

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: HON. ARTHUR F. ENGORON

PART

37

Justice

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,
IVANKA TRUMP, ALLEN WEISSELBERG, JEFFREY
MC CONNEY, 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, SEVEN
SPRINGS LLC,

Defendants.

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 016) 574, 575, 576, 577,
578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 615
were read on this motion to COMPEL

Upon the foregoing documents, it is hereby ordered that plaintiff's motion to compel non-party
Whitley Penn, LLP to respond to its subpoena is resolved pursuant to the stipulation annexed
hereto.

4/7/2023

DATE

CHECK ONE:

APPLICATION:

CHECK IF APPROPRIATE:

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☐
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CASE DISPOSED

GRANTED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

☐

DENIED

☒
☐
☐
☐

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

☒

OTHER

☐

REFERENCE


 ARTHUR F. ENGORON, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORKPEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES,
Attorney General of the State of New York,

Plaintiff,

-against-

DONALD J. TRUMP et al.

Defendants.

Index No. 452564/2022

Mot. Seq. 016

**STIPULATION AND
~~PROPOSED~~ ORDER**

WHEREAS, Plaintiff, the People of the State of New York, by Letitia James, Attorney General of the State of New York ("OAG") filed this motion seeking to compel testimony and production of certain documents in the possession and control of non-party Whitley Penn, LLP sought by subpoena duces tecum dated February 14, 2023 (the "Subpoena", see NYSCEF No. 577);

WHEREAS Whitley Penn, LLP has interposed a response to the OAG's motion to compel indicating that "If the Trump Organization consents to Whitley Penn's production of the documents and testimony, Whitley Penn will respond to the Subpoena"; (NYSCEF No. 597 at 4)

WHEREAS parties wish to avoid the need for further briefing or court intervention at this time; Parties and non-party, by and through the undersigned counsel, stipulate and agree as follows:

1. Defendants consent to Whitley Penn's release of:
 - a. all documents and communications related to the initiation of the relationship between Whitley Penn and the Trump Organization (and any affiliated entities or individuals);
 - b. all documents and communications related to the Statements of Financial Condition of Donald J. Trump;
 - c. all documents and communications related to any audit, review or compilation engagement regarding entities identified on the annexed Schedule A.

2. This consent and release shall include any related communications or other documents or communications not explicitly connected to entities identified on Schedule A, as needed, in order to ensure a complete production of all relevant material.

3. Defendants represent they have the authority to consent for the named client entities, as well as any other Trump Organization affiliated client entity of Whitley Penn, LLP whose consent is required for a full production.

4. Nonparty Whitley Penn, LLP agrees to respond to the subpoena, including production of responsive documents and communications and furnishing a witness for examination by OAG.

5. The OAG's motion to compel and the briefing schedule established by the Court's March 21, 2023 Order to Show Cause (NYSCEF No. 595) are adjourned *sine die*;

6. This motion may be restored to the court's calendar by letter application should any party to this agreement require the court's supervision of production under the Subpoena; parties will be given opportunity to submit briefing at such time.

Dated: New York, New York
April 6, 2023

STIPULATED AND AGREED:

LETITIA JAMES
Attorney General of the State of New York

By: /S/
Sherief Gaber
28 Liberty Street
New York, NY 10005

Counsel for the People of the State of New York

HABBA MADAIO & ASSOCIATES LLP

By: /S/
Alina Habba
112 West 34th Street, 17th & 18th Floors
New York, NY 10120

Schedule A: Identified Entities

40 Wall Street, LLC
401 North Wabash Ave Hotel & Condominium Association
401 North Wabash Venture LLC and Subsidiaries
Trump Endeavor 12, LLC
Trump Plaza, LLC
Trump Tower Commercial, LLC
TIHT Commercial, LLC
Donald J. Trump
Trump Old Post Office, LLC
Seven Springs, LLC
The Donald J. Trump Revocable Trust
DJT Holdings LLC
DJT Holdings Managing Member, LLC
The Trump Corporation
Trump Payroll Corporation
Trump Organization, LLC