

Tacopina Seigel Trial Lawyers

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June 23, 2023

FILED BY ECF

Hon. Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

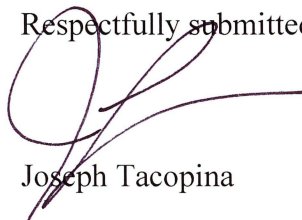
Re: Carroll v. Trump, 22 Civ. 10016 (LAK)

Your Honor:

We write to respectfully request that the Court so order the enclosed Stipulation and Proposed Order Regarding the Use of a Cash Deposit in Court as Security in Lieu of a Supersedeas Bond. The cash deposit will be in the amount of \$5,550,000, which is 111% of the judgment amount and is consistent with the traditional security percentage of supersedeas bonds. Additionally, my office is currently holding \$5,550,000 in trust and will promptly make such deposit upon the entering of this Stipulation and Order.

We thank the Court for its consideration.

Respectfully submitted,



Joseph Tacopina

cc: All counsel by ECF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E. JEAN CARROLL,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

No. 22 Civ. 10016 (LAK)

**STIPULATION AND [PROPOSED] ORDER REGARDING THE USE OF A CASH
DEPOSIT IN COURT AS SECURITY IN LIEU OF A SUPERSEDEAS BOND**

WHEREAS, on May 11, 2023, the Court entered a Judgment against Defendant Donald J. Trump in the total amount of \$5,000,000.00 in favor of Plaintiff E. Jean Carroll (“Judgment”);

WHEREAS, on May 11, 2023, Defendant filed his Notice of Appeal appealing, *inter alia*, the Judgment, which is currently pending before the United States Court of Appeals for the Second Circuit (“Appeal”);

WHEREAS, on June 8, 2023, Defendant filed a motion for a new trial, or in the alternative, a remittitur, which is currently pending before this Court, and a decision on which may be challenged as part of the Appeal;

WHEREAS, Tacopina, Seigel & DeOreo (“TSD”), counsel for Defendant, is holding \$5,550,000.00 in its general IOLA trust account on behalf of Defendant for the purpose of performing under this Stipulation and Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff and Defendant, that:

1. TSD, on behalf of Defendant, shall make a cash deposit into the registry of the Court in the sum of \$5,550,000.00, within five (5) business days of the entry of this Order, pursuant to Federal Rule of Civil Procedure 67(a);

2. TSD shall also deliver to the Clerk of this Court a copy of this Order permitting the deposit, *see* Fed. R. Civ. P. 67(a);

3. The deposited funds shall serve as “other security” under Federal Rule of Civil Procedure 62(b);

4. The deposited funds, and any interest earned thereon, shall, upon receipt, become the property of this Court and shall not be an asset of the Defendant, *see* 28 U.S.C. §§ 2041, 2042;

5. Proceedings to enforce the Judgment, or seeking discovery in aid of such enforcement, shall be stayed pending the final disposition of Defendant’s Appeal, including any appeal to the United States Supreme Court, *see* Fed. R. Civ. P. 62(b);

6. During the Appeal, the Clerk of this Court will redeposit the sum received from Defendant in an interest-bearing account, and the interest generated by the deposit will be added to the original deposit and serve as additional security for Plaintiff;

7. The Clerk shall deduct from the income on the investment a fee consistent with that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, *see* Local Civil Rule 67.1(b)(2);

8. After the latest of (a) the mandate issued by the Second Circuit in connection with the Appeal; (b) a denial of a timely filed petition for writ of certiorari to the Supreme Court (if any) in connection with the Appeal; or (c) upon the Supreme Court’s granting of certiorari, an order of the Supreme Court in connection with the Appeal, Plaintiff may collect any moneys owed by Defendant to Plaintiff under the terms of the Judgment, as may be modified on appeal or court

order, from the amount deposited with the Court by Defendant, inclusive of any interest earned on such funds less any fees;

9. Collection by Plaintiff of the funds held by the Court may be accomplished by means of a motion or a stipulation and order, with notice served on the Clerk of this Court. Any funds remaining, inclusive of any interest earned on such funds less any fees, after paying out all moneys owed by Defendant to Plaintiff under the terms of the Judgment, as may be modified on appeal or court order, shall be paid to Defendant;

10. If the Judgment is reversed and set aside completely, then the sums originally deposited with the Court by Defendant, together with any interest earned on such funds less any fees, shall be paid to Defendant. Collection by Defendant of the funds held by the Court may be accomplished by means of a motion or a stipulation and order, with notice served on the Clerk of this Court; and

11. If, following the Appeal, the case is remanded to this Court for further proceedings and/or a supplemental opinion, the deposited funds held by the Court, and any interest earned thereon, will continue to be held by the Court to secure any award to Plaintiff until such award becomes final and un-appealable.

Dated: June 23, 2023



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Counsel for Plaintiff E. Jean Carroll

SO ORDERED:

Lewis A. Kaplan
United States District Judge