SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: <u>HON. ARTHUR F. ENGORON</u>   PART _____ 37 _____

                                     Justice

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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, SEVEN SPRINGS LLC,

                              Defendants.

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On October 3, on the record, I imposed on all parties to this action a very limited gag order, "forbidding all parties from posting, emailing, or <u>speaking publicly</u> about any members of my staff," emphasizing, quite clearly, that "personal attacks on members of my court staff are unacceptable, inappropriate, and I will not tolerate them under any circumstances" (emphasis added). I further made clear that "failure to abide by this directive will result in serious sanctions."

Despite this unambiguous order, last week I learned that Donald Trump had failed to abide by it by not removing, for a total of 17 days, from the website of donaldjtrump.com an untrue, disparaging and personally identifying post about my Principal Law Clerk. Counsel for defendant stated in open court that the violation of the gag order was inadvertent. Taking counsel at his word, I imposed a $5,000 nominal sanction against Donald Trump for the first-time violation of the gag order.

On October 25, during a break order from the trial, Donald Trump made the following statement to a gaggle of reporters outside the courtroom: "This judge is a very partisan judge with a person who's very partisan sitting alongside him, perhaps even more partisan than he is." Quite clearly, defendant was referring, once again, to my Principal Law Clerk, who sits alongside me on the bench.

Defendant's attorneys offered the explanation that Donald Trump was referring to Michael Cohen, who had been sitting on the witness stand. I then conducted a brief hearing, during

OTHER ORDER – NON-MOTION

which Donald Trump testified, under oath that he was referring to Michael Cohen. However, as the trier of fact, I find this testimony rings hollow and untrue. The Oxford English Dictionary defines "alongside" as "close to the side of; next to." Witnesses do not sit "alongside" the judge, they sit in the witness box, separated from the judge by a low wooden barrier. Further, Donald Trump's past public statements demonstrate him referring to Michael Cohen directly by his name, or by a derogatory name, but in all circumstances, he is unambiguous in making it known he is referring to Michael Cohen.

Moreover, the language Donald Trump used on October 25 mirrors the language he used in public statements to the press on October 2, wherein he inappropriately and unquestionably spoke about my Principal Law Clerk, stating: "this rogue judge is a trump hater, the only one that hates trump more is his associate up there, this person that works with him, and she's screaming into his ear."

Using imprecise language as an excuse to create plausible ambiguity about whether defendant violated this Court's unequivocal gag order is not a defense; the subject of Donald Trump's public statement to the press was unmistakably clear. As the trier of fact, I find that Donald Trump was referring to my Principal Law Clerk, and that, as such, he has intentionally violated the gag order.

This is the second violation of this Court's gag order in the less than one month since this trial commenced. Accordingly, this Court imposed a fine of $10,000 on defendant Donald Trump, to be paid to the New York Lawyers' Fund for Client Protection, within thirty (30) days of October 25, 2023.

Further, Donald Trump is ordered to post proof of payment, of this fine and the one imposed on October 10, 2023, to NYSCEF within two days of making such payments.

DATE: 10/26/2023

ARTHUR F. ENGORON, JSC

Check One: ☐ **Case Disposed** ☒ **Non-Final Disposition**

Check if Appropriate: ☐ **Other (Specify** _____ **)**