being revealed by James and much to her chagrin. The continuing witch hunt that has haunted and targeted Donald Trump since he came down the “golden escalator” at Trump Tower in June of 2015 continues. President Trump built a great and prosperous company but a company nevertheless that must be carefully, delicately, yet powerfully managed, and the appointment of a political monitor or the interference by a political hack like James who is using this lawsuit for political gain, would bring great harm to the company, the brand, the employees and its overall reputation. Likewise, it could virtually destroy the highly profitable Florida properties, which include the legendary Trump National Doral Golf Club and Resort (one of the most successful in the world), Trump International Golf Club in Palm Beach, Florida, Trump Jupiter Country Club in Jupiter, FL, and, of course, one of the greatest and most successful clubs in the world, The Mar-a-Lago Club. In addition to greatly affecting the real

estate values of these properties, a monitor or supervisor representing a failed and poorly rated Attorney General's office from distant New York, would jeopardize the more than 1,000 employees that operate these properties and would totally destroy the "pipeline" of future projects not only in the great State of Florida, but throughout the United States, and indeed the world.

12. In furtherance of her attempts to steal, destroy or control all things Trump, James has become preoccupied with obtaining a copy of President Trump's revocable trust, the Donald J. Trump Revocable Trust (the "Trust"), a revocable trust governed by Florida law and sited in Florida. The Trust contains his private estate plan and present decisions regarding the disposition of his assets upon death. These are private matters to President Trump, and under Florida law, revelation of a settlor's revocable trust while the settlor is still alive threatens the settlor's right to privacy guaranteed by Article I, Section 23 of the Florida Constitution and the common law.

13. In addition, James seeks to interfere with President Trump's unfettered right to own, acquire, transfer, or dispose of property, personally or in the Trust, contrary to Article I, Section 2 of the Florida Constitution.

14. Additionally, Defendant's actions seek to infringe on his trustee's powers over the Trust and impose substantial interference with the ability of the

trustee to discharge the trustee's duties in accordance with § 736.0815, Fla. Stat., § 736.0816 Fla. Stat., and the Trust.

15. President Trump's request is not light: he seeks declaratory and injunctive relief against an out-of-state Attorney General who has malevolently targeted him because he ran for and was elected the 45th President of the United States and, perhaps more importantly, is leading in all polls by substantial margins both in the Republican Party for the nomination and against any and all Democrats for the presidency itself.

16. President Trump comes before this Court for protection from James' ongoing abuse and efforts to interfere with, control, gain access to, and publicly expose the terms of his Florida revocable trust.

### **JURISDICTION, PARTIES AND VENUE**

17. This is an action for declaratory and injunctive relief.

18. The Donald J. Trump Revocable Trust (the "Trust") is a Florida revocable trust established and governed by the laws of the State of Florida. Its principal place of administration is in Florida.

19. Pursuant to Florida Statutes, this Court may act to protect and carry out the administration of a trust to the extent the Court's jurisdiction is invoked by an interested person or as provided by law. *See* § 736.0201(2), Fla. Stat.

20. Moreover, circuit courts have original jurisdiction over all equitable claims pursuant to § 26.012(2)(c), Fla. Stat.

21. President Donald J. Trump is the settlor and a beneficiary of the Trust and resides in Palm Beach County, Florida.

22. Venue for actions and proceedings concerning trusts, including those seeking a declaration of rights or other matters concerning trustees and beneficiaries under § 736.0201, may be laid in any county where the beneficiary suing or being sued resides. *See* § 736.0204, Fla. Stat.

23. This Court has personal jurisdiction over Defendant James based on her unlawful attempts to reach into Florida and exercise powers delegated to the Trustee, as § 736.0202, Fla. Stat. provides, in relevant part:

(a) Any trustee, trust beneficiary, **or other person, whether or not a citizen or resident of this state, who personally or through an agent** does any of the following acts related to a trust, **submits to the jurisdiction of the courts of this state involving that trust:**

...

(4) Accepts or **exercises a delegation of powers or duties from the trustee** of a trust having its principal place of administration in this state.

(emphasis supplied). *See Electro Eng'g Prods. Co. v. Lewis*, 352 So.2d 862, 864 (Fla.1977) (a plaintiff seeking to obtain jurisdiction over a nonresident defendant initially needs only to allege sufficient facts to make out a prima facie case of jurisdiction).



24. Alternatively, this Court has personal jurisdiction over James based on the tortious acts she committed within this state and the scope of authority she seeks to exert over real property and other Trust assets satisfy the minimum contacts requirements of due process. *See* § 48.193(1)(a)(2), Fla. Stat.; *Venetian Salami Co. v. Parthenais*, 554 So.2d 499 (Fla. 1989) (establishing a two-step inquiry for determining whether long-arm jurisdiction over a non-resident in a given case is proper).

25. Unless judicial relief is provided as described herein, President Trump will be irreparably deprived of privacy and property rights by James.

26. All conditions precedent to the maintenance of the causes of action alleged herein, if any, have occurred or been performed, excused, or waived.

## **BACKGROUND**

### **I. Defendant's Longstanding Animosity Toward President Trump**

27. Defendant is an outspoken political activist and member of the Democratic Party.

28. Prior to serving as Attorney General of the State of New York, Defendant served as a Democratic member of the New York City Council and New York City Public Advocate for over a decade.

29. After President Trump's victory in the 2016 Presidential Election, Defendant began displaying severe animosity towards the president-elect.

30. Prior to President Trump's inauguration, Defendant retweeted calls for sit-ins to protest President Trump's nomination of Jeff Sessions to be United States Attorney General.

31. Five days after President Trump's inauguration, Defendant joined public protests and declared that his "administration ha[d] shown its true and ugly colors, but we will not be silent."

32. Over the next several months, Defendant continued to publicly voice her disdain for President Trump and his administration.<sup>2</sup>

33. Six and a half months into President Trump's term, Defendant was already leading "die-in" protests against President Trump because, according to her, "we are all being killed by this administration."<sup>3</sup> Defendant punctuated her tweet with the hashtag, "Resist."

34. The hashtag "#Resist" is recognized as shorthand for fighting President Trump at every level in an effort to make President Trump and his supporters

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<sup>2</sup> See, e.g., *id.*, (Feb. 11, 2017, 12:01 PM ET) <https://bit.ly/3liyZpK> ("@villagedemocrat out in full force today calling on our elected officials to fight for us against this administration."); *id.*, (Mar. 5, 2017, 5:01 PM ET) <https://bit.ly/2Gl6c56> ("Hey @realDonaldTrump, we're in Queens, your hometown, rising up against your xenophobic policies, & we're ready to act."); *id.*, (June 3, 2017, 10:18 AM ET) <https://bit.ly/33z0XYj> ("Always proud to be with strong New York women standing up & speaking out against an administration that doesn't represent our values.").

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

“uncomfortable and not able to rest well” and thus unable to effectively implement his policies.<sup>4</sup>

35. Defendant’s embrace of the “resistance” mentality from the earliest days of the Trump presidency foreshadowed her relentless abuse of power as Attorney General.

36. Roughly ten months into President Trump’s term, Defendant announced: “I’ve been leading the resistance against Donald Trump in NYC and will only continue to do so in every way possible.”<sup>5</sup>

37. In her capacity as New York City Public Advocate, Defendant demonstrated a willingness to wield the government’s power against those whose political beliefs differed from her own.<sup>6</sup> That willingness took center stage in Defendant’s political campaign for attorney general and her subsequent actions as New York’s chief law enforcement officer.

## **II. Defendant Campaigned for Attorney General on a Promise to Target President Trump and the Trump Organization**

38. In May of 2018, Defendant declared her candidacy for Attorney General of the State of New York.

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<sup>4</sup> *‘Resist’ is a Battlecry, But What Does It Mean?* The New York Times, Feb. 14, 2017, <https://nyti.ms/2GLIn77>.

<sup>5</sup> *Id.*, (Oct. 16, 2017, 7:57 PM ET) <https://bit.ly/3d4wBQr> (emphasis added).do so in every way possible.” *Id.*, (Oct. 16, 2017, 7:57 PM ET) <https://bit.ly/3d4wBQr> (emphasis added).

<sup>6</sup> *See id.*, (July 19, 2017, 10:32 AM ET) <https://bit.ly/2F3wHLt> (“We will not allow companies that build Trump’s wall, a monument to racism and bigotry, to also do business with NYC.”)

39. As a candidate for Attorney General, Defendant made “taking on Donald Trump”<sup>7</sup> the focal point of her campaign, often comparing herself to Special Prosecutor Robert Mueller, who, at the time, was leading the investigation into the now-debunked allegations that the Trump campaign colluded with Russians to interfere in the 2016 presidential election.

40. Defendant’s campaign website not only repeated derogatory and inaccurate statements concerning President Trump’s policies but also stated—with no evidentiary basis whatsoever— that President Trump had engaged in “public corruption.”<sup>8</sup>

41. Though it appears to have since been removed, the website at one time provided a link to a detailed outline of Defendant’s strategy for rooting out corruption, with a section specifically devoted to President Trump, his family, and the Trump Organization entitled “*Investigate Trump’s New York Business*.”

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

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

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<sup>7</sup> See, e.g., Letitia James (@TishJames), Twitter (June 27, 2018, 10:48 AM ET) <https://bit.ly/2GG4uuy> (“Congrats [now-Congresswoman Alexandria Ocasio Cortez] on your victory. Looking forward to working with you to help Democrats take on Donald Trump.”)

<sup>8</sup> <http://www.tishjames2018.com/corruption/>

43. Of course, Defendant had no personal knowledge about any “Trump-related real estate transactions” at the time that she made these statements, as she had not yet been elected Attorney General and possessed no information or insight into President Trump’s business other than what she had presumably seen in the media.

44. Nonetheless, Defendant continued to shamelessly campaign on her unfounded allegations against President Trump and his family in a misguided effort to garner media attention and promote her fundraising efforts

45. On June 26, 2018, Defendant spoke at a protest opposing the Supreme Court’s decision in *Trump v. Hawaii*, 138 S. Ct. 2392 (2018), telling the crowd that “it’s critically important that we all understand that this was a result of the fact that [Republicans] stole the Supreme Court seat. An illegitimate president and an illegitimate member of the Supreme Court.”<sup>9</sup>

46. On July 1, 2018, Defendant tweeted “New Yorkers need a fighter who will take on Donald Trump ... I’ll be that fighter. Join my campaign.”<sup>10</sup>

47. On July 19, 2018, in the midst of a politically-charged speech before The Bronx Democratic Party, Defendant promised to use the law as a “sword” to relentlessly bombard President Trump, proclaiming that “no one is above the law,

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<sup>9</sup> *Letitia James Foley Sq Opposing Travel Ban Supreme Court Decision*, YouTube, 0:55 (June 26, 2018) <https://bit.ly/3d58PDS>.

<sup>10</sup> Letitia James (@TishJames), Twitter (July 1, 2018, 2:56 PM ET) <https://bit.ly/3nh8rH4>

including this illegitimate president...and so *I look forward to going into the office of Attorney General every day, suing him, defending your rights, and then going home!*”<sup>11</sup>

48. In what can only be construed as an attempt to threaten and intimidate President Trump, Defendant then tweeted that President Trump is “running out of time” and warned him that she would immediately investigate him and his “cronies” when she took office.

49. Defendant issued a similar threat on August 22, 2018, when she said, among other things, that President Trump “should be scared” about her upcoming term.

50. On September 10, 2018, Defendant vowed to “stand up” to Trump, and later that evening, Defendant declared once more that she was “just getting started” in “tak[ing] on” President Trump.

51. Of course, even when addressing Trump’s role as the sitting President of the United States, James was driven by deep animosity for him personally and an obsessive denial that he had the right to hold public office. In a troubling September 12, 2018 video, released during the Democratic primary, Defendant pledged that she would “never be afraid to challenge this illegitimate president.”

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<sup>11</sup> Letitia James, Facebook, 1:18 (July 19, 2018) (emphasis added), <https://m.facebook.com/LetitiaJamesforNY/videos/203059860348974>.

52. In the very same video, Defendant baselessly accused Trump of a slew of crimes, including obstruction of justice and laundering money from foreign governments, and demanded that he be indicted. Defendant promised to “join with law enforcement and other attorney generals across this nation *in removing this President from office*.” Mirroring her previous allegations, Defendant’s call for Trump to be investigated was devoid of both fact and merit. Nevertheless, Defendant concluded the video by promising that “the days of Donald Trump are coming to an end.”

53. On the same day, Defendant took to Twitter to double down, reiterating her warrantless claim that Trump is an “illegitimate president” and promising once more to “fight back” against Trump if New Yorkers voted for her.

### **III. As Attorney General, Defendant Immediately Implemented her Premeditated, Ongoing Plan of Intimidation and Harassment of President Trump**

54. On November 6, 2018, Defendant was elected, as a Democrat, the Attorney General of the State of New York and immediately began implementing her plan to weaponize her office to attack President Trump in a manner exceeding conventional political opposition. During her victory speech, she made a solemn promise to “shin[e] a bright light into every dark corner of [Trump’s] real estate holdings,” making no distinction between holdings located in New York and those located elsewhere, including Florida.

55. Emboldened by her election, Defendant began to shamelessly display the bias against President Trump that she demonstrated before gaining office, publicly guaranteeing the outcome of any future investigation or claim against President Trump. These guarantees were made before she had ever established even a pretext of legal predicate for an investigation, claim, or action, and before gathering any facts or requesting documents from President Trump in connection with an investigation, claim, or action.

56. For starters, in an interview with political activist and former Democratic candidate for New York City Council Adina Sash, Defendant was asked if she planned to “sue [President Trump and the Trump Organization].” Defendant laughingly responded “[o]h, we’re definitely going to sue him. We’re going to be a real pain in the ass. He’s going to know my name personally.”

57. Then, on December 12, 2018, during an NBC News interview given eighteen days before assuming office, Defendant vowed to “use every area of the law to investigate President Trump and his businesses transactions and that of his family as well.” Notably, Defendant did not curtail her persecution of Trump and his family, instead promising to also investigate “anyone in [President Trump’s] orbit.”

58. Defendant repeatedly, publicly, and proudly stated during her campaign and transition period that she intended to weaponize her office to target and



intimidate President Trump upon taking office. This ensured her policy of intimidation would be in place on day one.

59. In fact, Defendant's open threats and promises to investigate and sue President Trump were so appalling that even members of her party condemned them as unlawful.

60. For example, Daniel Goldman, the Democratic Party's counsel for the impeachment process against President Trump and a former Assistant United States Attorney in Manhattan, warned that Defendant's statements "give the appearance of an individualized political vendetta . . . It's essential that prosecutors maintain their neutrality and an objective view of the fact evidence, no matter the politics involved." By abandoning even the pretext of such neutrality, Goldman stated Defendant "[went] too far in allowing politics to shape her agenda."

61. In sum, before assuming office, Defendant promised to investigate President Trump dozens of times over many months, before obtaining *any* information specific to her eventual public office that could supply an authentic predicate to an unbiased investigation or action against President Trump. Her campaign promises and transition plans to investigate President Trump's business activities and associates was based on information no greater than that available to any other citizen and establish that the Defendant brought a premeditated policy of intimidation and harassment to her role as Attorney General.

62. Defendant was sworn in as Attorney General of New York on January 1, 2019. In so doing, Defendant swore to support the Constitution of the United States and faithfully discharge the duties of Attorney General. Unfortunately, she must have had her fingers crossed behind her back when she did so.

63. Upon assuming her role, Defendant immediately got to work making good on her campaign promises and established her premeditated policy of intimidation and harassment of President Trump as the policy of her office.

64. From that point forward, Defendant's actions assumed the supposed color of law and occurred in her official capacity, although irredeemably tainted by Defendant's policy of intimidation and harassment.

#### **IV. Defendant's Policy of Intimidation and Harassment Leads to the Special Proceeding**

65. On January 3, 2019, three days after she was sworn in as Attorney General, Defendant told CNN that she would "ensure that the man currently occupying the Oval Office is held accountable to [sic] any and everything he has done."

66. Defendant further stated that she would "never be afraid to challenge this illegitimate president" and that investigating Trump "fuels [her] soul."

67. On March 11, 2019, Defendant employed the authority and vast array of resources of the Office of the Attorney General to formally open an investigation of the Trump Organization and issued subpoenas to Deutsche Bank and Investors

Bank “for records relating to the financing of four major Trump Organization projects.”

68. The subpoenas were “a culmination of months of threats from [Defendant] that she would aggressively investigate Mr. Trump.”

69. Defendant has claimed that she relied upon February 19, 2019 testimony given by Michael Cohen (“Cohen”), a discredited, disgraced, and disgruntled former attorney who evaded taxes on income from his taxicab medallions, made false statements to financial institutions for personal gain, and lied to Congress, as grounds for initiating the investigation of President Trump.

70. Defendant’s claim of reliance on Cohen’s testimony is pretext, not predicate. Defendant had established her personal bias against President Trump and intent to initiate investigations in search of a crime years before Cohen testified before Congress.

71. Moreover, Defendant had more than six weeks in office to establish an official policy of intimidating and harassing President Trump before Cohen’s testimony.

72. Thereafter, Defendant openly flouted her duty to remain neutral in public commentary pertaining to an ongoing investigation. Defendant continued to disparage President Trump and the Trump Organization throughout 2019, even floating outright lies.

73. For example, on April 23, 2019, Defendant repeated her prior, unfounded allegation that President Trump and the Trump Organization were engaged in criminal activity: “We need to focus on Donald Trump and his abuses . . . we need to follow his money . . . we need to find out where he’s laundered money . . .”

74. After more than three years of formal investigation, targeted public attacks, and millions of dollars and thousands of hours spent, it is clear that neither President Trump nor any of President Trump’s companies laundered money in any way shape or form Defendant fabricated the allegations out of thin air, clearly indicating that even after assuming her office and initiating investigations her desire to pursue President Trump was driven by bias, political animus, and the most severe case of Trump Derangement Syndrome –not facts!

75. With this mindset firmly established, even after the Cohen testimony, it is clear any stated predicate for initiating an investigation was merely a pretext for achieving her overall goal of intimidating and harassing President Trump and the Trump Organization to garner underserved publicity for herself as a politician and harm President Trump

76. Defendant’s conduct continued. On July 23, 2019, Defendant tweeted that Trump “has spent his career hiding behind lawsuits” and promised to “vigorously fight” him.

77. Two and a half weeks later, Defendant served a subpoena *duces tecum* on Trump, the Trump Organization’s corporate officers, his children, and third parties for information and testimony about a wide range of properties owned by Trump across the country, specifically including many in Florida.

78. On July 24, 2020, Defendant announced her intention to sue the Trump Administration for the purported unlawful practice of excluding undocumented immigrants in the 2020 census (a case which was ultimately thrown out by the Supreme Court). In her tweet, Defendant boasted “We beat the president before in court, and we will beat him again.”

79. On August 24, 2020, Defendant commenced a special proceeding under Article 4 of the New York Civil Practice Law and Rules, in New York Supreme Court, New York County, ostensibly to compel compliance with the subpoena’s previously issued. *See People v. The Trump Organization*, No. 451685/2020 (the “Special Proceeding”).

80. Under Defendant’s leadership the Office of the Attorney General has been reduced to nothing more than a weapon in James’ arsenal to wage war on President Trump. This is made abundantly clear by the fact that August 24, 2020 was also, conveniently, the first day of the Republican National Convention. Clearly, Defendant’s true goal is the ongoing intimidation and harassment of President Trump with the intent of causing him harm.

81. Yet, despite Defendant's biased and inflammatory statements and the unlawful and unconstitutional nature and scope of the Special Proceeding, President Trump and his companies produced over 8 million pages of documents in response to Defendant's subpoenas. Still, she was not satisfied.

**V. Defendant's Policy of Pursuing President Trump Accelerated Post-Presidency.**

82. President Trump left office on January 20, 2021, but as a private citizen he has remained in the public eye and remains considered by many to be the de facto head of the Republican Party. Since leaving office, he has publicly promoted policies and candidates he favors while opposing the disastrous policies of the Biden Administration and other Democrats, which he believes have so badly hurt our nation.

83. Defendant, emboldened by the Democrats' apparent national victories in the November 2020 elections, hoped for a personal political lift by associating her Office's unjust pursuit of President Trump and the Trump Organization with his departure from office.

84. Defendant declared her candidacy for Governor of New York State on October 29, 2021.

85. In her announcement video, she boasted that she "sued the Trump Administration 76 times, but who is counting?" In making this statement, Defendant

signaled that she had planned to make “taking on Trump” the centerpiece of yet another statewide campaign.

86. On December 9, 2021, amid poor polling numbers, Defendant suspended her campaign for Governor of New York. The reason behind the lack of support for her gubernatorial candidacy remains unclear, but aside from her dogged pursuit of Trump Defendant’s record as Attorney General has little to show. Perhaps the public had reservations over electing as their governor a Javert-style persecutor driven by personal vendettas against political opponents. Perhaps some voters were tired of her commitment to a political witch hunt given the statewide crime rate or considered unqualified or unlikable.

87. In any event, at her embarrassing withdrawal from the gubernatorial race Defendant stated, “I have come to the conclusion that I must continue my work as attorney general. There are a number of important investigations and cases that are underway, and I intend to finish the job. I am running for reelection to complete the work New Yorkers elected me to do.”

88. By saying this, Defendant left no doubt that she remained undeterred from her relentless pursuit of her illegitimate Trump investigation and would use it in her run for reelection.

89. Unlike the campaign promises of her first run, however, Defendant’s reelection strategy would need to be fueled by action. This required her to move

beyond the unjustified investigation that drove the Special Proceeding, and toward a civil action.

### **GENERAL ALLEGATIONS**

#### **VI. Defendant Initiates an Civil Enforcement Action Against President Trump Pursuant to her Policy of Intimidation and Harassment**

90. On September 21, 2022, Defendant commenced a civil action in the Supreme Court of the State of New York, New York County, entitled *People of the State of New York, et al. v. Donald J. Trump, et al*, Index No. 452564/2022 (the “Civil Action”) by directing a subordinate, consistent with Defendant’s established policy of intimidation and harassment of President Trump and “anyone in his orbit”, to file a complaint in Defendant’s official capacity and under color of law pursuant to the authority granted to the Office of the Attorney General of the State of New York under Executive Law § 63(12) (“E.L. 63(12)”).

91. In the Civil Action, James identifies President Trump’s revocable trust as the beneficial owner of various entities that own or control assets in New York and beyond, including in Florida. This includes The Mar-a-Lago Club, Trump National Golf Club-Jupiter, the Trump National Doral Golf Club, Trump International Golf Club - West Palm, and numerous other projects currently being considered and in the pipeline in the State of Florida, further demonstrating Defendant’s lack of regard for limitations on her own authority and intent to control assets outside the State of New York.



92. Immediately upon filing the complaint, Defendant, again through a subordinate acting pursuant to the established policy of intimidation and harassment, took the extraordinary step of also filing a Request for Judicial Intervention (“RJI”) with the Clerk *before* serving the complaint on President Trump (who, along with various related entities and other non-parties here, is a defendant in the Civil Action).

93. The RJI requested that the Civil Action *not* be assigned to a justice in the Commercial Division of the Supreme Court of the State of New York, New York County (the “Commercial Division”), which is customary and standard. Instead, the RJI requested the Civil Action be assigned to the *same justice*, Arthur F. Engoron, who presided over the Special Proceeding and made not a single ruling in favor of President Trump and referred to him as a bad guy. Suffice it to say that this justice has also demonstrated extreme bias against President Trump, fining him \$10,000 per day for claimed subpoena non-compliance despite his having produced millions of pages of documents.

94. Despite the Special Proceeding and Civil Action each being part of Defendant’s wrongful witch hunt of a political opponent, there are significant differences between the two proceedings that should have resulted in the Civil Action being assigned to the Commercial Division.

95. Indeed, civil actions brought by an Attorney General pursuant to the authority granted by E.L. 63(12) have been uniformly assigned to the Commercial

Division in the past. Moreover, the Civil Action's \$250,000,000 claim for restitution—though absurd on the merits—far exceeds the jurisdictional standards and subject-matter criteria for assignment to the Commercial Division.

96. Defendant's judge-shopping maneuver using the RJI further demonstrates Defendant's corrupt and bad faith pursuit of the Civil Action. There is no other reason to justify *specifically seeking out* Justice Engoron, who is assigned to a noncommercial part of the New York judicial system that lacks the rules and expertise of the Commercial Division.

97. With her desired justice at least temporarily presiding over the Enforcement Action, Defendant next directed a subordinate, consistent with her policy of intimidation and harassment of President Trump, to seek a preliminary injunction to restrain and supervise (i.e., destroy) his companies.

98. James seeks to extend this oversight and control to President Trump's Florida revocable trust, threatening to substantially interfere with the ability of the trustee of the Trust to carry out its provisions and discharge his duties in accordance with Florida law.

99. Similar to how Defendant timed her initiation of the Special Proceeding to maximize her own political benefit and damage President Trump, Defendant's request for preliminary judicial intervention is designed to create a media sensation

that will damage President Trump and raise her own political profile just days before the national midterm elections and her own bid for reelection

100. The manner in which Defendant has prosecuted the Civil Action is true to form and demonstrates the continued vigor of her political and personal vendetta against President Trump.

101. In context, Defendant's efforts to obtain control over President Trump's business organization, including the revocable Trust, is the culmination of her endless public promises to investigate President Trump without proper predicate. It follows her open and baseless disparagement of President Trump, her accusations that President Trump broke the law despite admitting she possessed no evidence to substantiate those allegations, her aggressive and wide-sweeping investigation into President Trump's business activities that led to and included the Special Proceeding, and now the biased initiation and prosecution of the Civil Action.

102. On October 31, 2022, James filed additional documents revealing her true intentions – a bevy of correspondence revealing her zeal to obtain a copy of President Trump's Florida-based revocable trust. A copy of this correspondence is attached as **Exhibit A**.

103. President Trump, a Florida resident with the right to revoke, amend, or modify the terms of his revocable trust at any time before it becomes irrevocable, requires protection from James' demand to invade his privacy.

104. Absent judicial relief, including the permanent and temporary injunctive relief sought, James will continue her campaign to obtain the revocable trust instrument, interfere in the administration of the revocable trust, interfere with President Trump's right to revoke the revocable trust, and irreparably harm President Trump and assets he controls in the State of Florida which employ nearly a thousand employees in the State.

**COUNT I**  
**(Violation of Plaintiff President Donald J. Trump's**  
**Rights to Privacy and Property)**

105. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1-105 above as if fully set forth herein.

106. President Trump is a natural person residing in Florida with the right to be left alone from governmental intrusion into his private life under Article I, Section 23 of the Florida Constitution. He also enjoys substantial common law privacy protections from private actors who would tortiously invade his privacy.

107. A right to privacy is a personal one, and intentional damage to an individual's rights to privacy is personal injury and tortious.

108. The constitutional right of privacy ensures that individuals are able to determine for themselves when, how, and to what extent information about them is communicated to others. *Weaver v. Myers*, 229 So.3d 1118 (Fla. 2017).

109. The right to privacy recognized by the Florida Constitution encompasses at least two different categories of interest; the first is the individual interest in avoiding disclosure of personal matters, while the second is the interest in independence in making certain kinds of important decisions. *G.P. v. State*, 842 So.2d 1059 (Fla. 4th DCA 2003).

110. Florida's constitutional privacy provision protects citizens from government's uninvited observation of or interference in those areas that fall within ambit of zone of privacy afforded under provision. *City of North Miami v. Kurtz*, 653 So.2d 1025 (Fla. 1995), *rehear'g denied, cert. denied* 116 S.Ct. 701, 516 U.S. 1043, 133 L.Ed.2d 658.

111. President Trump's right to privacy is a fundamental right that requires evaluation under a compelling state interest standard; however, before the right to privacy attaches and the standard is applied, a reasonable expectation of privacy must exist. *A.H. v. State*, 949 So.2d 234 (Fla. 1st DCA 2007), *rev. denied* 959 So.2d 715.

112. President Trump has a reasonable expectation of privacy regarding the contents of his estate planning documents and the terms of his revocable trust.

113. President Trump's expectation of privacy was based on his authentic, subjective expectations as an individual and align with societal values, particularly those interested in deterring a public official by gaining access to private estate

planning information as part of a witch hunt against a political opponent done under the color of law by a public official.

114. In fact, the right to privacy guaranteed by the Florida Constitution protects the disclosure of financial information of private persons if there is no relevant or compelling reason to require disclosure because personal finances are among those private matters kept secret by most people. *McFall v. Welsh*, 301 So.3d 320 (Fla. 5th DCA 2019).

115. The right to privacy includes information contained in Florida trusts, particularly when sought for purposes of discovering assets held in trust. *Inglis v. Casselberry*, 200 So.3d 206 (Fla. 2d DCA 2016); *see also Compton v. W. Volusia Hosp. Auth.*, 727 So. 2d 379, 382 (Fla. 5th DCA 1999).

116. An individual's private financial information and trust documents are entitled to protection by state constitutional right of privacy if there is no relevant or compelling reason to compel disclosure, which normally must be made at an evidentiary hearing. *See id.*; *see also Mogul v. Mogul*, 730 So.2d 1287 (Fla. 5th DCA 1999).

117. Defendant cannot demonstrate any state interest let alone a compelling one for interfering with President Trump's right to privacy as her true interest lies in her personal vendetta against President Trump that she has relentlessly pursued both before and after gaining office.

118. Moreover, the State of New York itself has no interest in gaining access to the terms of President Trump's revocable trust nor can James or any of her subordinates articulate one.

119. Nonetheless, President Trump reasonably fears that James' hand-picked justice will require President Trump to disclose the terms of his revocable trust and fine President Trump \$10,000 a day for not providing it if she asks for such relief in the New York Supreme Court, which she has given every indication she will do.

120. Absent an injunction from a Florida court protecting the privacy of a Florida resident from unlawfully prying nonresidents, James may *gain access to the trust instrument and further violate President Trump's right to privacy without ever needing to present a justification* of any kind.

121. If James' past conduct is any indication, James will also publicly disclose this information once obtained. She has vowed to shine a light in every corner of President Trump's affairs.

122. Privacy, once lost, cannot be regained. The harm is irreparable and palpable.

123. Similarly, Defendant's conduct threatens to violate President Trump's property rights, which are protected by Article I, Section 2 of the Florida Constitution.

124. Under Art. I, Sec. 2 of the Florida Constitution, “All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. Fla. Const. Art I, Sec. 2; *see also Shriners Hosps. for Crippled Children v. Zrillic*, 563 So. 2d 64, 66–67 (Fla. 1990).

125. The constitutional right to property “includes the incidents of property ownership: the collection of rights to use and enjoy property, *including [the] right to transmit it to others.*” *Id.* at 67 (emphasis in original, internal quotations omitted). Simply put, “the right to devise property is a property right protected by the Florida Constitution”). *Id.*

126. Defendant has attempted to exercise extraterritorial control over President Trump’s property in the State of Florida as an unlawful prejudgment attachment or restraint in the Civil Action, relief not even available under New York law.

127. Defendant has intentionally violated the rights of President Trump and will continue to do so unless this Court intervenes.<sup>12</sup>

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<sup>12</sup> The damages caused to The Trump Organization are practically incalculable but Plaintiff intends to bring an action at a later point against James and the State of New York for the tens of millions of dollars lost and the tremendous cost



WHEREFORE President Trump demands preliminary and permanent injunctive relief restraining James, her agents, servants, employees, and attorneys and all other persons in active concert or participation with her who receive actual notice of the injunction, from requesting, demanding, obtaining, possessing, or disclosing a copy of his revocable trust or the terms thereof, or from exercising any authority or oversight or restraint on his revocable trust, as well as declaratory relief in the form of a declaration declaring that James has no jurisdiction over the assets of a Florida revocable trust and no authority to supplant or control the powers of the trustee of such a trust, and such other and further relief as the Court deems proper, including costs.

## **COUNT II**

### **(Violation of Plaintiff President Donald J. Trump's Rights As Grantor and Beneficiary of the Donald J. Trump Revocable Trust)**

128. President Trump re-alleges and incorporates by reference the allegations in paragraphs 1-105 above as if fully set forth herein.

129. President Trump is both the settlor and a beneficiary of the Donald J. Trump Revocable Trust.

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associated with ridiculous and frivolous litigation. After seeing what James has tried to do to the Trump Organization and others, many businesses are exiting New York for more friendly environments. This is all while violent crime skyrockets and the residents lack basic safety in many places.

130. As such, President Trump holds the power of designating the trustee of the Trust under both the express terms of the Trust and under the Florida Trust Code.

131. President Trump also retains the right to amend, modify, or revoke the Trust.

132. Defendant's conduct threatens to interfere with his lawfully protected right to the proper administration of the Trust by supplanting, controlling or monitoring the Trustee and attempting to exercise or restrain the exercise of powers delegated by President Trump to the Trustee or belonging to him alone.

133. President Trump requires a declaration concerning the rights of his Trustee to control the Trust free from interference by James or puppet New York officials.

134. President Trump seeks injunctive relief to prevent Defendant's future attempts to unlawfully supplant the Trustee or exercise powers held by the Trustee in any manner, either personally or through an agent.

WHEREFORE President Trump demands preliminary and permanent injunctive relief restraining James, her agents, servants, employees, and attorneys and all other persons in active concert or participation with her who receive actual notice of the injunction, from requesting, demanding, obtaining, possessing, or disclosing a copy of his revocable trust or the terms thereof, or from exercising any

authority or oversight or restraint on his revocable trust, as well as declaratory relief in the form of a declaration declaring that James has no jurisdiction over the assets of a Florida revocable trust and no authority to supplant or control the powers of the trustee of such a trust, and such other and further relief as the Court deems proper, including costs.

Dated this 2nd day of November, 2022.

**WEBER, CRABB & WEIN, P.A.**

*/s/ Timothy W. Weber*

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*Attorneys for President Trump*

**From:** [Faherty, Colleen](#)  
**To:** [Amy Carlin](#); [Lawrence Rosen](#)  
**Cc:** [Wallace, Kevin](#); [Finkelstein, Alex](#); [Haren, Eric](#)  
**Subject:** People v. The trump organization  
**Date:** Wednesday, August 31, 2022 6:12:57 PM

**EXHIBIT**  
**A**

Hi Amy and Larry,

We are writing concerning the production of certain documents. After reviewing our records, it appears that TTO has not produced a full set of documents governing Mr. Trump's revocable trust, including any formation documents, amendments to the trust, or other agreements governing the trust's operation. The relevant production, regarding restructuring (from 3/11/22), doesn't seem to have those documents, at least not a full set. Can TTO please produce a set of those documents by the end of this week? (Or, if we are mistaken, and these have been produced, we would appreciate your alerting us to the pertinent Bates numbers).

Related to this issue, we have seen some indication that the trust now is a Florida grantor trust.<sup>5</sup> See, e.g., TTO\_02355681. We are unsure if any document governing the trust has changed that would reflect such a change, but if there has been such a change, please let us know.

We appreciate your prompt attention to these matters. Hope all else is otherwise well.

Best,  
Colleen

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**From:** [Alina Habba, Esq.](#)  
**To:** [Faherty, Colleen](#); [Wallace, Kevin](#); [Lawrence Rosen](#); [Amy Carlin](#); [Michael Madaio](#); [Finkelstein, Alex](#); [Randee Ingram](#)  
**Subject:** Re: Meet and Confer Request  
**Date:** Friday, September 16, 2022 10:35:56 AM  
**Attachments:** [image001.png](#)

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Good morning-

I am working with the attorneys to get you your request without disclosing estate planning information.

Thank you,

Alina Habba, Esq.  
Habba Madaio & Associates LLP

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**From:** Faherty, Colleen <Colleen.Faherty@ag.ny.gov>  
**Sent:** Friday, September 16, 2022 8:03:08 AM  
**To:** Alina Habba, Esq. <ahabba@habbalaw.com>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Lawrence Rosen <rosen@lhr gb.com>; Amy Carlin <ACarlin@lhr gb.com>; Michael Madaio <mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Randee Ingram <ringram@habbalaw.com>  
**Subject:** RE: Meet and Confer Request

Dear Alina, et al.,

Following up on the below thread regarding the trust documents. Please confirm whether you intend to produce the documents requested.

Additionally, we have noticed an error with certain documents in the productions. In particular we have received documents that were sent password protected in their original transmission, but that once produced to OAG, remained password protected and inaccessible. (see, e.g. TTO\_06198993). I can ask our IT folks to give you a better overview of the documents identified, but want to flag it for you in case your IT team has a quick remedy for this. Please let me know.

Thank you.

Best,  
Colleen

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**Colleen K. Faherty | Assistant Attorney General**  
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[Colleen.Faherty@ag.ny.gov](mailto:Colleen.Faherty@ag.ny.gov)

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**From:** Faherty, Colleen

**Sent:** Thursday, September 8, 2022 3:38 PM

**To:** Alina Habba, Esq. <ahabba@habbalaw.com>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Lawrence Rosen <lrosen@lhr gb.com>; Amy Carlin <ACarlin@lhr gb.com>; Michael Madaio <mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Rande Ingram <ringram@habbalaw.com>

**Subject:** RE: Meet and Confer Request

Alina,

Thank you for providing this document; however, I'm afraid this doesn't sufficiently address our request because it does not get at the trust as part of the operating business enterprise that is the Trump Organization. The Donald J. Trump Revocable Trust, in general, holds the entities and properties that comprise the Trump Organization. As a trust, its trustee or trustees are its responsible officials, and a trust typically is governed by the terms set by the grantor in the grant or otherwise later agreed to. Since the trust's business assets have been included within the trust for more than five years, all documents governing the trust's operation, the responsibilities of its trustees and other officials, etc., plainly are pertinent to OAG's investigation. There is no basis to withhold any such documents from production.

Below is an itemized list of the excerpted trust documents we believe we have received. I can't say this is a complete list, but these documents while relevant also do not fully address our request because many are incomplete on their face and we have no assurance that other agreements, amendments, etc., do not exist:

- We have received an excerpted trust document, with only pages 1 and 46 included. The rest of the pages are not included. TTO\_02922134.
- We have received portions of a second amendment to the trust. TTO\_03451963. It does not appear we have received the full second amendment, nor have we received any first amendment that preceded it.
- As part of a March 11, 2022 production of a closing binder for the late 2016/early 2017 restructuring with numbered files, we received a third amendment. TTO\_05698935. We do not know if there were subsequent amendments.
- As part of that same closing-binder production, we received a document appearing to be a set of trust instructions. TTO\_05698019. We do not know if this is the only set of instructions, or if there are later sets of instructions or other arrangements or agreements that would govern operation of the trust.

We appreciate your working with us, but are constrained to restate our request for the documents establishing the Donald J. Trump Revocable Trust dated April 7, 2014, any amendments thereto, and any document reflecting a change in the status of that Trust to "a Florida grantor trust". For the avoidance of doubt, the request includes any formation documents, amendments to the trust, or

other documents governing the trust's operation. We do not understand how a production of this set of documents could be difficult or time-consuming. We ask for production by the end of this week.

Thank you.

Best,  
Colleen

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**From:** Alina Habba, Esq. <[ahabba@habbalaw.com](mailto:ahabba@habbalaw.com)>  
**Sent:** Wednesday, September 7, 2022 3:44 PM  
**To:** Faherty, Colleen <[Colleen.Faherty@ag.ny.gov](mailto:Colleen.Faherty@ag.ny.gov)>; Wallace, Kevin <[Kevin.Wallace@ag.ny.gov](mailto:Kevin.Wallace@ag.ny.gov)>; Lawrence Rosen <[rosen@lhrgb.com](mailto:rosen@lhrgb.com)>; Amy Carlin <[ACarlin@lhrgb.com](mailto:ACarlin@lhrgb.com)>; Michael Madaio <[mmadaio@habbalaw.com](mailto:mmadaio@habbalaw.com)>; Finkelstein, Alex <[Alex.Finkelstein@ag.ny.gov](mailto:Alex.Finkelstein@ag.ny.gov)>; Randee Ingram <[ringram@habbalaw.com](mailto:ringram@habbalaw.com)>  
**Subject:** RE: Meet and Confer Request

Hi Colleen,

In response to your request I am able to provide two **confidential** documents in addition to those that TTO had in their possession and previously produced to the OAG. As per my call with Kevin and Colleen yesterday, I believe these documents should include all information the OAG is seeking or would require, as is relevant to this investigation, without divulging any of the highly-sensitive estate planning information which we would obviously object to.

Please let me know if I can be of any further assistance.

Very truly yours,

Alina Habba, Esq.  
Habba Madaio & Associates LLP

**ALINA HABBA, Esq.**

*Admitted to Practice in NJ, NY & CT*



**HABBA MADAIO**

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**From:** Faherty, Colleen <[Colleen.Faherty@ag.ny.gov](mailto:Colleen.Faherty@ag.ny.gov)>

**Sent:** Thursday, September 1, 2022 1:45 PM

**To:** Alina Habba, Esq. <[ahabba@habbalaw.com](mailto:ahabba@habbalaw.com)>; Wallace, Kevin <[Kevin.Wallace@ag.ny.gov](mailto:Kevin.Wallace@ag.ny.gov)>; Lawrence Rosen <[lrosen@lhrgb.com](mailto:lrosen@lhrgb.com)>; Amy Carlin <[ACarlin@lhrgb.com](mailto:ACarlin@lhrgb.com)>; Michael Madaio <[mmadaio@habbalaw.com](mailto:mmadaio@habbalaw.com)>; Finkelstein, Alex <[Alex.Finkelstein@ag.ny.gov](mailto:Alex.Finkelstein@ag.ny.gov)>; Peter Gabra <[pgabra@habbalaw.com](mailto:pgabra@habbalaw.com)>; Rande Ingram <[ringram@habbalaw.com](mailto:ringram@habbalaw.com)>

**Subject:** RE: Meet and Confer Request

Hi Alina –

Given the extensive litigation over productions to date, we think it is best to communicate in writing, so please consider this email our meet and confer.

The request is for the documents establishing the Donald J. Trump Revocable Trust dated April 7, 2014 and any document reflecting a change in the status of that Trust to “a Florida grantor trust” as shown in the attached document. For the avoidance of doubt, the request includes any formation documents, amendments to the trust, or other documents governing the trust’s operation. We expect these documents will be straightforward to obtain and produce.

As the Trust holds all of the assets valued in the SOFC’s and its Trustees are responsible for the presentation of the statements from 2016 forward, these are basic, foundational documents, but we have not been able to identify them (or complete versions of them) in the productions to date. If TTO can identify the relevant bates numbers, great. If not, we would like them produced ASAP. If you decline, we would like to know ASAP. (But we will add that these documents are properly called for



by a number of subpoenas.)

Much appreciated.

Best,  
Colleen

---

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**From:** Alina Habba, Esq. <[ahabba@habbalaw.com](mailto:ahabba@habbalaw.com)>  
**Sent:** Thursday, September 1, 2022 12:17 PM  
**To:** Faherty, Colleen <[Colleen.Faherty@ag.ny.gov](mailto:Colleen.Faherty@ag.ny.gov)>; Wallace, Kevin <[Kevin.Wallace@ag.ny.gov](mailto:Kevin.Wallace@ag.ny.gov)>;  
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**Subject:** Meet and Confer Request

**[EXTERNAL]**

Good morning,

I understand a request was made for additional documents yesterday regarding the trust. Please provide me with some times that work tomorrow for a meet and confer so I can assist with this and take a look at what has been provided historically by TTO for you.

Thank you,

Alina Habba, Esq.  
Habba Madaio & Associates LLP

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