

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Present: Hon. Arthur F. Engoron

Part 37

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.

Index No.: 452564/2022

MONITORSHIP ORDER

On November 14, 2022, pursuant to a Preliminary Injunction order, the Court appointed the Honorable Barbara S. Jones (ret.) as Independent Monitor (“Monitor”) to monitor the Trump Organization’s financial disclosures to any third parties and any transfer(s) or dissipation of assets. (Dkt. Nos. 193 and 194).

On February 16, 2024, the Court issued a Decision and Order (the “February 16th Order”) finding that Defendants violated New York State Executive Law § 63(12) and New York State Penal Law provisions related to the falsification of business records. (NYSCEF Doc. No. 1688). Based on the Court’s findings in its February 16th Order, the Court ordered the continued monitoring of Defendants’ financial and accounting practices and disclosures, including an enhanced role for the Monitor, for a period of no less than three years, as well as the appointment of an Independent Director of Compliance (“IDC”). (See Dkt. No 1688 at 88-89).

To effectuate a productive and enhanced monitorship, it is hereby ordered as follows:

A. Term of the Monitorship

1. The term of the continued monitorship (“Term”) shall begin as of the date of this order (the “Effective Date”) and shall expire three years from the Effective Date or as directed by further court order.

B. Monitor's General Duties and Responsibilities

2. During the Term of the monitorship, the Monitor shall review Defendants' internal accounting controls, governance, record-keeping, and financial reporting policies and procedures. The Monitor shall also review Defendants' compliance with internal accounting controls, including any recommended and/or ordered financial and accounting procedures. The Monitor shall also establish a protocol to review Defendants' preparation and presentation of financial disclosures prior to their issuance to third parties.

3. Defendants shall be solely responsible for the preparation and presentation of accurate, credible, and reliable financial disclosures to third parties. The Monitor shall not have the responsibility or authority to approve, disapprove, execute, or sign, any financial disclosures.

4. The Monitor shall be entitled to utilize the services of outside professionals to carry out her duties as reasonably necessary. Defendants shall be responsible for and shall pay all fees, including, without limitation, attorney's fees, and costs associated with the monitorship, including the IDC, and shall remit payment to the Monitor and outside professionals within 30 days of the Monitor's submission of invoices to Defendants.

5. Having been appointed by the Court, the Monitor and IDC, as well as their advisors, shall be entitled to the same privileges and immunities the Court enjoys, including from suit and damages arising out of or related in any way to their work within the scope of this Monitorship Order, and any subsequent orders of the Court.

C. Assessment of Internal Controls and Governance

6. Within 30 days of the date of this Monitorship Order, Defendants shall provide the Monitor with information sufficient to assess the Trump Organization's internal controls, including day-to-day operations of its accounting, finance, financial disclosure, and compliance functions, including record-keeping, and financial reporting policies and procedures.

7. Within 60 days after such information is provided, the Monitor shall prepare a report describing her assessment of the Trump Organization's internal controls and shall recommend proper internal controls for the Trump Organization. At that time, the Monitor shall also recommend names for a potential IDC who shall report directly to the Monitor.

8. If necessary, the Court may enter an order requiring the Trump Organization to implement all or certain of the Monitor's recommendations. The Monitor shall review the Trump Organization's implementation of, and compliance with, the internal control and financial reporting processes in place and/or ordered by the Court.

D. Monitor's Review of Financial Disclosures

9. As described in the February 16th Order, Defendants shall be required to provide financial disclosures to the Monitor prior to their issuance to third parties. Based upon the

Monitor's assessment of Defendants internal controls and governance described above, the Monitor shall work with Defendants to develop protocols establishing the information that will be required for the Monitor's review of such financial disclosures.

10. The IDC shall assist in monitoring the Trump Organization's compliance with these protocols.

11. The Trump Organization shall provide such information to the Monitor and IDC sufficiently in advance of the planned disclosure to ensure that the Monitor and IDC shall be able to carry out their duties pursuant to the Monitorship Order. The Trump Organization shall also certify that it has provided all information and materials requested by the IDC or the Monitor related to the preparation of each disclosure and that all the information provided by the Trump Organization is true, complete, and accurate.

12. Neither the Monitor nor the IDC shall have the responsibility or authority to approve, disapprove, execute, or sign, any financial disclosures. Neither the Monitor nor IDC shall be liable for any fraud, material misstatements, misrepresentations or omissions arising out of or related in any way to financial disclosures made by Defendants.

13. To the extent the IDC or the Monitor observes any material misstatements, misrepresentations or omissions, the Monitor shall immediately report such observations to the Court.

14. During the period of assessment and implementation of the processes and protocols for financial reporting, the Trump Organization shall continue to provide the Monitor all relevant and requested information concerning financial disclosures.

E. Transfers, Dissolution and Restructuring of Assets

15. The Trump Organization shall provide the Monitor with the following information regarding the proposed transfer, dissolution or restructuring of assets.

- a. The Trump Organization shall provide copies of monthly bank statements for all bank or brokerage accounts of the Trust within five business days of the end of each month.
- b. The Trump Organization shall notify the Monitor at least five business days in advance of any transfer of cash or other assets outside of the Trust (from a Trust account or from any account or holdings of a Trust entity) totaling \$5 million or more in the aggregate, including transfers to any individual defendant.
- c. The Trump Organization shall provide information regarding any planned creation or dissolution of business entities, including equity ownership purchased or assets acquired by any Defendant, at least 30 days prior to such proposed creation or dissolution, including (i) the name of the entity; (ii)

the jurisdiction of incorporation or creation; (iii) the physical location of operations, if any; (iv) the value of the assets held by the entity, including as reported by the most recently filed tax returns, if any; (v) the business purpose of the entity; (vi) the ownership structure of the entity; and (vi) the expected date of creation or dissolution. Upon finalizing the creation or dissolution of any entities, the Trump Organization shall inform the Monitor within five business days.

- d. The Trump Organization shall inform the Monitor of any restructuring of the debt or equity of the Trump Organization or its material assets or material liabilities (as reflected on the most recent Material Assets and Material Liabilities schedule prepared by the Trump Organization). Such restructuring includes, but would not be limited to, refinancing debt, renegotiation of debt agreements, changes to the ownership structure of Trust entities, changes to the location of incorporation of Trust entities, changes to the beneficiaries of the Trust, or the merger or consolidation of Trust entities.
- e. The Trump Organization shall inform the Monitor of the payment or payoff of any debt in part or in full outside of any ordinary course loan repayment schedule for any material debt (including intercompany loans or loans made by any of the Defendants).
- f. The Trump Organization shall inform the Monitor, in advance, of any efforts to secure surety bonds, including any financial disclosures requested or required, any information provided in response to such requests, any representations made by Trump Organization in connection with securing such bonds, any personal guarantees made by any of the Defendants, and any obligations of the Trump Organization required by the surety.

16. Defendants shall not evade the terms of this Monitorship Order by transferring assets, reincorporating existing business entities in other forms or jurisdictions, modifying entity ownership, or any other form of restructuring or change in corporate form.

F. Access to Information

17. Defendants shall cooperate fully with the Monitor and IDC, and the Monitor shall have the authority to take such reasonable steps as, in her view, may be necessary to be fully informed about Defendants' accounting, finances and financial disclosures. Defendants shall provide the Monitor and IDC with access to all documents, information, systems, resources, facilities and personnel as reasonably requested by the Monitor or IDC that fall within the scope of this Monitorship Order.

G. Reporting by the Monitor

18. In addition to the reporting described above, the Monitor shall issue written reports to the Court on a quarterly basis, or more frequently if necessary, setting forth the Monitor's observations and, if necessary, recommending protocols reasonably designed to improve the effectiveness of Defendants' internal controls and financial reporting processes and procedures. The Monitor may, but is not required to, consult with the Defendants concerning her findings and recommendations on an ongoing basis and may consider the Defendants' comments and input. The Monitor may, but is not required to, share a draft of her reports with the Defendants prior to their submission to the Court.

19. The Monitor shall meet and discuss her work with the Court as necessary.

H. Compliance with the Monitorship Order

20. At any time during the Term of the monitorship, if Defendants engage in a transaction(s), or any other activity, that has the effect of circumventing or frustrating the Monitorship Order, the Monitor may advise the Court of a potential violation of this Monitorship Order.

21. If, based upon the Monitor's reports and observations or otherwise, the Court determines that Defendants have violated the provisions of this Monitorship Order or have failed to perform completely or fulfill each of the obligations under this Monitorship Order, the Court may modify this Monitorship Order, including as to the scope and length of the monitorship, and order such relief as the Court deems just and proper. The Office of the New York State Attorney General may also apply to the Court, on notice to the Defendants, for an order seeking further relief under the Monitorship Order.

22. The Monitor may request modification of this Monitorship Order at any time she deems necessary to carry out her duties.

Date: March 21, 2024

MAR 21 2024

HON. ARTHUR F. ENGORON, J.S.C.



ARTHUR F. ENGORON, J.S.C.