

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

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

Index No. 71543-23

**AFFIRMATION OF TODD  
BLANCHE IN SUPPORT OF  
PRESIDENT DONALD J.  
TRUMP'S POST-TRIAL  
PRESIDENTIAL IMMUNITY  
MOTION**

Todd Blanche, a partner at the law firm Blanche Law PLLC, duly admitted to practice in the courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

1. I represent President Donald J. Trump in this matter and submit this affirmation and the accompanying memorandum of law in support of President Trump's motion to dismiss the Indictment and to vacate the jury's verdicts based on the Presidential immunity doctrine articulated last week by the Supreme Court of the United States and the Supremacy Clause.

2. This affirmation is submitted upon my personal knowledge or upon information and belief, the source of which is my communications with prosecutors and with other counsel, my review of documents in the case file, a review of the available discovery, and an independent investigation into the facts of this case.

3. Attached as Exhibit 1 is a true and accurate copy of DANY's February 22, 2024 motions *in limine*.

4. Attached as Exhibit 2 is a true and accurate copy of President Trump's March 7, 2024 motion.

5. Attached as Exhibit 3 is a true and accurate copy of DANY's March 13, 2024 opposition to President Trump's March 7, 2024 motion.

6. Attached as Exhibit 4 is a true and accurate copy of the Court's April 3, 2024 Decision and Order denying President Trump's March 7, 2024 motion.

7. Attached as Exhibit 5 is a true and accurate copy of President Trump's April 15, 2024 premotion letter.

8. Attached as Exhibit 6 is a true and accurate copy of DANY's April 16, 2024 response to President Trump's April 15, 2024 premotion letter.

9. Attached as Exhibit 7 is a true and accurate copy of DANY's February 26, 2020 brief submitted to the United States Supreme Court in *Trump v. Vance*.

10. Attached as GX 81 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 81.

11. Attached as GXs 407-F through 407-I are true and accurate copies of the documents introduced into evidence at trial as Government Exhibits 407F through 407I.

12. Attached as GX 181 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 181.

13. Attached as GX 201 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 201.

14. Attached as GX 319 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 319.

15. Attached as GX 68 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 68.

16. Attached as GX 260 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 260.

17. Attached as GX 202 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 202.

18. Attached as GX 217 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 217.

19. Attached as GX 205 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 205.

20. Attached as GX 207 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 207.

21. Attached as GX 69 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 69.

22. Attached as GX 35 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 35.

23. Attached as GX 1 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 1.

24. Attached as GX 246 is a true and accurate copy of the audio recording introduced into evidence at trial as Government Exhibit 246.

25. Attached as GX 248 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 248.

26. Attached as GX 93 is a true and accurate copy of the document introduced into evidence at trial as Government Exhibit 93.

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, the Court should dismiss the Indictment and vacate the jury's verdicts based on the Presidential immunity doctrine and the Supremacy Clause.

Dated: July 10, 2024  
New York, New York

By: /s/ Todd Blanche  
Todd Blanche  
Blanche Law PLLC  
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New York, NY 10005  
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*Attorney for President Donald J. Trump*



# **EXHIBIT 1**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**NOTICE OF MOTIONS IN LIMINE**

PLEASE TAKE NOTICE that the People will move this Court, located at 100 Centre Street, New York, New York, on a date and time to be set by the Court, for an order:

- (1) excluding expert testimony regarding federal campaign finance law;
- (2) excluding evidence or argument that the Federal Election Commission dismissed complaints that defendant committed campaign finance violations;
- (3) excluding evidence or argument regarding any purported decision by the United States Department of Justice not to charge defendant with campaign finance violations;
- (4) excluding evidence or argument regarding selective prosecution or government misconduct;
- (5) excluding evidence or argument regarding federal prosecutors' purported views of Michael Cohen's credibility;
- (6) precluding argument regarding any alleged reliance on advice of counsel unless and until defendant establishes a sufficient factual predicate for that defense;
- (7) excluding evidence or argument regarding legal defenses the Court has already rejected; and
- (8) permitting the introduction of potential *Molineux* evidence;

and for such other and further relief as the Court may deem just and proper. A supporting affirmation, memorandum of law, and exhibits are attached to this notice of motion.

DATED: February 22, 2024

Respectfully submitted,

ALVIN L. BRAGG, JR.  
*District Attorney, New York County*

By: /s/ Matthew Colangelo

Matthew Colangelo

Christopher Conroy

Susan Hoffinger

Becky Mangold

Joshua Steinglass

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New York County District Attorney's Office

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New York, NY 10013

212-335-9000

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION AND  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTIONS IN LIMINE

Ind. No. 71543-23

**AFFIRMATION**

Matthew Colangelo, an attorney admitted to practice before the courts of this state, affirms under penalty of perjury that:

1. I am an Assistant District Attorney in the New York County District Attorney's Office. I am assigned to the prosecution of the above-captioned case and am familiar with the facts and circumstances underlying the case.

2. I submit this affirmation in support of the People's motions in limine.

3. Defendant is charged with thirty-four counts of falsifying business records in the first degree, PL § 175.10. These charges arise from defendant's efforts to conceal an illegal scheme to influence the 2016 presidential election. As part of this scheme, defendant requested that an attorney who worked for his company pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with defendant. Defendant then reimbursed the attorney for the illegal payment through a series of monthly checks. Defendant caused business records associated with the repayments to be falsified to disguise his and others' criminal conduct.

4. Attached as Exhibit 1 is a true and correct copy of defendant's Witness Disclosure for Bradley A. Smith dated January 22, 2024.

5. Attached as Exhibit 2 is a true and correct copy of *United States v. Suarez*, No. 5:13-cr-420 (N.D. Ohio June 24, 2014).

6. Attached as Exhibit 3 is a true and correct copy of the signed engagement letter between Bradley A. Smith and Todd Blanche dated January 4, 2024, for *People v. Trump*, Ind. No. 71543-23.

7. Attached as Exhibit 4 is a true and correct copy of the Decision & Order in *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Jan. 5, 2022).

8. Attached as Exhibit 5 is a true and correct copy of the Hearing Transcript in *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Oct. 20, 2022).

9. Attached as Exhibit 6 is a true and correct copy of a document titled Expert Witness Disclosure, Professor Bradley A. Smith, in *United States v. Bankman-Fried*, No. 22 Cr. 673 (LAK), ECF No. 276-5.

10. Attached as Exhibit 7 is a true and correct copy of the Hearing Transcript in *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Oct. 21, 2022).

11. Attached as Exhibit 8 is a true and correct copy of the Judgment of Conviction in *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Dec. 12, 2018).

12. Attached as Exhibit 9 is a true and correct copy of the Information in *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Aug. 21, 2018).

13. Attached as Exhibit 10 is a true and correct copy of the Hearing Transcript in *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Aug. 21, 2018).

14. Attached as Exhibit 11 is a true and correct copy of defendant's social media posts dated February 1, 2023, March 9, 2023, and March 27, 2023.

15. Attached as Exhibit 12 is a true and correct copy of a document titled Certification, *In the Matter of Donald J. Trump for President, Inc., et al.*, Federal Election Comm’n Matter Under Review 7324, 7332, 7364, & 7366 (Mar. 11, 2021).

16. Attached as Exhibit 13 is a true and correct copy of the Letter from Lynn Y. Tran, Assistant General Counsel, Federal Election Commission, to E. Stewart Crosland (June 1, 2021).

17. Attached as Exhibit 14 is a true and correct copy of a document titled Statement of Reasons of Chair Shana M. Broussard & Commissioner Ellen L. Weintraub, *In the Matter of Donald J. Trump for President, Inc., et al.*, Federal Election Comm’n Matter Under Review 7324, 7332, 7364, & 7366 (July 1, 2021).

18. Attached as Exhibit 15 is a true and correct copy of a document titled Statement of Reasons of Vice Chair Allen Dickerson et al., *In the Matter of Donald J. Trump for President, Inc., et al.*, Federal Election Comm’n Matter Under Review 7324, 7332, 7364, & 7366 (June 28, 2021).

19. Attached as Exhibit 16 is a true and correct copy of a document titled Certification, *In the Matter of Michael D. Cohen, et al.*, Federal Election Comm’n Matter Under Review 7313, 7319, & 7379 (Mar. 31, 2021).

20. Attached as Exhibit 17 is a true and correct copy of the Letter from Lynn Y. Tran, Assistant General Counsel, Federal Election Commission, to E. Stewart Crosland (Mar. 31, 2021).

21. Attached as Exhibit 18 is a true and correct copy of a document titled Statement of Reasons of Commissioners Sean J. Cooksey & James E. “Trey” Trainor III, *In the Matter of Michael Cohen, et al.*, Federal Election Comm’n Matter Under Review 7313, 7319, & 7379 (Apr. 26, 2021).

22. Attached as Exhibit 19 is a true and correct copy of the excerpted Hearing Transcript in *People by James v. Trump*, No. 452564/2022 (Sup. Ct. N.Y. Cnty. Jan. 11, 2024).

23. Attached as Exhibit 20 is a true and correct copy of the excerpted Trial Transcript in *People by James v. Trump*, No. 452564/2022 (Sup. Ct. N.Y. Cnty. Nov. 6, 2023).

24. Attached as Exhibit 21 is a true and correct copy of defendant's social media post dated October 7, 2016.

25. Attached as Exhibit 22 is a true and correct copy of Megan Twohey & Michael Barbaro, *Two Women Say Donald Trump Touched Them Inappropriately*, N.Y. Times, Oct. 12, 2016.

26. Attached as Exhibit 23 is a true and correct copy of Natasha Stoyneff, *Physically Attacked by Donald Trump—A PEOPLE Writer's Own Harrowing Story*, People Magazine, Oct. 12, 2016.

27. Attached as Exhibit 24 is a true and correct copy of defendant's social media posts dated October 15, 2016, October 16, 2016, and October 17, 2016.

#### **MEMORANDUM OF LAW**

Courts deciding whether to preclude or admit evidence must determine whether the evidence is relevant and, if so, whether it is admissible. *People v. Primo*, 96 N.Y.2d 351, 355 (2001). Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence, and the fact is material to the determination of the action. *People v. Lewis*, 69 N.Y.2d 321, 325 (1987). Irrelevant evidence is not admissible. *See id.* The court may exclude relevant evidence if its admission violates an exclusionary rule, *People v. Alvino*, 71 N.Y.2d 233, 241 (1987), or "if its probative value is outweighed by the prospect of trial delay, undue prejudice to the opposing party, confusing the issues or misleading the jury." *Primo*, 96 N.Y.2d at 355.

The Court has authority to consider pretrial motions *in limine* seeking evidentiary rulings based on both “the inherent power of a trial court to admit or exclude evidence” and the court’s “inherent authority to manage the course of trials.” *People v. Michael M.*, 162 Misc. 2d 803, 806-07 (Sup. Ct. Kings Cnty. 1994) (citing cases). Pretrial evidentiary rulings avoid the risk of presenting prejudicial, confusing, immaterial, or inadmissible evidence to the jury, *see State v. Metz*, 241 A.D.2d 192, 198 (1st Dep’t 1998), and minimize delay and disruption during trial, *see Gallegos v. Elite Model Mgmt. Corp.*, 195 Misc. 2d 223, 226-27 (Sup. Ct. N.Y. Cnty. 2003).

For the reasons that follow, the People respectfully request that the Court grant the People’s motions *in limine* to:

1. preclude defendant’s proposed testimony from Bradley A. Smith regarding federal campaign finance law;
2. preclude the presentation of argument or introduction of evidence that the Federal Election Commission dismissed complaints alleging, or cleared defendant of, federal campaign finance violations;
3. preclude the presentation of argument or introduction of evidence regarding any purported decision by the United States Department of Justice not to charge defendant with campaign finance violations;
4. preclude the presentation of argument or introduction of evidence regarding defendant’s claims of selective prosecution or government misconduct;
5. preclude the presentation of argument or introduction of evidence regarding federal prosecutors’ purported views of Michael Cohen’s credibility;
6. preclude argument regarding any alleged reliance on advice of counsel unless and until defendant establishes a sufficient factual predicate for that defense;



7. preclude evidence or argument regarding legal defenses the Court has already rejected; and
8. permit the introduction of potential *Molineux* evidence.

**I. Motion to exclude witness testimony or argument regarding federal election laws.**

**A. Introduction.**

Defendant intends to proffer witness testimony at trial from Bradley A. Smith about “industry norms, regulations, and practices” regarding “federal election laws,” including campaign finance law. Ex. 1. The Court should exclude Mr. Smith’s testimony because conclusions of law are not proper expert testimony; because his proposed testimony is irrelevant; and because the proposed testimony would improperly mislead and confuse the jury. Two different federal courts have precluded Mr. Smith’s proposed testimony on campaign finance law in separate criminal prosecutions, and his testimony is just as improper here. *See United States v. Bankman-Fried*, No. 22-cr-673 (LAK), 2023 WL 6162865, at \*3 (S.D.N.Y. Sept. 21, 2023); *United States v. Suarez*, No. 5:13-cr-420, slip op. at 1-2 (N.D. Ohio June 24, 2014) (Ex. 2).

**B. Background.**

On January 22, 2024, defendant disclosed his intent to call Bradley A. Smith, a law professor and former member of the Federal Election Commission, as a witness at trial. *See* Ex. 1. Defendant styled this disclosure as a “Witness Disclosure (Background / Non-Expert Testimony),” and stated that Mr. Smith may be called as a witness “to testify about background information regarding federal election laws.” *Id.*

Defendant’s disclosure states that “Mr. Smith’s knowledge, skill, experience, training, and education are well beyond the ordinary lay person regarding federal election law, campaign finance law, and voting rights issues,” but asserts that “Mr. Smith is not being called as an ‘expert’

because the defense will not ask him to give an opinion but instead will call him to testify about industry norms, regulations, and practices.” *Id.*

The signed engagement letter between Mr. Smith and defense counsel for this matter describes the “Scope of Engagement” as follows:

Blanche Law is engaging me to provide, as requested, expert consultation in connection with litigation in the above-referenced matter, to provide required written reports to the court, and to provide expert testimony as necessary in both pre-trial and trial stages. If requested or approved by Blanche Law, I may also engage in commentary with media organizations covering the matter as part of this engagement. My services are requested for commentary on laws and regulations pertaining to campaign finance law and common campaign practices, and in particular to federal campaign finance law pursuant the [sic] Federal Election Campaign Act, 52 U.S.C. § 30301 [sic] et seq., and regulations issued thereunder, and to historical background on enforcement. The work may, as necessary, include additional research.

Ex. 3 at 1. Defendant is paying Mr. Smith \$1,200 per hour for this engagement.<sup>1</sup> *Id.*

### C. Argument.

#### 1. Defendant’s disclosure is properly considered a proffer of expert witness testimony, not lay witness testimony.

As an initial matter, the Court should treat Mr. Smith’s proposed testimony as expert testimony, not lay testimony.

Defendant has proffered Mr. Smith’s testimony on four broad topics:

- “That federal campaign finance laws provide (1) that a candidate cannot use campaign funds for personal expenses, (2) that if an expense does not ‘arise out’ of a campaign, it cannot be paid for using campaign funds, even if the expense would have an impact on the campaign, and (3) that an expenditure made by a candidate, or by a third-party on his behalf, must be reported as a campaign contribution only if it is a campaign contribution but not if it is a personal expenditure,” Ex. 1 at 2;

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<sup>1</sup> Defendant’s retention of a witness to “engage in commentary with media organizations covering the matter” at a rate of \$1,200 per hour, Ex. 3 at 1, raises separate concerns about potential efforts by defendant to taint the jury pool or otherwise prejudice these proceedings.

- “That at the time that Mr. Cohen made the payment to Stormy Daniels, there had never been a case in which someone was convicted of violating federal campaign finance laws by making a ‘hush payment’ to an alleged girlfriend or former lover (either directly or through a third party) using non-campaign funds, and that there had never been any finding by the Federal Election Commission that such conduct violates federal campaign finance law,” *id.*;
- “That the federal prosecution of former U.S. Senator and vice-presidential nominee John Edwards is the one public case in which a ‘hush payment’ theory has been alleged. Further, that in that case, the federal charges—including those based on purported federal campaign finance law violations—were either rejected by the jury or dismissed by the government.” *Id.*; and
- “That the Edwards prosecution was heavily criticized and resulted in a wide consensus, among the public, media, and legal scholars, that the conduct alleged did not violate federal campaign finance laws.” *Id.*

On its face, this proposed testimony relates exclusively to the interpretation and application of federal campaign finance law, rather than any factual issues relevant to this case. The proposed topics call for opinion testimony by a specialist; Mr. Smith is not a percipient witness as to any event or conduct at issue in this prosecution.

Defendant’s witness disclosure asserts that “Mr. Smith is not being called as an ‘expert’ because the defense will not ask him to give an opinion but instead will call him to testify about industry norms, regulations, and practices.” Ex. 1. But testimony about campaign finance law from a law professor whom defendant himself describes as having “knowledge, skill, experience, training, and education” in that specialized field “well beyond the ordinary lay person,” Ex. 1, is the very definition of expert opinion testimony. *See* Guide to N.Y. Evid. rule 7.01(1)(a), Opinion of Expert Witness. That defendant describes Mr. Smith’s proposed testimony as relating to “industry norms, regulations, and practices” does not change this conclusion, because of course the relevant norms, regulations, and practices he is describing are all governed by federal law and regulations. And in any event, testimony regarding “industry norms” in any specialized field is generally treated as expert opinion testimony under New York law. *See, e.g.,* Prince, Richardson

on Evidence § 7-307 (noting that “standards within an industry” is the subject matter of expert testimony) (*citing, e.g., Lugo v. LJM Toys*, 75 N.Y.2d 850, 852 (1990)); *see also Regan v. Eight Twenty Fifth Corp.*, 287 N.Y. 179, 182 (1941); *French v. Ehrenfeld*, 180 A.D.2d 895, 896 (3d Dep’t 1992); *Bailey v. Baker’s Air Force Gas Corp.*, 50 A.D.2d 129, 132 (3d Dep’t 1975); *Berman v. H.J. Enters., Inc.*, 13 A.D.2d 199, 201 (1st Dep’t 1961).

Indeed, the engagement letter between Mr. Smith and defense counsel in this case shows that he was retained at a \$1,200-per-hour rate “as an expert consultant and witness” to provide “expert testimony as necessary in both pre-trial and trial stages” of this prosecution. Ex. 3. Where defendant retained a law professor and agreed to pay him \$1,200 an hour to serve “as an expert consultant and witness” by providing “expert testimony” about his interpretation of campaign finance law (Ex. 3), on the basis of “knowledge, skill, experience, training, and education” that are “well beyond the ordinary lay person” (Ex. 1), the Court should reject defendant’s claim that the witness is “not being called as an ‘expert.’”<sup>2</sup> *Id.*

**2. Mr. Smith’s proposed testimony should be excluded in full because expert testimony as to a legal conclusion is impermissible.**

The Court should preclude Mr. Smith’s proffered testimony because defendant seeks to call him to testify about conclusions of law, and testimony regarding conclusions of law is impermissible. Just a few months ago, Judge Kaplan in the Southern District of New York precluded Mr. Smith’s proposed testimony for the defendant regarding the application of federal campaign finance law to the government’s prosecution of Sam Bankman-Fried on the ground that,

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<sup>2</sup> For the reasons described below, Mr. Smith’s improper testimony should be excluded in full. If his testimony is not precluded entirely, however, the Court should still conclude that he is an expert witness and should direct defendant to comply immediately and fully with all discovery obligations under CPL § 245.20(1)(f). Defendant should not be permitted to evade or delay reciprocal discovery by retaining a law professor “as an expert consultant and witness,” Ex. 3, but then claiming that “he is not being called as an ‘expert.’” Ex. 1.

among other reasons, “Mr. Smith’s testimony is improper because he seeks to instruct the jury on issues of law.” *Bankman-Fried*, 2023 WL 6162865, at \*3. This Court should do the same.

Expert testimony is permitted where the Court determines that scientific, technical, medical, or other specialized knowledge is necessary to “help the finder of fact to understand the evidence or determine a fact in issue.” Guide to N.Y. Evid. rule 7.01(1)(b), Opinion of Expert Witness; see *People v. Inoa*, 25 N.Y.3d 466, 472 (2015); *People v. Cronin*, 60 N.Y.2d 430, 432-33 (1983). But “[e]xpert opinion as to a legal conclusion is impermissible.” *Colon v. Rent-A-Center, Inc.*, 276 A.D.2d 58, 61 (1st Dep’t 2000) (citing *Marx & Co., Inc. v. Diners’ Club Inc.*, 550 F.2d 505, 508-12 (2d Cir. 1977)); see also *Russo v. Feder, Kaszovitz, Isaacson, Weber, Skala & Bass, LLP*, 301 A.D.2d 63, 68-69 (1st Dep’t 2002) (“An expert may not be utilized to offer opinion as to the legal standards which he believes should have governed a party’s conduct.”); *People v. Kirsh*, 176 A.D.2d 652, 653 (1st Dep’t 1991) (trial court properly denied defendant’s application to call an expert who would have offered opinion as to a legal defense), *leave denied*, 79 N.Y.2d 949 (1992); *People v. Johnson*, 76 A.D.2d 983, 984 (3d Dep’t 1980) (same). Indeed, “[t]he rule prohibiting experts from providing their legal opinions or conclusions is ‘so well-established that it is often deemed a basic premise or assumption of evidence law—a kind of axiomatic principle.’” *In re Initial Pub. Offering Sec. Litig.*, 174 F. Supp. 2d 61, 64 (S.D.N.Y. 2001) (quoting Tomas Baker, *The Impropriety of Expert Witness Testimony on the Law*, 40 U. Kan. L. Rev. 325, 352 (1992)).

Expert testimony as to a legal conclusion is properly excluded because it does not “help the finder of fact to . . . determine a fact in issue,” Guide to N.Y. Evid. rule 7.01(1)(b), and instead improperly infringes on the Court’s role. “Each courtroom comes equipped with a ‘legal expert,’ called a judge, and it is his or her province alone to instruct the jury on the relevant legal standards.”

*Burkhart v. Wash. Metro. Area Transit Auth.*, 112 F.3d 1207, 1213 (D.C. Cir. 1997) (trial court erred in admitting expert testimony that “consisted of impermissible legal conclusions rather than permissible factual opinions”). Courts routinely and properly exclude testimony that purports to explain the law to the jury. *See United States v. Stewart*, 433 F.3d 273, 311-12 (2d Cir. 2006) (trial court properly excluded defense expert testimony regarding legal principles because “[c]learly, an opinion that purports to explain the law to the jury trespasses on the trial judge’s exclusive territory”); *Kirsh*, 176 A.D.2d at 653 (“Any instructions . . . as to a legal defense lay within the responsibility of the court”); *Johnson*, 76 A.D.2d at 984 (trial court properly excluded defense expert because “the proposed expert testimony involved interpretation and application of the Social Services Law and pertinent regulations and such was within the sole province of the court”).

This Court had occasion to apply this principle very recently in connection with the proffered testimony of a defense expert in the *Trump Corporation* prosecution, during which the Court repeatedly noted that “this Court will not permit this trial to become a referendum on the Internal Revenue Code or a master class on taxation. The evidence at trial will be limited to what is relevant and necessary for the finders of fact to perform their duties – and nothing more.” Decision & Order 3, *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Jan. 5, 2022) (Ex. 4); *see also* Hearing Tr. 33, *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Oct. 20, 2022) (“[A]s I said a long time ago, this trial is not going to turn into a master class on taxation, and I’m certainly not going to permit the jury to become confused by irrelevant issues.”) (Ex. 5).

As noted in Part I.C.1 above, each of the four topics of Mr. Smith’s proposed testimony relates exclusively to the interpretation and application of federal campaign finance law. Ex. 1. Testimony purporting to explain how campaign finance law applies to the election interference

scheme at issue in this prosecution would run afoul of the axiomatic principle that “[e]xpert opinion as to a legal conclusion is impermissible.”<sup>3</sup> *Colon*, 276 A.D.2d at 61. Indeed, as noted above, a federal court very recently precluded Mr. Smith from testifying for the defense in a criminal trial—on topics much like those he proposes to testify about here—on the ground that his proffered testimony improperly sought to instruct the jury on the law.<sup>4</sup> *See Bankman-Fried*, 2023 WL 6162865, at \*3. Mr. Smith’s effort to instruct the jury on campaign finance law should get no more purchase in this case than it did before Judge Kaplan in the Southern District of New York. The Court should preclude Mr. Smith’s proposed testimony here on the ground that it is improper legal instruction. *See id.*; *Russo*, 301 A.D.2d at 68-69; *Colon*, 276 A.D.2d at 61; *Kirsh*, 176 A.D.2d at 653; *Johnson*, 76 A.D.2d at 984.

**3. Mr. Smith’s proposed testimony should be excluded in full because it is irrelevant.**

Mr. Smith’s proposed testimony should be excluded on the entirely separate ground that it is irrelevant. Indeed, Mr. Smith was prohibited from testifying in a different federal criminal prosecution where the trial court held that Mr. Smith’s views regarding federal campaign finance law were irrelevant to the defendants’ own state of mind in that case. *See United States v. Suarez*, No. 5:13-cr-420, slip op. at 1-2 (N.D. Ohio June 24, 2014) (Ex. 2). Mr. Smith’s testimony is just as irrelevant here.

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<sup>3</sup> To the extent the Court treats Mr. Smith as a lay witness and not an expert witness, his testimony should still be excluded. The same reasons that bar expert testimony about legal matters also extend to lay testimony, including that it is the trial judge’s exclusive role to instruct the jury on the law.

<sup>4</sup> Mr. Smith’s expert witness disclosure in the *Bankman-Fried* prosecution is appended as Ex. 6 for comparison to his disclosure here. As in this case, Mr. Smith sought to testify regarding Federal Election Commission “rules and decisions governing the application and interpretation” of specific sections of the Federal Election Campaign Act, Ex. 6 at 2; as well as purportedly “[c]ommon, established, and well-known practices” for certain kinds of campaign contributions, Ex. 6 at 3.

Defendant is charged with thirty-four felonies for falsifying business records with the intent to commit, aid, or conceal the commission of another crime, in violation of Penal Law § 175.10. As pertinent here, the People may allege at trial that among the crimes defendant intended to commit, aid, or conceal are violations of the Federal Election Campaign Act (“FECA”). On that issue, the relevant question for the finder of fact is what defendant intended when he falsely described the reimbursements to Cohen for the Stormy Daniels payoffs as payments for legal services pursuant to a retainer agreement; and whether his intent in doing so included concealing Cohen’s criminal violation of federal campaign finance law in connection with that payoff. Mr. Smith does not purport to have any direct evidence of defendant’s state of mind. His proposed testimony about what unspecified others might have thought about the facts of a different case is thus irrelevant to the jury’s factual findings regarding defendant’s fraudulent intent here.

Mr. Smith’s own proposed—and excluded—testimony in yet another criminal case again provides support for the exclusion of his testimony here. In *United States v. Suarez*, the defendant sought to introduce expert testimony from Mr. Smith to testify that “federal campaign laws are confusing to individuals who lack formal training,” that “people often misunderstand the campaign laws,” and that “it is reasonable for individuals to believe that the law allows ‘straw man’ donations.” *Suarez*, slip op. at 1-2 (Ex. 2). The court held that “the expert testimony offered by Smith is inadmissible because it is not relevant.” As the court explained:

[W]hether the laws are commonly misunderstood does not weigh on whether defendants *in this case* intended to violate the campaign finance laws. What other individuals who may have contacted Smith knew or thought simply has no bearing on what defendants knew or thought. Because the evidence is not relevant, it will not be admitted.

*Id.* at 3. The exact same reasoning applies here. Mr. Smith proposes to testify that some among “the public, media, and legal scholars” thought the conduct alleged in the *United States v. Edwards* prosecution did not violate federal campaign finance laws; and the import of Mr. Smith’s proposed



testimony on the other topics in his disclosure is that federal campaign finance law does not clearly criminalize some personal expenditures on other facts. Ex. 1. But the only relevant question in this case is whether—after Cohen made an illegal campaign contribution to defendant by paying \$130,000 to Stormy Daniels to silence her on the eve of a presidential election—defendant intended to conceal that crime by falsely describing his reimbursements to Cohen as payments for legal services pursuant to a retainer. Mr. Smith’s proposed testimony about industry norms, or about what other people might have thought the law would criminalize on other facts, “does not weigh on whether defendant[] *in this case* intended to violate [or conceal violations of] the campaign finance laws.”<sup>5</sup> *Suarez*, slip op. at 3 (Ex. 2).

This Court reached the same conclusion as to the defense’s proffered expert in the *Trump Corporation* prosecution, holding that the defendants were prohibited from offering expert testimony regarding what “any of the high managerial agents intended” because “He’s an expert. He was not there. He did not speak to them. He cannot read their minds. He does not know what their intent was.” *See* Hearing Tr. 14, *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Oct. 21, 2022) (Ex. 7). The same reasoning applies here, and the Court should exclude Mr. Smith’s testimony in full as irrelevant.

**4. Mr. Smith’s proposed testimony about whether the Stormy Daniels payoff violated federal campaign finance law should be excluded because it would mislead and confuse the jury.**

If the Court does not exclude Mr. Smith’s proposed testimony in full for the reasons identified above, the Court should exclude his proposed testimony regarding whether the conduct

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<sup>5</sup> And to the extent Mr. Smith did plan to testify regarding his speculative views of defendant’s potential intent based on what Mr. Smith thinks others thought of the *Edwards* prosecution, that too would be wholly inadmissible and improper; it is settled law that an expert may not testify as to a defendant’s intent. *See People v. Kincey*, 168 A.D.2d 231, 232 (1st Dep’t 1990) (“It was highly improper and prejudicial to allow [an expert] to testify concerning the defendant’s intent”).

involved in Cohen’s payoff to Stormy Daniels “violates federal campaign finance law”—the second topic in Mr. Smith’s witness disclosure, *see* Ex. 1—because it would mislead and confuse the jury.

Michael Cohen pleaded guilty to and was convicted of two criminal counts of violating FECA in connection with the Karen McDougal and Stormy Daniels payoffs. *See* Judgment of Conviction, *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Dec. 12, 2018) (the “*Cohen* Judgment”) (Ex. 8). In connection with the Daniels payment in particular, Cohen was charged with and pleaded guilty to the offense of making an excessive campaign contribution in violation of 52 U.S.C. §§ 30116(a)(1)(A) and 30116(a)(7). *See* Information ¶¶ 24-44, *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Aug. 21, 2018) (Ex. 9); Hearing Tr. 23-24, 27-28, *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Aug. 21, 2018) (the “*Cohen* Hearing Tr.”) (Ex. 10). The federal district court had an independent obligation to “assure itself . . . that the conduct to which the defendant admits is in fact an offense under the statutory provision under which he is pleading guilty.” *United States v. Culbertson*, 670 F.3d 183, 191 (2d Cir. 2012). Mindful of that obligation, the district court accepted Cohen’s guilty plea and adjudged Cohen guilty: “[B]ecause I find your plea is entered knowingly and voluntarily and is supported by an independent basis in fact containing each of the essential elements of the crimes, I accept your guilty plea and adjudge you guilty of the eight offenses to which you have just pleaded as charged in the information.” *Cohen* Hearing Tr. 28 (Ex. 10); *see also* *Cohen* Judgment (Ex. 8).

Mr. Smith’s proposed testimony—that “at the time Mr. Cohen made the payment to Stormy Daniels, there had never been a case in which someone was convicted of violating federal campaign finance laws by making a ‘hush payment’ to an alleged girlfriend or former lover (either indirectly or through a third party) using non-campaign funds,” Ex. 1—appears intended to suggest

to the jury that the Daniels payoff was not a crime. But it was, in fact, a crime: a federal judge concluded that the conduct to which Cohen admitted “is in fact an offense” under FECA. *Culbertson*, 670 F.3d 183, 191 (2d Cir. 2012); and Cohen went to prison for it. *See Cohen Judgment* (Ex. 8). Expert testimony purporting to show that such conduct did not “violate[] federal campaign finance law” would therefore mislead the jury and should be excluded. *See, e.g., People v. Corby*, 6 N.Y.3d 231, 234 (2005); *People v. Davis*, 43 N.Y.2d 17, 27 (1977).

**5. Mr. Smith’s proposed testimony about the *United States v. Edwards* prosecution should be excluded because it would mislead and confuse the jury.**

Finally, and if the Court does not exclude Mr. Smith’s proposed testimony in full for the reasons identified above, the Court should exclude the witness’s proposed testimony regarding the *United States v. Edwards* prosecution—the third and fourth topics in Mr. Smith’s witness disclosure, *see* Ex. 1—because it would mislead and confuse the jury.

The United States indicted former Senator and presidential candidate John Edwards in 2011 on four counts of acceptance and receipt of illegal campaign contributions in violation of FECA, 52 U.S.C. §§ 30116(a)(1)(A), 30116(f), 30109(d)(1)(A)(i). The indictment alleged that while running for President in 2007 and 2008, Edwards was engaged in an extramarital affair with a woman that resulted in her pregnancy. He allegedly sought to conceal the affair and pregnancy from the public out of concern that public disclosure would undermine his campaign. Edwards and a campaign staffer solicited money from several friends and campaign donors of Edwards, which was then sent to the woman to cover living expenses and medical care for the purpose of keeping her from disclosing the affair and pregnancy during the campaign. The government alleged that those donations were illegal contributions, and that Edwards was aware they were illegal contributions and intentionally violated the law by accepting and failing to disclose them. *See*

*generally* Government’s Resp. to Def.’s Mot. to Dismiss 2-6, *United States v. Edwards*, No. 1:11-cr-161-1 (M.D.N.C. Sept. 26, 2011), ECF No. 59.

Edwards moved to dismiss the indictment on the ground that he was motivated by non-campaign-related, purely personal reasons to conceal the relationship, and that payments to conceal an affair for personal reasons do not become unlawfully campaign-related just because disclosure of the affair might also have the effect of damaging his candidacy for office. The government argued that under FECA and the Federal Election Commission’s implementing regulations, third-party payments of expenses for a candidate’s personal use are campaign contributions—and thus subject to FECA’s donation limits and disclosure requirements—“unless the payment would have been made irrespective of the candidacy.” *Id.* at 10 (quoting 11 C.F.R. § 113.1(g)(6)).

The district court denied the motion to dismiss without prejudice to it being raised after the close of the government’s evidence at trial. *See* Hearing Tr. 4-5, *United States v. Edwards*, No. 1:11-cr-161-1 (M.D.N.C. Oct. 27, 2011), ECF No. 108. The defense moved again after the close of the government’s case, and the court again denied the motion. *See* Trial Tr. 97, *United States v. Edwards*, No. 1:11-cr-161-1 (M.D.N.C. May 11, 2012), ECF No. 303. The court ultimately provided the following jury instructions (in relevant part): “The government does not have to prove that the sole or only purpose of the money was to influence the election. People rarely act with a single purpose in mind. . . . If you find beyond a reasonable doubt that one of her purposes was to influence an election, then that would be sufficient.” *See* Final Jury Instructions 8-9, *United States v. Edwards*, No. 1:11-cr-161-1 (M.D.N.C. May 18, 2012), ECF No. 288. The jury then acquitted Edwards on the charges.

Thus, in the *Edwards* prosecution, the government's case was lost not on the legal sufficiency of the allegations but on the jury's factual findings at trial. And that jury verdict of acquittal has no legal import here. Apart from double jeopardy protection for the specific defendant in a given case, a jury acquittal does not establish legal precedent—it may reflect mistake, compromise, or lenity, *see United States v. Powell*, 469 U.S. 57, 65 (1984); and is in any event not a holding as to the law. The only conceivably relevant legal determinations from the *Edwards* case are the denials of the defendant's motions to dismiss and the trial court's jury instruction quoted above—all of which support the People here, and which Mr. Smith's proposed testimony conspicuously fails to address.

Here, the People intend to present evidence at trial showing that the Stormy Daniels payoff (and the other underlying federal campaign finance violations) were *not* purely personal; and that instead, at least one of the purposes of the entire hush money scheme was to influence the 2016 presidential election. Because testimony from Mr. Smith explaining that former Senator Edwards was acquitted at trial does not illuminate whether the payoff scheme here was intended in part to influence defendant's candidacy for the 2016 election, its admission could only mislead and confuse the jury. *See Corby*, 6 N.Y.3d at 234-35; *Primo*, 96 N.Y.2d at 356-57. The jury's factual findings about former Senator Edwards's motives following the presentation of evidence in that trial do not bear on defendant's motives here. And as noted, Mr. Smith's proposed testimony makes clear that he has nothing to say on the factual issue that was the dispositive factor in *Edwards*—namely, what was defendant's intent when he falsified the reimbursements to Cohen. Mr. Smith's testimony regarding the outcome of the *Edwards* trial should thus be excluded as misleading and confusing.

## **II. Motion to exclude evidence or argument regarding the Federal Election Commission’s dismissal of complaints against defendant.**

### **A. Introduction.**

The Federal Election Commission (“FEC”) received a number of administrative complaints against defendant in connection with the hush money payoffs at issue in this prosecution and dismissed those complaints without investigation after the Commissioners deadlocked on tie votes regarding whether or not to proceed. Defendant has asserted in public statements and may seek to argue at trial that this prosecution is unwarranted because of those dismissals. *See* Ex. 11.<sup>6</sup> The Court should exclude any evidence or argument at trial regarding dismissal of the FEC complaints against defendant because those dismissals are not relevant to the determination of any legal question or fact in issue in this prosecution, and because evidence or argument regarding those dismissals would confuse and mislead the jury.

### **B. Background.**

The FEC received and considered multiple complaints that defendant and others violated FECA in connection with the payoff scheme involving Daniels, McDougal, and Sajudin.<sup>7</sup> *See* 11

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<sup>6</sup> *E.g.*, Ex. 11 at 1 (claiming that “[t]he FEC dopped the ‘Horseface’ Daniels Fake Witch Hunt, because they found no evidence of problems.”); Ex. 11 at 3 (claiming that “[e]very Prosecutor, and the FEC, who looked at it, took a pass.”).

<sup>7</sup> The FEC’s compliance procedures are codified at 11 C.F.R. part 111. Under those procedures, “[a]ny person who believes that a violation of” FECA has occurred “may file a complaint in writing with the General Counsel” of the FEC. 11 C.F.R. § 111.4(a). The General Counsel reviews those complaints and makes a recommendation to the Commission “whether or not it should find reason to believe that a respondent has committed or is about to commit a violation of statutes or regulations over which the Commission has jurisdiction.” 11 C.F.R. § 111.7(a). The Commissioners then vote on what is called a “reason to believe” finding, with an affirmative vote of four (out of six) Commissioners required to proceed to open an investigation. *Id.* § 111.9(a). If four Commissioners vote in favor of a reason-to-believe finding, an investigation is conducted and subsequent steps in the compliance process follow (including, if warranted, a “probable cause to believe” recommendation and finding, conciliation attempts, and civil litigation). *See id.* §§ 111.9(a), 111.10, 111.16–19. Absent four votes at the reason-to-believe stage, no investigation

C.F.R. §§ 111.3(a), 111.4(a). As to defendant’s culpability in connection with the McDougal and Sajudin payoffs, the six members of the FEC split three-three on whether there was reason to believe that defendant knowingly and willfully accepted prohibited contributions, and because the votes of four out of six members are required for a reason-to-believe finding, *see* 11 C.F.R. §§ 111.9(a), 111.10(a), the Commission closed the complaints before any investigation was conducted.<sup>8</sup> The three Commissioners who voted to dismiss did so *not* on the merits but instead as a matter of prosecutorial discretion, explaining that “[i]n choosing how to allocate the Commission’s limited enforcement resources, we opted against pursuing the long odds of a successful enforcement in these matters” against Trump, and “instead voted to dismiss as an exercise of prosecutorial discretion.” Statement of Reasons of Vice Chair Allen Dickerson et al., *In the Matter of Donald J. Trump for President, Inc., et al.*, Federal Election Comm’n Matter Under Review 7324, 7332, 7364, & 7366 (June 28, 2021) (Ex. 15).

The FEC resolved the complaints regarding defendant’s involvement in the Daniels payoff in the same way. The FEC again stalemated (this time on a two-two vote among the four participating Commissioners) on the question whether there was reason to believe that defendant knowingly and willfully accepted excessive contributions from Cohen. *See* Certification, *In the Matter of Michael D. Cohen, et al.*, Federal Election Comm’n Matter Under Review 7313, 7319, & 7379 (Mar. 31, 2021) (Ex. 16); Letter from Lynn Y. Tran, Assistant General Counsel, Federal

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is conducted, and the FEC then generally “terminates its proceedings” and closes the matter. *See id.* § 111.9.

<sup>8</sup> *See* Certification, *In the Matter of Donald J. Trump for President, Inc., et al.*, Federal Election Comm’n Matter Under Review 7324, 7332, 7364, & 7366 (Mar. 11, 2021) (Ex. 12); Letter from Lynn Y. Tran, Assistant General Counsel, Federal Election Commission, to E. Stewart Crosland (June 1, 2021) (Ex. 13); Statement of Reasons of Chair Shana M. Broussard & Commissioner Ellen L. Weintraub, *In the Matter of Donald J. Trump for President, Inc., et al.*, Federal Election Comm’n Matter Under Review 7324, 7332, 7364, & 7366 (July 1, 2021) (Ex. 14).

Election Commission, to E. Stewart Crosland (Mar. 31, 2021) (Ex. 17); 11 C.F.R. § 111.9(a). The two Commissioners who voted to dismiss did so *not* on the merits but “as an exercise of prosecutorial discretion” because (1) the FEC faced an “extensive enforcement backlog”; (2) “a federal judge was sufficiently satisfied” that Cohen had explained the factual basis for his guilty plea to FECA violations “count by count, during his allocution”; and (3) Cohen had already “been punished by the government of the United States.” Statement of Reasons of Commissioners Sean J. Cooksey & James E. “Trey” Trainor III, *In the Matter of Michael Cohen, et al.*, Federal Election Comm’n Matter Under Review 7313, 7319, & 7379 (Apr. 26, 2021) (Ex. 18). Accordingly, the two Commissioners concluded that “pursuing these matters further was not the best use of agency resources.” *Id.* The Commission then closed the complaints without investigation.

### **C. Argument.**

The Court should exclude evidence or argument regarding the FEC’s dismissal of these complaints for three reasons. First, because the FEC dismissed the complaints against defendant at the reason-to-believe stage without any investigation after the Commissioners stalemated on tie votes regarding whether to proceed, defendant’s public claims that the FEC “found no evidence of problems,” Ex. 11, is based on demonstrably false and misleading premises about how the FEC conducts its enforcement matters. Argument or evidence purporting to show (falsely) that the FEC cleared defendant of FECA culpability would improperly confuse and mislead the jury and should be excluded. *See Corby*, 6 N.Y.3d at 234; *Davis*, 43 N.Y.2d at 27.

Second, the fact of the FEC dismissals should be excluded because it is irrelevant. The FEC’s dismissal of administrative complaints against defendant without investigation does not make any fact regarding defendant’s intent to defraud—or any other element of the charged offenses—more or less probable, particularly where the Commissioners who voted to dismiss did so not on the merits but as an exercise of prosecutorial discretion. *See Lewis*, 69 N.Y.2d at 325.



Evidence or argument regarding the FEC's dismissals should therefore be excluded as irrelevant. *See People v. Greene*, 16 A.D.3d 350, 350 (1st Dep't 2005); *People v. Griffin*, 173 A.D.2d 120, 124-25 (4th Dep't 1991), *aff'd*, 80 N.Y.2d 723 (1993).

Finally, even if the FEC dismissals did reflect some determination by that agency regarding whether defendant violated FECA—which they do not—the dismissals should be excluded for the separate reason that whether defendant himself committed another crime is not material to the jury's determination of defendant's intent to defraud, as this Court has repeatedly recognized in this case. *See* Decision & Order on Def.'s Omnibus Motions 12 (Feb. 15, 2024) (the "*Trump Omnibus Decision*"); Decision & Order on Mot. to Quash Def.'s Subpoena 10 (Dec. 18, 2023). Courts have upheld convictions under Penal Law § 175.10 even when the defendant was acquitted of the crimes that he intended to commit or conceal, so long as the evidence showed that, notwithstanding the acquittal, defendant falsified business records with the requisite general intent. *See, e.g., People v. Holley*, 198 A.D.3d 1351, 1351-52 (4th Dep't 2021); *People v. Houghtaling*, 79 A.D.3d 1155, 1157-58 (3d Dep't 2010); *People v. McCumiskey*, 12 A.D.3d 1145, 1145-46 (4th Dep't 2004). And there is no requirement that a defendant intend to conceal the commission of *his own* crime; instead, "a person can commit First Degree Falsifying Business Records by falsifying records with the intent to cover up a crime committed by somebody else." *People v. Dove*, 15 Misc. 3d 1134(A), at \*6 n.6 (Sup. Ct. Bronx Cnty. 2007) (citing *People v. Smithtown Gen. Hosp.*, 93 Misc. 2d 736, 736 (Sup. Ct. Suffolk Cnty. 1978)). The FEC dismissals of administrative complaints against defendant are thus not material to whether defendant acted with the requisite intent to conceal the commission of another crime. Evidence or argument regarding the FEC dismissals should be excluded.

**III. Motion to exclude evidence or argument regarding any purported decision by the United States Department of Justice not to charge defendant with campaign finance violations.**

**A. Introduction.**

Defendant has asserted in public statements and may seek to argue at trial that this prosecution is unwarranted because the United States Department of Justice did not indict him for federal campaign finance violations. *See* Ex. 11. The Court should exclude any evidence or argument regarding any purported decision by the Justice Department not to charge defendant with violating federal campaign finance law because it is irrelevant and would mislead the jury.

**B. Argument.**

Defendant has frequently claimed that the Justice Department previously examined his conduct and “found that I did nothing wrong.” Ex. 11. That defendant was not indicted by the federal government in connection with the election interference scheme at issue here is probative of literally nothing relevant to this prosecution.

Defendant was the sitting President during the entire period that the federal government investigated the campaign finance violations to which Cohen pleaded guilty.<sup>9</sup> The Department of Justice “has long understood that a President is absolutely immune from arrest, indictment, and criminal prosecution while he remains in office.” Brief for the United States as Amicus Curiae Supporting Petitioner at 11, *Trump v. Vance*, 140 S. Ct. 2412 (2020) (No. 19-635). Thus, even assuming defendant was the target of a federal criminal investigation related to the campaign finance violations to which Cohen pleaded guilty, he could not have been indicted under the Justice

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<sup>9</sup> Cohen pleaded guilty to federal campaign finance violations in August 2018, *see Cohen* Hearing Tr. 23-24, 27-28 (Ex. 10); and the federal government concluded its investigation into whether other individuals may be criminally liable for that conduct in July 2019. *See* Government’s Letter 1 n.1, *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. July 18, 2019).

Department’s longstanding approach. *Cf. CREW v. U.S. Dep’t of Justice*, 45 F.4th 963, 968 (D.C. Cir. 2022) (noting that “[i]n light of the sitting President’s immunity from criminal prosecution, [Special Counsel] Mueller declined to determine whether President Trump’s potentially obstructive conduct” in connection with the investigation into Russian interference in the 2016 presidential election “constituted a crime”).

Argument or evidence that defendant was not charged with campaign finance violations by the Justice Department would thus improperly confuse and mislead the jury and should be excluded. *See Corby*, 6 N.Y.3d at 234; *Davis*, 43 N.Y.2d at 27; *see also, e.g., United States ex rel. Feldman v. van Gorp*, No. 03 Civ. 8135 (WHP), 2010 WL 2911606, at \*2-3 (S.D.N.Y. July 8, 2010) (granting motion *in limine* to exclude evidence of the Justice Department’s decision not to intervene in False Claims Act case as irrelevant, because “the government may have a host of reasons for not pursuing a claim” (quoting *United States ex rel. Atkins v. McInteer*, 470 F.3d 1350, 1360 n.17 (11th Cir. 2006))).

Such argument and evidence would also be irrelevant for the same reasons identified in Part II.C above: whether defendant himself violated FECA is not material to the jury’s determination of defendant’s intent to defraud. *Trump Omnibus Decision* 12; *see also People v. Taveras*, 12 N.Y.3d 21, 27 (2009); *People v. Thompson*, 124 A.D.3d 448, 449 (1st Dep’t 2015); *Houghtaling*, 79 A.D.3d at 1157-58; *McCumiskey*, 12 A.D.3d at 1145.

#### **IV. Motion to exclude evidence or argument regarding selective prosecution or government misconduct.**

##### **A. Introduction.**

Defendant may seek to argue at trial that he has been singled out for prosecution based on impermissible considerations, and—relatedly—that the charges in the indictment are novel or unprecedented. Selective prosecution is not a valid trial defense, and the Court properly rejected

defendant's pretrial motion to dismiss on this basis. *Trump* Omnibus Decision 20-22. Because the presentation of evidence or argument purporting to show selective prosecution would risk confusing and misleading the jury and is not probative of defendant's guilt or innocence, the Court should exclude any evidence or argument regarding defendant's claim of selective prosecution, including argument that the prosecution is politically motivated or that the charges are novel or unusual.

## **B. Argument.**

Defendant has repeatedly stated in court filings and public statements that this prosecution is based on impermissible motives and that he is being singled out for improper reasons. Defendant has also asserted in court filings and public statements that the charges in the indictment are "novel" or "unprecedented." *E.g.*, Def.'s Omnibus Mem. 29, 31. The Court should preclude defendant from presenting argument and introducing evidence of purported selective prosecution at trial because selective prosecution is not a valid trial defense, and because any selective prosecution argument at trial would serve no purpose other than to advance an improper jury nullification defense.

### **1. Selective prosecution is not a valid trial defense.**

The Court of Appeals has emphasized that a defendant's claim of selective prosecution is not a valid trial defense and is instead a constitutional claim for dismissal that should be addressed before trial. "[I]n our State, the claim of unequal protection is treated not as an affirmative defense to criminal prosecution or the imposition of a regulatory sanction but rather as a motion to dismiss or quash the official action." *Matter of 303 W. 42nd St. Corp. v. Klein*, 46 N.Y.2d 686, 693 (1979) (citing *People v. Goodman*, 31 N.Y.2d 262, 268-69 (1972); *People v. Utica Daw's Drug Co.*, 16 A.D.2d 12, 15-18 (4th Dep't 1962)). That is because "[a] claim of discriminatory enforcement does not reach the issue of the guilt or innocence of the defendant." *Goodman*, 31 N.Y.2d at 269;

*see also Utica Daw's Drug Co.*, 16 A.D.2d at 15-16. Thus, “the claim of discriminatory enforcement should not be considered as an affirmative defense to the criminal charge, to be determined together with the issue of guilt by the trier of fact, but, rather, should be addressed to the court *before trial* as a motion to dismiss the prosecution upon constitutional grounds.” *Goodman*, 31 N.Y.2d at 268-69.

Here, defendant moved to dismiss the indictment on the ground that he was singled out for prosecution for impermissible reasons, and sought discovery and an evidentiary hearing on that claim. The People opposed, and the Court denied defendant’s motion. *See Trump Omnibus Decision* 20-22. The presentation of any argument or evidence regarding defendant’s claims of selective prosecution at trial would be irrelevant to any fact the jury needs to decide, and would instead confuse and mislead the jury and needlessly prolong the trial. Indeed, the Court of Appeals has expressly recognized—in directing that claims of discriminatory enforcement “should be addressed to the court by a pretrial motion to dismiss”—that permitting the introduction at trial of argument or evidence on selective prosecution risks “delay or confusion at trial.” *Goodman*, 31 N.Y.2d at 269; *see People v. Decker*, 218 A.D.3d 1026, 1042 (3d Dep’t 2023) (trial court properly precluded defendant from “exploring a collateral issue concerning any potential bias of the [Sheriff’s Department], as the probative value of such evidence was outweighed by the danger that it could confuse or mislead the jury into deciding the case on issues beyond the evidence presented”).

**2. Argument regarding selective prosecution would improperly advance a jury nullification defense.**

Second, argument or evidence purporting to show selective prosecution should be excluded because it would serve no purpose other than to advance an improper jury nullification defense. As noted above, the Court of Appeals has long held that selective prosecution “does not reach the

issue of the guilt or innocence of the defendant,” *Goodman*, 31 N.Y.2d at 269; and this Court already considered and rejected defendant’s request for dismissal on the basis of claimed constitutional violations. *See Trump Omnibus Decision* 20-22. Presenting argument or evidence purporting to show that defendant was unfairly singled out for prosecution for political or other improper reasons would thus serve no purpose other than to urge the jury to acquit even if the facts establish each element of the charged offenses. But jury nullification “is not a legally sanctioned function of the jury.” *People v. Goetz*, 73 N.Y.2d 751, 752 (1998).

The Court should thus preclude defendant from mounting “a ‘political’ defense . . . and invit[ing] jury nullification by questioning the Government’s motives.” *United States v. Rosado*, 728 F.2d 89, 93 (2d Cir. 1984) (claims by the defendants that they were victims of political persecution were “matters far beyond the scope of legitimate issues in a criminal trial”); *see United States v. Regan*, 103 F.3d 1072, 1081 (2d Cir. 1997) (affirming district court’s decision to preclude defendant from “introducing evidence at trial that the grand jury investigation was illegitimate,” because “requir[ing] juries in perjury cases to evaluate the government’s motives for bringing particular investigations . . . would add a new element to the crime”); *see also Decker*, 218 A.D.3d at 1042.

**3. The Court should make clear that any holding that precludes argument regarding selective prosecution includes all versions of this claim that defendant has advanced in his frequent public comments on this case.**

The Court should specify that any holding that precludes defendant from presenting argument and evidence of selective prosecution includes, but is not limited to, the following claims that defendant has advanced in his frequent public comments on this case.

*I.* Argument or evidence purporting to show that the indictment is novel, unusual, or unprecedented should be precluded because it would be irrelevant and would “improperly invite[] the jury to make legal determinations,” which are “the exclusive province of the court.” *United*

*States v. Stewart*, No. 03-cr-717 (MGC), 2004 WL 113506, at \*1-2 (S.D.N.Y. Jan. 26, 2004) (granting motion *in limine* to preclude defendants from arguing that one of the counts in the indictment was “novel” or was “an unusual or unprecedented application of the securities laws”); *see United States v. Navarro*, 651 F. Supp. 3d 212, 242 (D.D.C. 2023) (granting the government’s motion *in limine* to exclude argument that the charges in that case were “infrequent” or “unprecedented,” because those arguments “simply repackage Defendant’s selective prosecution defense” and “are not relevant to any element of the charged offenses or any valid defense”); *see also* Hearing Tr. 38-39, *People v. The Trump Corporation*, Ind. No. 1473/2021 (Sup. Ct. N.Y. Cnty. Oct. 20, 2022) (granting the People’s motion *in limine* and holding that “the defendants are precluded from remarking during jury selection and in their opening statements that the charges are novel, unusual, or unprecedented”) (Ex. 5).

2. Argument or evidence regarding former Special Assistant District Attorney Mark Pomerantz’s purported views on this prosecution, as related in his book titled *People vs. Donald Trump: An Inside Account*, should be precluded because the selective prosecution claims defendant has cited that book to support were properly rejected in the Court’s omnibus ruling, *see Trump Omnibus Decision* 21-22; and because any hearsay statements in that book are irrelevant to defendant’s guilt or innocence in any event.

3. Argument or evidence regarding defendant’s claims regarding the length of the People’s investigation, his allegation of unconstitutional preindictment delay, and the related claim that this prosecution was somehow timed to interfere with defendant’s presidential campaign,<sup>10</sup> should be

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<sup>10</sup> *See, e.g.*, Hearing Tr. 12 (Feb. 15, 2024) (Defense counsel: “[I]t is completely election interference to say, you are going to sit in this courtroom, in Manhattan, when there is no reason for it.”); *Former President Trump on Hush Money Case*, C-SPAN (Feb. 15, 2024), <https://www.c-span.org/video/?533626-1/president-trump-hush-money-case> (Defendant: “It’s an election

precluded because those assertions “simply repackage Defendant’s selective prosecution defense,” *Navarro*, 651 F. Supp. 3d at 242; and could “confuse or mislead the jury into deciding the case on issues beyond the evidence presented.” *Decker*, 218 A.D.3d at 1042; *see also Trump Omnibus Decision 3-6* (rejecting defendant’s motion to dismiss based on the claim of unconstitutional pre-indictment delay).

4. Argument or evidence referencing the purported motivations or personal and professional backgrounds of the District Attorney or counsel for the People in this case should be precluded because it does not support an affirmative defense to prosecution; does not reach the issue of defendant’s guilt or innocence; risks confusing and misleading the jury; and improperly invites jury nullification. *See, e.g., Goodman*, 31 N.Y.2d at 269; *Decker*, 218 A.D.3d at 1042; *Rosado*, 728 F.2d at 93. Evidence and argument regarding “the motivation and conduct” of counsel “are categorically irrelevant”; and “even if evidence of them had any slight relevance, it would be substantially outweighed by the capacity of such evidence and lawyer arguments to confuse the jury and create unfair prejudice.” *Hart v. RCI Hospitality Holdings, Inc.*, 90 F. Supp. 3d 250, 271 (S.D.N.Y. 2015) (granting motion in limine); *see also United States v. Xiong*, 262 F.3d 672, 675 (7th Cir. 2001) (personal attacks on a party’s counsel are “reprehensible” and “detract from the dignity of judicial proceedings”).

5. Argument, questions, or evidence regarding potential punishment or other consequences of these proceedings<sup>11</sup> should be prohibited in front of the jury because it has no tendency to prove

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interference case. Nobody’s ever seen anything like it in this country, it’s a disgrace. . . . They want to keep me nice and busy so I can’t campaign so hard.”).

<sup>11</sup> *See, e.g.,* Trial Tr. 3628:3-6, *People by James v. Trump*, No. 452564/2022 (Sup. Ct. N.Y. Cnty. Nov. 6, 2023) (Defendant: “And it is a shame what is going on. And we sit here all day, and it is election interference because you want to keep me in this courthouse all day long, and let’s keep going.”) (Ex. 20).



any material fact. *See Lewis*, 69 N.Y.2d at 325; *see also Shannon v. United States*, 512 U.S. 573, 579 (1994) (“Information regarding the consequences of a verdict is . . . irrelevant to the jury’s task.”); *Navarro*, 651 F. Supp. 3d at 242. Similarly, arguments or evidence that the charges in this case are not serious or should be considered misdemeanors, as defendant has frequently asserted in court filings and public statements, should likewise be precluded. Presenting argument or eliciting evidence regarding the claimed seriousness of the offense or the effect of these proceedings on defendant’s outside commitments is also improper because it invites nullification and otherwise confuses the issues before the jury. *See Navarro*, 651 F. Supp. 3d at 242 (citing *United States v. Wade*, 962 F.3d 1004, 1012 (7th Cir. 2020)); *People v. Douglas*, 178 Misc. 2d 918, 926-28 (Sup. Ct. Bronx Cnty. 1998).

6. Argument or evidence regarding alleged bias or purported motivations of the Court and court staff should be precluded. Defendant prolifically attacks judges and court staff in his public comments,<sup>12</sup> and impugned the motives of the court on repeated occasions in the courtroom during court proceedings in the recent *People by James v. Trump* civil fraud trial.<sup>13</sup> Any such argument here would be irrelevant and would improperly invite the jury to reach a verdict based on something other than the evidence at trial. *Rosado*, 728 F.2d at 93.

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<sup>12</sup> *See, e.g.*, People’s Mot. to Quash or for a Protective Order 3-4 (Nov. 9, 2023) (collecting statements); People’s Mot. for a Protective Order 2-3, 7-12 (Apr. 24, 2023) (same).

<sup>13</sup> *See, e.g.*, Hearing Tr. 116, *People by James v. Trump*, No. 452564/2022 (Sup. Ct. N.Y. Cnty. Jan. 11, 2024) (Defendant to the Court: “You have your own agenda, I can certainly understand that. You can’t listen for more than one minute.”) (Ex. 19); Trial Tr. 3510:9-10, *People by James v. Trump*, No. 452564/2022 (Sup. Ct. N.Y. Cnty. Nov. 6, 2023) (“This is a very unfair trial, very, very.”) (Ex. 20); *id.* at 3558:5-3559:13 (“I think it’s fraudulent, the [court’s] decision. I think it’s fraudulent. The fraud is on the Court, not on me. . . . And how do you do that? How do you rule against somebody and call them a fraud, as the President of the United States, who did a great job. . . . It’s a terrible thing you did. You knew nothing about me. You believed this political hack back there, and that’s unfortunate.”) (Ex. 20); *id.* at 3628:7-8 (“And we have a very hostile Judge, extremely hostile Judge, and it is sad.”) (Ex. 20).

**V. Motion to exclude evidence or argument regarding the federal government's purported views of Michael Cohen's credibility.**

**A. Introduction.**

Defendant may argue or seek to introduce evidence of the Justice Department's purported views regarding Michael Cohen's credibility, including claims that he has lied to or withheld evidence from federal investigators or prosecutors in the past. Although Cohen and other witnesses may be subject to appropriate cross-examination on topics that properly go to their believability—subject to the Court's case-by-case assessment that such cross-examination is not irrelevant, prejudicial, or confusing—a witness may not be impeached based on the federal government's claimed hearsay opinions regarding credibility or prior bad acts. The Court should thus exclude argument or evidence regarding the Justice Department's purported views of Cohen's credibility.

**B. Argument.**

In multiple filings before this Court, defendant has cited Justice Department filings in Cohen's federal criminal case as evidence that Cohen lied to, made material false statements, or declined to provide full information to federal investigators or prosecutors. *See* Def.'s Mem. Opp. People's Mot. to Quash 10 (Nov. 30, 2023) (citing the Justice Department's 2019 opposition to Cohen's motion to reduce his sentence); Def.'s Mot. to Reargue 4-5 (Jan. 17, 2024) (citing the Justice Department's 2023 opposition to Cohen's motion for termination of supervised release). And in cross-examining Cohen during the *People by James v. Trump* civil fraud trial several months ago, counsel for Trump offered into evidence the federal government's 2018 sentencing memo from the *United States v. Cohen* prosecution (without objection by the Attorney General), and cross-examined Cohen on assertions by the federal government in that memo (again without objection). *See* Trial Tr. 2284-87, *People by James v. Trump*, No. 452564/2022 (Sup. Ct. N.Y. Cnty. Oct. 24, 2023). Because those observations by federal prosecutors are inadmissible hearsay

and improper opinion evidence regarding credibility, the Court should exclude at this trial argument or evidence purporting to describe the federal government's views of Cohen's credibility.

Hearsay is any out-of-court statement offered for its truth. *People v. Buie*, 86 N.Y.2d 501, 505 (1995). Memoranda or pleadings from court files offered for their truth are routinely excluded as inadmissible hearsay. *See, e.g., 2641 Concourse Co. v. City Univ. of New York*, 147 A.D.2d 379, 379 (1st Dep't 1989), *aff'g on op. below*, 135 Misc. 2d 464, 465-66 (N.Y. Ct. Cl. 1987); *Liberto v. Worcester Mut. Ins. Co.*, 87 A.D.2d 477, 478-79 (2d Dep't 1982); *People v. Brann*, 69 Misc. 3d 201, 207 (Sup. Ct. N.Y. Cnty. 2020). Evidence or argument based on the federal government's legal memoranda purporting to establish as true that Cohen lied to investigators or prosecutors should thus be excluded as inadmissible hearsay.

Evidence or argument regarding federal prosecutors' views of Cohen should separately be excluded because it would be improper opinion evidence. Opinion evidence is inadmissible as a general rule. *See* Prince, Richardson on Evidence § 7-101. Although there are exceptions to this general exclusion, *see* Guide to N.Y. Evid. rule 7.03(1) (Opinion of Lay Witness), opinion testimony regarding a witness's credibility is not among those exceptions because "[c]redibility is, as the cases have repeated and insisted from the dawn of the common law, a matter solely for the jury." *People v. Williams*, 6 N.Y.2d 18, 26 (1959).

Finally, the admission of evidence during cross-examination that purports to reflect federal prosecutors' views of Cohen's credibility as indicated in federal court filings would be an improper use of extrinsic evidence to challenge Cohen's credibility. "The general rule is that a party may not introduce extrinsic evidence on a collateral matter solely to impeach credibility." *Alvino*, 71

N.Y.2d at 248. The purposes of this rule are “judicial economy, to prevent needless multiplication of issues in a case, and to insure that the jury is not confused with irrelevant evidence.” *Id.*

**VI. Motion to preclude argument regarding any alleged reliance on advice of counsel unless and until defendant establishes a sufficient factual predicate at trial.**

**A. Introduction.**

The People ask the Court to preclude improper argument, including in opening statements, regarding any alleged reliance on advice of counsel unless and until defendant establishes a sufficient factual predicate for the advice-of-counsel defense at trial.

**B. Argument.**

First, defendant has not shown the proper predicate for an advice-of-counsel defense. In order for any defendant to employ that defense, there must be “sufficient facts in the record” to establish that the defendant “honestly and in good faith sought the advice of counsel,” “fully and honestly laid all the facts before his counsel,” and “in good faith and honestly followed counsel’s advice.” *United States v. Scully*, 877 F.3d 464, 476 (2d Cir. 2017) (quoting *United States v. Colasuonno*, 697 F.3d 164, 181 (2d Cir. 2012)). There is no evidence that would support any of these facts. Defendant has identified Alan Garten, the Trump Organization’s Chief Legal Officer, as a potential trial witness, but has not disclosed any statements from Mr. Garten pursuant to CPL § 245.20(4) or any other documents or records pursuant to CPL § 245.20(1)(o); and there is no other evidence that would support an advice-of-counsel defense.<sup>14</sup>

Second, New York law is clear that defendant’s “own testimony establishing reliance on counsel’s advice [is] a prerequisite to . . . the proposed defense of advice of counsel.” *People v.*

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<sup>14</sup> The Court has directed defendant “to provide notice and disclosure of his intent to rely on the defense of advice-of-counsel by March 11, 2024, and to produce all discoverable statements and communications within his possession or control by the same date.” Decision & Order Regarding Advice-of-Counsel Defense 6 (Feb. 7, 2024).

*Lurie*, 249 A.D.2d 119, 124 (1st Dep’t 1998), *leave denied*, 92 N.Y.2d 900 (1998), *habeas denied sub nom. Lurie v. Wittner*, 228 F.3d 113, 132-34 (2d Cir. 2000). Because defendant has no obligation to testify at trial—and because there is no way to confirm whether he will do so before he takes the stand—any argument that asserts reliance on an advice-of-counsel defense would be improper before defendant has met the necessary prerequisite through his own testimony.

Because there is currently no factual predicate to assert the advice-of-counsel defense, the Court should preclude any argument at trial suggesting otherwise—including in defendant’s opening statement—until sufficient facts are established. *See United States v. Lacey*, No. CR-18-00422, 2023 WL 4746562, at \*6-7 (D. Ariz. July 24, 2023) (holding that if evidence to support an advice-of-counsel defense has not been “disclosed or produced prior to opening statements, Defendants are precluded from making such early pronouncements,” because “[t]o permit Defendants to tell the jury” that they relied on the advice of counsel absent a sufficient factual predicate “would present irrelevant evidence, could be factually misleading, would result in jury confusion, and would prejudice the Government”); *United States v. Charlemagne*, No. 8:15-cr-462, 2016 WL 11678620, at \*2-3 (M.D. Fla. Sept. 2, 2016) (granting government’s motion in limine to preclude reference to reliance on advice of counsel in opening statement, “without prejudice to Defendant’s right to assert a good faith reliance on counsel defense if and when a proper predicate is laid and the attorney-client privilege is expressly waived by Defendant”); *United States v. King*, No. 3:06-cr-212, 2006 WL 3490805, at \*8 (M.D. Fla. Dec. 1, 2006) (describing oral order granting government’s motion in limine and ruling that “until Defendant could lay the proper predicate, Defendant could not argue that he relied on an attorney’s advice”).

**VII. Motion to exclude evidence or argument regarding legal defenses the Court has already rejected.**

The Court should exclude evidence or argument regarding legal defenses the Court has already rejected.

The Court's ruling on defendant's omnibus motions rejected various legal defenses, holding (among other things) that the People did not unconstitutionally delay bringing charges, *see Trump Omnibus Decision* 3-6; that a federal offense is a valid object crime for charges of first-degree falsifying business records, *id.* at 13-14; that New York Election Law § 17-152 applies to the charged conduct and is not preempted, *id.* at 15-16; that this prosecution was not motivated by an improper purpose, *id.* at 20-22; that the charges are timely under the statute of limitations, *id.* at 22-23; and that there are no violations of grand jury secrecy that affected the integrity of these proceedings, *id.* at 27-28.

Any argument or evidence that contradicts any of the Court's prior orders in this case should be excluded because questions of law are for the Court to decide. *See United States v. Gorham*, 523 F.2d 1088, 1098 (D.C. Cir. 1975) (it is "the duty of the court to expound the law and that of the jury to apply the law as thus declared to the facts as ascertained by them" (quoting *Sparf v. United States*, 156 U.S. 51, 106 (1895))); *Kirsh*, 176 A.D.2d at 653. And the introduction of evidence or argument regarding issues foreclosed by the Court's prior decisions would confuse the issues, mislead the jury, waste time, and cause undue delay.

**VIII. Motion to introduce potential *Molineux* evidence.**

The People respectfully request a pretrial ruling regarding the admissibility of three categories of potential *Molineux* evidence. *See People v. Ventimiglia*, 52 N.Y.2d 350, 362 (1981); *People v. Molineux*, 168 N.Y. 264 (1901).

First, the Court should permit the introduction of evidence regarding defendant's prior bad acts that relate to or were committed in the course of the underlying conspiracy to promote his election. This evidence is not *Molineux* evidence at all but is instead part of the *res gestae* of defendant's criminal conduct. To the extent the Court analyzes it under the *Molineux* doctrine, it is clearly admissible because it is highly relevant to material, non-propensity issues regarding defendant's intent to defraud.

Second, the Court should permit the introduction of evidence regarding (a) the Access Hollywood Tape, and (b) public allegations of sexual assault that followed the release of the Access Hollywood Tape in the fall of 2016. This evidence is probative of defendant's motive and intent, and provides necessary background and context to explain defendant's conduct to the jury.

Third, the Court should permit the introduction of evidence regarding defendant's prior bad acts that involve efforts to dissuade witnesses from cooperating with law enforcement—including through pressure campaigns, public harassment, and retaliation—because such evidence shows defendant's consciousness of guilt and corroborates his intent.

**A. Legal standard.**

Under the *Molineux* rule, “evidence of uncharged crimes is inadmissible where its *only* relevance is to show defendant's bad character or criminal propensity,” because of the concern that the jury will convict defendant based on his criminal predisposition rather than his involvement in the charged misconduct. *People v. Agina*, 18 N.Y.3d 600, 603 (2012) (emphasis added). By contrast, “when the evidence of the other crimes is relevant to an issue other than the defendant's criminal tendency,” the jury may properly consider such evidence to help flesh out its understanding of the charges against the defendant. *People v. Beam*, 57 N.Y.2d 241, 250 (1982). Thus, evidence of a defendant's uncharged crimes or other bad acts is admissible if (1) it is “relevant to some material issue in the case,” and (2) “the trial court determines in its discretion that the probative value of the

evidence outweighs the risk of undue prejudice to the defendant.” *People v. Frumusa*, 29 N.Y.3d 364, 369 (2017) (internal quotation marks omitted).

Evidence of a defendant’s prior bad acts is generally relevant to a material issue when the evidence is probative of a defendant’s “motive, intent, absence of mistake, identity, and common scheme or plan.” *Molineux*, 168 N.Y. at 292-94. The categories that the Court of Appeals identified in *Molineux* are “merely illustrative,” and “[t]here is no closed category of relevancy.” Prince, Richardson on Evidence § 4-501 (citing cases). Accordingly, courts have also held that the People may introduce evidence of uncharged conduct to, for example, “complete a witness’s narrative to assist the jury in their comprehension of the crime,” *People v. Mendez*, 165 A.D.2d 751, 752 (1st Dep’t 1990), or where the evidence is “inextricably interwoven with the narrative of events and was necessary background to explain to the jury the relationship” between the parties. *People v. Santiago*, 295 A.D.2d 214, 215 (1st Dep’t 2002).

“Weighing the evidence’s probative value against its potential prejudice to the defendant is a matter of discretion for the trial court.” *People v. Morris*, 21 N.Y.3d 588, 595 (2013) (internal quotation marks omitted). To be sure, “almost all relevant, probative evidence” of prior bad acts “will be, in a sense, prejudicial,” because “[e]vidence which helps establish a defendant’s guilt can always be considered evidence that ‘prejudices’ him or her.” *People v. Brewer*, 28 N.Y.3d 271, 277 (2016); *see also People v. Colavito*, 87 N.Y.2d 423, 429 (1996). “But the probative value of a piece of evidence is not automatically outweighed by prejudice merely because the evidence is compelling.” *Brewer*, 28 N.Y.3d at 277. Instead, what makes *Molineux* testimony permissible “is that the damage resulted from something other than [the evidence’s] tendency to prove propensity.” *Id.*



**B. The Court should permit the introduction of evidence regarding defendant's prior bad acts that relate to or were committed in the course of the underlying conspiracy to promote his election.**

The People allege that defendant falsified business records as part of a criminal scheme to conceal damaging information from the voting public in advance of the 2016 presidential election. *Trump* Omnibus Decision 1-3, 6. To establish the intent-to-defraud element of the charged offenses under Penal Law § 175.10, the People will introduce evidence at trial regarding defendant's agreement with others to influence the 2016 presidential election by identifying and purchasing negative information about him to suppress its publication and benefit his electoral prospects, as well as evidence regarding the steps that were taken to carry out that unlawful agreement.

In particular, and as described in the People's prior filings in this case, the People will present evidence regarding:

- defendant's August 2015 meeting at Trump Tower with David Pecker and Michael Cohen, where they agreed that Pecker would help with defendant's presidential campaign by identifying and suppressing negative information about defendant, and by publishing positive stories about defendant and negative stories about defendant's competitors for the election, *see, e.g., Trump* Omnibus Decision 1-2; People's Omnibus Opp. 3; People's Statement of Facts ¶¶ 7-9;
- the purchase of information from Dino Sajudin regarding an alleged out-of-wedlock child Trump had fathered with one of his housekeepers, *see* People's Omnibus Opp. 3-4, 8; People's Statement of Facts ¶¶ 10-11, 22-23;
- the purchase of information regarding an alleged extramarital relationship between Karen McDougal and defendant, *see Trump* Omnibus Decision 2; People's Omnibus Opp. 4-6, 8; People's Statement of Facts ¶¶ 12-15, 22-23;
- the purchase of information regarding an alleged sexual encounter between Stormy Daniels and defendant, *see Trump* Omnibus Decision 2-3; People's Omnibus Opp. 1, 6-8; People's Statement of Facts ¶¶ 3, 16-21; and
- AMI's publication of negative information about defendant's competitors for the election, as well as the publication of positive stories regarding defendant, *see* People's Omnibus Opp. 3; People's Statement of Facts ¶ 9.

As described below, this evidence is part of the *res gestae* of defendant's criminal conduct and is not properly considered *Molineux* evidence for that reason. For the avoidance of any doubt, however, the Court may also hold that even if this evidence does constitute evidence of prior uncharged crimes or bad acts under *Molineux*, it is admissible because it is inextricably interwoven with the narrative of events and is probative of defendant's intent, and because any prejudicial impact is outweighed by its probative value.

**1. Evidence regarding the formation and execution of defendant's conspiracy with others to influence the 2016 presidential election is not *Molineux* because it is part of the *res gestae* of his criminal conduct.**

Evidence regarding the Trump Tower agreement and the steps taken to implement that agreement is direct evidence of an element of the offense: namely, defendant's intent to defraud. First-degree falsifying business records requires that defendant's intent to defraud include "an intent to commit another crime or to aid or conceal the commission thereof." PL § 175.10. The People allege that defendant intended to commit or conceal election law crimes, including violations of Election Law § 17-152 and FECA. *See Trump* Omnibus Decision 12-16. The People must establish only that defendant *intended* to commit or conceal another crime. *Id.* at 12.

As the Court has already recognized, the evidence described above—including evidence of the August 2015 Trump Tower agreement; the payoffs to Sajudin, McDougal, and Daniels that were made because of the Trump Tower agreement; and AMI's publication of flattering stories about defendant paired with denigrating stories about his opponents—supports a finding that defendant intended to commit or conceal criminal conduct. *See id.* at 11-16. Thus, evidence regarding the agreement to promote defendant's election, as well as evidence of the steps taken to execute that agreement, is not *Molineux* evidence at all but is instead part of the *res gestae* of defendant's criminal conduct.

The Court of Appeals has explained that “the common thread in all *Molineux* cases is that the evidence sought to be admitted concerns a *separate* crime or bad act committed by the defendant. *Frumusa*, 29 N.Y.3d at 369-70. But “[w]here, as here, the evidence at issue is relevant to the very same crime for which the defendant is on trial, there is no danger that the jury will draw an improper inference of propensity because no separate crime or bad act committed by the defendant has been placed before the jury.” *Id.* at 370. Evidence regarding the formation and execution of defendant’s conspiracy with others to influence the 2016 presidential election is part of the *res gestae* of his criminal conduct and is admissible without regard to the *Molineux* doctrine. *See, e.g., People v. Alfaro*, 19 N.Y.3d 1075, 1076 (2012) (affirming decision below that evidence was properly admitted where “the items were part of the ‘res gestae’ of the entire criminal transaction”); *People v. Delacruz*, 199 A.D.3d 614, 614 (1st Dep’t 2021) (video of defendant displaying a gun and threatening the victim “did not constitute *Molineux* evidence” because it was instead “direct proof of defendant’s specific criminal intent”); *People v. Robinson*, 200 A.D.2d 693, 694 (2d Dep’t 1994) (affirming trial court’s admission of facts that were “essential components of the *res gestae*”).

**2. In the alternative, evidence regarding defendant’s conspiracy with others to influence the presidential election is centrally relevant to material issues in the case, and its probative value far outweighs any prejudicial effect.**

To the extent the Court concludes that evidence regarding the formation and execution of defendant’s conspiracy with others to influence the 2016 presidential election may be *Molineux* evidence, the Court should conclude that it is relevant to a material, non-propensity issue, and that the probative value of the evidence far outweighs the risk of undue prejudice. *See Frumusa*, 29 N.Y.3d at 370 (encouraging the People to bring possible evidentiary issues to the attention of the

court and defendant before trial, including where the *Molineux* doctrine may not need to be applied).

First, evidence of defendant’s steps to conspire with others to help his candidacy by purchasing and suppressing damaging information is “inextricably interwoven with the narrative of events and [is] necessary background to explain to the jury” the criminal conduct defendant intended to commit or conceal. *Santiago*, 295 A.D.2d at 215. Defendant is charged with falsely stating in the business records of New York enterprises that his 2017 payments to Cohen were for legal services rendered pursuant to a retainer agreement, when in fact those payments were instead reimbursements for one part—the Stormy Daniels payoff—of the conspiracy to assist defendant’s presidential campaign. Evidence regarding the Trump Tower agreement and the subsequent steps to execute the plan that was hatched at that meeting—which included the Daniels payoff—thus provides necessary background to explain the criminal conduct defendant intended to conceal when he falsified the business records at issue in this prosecution.<sup>15</sup> *See id.*; *see also, e.g., People v. Vails*, 43 N.Y.2d 364, 367-69 (1977) (*Molineux* evidence is relevant where it shows “a concurrence of common features such that the acts proved can naturally be explained as caused by a general plan of which each act is but a part”); *People v. DeJesus*, 127 A.D.3d 589, 590 (1st Dep’t 2015); *People v. Finkelstein*, 121 A.D.3d 615, 615-16 (1st Dep’t 2014). Indeed, the Court’s opinion on defendant’s omnibus motions described this evidence “by way of background” when

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<sup>15</sup> Relatedly, the People will also present evidence that the \$420,000 reimbursement amount to Cohen was made up in part of a \$50,000 request for reimbursement for expenses he claimed he incurred. *See Trump Omnibus Decision* 3; *People’s Omnibus Opp.* 8; *People’s Statement of Facts* ¶ 25. The People will elicit testimony that the \$50,000 expense claim related to Cohen’s payments to a tech firm, RedFinch Solutions, to rig an online poll ranking business leaders in defendant’s favor. Because the RedFinch expense is a component of the total reimbursement amount for the payments at issue in this criminal prosecution, it is admissible for the same reasons described above: it is part of the *res gestae* of defendant’s criminal conduct; and if the Court instead considers it *Molineux*, it is inextricably interwoven with the narrative of events.

introducing and describing the charged offenses. *Trump* Omnibus Decision 1-3; *see also* *People v. Till*, 87 N.Y.2d 835, 837 (1995) (evidence of prior bad acts admissible to provide necessary background information).

Second, and relatedly, this evidence is necessary to “complete the narrative” concerning the charged crimes. *Till*, 87 N.Y.2d at 837; *see also* *People v. Gines*, 36 N.Y.2d 932, 932-33 (1975). Evidence of the Trump Tower agreement and the steps the participants took to execute that agreement is all part of a single narrative that explains the illegal conduct defendant sought to conceal when he falsely described the payments to Cohen as payments for legal services instead of truthfully describing them as reimbursements for the Stormy Daniels payoff. *See, e.g., Alfaro*, 19 N.Y.3d at 1075 (holding that items were properly admitted where, “[e]ven assuming that the subject items constituted prior uncharged crimes evidence under *Molineux*,” they “completed the narrative of this particular criminal transaction”); *People v. Flambert*, 160 A.D.3d 605, 606 (1st Dep’t 2018) (evidence admissible where it tends to “place the events in question in a believable context”). Indeed, each of the transactions that was pursued as a result of the Trump Tower agreement is so central to the conspiracy to influence the election that the conspiracy cannot be accurately understood without reference to each of the other transactions—to omit any of the episodes would be to present an incomplete and nonsensical narrative of the events that form the basis for the charged conduct. This evidence is thus admissible because it is necessary to “flesh out the narrative so there are no gaps in the story line provided to the jury.” *People v. Leonard*, 29 N.Y.3d 1, 4 (2017); *People v. Green*, 35 N.Y.2d 437, 442 (1974) (“[S]ome cases are sufficiently complex that the jury would wander helpless, as in a maze, were the decisive occurrences not placed in some broader, expository context.”).

Third, this evidence is highly probative of defendant's intent. In cases where the defendant's mental state cannot be "inferred from the commission of the act" alone, the *Molineux* doctrine is especially flexible in permitting the introduction of evidence that tends to show that the defendant acted with the requisite state of mind. *Alvino*, 71 N.Y.2d at 242-43 (citing cases). Cases involving fraudulent intent are paradigmatic cases where *Molineux* evidence has often been allowed, "because a fraudulent intent rarely can be established by direct evidence." *Matter of Brandon*, 55 N.Y.2d 206, 211 (1982); *see also People v. Rodriguez*, 17 N.Y.3d 486, 489 (2011). Here, evidence that defendant agreed with others to execute an illegal scheme to identify and purchase negative information about him in order to suppress its publication and benefit his electoral prospects is highly probative of defendant's mental state when he later falsified business records to cover up that scheme. *See People v. Leeson*, 12 N.Y.3d 823, 827 (2009) (*Molineux* evidence was relevant to defendant's state of mind when it "placed the charged conduct in context" (quoting *People v. Dorm*, 12 N.Y.3d 16, 19 (2009))); *People v. Ingram*, 71 N.Y.2d 474, 480 (evidence is admissible under the *Molineux* intent exception where it "makes the innocent explanation improbable"); *see also Trump Omnibus Decision* 18-19 (evidence that defendant intended to pay money "to prevent the publication of information that could have adversely affected his presidential aspirations" was material to defendant's intent to defraud).

Finally, evidence regarding the specific allegations defendant sought to suppress through the Sajudin, McDougal, and Daniels payoffs is relevant to defendant's motive. In each instance, the allegations that defendant sought to suppress—that he had an out-of-wedlock child; that he had an extramarital sexual relationship; that he had an extramarital sexual encounter with an adult film actress—are allegations that defendant knew could damage his candidacy. *See Trump Omnibus Decision* 1; *People's Omnibus Opp.* 3-8; *People Statement of Facts* ¶¶ 10-23. Evidence regarding

the nature of these allegations is critical evidence that supports defendant's motive in making false entries in the relevant business records in order to prevent disclosure of both the payoff scheme and the underlying information. *See, e.g., People v. Frankline*, 27 N.Y.3d 1113, 1115 (2016) (evidence of a prior assault admissible to show motive for a subsequent assault); *Till*, 87 N.Y.2d at 837 (evidence of uncharged robbery was properly admitted where it "established a motive for defendant's attempt to kill or assault the off-duty police officer to avoid capture and punishment"); *People v. Johnson*, 137 A.D.3d 811, 812 (2d Dep't 2016) (*Molineux* testimony was properly admitted where "it was relevant to and probative of defendant's motive to commit the charged crimes").

The probative value of this evidence far outweighs any risk of "undue," *People v. Cass*, 18 N.Y.3d 553, 560 (2012), or "unfair," *Frankline*, 27 N.Y.3d at 1115, prejudice to defendant. As explained above, evidence that defendant conspired with others to unlawfully influence the 2016 presidential election could not be more probative: it bears directly on material issues involving defendant's state of mind when he later falsified business records to conceal that conspiracy, and separately provides necessary background to explain crucial context and complete the narrative regarding the charged crimes.

By contrast, the risk of undue prejudice to defendant is low. This evidence is centrally relevant to the jury's understanding of the charged offenses. "When evidence of uncharged crimes is relevant to some issue other than the defendant's criminal disposition," it is only when the evidence "is actually of slight value when compared to the possible prejudice to the accused" that it can be said its admission is an abuse of the trial court's discretion. *People v. Allweiss*, 48 N.Y.2d 40, 47 (1979); *see also Frumusa*, 29 N.Y.3d at 373 (evidence "was not unduly prejudicial" where, among other factors, "it was relevant to defendant's larcenous intent"); *Cass*, 18 N.Y.3d at 563

(evidence not unduly prejudicial where it had “a direct bearing” on the question of defendant’s intent). And because the evidence is directly relevant to specific issues in the case, there is little risk the jury will overestimate its significance. *See Allweiss*, 48 N.Y.2d at 46.

The Court should therefore hold that evidence of defendant’s prior acts is admissible where it relates to or was committed in the course of the underlying conspiracy to promote his election.

**C. The Court should permit the introduction of evidence regarding the Access Hollywood Tape and subsequent public allegations by women that defendant sexually assaulted them.**

The Court should also permit the introduction of evidence regarding (1) the Access Hollywood Tape; and (2) certain public allegations of sexual assault that followed the release of the Access Hollywood Tape in the fall of 2016. Each of these categories of evidence is probative of defendant’s motive and intent, and provides necessary background information for the jury that places the charged offenses in context.

**1. The Access Hollywood Tape.**

On October 7, 2016, about one month before the 2016 presidential election, the Washington Post published a video recorded in 2005 that depicted defendant saying to the host of *Access Hollywood*: “You know I’m automatically attracted to beautiful – I just start kissing them. It’s like a magnet. Just kiss. I don’t even wait. And when you’re a star, they let you do it. You can do anything. . . . Grab ’em by the pussy. You can do anything.” *Carroll v. Trump*, 660 F. Supp. 3d 196, 200-01 (S.D.N.Y. 2023) (quoting the Access Hollywood Tape). In response, defendant issued public statements describing the tape as “locker room banter,” Ex. 21, and drawing a distinction between words (which he admitted saying) and conduct (which he denied).<sup>16</sup>

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<sup>16</sup> Both the Access Hollywood Tape and defendant’s statements explaining his remarks on that tape (by distinguishing between words and conduct) are contained in video exhibits which the People will submit to the Court if the Court would like to review them in adjudicating this motion.



The Access Hollywood Tape is centrally relevant to critical issues in the case, and its probative value outweighs any risk of undue prejudice. The evidence at trial will show that after the release of the Access Hollywood Tape one month before the presidential election, defendant and his campaign staff were deeply concerned that the tape would harm his viability as a candidate and reduce his standing with female voters in particular. The release of the tape—and the accompanying concerns about its possible impact on the election—are thus directly related to the Stormy Daniels payoff, which was executed just a few weeks later. *See* People’s Omnibus Opp. 6-7, 55; People’s Statement of Facts ¶¶ 16-21. The Access Hollywood Tape is such a central component of defendant’s conspiracy to influence the election that it is “inextricably interwoven with the narrative of events and [is] necessary background to explain to the jury” why the Daniels payoff was made when it was. *Santiago*, 295 A.D.2d at 215; *see also Vails*, 43 N.Y.3d at 367-69; *Green*, 35 N.Y.2d at 442. Omitting the Access Hollywood Tape would leave counterfactual and artificial “gaps in the story line presented to the jury,” *Leonard*, 29 N.Y.3d at 4; the tape is necessary to “complete[] the narrative of this particular criminal transaction,” *Alfaro*, 19 N.Y.3d at 1075, and “place the events in question in a believable context,” *Flambert*, 160 A.D.3d at 606.

The Access Hollywood Tape is also relevant to defendant’s intent and motive at the time he and his confederates executed the Daniels payoff and when he later sought to conceal it. *See Trump Omnibus Decision* 18-19. Evidence regarding the tape and its impact on the campaign supports the conclusion that defendant wanted to avoid further damaging disclosures immediately before the election, which makes other, “innocent explanation[s]” for the payoff and coverup “improbable.” *Ingram*, 71 N.Y.2d at 480. The tape is highly relevant to defendant’s motive for the same reason—it supports the conclusion that he suppressed the Daniels story and then concealed the payoff because he believed additional disclosures about an alleged sexual encounter with an

adult film actress, following immediately on the heels of the Access Hollywood Tape, would cost him votes. *Frankline*, 27 N.Y.3d at 1115; *Till*, 87 N.Y.2d at 837. Indeed, the release of the Access Hollywood Tape was so monumental to the campaign that the first draft of the non-disclosure agreement with Stormy Daniels was penned within four days. The motivation to complete the Daniels non-disclosure agreement cannot be understood without reference to the desperation facing defendant and his campaign in the wake of the tape’s release.

The probative value of the Access Hollywood Tape outweighs any risk of undue prejudice. The Access Hollywood Tape and its impact on the campaign could not be more relevant to the Daniels payoff and subsequent coverup. As the Court of Appeals has explained, “[i]f the evidence has substantial probative value and is directly relevant to the purpose—other than to show criminal propensity—for which it is offered, the probative value of the evidence outweighs the danger of prejudice and the court may admit the evidence.” *Cass*, 18 N.Y.3d at 560. And the prejudicial impact is low because the evidence is directly relevant to defendant’s intent. *See id.* at 563; *see also Frumusa*, 29 N.Y.3d at 373. Indeed, a federal court recently held in a defamation case against Trump that the Access Hollywood Tape was admissible under Rule 404(b) of the Federal Rules of Evidence (the federal-law provision for “Other Crimes, Wrongs, or Acts”) because it was relevant to the defendant’s intent, and was not unduly prejudicial because “[t]here would be nothing inherently ‘unfair’ in receiving evidence that is uniquely probative” of defendant’s state of mind. *Carroll v. Trump*, No. 20-cv-7311 (LAK), 2024 WL 97359, at \*9-11 (S.D.N.Y. Jan. 9, 2024).

## **2. Public allegations of sexual assault that followed the release of the Access Hollywood Tape in the fall of 2016.**

About five days after the Access Hollywood Tape was published, and following defendant’s public explanation that the tape reflected only banter, not behavior, several women alleged in news reports that defendant had sexually assaulted them in the past. *See Megan Twohey*

& Michael Barbaro, *Two Women Say Donald Trump Touched Them Inappropriately*, N.Y. Times, Oct. 12, 2016 (Ex. 22); Natasha Stoyneff, *Physically Attacked by Donald Trump—A PEOPLE Writer’s Own Harrowing Story*, People Magazine, Oct. 12, 2016 (Ex. 23). In public comments at campaign rallies and on social media, defendant denied the allegations of sexual assault and asserted that the allegations were being made to harm—and were harming—his standing with voters in general and women voters in particular.<sup>17</sup> Ex. 24.

As with the Access Hollywood Tape, evidence of these allegations and defendant’s public response provides critical context for the charges the jury will consider, and is manifestly relevant to defendant’s intent and motive in paying to silence Stormy Daniels and then concealing the payoff. As noted above, defendant’s public comments in reaction to the allegations published on October 12, 2016 in the New York Times and People Magazine show his awareness and concern that the allegations risked his candidacy by hurting his standing with female voters. *E.g.*, Ex. 24 at 1 (“Nothing ever happened with any of these women. Totally made up nonsense to steal the election. Nobody has more respect for women than me!”); *id.* at 2 (“Polls close, but can you believe I lost large numbers of women voters based on made up events THAT NEVER HAPPENED. Media rigging election!”); *id.* at 3 (“Can’t believe these totally phony stories, 100% made up by women (many already proven false) and pushed big time by press, have impact!”). Thus, this evidence not only provides important context and background, but also explains defendant’s intent and motive in arranging the Stormy Daniels hush payment and subsequent coverup, because further disclosures of alleged sexual misconduct—and especially the disclosure of an alleged

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<sup>17</sup> Defendant’s comments at campaign rallies are contained in excerpted video exhibits which the People will submit to the Court if the Court would like to review them in adjudicating this motion.

sexual liaison with an adult film actress just weeks before Election Day—seriously risked his electoral prospects.

The risk of undue prejudice is low. First, this evidence would not be admitted to show that defendant in fact sexually assaulted the women who accused him of doing so; there is thus no propensity issue at play. *See Agina*, 18 N.Y.3d at 603 (*Molineux* evidence inadmissible “where its *only* relevance is to show defendant’s bad character or criminal propensity” (emphasis added)). And appropriate limiting instructions would make clear to the jury that this evidence should be considered only for the fact that the allegations were made, not as evidence of defendant’s character or as proof that the allegations are true. *See People v. Hernandez*, 103 A.D.3d 433, 434 (1st Dep’t 2013) (prejudicial effect of *Molineux* evidence was minimized by the court’s limiting instructions); *see also People v. Morris*, 21 N.Y.3d 588, 598 (2013) (jurors are presumed to follow a trial court’s limiting instructions). Second, the People propose to admit evidence of only three accusations of sexual assault (the accusations that were reported in the New York Times and People Magazine articles published on October 12, 2016). There are public reports that more than dozen women accused defendant of sexual assault in the weeks following the release of the Access Hollywood Tape;<sup>18</sup> evidence of just a select few instances of those allegations—which defendant specifically referenced on the campaign trail in acknowledging the effect on his campaign—is not cumulative. *Cf. People v. Rodriguez*, 193 A.D.3d 554, 556 (1st Dep’t 2021) (introducing a “significant quantum of evidence” is more likely to cause undue prejudice). Third, the risk of unfair prejudice is low where the allegations reported in the New York Times and People Magazine articles are not “any more sensational or disturbing” than other evidence that will be before the

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<sup>18</sup> *See, e.g.*, Lindsay Kimble, *Everything You Need to Know About the Sexual Assault Allegations Against Donald Trump Before Election Day*, People Magazine, Nov. 1, 2016, <https://people.com/politics/every-sexual-assault-accusation-against-donald-trump/>.

jury. *United States v. Roldan-Zapata*, 916 F.2d 795, 804 (2d Cir. 1990); see *United States v. Siegel*, 717 F.2d 9, 16-17 (2d Cir. 1983).

**D. The Court should permit the introduction of evidence regarding defendant’s efforts to dissuade witnesses from cooperating with law enforcement, including through pressure campaigns, public harassment, and retaliation.**

The Court should also permit the introduction of evidence regarding defendant’s attempts to dissuade witnesses from cooperating with law enforcement because such evidence shows defendant’s consciousness of guilt and corroborates his intent. This evidence falls into four categories:

- First, after the FBI executed a search warrant on Cohen’s residences, office, and electronic devices in April 2018, defendant and others engaged in a public and private pressure campaign to ensure that Cohen did not cooperate with the federal investigation into campaign finance violations related to the McDougal and Daniels payoffs. See People’s Statement of Facts ¶¶ 35-40. The People will introduce evidence of this pressure campaign and will elicit testimony regarding how these statements affected a witness.
- Second, defendant has singled out two of the People’s witnesses—Michael Cohen and Stormy Daniels—with harassing comments on social media and in other public statements. The People will introduce evidence of these statements, and will elicit testimony from witnesses regarding the threats and harassment they received after defendant targeted them with these and other public attacks.
- Third, in April 2023, eight days after he was arraigned in this case, defendant sued Cohen in federal court in Florida seeking \$500 million in damages based on allegations that Cohen “spread falsehoods” about defendant. The People will elicit witness testimony regarding that lawsuit and its effect on the witness.
- Fourth, the People will introduce evidence of past comments by defendant endorsing aggressive attacks on one’s perceived opponents. For example, in one book, defendant wrote: “When somebody hurts you, just go after them as viciously and as violently as you can.”<sup>19</sup> In another book, defendant wrote: “When you are wronged, go after those people because it is a good feeling and because other people will see you doing it.”<sup>20</sup>

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<sup>19</sup> Donald J. Trump, *Trump: How to Get Rich* 138 (2004).

<sup>20</sup> Donald J. Trump, *Think Big: Make it Happen in Business and in Life* 192 (2007).

This evidence is relevant to material, non-propensity issues in the case. Evidence of the pressure campaign against Cohen is probative of both defendant's effort to deter Cohen from cooperating with law enforcement, and of defendant's steps to intimidate Cohen and retaliate against him once he began doing so. *See, e.g., Report on the Investigation into Russian Interference in the 2016 Presidential Election, Vol. II of II*, at 154-56 (Mar. 2019) ("The evidence concerning this sequence of events could support an inference that the President used inducements in the form of positive messages in an effort to get Cohen not to cooperate, and then turned to attacks and intimidation to deter the provision of information or undermine Cohen's credibility once Cohen began cooperating."), [https://www.justice.gov/storage/report\\_volume2.pdf](https://www.justice.gov/storage/report_volume2.pdf). The Court of Appeals has long recognized that efforts to coerce or harass witnesses can show consciousness of guilt. *See People v. Bennett*, 79 N.Y.2d 464, 469-70 (1992); *People v. Shilitano*, 218 N.Y. 161, 179 (1916) (evidence of "an effort to coerce witnesses and suppress evidence against the defendant" admissible to prove consciousness of guilt). And evidence of post-crime conduct that reflects a defendant's consciousness of guilt—including efforts at coercion, threats, or intimidation of witnesses—is admissible under the *Molineux* doctrine for that reason. *See, e.g., People v. Parilla*, 211 A.D.3d 1609, 1610 (4th Dep't 2022) (efforts to bribe witness showed consciousness of guilt and were admissible under *Molineux*); *People v. Cotton*, 184 A.D.3d 1145, 1146 (4th Dep't 2020) (evidence of tampering or witness intimidation admissible under *Molineux* to show consciousness of guilt).

The same is true of the evidence that defendant has targeted Cohen and Daniels on social media and in other public statements with persistent, harassing, and denigrating comments. *See Cotton*, 184 A.D.3d at 1146; *People v. Pitt*, 170 A.D.3d 1282, 1284 (3d Dep't 2019) (threatening post-crime comments showed consciousness of guilt and were admissible under *Molineux*); *People*

*v. Leitzsey*, 173 A.D.2d 488, 488-89 (2d Dep’t 1991) (same). And evidence that defendant sued Cohen just days after defendant’s arraignment in this matter—and sought enormous money damages for claimed injuries based in part on Cohen’s testimony before the grand jury—likewise is relevant to material issues in this case because it supports consciousness of guilt and therefore corroborates defendant’s intent in connection with the charged conduct. *See, e.g., People v. Lumaj*, 298 A.D.2d 335, 335 (1st Dep’t 2002) (evidence of efforts to deter a witness from testifying was “clearly admissible as it demonstrated defendant’s consciousness of guilt”); *People v. De Vivo*, 282 A.D.2d 770, 772 (3d Dep’t 2001) (evidence of threats, retaliation, and efforts to get witnesses to change their testimony “is highly probative and was properly admitted as it was indicative of defendant’s consciousness of guilt”) (citing cases). The final category of evidence—defendant’s prior statements that perceived opponents should be attacked “as viciously and as violently” as possible—is material and relevant for a non-propensity purpose because it provides context for witness testimony the People will elicit regarding the effect defendant’s public attacks and harassment had on them.<sup>21</sup> *See Flambert*, 160 A.D.3d at 606.

Given the direct connection between this consciousness-of-guilt evidence and defendant’s intent, its probative value outweighs the danger of any unfair prejudice. *See Lumaj*, 298 A.D.2d at 335; *Cotton*, 184 A.D.3d at 1146; *see generally Cass*, 18 N.Y.3d at 560. An appropriate limiting instruction that the jury is to consider this evidence only for consciousness of guilt and

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<sup>21</sup> The evidence mentioned in this paragraph—defendant’s public harassment of Cohen and Daniels; his \$500 million lawsuit against Cohen; and his prior written statements endorsing retaliation against opponents—likely is not *Molineux* at all, and its admission at trial should be assessed just like any other evidence. *See People v. Hamilton*, 73 A.D.3d 408, 409 (1st Dep’t 2010). The People include this evidence here for the avoidance of any doubt and to the extent the Court believes the *Molineux* doctrine does apply. *See Frumusa*, 29 N.Y.3d at 370.

corroboration of defendant's intent—not to show defendant's bad character or criminal propensity—will further reduce any risk of undue prejudice. *See Parilla*, 211 A.D.3d at 1610.

Dated: February 22, 2024

Respectfully submitted,

/s/ Matthew Colangelo

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**AFFIRMATION OF SERVICE**

The undersigned affirms under penalty of perjury that on February 22, 2024, he served the People's Motions in Limine and the accompanying Affirmation, Memorandum of Law, and Exhibits on counsel for defendant (Todd Blanche, Emil Bove, Susan Necheles, Gedalia Stern, and Stephen Weiss) by email with consent.

Dated: February 22, 2024

Respectfully submitted,

/s/ Matthew Colangelo  
Matthew Colangelo  
Assistant District Attorney

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

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**THE PEOPLE OF THE STATE OF NEW YORK**

**-against-**

**DONALD J. TRUMP,**

**Defendant.**

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**MOTIONS IN LIMINE  
Indictment No. 71543-23**

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**Alvin L. Bragg, Jr.  
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(212) 335-9000**

# **EXHIBIT 2**

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

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

Index No. 71543-23

**PRESIDENT DONALD J. TRUMP'S MOTIONS TO EXCLUDE EVIDENCE AND  
FOR AN ADJOURNMENT BASED ON PRESIDENTIAL IMMUNITY**

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## INTRODUCTION

President Donald J. Trump respectfully submits this motion (1) for an adjournment of the trial pending review of the scope of the presidential immunity doctrine in *Trump v. United States*, which the Supreme Court agreed to hear on February 28, 2024, and is scheduled to be argued before the Court on April 25, 2024; and (2) to preclude evidence of President Trump’s official acts at trial based on presidential immunity.

The Court must preclude the People from offering evidence at trial of President Trump’s official acts as the Commander in Chief, which the People have not yet specified as the existing trial date approaches. However, in motions *in limine* recently filed on February 22, 2024, the People argued that they should be permitted to offer evidence at trial concerning a fictitious so-called “pressure campaign” by President Trump in 2018 relating to Michael Cohen. People’s MILs at 50. Although the People did not describe the evidence they intend to offer in detail, it appears that the evidence includes public statements by President Trump and posts to his official Twitter account, as well as testimony from unspecified witnesses. *See id.* The People’s recent proffer implicates presidential immunity because President Trump was President of the United States at the time of those actions in 2018. He made at least some of the 2018 statements at issue—and potentially all of them, though it is hard to be sure in light of the People’s vague *in limine* description—in his official capacity as the nation’s Chief Executive. Moreover, while it is clear that the People intend to offer documents and testimony relating to the period in 2017 when President Trump was in office, they have not provided sufficiently specific notice of the nature and extent of that evidence to allow President Trump or the Court to distinguish between personal and official acts.

Such distinctions are necessary and complex, as illustrated by the D.C. Circuit’s recent guidance in *Blassingame v. Trump*, where the panel emphasized that President Trump is entitled to “every opportunity” to present this defense. 87 F.4th 1, 22 (D.C. Cir. 2023). This area of law is evolving in real time. Specifically, on February 28, 2024, the Supreme Court granted certiorari with respect to the following question: “Whether and if so to what extent does a former President enjoy presidential immunity from criminal prosecution for conduct alleged to involve official acts during his tenure in office.” *Trump v. United States*, 2024 WL 833184 (Feb. 28, 2024).

In addition, on March 4, 2024, a unanimous Supreme Court held that the Colorado Supreme Court had erred by excluding President Trump from Colorado’s 2024 presidential primary ballot. *Trump v. Anderson*, 2024 WL 899207, at \*2 (Mar. 4, 2024). The *Anderson* Court reasoned, in part, that states’ “power over governance . . . does not extend to *federal* . . . candidates.” *Id.* at \*3 (emphasis in original). The Court’s emphasis on federalism principles further supports the timing of this motion, and is relevant to the application of presidential immunity because “any effort . . . to retaliate against a President for official acts” would be “an unconstitutional attempt to ‘influence’ a superior sovereign ‘exempt’ from such obstacles.” *Trump v. Vance*, 140 S. Ct. 2412, 2428 (2020) (citing *McCulloch v. Maryland*, 4 Wheat. 316, 417 (1819)).

Therefore, President Trump respectfully submits that an adjournment of the trial is appropriate to await further guidance from the Supreme Court, which should facilitate the appropriate application of the presidential immunity doctrine in this case to the evidence the People intend to offer at trial. Following the Supreme Court’s guidance, and consistent with the remand in *Blassingame*, the Court should hold a hearing outside the presence of the jury to identify and preclude documentary and testimonial official-acts evidence based on presidential immunity.

## BACKGROUND

As far as we can gather from the description of the so-called “pressure campaign” in the People’s motions *in limine*, there are several types of evidence that implicate the concept of official acts for purposes of presidential immunity, and therefore must be precluded.

First, President Trump used his Twitter account, which was an official communications channel during his Presidency, to communicate with the public regarding matters of public concern. In 2018, such matters included Michael Cohen after the FBI executed search warrants targeting him. For example:

- On April 21, 2018, President Trump posted messages on his Twitter account that included the following: “Michael is a businessman for his own account/lawyer who I have always liked & respected. Most people will flip if the Government lets them out of trouble, even if . . . it means lying or making up stories. Sorry, I don’t see Michael doing that despite the horrible Witch Hunt and the dishonest media.” Ex. 1.
- On May 3, 2018, President Trump posted messages on his Twitter account that included the following: “Mr. Cohen, an attorney, received a monthly retainer, not from the campaign and having nothing to do with the campaign, from which he entered into, through reimbursement, a private contract between two parties, known as a non-disclosure agreement, or NDA. These agreements are . . . very common among celebrities and people of wealth. . . . Money from the campaign, or campaign contributions, played no rol[e] in this transaction.” Ex. 2.
- On August 22, 2018, President Trump posted a message on his Twitter account that included the following: “I feel very badly for Paul Manafort and his wonderful family. ‘Justice’ took a 12 year old tax case, among other things, applied tremendous pressure on him and, unlike Michael Cohen, he refused to ‘break’ – make up stories in order to get a ‘deal.’ Such respect for a brave man.” Ex. 3.

Second, President Trump made public statements on official premises and during media appearances. For example:

- On April 5, 2018, during statements to reporters on board Air Force One, President Trump directed reporters to “ask Michael Cohen” regarding the public allegations and added, “Michael is my attorney. And you’ll have to ask Michael Cohen.” Ex. 4.



- On April 26, 2018, during a telephone call aired on *Fox & Friends*, President Trump explained that Cohen “has a percentage of my overall legal work – a tiny, tiny little fraction. But Michael would represent me on some things. . . . [L]ike with this crazy Stormy Daniels deal he represented me. And, you know, from what I see he did absolutely nothing wrong. There were no campaign funds going into this.” Ex. 5.
- On August 23, 2018, during an interview on *Fox & Friends*, President Trump stated: “If you look at President Obama, he had a massive campaign violation, but he had a different Attorney General and they viewed it a lot differently, you know. We have somebody that they seem to like to go after a lot of Republicans, but he settled his very easily. In fact I put that out fairly recently. So Obama had it, other people have it, almost everybody that runs for office has campaign violations, but what Michael Cohen pled to weren’t even campaign related, they weren’t crimes.” Ex. 6.

Third, the People seem to want to offer documentary evidence that reflects official acts.

This category appears to include a form that President Trump submitted to the U.S. Office of Government Ethics in 2018. Ex. 7.

Fourth, it appears that the People will seek to elicit testimony at trial relating to official acts. For example, Hope Hicks is on the People’s witness list as of January 29, 2024. During grand jury testimony, [REDACTED]

[REDACTED]

[REDACTED]. Tr. 698. [REDACTED]

[REDACTED] Tr. 699. [REDACTED]

[REDACTED]

[REDACTED] Tr. 704-06.

Similarly, [REDACTED]

[REDACTED]. Tr. 890-91, 916-17, 919-20. According to

[REDACTED]

[REDACTED] Tr. 919. [REDACTED]

[REDACTED] Tr. 924.

## DISCUSSION

### I. President Trump Is Immune From State Prosecution Based On Official Acts

For the reasons set forth below, President Trump is entitled to immunity from prosecution based on evidence of official acts that he undertook during his first term in Office.<sup>1</sup>

#### A. The Executive Vesting Clause And Supremacy Clause Require Presidential Immunity From State Prosecution For Official Acts

Under the Executive Vesting Clause of Article II, § 1, state courts and prosecutors lack authority to sit in judgment over a President’s official acts. The Executive Vesting Clause provides that “[t]he executive Power shall be vested in a President of the United States of America.” U.S. CONST. art. II, § 1, cl. 1. Just as the Executive Vesting Clause prevents an Article III court from arrogating the “executive power” to itself based on the separation of powers,<sup>2</sup> state authorities

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<sup>1</sup> The D.C. Circuit recently erred in finding that President Trump was not entitled to presidential immunity in connection with the set of federal criminal charges pending in the District of Columbia. *See United States v. Trump*, 91 F.4th 1173, 1200 (D.C. Cir. 2024). The D.C. Circuit’s analysis is not persuasive for many of the reasons discussed below and, as noted, will be reviewed by the Supreme Court pursuant to the February 28 grant of certiorari. *Trump v. United States*, 2024 WL 833184 (Feb. 28, 2024).

<sup>2</sup> *See, e.g., Clinton v. Jones*, 520 U.S. 681, 719 (1997) (Breyer, J., concurring) (reasoning that there is an “unbroken historical tradition . . . implicit in the separation of powers that a President may not be ordered by the Judiciary to perform particular Executive acts” (cleaned up)); *Chi. & S. Air Lines v. Waterman S.S. Corp.*, 333 U.S. 103, 112 (1948) (reasoning that “whatever of this order emanates from the President is not susceptible of review by the Judicial Department”); *Mississippi v. Johnson*, 71 U.S. 475, 501 (1866) (“[T]his court has no jurisdiction of a bill to enjoin the President in the performance of his official duties.”); *In re Trump*, 958 F.3d 274, 297-98 (4th Cir. 2020), *cert. granted, judgment vacated sub nom. Trump v. D.C.*, 141 S. Ct. 1262 (2021) (Wilkinson, J., dissenting) (“Since *Mississippi*, the federal courts have continued this practice *without exception* and have not sustained a single injunction against the President in his official capacity.” (italics in original)); *Newdow v. Roberts*, 603 F.3d 1002, 1013 (D.C. Cir. 2010) (“With regard to the President, courts do not have jurisdiction to enjoin him, and have never submitted the President to declaratory relief.”) (cleaned up). This is also the consistent litigation position of the U.S. Department of Justice. *See, e.g., Reply Brief for Pet’r at 4-6, In re Trump*, No. 18-2486 (4th Cir. Feb. 21, 2019) (invoking “the separation-of-powers principle that ‘courts have no jurisdiction of a bill to enjoin the President in the performance of his official duties’”) (quoting *Mississippi*, 71 U.S. at 501) (cleaned up); DOJ Mem. at 25, ECF No. 28, *Missouri v. Biden*, No. 21 Civ. 287 (E.D. Mo. June 4, 2021) (same).

purporting to dictate how the President must exercise the executive power violate the Supremacy Clause and federalism principles. *See, e.g., Clinton v. Jones*, 520 U.S. 681, 691 n.13 (1997) (reasoning that “any direct control by a state court over the President, who has principal responsibility to ensure that those laws are ‘faithfully executed,’ Art. II, § 3, may implicate concerns that are quite different from the interbranch separation-of-powers questions addressed here,” such as under “the Supremacy Clause”); *Mayo v. United States*, 319 U.S. 441, 445 (1943) (“[T]he activities of the Federal Government are free from regulation by any state.”); *see also United States v. McLeod*, 385 F.2d 734, 751-52 (5th Cir. 1967) (“Both the Supremacy Clause and the general principles of our federal system of government dictate that a state grand jury may not investigate the operation of a federal agency. . . . [T]he investigation . . . is an interference with the proper governmental function of the United States . . . [and] an invasion of the sovereign powers of the United States of America.”).

In *Marbury v. Madison*, Chief Justice Marshall described the presidential immunity doctrine as foundational and self-evident. “By the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience.” *Marbury v. Madison*, 5 U.S. 137, 165-66 (1803). When it comes to the President’s official acts, “whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion.” *Id.* at 166. “[N]othing can be more perfectly clear than that” the President’s discretionary “acts are only politically examinable.” *Id.* “Questions . . . which are, by the constitution and laws, submitted to the executive, can never be made in this court.” *Id.* at 170. The President’s official acts, therefore, “*can never be examinable by the courts.*” *Id.* at 166 (emphasis added).

The Supremacy Clause prohibits state and local officials from using their powers to “defeat the legitimate operations” of the national government. *McCulloch v. Maryland*, 17 U.S. 316, 427 (1819). States may not impede “the measures of a government created by others as well as themselves, for the benefit of others in common with themselves.” *Id.* at 435. The *McCulloch* court reasoned:

If we apply the principle for which the state of Maryland contends [regarding state taxation], to the constitution, generally, we shall find it capable of changing totally the character of that instrument. We shall find it capable of arresting all the measures of the government, and of prostrating it at the foot of the states.

*Id.* at 432. The *McCulloch* Court rejected that possibility.

In 1833, citing *Marbury*, Justice Story wrote that “[i]n the exercise of his political powers [the President] is to use his own discretion, and is accountable only to his country, and to his own conscience. His decision, in relation to these powers, is subject to no control; and his discretion, when exercised, is conclusive.” 3 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, ch. 37, § 1563 (1833), <https://lonang.com/library/reference/story-commentaries-us-constitution/sto-337>. “It is incompatible with his constitutional position that [the President] be compelled personally to defend his executive actions before a court.” *Franklin v. Massachusetts*, 505 U.S. 788, 827 (1992) (Scalia, J., concurring in part and concurring in the judgment); *cf. Martin v. Mott*, 25 U.S. 19, 32-33 (1827) (Story, J.) (holding that, “[w]hen the President exercises an authority confided to him by law,” his official conduct cannot “be passed upon by a jury” or “upon the proofs submitted to a jury”); *see also Johnson v. Maryland*, 254 U.S. 51, 57 (1920) (reasoning that “immunity of the instruments of the United States from state control in the performance of their duties” prohibits prosecution of a post officer for violating a state license law); *Ohio v. Thomas*, 173 U.S. 276, 284 (1899) (prohibiting state criminal prosecution of federal officer for violating food regulations because “in the performance of that duty he was not subject to the

direction or control of the legislature of Ohio”); *In re Tarble*, 80 U.S. 397, 409 (1871) (reasoning that it is “manifest that the powers of the National government could not be exercised with energy and efficiency at all times, if its acts could be interfered with and controlled for any period by officers or tribunals of another sovereignty”); *McClung v. Silliman*, 19 U.S. 598, 605 (1821) (holding that state court cannot mandamus an officer of the United States because that officer’s “conduct can only be controlled by the power that created him”).

### **B. The Impeachment Judgment Clause Confirms Presidential Immunity**

Presidential immunity from criminal prosecution for official acts draws support directly from the text of the Constitution, as the Impeachment Judgment Clause states that a President cannot be criminally prosecuted unless he is first impeached and convicted by the U.S. Senate.

The Impeachment Judgment Clause provides that “Judgment in Cases of Impeachment shall not extend further than to removal from Office . . . but *the Party convicted* shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.” U.S. CONST. art. I, § 3, cl. 7 (emphasis added). Because the Constitution specifies that only “the Party *convicted*” by trial in the Senate may be “liable and subject to Indictment, Trial, Judgment and Punishment,” *id.*, it plainly indicates that a President who is *not* convicted may *not* be subject to criminal prosecution. SCALIA & GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS*, § 10, at 107 (2012) (“When a car dealer promises a low financing rate to ‘purchasers with good credit,’ it is entirely clear that the rate is *not* available to purchasers with spotty credit.”).

This was the understanding of the Founders. “James Wilson—who had participated in the Philadelphia Convention at which the document was drafted—explained that . . . the President . . . ‘is amenable to [the laws] in his private character as a citizen, and in his public character by impeachment.’” *Jones*, 520 U.S. at 696 (quoting 2 J. ELLIOT, *DEBATES ON THE FEDERAL*

CONSTITUTION 480 (2d ed. 1863)) (cleaned up). “With respect to acts taken in his ‘public character’—that is, official acts—the President may be disciplined principally by impeachment, not by private lawsuits for damages. But he is otherwise subject to the laws for his purely private acts.” *Id.*; *see also* THE FEDERALIST No. 43 (J. Madison); THE FEDERALIST Nos. 65, 69, 77 (A. Hamilton) (Alexander Hamilton explaining in three essays that criminal prosecution of a President can occur only “afterwards,” “after,” “subsequent” to, and as a “consequence” of impeachment and conviction by the Senate).

As Justice Alito noted in *Vance*, “[t]he plain implication” of the Impeachment Judgment Clause “is that criminal prosecution, like removal from the Presidency and disqualification from other offices, is a consequence that can come about only after the Senate’s judgment, not during or prior to the Senate trial.” 140 S. Ct. at 2444 (Alito, J., dissenting). “This was how Hamilton explained the impeachment provisions in the Federalist Papers. He wrote that a President may ‘be impeached, tried, and, upon conviction . . . *would afterwards be liable to prosecution and punishment in the ordinary course of law.*’” *Id.* (quoting THE FEDERALIST No. 69, p. 416 (C. Rossiter ed. 1961)); *see also* THE FEDERALIST No. 77, p. 464 (C. Rossiter ed. 1961) (A. Hamilton) (arguing that a President is “at all times liable to impeachment, trial, [and] dismissal from office,” but any other punishment must come only “by subsequent prosecution in the common course of law”); THE FEDERALIST No. 65.

### **C. The President’s Unique Role Requires Immunity From Prosecution Based On Official Acts**

“The President occupies a unique position in the constitutional scheme.” *Nixon v. Fitzgerald*, 457 U.S. 731, 749 (1982). Under Article II, § 1 of the Constitution, the President is “the chief constitutional officer of the Executive Branch, entrusted with supervisory and policy responsibilities of utmost discretion and sensitivity.” *Id.* at 749-50. “Nor can the sheer prominence

of the President’s office be ignored.” *Id.* at 752-53. “In view of the visibility of his office and the effect of his actions on countless people, the President would be an easily identifiable target for” criminal prosecution in countless federal, state, and local jurisdictions across the country. *Id.* at 753. “Cognizance of this personal vulnerability frequently could distract a President from his public duties, to the detriment of not only the President and his office but also the Nation that the Presidency was designed to serve.” *Id.* This “unique status under the Constitution distinguishes him from other executive officials.” *Id.* at 750. As a result of “the singular importance of the President’s duties,” “diversion of his energies by concern with” criminal prosecution administered by the judicial branch “would raise unique risks to the effective functioning of government.” *Id.* at 751; *see also* Brett Kavanaugh, *Separation of Powers During the Forty-Fourth Presidency and Beyond*, 93 MINN L. REV. 1454, 1461 (2009) (“[A] President who is concerned about an ongoing criminal investigation is almost inevitably going to do a worse job as President”).

Without immunity from criminal prosecution based on official acts, the President’s political opponents will seek to influence and control his or her decisions via *de facto* extortion or blackmail with the threat, explicit or implicit, of indictment by a future, hostile Administration, for acts that do not warrant any such prosecution. This threat will hang like a millstone around every future President’s neck, distorting Presidential decisionmaking, undermining the President’s independence, and clouding the President’s ability “to deal fearlessly and impartially with the duties of his office.” *Fitzgerald*, 457 U.S. at 752 (cleaned up).

**D. “The Presuppositions Of Our Political History” Support Presidential Immunity From Prosecution For Official Acts**

“[T]he presuppositions of our political history,” including “tradition[s] so well grounded in history and reason,” help to define the scope of presidential immunity. *Fitzgerald*, 457 U.S. at 745. This history dates back to the founding and was upheld in *Marbury v. Madison*, as discussed

above. There, Charles Lee, who served as Attorney General under Presidents Washington and Adams, “declare[d] it to be [his] opinion, grounded on a comprehensive view of the subject, that the President is not amenable to *any court of judicature for the exercise of his high functions*, but is responsible only in the mode pointed out in the constitution,” *i.e.*, by impeachment. *Marbury*, 5 U.S. at 149 (emphasis added).

Indeed, in 234 years from 1789 to 2023, no president was ever prosecuted for his official acts. “Such a lack of historical precedent is generally a telling indication of a severe constitutional problem with the asserted power.” *Trump v. Anderson*, 2024 WL 899207, at \*5 (Mar. 4, 2024) (cleaned up); *see also Seila Law, LLC v. CFPB*, 140 S. Ct. 2183, 2201 (2020) (“Perhaps the most telling indication of [a] severe constitutional problem . . . is [a] lack of historical precedent to support it.” (cleaned up)).

The unbroken tradition of not exercising the supposed formidable power of criminally prosecuting a President for official acts—despite ample motive and opportunity to do so, over centuries—implies that the power does not exist. *See id.*; *see also, e.g., NFIB v. OSHA*, 595 U.S. 109, 119 (2022) (per curiam); *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 505 (2010)). “[T]he longstanding ‘practice of the government,’ can inform our determination of ‘what the law is.’” *N.L.R.B. v. Noel Canning*, 573 U.S. 513, 525 (2014) (first quoting *McCulloch*, 17 U.S. at 401, and then quoting *Marbury*, 5 U.S. at 177). “That principle is neither new nor controversial,” and this Court’s “cases have continually confirmed [this] view.” *Id.* (citing *Mistretta v. United States*, 488 U.S. 361, 401 (1989), and eight other cases from 1803 to 1981).

American history abounds with examples of presidents who were accused by political opponents of committing crimes through their official acts—yet none was ever prosecuted, until last year. These include, among many others, John Quincy Adams’ alleged “corrupt bargain” in



appointing Henry Clay as Secretary of State;<sup>3</sup> President George W. Bush’s allegedly false claim to Congress that Saddam Hussein possessed stockpiles of “weapons of mass destruction,” which led to war in which thousands of Americans were killed;<sup>4</sup> and President Obama’s alleged authorization of a drone strike that targeted and killed a U.S. citizen abroad (and his teenage son, also a U.S. citizen).<sup>5</sup> They also include, among many other examples, President Clinton’s last-minute pardon of fugitive financier Marc Rich,<sup>6</sup> President Clinton’s repeated use of airstrikes in the Middle East in August and November 1998 in an alleged attempt to distract attention from the Monica Lewinsky scandal,<sup>7</sup> President Biden’s egregious mismanagement of the United States’ border security, and President Biden’s alleged “material support for terrorism” through both the funding of the UNRWA despite its documented history of direct support for terrorism, and release

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<sup>3</sup> See, e.g., Jessie Kratz, *The 1824 Presidential Election and the “Corrupt Bargain”*, NAT’L ARCHIVES (Oct. 22, 2020), <https://prologue.blogs.archives.gov/2020/10/22/the-1824-presidential-election-and-the-corrupt-bargain>.

<sup>4</sup> See, e.g., Gary L. Gregg II, *George W. Bush: Foreign Affairs*, UVA MILLER CENTER, <https://millercenter.org/president/gwbush/foreign-affairs>; Tim Arango, *Ex-Prosecutor’s Book Accuses Bush of Murder*, N.Y. TIMES (July 7, 2008), <https://www.nytimes.com/2008/07/07/business/media/07bugliosi.html>.

<sup>5</sup> See, e.g., Spencer Ackerman, *US Cited Controversial Law in Decision to Kill American Citizen by Drone*, THE GUARDIAN (June 23, 2014), <https://www.theguardian.com/world/2014/jun/23/us-justification-drone-killing-american-citizen-awlaki>.

<sup>6</sup> Andrew C. McCarthy, *The Wages of Prosecuting Presidents for their Official Acts*, NAT’L REV. (Dec. 9, 2023), <https://www.nationalreview.com/2023/12/the-wages-of-prosecuting-presidents-over-their-official-acts>.

<sup>7</sup> See, e.g., *World Media Troubled by Clinton’s Timing in Airstrikes*, CNN (Dec. 18, 1998), <http://edition.cnn.com/WORLD/meast/9812/18/iraq.press/>; Francis X. Clines and Steven Lee Myers, *Attack on Iraq; The Overview; Impeachment Vote in House Delayed As Clinton Launches Iraq Air Strike, Citing Military Need to Move Swiftly*, N.Y. TIMES (Dec. 17, 1998), <https://www.nytimes.com/1998/12/17/world/attack-iraq-overview-impeachment-vote-house-delayed-clinton-launches-iraq-air.html>.

of billions of dollars to Iran’s terror-sponsoring regime.<sup>8</sup> Despite numerous examples of presidents committing allegedly “criminal” behavior in their official acts throughout American history, none was ever prosecuted in 234 years before 2023. The “presuppositions of our political history,” *Fitzgerald*, 457 U.S. at 745, thus confirm that prosecutors and courts lack authority to prosecute and place a President on trial for official acts.

#### **E. Analogous Immunity Doctrines Support Presidential Immunity From Prosecution Based On Official Acts**

Analogous immunity doctrines strongly favor the conclusion that absolute presidential immunity extends to immunity from criminal prosecution for official acts. *See Vance*, 140 S. Ct. at 2426 (noting the *Fitzgerald* Court’s “careful analogy to the common law absolute immunity of judges and prosecutors”).

In their common-law origins, immunity doctrines extended to both civil and criminal liability: “The immunity of federal executive officials began as a means of protecting them in the execution of their federal statutory duties from criminal or civil actions based on state law.” *Butz v. Economou*, 438 U.S. 478, 489 (1978) (citation omitted). Common-law immunity doctrines

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<sup>8</sup> *See, e.g.*, Jason Willick, *The Eyebrow-Raising Line in the Trump Immunity Opinion*, WASH. POST (Feb. 7, 2024), <https://www.washingtonpost.com/opinions/2024/02/07/trump-immunity-decision-disclaimer/>; Andrew C. McCarthy, *Thoughts on Biden’s Funding of Terror-Sponsoring UNRWA and D.C. Circuit’s Delay on Trump Immunity*, NAT’L REVIEW (Jan. 31, 2024), <https://www.nationalreview.com/corner/thoughts-on-bidens-funding-of-terror-sponsoring-unrwa-and-d-c-circuits-delay-on-trump-immunity/> (“When President Biden insisted on restarting funding for UNRWA, to the tune of over \$1 billion since 2021, there was abundant, well-known evidence, going back decades, that UNRWA provides material support to terrorism. It was not just a hypothetical possibility that Biden’s funding might end up facilitating Hamas’s operations. There were notorious cases over the years of UNRWA terror support.”); The Editorial Board, *Hamas Was Right Under Unrwa’s Nose*, WALL ST. J. (Feb. 11, 2024), [https://www.wsj.com/articles/hamas-was-right-under-unrwas-nose-tunnels-gaza-israel-war-f715d219?mod=opinion\\_lead\\_pos2](https://www.wsj.com/articles/hamas-was-right-under-unrwas-nose-tunnels-gaza-israel-war-f715d219?mod=opinion_lead_pos2) (“Israel has provided evidence that 12 Unrwa employees took part in the Oct. 7 massacre, and that 1,200 are affiliated with or members of Hamas and Islamic Jihad.”).

encompass the “privilege . . . to be free from arrest or civil process,” *i.e.*, criminal and civil proceedings alike. *Tenney v. Brandhove*, 341 U.S. 367, 372 (1951).

Members of Congress are immune from criminal prosecution for acts within the scope of their legislative duties. *See United States v. Johnson*, 383 U.S. 169, 179 (1966) (“The legislative privilege, protecting against possible prosecution by an unfriendly executive and conviction by a hostile judiciary, is one manifestation of the ‘practical security’ for ensuring the independence of the legislature.”). Speech and debate immunity resembles presidential immunity because it serves a unique role in preserving the separation of powers in our constitutional structure. *See Tenney*, 341 U.S. at 376. “[I]t is apparent from the history of the [Speech and Debate] clause that the privilege was not born primarily of a desire to avoid private suits . . . , but rather to *prevent intimidation by the executive and accountability before a possibly hostile judiciary.*” *Johnson*, 383 U.S. at 180-81 (emphasis added). Thus, *Johnson* held that criminal prosecution for official acts—not civil liability—was the “chief fear” that led to the adoption of legislative immunity. *Id.* at 182; *see also Gravel v. United States*, 408 U.S. 606, 624 (1972) (reasoning that acts “within the sphere of legitimate legislative activity” “may not be made the basis for a civil or criminal judgment against a Member”). Presidential immunity serves no less important a role in “our scheme of government,” *Tenney*, 341 U.S. at 377, than legislative immunity.

Likewise, absolute judicial immunity protects state and federal judges from criminal prosecution, as well as civil suits, based on their official judicial acts—excepting cases involving judicial bribery and extortion, which have long been held not to constitute judicial acts. *See Spalding v. Vilas*, 161 U.S. 483, 494 (1896) (“The doctrine which holds a judge exempt from a civil suit or indictment for any act done or omitted to be done by him, sitting as judge, has a deep root in the common law.” (cleaned up)); *see also Alvarez v. Snyder*, 264 A.D.2d 27, 34 (1st Dep’t

2000) (“[F]ew doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction.” (cleaned up)); *Weitzner v. New York City Dep’t of Soc. Servs.*, 212 A.D.2d 414, 414 (1st Dep’t 1995) (“[I]mmunity is absolute where the conduct is judicial or quasi-judicial in nature.”).

“This immunity applies even when the judge is accused of acting maliciously and corruptly.” *Pierson v. Ray*, 386 U.S. 547, 554 (1967); *see also Fitzgerald*, 457 U.S. at 745-46; *Moskovits v. New York*, 206 A.D.3d 535, 536 (1st Dep’t 2022) (“[T]he court correctly held the claim is barred by the doctrine of judicial immunity, which extends to all [j]udges and encompasses all judicial acts, even if such acts are in excess of their jurisdiction and are alleged to have been done maliciously or corruptly.” (cleaned up)). In the few cases where prosecutors have brought criminal charges against judges for their judicial acts, courts have rejected them. *See, e.g., United States v. Chaplin*, 54 F. Supp. 926, 928 (S.D. Cal. 1944) (holding that judicial immunity barred the criminal prosecution of a judge who was “acting in his judicial capacity and within his jurisdiction in imposing sentence and probation upon a person charged with an offense in his court to which the defendant has pleaded guilty”). Reviewing many authorities, *Chaplin* concluded that absolute immunity shielded the judge from criminal prosecution as well as civil suit. *Id.* at 934 (holding that criminal prosecution of judges for judicial acts “would . . . destroy the independence of the judiciary and mark the beginning of the end of an independent and fearless judiciary”); *cf. Salomon v. Mahoney*, 271 A.D. 478, 479-80 (1st Dep’t 1946) (“The immunity of judges for statements made and acts done in their judicial capacity is for sound reasons of public interest and policy a fundamental principle of our jurisprudence on which rests the independence of the administration of justice.”). The exact same reasoning applies to President Trump and all Presidents.

## **F. Public Policy Considerations Support Presidential Immunity From Prosecution**

In considering presidential immunity, the Supreme Court “has weighed concerns of public policy, especially as illuminated by our history and the structure of our government.” *Fitzgerald*, 457 U.S. at 747-48 (citations omitted). Here, public policy overwhelmingly supports a finding of immunity from prosecution based on evidence of official acts.

First, robust immunity is appropriate for officials who have “especially sensitive duties.” *Fitzgerald*, 457 U.S. at 746. The President’s duties are “highly sensitive.” *Id.* at 756.

Second, immunity is most appropriate for officials from whom “bold and unhesitating action” is required. *Fitzgerald*, 457 U.S. at 745.<sup>9</sup> “[T]o submit all officials, the innocent as well as the guilty, to the burden of a trial and to the inevitable danger of its outcome would dampen the ardor of all but the most resolute, or the most irresponsible, in the unflinching discharge of their duties,” and subject them “to the constant dread of retaliation.” *Barr v. Matteo*, 360 U.S. 564, 571-72 (1959) (quoting *Gregoire v. Biddle*, 177 F.2d 579, 581 (2d Cir. 1949) (Hand, J.)); *see also id.* at 571 (expressing concern that suits would “inhibit the fearless, vigorous, and effective administration of policies of government”). In *Vance*, the Supreme Court noted this concern was central to its adoption of absolute immunity for the President, holding that *Fitzgerald* “conclud[ed]

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<sup>9</sup> Similarly, in the context of immunity under the Speech or Debate Clause, which includes criminal immunity, “[t]here is little doubt that the instigation of criminal charges against critical or disfavored legislators by the executive in a judicial forum was the chief fear prompting the long struggle for parliamentary privilege in England and, in the context of the American system of separation of powers, is the predominate thrust of the Speech or Debate Clause. In scrutinizing this criminal prosecution, then, we look particularly to the prophylactic purposes of the clause.” *Johnson*, 383 U.S. at 182. The Supreme Court has thus emphasized that criminal as well as civil immunity is essential for a legislator to have the freedom to exercise bold and unhesitating action in his or her legislative acts, which is itself essential to preserving the legislative “independence” required by the separation of powers: “The legislative privilege, protecting against possible prosecution by an unfriendly executive and conviction by a hostile judiciary, is one manifestation of the ‘practical security’ for ensuring the independence of the legislature.” *Id.* at 179.

that a President . . . must deal fearlessly and impartially with the duties of his office—not be made unduly cautious in the discharge of [those] duties by the prospect of civil liability for official acts.” 140 S. Ct. at 2426 (cleaned up). The threat of criminal prosecution poses a greater risk of deterring bold and unhesitating action than the threat of civil suit.

Third, “[f]requently acting under serious constraints of time and even information,” a President inevitably makes many important decisions, and “[d]efending these decisions, often years after they were made, could impose unique and intolerable burdens . . . .” *Imbler v. Pachtman*, 424 U.S. 409, 425-26 (1976). The President’s “focus should not be blurred by even the subconscious knowledge” of the risk of future prosecution. *Id.* at 427. And “[t]here is no question that a criminal prosecution holds far greater potential for distracting a President and diminishing his ability to carry out his responsibilities than does the average civil suit.” *Vance*, 140 S. Ct. at 2452 (Alito, J., dissenting). Far more than civil liability, the threat of criminal prosecution undermines the President’s “maximum ability to deal fearlessly and impartially with the duties of his office.” *Fitzgerald*, 457 U.S. at 752 (citation and quotation marks omitted).

Fourth, another key purpose of immunity for senior officials is to “prevent them being harassed by vexatious actions.” *Spalding*, 161 U.S. at 495 (quotation omitted); *see also Vance*, 140 S. Ct. at 2452 (Alito, J., dissenting) (expressing concern that the subpoena “threaten[ed] to impair the functioning of the Presidency and provides no real protection against the use of the subpoena power by the Nation’s 2,300+ local prosecutors”). The President, as the most high-profile government official in the country, is most likely to draw politically motivated ire, and most likely to be targeted for harassment by vexatious actions. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 369 (2004) (recognizing “the paramount necessity of protecting the Executive Branch from vexatious litigation that might distract it from the energetic performance of its

constitutional duties.”). The rationale of *Vance*, 140 S. Ct. at 2426, provides additional support for a finding of official immunity—as *Fitzgerald*, *Spalding*, *Butz*, *Imbler*, and similar cases held. Without immunity from criminal prosecution based on official acts, the presidency will cease to function and that will erode the bedrock of our republic.

## **II. The Court Should Adjourn The Trial Until The Supreme Court Decides *Trump v. United States***

While the concept of presidential immunity is firmly established, the doctrine’s scope presents a “serious and unsettled question of law.” *Fitzgerald*, 457 U.S. at 743. Therefore, the Court should adjourn the trial until the Supreme Court resolves *Trump v. United States* for several reasons.

While adjournments are “ordinarily committed to the sound discretion of the trial court,” “in particular situations, when the protection of fundamental rights has been involved in requests for adjournments, that discretionary power has been more narrowly construed.” *People v. Spears*, 64 N.Y.2d 698, 699-700 (1984); *see also People v. Foy*, 32 N.Y.2d 473, 477 (1973) (recognizing that “mere inconvenience is not sufficient ground for denying an adjournment when to do so would abridge a basic right”). Because of the importance of the Presidency in the constitutional order, as well as the Supremacy Clause and related federalism principles implicated here, the adjournment is warranted to ensure proper adjudication of the presidential immunity defense and to prevent improper evidence of official acts from being used in the unprecedented fashion apparently contemplated by the People.

Waiting to try the case until after the Supreme Court addresses the question before it—following oral argument just next month—will likely simplify the application of the defense to evidentiary issues raised by the People’s motions *in limine*. *See Mook v. Homesafe Am., Inc.*, 144 A.D.3d 1116, 1117 (2d Dep’t 2016) (“[A] prior determination in the criminal proceeding could

have collateral estoppel effect in this action, thereby simplifying the issues.”). Specifically, as discussed below, the scope of “official acts” for purposes of applying presidential immunity is a developing area of the law that the Supreme Court is expected to address, at least to a certain extent, in *Trump v. United States*. See *Gen. Aniline & Film Corp. v. Bayer Co.*, 305 N.Y. 479, 485 (1953) (reasoning that “considerations of comity and orderly procedure” are relevant to stay application); cf. *Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 63 n.18 (1997) (explaining that “in the interest of uniformity and to discourage forum shopping, the Arizona appeals court decided to defer to the federal litigation, forgoing independent analysis,” including “stay[ing] proceedings pending our decision in this case”); *Aquino v. United States*, 2020 WL 1847783, at \*1 (S.D.N.Y. Apr. 13, 2020) (noting that defendant’s “motion has been the subject of judicial stays pending decisions of appellate courts”).

The adjournment would also “avoid[] the unnecessary risk of inconsistent adjudications as to the defenses asserted” by President Trump in state and federal courts relating to the presidential immunity doctrine. *Goodridge v. Fernandez*, 121 A.D.2d 942, 945 (1st Dep’t 1986); *Belopolsky v. Renew Data Corp.*, 41 A.D.3d 322, 322 (1st Dep’t 2007) (finding no abuse of discretion in stay, “[u]pon due consideration of the goals of judicial economy, orderly procedure and the prevention of inequitable results,” where “the determination of the prior action may dispose of or limit issues which are involved in the subsequent action”); *Schneider v. Lazard Freres & Co.*, 159 A.D.2d 291, 293-94 (1st Dep’t 1990) (“[W]e stay the New York action because the Delaware action raises numerous possibilities for the application of collateral estoppel . . .”).

Finally, the adjournment would mitigate the risk that an error in the application of this complex federal-law issue could require the Court, the parties, the State, the City, and the County to expend the resources necessary to re-try the case.



### III. The People Must Be Precluded From Offering Evidence Of President Trump's Official Acts

The Court should preclude the People from offering evidence at trial that Your Honor determines, following a hearing outside the presence of the jury, constituted an “official act” during President Trump’s first term in Office.

#### A. “Official Acts” Include Presidential Decisions On The “Outer Perimeter”

The presidential immunity doctrine is “capacious by design.” *Blassingame*, 87 F.4th at 12. President Trump is entitled to immunity “for acts within the ‘outer perimeter’ of his official responsibility.” *Fitzgerald*, 457 U.S. at 756 (quoting *Barr*, 360 U.S. at 575). This “outer perimeter” includes presidential actions that “can reasonably be understood as the official actions of an office-holder,” where it is “reasonable to think he was exercising his official responsibilities as President.” *Blassingame*, 87 F.4th at 30. “The decisions from which [*Fitzgerald*] drew the outer-perimeter test make evident that a President’s official responsibilities encompass more than just those acts falling within the office’s express constitutional and statutory authority,” and also include even “discretionary acts” within the “concept of duty” associated with the Presidency. *Id.* at 13 (cleaned up).

Put somewhat differently: an act lies within the outer perimeter of an official’s duties if it is the kind of act not manifestly or palpably beyond [the official’s] authority, but rather having more or less connection with the general matters committed by law to his control or supervision.

*Id.* (cleaned up).

“[T]he President’s actions do not fall beyond the outer perimeter of official responsibility merely because they are unlawful or taken for a forbidden purpose.” *Blassingame*, 87 F.4th at 14. The Supreme Court has so held, repeatedly. *See, e.g., Fitzgerald*, 457 U.S. at 756 (rejecting a rule that would permit “an inquiry into the President’s motives” as “highly intrusive”); *Pierson v. Ray*, 386 U.S. 547, 554 (1967) (reasoning that judicial “immunity applies even when the judge is

accused of acting maliciously and corruptly”); *Barr*, 360 U.S. at 575 (“The claim of an unworthy purpose does not destroy the privilege.”); *Spalding*, 161 U.S. at 498 (holding that immunity does not turn on “any personal motive that might be alleged to have prompted his action”); *Bradley v. Fisher*, 80 U.S. 335, 354 (1871) (holding that immunity “cannot be affected by any consideration of the motives with which the acts are done”).

### **B. The Court Must Preclude Evidence Of Official Acts**

President Trump is entitled to “every opportunity” to prevent official-acts evidence from being used against him at trial, and the Court must preclude such evidence. *Blassingame*, 87 F.4th at 22.

In assessing whether immunity applies, the Court must look to the “nature of the act itself.” *Stump v. Sparkman*, 435 U.S. 349, 362 (1978). “[T]here is not always a clear line between [the President’s] personal and official affairs.” *Trump v. Mazars USA, LLP*, 591 U.S. 848, 868 (2020). The issue is whether the action can “reasonably be understood” as official. *Blassingame*, 87 F.4th at 21 (quoting *Trump v. Hawaii*, 585 U.S. 667, 705 (2018)). “[T]he inquiry does not consist of trying to identify speech that would benefit a president politically.” *Id.* at 22 (cleaned up). “When an appropriately objective, context-specific assessment yields no sufficiently clear answer in either direction, the President, in our view, should be afforded immunity.” *Blassingame*, 87 F.4th at 21.

In the current procedural posture, *Blassingame* and other immunity authorities require the Court to preclude the People from offering evidence at trial of President Trump’s official acts. For example, in *Johnson*, the Supreme Court held that, in a case involving “a criminal statute of general application,” the prosecutors could “not draw in question the legislative acts of the defendant member of Congress or his motives for performing them” under the Speech or Debate Clause. 383 U.S. at 185. “[A]ll references to this aspect of the conspiracy” had to be “eliminated” so that the case was “wholly purged of elements offensive to the Speech or Debate Clause.” *Id.*

Under these appropriate standards, President Trump’s social media posts and public statements—while acting as President and viewed in context—fell within the outer perimeter of his Presidential duty, to which communicating with the public on matters of public concern was central. *See, e.g.*, Exs. 1-6; *Hawaii*, 585 U.S. at 701 (“The President of the United States possesses an extraordinary power to speak to his fellow citizens . . . .”); *see also Council on Am. Islamic Rels. v. Ballenger*, 444 F.3d 659, 665-666 (D.C. Cir. 2006) (“A Member's ability to do his job as a legislator effectively is tied, as in this case, to the Member's relationship with the public and in particular his constituents and colleagues in the Congress. In other words, there was a clear nexus between the congressman answering a reporter’s question about the congressman’s personal life and the congressman's ability to carry out his representative responsibilities effectively. To that extent, service in the United States Congress is not a job like any other.” (cleaned up)); *see also Pleasant Grove City v. Summum*, 555 U.S. 460, 467-68 (2009) (“A government entity has the right to speak for itself. . . . [I]t is entitled to say what it wishes, and to select the views that it wants to express.” (cleaned up)); *Barr*, 360 U.S. at 574-75 (finding agency head immune from libel suit where commenting on, *inter alia*, “his own integrity in his public capacity,” which “had been directly and severely challenged in charges made on the floor of the Senate and given wide publicity”); JEFFREY K. TULIS, *THE RHETORICAL PRESIDENCY* 4 (2017) (“Today it is taken for granted that presidents have a *duty* constantly to defend themselves publicly . . . . And for many, this presidential ‘function’ is not one duty among many, but rather the heart of the presidency—its essential task.”) (emphasis in original).

President Trump’s April 5, 2018 statement from Air Force One is a powerful example of the manner in which the context of the statement—here, the location—bears on the analysis. *See* Ex. 4; *Blassingame*, 87 F.4th at 22 (“[S]everal objective considerations strongly suggest that the

speech was—and was treated by the President and executive branch as—part of an official event, regardless of whether what was said or how it was conceived might have borne some subjective connection to enhancing President Trump's re-election prospects.”).

With respect to President Trump’s social media posts, *e.g.*, Exs. 1-3, the official-acts conclusion is supported by the fact that his Twitter account was “one of the White House’s main vehicles for conducting official business.” *Knight First Amend. Inst. v. Trump*, 928 F.3d 226, 232 (2d Cir. 2019), *judgment vacated as moot*, 141 S. Ct. 1220 (2021); *see also Blassingame*, 87 F.4th at 21 (reasoning that “if an activity is organized and promoted by official White House channels,” “it is more likely an official presidential undertaking”). Indeed, the Second Circuit held “that the evidence of the official nature of the Account is overwhelming.” *Knight First Amend. Inst.*, 928 F.3d at 234.

The Office of Government Ethics (“OGE”), “established by the Ethics in Government Act of 1978, provides overall leadership and oversight of the executive branch ethics program, which is designed to prevent and resolve conflicts of interest.”<sup>10</sup> Because OGE regulates Executive Branch personnel, President Trump’s communications with OGE during his first term were also official acts and are therefore also inadmissible at trial. *See, e.g.*, Ex. 7.

Finally, there is no constitutionally significant distinction to be drawn between documents and testimony for purposes of presidential immunity. Thus, the Court must preclude the People from eliciting testimony relating to official-acts communications by President Trump, such as those disclosed in grand jury testimony by █████ and █████. The same rule applies, to the extent President Trump’s statements were official in nature, for other witnesses.

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<sup>10</sup> U.S. OFFICE OF GOV’T ETHICS, OGE AGENCY PROFILE 4 (2020), [https://www.oge.gov/web/OGE.nsf/0/0DCB095C47EB209D85258610005CA2D3/\\$FILE/2020%20OGE%20Profile%20Book%20\(Final\).pdf](https://www.oge.gov/web/OGE.nsf/0/0DCB095C47EB209D85258610005CA2D3/$FILE/2020%20OGE%20Profile%20Book%20(Final).pdf).

## CONCLUSION

For the foregoing reasons, the Court should (1) adjourn the trial pending Supreme Court review of the scope of the presidential immunity doctrine in *Trump v. United States*, which is scheduled to be argued before the Supreme Court on April 25, 2024; and (2) following an evidentiary hearing outside the presence of the jury, preclude evidence of President Trump's official acts at trial based on presidential immunity.

Dated: March 7, 2024  
New York, N.Y.

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# **EXHIBIT 3**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

PEOPLE’S OPPOSITION TO  
DEFENDANT’S MOTION TO  
EXCLUDE EVIDENCE AND FOR  
AN ADJOURNMENT BASED ON  
PRESIDENTIAL IMMUNITY

Ind. No. 71543-23

**INTRODUCTION**

On March 7, 2024, defendant filed a motion seeking two forms of relief: (1) preclusion of evidence of defendant’s “official acts at trial based on presidential immunity”; and (2) “an adjournment of the trial pending review of the scope of the presidential immunity doctrine in *Trump v. United States*,” which the Supreme Court has scheduled for argument on April 25, 2024. Notably, unlike in the pending Supreme Court case, defendant is not seeking dismissal of the criminal charges here on the basis of presidential immunity. *Compare United States v. Trump*, 91 F.4th 1173, 1180 (D.C. Cir. 2024) (“Former President Trump moved to dismiss the Indictment”), *with* Mot. 1-2, 24. Indeed, he has never asserted such a defense in this criminal proceeding, and he “expressly waived any argument premised on a theory of absolute presidential immunity” in his unsuccessful effort to remove this action to federal court. *New York v. Trump*, No. 23-3773, 2023 WL 4614689, at \*8 (S.D.N.Y. July 19, 2023), *appeal dismissed sub nom. People v. Trump*, No. 23-1085, 2023 WL 9380793 (2d Cir. Nov. 15, 2023). Instead, defendant invokes presidential immunity here solely as a basis to preclude certain 2018 statements he made after the conduct charged in the indictment, and then relies on such preclusion to seek an adjournment of the trial.

This Court should deny the motion in its entirety. As a threshold matter, defendant’s immunity argument is untimely, and can be rejected at this stage on that basis alone. Defendant

has provided no valid reason for waiting until a mere two-and-a-half weeks before trial to raise this immunity argument when he has long been aware of the defense of absolute presidential immunity and evidence of the 2018 “pressure campaign” was expressly discussed nearly one year ago both in the grand jury and in the statement of facts issued with the indictment in this case. Defendant’s attempt to link this case to the pending Supreme Court appeal in *Trump v. United States* is particularly egregious when, even setting aside that the immunity issue there is dissimilar, the very existence of that appeal shows that defendant could have raised an immunity argument months before the current motion.

In any event, defendant’s immunity argument is meritless. The 2018 statements on which defendant bases his immunity claim are not the subject of the criminal charges here. Even assuming that those statements constitute official conduct, there is no categorical bar to using evidence of immunized conduct in a trial involving non-immunized conduct, as several courts have recognized. Regardless, the 2018 statements do not constitute official acts. Multiple courts have now rejected defendant’s sweeping claim that *every* statement he made as President is an official act enjoying absolute immunity. Here, all of the statements that are the subject of defendant’s motion involved defendant speaking in his personal capacity regarding his personal affairs.

Because defendant’s immunity argument is either untimely presented or meritless, this Court should deny his motion in its entirety, including his request to adjourn the forthcoming trial.

## **ARGUMENT**

### **A. The unexplained and belated nature of defendant’s motion warrants denial or, alternatively, deferral on deciding defendant’s evidentiary objection.**

The CPL makes clear that parties must abide by court-ordered deadlines for “all pre-trial motions.” CPL 255.20(1). That requirement is critical “to avoid the proliferation experienced under prior procedure in which a defendant could bombard the courts and Judges with dilatory



tactics continuing right up to the eve of trial.” *People v. Lawrence*, 64 N.Y.2d 200, 204-05 (1984). Unless a party identifies a valid reason for delay, filings beyond a court’s deadlines “may be summarily denied.” CPL 255.20(3).

Here, the Court may summarily deny defendant’s belated request to preclude evidence because defendant has failed to identify any plausible excuse for waiting until two-and-a-half weeks before trial to file this motion. Months ago, this Court set a September 29, 2023, deadline for omnibus motions and a February 22, 2024, deadline for motions in limine. There is no justification whatsoever for defendant to disregard these deadlines and wait until a mere two-and-a-half weeks before jury selection to assert an argument about presidential immunity for the first time. Defendant was sufficiently aware of the issue of presidential immunity to waive it in the federal removal proceeding in this case on June 15, 2023, *see* Def.’s Mem. of Law Opp. Mot. for Remand 21, *People v. Trump*, No. 23- 03773, Dkt. No. 34 (June 15, 2023), and to raise it as a ground for dismissal in the D.C. prosecution on October 5, 2023, *see* Mot. to Dismiss Indictment Based on Presidential Immunity, *United States v. Trump*, No. 23-cr-00257, Dkt. No. 74 (D.D.C. Oct. 5, 2023). Moreover, the facts that defendant relies on now to support his current immunity arguments were also made available to him months ago. The indictment identified specific records from “the period in 2017 when President Trump was in office” (Mot. 1). And contrary to defendant’s suggestion that the People’s recent motions in limine identified for the first time the “‘pressure campaign’ by President Trump in 2018 relating to Michael Cohen” (Mot. 2), that pressure campaign was described in the People’s statement of facts filed on April 4, 2023 (Statement of Facts ¶¶ 35-40); defendant’s 2018 social-media statements [REDACTED] [REDACTED] that defendant has possessed since May 23, 2023 (*e.g.*,

Tr. 749, 922-23, 939); and defendant literally cites to [REDACTED] in describing [REDACTED] that he claims are subject to immunity (Mot. 4).

Defendant is also wrong to suggest that “the timing of this motion” is supported by recent actions by the U.S. Supreme Court (Mot. 2). The recent decision about Colorado’s disqualification of defendant from the Republican primary ballot in that State, *Trump v. Anderson*, No. 23-719, 2024 WL 899207 (U.S. Mar. 4, 2024), concerned an application of Section 3 of the Fourteenth Amendment to defendant’s acts of insurrection on January 6, 2021; this case does not seek disqualification, does not concern the Fourteenth Amendment, and concerns different acts of election interference by defendant. And in *United States v. Trump*, No. 23-939, the Supreme Court will consider whether defendant has absolute presidential immunity from criminal prosecution for his official acts while in office; as will be discussed below, the charged conduct here does not involve any official acts, and defendant has not asserted presidential immunity for the charged conduct in any event. Defendant cannot justify an eve-of-trial motion, based on legal arguments that could have been raised six months ago, based on U.S. Supreme Court cases that have nothing to do with this prosecution aside from his involvement as a defendant.

In the alternative, this Court would also be well within its discretion to defer any determination on the admissibility of this evidence until trial. Even assuming that there were a valid reason for this late filing, the CPL provides only that this Court may resolve the motion “at any-time before the end of the trial.” CPL 255.20(3). Nothing thus compels this Court to address a late filing *before* trial.

It would make particular sense here to defer ruling on defendant’s evidentiary objections, even assuming that this Court were inclined to overlook defendant’s disregard of the Court’s deadlines. Defendant repeatedly complains that the People have not “describe[d] the evidence they

intend to offer in detail” (Mot. 1). That complaint is misplaced given the details provided in the indictment, statement of facts, grand jury minutes, and subsequent briefing. But even assuming that defendant’s complaint were valid, the solution is to proceed to trial, where the People can present their case in chief and dispel defendant’s apparent confusion. Although this Court certainly has the discretion to rule on evidentiary objections before trial, there is no obstacle to its “refusing to do so in advance of the time when the question presents itself in regular course.” *People v. Ocasio*, 47 N.Y.2d 55, 59 (1979). Thus, if this Court does not summarily deny defendant’s late-filed motion, it could also simply defer any ruling until trial.

**B. Defendant’s claim of presidential immunity is not a basis for precluding evidence that is otherwise relevant and admissible.**

Assuming that this Court decides to address defendant’s claims now, it should deny defendant’s request to preclude evidence based on a theory of presidential immunity.

**1. Defendant does not claim immunity based on the charged conduct, and there would be no such immunity in any event.**

As an initial matter, defendant does not appear to be raising any claim of absolute presidential immunity based on the actual criminal charges here. The indictment charged 34 counts of falsifying business records in the first degree based on false entries that defendant made or caused in 2017. Defendant’s motion, however, makes no immunity argument at all regarding those records. Instead, the motion focuses on a series of public communications by defendant in 2018, and argues that these “social media posts and public statements” are official acts for which defendant should be immune from prosecution (Mot. 22; *see generally id.* at 3-4, 20-23). Defendant’s only reference to evidence from 2017 is his complaint that the People “have not provided sufficiently specific notice” of the “documents and testimony relating to the period in 2017” to allow him “to distinguish between personal and official acts” (Mot. 1). But that complaint

cannot possibly refer to the 2017 conduct charged in the indictment, which precisely identifies the documents supporting each count of falsifying business records in the first degree.<sup>1</sup>

Defendant's current motion thus raises no presidential immunity argument regarding the actual charges in the indictment. Such an interpretation would be consistent with defendant's general approach to the immunity defense throughout this litigation. As discussed, defendant expressly waived presidential immunity in his federal removal proceeding, even though "one of the most important reasons for removal is to have the validity of the defense of official immunity tried in a federal court." *Willingham v. Morgan*, 395 U.S. 402, 407 (1969). And defendant also failed to raise an immunity defense in his omnibus motions in this proceeding, thus further waiving any defense based on presidential immunity to the charges here. *See Carroll v. Trump*, 88 F.4th 418, 429-30 (2d Cir. 2023) (holding, in removed civil proceeding, that defendant waived defense of presidential immunity by failing to raise it in "his answer to Plaintiff's original complaint in New York state court").

In any event, any claim of presidential immunity based on the charged conduct would be meritless. As an initial matter, there is a serious question about whether a former President can claim absolute presidential immunity against criminal liability at all. The Supreme Court has made

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<sup>1</sup> In any event, defendant is wrong to say that there has not been adequate notice on this front. First, the indictment and statement of facts provided more than adequate notice. Second, defendant acknowledged as much by seeking to remove this proceeding to federal court on the ground that the charged conduct related to acts performed under color of his former presidential office. *See* Notice of Removal ¶¶ 25-30, *New York v. Trump*, No. 23-3773, Dkt. No. 1 (S.D.N.Y. May 4, 2023). Third, the federal removal proceeding involved extensive briefing and an evidentiary hearing on the precise question—the distinction "between personal and official acts" (Mot. 1)—that defendant claims to be mystified about here. *See Trump*, 2023 WL 4614689, at \*7 ("The evidence overwhelmingly suggests that the matter was a purely a personal item of the President.... Hush money paid to an adult film star is not related to a President's official acts."). Finally, defendant should have requested more details in his several requests for a bill of particulars, yet inexplicably failed to do so on this ground.

clear—in a case involving this defendant—that a sitting President is subject to both federal and state criminal process, including “when the President is under investigation,” and specifically observed that “state grand juries are free to investigate a sitting President with an eye toward charging him *after completion of his term*,” as has occurred here. *Vance*, 140 S. Ct. at 2426-27 (emphasis added); *see also Nixon v. Fitzgerald*, 418 U.S. 683, 706 (1974). And although the Department of Justice has long taken the position that a President cannot be criminally prosecuted while in office, it has also emphasized that this temporary immunity “would not preclude such prosecution once the President’s term is over.” U.S. Dep’t of Justice, Office of Legal Counsel, *A Sitting President’s Amenability to Indictment and Criminal Prosecution*, 24 Op. OLC 222, 255 (2000) (Ex. 18); *see also* U.S. Dep’t of Justice, Office of Legal Counsel, *Amenability of the President, Vice President and other Civil Officers to Federal Criminal Prosecution While in Office* 32 (Sept. 24, 1973) (Ex. 19). There is thus no clear support for a *former* President claiming immunity against criminal charges.

At most, however, any immunity would be limited to defendant’s actions that were plausibly within his official responsibilities as President. The President possesses “absolute immunity from damages liability predicated on his official acts,” which extends to “acts within the ‘outer perimeter’ of his official responsibility.” *Fitzgerald*, 457 U.S. at 749, 756. But there is “no support for an immunity for *unofficial* conduct”—*i.e.*, conduct “beyond the scope of any action taken in an official capacity.” *Clinton v. Jones*, 520 U.S. 681, 694-95 (1997) (quoting *Forrester v. White*, 484 U.S. 219, 229 (1988)).

Here, the charged conduct involves unofficial rather than official acts by defendant, as the federal district court found in addressing the related question of whether defendant was acting “under color of office” here. Specifically, the court found that “[t]he evidence overwhelmingly

suggests that the matter [i.e., the conduct charged here] was a purely a personal item of the President—a cover-up of an embarrassing event. Hush money paid to an adult film star is not related to a President’s official acts. It does not reflect in any way the color of the President’s official duties.” *Trump*, 2023 WL 4614689, at \*7. Moreover, in the federal proceeding, defendant “conceded . . . that he hired Cohen to attend to his private matters,” and the court identified multiple additional facts demonstrating that the conduct alleged here was unofficial: “Cohen’s invoices and their associated records were maintained by the Trump Organization, a private enterprise, in New York City, not in Washington, D.C. as official records of the President. Trump paid Cohen from private funds, and the payments did not depend on any Presidential power for their authorization.” *Id.*

At base, as the federal court correctly recognized, the falsified business records at issue here were generated as part of a scheme to reimburse defendant’s personal lawyer for an entirely unofficial expenditure that was made before defendant became President—namely, Michael Cohen’s October 2016 payment of \$130,000 to an adult film actress, in exchange for her signing of a nondisclosure agreement regarding her sexual encounter with defendant. There is no colorable argument that these actions constituted official conduct, and accordingly no basis for defendant to assert absolute presidential immunity based on those actions. *See Clinton*, 520 U.S. at 696 (the President “is otherwise subject to the laws for his purely private acts”).<sup>2</sup> Perhaps for this reason, defendant does not raise such an immunity defense here.

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<sup>2</sup> Defendant’s extended discussion of presidential immunity based on “official acts” (Mot. 5-18) is thus entirely beside the point. And his attempt to analogize this case to *Trump v. United States* (Mot. 18-19) is also meritless, as the courts in that criminal case have assumed that the charged conduct involved official acts. *See Trump v. United States*, No. 23-939, 2024 WL 833184, at \*1 (U.S. Feb. 28, 2024); *Trump*, 91 F.4th at 1205 n.14.

**2. No categorical rule precludes admission of evidence of official acts that is relevant to criminal charges for non-immune conduct.**

Because defendant has no argument based on presidential immunity for the charged conduct, his only argument is based on presidential immunity for 2018 public statements he made that he claims constitute “official acts” subject to presidential immunity (Mot. 20-23). But defendant is not being criminally charged for those 2018 statements. *Compare Trump*, 91 F.4th at 1180-82, 1188 (rejecting defendant’s claim of presidential immunity from “the conduct alleged in the Indictment”). Nor are the People seeking to subpoena this information from defendant, since all the statements are already publicly available. *Compare Trump v. Vance*, 140 S. Ct. 2412, 2429 (2020) (rejecting claim of absolute presidential immunity from responding to state grand jury subpoena). In other words, defendant is not raising presidential immunity for any of the purposes that the defense typically serves: namely, immunity from criminal charges or criminal process.

Instead, defendant makes the peculiar argument that immunity can somehow preclude introduction of evidence of official presidential acts in a criminal proceeding, even if that evidence is otherwise relevant and admissible for criminal charges to which no immunity attaches (Mot. 20). Defendant cites no precedent supporting such a rule of preclusion, and several courts have squarely held otherwise. *See United States v. Wen*, slip op. 2-3, No. 04-cr-241 (E.D. Wisc. Sept. 12, 2025) (attached as Ex. 1) (consular immunity “does not create an evidentiary privilege that renders evidence of such conduct inadmissible at trial”), *conviction aff’d*, 477 F.3d 896, 897 (7th Cir. 2007); *United States v. Zhong*, No. 16-614, 2018 WL 6186474, at \*6 (E.D.N.Y. Nov. 26, 2018) (“Although Defendant is entitled to residual immunity from prosecution, the government may admit evidence of Defendant’s acts while he was an accredited diplomat....”), *rev’d on other grounds*, 26 F.4th 536 (2d Cir. 2022). Indeed, the Second Circuit, while reversing the conviction in *Zhong* on other grounds, agreed with the district court that “there is no per se bar on the use of

immune behavior in completing the story—or proving a defendant’s knowledge, intent, or planning—of charged non-immune conduct.”<sup>3</sup> *Zhong*, 26 F.4th at 553 n.9.

To be sure, prosecutors may not introduce evidence of immunized conduct in support of criminal charges *directly* based on such conduct. The Supreme Court held as much in *United States v. Johnson*, 383 U.S. 169 (1966) (cited at Mot. 21), concluding that a conspiracy charge could not be predicated on conduct immunized by the federal Constitution’s Speech and Debate Clause, although it could proceed on other non-immune evidence. *See id.* at 184-85. Here, by contrast, the People are not pursuing criminal charges arising from defendant’s 2018 statements at all. Instead, as the People have explained in their motions in limine (pp. 50-53), the evidence of defendant’s 2018 pressure campaign against Stormy Daniels and Michael Cohen will be introduced as *Molineux* evidence to establish, among other things, defendant’s consciousness of guilt. New York courts have held that such *Molineux* evidence is distinct from direct evidence of charged conduct. *See, e.g., People v. Snagg*, 35 A.D.3d 1287, 1288 (4th Dep’t 2006) (distinguishing between elements of conspiracy charge and separate *Molineux* evidence); *People v. Morales*, 309 A.D.2d 1065, 1066 (3d Dep’t 2003) (same). Because the 2018 conduct on which defendant bases his immunity argument is thus not the subject of the criminal charges in the indictment, but instead bears only on “defendant’s knowledge, intent, or planning . . . of charged non-immune conduct,” *Zhong*, 26 F.4th at 553 n.9, there is no categorical rule foreclosing its admission.

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<sup>3</sup> The Second Circuit reversed the conviction in *Zhong* because it found that the bad-acts evidence at issue did not satisfy the federal equivalent of the *Molineux* rule. *Zhong*, 26 F.4th at 551-53.



### 3. Defendant's 2018 conduct would not constitute official acts in any event.

Finally, even assuming that there were some rule precluding use of evidence of official acts in a criminal prosecution not arising from such acts, that rule would not apply here because the 2018 actions described in defendant's motion were not official acts.

Defendant's basic claim is that all of his 2018 public statements were official acts because he was "communicating with the public on matters of public concern" (Mot. 22). But the D.C. Circuit has squarely rejected the argument that "*all* of a President's speech on matters of public concern, as a categorical rule, is an exercise of official presidential responsibility." *Blassingame v. Trump*, 87 F.4th 1, 15 (D.C. Cir. 2023). Moreover, "whether the President speaks (or engages in conduct) on a matter of public concern bears no necessary correlation with whether he speaks (or engages in conduct) in his official or personal capacity." *Id.* at 16. Rather, the question is whether, for each of the statements at issue here, defendant was "act[ing] in an unofficial, private capacity," or instead "carrying out the official duties of the presidency." *Id.* at 4.

Applying that standard, the United States District Court for the Southern District of New York recently held that defendant was not acting in an official capacity—and hence did not enjoy absolute presidential immunity—when he made several statements in 2019 on Twitter, in remarks to reporters, and in an interview regarding an individual who had accused him of sexual assault. *See Carroll v. Trump*, No. 20-7311, 2023 WL 4393067, at \*2-3, \*9-11 (S.D.N.Y. July 5, 2023), *aff'd in part, appeal dismissed in part*, 88 F.4th 418 (2d Cir. 2023). The district court found that defendant could not invoke presidential immunity simply by making the general claim that the President's official duties include responding to personal attacks; instead, the court found that "the *content* of [defendant's] statements matter," and concluded that defendant's personal attacks on his accuser lacked "any connection . . . to any official responsibility of the president." *Id.* at \*11.

Here, too, the 2018 statements that defendant cursorily claims are official acts are in fact “disconnected entirely from an official function.” *Id.* All of the statements concern a subject matter that a federal court has already determined to be purely personal, rather than official. *See Trump*, 2023 WL 4614689, at \*7. The content of the statements confirms that, even in 2018, defendant was commenting on this personal matter in his personal capacity. For example, many of defendant’s 2018 social media posts and interview statements comment on his relationship with Michael Cohen—but, as defendant averred in the federal removal proceeding, defendant had at that time hired Cohen as his “personal lawyer . . . to handle his personal affairs.” *Id.* at \*3 (quoting defendant’s notice of removal). And defendant has utterly failed to identify *any* specific official duty or responsibility that defendant was fulfilling, or official authority that defendant was invoking, in making gratuitous public statements in 2018 regarding his personal affairs or his personal lawyer. Instead, defendant was making these statements “in an unofficial, private capacity,” *Blassingame*, 87 F.4th at 16, thereby foreclosing any invocation of absolute presidential immunity.

**C. Adjournment of the trial is not warranted under any circumstance.**

Because defendant’s immunity argument is untimely raised, inapposite to admissibility, or simply meritless, there is no basis whatsoever to adjourn the forthcoming trial. But an adjournment would not be warranted even if there were any merit to defendant’s current argument. As discussed, defendant raises no immunity argument regarding the charged conduct; thus, unlike in *Trump v. United States*, there is no threshold barrier to proceeding to trial. Moreover, evidentiary objections are routinely raised and resolved mid-trial when the question of admissibility becomes ripe. There is no danger in following that procedure here, when the evidence in question is not privileged or unduly prejudicial. And, to the extent that there is any credibility to defendant’s current complaint that the relevant facts are unclear (Mot. 1), factual development at trial may very

well clarify whether and to what extent defendant may have any viable claim of presidential immunity. As the D.C. Circuit has observed, claims of official immunity are necessarily fact-bound and may depend on the record developed at trial. *See Blassingame*, 87 F.4th at 5. There would thus be no reason to adjourn the upcoming trial, even assuming defendant had timely presented a colorable immunity argument as a basis for precluding evidence.

### CONCLUSION

Defendant's motion to exclude evidence and for an adjournment should be denied.

Dated: March 13, 2024

Steven C. Wu  
Philip V. Tisne  
Of Counsel

Respectfully submitted,

/s/ Matthew Colangelo

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**AFFIRMATION OF SERVICE**

The undersigned affirms under penalty of perjury that on March 13, 2024, he served the foregoing Opposition to Defendant's Motion to Exclude Evidence and for an Adjournment Based on Presidential Immunity on counsel for defendant (Todd Blanche, Susan Necheles, Emil Bove, Gedalia Stern, and Stephen Weiss) by email with consent.

Dated: March 13, 2024

Respectfully submitted,

/s/ Matthew Colangelo  
Matthew Colangelo  
Assistant District Attorney

# **EXHIBIT 4**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 59

THE PEOPLE OF THE STATE OF NEW YORK

- against -

DONALD J. TRUMP,

Defendant.

DECISION AND ORDER  
ON DEFENDANT'S MOTION  
TO EXCLUDE EVIDENCE  
AND FOR AN  
ADJOURNMENT ON THE  
GROUNDS OF  
PRESIDENTIAL IMMUNITY

Ind. No. 71543/2023

HON. JUAN M. MERCHAN A.J.S.C.:

On April 4, 2023, the Defendant was arraigned before this Court on an indictment charging him with 34 counts of Falsifying Business Records in the First Degree, in violation of Penal Law § 175.10.

On May 4, 2023, the Defendant filed a notice of removal to federal court. *People v. Trump*, SD NY No. 23-CV-03773 (AKH), ECF No. 1. In opposing the People's motion to remand the case back to New York County Supreme Court, Defendant, while arguing that he "...has more than adequately demonstrated a federal defense entitling him to Supremacy Clause immunity," made clear in that same section that he was fully aware of the defense of presidential immunity. *Id.* at ECF No. 34 at pgs. 21-23.

On October 5, 2023, Defendant moved to dismiss the indictment in *United States v. Trump*, US Dist Ct, DDC No. 23-CR-257 (TSC), where he is charged with four criminal counts stemming from actions he allegedly engaged in to interfere with the 2020 presidential election. *United States v. Trump*, US Dist Ct, DDC 23 CR 257, (TSC) ECF No. 74. In his motion, he argued among other things, that the federal charges should be dismissed on the grounds of presidential immunity, that the "scope of criminal immunity includes all actions that fall within the 'outer perimeter' of the President's official duties," and that "making public statements, including tweets, about matters of national concern is an official action that lies at the heart of Presidential duties." *Id.* at pgs. 21, 28. The motion was denied by Judge Tanya S. Chutkan on December 1, 2023. *Id.* at ECF No. 171. Defendant appealed on December 7, 2023. On February 6, 2024, after further briefing by the parties, the United States Court of Appeals, District of Columbia Circuit, upheld Judge Chutkan's decision. *United States v. Trump*, 91

F4th 1173 [DC Cir 2024]. On February 28, 2024, the Supreme Court granted *certiorari* in the matter of *Trump v. United States*, --Sct-- 2024 WL 833184 [2024], Defendant's Memo at pg. 2.

On February 22, 2024, Defendant filed his motions *in limine* in the instant matter. Attached to the motions was the Affirmation of Todd Blanche, (hereinafter "Blanche MIL Affirmation"), which contained numerous exhibits. Exhibit 5 contained statements purportedly made by Defendant, which the People intend to introduce at trial. Defendant sought to preclude the "94 statements allegedly made by President Trump in various forms of media..." Motions *in limine* (hereinafter "Defendant's MIL"). Defendant's MIL at pgs. 40-43. On February 22, 2024, the People also filed their motions *in limine* (hereinafter "People's MIL"), wherein the People argued that this Court should "permit the introduction of evidence regarding the defendant's attempts to dissuade witnesses from cooperating with law enforcement because such evidence shows defendant's consciousness of guilt and corroborates his intent." People's MIL at pg. 50. The People specifically noted that "defendant has targeted Cohen and Daniels on social media and in other public statements with persistent, harassing, and denigrating comments." *Id.* at pg. 51.

On February 29, 2024, Defendant responded to the People's motions *in limine* (hereinafter "Defendant's MIL Opposition"). In his response, Defendant argued that the People "must pre-clear" the evidence of a purported pressure campaign against witnesses with the Court prior to its introduction at trial. Defendant's MIL Opposition at pg. 29. Specifically, Defendant argued that the "People need to identify the witness(es) in question, the substance of the proffered testimony, and any related exhibits they seek to offer. *Id.*

On March 7, 2024, Defendant filed the instant motion to exclude evidence and for an adjournment based on presidential immunity (hereinafter "Defendant's Memo"). At the time Defendant's Memo was filed, trial was set to commence on March 25, 2024. On March 13, 2024, the People filed their motion in opposition (hereinafter "People's Opposition.>").

#### CONTENTIONS OF THE PARTIES

Defendant seeks (1) "an adjournment of the trial pending review of the scope of the presidential immunity doctrine in *Trump v. United States*" and (2) preclusion of "evidence of President Trump's official acts at trial based on presential immunity." Defendant argues that he is (1) immune from state prosecution based on official acts, (2) the instant matter should be adjourned in light of the recent action by the Supreme Court of the United States of America granting *certiorari*, and (3) that the People should be precluded from offering evidence of President Trump's official acts. Specifically, the



Defendant argues that he is entitled to immunity “for acts within the ‘outer perimeter’ of his official responsibility.” Defendant’s Motion at pg. 20, citing to *Nixon v. Fitzgerald*, 457 US 371 (1982).

The People cite to Criminal Procedure Law (“CPL”) § 255.20(3) and argue that Defendant’s motion must be denied as untimely. They further argue that Defendant’s claim of presidential immunity is “not a basis for precluding evidence that is otherwise relevant and admissible.” People’s Opposition at pg. 5. The People also argue that the Defendant provides no authority to support his claim that immunity can “preclude the introduction of evidence of official presidential acts in a criminal proceeding, even if that evidence is otherwise relevant and admissible for charges to which no immunity attaches.” *Id.* at 9. Finally, the People note that although Defendant argues that presidential immunity applies to potential *Molinuex* evidence, he does *not* argue that the defense applies to the charged conduct at the heart of the instant Indictment. *Id.*

### DISCUSSION

For the following reasons, Defendant’s motion is DENIED as untimely.

“Except as otherwise expressly provided by law, whether the defendant is represented by counsel or elects to proceed pro se, all pre-trial motions shall be served or filed within forty-five days after arraignment and before commencement of trial, or within such additional time as the court may fix upon application of the defendant made prior to the entry of judgment.” CPL § 255.20(1). The court must entertain and decide on its merits an appropriate pre-trial motion based upon “grounds of which the defendant could not, with due diligence, have previously been aware, or which, for other good cause, could not reasonably have been raised” within the period specified by CPL § 255.20(1). CPL § 255.20(3). A court may summarily deny a motion that is filed late. William C. Donnino, Practice Commentary, McKinney’s Cons Laws of NY, CPL § 255.20

A court’s decision on the issue of timeliness is discretionary. *See People v. Marte*, 197 AD3d 411 [1st Dept 2021]. In reviewing the excuses proffered by the Defendant for the timing of his motion, this Court finds that they are inadequate and not convincing. *Id.* at 414. Defendant appears to justify the timing of the filing on the basis of two events: (1) the filing of the People’s motions *in limine* on February 22, 2024, which indicated their intent to offer at trial evidence that Defendant engaged in an alleged “pressure campaign” against certain witnesses and (2) the February 28, 2024, decision by the United States Supreme Court to grant Defendant certiorari in *Trump v. United States*, --Sct-- 2024 WL 833184 [2024], where the issue of presidential immunity will presumably be decided. Defendant’s Memo at pgs. 1-2.



Those two reasons, even when considered in tandem, as Defendant does, fail to explain why Defendant waited long past the statutory period allotted by CPL § 255.20. The Defendant had ample notice that the People were in possession of, and intended to use, the various statements allegedly made by Defendant on social media, in public, and in various interviews. He was also well aware that the defense of presidential immunity, even if unsuccessful, might be available to him. For example, and as discussed more fully below, Defendant fully briefed the issue of presidential immunity in his motion to dismiss the matter of *United States v. Trump*, US Dist Ct, DDC 23 CR 257, (TSC) (hereinafter “Federal Insurrection Matter”) on October 5, 2023. He also demonstrated awareness that the defense was available to him when he attempted to remove the instant matter to federal court on May 4, 2023, in *People v. Trump*, SD NY No. 23-CV-03773 (AKH). Nonetheless, Defendant chose not to raise the defense of presidential immunity until well past the 45-day period provided by statute. He also did not raise it in his omnibus motion, in his motions *in limine* or in his response to the People’s motions *in limine*. Defendant’s decision is unjustifiable and renders this motion untimely. Further, and as an aside, the fact that the Defendant waited until a mere 17 days prior to the scheduled trial date of March 25, 2024, to file the motion, raises real questions about the sincerity and actual purpose of the motion. After all, Defendant had already briefed the same issue in federal court and he was in possession of, and aware that, the People intended to offer the relevant evidence at trial that entire time. The circumstances, viewed as a whole, test this Court’s credulity.

Turning specifically to Defendant’s availability of the defense of presidential immunity. The procedural history of the instant matter, together with the procedural history of the Federal Insurrection Matter, leave no doubt that Defendant was aware that the defense, even if unsuccessful, was available to him well before March 7, 2024, when this motion was filed. On October 5, 2023, the Defendant moved to dismiss his Federal Insurrection Matter on the grounds of presidential immunity. *United States v. Trump*, 2023 WL 8359833, 23cr257, TSC ECF No. 74. In his motion papers therein, he specifically argued that that his actions as president were on the “outer perimeter,” that is, “the law provides absolute immunity ‘for acts within the ‘outer perimeter’ of [the President’s] official responsibility.’” *Id.* at pg. 1, *citing to Nixon v. Fitzgerald*, 457 US 731, 756 [1982]. The “outer perimeter” of Presidential duties, the Defendant argued, “encircles a vast swath of territory, because the scope of the President’s duty and authority in our constitutional system is uniquely and extraordinarily broad.” *Id.* at pg. 22. He also took the position that “...making public statements on matters of public concern especially where they relate to a core federal function such as the administration of a federal election – unquestionably falls within the scope of the President’s official duties.” *Id.* at pg. 28. Those

arguments are substantially similar to arguments he presents now – five months later. *See* Defendant’s Memo at pgs. 3, 20, 22. Defendant’s awareness of the availability of the defense is further demonstrated in arguments he has made in this very proceeding. For example, when he attempted to remove this case to federal court, Defendant argued that he “is immune from state prosecution for actions taken as a result of his role as president.” *People v. Trump*, 23cv03773 (AKH) at ECF No. 34 at pg. 21. Nonetheless, Defendant strategically waited until March 7, 2024, to raise the defense.

Turning next to Defendant’s knowledge of the People’s intention to introduce evidence of his alleged “pressure campaign” against certain witnesses. This Court finds that Defendant was indeed aware and had notice of the People’s intent, well before he filed this motion, and he has failed to demonstrate good cause for the late filing. He has also failed to persuade this Court that it should consider the motion in the interest of justice. *People v. Roberts*, 76 Misc3d 448 [Sup Ct, NY County 2022]. The People note in their opposition, that the alleged “pressure campaign” was expressly referred to and discussed in the statement of facts which accompanied the Indictment in this matter, as well as in the grand jury minutes, all of which were provided to Defendant in and around April and May 2023. People’s Opposition at pg. 3. That Defendant had notice of the statements cannot possibly be disputed. For example, in the instant motion, Defendant references three tweets that the People intend to introduce at trial as *Molineux* evidence. *See* Defendant’s Memo at pg. 3. However, the three tweets (among other statements) were referenced in Defendant’s *own exhibit* attached to his motions *in limine*. Exhibit 5 of Blanche MIL Affirmation. Indeed, Defendant argued in his motions *in limine*, that the very same statements should be “precluded ... until [the People have] established their relevance and admissibility outside the presence of the jury.” Defendant’s Memo in Support of his Motions *in Limine* at pgs. 40-43. Rather than make the argument, as Defendant does now, that the admissions should be precluded on the grounds of presidential immunity, Defendant argued then that the statements should be precluded on relevance and evidentiary grounds.

### CONCLUSION

This Court finds that Defendant had myriad opportunities to raise the claim of presidential immunity well before March 7, 2024. Defendant could have done so in his omnibus motions on September 29, 2023, which were filed a mere six days before he briefed the same issue in his Federal Insurrection Matter and several months *after* he brought his motion for removal to federal court on



May 4, 2023. Further, the Defendant could have expanded his argument on this topic in his motions *in limine* or in his opposition to the People's motions *in limine* – but he did not.

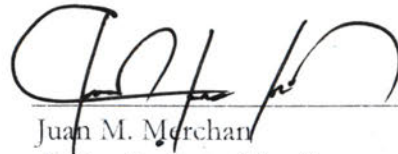
Lastly, having addressed the issue of timeliness and turning to Defendant's motion for preclusion of the People's evidence of the alleged "pressure campaign," the Court reminds Defendant that it already ruled on this issue in its Decision and Order on Defendant's Motions *in Limine* at pgs. 7-8.

Defendant's motion is **DENIED** in its entirety as untimely. The Court declines to consider whether the doctrine of presidential immunity precludes the introduction of evidence of purported official presidential acts in a criminal proceeding<sup>1</sup>.

The foregoing constitutes the Decision and Order of this Court.

April 3, 2024  
New York, New York

**APR 03 2024**



Juan M. Merchan  
Acting Justice of the Supreme Court  
Judge of the Court of Claims

**NOEL J. MERCHAN**

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<sup>1</sup> As the People have noted in their Memo, the Defendant does not appear to raise a claim of presidential immunity as to the underlying facts that make out the charges of Falsifying Business Records in the First Degree. Therefore, his argument here is not the same as his argument in the Federal Insurrection Matter where the issue of "absolute immunity from federal criminal liability" was presented in the context of the underlying criminal conduct that serves as the basis for that indictment.

# **EXHIBIT 5**

PART 59 APR 16 2024



TODD BLANCHE  
ToddBlanche@blanchelaw.com  
(212) 716-1250

April 15, 2024

Via Email

Honorable Juan M. Merchan  
Acting Justice - Supreme Court, Criminal Term

**Re: People v. Trump, Ind. No. 71543/23**

Dear Justice Merchan:

We respectfully submit this pre-motion letter, as discussed prior to jury selection on April 15, 2024, regarding our evidentiary objection to DANY offering evidence of President Trump's official acts during the trial. We respectfully incorporate by reference our March 7, 2024 motion on presidential immunity (the "Motion"), and ask that this letter and the Motion be treated as our full submission on these issues unless further briefing would assist the Court.

For the reasons stated in the Motion, President Trump is entitled to immunity from prosecution for his official acts. *See* Mot. at 5-17. In *Blassingame v. Trump*, 87 F.4th 1 (D.C. Cir. 2023), the D.C. Circuit instructed a trial court in a civil case to perform the "task" of "distinguish[ing] between official acts and private acts." *Id.* at 20. "The potential difficulty of meting out that distinction in some situations, then, cannot justify simply giving up on the enterprise altogether." *Id.* Similarly, when interpreting the analogous doctrine of legislative immunity, the Supreme Court characterized proof of an official act—a congressman's speech—as "inadmissible evidence" at a trial that also involved proof of non-official acts. *United States v. Johnson*, 383 U.S. 169, 177 (1966). The "bulk of the evidence" in *Johnson* did not present a "substantial question" regarding exclusion because the other proof related to private activities such as "financial transactions with the other co-conspirators." *Id.* at 172. However, evidence of the congressional speech presented a "constitutional problem" and should have been precluded at trial. *Id.* In *United States v. Brewster*, the Supreme Court characterized *Johnson* as "as a unanimous holding that a Member of Congress may be prosecuted under a criminal statute provided that the Government's case *does not rely on legislative acts* or the motivation for legislative acts." 408 U.S. 501, 512 (1972) (emphasis added).

The logic of *Johnson* and *Brewster*, applied under analogous circumstances in connection with the presidential immunity doctrine in *Blassingame*, requires preclusion of official-acts evidence at President Trump's trial. *See* Mot. at 20-23. Specifically, the Court should preclude (1) the "Executive Branch Personnel Public Financial Disclosure Report" that President Trump submitted to the Office of Government Ethics on May 15, 2018, marked People's Exhibit 81; (2) the 2018 social media posts to the Twitter account that President Trump used during his time in the White House, marked People's Exhibits 407-G – 407-I; and (3) witness testimony regarding President Trump's official acts during his first term in Office, such as anticipated testimony from former White House staff regarding their communications with President Trump during his first term. For example, in *Blassingame*, the D.C. Circuit explained that "if an activity is organized and promoted by official White House channels and government officials and funded with public resources, it is more likely an official presidential undertaking." *Trump*, 87 F.4th at 21. The Twitter account at issue in People's Exhibits 407-G – 407-I was "one of the White House's main vehicles for conducting official business." *Knight First Amend. Inst. v. Trump*, 928 F.3d 226, 232 (2d Cir. 2019). In addition, speaking on matters of public concern is an official act. *See Council on Am. Islamic Rels. v. Ballenger*, 444 F.3d 659, 665-66 (D.C. Cir. 2006) ("A Member's ability to do his job as a legislator effectively is tied, as in this case, to the Member's relationship with the public and in particular his constituents and colleagues in the Congress. In other words, there was a clear nexus between the congressman answering a reporter's question about the congressman's personal life and the congressman's ability to carry out his representative responsibilities effectively." (cleaned up)); *see also* Mot. at 22 (citing additional authorities).

Finally, there is no procedural impediment to this application. On April 3, 2024, the Court denied President Trump's presidential immunity motion as untimely based on CPL § 255.20. However, that provision is limited to "pre-trial motion[s]," which, as defined in CPL § 255.10, does not apply to motions to preclude evidence. Moreover, President Trump was not required to raise this evidentiary objection prior to trial, but he elected to do so after the Supreme Court granted certiorari in *Trump v. United States*, 2024 WL 833184 (Feb. 28, 2024). In any event, the historical significance of this issue and the fact that it is under consideration by the Supreme Court warrants the Court exercising discretion to address the objection on the merits for purposes of any necessary appellate review.

April 15, 2024  
Page 2

Respectfully Submitted,

/s/ Todd Blanche  
Todd Blanche  
Emil Bove  
Blanche Law PLLC

*Attorneys for President Donald J. Trump*

Enclosure

Cc: DANY attorneys of record

# **EXHIBIT 6**

April 16, 2024

PART 59 APR 18 2024

The Honorable Juan M. Merchan  
New York State Supreme Court, Criminal Term, Part 59  
100 Centre Street  
New York, New York 10013

Dear Justice Merchan,

The People respectfully submit this response to defendant's April 15, 2024, letter raising—once again—an objection to the introduction of evidence regarding defendant's purportedly official acts as president. As the Court is aware, defendant previously sought an adjournment based on presidential immunity and a pretrial ruling on the admissibility of such "official acts" evidence. This Court denied defendant's motion as untimely (Apr. 3, 2024 Decision & Order at 6).

This Court should adhere to that procedural ruling and reserve judgment on defendant's evidentiary objection until trial. As this Court found, defendant forfeited his opportunity to obtain a pretrial advisory ruling on this issue by failing to raise his objection in a timely manner. Defendant claims the deadlines in CPL § 255.20 do not apply here, but he *also* ignored the Court's February 22, 2024 deadline for motions *in limine*—a deadline the Court set last December after seeking the parties' views on the motion schedule. Having forfeited his opportunity to request a pretrial advisory ruling, defendant's recourse is now to make appropriate objections during trial as the evidence comes in, if merited. This Court can then rule on those objections, not in a vacuum, but in the context of actual evidence offered for admission.

To the extent defendant re-raises his objection at trial, and as the People explained in their March 13, 2024 opposition to defendant's motion the last time he sought relief on this exact question, there is absolutely no basis to preclude evidence based on defendant's "official acts" theory because: (1) presidential immunity from criminal liability does not exist; (2) even if it did, there is no corresponding evidentiary privilege precluding the introduction of immune conduct at a trial on charges not arising from that conduct; and (3) the evidence that defendant has sought to preclude would not be subject to a claim of presidential immunity in any event, since defendant was not acting in an official capacity.

The People stand ready to submit additional briefing on these questions, if the Court believes it would be helpful.

Respectfully Submitted,

/s/ Matthew Colangelo

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Christopher Conroy

Katherine Ellis

Susan Hoffinger

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*Assistant District Attorneys*



# **EXHIBIT 7**

No. 19-635

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IN THE  
**Supreme Court of the United States**

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DONALD J. TRUMP,

*Petitioner,*

*v.*

CYRUS R. VANCE, JR., IN HIS OFFICIAL CAPACITY  
AS DISTRICT ATTORNEY OF THE COUNTY  
OF NEW YORK, *et al.*,

*Respondents.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE SECOND CIRCUIT

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**BRIEF OF RESPONDENT**

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**QUESTION PRESENTED**

Whether a state grand jury subpoena directing a third party to produce material that pertains only to unofficial and non-privileged conduct by a President and various private parties must be quashed under Article II or the Supremacy Clause of the Constitution.

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## INTRODUCTION

This case involves a novel claim of presidential immunity from a state grand jury investigation that implicates no official presidential conduct or communications. Petitioner contends that Article II and the Supremacy Clause make him absolutely immune from providing evidence of private, potentially criminal acts that largely predate his presidency—even if the investigation is necessary to preserve evidence of purely private wrongdoing by petitioner and others—so long as he occupies office. That immunity exists, he says, even though he offers no case-specific showing of prosecutorial abuse or cognizable burden on his official functions.

Petitioner's sweeping and unprecedented contention is unfounded, and the reasoning underlying it is flawed. Relying on a Department of Justice (DOJ) opinion finding that a President has constitutional immunity from *indictment and prosecution* during his term of office, petitioner reasons that he necessarily has parallel immunity from *investigation* by state authorities. Yet prosecution and investigation implicate significantly different concerns, and the reasons offered by DOJ to support immunity from prosecution provide no support for petitioner's claim of *per se* immunity from investigation. To the contrary, immunity from investigation for private conduct runs counter to precedent, the structure and operation of the Constitution, and the bedrock principle that no person is above the law.

A President may of course invoke applicable evidentiary privileges when asked to disclose privileged official communications. A President may also seek

to make a case-specific showing that a state grand jury subpoena impermissibly interferes with the ability to perform Article II functions or was issued in bad faith. But petitioner has made no such showing here, nor could he. The grand jury is conducting an investigation into potential criminal conduct by multiple individuals and corporate entities, and its gathering of information does not intrude on petitioner's ability to perform his official duties. If the novel constitutional immunity proposed by petitioner were accepted, it not only could defeat the ordinary processes of the criminal law as to him but also could unjustifiably insulate private parties who have no immunity to assert. No principle of constitutional law justifies that outcome.

## STATEMENT OF THE CASE

### A. Factual Background

This case arises from an investigation commenced in summer of 2018 by the New York County District Attorney's Office (Office) into business transactions involving multiple individuals whose conduct may have violated state law. It is based on information derived from public sources, judicial admissions, confidential informants, and the grand jury process.<sup>1</sup>

1. In recent years, multiple public reports have appeared of possible criminal misconduct in activities connected to the Trump Organization. BIO 2-3. The reports described transactions and tax strategies—

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<sup>1</sup> The scope and foundation of the investigation is detailed in redacted portions of the Shinerock Declaration, filed under seal. C.A. Dkt. 101.

spanning more than a decade—involving individual and corporate actors based in New York County, and raised the prospect that criminal activity might have occurred in the Office’s jurisdiction within applicable statutes of limitations, particularly if (as the reports suggested) the transactions involved a continuing pattern of conduct over many years.

One of the issues raised related to “hush money” payments made on behalf of petitioner to two women with whom petitioner allegedly had extra-marital affairs. In August 2018, Michael Cohen, petitioner’s counselor, pleaded guilty to campaign finance violations arising from payments to one of those women. *United States v. Cohen*, 366 F. Supp. 3d 612, 618 (S.D.N.Y. 2019). Cohen admitted that he violated campaign finance laws in coordination with, and at the direction of, an individual later identified as petitioner. Tr. of Plea Hr’g 23, *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Aug. 21, 2018), ECF No. 7; Gov’t Sentencing Submission 11, *United States v. Cohen*, No. 18-cr-602 (S.D.N.Y. Dec. 7, 2018), ECF No. 27; *Hearing with Michael Cohen, Former Attorney to President Donald Trump: Hearing Before the H. Comm. on Oversight and Reform*, 116th Cong. 1, 11 (Feb. 27, 2019).

Around the time Cohen entered his guilty plea, at the request of federal prosecutors and to avoid potential disruption of the ongoing federal investigation, the Office agreed to defer its own investigation pending resolution of the federal matter. In July 2019, the Office learned that the federal investigation had concluded without any further charges. *See United States v. Cohen*, 2019 WL 3226988, at \*2 (S.D.N.Y.



July 17, 2019). The Office resumed its investigation shortly thereafter.<sup>2</sup>

2. The Office then issued grand jury subpoenas *duces tecum* for records including financial statements and tax returns, as well as the working papers necessary to prepare and test those records.

On August 1, 2019, the Office served the Trump Organization with a grand jury subpoena seeking records and communications concerning specific financial transactions, their treatment in the Trump Organization’s books and records, and the personnel involved in determining that treatment. Soon after, the Office informed the Trump Organization’s counsel that the subpoena required production of certain tax returns. From August 2019 through December 2019, the Trump Organization produced certain responsive documents—but not tax returns.

On August 29, 2019, the Office served petitioner’s accounting firm, Mazars USA LLP (Mazars), with a grand jury subpoena (Mazars Subpoena or Subpoena) seeking financial and tax records—including for petitioner and entities he owned before he became President—from January 1, 2011 to the date of the Subpoena. The Office largely patterned the Mazars Subpoena on a subpoena for some of the same materials issued by the Committee on Oversight and Reform of the U.S. House of Representatives, with the aim of minimizing the burden on Mazars and facilitating expeditious production of responsive documents. The

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<sup>2</sup> Contrary to petitioner’s suggestion (Petr. Br. 6), the Office’s investigation did not *begin* in summer 2019 but *resumed* then.

Mazars Subpoena does not seek any official communications, involve any official presidential conduct, or require *petitioner* to produce anything.

### **B. The Current Controversy**

1. After the Mazars Subpoena was served, counsel for the Trump Organization informed the Office that they believed the request for production of tax records implicated constitutional considerations, and the Office agreed to temporarily suspend the tax portion of the Mazars Subpoena to allow petitioner to challenge it.

Petitioner then filed a complaint against Mazars and respondent in federal court and sought emergency injunctive relief, claiming that the Constitution provides a sitting President absolute immunity from any form of “criminal process” or “investigation,” including a subpoena to a third party for records unrelated to petitioner’s official conduct. D. Ct. Dkt. 1, at 1-2.

Respondent moved to dismiss, arguing that the court should abstain under *Younger v. Harris*, 401 U.S. 37 (1971); that petitioner’s sweeping claim of immunity is contrary to settled precedent; and that petitioner had failed to establish irreparable harm. D. Ct. Dkt. 16.<sup>3</sup> Briefing and argument were highly expedited, and the Office agreed to temporarily forbear

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<sup>3</sup> Mazars has taken no position on the legal issues presented in this case, viewing the dispute as solely between petitioner and respondent.

enforcement of the Mazars Subpoena. D. Ct. Dkt. 28.<sup>4</sup> DOJ filed a Statement of Interest asserting that abstention was inappropriate but taking no position on the merits. D. Ct. Dkt. 32.

2. The district court abstained and ruled in the alternative that petitioner was not entitled to injunctive relief. Pet. App. 36a-37a.

The court not only found that the balance of factors favored abstention but also rejected petitioner's contention that *Younger's* bad-faith exception applied. Pet. App. 58a. The court observed that petitioner "fail[ed] to show that [respondent] could not reasonably expect to obtain a favorable outcome in [the] criminal investigation" furthered by the Mazars Subpoena, and after considering an *in camera* submission, found no basis to "impute bad faith to [respondent] in relation to these proceedings." *Id.*

On the merits, the district court rejected petitioner's "extraordinary claim" that "the person who serves as President, while in office, enjoys absolute immunity from criminal process of any kind." Pet. App. 31a. That position, the court explained, "finds no support in the Constitution's text or history" or in

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<sup>4</sup> Respondent did not "express[] concern" at any point "that he would run out of time to bring 'charges' against 'the president himself' before he 'is out of office.'" Petr. Br. 9 (quoting D. Ct. Dkt. 38, at 40). Respondent merely requested the district court resolve this matter expeditiously to prevent a procedural delay of the Office's investigation until after statutes of limitations expire, at which point the Office would "have no charges available" against *any* potential defendant. D. Ct. Dkt. 38, at 40.

this Court's precedent. *Id.* at 34a. While "some aspects of criminal proceedings could impermissibly interfere with ... the President's ability to discharge constitutional functions," "that consequence would not necessarily follow every stage of every criminal proceeding." *Id.* at 33a. And it "would not apply to the specific set of facts presented here," *id.—i.e.*, a state grand jury subpoena calling for a third party to produce petitioner's "personal and business records," *id.* at 62a.

3. The Second Circuit vacated the district court's determination that *Younger* abstention applied. Pet. App. 13a-14a. But the court of appeals affirmed on the immunity question, holding that "any presidential immunity from state criminal process does not extend to investigative steps like the grand jury subpoena at issue here." *Id.* at 2a.

The Second Circuit focused in particular on *United States v. Nixon*, 418 U.S. 683 (1974), which held that neither absolute presidential immunity nor executive privilege barred enforcement of a subpoena directing President Nixon to produce materials "relating to his conversations with aides and advisers for use in a criminal trial against high-level advisers to the President." Pet. App. 16a (internal quotation marks omitted). Given that "executive privilege did not preclude enforcement of the subpoena issued in *Nixon*," the court saw no reason why "the Mazars [S]ubpoena must be enjoined despite seeking no privileged information and bearing no relation to the President's performance of his official functions." *Id.* at 17a. Regardless of any constitutional issues that might arise if a court sought to compel a President to

appear at a particular time and place, the court explained, compliance with the Mazars Subpoena “does not require the President to do anything at all.” *Id.* at 20a. Furthermore, that President Nixon was required to produce “documents for a trial proceeding on an indictment that named him as a conspirator strongly suggests that the mere specter of ‘stigma’ or ‘opprobrium’ ... is not a sufficient reason to enjoin a subpoena—at least when, as here, no formal charges have been lodged.” *Id.* at 22a.

The court of appeals also rejected DOJ’s argument—made for the first time on appeal and not embraced at the time by petitioner—that “while the President may not be absolutely immune from a state grand jury’s subpoena power, any prosecutor seeking to exercise that power must make a heightened showing of need for the documents sought.” Pet. App. 27a. The cases cited by DOJ, the court observed, all address “documents protected by executive privilege” and thus have “little bearing on a subpoena that, as here, does not seek any information subject to executive privilege.” *Id.* “Surely the exposure of potentially sensitive communications related to the functioning of the government is of greater constitutional concern than information relating solely to the President in his private capacity and disconnected from the discharge of his constitutional obligations,” the court reasoned. *Id.* at 28a.

## SUMMARY OF ARGUMENT

I. A President has no categorical immunity from a state grand jury subpoena for documents unrelated to official duties.

A. This Court's precedents make clear that a President's Article II immunity extends only to official acts. See *Clinton v. Jones*, 520 U.S. 681 (1997); *Nixon v. Fitzgerald*, 457 U.S. 731 (1982). The same is true for qualified evidentiary privileges.

The Supremacy Clause likewise provides no immunity as to private conduct, instead precluding States from directly interfering with a President's *official* acts.

B. The mere risk of interference with official functions does not afford a President categorical immunity against subpoenas for documents concerning private conduct. Presidents throughout history have been subject to judicial process in appropriate circumstances. Recognizing as much, this Court in *Clinton* held that the possibility that private litigation would distract a President from official functions does not warrant categorical immunity. And *Clinton* built on precedent including *United States v. Nixon*, 418 U.S. 683 (1974), in which the Court required the President to disclose Oval Office conversations that implicated official conduct and executive privilege.

C. These principles preclude petitioner's assertion of absolute immunity, as the Mazars Subpoena implicates only private, unofficial documents. A President may of course challenge a *particular* subpoena based on a case-specific showing of impermissible Article II burden, but the mere *potential* for such interference does not justify categorical immunity.

II. That conclusion is not altered by any of petitioner's or the Solicitor General's arguments in favor

of a categorical, prophylactic rule of presidential immunity from investigation.

A. Even assuming a sitting President is immune from indictment, the considerations that might justify such a rule do not support immunity from investigation, as the Office of Legal Counsel (OLC) has recognized. Responding to a grand jury subpoena is far less burdensome than facing indictment or prosecution, and an investigation protected by grand jury secrecy does not impose any stigmatic harm comparable to that of an official, public accusation of wrongdoing. Indeed, this Court has upheld judicial process accompanied by much greater burdens and stigmatic harms, and its analysis in *Nixon* confirms that the indictment and subpoena immunity inquiries are distinct.

B. Petitioner's speculation that state prosecutors cannot be trusted to investigate responsibly provides no basis for an absolute immunity rule. This Court in *Clinton* rejected a claim of immunity from private suits based on similar speculation, and the imagined risks are even less probable here. The States are central to the Nation's criminal justice system, and state prosecutions are cloaked with a presumption of regularity that makes federal interference particularly inappropriate. Existing structural constraints—including jurisdictional limitations, ethical rules, and the prohibition on state investigation of *official* presidential conduct—further mitigate any risk of harassing or overly burdensome state investigations.

In the event that a President can make a credible showing that a *particular* subpoena is overly burdensome or harassing, state and federal courts are well-

equipped to address such claims. Such case-by-case checks are consistent with this Court's precedent; petitioner's proposed blanket immunity rule is not.

C. The Solicitor General does not expressly adopt petitioner's absolute immunity rule but contends that any state criminal subpoena must satisfy a heightened-need standard, under which a prosecutor would have to show that the subpoena seeks important evidence unavailable from any other source. Courts have applied that standard in the face of claims of executive privilege, but the requirement makes no sense where the subpoenaed materials are not privileged and do not otherwise implicate official conduct. Nor does the *risk* of overly burdensome or harassing subpoenas justify a heightened standard. Existing procedures afford a President fully adequate means for pressing case-specific claims of burden or harassment, to be reviewed with all of the sensitivity and respect due a Chief Executive.

D. The rules petitioner and the Solicitor General propose come with substantial harms that further counsel against them.

The costs of the absolute immunity advocated by petitioner are severe. Immunizing a President from criminal investigation while in office could effectively provide immunity from indictment and prosecution after a presidential term due to the loss of evidence. Absolute presidential immunity from investigation could also impede criminal investigation of other parties. Even if evidence could eventually be gathered after a President's term ends, the statutes of limitations as to third parties may well have expired, and



there is no plausible argument that a President's immunity from investigation would toll the limitations period for indicting others.

A heightened-need standard would likewise impose substantial costs. Not only would it unduly hamper the States' traditional authority to enforce criminal laws through the grand jury's investigatory process but, if applied in the manner the Solicitor General suggests, it would in practice amount to the absolute immunity petitioner seeks.

III. Although a President may show that a particular subpoena is overly burdensome or issued in bad faith, petitioner has made neither showing here. The Mazars Subpoena is substantially less burdensome than the judicial process ratified in *Clinton* and *Nixon*. And the district court already considered the evidence petitioner cites and rejected a claim of bad faith in the context of *Younger* abstention, foreclosing any case-specific showing of harassment here.

## ARGUMENT

### I. A PRESIDENT HAS NO CATEGORICAL IMMUNITY FROM A SUBPOENA FOR DOCUMENTS UNRELATED TO OFFICIAL DUTIES

#### A. Article II And The Supremacy Clause Provide Immunity Only From Subpoenas That Interfere With A President's Official Functions

Petitioner contends that, during his term of office, Article II and the Supremacy Clause provide complete and categorical immunity from any criminal

process that implicates his conduct. Petr. Br. 19-39. He is incorrect. Both provisions protect a President only against interference with *official* conduct. Neither provides broad immunity from scrutiny of private acts.

1. Article II vests in a President the federal government's executive power but does not immunize a President for acts taken as a citizen. This Court's precedents have thus consistently limited any Article II-based presidential immunities or privileges from judicial process to circumstances that directly implicate or otherwise substantially interfere with a President's official duties. The Court has "never suggested that the President ... has an immunity that extends beyond the scope of any action taken in an official capacity." *Clinton v. Jones*, 520 U.S. 681, 694 (1997).

Presidential immunity against civil suit reflects this dichotomy. In *Nixon v. Fitzgerald*, 457 U.S. 731 (1982), this Court held that the President's "unique position in the constitutional scheme" requires "absolute immunity from damages liability predicated on ... official acts." *Id.* at 749. But this absolute immunity extends only to "liability for acts within the 'outer perimeter' of [a President's] official responsibility." *Id.* at 756; *see also Mississippi v. Johnson*, 71 U.S. (4 Wall.) 475, 501 (1867) (barring injunction of President's "performance of ... official duties").

Private conduct is subject to a different rule. This Court has held that immunity for *official* conduct "provides no support for an immunity for *unofficial* conduct." *Clinton*, 520 U.S. at 694. The "character of the office that was created by Article II of the Constitution" does not alone justify immunity for private

conduct, *id.* at 697, because the “doctrine of separation of powers is concerned with the allocation of *official* power among the three coequal branches of our Government,” *id.* at 699 (emphasis added).<sup>5</sup>

The same restriction applies to qualified evidentiary privileges. A President may assert privilege against disclosure of communications that reflect presidential deliberations and decision-making. *See, e.g., United States v. Nixon*, 418 U.S. 683, 708-13 (1974). But that privilege encompasses only internal deliberations and decision-making about *public or official acts*. *See Nixon v. Admin. of Gen. Servs.*, 433 U.S. 425, 449 (1977) (presidential privilege “is limited to communications ‘in performance of (a President’s) responsibilities ... of his office’” (quoting *Nixon*, 418 U.S. at 711, 713)); *In re Sealed Case*, 121 F.3d 729, 752 (D.C. Cir. 1997) (presidential privilege encompasses only communications specifically related to advice to a President on “official government matters”). It does not extend to a President’s discussions with private citizens concerning private conduct.

2. The Supremacy Clause likewise does not immunize a President from the everyday obligations of citizenship. *See* U.S. CONST. art. VI, cl. 2. It precludes the States from directly interfering with a President’s (and other federal officials’) *official* acts. *See, e.g., Tennessee v. Davis*, 100 U.S. 257, 263 (1879)

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<sup>5</sup> Petitioner’s reference (Petr. Br. 22) to *Kendall v. United States ex rel. Stokes*, 37 U.S. (12 Pet.) 524 (1838), is inapt for the same reason. There, the Court suggested only that a President is “beyond the reach of any other department ... *as far as his powers are derived from the constitution.*” *Id.* at 610 (emphasis added).

(States cannot “affix penalties to acts done under the immediate direction of the national government” and “within the scope of [the officer’s] authority”); *In re Tarble*, 80 U.S. (13 Wall.) 397, 409-10 (1871) (States cannot “interfere[] with” or “control[]” acts “under the authority ... of the United States”); *McClung v. Silliman*, 19 U.S. (6 Wheat.) 598, 605 (1821) (state court cannot compel federal officer to take governmental action); *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819) (States “have no power ... to retard, impede, burden, or in any manner control, the operations of the” federal government); *see also* Petr. Br. 31-32 (citing additional cases). Absent such interference, the Supremacy Clause does not supplant the States’ authority to regulate the conduct of a President (or any other federal official) as a private citizen. *See, e.g., United States ex rel. Drury v. Lewis*, 200 U.S. 1, 8 (1906) (refusing to grant habeas corpus to federal official in advance of his state criminal trial where evidence raised a genuine issue about whether official federal conduct was involved).

It follows that someone’s status as a federal officer does not by itself trigger Supremacy Clause immunity. *See In re McShane’s Petition*, 235 F. Supp. 262, 273 (N.D. Miss. 1964) (“[I]t cannot be said that any federal official is absolutely immune merely because of his official standing and his official purpose.”). Instead, such immunity turns on whether a State is attempting to dictate how a federal officer carries out an official function. As petitioner concedes, the doctrine immunizes federal officers from state regulation “only when they undertake *official*

acts.” Petr. Br. 25 (emphasis added); *see, e.g., Cunningham v. Neagle*, 135 U.S. 1, 75 (1890) (Supremacy Clause protects federal officer from state punishment only if federal law “authorized” officer to do the challenged act, “which it was his duty to do as [an officer] of the United States”). An officer is not entitled to Supremacy Clause immunity, by contrast, for acts “other ... than official acts.” *Maryland v. Soper*, 270 U.S. 9, 35 (1926).

This dichotomy reflects the structural purpose of the Supremacy Clause. The Clause establishes that “[w]henever, therefore, any *conflict* arises between [federal and state] enactments ... , or in the enforcement of their asserted authorities,” those of the federal government prevail. *In re Tarble*, 80 U.S. at 407. When a State attempts to regulate a federal official’s exercise of federal powers, its actions necessarily conflict with supreme federal authority, and the Supremacy Clause resolves the conflict in favor of the federal government. But when a State regulates the private, unofficial conduct of individuals who are also federal officials, no such conflict arises, and the Supremacy Clause does not apply.<sup>6</sup>

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<sup>6</sup> In *Clinton*, the Court reserved the question whether the Supremacy Clause might apply if a state court exercised “direct control ... over the President” in a civil action, presumably in a way that interfered with the performance of official responsibilities. 520 U.S. at 691 n.13. Nothing in that reservation implied a wholesale exemption of a President from the ordinary responsibilities of a citizen with respect to a state grand jury subpoena for private records, absent any showing of interference with official duties, much less that such an exemption would apply where, as here, a subpoena was issued to a third party.

Petitioner contends that, although this is the general rule, under *Fitzgerald*, a President's Supremacy Clause protection is broader than that afforded other federal officials and must extend to unofficial conduct. Petr. Br. 25. That is incorrect. *Fitzgerald* was a federal case that had nothing to do with the Supremacy Clause. And if *Fitzgerald* has any relevance at all, it undercuts petitioner's argument. The cited passage explained that even though federal officials have only qualified immunity for official acts, the unique position of the presidency requires absolute immunity for action within the outer bounds of official presidential duties. See 457 U.S. at 750-51, 756. But the Court was careful to explain that, for any official, the immunity extends *only to official conduct*. See *supra* at 13-15. No case has ever held that the Supremacy Clause's scope extends to a President's conduct as a private citizen.

**B. The Mere Risk That A Subpoena *Duces Tecum* May Interfere With Official Presidential Functions Does Not Afford A President Categorical Immunity**

Historical practice and this Court's precedent establish that the mere *risk* that a documentary subpoena seeking evidence of private conduct *might* interfere with official presidential functions does not justify a rule of categorical presidential immunity. The possibility that a President may have to expend effort to comply with judicial process or may experience incidental burdens has never been enough to demand Article II immunity. See Randolph D. Moss, Asst. Atty. Gen., *A Sitting President's Amenability to Indictment and Criminal Prosecution*, 24 O.L.C. Op.

222, 254 (Oct. 16, 2000) (Moss Memo) (no general immunity from “subpoenas for documents or testimony” or civil suits despite risk of interference with a President’s time and energy and mental burdens).

1. Petitioner and the Solicitor General cite various writings of the Framers, which they contend show that the Framers uniformly believed a sitting President could not be subject to any criminal process whatsoever. Petr. Br. 22-23; U.S. Br. 9. But this Court considered the same historical evidence in *Clinton* and, after surveying conflicting statements from other Framers, concluded that these historical sources do not provide a definitive answer, and in fact “largely cancel each other” out. 520 U.S. at 696-97. The Court accordingly has looked to longstanding practice from our Nation’s earliest years, which confirms that nothing in the Constitution prohibits a President from being “subject to judicial process in appropriate circumstances.” *Id.* at 703.

Throughout American history, many Presidents not only have voluntarily participated in but also have been involuntarily compelled to comply with various forms of judicial process, including subpoenas to testify and produce documents in both civil and criminal cases. The earliest example involved Aaron Burr’s treason trial, in which Chief Justice Marshall ruled that President Jefferson could be required to respond to a subpoena *duces tecum*. *Clinton*, 520 U.S. at 703-04 (citing *United States v. Burr*, 25 F. Cas. 30 (C.C.D. Va. 1807) (No. 14,692D)). President Monroe later “responded to written interrogatories,” *id.* at 704 (citing Ronald Rotunda, *Presidents and Ex-Presidents as Witnesses: A Brief Historical Footnote*, 1975 U. ILL.

L. FORUM 1, 5-6 (1975)), after soliciting an opinion from the Attorney General, who concluded, based on *Burr*, that a subpoena *ad testificandum* could be issued to a President, *see Rotunda*, 1975 U. ILL. L. FORUM at 5-6. President Ford “complied with an order to give a deposition in a criminal trial.” *Clinton*, 520 U.S. at 705. President Clinton “twice g[ave] videotaped testimony in criminal proceedings.” *Id.* And “President Nixon was obligated to comply with a subpoena commanding him to produce certain tape recordings of his conversations with his aides” for use in a criminal trial. *Id.* at 704 (citing *Nixon*, 418 U.S. at 706).

2. Based in part on this established historical practice, this Court has repeatedly held that a President is subject to ordinary judicial process, even where there is a substantial risk that complying will distract a President or otherwise indirectly burden the ability to perform official presidential functions, or when a particular subpoena directly implicates privileged communications.

*Clinton*, for example, rejected a claim of temporary presidential immunity from a private lawsuit for unofficial conduct even though the Court understood that such a lawsuit would impose burdens on a President, requiring him to produce documents and even provide sworn testimony. *Id.* at 691-92. The Court also specifically rejected President Clinton’s contention that, if denied immunity, the President would be the target of politically motivated, harassing, and frivolous litigation. *Id.* at 708-10. And it rejected the suggestion that courts would be unable to weed out



such claims, noting that sanctions would be a “significant deterrent to litigation directed at the President in his unofficial capacity for purposes of political gain or harassment.” *Id.* at 708-09. As the Court explained, the threat that such litigation would distract a President in the exercise of official Article II duties is simply not the type of interference that triggers constitutional immunity. *See id.*; *see also id.* at 705 n.40 (the distractions of pending litigation, however “vexing,” “do not ordinarily implicate constitutional separation-of-powers concerns”).

*Clinton* was itself based in large part on this Court’s longstanding view that a sitting President may be subject to a subpoena in a criminal proceeding without impermissibly intruding on a President’s official functions. As noted, Chief Justice Marshall first considered the issue more than 200 years ago while overseeing the trial of Aaron Burr. President Jefferson contended that the Constitution immunized him from having to comply with a subpoena *duces tecum* in a criminal proceeding. But Chief Justice Marshall rejected that contention, holding that the fact that “the president of the United States may be subpoenaed ... and required to produce any paper in his possession, is not controverted.” *United States v. Burr*, 25 F. Cas. 187, 191 (C.C.D. Va. 1807) (No. 14,694).

The full Court in *Nixon* later unanimously, “unequivocally[,] and emphatically endorsed Marshall’s position.” *Clinton*, 520 U.S. at 704 (citing *Nixon*, 418 U.S. at 706). *Nixon* obligated the President to comply with a subpoena directing him to produce “tape recordings and documents relating to his conversations with aides and advisers”—*i.e.*, tapes created while he

was in office, of conversations between himself and White House aides in the Oval Office, that by nature implicated official conduct and privileged communications. *Nixon*, 418 U.S. at 686, 687 n.3.

President Nixon moved to quash the subpoena, asserting a “claim of absolute privilege.” *Id.* at 705. The President cited the “need for protection of communications between high Government officials and those who advise and assist them in the performance of their manifold duties,” *id.*, arguing that separation-of-powers principles “insulate[] a President from a judicial subpoena in an ongoing criminal prosecution,” *id.* at 706. This Court rejected that contention, holding that “neither the doctrine of separation of powers, nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances.” *Id.*<sup>7</sup>

In reaching that conclusion, the Court acknowledged the “need for confidentiality in the communications of [a President’s] office” and “the public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking.” *Nixon*, 418 U.S. at 708, 712-13. But that interest was not the only im-

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<sup>7</sup> Petitioner contends that *Nixon* “did not consider (let alone deny) a claim of presidential immunity.” Petr. Br. 43. But that is exactly what this Court considered and rejected: an “unqualified Presidential privilege of immunity from judicial process.” *Nixon*, 418 U.S. at 706; *cf. Nixon v. Sirica*, 487 F.2d 700, 708 (D.C. Cir. 1973) (“Counsel argue ... that, so long as he remains in office, the President is absolutely immune from the compulsory process of a court”).

portant public interest at stake and had to be evaluated “in light of our historic commitment to the rule of law” and “the twofold aim (of criminal justice) ... that guilt shall not escape or innocence suffer.” *Id.* at 708-09. “The need to develop all relevant facts in the adversary system,” the Court emphasized, “is both fundamental and comprehensive.” *Id.* at 709. Barring enforcement of the subpoena would therefore “cut deeply into the guarantee of due process of law and gravely impair the basic function of the courts.” *Id.* at 712. Such an impediment to the fair administration of criminal justice could not be justified, the Court concluded, solely by “the generalized interest in confidentiality” of presidential communications. *Id.* at 713.

**C. A Subpoena Seeking Non-Privileged Evidence About A President’s Private, Unofficial Conduct May Be Challenged As Applied If The President Shows An Impermissible Burden On Article II Functions**

These principles preclude petitioner’s assertion of categorical immunity, as it is undisputed that the grand jury investigation at issue here concerns only unofficial, private conduct, and none of the materials sought reflects confidential communications subject to a claim of executive privilege. *See* Pet. App. 17a-18a; Petr. Br. 15, 19, 32-33, 47, 48 (subpoena seeks only “personal” information); Cert. Reply 3, 8 (subpoena involves merely “unofficial” action); U.S. Br. 1, 6-7, 15-16, 23, 26, 28 (similar).

That does not mean, of course, that a President would have no remedy against a subpoena or other form of judicial process upon showing that it *in fact*

materially interferes with the ability to perform official presidential functions. While “potential burdens” on a President do not provide immunity, “those burdens are appropriate matters for [a court] to evaluate in its management of the case.” *Clinton*, 520 U.S. at 707. And the “high respect that is owed to the office of the Chief Executive, though not justifying a rule of categorical immunity, is a matter that should inform the conduct of the entire proceeding, including the timing and scope of discovery.” *Id.*

Thus, if a court is faced with a factually supported claim of *actual* interference with Article II functions—for example, unreasonably burdensome process that unduly distracts a President—it should ameliorate such problems on a case-by-case basis. As explained in Part III, petitioner has made no showing of case-specific burdens here. But categorical immunity based only on *potential* interference with the ability to perform official presidential functions has no basis in constitutional text, practice, or precedent, and should be rejected by this Court.

## II. THE PROPHYLACTIC IMMUNITY RULES PROPOSED BY PETITIONER AND THE SOLICITOR GENERAL ARE UNSOUND

Both petitioner and the Solicitor General resist the lesson from history, precedent, and logic that a subpoena for documents in a criminal investigation involving a President’s private, non-privileged conduct raises no constitutional issue, unless the President makes a case-specific showing that the process will interfere with Article II functions. They instead contend that considerations that might favor presi-

dential immunity from indictment, as well as the potential for politically motivated or harassing subpoenas, justify prophylactic, across-the-board rules that impose absolute or highly restrictive barriers to criminal investigations of unofficial conduct while a President occupies office. Nothing in the Constitution justifies such barriers, which would for the first time immunize a President from the ordinary responsibilities of citizenship in the context of private, unofficial conduct and impede the investigation of criminal conduct under state law.

**A. The Considerations Asserted To Justify Presidential Immunity From Prosecution Do Not Justify Immunity From Investigation For Unofficial Conduct**

Petitioner's principal argument is that he must be absolutely immune from criminal investigation into unofficial conduct because such an investigation raises the same concerns that OLC has identified as precluding indictment and prosecution of a sitting President. *See Moss Memo 246-54*. Reasoning from the premise that a sitting President is immune from indictment and prosecution because of the burden, distraction, and stigma from facing potential loss of liberty after a criminal trial, petitioner asserts that he must necessarily be immune from criminal investigation. *Petr. Br. 29*.

For the purpose of this case, the Court may assume the validity of OLC's position that a sitting

President is not amenable to criminal prosecution.<sup>8</sup> Certainly, a criminal trial and incarceration would infringe Article II. But the concerns that drove OLC’s finding of an implied constitutional immunity from formal accusation do not extend to the *investigation* of unofficial, potentially criminal conduct during a President’s term. Thus, even while finding an immunity from indictment and prosecution, OLC also concluded that “[a] grand jury could continue to gather evidence throughout the period of immunity [for a sitting President], even passing this task down to subsequently empaneled grand juries if necessary.” Moss Memo 257 n.36.

Gathering evidence is all the grand jury seeks to do here. And that task is vital to ensure that a President may be held accountable for criminal violations upon leaving office—which all agree is basic to our constitutional scheme. Indeed, any constitutional rule of temporary immunity from prosecution during a President’s term should not be transformed into a rule of permanent immunity simply because investigatory leads have grown stale or because the statute

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<sup>8</sup> This case does not involve the question whether a sitting President may be indicted by a state or local grand jury for unofficial conduct, and accordingly, it presents no opportunity for resolving that issue. The Court may proceed on the assumption that such immunity exists, however, coupled with the knowledge that respondent—who has made no determination on the ultimate merits—would be obligated under state law in this case to provide notice and, by extension, an opportunity to seek judicial review before any grand jury vote on an indictment. See N.Y. CRIM. PROC. LAW § 190.50(5)(a)-(b); cf. *Holder v. Humanitarian Law Project*, 561 U.S. 1, 16 (2010).

of limitations has run.<sup>9</sup> To guarantee that a President, along with individuals and entities connected to him, are not permanently above the law, the grand jury must be permitted to collect evidence and follow leads when memories are fresh and relevant evidence is available. Nothing in the Constitution requires otherwise.

Moreover, the concerns asserted to justify temporary presidential immunity from prosecution do not apply to grand jury investigations into unofficial conduct.

1. As an initial matter, petitioner incorrectly asserts that the text of the Impeachment Judgment Clause, U.S. CONST. art. I, § 3, cl. 7, establishes that a President may be criminally indicted “only *after* he is ‘convicted’ by the Senate.” Petr. Br. 21. As the Moss Memo explains, that is not so; the Clause does not differentiate among federal officers who may be impeached, and history and the original understanding settle that prosecution may precede removal. *See* Moss Memo 223-25. But even if that were not so for the President, the Clause says nothing to preclude investigation.

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<sup>9</sup> For this reason, unless state law provides for tolling, or a federal immunity rule had the constitutional corollary of tolling the statute of limitations during a President’s term of office, *see* Moss Memo 256 & n.33; Petr. Br. 33; U.S. Br. 32, the filing of a sealed indictment, with a stay of proceedings, might be a necessary and appropriate procedure. It is unnecessary to confront those difficult issues here, however, because—regardless of the breadth of any immunity from *prosecution*—the rationale for such a rule does not extend to *investigation*.

2. As a functional matter, responding to a grand jury subpoena does not impose the kinds of burdens on a President’s time and effort associated with criminal indictment or prosecution. A grand jury subpoena does not “make it physically impossible for the President to carry out” official duties by restraining a President’s liberty as a sentence of incarceration would. *Id.* at 246. Nor does responding to a grand jury subpoena for documents require a President to choose between exercising constitutional rights—to attend trial, to confront witnesses, to have a public and speedy trial—and fulfilling Article II functions. *See id.* at 251-54. A grand jury subpoena is not an accusation that demands a defense; it is an investigative step that generally unfolds behind closed doors.

Presidents have routinely responded to much more burdensome requests for evidence than that at issue here without any disruption of their Article II functions. *See supra* at 18-19. And responding to a grand jury subpoena *duces tecum* for documents related to unofficial conduct would not even impose the kinds of burdens that this Court has found *acceptable* in prior cases, including requiring a President to testify under oath and disclose tape recordings of privileged Oval Office communications with close advisors. *See supra* at 19-22 (discussing *Clinton* and *Nixon*). Responding to such a subpoena is an incident of citizenship that does not, absent some special case-specific showing, impose burdens cognizable under Article II.

3. Unlike a criminal indictment or prosecution, a grand jury subpoena does not impose any cognizable



stigmatic burdens on a President either. An “indictment and criminal prosecution,” the Moss Memo reasoned, creates a “distinctive and serious stigma” that would “threaten the President’s ability to act as the Nation’s leader in both the domestic and foreign spheres.” Moss Memo 249. A grand jury subpoena does not implicate any remotely similar stigmatic harm, for at least three reasons.

*First*, a criminal indictment and subsequent prosecution is uniquely stigmatizing because it is a “public ... allegation of wrongdoing,” *id.* at 250—an “official pronouncement that there is probable cause to believe [the defendant] committed a criminal act,” *id.* at 254. A grand jury subpoena, in contrast, is not an “official pronouncement” of wrongdoing; it signals only that an investigation is underway. Grand jury investigations are “necessarily broad,” *United States v. Dionisio*, 410 U.S. 1, 13 (1973), and while they seek to discover possible criminal conduct, they also serve the “invaluable function in our society of standing between the accuser and the accused” and protecting “the innocent against hasty, malicious, and oppressive prosecution,” *Wood v. Georgia*, 370 U.S. 375, 390 (1962). Thus, it is “clearly recognized” that giving evidence as part of a grand jury investigation is a “public dut[y] which every person within the jurisdiction of the government is bound to perform upon being properly summoned.” *Blair v. United States*, 250 U.S. 273, 281 (1919). And that notion—that it is every person’s civic obligation to participate fully in a grand jury investigation—“in itself removes any stigma” from the participation. *In re Grand Jury Proceedings Harrisburg Grand Jury 79-1*, 658 F.2d 211, 214 (3d Cir. 1981); *see*

also *United States v. Doe*, 457 F.2d 895, 898 (2d Cir. 1972) (“A [grand jury] subpoena is served in the same manner as other legal process; it involves no stigma whatever ... and it remains at all times under the control and supervision of a court.”), *cert. denied*, 410 U.S. 941 (1973).

*Second*, unlike criminal indictments and prosecutions, a core feature of grand jury investigations is secrecy: “Since the 17th Century, grand jury proceedings have been closed to the public, and records of such proceedings have been kept from the public eye.” *Douglas Oil Co. v. Petrol Stops Nw.*, 441 U.S. 211, 218 n.9 (1979); *see also United States v. Proctor & Gamble*, 356 U.S. 677, 681-82 (1958). Today, federal and state rules guarantee secrecy in grand jury proceedings. *See, e.g.*, FED. R. CRIM. P. 6(e)(2); N.Y. CRIM. PROC. LAW § 190.25(4)(a).

Petitioner contends that he is nonetheless subject to stigma because he is not merely a witness but the “target” of the grand jury’s criminal investigation. That is not so. The only person who has ever described petitioner as a “target” of the grand jury investigation at issue is petitioner himself.<sup>10</sup> But even if petitioner were a “target,” grand jury secrecy prevents any stigma by ensuring “that persons who are accused but exonerated by the grand jury will not be held up to public ridicule.” *Douglas Oil Co.*, 441 U.S. at 219.

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<sup>10</sup> The Mazars Subpoena does not identify petitioner (or anyone else) as a “target” of the investigation but was issued as a part of the grand jury’s fact-gathering process into conduct that involves petitioner and multiple other persons and entities.

*Third*, to the extent that a grand jury subpoena for a President’s records of unofficial conduct raises any stigmatic concerns, the Court has already rejected far more serious stigmatic harms as a basis to avoid judicial process. *Nixon* required the production—and, depending on relevance, public disclosure—of the President’s privileged, sensitive Oval Office conversations that would implicate him in a criminal conspiracy. *Clinton* envisioned civil proceedings that could result in a jury verdict determining that the President had acted improperly or unlawfully in his private conduct. An investigatory subpoena for documents in the sanctity of the grand jury threatens no remotely comparable stigma.

4. *Nixon* confirms that the prospect of temporary presidential immunity from indictment does not imply immunity from a criminal subpoena. *Nixon* held that a sitting President could be required to produce confidential communications from the Oval Office. 418 U.S. at 703, 713. Yet at the same time, the Court expressly declined to address whether the grand jury acted within its authority in naming President Nixon as an unindicted coconspirator, concluding that resolution of that issue was “unnecessary to resolution of the question whether the claim of privilege [in resisting the subpoena] is to prevail.” *Id.* at 687 n.2. That necessarily means that the subpoena question is distinct from the indictment question—it did not matter to the *Nixon* Court whether a President could be named as an unindicted coconspirator because the President could be issued a trial subpoena either way.

Petitioner overlooks this aspect of *Nixon* and instead relies on *Fitzgerald*, which he contends held

that a President is immune from civil suits stemming from official conduct because “personal vulnerability” to such suits would “distract [the President] from ... public duties.” Petr. Br. 30 (quoting *Fitzgerald*, 457 U.S. at 753). If a *civil* suit is too distracting, petitioner reasons, a *criminal* investigation must also be. *Id.* But the Court’s immunity holding in *Fitzgerald* was not based on distraction caused by the litigation itself. If it were, then *Clinton* would have come out the other way. Rather, *Fitzgerald* recognized that liability for official conduct would “render [a President] unduly cautious in the discharge of his official duties.” 457 U.S. at 752 n.32; see *Clinton*, 520 U.S. at 694 n.19. And, as explained, this Court has recognized that the Constitution does not immunize a President from the general burden of responding to legal process involving private conduct. *Clinton*, 520 U.S. at 694, 701-706.

Criminal investigation of a President’s private conduct, in short, does not come with such inherent, serious burdens as to justify a categorical rule of absolute immunity.

### **B. Absolute Immunity From State Criminal Investigation Would Strike Deeply Into Principles Of Accountability And Federalism**

Beyond his arguments for immunity from any and all criminal process (including investigation), petitioner asserts that such immunity is especially important where *state or local* grand jury investigations are concerned. See Petr. Br. 16, 23. If state prosecutors are permitted to ask grand juries to investigate a

President, he argues, thousands of vexatious and harassing investigations will “embroil the sitting President in criminal proceedings,” making it impossible to fulfill Article II functions. *Id.* at 26. Those speculative concerns cannot justify an unprecedented new rule of immunity that would flip constitutional notions of federalism and accountability on their head.

1. It is a fundamental tenet of our system of federalism that “both the Federal government and the States wield sovereign powers.” *Gamble v. United States*, 139 S. Ct. 1960, 1968 (2019). The federal government’s powers are limited and expressly delineated, while the Constitution reserves any remaining powers for the States and the people. *See* U.S. CONST. amend. X. In particular, our system “reserv[es] a generalized police power to the States,” in recognition of the States’ unique interest in investigating and prosecuting crimes within their borders. *United States v. Morrison*, 529 U.S. 598, 618 n.8 (2000).

Despite the centrality of the States to the Nation’s criminal justice system, petitioner contends that the presidency requires a blanket immunity from state investigations because state prosecutors cannot be trusted to exercise their investigatory power responsibly when it comes to a President. Yet petitioner cannot identify a single instance of state prosecutors abusing that power.<sup>11</sup> He insists that a lack of abusive investigations or prosecutions is evidence that

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<sup>11</sup> The Solicitor General’s catalogue of examples of purportedly harassing behavior by state officials, *see* U.S. Br. 18-21, demonstrates the opposite of what he suggests. Only one of these examples involved a state or local prosecutor. In the lone

state prosecutors did not previously understand themselves to have such power, and that once they do, “the floodgates will open.” Petr. Br. 28. That is a remarkably thin reed on which to rest a claim of prophylactic constitutional immunity, which is why this Court rejected a virtually identical argument in *Clinton*. There, the President argued that a decision denying immunity would “engulf the Presidency” in a “deluge” of private litigation. *Clinton*, 520 U.S. at 702. But that prediction did not convince the Court to recognize an immunity from civil suits for private conduct, and moreover, the prediction turned out to be wrong: In the two decades since *Clinton* was decided, only a handful of private suits have been filed against Presidents, many of which have been quickly dismissed by courts, minimizing any potential interference with the presidency. See, e.g., *Johnson v. Trump for Pres., Inc.*, 2019 WL 2492122 (M.D. Fla. June 14, 2019); *Sibley v. Obama*, 866 F. Supp. 2d 17 (D.D.C. 2012).

The Court’s refusal to credit speculative claims of harassing civil litigation in *Clinton* applies *a fortiori* to state criminal investigations. If anything, such investigations by officials who take an oath to support the Constitution give rise to substantially less cause for concern. U.S. CONST. art. VI, cl. 3 (requiring state

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exception, an outgoing district attorney indicted Vice President Cheney and other federal officials, not President Bush, and a state court promptly dismissed the indictment, demonstrating that courts are fully capable of checking any prosecutorial misconduct. See Debra Cassens Weiss, *Judge Tosses Indictments of Vice President Cheney, Ex-AG Gonzales*, A.B.A. J. DAILY NEWS, Dec. 2, 2008, <http://bit.ly/2SSNVPW>.

officers to “be bound by Oath or Affirmation, to support this Constitution”). A state prosecutor, unlike a private plaintiff, is “under an ethical obligation, not only to win and zealously to advocate for his client but also to serve the cause of justice.” *Cheney v. U.S. Dist. Ct.*, 542 U.S. 367, 386 (2004). Thus, the “responsible exercise of prosecutorial discretion” serves as a check on potentially vexatious or harassing criminal litigation that has no counterpart in the civil system. *Id.* This Court has repeatedly explained that the lack of “the check imposed by prosecutorial discretion” is a reason to reject or narrow the scope of private actions. *RJR Nabisco, Inc. v. European Cmty.*, 136 S. Ct. 2090, 2106 (2016) (quoting *Sosa v. Alvarez-Machain*, 542 U.S. 692, 727 (2004)). The presence of that same check provides ample reason here to refrain from immunizing a President against criminal investigation of private conduct.

Indeed, decades of this Court’s precedents flatly reject the assumption implied in petitioner’s prophylactic rule—*viz.*, that state prosecutors are likely to exercise their investigatory powers irresponsibly. As “representative[s] not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all,” prosecutors’ “interest ... in a criminal prosecution is not that [they] shall win a case, but that justice shall be done.” *Berger v. United States*, 295 U.S. 78, 88 (1935). Accordingly, state prosecutors, like their federal counterparts, are cloaked in a presumption of regularity: “It is generally to be assumed that state courts and prosecutors will observe constitutional limitations as expounded by this

Court.” *Dombrowski v. Pfister*, 380 U.S. 479, 484 (1965). Thus, this Court has recognized that “federal interference with a State’s good-faith administration of its criminal laws is peculiarly inconsistent with our federal framework,” *id.*, and cautioned against “denigrat[ing] the independent judgment of state prosecutors to execute the laws of those sovereigns,” *Cara-churi-Rosendo v. Holder*, 560 U.S. 563, 580 (2010).

This Court, in sum, has been “unwilling to credit ... ominous intimations of hostile state prosecutors and collaborationist state courts interfering with federal officers.” *Mesa v. California*, 489 U.S. 121, 138 (1989). Yet that is exactly what petitioner asks this Court to do, based on unwarranted generalizations and rampant speculation without even a hint of evidence in history or actual practice. No constitutional principle authorizes a rule of prophylactic immunity from the ordinary incidents of citizenship premised on such unfounded fears.

2. Petitioner’s argument for a special rule of immunity from state investigation also ignores the substantial structural and practical limitations on state prosecutors. State prosecutors generally may only bring prosecutions within their jurisdictions and so are inherently limited in the investigations they can launch. Every state jurisdiction also has adopted a rule requiring prosecutors to refrain from prosecuting baseless charges unsupported by probable cause,<sup>12</sup>

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<sup>12</sup> Forty-nine States and the District of Columbia have adopted the American Bar Association’s Model Rule of Professional Conduct 3.8(a), which provides that prosecutors “shall refrain from prosecuting a charge that the prosecutor knows is not



and a prosecutor who violates that rule can be subject to professional discipline. *Connick v. Thompson*, 563 U.S. 51, 66 (2011). The “development and enforcement of [these] professional standards for prosecutors ... lessen the danger ... [of] prosecutorial misconduct.” *Malley v. Briggs*, 475 U.S. 335, 343 n.5 (1986). And if these professional disciplinary mechanisms were not enough, prosecutors can be punished criminally under 18 U.S.C. § 242 for “willfully depriv[ing] [a] citizen of ... constitutional rights.” *O’Shea v. Littleton*, 414 U.S. 488, 503 (1974).

As petitioner himself points out and the cases he cites show, moreover, state grand juries are already precluded from targeting federal officials for *official acts*. Petr. Br. 30-31 (citing *United States v. McLeod*, 385 F.2d 734, 750-52 (5th Cir. 1967) (state grand jury precluded from investigating DOJ activities); *United States v. Owlett*, 15 F. Supp. 736, 741 (M.D. Pa. 1936) (state legislative committee barred from investigating operations of Federal Works Progress Administration)). That result follows from the protections for the exercise of official duties granted by the Supremacy Clause. *See supra* at 13-15. This prohibition against state prosecutors’ investigating a President’s official conduct minimizes any risk of prosecutorial interference with Article II duties. No basis exists to extend such an immunity to cover purely private acts.

3. Finally, petitioner fails to explain why existing judicial checks on harassing or overly burdensome subpoenas do not suffice to ameliorate any harm that

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supported by probable cause.” California has an analogous rule. *See* CAL. RULES OF PROF’L CONDUCT r. 3.8(a).

might occur in a particular case. State courts, like federal courts, have tools to protect the presidency from grand jury abuse and harassment. *See, e.g., Virag v. Hynes*, 54 N.Y.2d 437, 443-44 (1981) (explaining grounds to quash grand jury subpoena *duces tecum*); *infra* at 42-43. And a President can seek to make a credible factual showing in federal court that a subpoena seeking evidence of unofficial, unprivileged conduct is issued in bad faith or actually threatens Article II interests. *Cf. Huffman v. Pursue, Ltd.*, 420 U.S. 592, 611 (1975) (federal intervention in a state proceeding may be appropriate if “the state proceeding is motivated by a desire to harass or is conducted in bad faith”); *Younger v. Harris*, 401 U.S. 37, 45 (1971) (“[W]hen absolutely necessary for protection of constitutional rights, courts of the United States have power to enjoin state officers from instituting criminal actions.”).<sup>13</sup> Federal and state courts are required to approach any case-specific allegation of harassment or burden on a President’s Article II functions with the “high respect that is owed to the office of the Chief Executive.” *Clinton*, 520 U.S. at 707. Petitioner provides no reason to believe that, in the unlikely event that a state prosecutorial office abuses its authority, both state and federal courts will fail to protect the presidency from a well-founded showing of harassment or burden.

Such case-by-case checks are consistent with this Court’s prior treatment of judicial process against a

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<sup>13</sup> Respondent did not challenge in this Court the Second Circuit’s holding that *Younger* abstention does not preclude such federal court review.

President, especially when it comes to unofficial conduct. *See supra* at 19-22. In contrast, a prophylactic immunity protecting a President from the ordinary duties of citizenship with respect to purely private conduct would be unprecedented. Congress could, of course, enact such a prophylactic immunity if it believed it necessary to provide a President more protection than the Constitution requires. *See Clinton*, 520 U.S. at 709. But no constitutional provision or principle authorizes this Court to adopt such a novel rule.

### **C. The Solicitor General’s Heightened-Need Standard Applies Only To Privileged Materials**

The Solicitor General stops short of supporting petitioner’s claim of absolute, unqualified immunity. But the Solicitor General puts forth his own categorical, prophylactic rule, arguing that a state prosecutor must in every case “satisfy a heightened standard of need.” U.S. Br. 26. Nothing justifies applying such a rule to state grand jury subpoenas across the board.

The heightened-need standard derives principally from *Nixon*, where the Court held that when a subpoena seeks material over which a President makes an “assertion of privilege,” the government must show a “demonstrated, specific need” for the evidence to overcome that claim. 418 U.S. at 713. *Nixon* involved a trial subpoena, but the D.C. Circuit later applied this standard in the grand jury context, concluding that “to overcome [a] presidential privilege it is necessary to demonstrate with specificity why it is likely that the subpoenaed materials contain important evidence and why this evidence, or equivalent

evidence, is not practically available from another source.” *In re Sealed Case*, 121 F.3d at 756.

The Solicitor General contends that respondent “has not satisfied” that standard here. U.S. Br. 26. But respondent never attempted to satisfy any heightened-need standard in the district court because petitioner argued only for categorical immunity—not a heightened standard—until his petition for certiorari in this Court.<sup>14</sup> In any event, nothing justifies applying such a heightened threshold standard when the materials sought are not privileged or confidential official documents but rather purely private ones pertaining only to acts taken by a President as an ordinary citizen.

1. The Solicitor General acknowledges that, in every case applying the heightened-need standard, the subpoena at issue involved “the President’s [confidential] communications with his advisors.” U.S. Br. 28. There has never been any real dispute on this point, *see, e.g., In re Sealed Case*, 121 F.3d at 753 (heightened-need standard concerns the “type of showing of need the [prosecutor] must make in defense of the grand jury subpoena in order to overcome the privilege”), but petitioner—who advances a heightened-need standard as a fallback—disputes it anyway, arguing that *Nixon*’s heightened-need holding was independent of President Nixon’s claim of privilege, Petr. Br. 46.

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<sup>14</sup> DOJ raised its proposed heightened-need standard for the first time on appeal in the Second Circuit—also after respondent would have had any opportunity to demonstrate that he can satisfy it.

Petitioner is wrong. *Nixon* announced the heightened-need standard in the section of the opinion labeled “The Claim of Privilege” and explained that the government must show a “demonstrated, specific need” for the evidence when there has been an “assertion of privilege” based on “confidentiality.” 418 U.S. at 703, 713. The portion of *Nixon* on which petitioner relies that is *not* specifically addressed to a claim of privilege concerned Federal Rule of Criminal Procedure 17, *id.* at 702, and had nothing to do with the heightened-need standard.

Petitioner also seeks to expand heightened need beyond executive claims grounded in confidentiality interests, based on a distorted reading of *Cheney*. He cites that case for the proposition that “[s]pecial considerations control’ ... whenever the ‘autonomy’ of the President’s office is at stake—which is always the case ‘in the conduct of litigation against’ the Chief Executive.” Petr. Br. 46 (quoting *Cheney*, 542 U.S. at 385). What this Court actually said was that “special considerations control when the Executive Branch’s interests in maintaining the autonomy of its office *and safeguarding the confidentiality of its communications* are implicated.” *Cheney*, 542 U.S. at 385 (emphasis added). The Vice President did not formally invoke executive privilege in *Cheney*, but this Court held that facially overbroad requests for information about a task force that advised the President could nonetheless be narrowed to avoid unnecessary interference with official Executive Branch functions. *Id.* at 387. Even interpreting *Cheney* to impose some type of heightened burden when a civil plaintiff seeks discovery of official materials, no case from this or any

other Court suggests that a heightened showing is required when the evidence sought is unofficial, purely private, and implicates no interest in government confidentiality or privilege.

2. Requiring a prosecutor to make a showing of special need for evidence makes sense in the context of privilege: Article II provides a qualified privilege to protect the confidentiality of official communications. *See supra* at 14, 38. But that privilege (like any qualified privilege) must be balanced against other important public interests, such as the public's interest in "the fair adjudication of a particular criminal case in the administration of justice." *Nixon*, 418 U.S. at 713. Otherwise said, because a President's confidential communications in furtherance of official presidential duties are presumptively protected, a prosecutor must make a special showing to overcome the presumption. No such across-the-board rule makes sense, however, when the materials in question are *not* confidential communications with Executive-Branch advisers but are instead a President's purely private records.

The Solicitor General nevertheless argues that a heightened-need standard is required to "mitigate the risk of harassment" of a President by prosecutors and "reduce the risk of subjecting the President to unwarranted burdens." U.S. Br. 28. But this argument fails for the same reason that petitioner's similar argument for absolute immunity fails: The Solicitor General offers no basis for an across-the-board rule based on a *risk* of such harms when courts can (and should) remedy those harms if and when they actually arise in a particular case. *Cf. Burr*, 25 F. Cas. at 34 ("The

guard, furnished to [a President], to protect him from being harassed by vexatious and unnecessary subpoenas, is to be looked for in the conduct of a court after those subpoenas have issued; not in any circumstance which is to precede their being issued.”).

In fact, the ordinary procedures for challenging grand jury subpoenas already provide for quashing or modifying subpoenas on harassment and excessive-burden grounds. *See, e.g.*, FED. R. CRIM. P. 17(c)(2) (“[A] court may quash or modify [a] subpoena if compliance would be unreasonable or oppressive.”); *United States v. R. Enters., Inc.*, 498 U.S. 292, 299 (1991) (“Grand juries are not licensed to engage in arbitrary fishing expeditions, nor may they select targets of investigation out of malice or an intent to harass.”); *Virag*, 54 N.Y.2d at 443-44 (grand jury subpoena *duces tecum* may be quashed if the “materials sought have no relation to the matter under investigation” or upon showing of “bad faith”).

Article II, moreover, requires courts to be especially sensitive to the unique position occupied by a sitting President, making clear that they are not “required to proceed against the president as against an ordinary individual.” *Nixon*, 418 U.S. at 708 (quoting *Burr*, 25 F. Cas. at 192). Thus, if a President showed in a particular case that complying with a grand jury subpoena would unduly impede Article II functions, a court could narrow the subpoena, extend the time to comply, or, in extreme cases, quash it. As this Court explained in *Clinton*, “[i]f and when” a President shows that judicial process would interfere with official presidential functions, a court should respond “in such fashion ... that interference with the President’s

duties would not occur.” 520 U.S. at 708. But in a case when “no such impingement upon the President’s” official conduct is shown, *id.*, no basis exists for requiring a heightened showing.

The same is true for harassing subpoenas. Courts already must quash grand jury subpoenas issued “out of malice or an intent to harass,” *R. Enters.*, 498 U.S. at 299; see *Virag*, 54 N.Y.2d at 443-44, and the same protections would apply with special force to a President, in light of the office’s unique position as the head of the Executive Branch, *cf. Nixon*, 418 U.S. at 702 (appellate review of a subpoena to a President should be “particularly meticulous” (citing *Burr*, 25 F. Cas. at 34)). Beyond that review, a President could invoke constitutional principles grounded in Article II if the President could make a factual showing that an investigative demand for private documents was intended as retaliation for official policies. *Cf. United States v. Goodwin*, 457 U.S. 368, 380 n.12 (1982) (defendant may establish claim for vindictive prosecution by “prov[ing] through objective evidence an improper prosecutorial motive”); *Branzburg v. Hayes*, 408 U.S. 665, 707-08 (1972) (First and Fifth Amendments prohibit grand jury subpoenas that constitute “[o]fficial harassment”). But the Solicitor General has offered no ground for special scrutiny where, as here, the President has made no *prima facie* showing of malice, harassment, or politically motivated conduct.<sup>15</sup>

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<sup>15</sup> Because all subpoenas, state or federal, are ultimately constrained by constitutional principles, see *Branzburg*, 408 U.S.



The Solicitor General also errs in suggesting that a prophylactic, across-the-board rule is required to ensure federal-court review of allegedly overly burdensome or harassing subpoenas issued to a President. U.S. Br. 28-29. A President may address objections to grand jury subpoenas in state *or* federal court if a viable constitutional claim is put forward based on a case-specific showing. *See supra* at 36-37.

There is, in sum, no constitutional basis for requiring state prosecutors to satisfy a heightened-need standard in every case based on the *risk* of impermissibly burdensome or harassing subpoenas, when a President will have every opportunity to show that a particular subpoena in a particular case *in fact* interferes with the ability to carry out official presidential duties or was issued in bad faith or to harass. As explained in Part III, however, petitioner has made neither showing in this case, which requires affirming the decision below.

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at 707-08; *In re Grand Jury Subpoenas for Locals 17, 135, 257, & 608 of the United Bhd. of Carpenters & Joiners*, 72 N.Y.2d 307, 312-17 (1988), the fact that Rule 17(c) does not apply in state proceedings does not leave a President with inadequate protection, nor does it suggest that a heightened-need standard must be universally applied in Rule 17(c)'s place. *Contra* Petr. Br. 47.

**D. The Prophylactic Rules Proposed By Petitioner And The Solicitor General Would Impose Severe And Unwarranted Negative Consequences On The Criminal Justice System**

Apart from lacking any constitutional basis, the prophylactic, across-the-board rules pressed by petitioner and the Solicitor General will substantially harm the public's interest in the proper administration of criminal justice.

1. The costs of an absolute rule of presidential immunity during a President's term of office are obvious and severe.

To start, petitioner concedes that a President is amenable to criminal indictment and prosecution after leaving office. Petr. Br. 16. Yet immunizing a President from investigation during a presidential term risks effectively providing permanent immunity from indictment and prosecution, because delay “increase[s] the danger of prejudice [to the State] resulting from the loss of evidence.” *Clinton*, 520 U.S. at 707-08. And “the constitutional need for production of relevant evidence in a criminal proceeding is specific and central to the fair adjudication of a particular criminal case in the administration of justice”— “[w]ithout access to specific facts a criminal prosecution may be totally frustrated.” *Nixon*, 418 U.S. at 713. This is presumably why OLC has concluded that while a President is not amenable to indictment while in office, “[a] grand jury could continue to gather evidence throughout the period of immunity.” Moss Memo 257 n.36.

The immunity petitioner seeks would also profoundly affect criminal investigations into conduct by other parties. Complex financial relationships, such as those being investigated here, often have multiple members, and a President's records may be (and are in this case) essential to evaluating the actions of other individuals and entities. Not only would petitioner's absolute immunity rule frustrate investigation of such third parties but it could well immunize them altogether. Absent the gathering of sufficient evidence, no indictment could be filed—and any rule that might toll a limitations period during the term of a *President's* immunity, *see supra* at 25-26 & n.9, would provide no basis for tolling the limitations period for third parties who are not legally immune from prosecution. A delay in the ability to investigate such third parties for the length of a presidential term may well result in the running of the relevant limitations period and thus de facto immunity.

All of that assumes that the evidence in a President's possession would inculcate third parties. But such evidence could also *exonerate* them. Shielding exculpatory evidence during a President's term could lead to wrongful indictment or even conviction, eroding the grand jury's "invaluable function" in "standing between the accuser and the accused." *Wood*, 370 U.S. at 390.

2. The Solicitor General's alternative heightened-need rule would likewise impose serious costs on the administration of criminal justice. After all, the grand jury's "right to every man's evidence" yields only as to "those persons protected by a constitutional, common-law, or statutory privilege." *Branzburg*, 408

U.S. at 688; *see supra* at 14, 38. And as the Court explained in *Nixon*, such “exceptions ... are not lightly created nor expansively construed, for they are in derogation of the search for truth.” 418 U.S. at 710.

The impediment to criminal accountability for private conduct would be especially severe if the Court were to adopt the Solicitor General’s expansive view of the heightened-need standard. According to the Solicitor General, respondent cannot satisfy the standard because respondent “in all events lacks the power to indict the President before the end of the President’s term,” and so “the immediate production of the President’s records” is not “critical to the grand jury’s investigation.” U.S. Br. 32. On that view, there would be no difference between the heightened-need standard and the absolute immunity that petitioner seeks. The heightened-need standard would thereby implicate all the same severe harms to the criminal justice system as petitioner’s absolute immunity rule. When a subpoena seeks confidential official records that implicate Article II concerns, a countervailing constitutional interest may justify limited costs to the administration of criminal justice. But there is no constitutional or other justification for imposing such costs on criminal justice when the subpoena concerns only a President’s private, unofficial records.

### **III. PETITIONER HAS NOT SHOWN THAT THIS SUBPOENA IMPERMISSIBLY BURDENS HIS ABILITY TO PERFORM OFFICIAL FUNCTIONS OR WAS ISSUED IN BAD FAITH**

Although petitioner is not entitled to any prophylactic immunity rule, a President could move to quash

or narrow a subpoena in a particular case upon a showing of either an *actual* (not theoretical) burden that interferes with the ability to perform official Article II duties, or *actual* bad faith or harassment. But petitioner has not demonstrated any cognizable burden here. And while he has suggested that the Mazars Subpoena was issued in bad faith, that contention lacks support, as the district court has already found.

A. Petitioner has not shown that responding to the Mazars Subpoena would unduly interfere with his ability to carry out his official duties. To the contrary, the potential burdens of the Subpoena are minimal, particularly when compared with the judicial processes this Court has ratified in prior cases.

*First*, the Mazars Subpoena seeks only petitioner's personal documents. It does not require him to appear at a hearing or testify under oath. Yet this Court in *Clinton* concluded that requiring a President to prepare for deposition and give sworn testimony did not warrant even a stay of that proceeding, let alone full immunity. *See* 520 U.S. at 704-06. Even setting aside that this subpoena is not directed at petitioner himself, *see infra* at 50, the burden imposed by the requirement to disclose readily available financial records is far less than the already-approved burden of preparing for and providing sworn testimony at a civil deposition.

*Second*, the *Nixon* subpoena required the production of documents that would be used in a criminal *trial*, which would be open to the public. 418 U.S. at 688, 711; *see* U.S. CONST. amend. VI. Public disclosure of a President's communications with top-level

advisers in the Oval Office clearly would have had a substantial impact on the President's interest in confidentiality and would have been a major distraction from official presidential functions. Here, in contrast, the records sought by the Mazars Subpoena will be directed to a state grand jury proceeding, the secrecy of which is mandated by New York law. *See* N.Y. CRIM. PROC. LAW § 190.25(4)(a). Only if a prosecution were instituted and the records constituted evidence of the crimes charged would they be offered in a public trial, and even then, confidentiality concerns could be addressed through routine court orders, for example to redact sensitive identifying information. *Cf. Nixon*, 418 U.S. at 714-16.<sup>16</sup>

*Third*, the information sought by the Mazars Subpoena is far less sensitive than the material subpoenaed in *Nixon*. The financial information, such as tax returns, sought by the Mazars Subpoena has nothing to do with presidential functions. In fact, tax returns are routinely submitted to federal and state agencies, presidential candidates and Presidents routinely release them publicly, and petitioner himself

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<sup>16</sup> Petitioner asserts that the fact that this case involves a grand jury investigation, rather than a criminal trial, cuts against enforcement of the Mazars Subpoena, because a “trial triggers additional and competing constitutional rights held by the criminal defendant.” Petr. Br. 43 n.7. But petitioner offers no plausible argument for why that matters. The truth-finding interests that compelled enforcement of the trial subpoena in *Nixon* are just as weighty in the grand jury context. *See supra* at 22. That a criminal defendant has greater constitutional protections than the subject of a grand jury investigation does not somehow make a grand jury subpoena more burdensome or less necessary than a trial subpoena.

has asserted that he would do so if his returns were not under audit. There is no additional burden to providing those same documents to a secret grand jury by court order.

*Fourth*, unlike the *Nixon* subpoena, which required the President himself to produce documents and recordings, the Mazars Subpoena “is directed not to the President, but to his accountants,” and “compliance does not require the President to do anything.” Pet. App. 20a. Petitioner objects that, because the underlying documents are his, he has standing to challenge a subpoena seeking them. Petr. Br. 17, 35. But the question here is not standing. It is whether having to comply with the Mazars Subpoena will interfere with petitioner’s ability to perform official functions because of distraction. And the fact that the Mazars Subpoena is not directed at petitioner, even if his lawyers consult with him before production, makes clear that the judicial process here will impose no direct, cognizable burden on petitioner.<sup>17</sup>

B. Petitioner has also failed to make a threshold showing that the Mazars Subpoena was issued in bad faith or with the intent to harass. Despite having had

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<sup>17</sup> Petitioner contends that it is not any direct burden but the indirect “distractions and mental burdens” associated with the Mazars Subpoena that “matter.” Petr. Br. 38. But as explained above, if the mere fact that a President might be required to “consult with his attorneys, consider the need to assert available privileges, and otherwise participate in his defense,” Petr. Br. 38 (footnote omitted), were a cognizable burden, *Clinton* would have been decided differently. *See supra* at 19-20, 48. And petitioner does not and cannot identify any more specific imposition that exists in this case.

the opportunity to adduce any relevant evidence before the district court, *see* D. Ct. Dkt. 38, petitioner continues to rely principally on two facts to show harassment—*viz.*, (i) that the Mazars Subpoena was largely patterned on congressional subpoenas, Petr. Br. 48; and (ii) that various officials in New York unaffiliated with respondent have made statements regarding efforts to investigate petitioner and his tax returns, *id.* at 26-27. Yet the district court rejected these very arguments when evaluating petitioner’s contention that the bad-faith exception to *Younger* abstention applied and concluded that they did not suffice to demonstrate bad faith.

As the district court recognized, there is nothing suspect about the Office’s decision to pattern the Mazars Subpoena on the congressional subpoenas, because those subpoenas “encompass documents relevant to the state’s investigation,” and mirroring the congressional subpoenas would “enable Mazars to produce those documents promptly.” Pet. App. 56a. That respondent sought to facilitate the production of documents by streamlining the process is certainly not evidence of bad faith.

Meanwhile, the vast majority of the statements petitioner cites as supposed evidence of the motives behind this investigation were not made by respondent or anyone else associated with the Office or the investigation, and therefore (as the district court found) “do not reveal the ‘subjective motive’ of [respondent] in initiating these particular proceedings.” Pet. App. 56a. The only statements petitioner cites that were actually made by the Office are badly mis-



characterized: Each was a direct response to or summary of petitioner's or DOJ's position, not a description of the true motivation for the investigation or the Mazars Subpoena. *See* C.A. Dkt. 99, at 4, 6 (summarizing petitioner's and DOJ's position that any state investigation of a President must come after impeachment); D. Ct. Dkt. 33, at 1-2 (responding to DOJ's position that compliance with the Subpoena would result in irreparable harm); D. Ct. Dkt. 38, at 43 (responding to argument that the grand jury might not preserve the secrecy of the subpoenaed documents).

Having considered these facts, the district court found no basis to "impute bad faith to [respondent]." Pet. App. 58a. Petitioner has offered this Court no basis to second-guess that conclusion, which is plainly correct. *See, e.g., Inwood Labs., Inc. v. Ives Labs., Inc.*, 456 U.S. 844, 857 (1982) ("[a]n appellate court cannot substitute its interpretation of the evidence for that of the trial court simply because the reviewing court might give the facts another construction [or] resolve the ambiguities differently" (internal quotation marks omitted)).

Petitioner has failed, in short, to demonstrate that the Mazars Subpoena imposes a burden that would unduly interfere with his ability to perform his official duties or that it is a bad faith effort at presidential harassment.

**CONCLUSION**

For the foregoing reasons, the decision below should be affirmed.

Respectfully submitted,

CAITLIN HALLIGAN	CAREY R. DUNNE
RYAN W. ALLISON	<i>Counsel of Record</i>
DAVID A. COON	CHRISTOPHER CONROY
SELENDY & GAY PLLC	SOLOMON B. SHINEROCK
1290 Sixth Avenue	JAMES H. GRAHAM
New York, NY 10104	SARAH WALSH
	ALLEN J. VICKEY
WALTER DELLINGER	NEW YORK COUNTY
DUKE UNIVERSITY LAW	DISTRICT ATTORNEY'S OFFICE
SCHOOL	One Hogan Place
Science Drive &	New York, NY 10013
Towerview Road	(212) 335-9000
Durham, NC 27706	dunnec@dany.nyc.gov

*Counsel for Respondent Cyrus R. Vance, Jr.*

February 26, 2020

**GX 1**

**Deborah Tarasoff**

**From:** Jeff McConney  
**Sent:** Tuesday, February 14, 2017 12:11 PM  
**To:** Deborah Tarasoff  
**Cc:** Allen Weisselberg  
**Subject:** FW: \$\$

Deb,

Please pay from the Trust. Post to legal expenses. Put "retainer for the months of January and February 2017" in the description.

Thanks  
Jeff

842457  
842460

**TRUMP**  
THE TRUMP ORGANIZATION

Jeffrey S. McConney  
Senior Vice President/Controller  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] 7231 | f. [REDACTED] 5396  
[REDACTED]@trumporg.com | Trump.com

ACCOUNTS PAYABLE	
ENTITY #	DITREV
AMOUNT \$	
G/L CODE #	51505
DATE PAID	

**From:** Allen Weisselberg  
**Sent:** Tuesday, February 14, 2017 12:03 PM  
**To:** Jeff McConney <[REDACTED]@trumporg.com>  
**Subject:** RE: \$\$

Ok to pay as per agreement with Don and Eric.

**From:** Jeff McConney  
**Sent:** Tuesday, February 14, 2017 12:02 PM  
**To:** Allen Weisselberg <[REDACTED]@trumporg.com>  
**Subject:** FW: \$\$

Allen,

Please approve the below invoice for payment.

Thanks  
Jeff



**TRUMP**  
THE TRUMP ORGANIZATION

Jeffrey S. McConney  
Senior Vice President/Controller  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] 7231 | f. [REDACTED] 5396  
[REDACTED]@trumporg.com | Trump.com

**From:** Michael Cohen [mailto: [REDACTED]@gmail.com]  
**Sent:** Tuesday, February 14, 2017 11:58 AM  
**To:** Jeff McConney < [REDACTED]@trumporg.com >  
**Subject:** Re: \$\$

[REDACTED]

February 14, 2017

Invoice

Allen Weisselberg  
C/O: Donald J. Trump  
725 Fifth Avenue  
New York, New York 10022

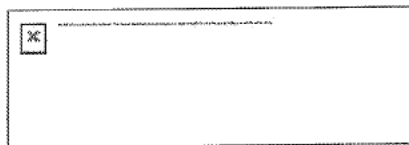
Dear Allen,  
Pursuant to the retainer agreement, kindly remit payment for services rendered for the months of January and February, 2017.

January, 2017: \$35,000.00  
February, 2017: \$35,000.00

Thank you.  
Michael Cohen

On Tue, Feb 14, 2017 at 10:34 AM Jeff McConney < [REDACTED]@trumporg.com > wrote:

\$35,000 per month



Jeffrey S. McConney  
Senior Vice President/Controller  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] 7231 | f. [REDACTED] 5396

[REDACTED]@trumporg.com | Trump.com

**From:** Michael Cohen [mailto: [REDACTED]@gmail.com]  
**Sent:** Tuesday, February 14, 2017 10:01 AM

**To:** Jeff McConney < [REDACTED]@trumporg.com >  
**Subject:** Re: \$\$

Jeff,

Please remind me of the monthly amount?

On Tue, Feb 14, 2017 at 8:43 AM Jeff McConney <[REDACTED]@trumporg.com> wrote:

Mike,

Please send me invoices so I can have the checks cut.

Thanks

Jeff

Jeffrey S. McConney  
Senior Vice President/Controller  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] 7231 | f. [REDACTED] 5396  
[REDACTED]@trumporg.com | Trump.com

**From:** Michael Cohen [mailto:[REDACTED]@gmail.com]  
**Sent:** Tuesday, February 14, 2017 7:59 AM  
**To:** Jeff McConney <[REDACTED]@trumporg.com>  
**Subject:** Re: \$\$

Jeff,

Sorry for the delay and thank you for the reminder. Please have the monthly checks for January and February made payable to Michael D. Cohen, Esq. and sent to [REDACTED]

Hope you are well and see you soon.

On Mon, Feb 6, 2017 at 9:39 AM Jeff McConney <[REDACTED]@trumporg.com> wrote:

Mike,

Just a reminder to get me the invoices you spoke to Allen about.

Thanks

Jeff

Jeffrey S. McConney

Senior Vice President/Controller  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] | f. [REDACTED]  
[REDACTED]@trumporg.com | Trump.com

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--  
Yours,

Michael D. Cohen, Esq.  
Personal Attorney to  
President Donald J. Trump  
[REDACTED]-0114  
[REDACTED]@gmail.com

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Yours,

Michael D. Cohen, Esq.  
Personal Attorney to  
President Donald J. Trump  
[REDACTED]-0114  
[REDACTED]@gmail.com

---

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--  
Yours,

Michael D. Cohen, Esq.  
Personal Attorney to  
President Donald J. Trump  
[REDACTED]0114  
[REDACTED]@gmail.com



**GX 35**

# ACCOUNT STATEMENT



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Statement Period:  
October 26, 2016 -  
October 31, 2016

003355-7  
03355-001

ESSENTIAL CONSULTANTS LLC  
C/O MICHAEL COHEN



Account Number:  
XXX-XXX0-1897

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(800) 392-1407

Page 1 of 2

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### ACCOUNT SUMMARY

XXX-XXX0-1897

Beginning Balance	\$0.00	Average Daily Balance	\$22,637.50
Total Deposits and Credits	\$131,000.00	Minimum Balance	\$965.00
Total Withdrawals and Debits	\$130,035.00-	Service Charges	\$0.00
Total Checks Paid	\$0.00	Interest Earned This Period	\$0.00
Ending Balance	\$965.00	Interest Year to Date	\$0.00

### ACCOUNT ACTIVITY

DATE	DESCRIPTION	AMOUNT
	<b>Deposits and Credits</b>	
10/26	CREDIT-SPECIAL ADV [REDACTED] 6194	\$131,000.00
	<b>Total Deposits and Credits</b>	\$131,000.00
	<b>Withdrawals and Debits</b>	
10/27	DOMESTIC WIRE FUNDS-DEBIT KEITH M DAVIDSON ASSOCIATES PLC	\$130,000.00-
10/27	WIRE TRANSFER FEE	\$35.00-
	<b>Total Withdrawals and Debits</b>	\$130,035.00-



000000

8/18, 000  
Crossed off to 360,00  
Add: Ann'l Dow 600  
920,000  
= 205,000  
off 2/1/17

plus \$50,000.-  
PAID TO RED FINCH  
FOR TECH SERVICES  
\$180,035.00

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**GX 68**

Message

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**From:** Rhona Graff [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=14EBD4376C2E4F8BA02446FC9E61E71A-RGRAFF]  
**Sent:** 1/24/2017 4:12:23 PM  
**To:** Westerhout, Madeleine E. EOP/WHO ([REDACTED]@who.eop.gov)  
**Subject:** RE: Contacts

I'm working on it. Hope to have it to you in a little while.

Rhona Graff  
Senior Vice President - Assistant to the President  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] 2000 | p. [REDACTED] 7209 | f. [REDACTED] 3230  
[REDACTED]@trumporg.com | trump.com

-----Original Message-----

**From:** Westerhout, Madeleine E. EOP/WHO [mailto:[REDACTED]@who.eop.gov]  
**Sent:** Tuesday, January 24, 2017 5:01 PM  
**To:** Rhona Graff <[REDACTED]@trumporg.com>  
**Subject:** Contacts

Could you have the girls put together a list for me of people that he frequently spoke to? I don't want to have to bug you all the time- even though I will still call often :)

Madeleine Westerhout  
Executive Assistant to the President  
Cell: [REDACTED] 3503  
Office: [REDACTED] 3295

**GX 69**

Message

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**From:** Rhona Graff [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=14EBD4376C2E4F8BA02446FC9E61E71A-RGRAFF]  
**Sent:** 1/24/2017 4:44:57 PM  
**To:** Westerhout, Madeleine E. EOP/WHO ([REDACTED]@who.eop.gov)  
**Subject:** FW: Contacts  
**Attachments:** DJT Limited Contacts WH.xlsx

How this for a start?

R




**TRUMP**  
THE TRUMP ORGANIZATION

**Rhona Graff**  
Senior Vice President – Assistant to the President  
725 Fifth Avenue | New York, NY | 10022  
p. [REDACTED] 2000 | p. [REDACTED] 7209 | f. [REDACTED] 3230  
[REDACTED]@trumporg.com | trump.com

**GX 81**

Report Type:	Annual
Year (Annual Report only):	2017
Date of Appointment/Termination:	January 20, 2017

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information				
Last Name	First Name	MI	Position	Agency
Trump	Donald	J	President of the United States of America	
Other Federal Government Positions Held During the Preceding 12 Months:				
N/A				
Name of Congressional Committee Considering Nomination (Nominees only):				
N/A				
Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:				
Signature: 			Date: <b>MAY 15, 2018</b>	
Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below)				
Signature: 			Date: <b>May 15, 2018</b>	
Other Review Conducted By:				
Signature:			Date:	
U.S. Office of Government Ethics Certification (if required):				
Signature: 			Date: <b>5/16/2018</b>	
Comments of Reviewing Officials:				
Note 3 to Part 8: OGE has concluded that the information related to the payment made by Mr. Cohen is required to be reported and that the information provided meets the disclosure requirement for a reportable liability. <b>5/16</b>				



Instructions for Part 1

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name Donald J. Trump	Page Number 2 of 46
---------------------------------	------------------------

Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
1	4 Shadow Tree Lane LLC	New York, NY	LLC	President	08/26/12	1/19/2017
2	4 Shadow Tree Lane Member Corp	New York, NY	Corporation	President/Director/Chairman	08/26/12	1/19/2017
3	40 Wall Development Associates LLC	New York, NY	LLC	Member & President	4/1/1995 & 0/11/03	1/19/2017
4	40 Wall Street Commercial LLC	New York, NY	LLC	President	08/27/09	1/19/2017
5	40 Wall Street LLC	New York, NY	LLC	President	04/23/98	1/19/2017
6	40 Wall Street Member Corp	New York, NY	Corporation	President/Director	04/29/98	1/19/2017
7	3128 Corporation	New York, NY	Corporation	President/Director	08/01/99	1/19/2017
8	401 Mezz Venture LLC	New York, NY	LLC	President	10/01/04	1/19/2017
9	401 North Wabash Venture LLC	New York, NY	LLC	Member & President	8/22/02 & 10/1/04	1/19/2017
12	809 North Canon LLC	New York, NY	LLC	President	12/13/05	1/19/2017
13	809 North Canon Member Corporation	New York, NY	Corporation	President/Director	12/13/05	1/19/2017
14	81 Pine Note Holder Inc	New York, NY	Corporation	President/Director/Secretary	08/30/99	1/19/2017
15	Aviation Payroll Company	New York, NY	Corporation	President/Chairman	08/08/12	1/19/2017
17	Bedford Hills Corp	New York, NY	Corporation	Director & President/Treasurer/Secretary	8/3/1995 & 4/18/96	1/19/2017
18	Briar Hill Operations LLC	New York, NY	LLC	Member	01/09/97	1/19/2017
19	Briarcliff Properties, Inc.	New York, NY	Corporation	Director & President/Treasurer/Secretary	1/17/1996 & 4/18/96	1/19/2017
20	Caribusiness MRE LLC	New York, NY	LLC	Member	03/13/13	1/19/2017
21	Caribusiness RE Corp, The	New York, NY	Corporation	Director/Chairman/President	03/12/15	1/19/2017
22	Chelsea Hall LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
23	Chicago Unik Acquisition LLC	New York, NY	LLC	Member/President	12/15/05	1/19/2017
24	China Trademark LLC	New York, NY	LLC	Member/President	08/17/08	1/19/2017
25	Coronet Hill Inc.	New York, NY	Corporation	Director/Vice President	08/01/89	1/19/2017
26	Development Member Inc.	New York, NY	Corporation	President/Secretary & Director	10/24/1995 & 11/4/96	1/19/2017
27	D B Pace Acquisition, LLC	South Carolina	LLC	Member/President	11/12/14	1/19/2017
28	D B Pace Acquisition Member Corp	New York, NY	Corporation	Chairman/President/Director	11/07/14	1/19/2017
29	DJT Aerospace LLC	Atlantic City, NJ	LLC	Member/President	05/02/10	1/19/2017
30	DJ Aerospace (Bermuda) Limited	Bermuda	Foreign Corporation	President/Director	03/09/94	1/19/2017
31	DJT Entrepreneur Managing Member LLC (f/k/a DJT University Managing Member LLC)	New York, NY	LLC	Member & President	10/25/04	1/19/2017
32	DJT Entrepreneur Member LLC (f/k/a DJT University Member LLC)	New York, NY	LLC	Member & President	10/25/04	1/19/2017
33	DJT Holdings LLC	New York, NY	LLC	Member & President	11/29/2010 & 12/2/2010	1/19/2017
34	DJT Holdings Managing Member LLC	New York, NY	LLC	Member & President	12/02/10	1/19/2017
35	DJT Land Holdings Member Corp	New York, NY	Corporation	President/Director	01/18/12	1/19/2017
36	DJT Operations I LLC	Palm Beach, Florida	LLC	Member/President	07/15/10	1/19/2017
37	DJT Operations II LLC	Palm Beach, Florida	LLC	Member/President	07/15/10	1/19/2017
38	DJT Operations CX LLC	Waterbury, CT	LLC	Member/President	09/12/12	1/19/2017
41	DT APP Warrant Holding LLC	New York, NY	LLC	Member/President	03/02/12	1/19/2017
42	DT APP Warrant Holding Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	03/02/12	1/19/2017
43	DT Connect II LLC	Palm Beach, Florida	LLC	Member/President	07/31/14	1/19/2017
44	DT Connect II Member Corp	Palm Beach, Florida	Corporation	Director/Chairman/President	07/31/14	1/19/2017
47	DT Dubai Golf Manager LLC	New York, NY	LLC	Member/President	03/20/13	1/19/2017
48	DT Dubai Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	03/20/13	1/19/2017
49	DT Dubai II Golf Manager LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
50	DT Dubai II Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	10/30/14	1/19/2017
51	DT Home Marks International LLC	New York, NY	LLC	Member/President	07/12/13	1/19/2017
52	DT Home Marks International Member Corp	New York, NY	Corporation	Director/Chairman/President	07/12/13	1/19/2017
53	DT India Venture LLC	New York, NY	LLC	Member/President	01/09/12	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government						
#	Organization Name	City/State	Organization Type	Position Held	From	To
54	DT India Venture Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	01/08/12	1/19/2017
55	DT Marks Baku LLC	New York, NY	LLC	Member/President	04/10/12	1/19/2017
56	DT Marks Baku Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	04/10/12	1/19/2017
57	DT Marks Dubai LLC	New York, NY	LLC	Member/President	09/05/13	1/19/2017
58	DT Marks Dubai Member Corp	New York, NY	Corporation	Director/Chairman/President	09/05/13	1/19/2017
59	DT Marks Gurgaon LLC	New York, NY	LLC	Member/President	10/28/14	1/19/2017
62	DT Marks Gurgaon Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	10/28/14	1/19/2017
63	DT Marks Jersey City LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
64	DT Marks Jupiter LLC	New York, NY	LLC	Member/President	08/29/14	1/19/2017
65	DT Marks Qatar LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
66	DT Marks Qatar Member Corp	New York, NY	Corporation	Director/Chairman/President	10/30/14	1/19/2017
67	DT Marks Products International LLC	New York, NY	LLC	Member/President	08/13/13	1/19/2017
68	DT Marks Products International Member Corp	New York, NY	Corporation	Director/Chairman/President	08/13/13	1/19/2017
69	DT Marks Pune LLC	New York, NY	LLC	Member/President	01/09/12	1/19/2017
70	DT Marks Pune Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	01/09/12	1/19/2017
71	DT MARKS PUNE II LLC	New York, NY	LLC	Member/President	06/18/14	1/19/2017
72	DT Marks Pune II Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	06/18/14	1/19/2017
73	DT Marks Rio LLC	New York, NY	LLC	Member/President	03/09/12	1/19/2017
74	DT Marks Rio Member Corp	New York, NY	Corporation	Director/Chairman/President	03/09/12	1/19/2017
75	DT Marks Vancouver LP	New York, NY	Partnership	Partner/President	01/22/13	1/19/2017
76	DT Marks Vancouver Manager Corp	New York, NY	Corporation	Director/Chairman/President	01/22/13	1/19/2017
77	DT Marks World LLC	New York, NY	LLC	Member/President	05/21/13	1/19/2017
78	DT Marks World Member Corp	New York, NY	Corporation	Director/Chairman/President	05/21/13	1/19/2017
79	DT Tower Gurgaon LLC	New York, NY	LLC	Member/President	03/09/15	1/19/2017
80	DT Tower Gurgaon Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	03/09/15	1/19/2017
81	DTW Venture LLC	New York, NY	LLC	Member	03/14/14	1/19/2017
82	DTW Venture Managing Member Corp	New York, NY	Corporation	Director/President	03/14/14	1/19/2017
83	East 61 St Company, L.P., The	New York, NY	Partnership	Partner	12/06/96	1/19/2017
84	EID Venture I LLC	New York, NY	LLC	Member	05/01/13	1/19/2017
85	EID Venture I Corporation	New York, NY	Corporation	President/Director	05/01/13	1/19/2017
86	Excel Venture I LLC	St. Martin, French West Indies	LLC	President/Secretary/Treasurer/Member	07/01/13	1/19/2017
87	Excel Venture I Corp.	St. Martin, French West Indies	Corporation	Director/Chairman/President	07/01/13	1/19/2017
88	Fifty Seven Management Corp	New York, NY	Corporation	Director/Chairman	08/23/12	1/19/2017
89	Fifty Seventh Street Associates LLC	New York, NY	LLC	President	11/30/95	1/19/2017
90	First Member, Inc.	New York, NY	Corporation	President	09/26/96	1/19/2017
91	Flights, Inc. (Formerly Trump Flights, Inc.)	New York, NY	Corporation	President/Treasurer/Director	07/01/96	1/19/2017
92	Florida Properties Management LLC	Palm Beach, Florida	LLC	Member	12/17/01	1/19/2017
93	Fontainebleu Apartments LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
94	Golf Productions LLC	New York, NY	LLC	Member/President	09/16/09	1/19/2017
95	Golf Productions Member Corp.	New York, NY	Corporation	President/Director/Chairman	09/16/09	1/19/2017
96	Golf Recreation Scotland Limited	Turnberry, Scotland	Foreign Entity	Director	04/18/14	1/19/2017
97	Helicopter Air Services, Inc.	New York, NY	Corporation	President	08/16/85	1/19/2017
107	Indian Hills Holdings LLC f/k/a Indian Hills Development LLC	New York, NY	LLC	Member/President	2/5/1994 & 8/2000	1/19/2017
108	Jupiter Golf Club LLC (Trump National Golf Club - Jupiter)	New York, NY	LLC	President	09/26/12	1/19/2017
109	Jupiter Golf Club Managing Member Corp	New York, NY	Corporation	President/Director/Chairman	09/26/12	1/19/2017
110	Lamington Family Holdings LLC	New York, NY	LLC	President/Member	7/7/2011 & 7/6/2011	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
111	Lawrence Towers Apartments LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
112	LFB Acquisition LLC	New York, NY	LLC	President	09/29/02	1/19/2017
113	LFB Acquisition Member Corp	New York, NY	Corporation	President/Director/Chairman	11/09/11	1/19/2017
114	Mar A Lago Club, Inc	Palm Beach, Florida	Corporation	President/Treasurer/Secretary	04/19/86	1/19/2017
115	Mar A Lago Club, L.L.C.	New York, NY	LLC	Member/President	01/14/10	1/19/2017
116	Midland Associates	New York, NY	Partnership	Partner	09/15/88	1/19/2017
117	Miss Universe L.P., L.L.L.P. (Formerly Trump Pageants, L.P.)	New York, NY	Partnership	Partner	October, 1988	1/19/2017
118	Nitto World Co., Limited	Turnberry, Scotland	Foreign Entity	Director	09/11/14	1/19/2017
119	Ocean Development Member Inc.	New York, NY	Corporation	President/Director	03/08/07	1/19/2017
121	QPO Hotel Manager LLC	New York, NY	LLC	President	09/12/13	1/19/2017
122	QPO Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	09/12/13	1/19/2017
123	OWD Developer LLC	New York, NY	LLC	President/Member	11/05/14	1/19/2017
124	Panama Ocean Club Management LLC	New York, NY	LLC	Member/President	09/05/10	1/19/2017
125	Panama Ocean Club Management Member Corp	New York, NY	Corporation	President/Chairman/Director	09/05/10	1/19/2017
128	Parn Consulting, Inc.	New York, NY	Corporation	President/Director/Secretary	06/01/99	1/19/2017
129	Park Briar Associates	New York, NY	Partnership	Partner	06/24/69	1/19/2017
130	Pine Hill Development Managing Member Corp	New York, NY	Corporation	Director & Chairman/President	4/19/14 & 4/15/14 & 4/16/14	1/19/2017
131	Pine Hill Development LLC	New York, NY	LLC	President	04/15/14	1/19/2017
132	Plaza Consulting Corp	New York, NY	Corporation	President	10/22/86	1/19/2017
133	Poker Venture LLC	New York, NY	LLC	Member/President	03/19/12	1/19/2017
134	Poker Venture Managing Member Corp	New York, NY	Corporation	Director/President/Chairman	03/19/12	1/19/2017
135	Reg Tru Equities, LTD.	New York, NY	Corporation	Director/President/Secretary/Treasurer	8/7/90 & 8/26/77	1/19/2017
138	RPV Development LLC	New York, NY	LLC	Member/President	08/09/02	1/19/2017
137	Scotland Acquisitions LLC	New York, NY	LLC	Member/President	03/21/05	1/19/2017
140	Seven Springs LLC	New York, NY	LLC	President	Dec. 1995	1/19/2017
142	Shore Haven Acft#, Inc.	New York, NY	Corporation	Director/Vice President	08/01/89	1/19/2017
143	Shore Haven Shopping Center LLC	New York, NY	LLC	Member	11/23/95	1/19/2017
144	SLC Turnberry Limited (Trump Turnberry)	Turnberry, Scotland	Foreign Entity	Director/Chairman	06/11/14	1/19/2017
147	Sussex Hall, Inc.	New York, NY	Corporation	Director/Vice President	08/01/89	1/19/2017
150	T International Realty LLC (dba Trump International Realty)	New York, NY	LLC	Member/President	09/12/12	1/19/2017
151	Tag Air, Inc.	New York, NY	Corporation	President/Director	09/24/10	1/19/2017
153	THC Baku Hotel Manager Services LLC	New York, NY	LLC	President/Member	12/19/14	1/19/2017
154	THC Baku Hotel Manager Services Member Corp.	New York, NY	Corporation	Director/Chairman/President	12/19/14	1/19/2017
155	THC Baku Services LLC	New York, NY	LLC	Member/President	12/19/14	1/19/2017
156	THC Baku Services Member Corp	New York, NY	Corporation	Director/Chairman/President	12/19/14	1/19/2017
157	THC Barra Hotelaria LTDA.	Brazil	Foreign Entity	Member	04/15/14	1/19/2017
158	THC Central Reservations LLC	New York, NY	LLC	Member/President	09/15/13	1/19/2017
159	THC Central Reservations Member Corp	New York, NY	Corporation	Chairman/Director/President	09/16/13	1/19/2017
160	THC China Development LLC (dba Trump China Development LLC)	New York, NY	LLC	President	02/20/06	1/19/2017
162	THC Development Brazil Managing Member Corp	New York, NY	Corporation	Chairman/Director/President	05/15/13	1/19/2017
163	THC Development Brazil LLC	New York, NY	LLC	Member/President	05/15/13	1/19/2017
166	THC Hotel Development LLC	New York, NY	LLC	Member/President	10/11/12	1/19/2017
167	THC IMEA Development LLC	New York, NY	LLC	President	01/16/12	1/19/2017
168	THC Miami Restaurant Hospitality Member Corp	New York, NY	Corporation	Chairman/Director/President	02/01/13	1/19/2017
169	THC Miami Restaurant Hospitality LLC	New York, NY	LLC	Member/President	02/01/13	1/19/2017
170	THC Rio Managing Member Corp	New York, NY	Corporation	Chairman/Director/President	04/11/15	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
171	THC Rio Manager LLC	New York, NY	LLC	Member/President	04/11/13	1/19/2017
172	THC Sales & Marketing LLC	New York, NY	LLC	Member/President	09/17/13	1/19/2017
173	THC Sales & Marketing Member Corp	New York, NY	Corporation	Chairman/Director/President	09/17/13	1/19/2017
174	THC China Technical Services Manager Corp	New York, NY	Corporation	Chairman/Director/President	05/16/14	1/19/2017
175	THC China Technical Services LLC	New York, NY	LLC	Member/President	05/16/14	1/19/2017
176	THC Qatar Hotel Manager LLC	New York, NY	LLC	Member/President	10/30/14	1/19/2017
177	THC Qatar Hotel Manager Member Corp	New York, NY	Corporation	Chairman/Director/President	10/30/14	1/19/2017
178	THC Services Shenzhen LLC	New York, NY	LLC	Member/President	11/25/14	1/19/2017
179	THC Services Shenzhen Member Corp	New York, NY	Corporation	Chairman/Director/President	11/25/14	1/19/2017
180	THC Shenzhen Hotel Manager LLC	New York, NY	LLC	Member/President	11/25/14	1/19/2017
181	THC Shenzhen Hotel Manager Member Corp	New York, NY	Corporation	Chairman/Director/President	11/25/14	1/19/2017
182	THC Vancouver Management Corp	New York, NY	Corporation	Chairman/Director/President	01/23/13	1/19/2017
183	THC Vancouver Payroll LLC	British Columbia (Canada)	Corporation	Director/President	02/20/15	1/19/2017
184	THC Venture I LLC	New York, NY	LLC	Member/President	03/14/14	1/19/2017
185	THC Venture II LLC	New York, NY	LLC	Member/President	03/14/14	1/19/2017
186	THC Venture III LLC - N/K/A TTTT Venture LLC	New York, NY	LLC	President	10/27/14	1/19/2017
187	THC Venture I Managing Member Corp.	New York, NY	Corporation	Chairman/Director/President	03/14/14	1/19/2017
188	THC Venture II Managing Member Corp.	New York, NY	Corporation	Chairman/Director/President	03/14/14	1/19/2017
189	THC Venture III Member Corp - N/K/A TTTT Venture Member Corp	New York, NY	Corporation	Chairman/Director/President	10/27/14	1/19/2017
190	The Donald J. Trump Foundation, Inc.	New York, NY	Non profit	Director	02/19/87	1/19/2017
191	The Trump Corporation	New York, NY	Corporation	Director/President/Chairman	07/30/80	1/19/2017
192	The Trump Follies Member Inc.	New York, NY	Corporation	Chairman/Director/President	12/13/10	1/19/2017
193	The Trump Equitable Fifth Avenue Company	New York, NY	Partnership	Partner	01/30/80	1/19/2017
194	TIGL Common Area Management Corp	New York, NY	Corporation	President/Director	02/21/14	1/19/2017
196	TIGL Ireland Enterprises Limited (Trump International Golf Links - Doonbeg)	Doonbeg, Ireland	Foreign Entity	Director/President	02/24/14	1/19/2017
197	TIGL Ireland Management Limited	Doonbeg, Ireland	Foreign Entity	President/Director	02/24/14	1/19/2017
199	TIHC Reservations LLC	New York, NY	LLC	Member/President	08/08/10	1/19/2017
199	TIHH Member Corp	New York, NY	Corporation	President/Director	09/10/09	1/19/2017
200	TIHH Member LLC	New York, NY	LLC	Member/President	09/10/09	1/19/2017
201	TIHM Member Corp	New York, NY	Corporation	President/Director	08/13/06	1/19/2017
202	TIHT Chicago Member Acquisition LLC	New York, NY	LLC	President	06/03/04	1/19/2017
203	TIHT Commercial LLC	New York, NY	LLC	Member/President	12/30/96	1/19/2017
204	TIHT Holding Company LLC	New York, NY	LLC	Member/President	01/18/05	1/19/2017
205	TIHT Member LLC	New York, NY	LLC	Member/President	07/20/06	1/19/2017
206	Tipperary Realty Corp.	New York, NY	Corporation	President/Treasurer/Director	11/19/75	1/19/2017
207	TMG Member, LLC	New York, NY	LLC	Member	01/15/09	1/19/2017
208	TNGC Charlotte LLC	New York, NY	LLC	President	10/20/11	1/19/2017
209	TNGC Charlotte Manager Corp	New York, NY	Corporation	President/Chairman/Director	10/20/11	1/19/2017
210	TNGC Dutchess County LLC (fka Trump Marks Classic Cars LLC)	New York, NY	LLC	President	11/17/09	1/19/2017
211	TNGC Dutchess County Member Corp (fka Trump Marks Classic Cars Member Corp)	New York, NY	Corporation	President/Chairman/Director	11/17/09	1/19/2017
212	TNGC Jupiter Management LLC	New York, NY	LLC	President	08/26/14	1/19/2017
213	TNGC Jupiter Managing Member Corp	New York, NY	Corporation	President/Chairman/Director	05/26/14	1/19/2017
214	TNGC Pine Hill LLC (fka Crest Court LLC) (Trump National Golf Club - Philadelphia)	New York, NY	LLC	President	11/17/09	1/19/2017
215	TNGC Pine Hill Member Corp. (fka Crest Court Member Corp)	New York, NY	Corporation	President/Chairman/Director	11/17/09	1/19/2017
216	Toronto Development LLC	New York, NY	LLC	Member/President	05/28/11	1/19/2017
219	Travel Enterprises Management, Inc (Formerly Toys at Trump, Inc.)	New York, NY	Corporation	President/CEO	03/24/95	1/19/2017

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Filer's Name					Page Number	
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Part 1: Filer's Positions Held Outside United States Government						
#	Organization Name	City/State	Organization Type	Position Held	From	To
220	Trump 106 CPS LLC	New York, NY	LLC	Member/President	03/28/97	1/19/2017
223	Trump 845 LP LLC	New York, NY	LLC	Member/President	09/19/03	1/19/2017
224	Trump 845 UN GP LLC	New York, NY	LLC	Member/President/Treasurer	06/20/97	1/19/2017
225	Trump 845 UN MGR Corp	New York, NY	Corporation	President	10/14/98	1/19/2017
226	Trump 845 UN MGR LLC (F/K/A 845 UN LLC)	New York, NY	LLC	President/Treasurer/Member	05/14/97	1/19/2017
227	Trump AC Casino Marks LLC	New York, NY	LLC	President/Member	08/03/10	1/19/2017
228	Trump AC Casino Marks Member Corp	New York, NY	Corporation	President/Chairman/Director	08/03/10	1/19/2017
229	Trump Acquisition Corp	New York, NY	Corporation	President/Chairman/Director	02/05/08	1/19/2017
230	Trump Acquisition, LLC	New York, NY	LLC	Member/President	02/06/08	1/19/2017
231	Trump Books LLC	New York, NY	LLC	Member/President	10/03/11	1/19/2017
232	Trump Books Manager Corp	New York, NY	Corporation	President/Chairman/Director	10/03/11	1/19/2017
233	Trump Brazil LLC	New York, NY	LLC	President/Member	09/08/03	1/19/2017
234	Trump Briarcliff Manor Development LLC (formerly Briar Hill Development LLC)	New York, NY	LLC	President	03/04/99	1/19/2017
235	Trump Canadian Services Inc	New York, NY	Corporation	President/Secretary	March-03	1/19/2017
236	Trump Ganouan Estate LLC	New York, NY	LLC	President/Member	12/19/07	1/19/2017
237	Trump Ganouan Estate Member Corp	New York, NY	Corporation	President/Chairman/Director	12/19/07	1/19/2017
238	Trump Caribbean LLC	New York, NY	LLC	Member	09/27/01	1/19/2017
239	Trump Carousel LLC	New York, NY	LLC	President/Member	02/18/10	1/19/2017
240	Trump Carousel Member Corp	New York, NY	Corporation	President/Chairman/Director	02/18/10	1/19/2017
241	Ace Entertainment Holdings Inc (f/k/a Trump Casinos Inc. & Formerly Trump Taj Mahal, Inc.)	Atlantic City, NJ	Corporation	Chairman/Treasurer	08/03/88	1/19/2017
242	Trump Central Park West Corp	New York, NY	Corporation	President	September-04	1/19/2017
243	Trump Chicago Commercial Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/10	1/19/2017
244	Trump Chicago Commercial Manager LLC	New York, NY	LLC	President/Member	06/28/10	1/19/2017
245	Trump Chicago Development LLC	New York, NY	LLC	President/Member	12/26/01	1/19/2017
246	Trump Chicago Hotel Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/10	1/19/2017
247	Trump Chicago Hotel Manager LLC	New York, NY	LLC	President/Member	08/28/10	1/19/2017
248	Trump Chicago Managing Member LLC	New York, NY	LLC	President	10/01/04	1/19/2017
249	Trump Chicago Member LLC	New York, NY	LLC	President	October-04	1/19/2017
250	Trump Chicago Residential Member Corp	New York, NY	Corporation	President/Chairman/Director	07/08/10	1/19/2017
251	Trump Chicago Residential Manager LLC	New York, NY	LLC	President/Member	06/28/10	1/19/2017
252	Trump Chicago Retail LLC	New York, NY	LLC	President	10/16/12	1/19/2017
253	Trump Chicago Retail Manager LLC	New York, NY	LLC	President/Member	10/23/12	1/19/2017
254	Trump Chicago Retail Member Corp	New York, NY	Corporation	President/Chairman/Director	10/23/12	1/19/2017
257	Trump Commercial Chicago LLC	New York, NY	LLC	President	08/29/07	1/19/2017
260	Trump CPS Corp	New York, NY	Corporation	Director	11/08/96	1/19/2017
261	Trump CPS LLC	New York, NY	LLC	Member & President	11/6/1966 & 11/16/06	1/19/2017
262	Trump Dalmonico LLC	New York, NY	LLC	Member	11/21/01	1/19/2017
263	Trump Development Services LLC	New York, NY	LLC	President/Member	09/28/08	1/19/2017
264	Trump Development Services Member Corp	New York, NY	Corporation	President/Director	09/28/08	1/19/2017
267	Trump Drinks Israel LLC	New York, NY	LLC	Member/President	05/25/11	1/19/2017
268	Trump Drinks Israel Member Corp	New York, NY	Corporation	President/Director/Chairman	05/25/11	1/19/2017
269	Trump Education LLC	Nova Scotia (Canada)	Corporation	Chairman/Director	05/28/09	1/19/2017
270	Trump Empire State, Inc.	New York, NY	Corporation	President/Treasurer/Director	04/19/94	1/19/2017
271	Trump Endeavor 12 LLC (Trump National Doral)	New York, NY	LLC	President	10/09/11	1/19/2017
272	Trump Endeavor 12 Manager Corp	New York, NY	Corporation	President/Director/Chairman	10/09/11	1/19/2017
273	Trump EU Marks LLC	New York, NY	LLC	Member/President/Secretary/Treasurer	08/04/11	1/19/2017

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Instructions for Part 1

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
274	Trump EU Marks Member Corp	New York, NY	Corporation	President/Director/Chairman	09/04/11	1/19/2017
275	The Trump Entrepreneur Initiative LLC (f/k/a Trump University CA LLC)	New York, NY	LLC	Member	05/14/09	1/19/2017
276	Trump Ferry Point LLC	New York, NY	LLC	President/Member	06/04/10	1/19/2017
277	Trump Ferry Point Member Corp	New York, NY	Corporation	President/Director/Chairman	06/04/10	1/19/2017
278	Trump Florida Management LLC	New York, NY	LLC	Member	05/13/05	1/19/2017
279	Trump Florida Manager Corp.	New York, NY	Corporation	Director/President	05/10/05	1/19/2017
280	The Trump Follies LLC	New York, NY	LLC	Member & President	12/14/06	1/19/2017
283	Trump Golf Acquisition LLC	New York, NY	LLC	Member/President	04/23/10	1/19/2017
284	Trump Golf Coco Beach LLC	New York, NY	LLC	Member/President	12/11/07	1/19/2017
285	Trump Golf Coco Beach Member Corp	New York, NY	Corporation	Director/President	12/11/07	1/19/2017
286	Trump Golf Management LLC	New York, NY	LLC	Member/President	01/28/05	1/19/2017
287	Trump Home Marks LLC	New York, NY	LLC	Member/President	11/19/09	1/19/2017
288	Trump Home Marks Member Corp	New York, NY	Corporation	President/Director	11/19/09	1/19/2017
289	Trump Ice LLC	New York, NY	LLC	President/Member	03/25/04	1/19/2017
290	Trump Ice, Inc.	New York, NY	Corporation	Director/President	03/03/99	1/19/2017
293	Trump International Development LLC	New York, NY	LLC	Member/President	11/29/10	1/19/2017
294	Trump International Development Member Corp	New York, NY	Corporation	President/Director/Chairman	11/29/10	1/19/2017
295	Trump International Golf Club LC (Trump International Golf Club - Florida)	Palm Beach, Florida	LLC	Member & President	5/3/1997 & 11/1/13	1/19/2017
296	Trump International Golf Club Scotland Limited	Aberdeen, Scotland	Foreign Entity	Director & Chairman	1/24/06 & 3/13/06	1/19/2017
297	Trump International Golf Club, Inc.	Palm Beach, Florida	Corporation	President/Director/Secretary/Treasurer	12/09/96	1/19/2017
298	Trump International Hotel and Tower Condominium	New York, NY	Condominium Association	President	September-98	1/19/2017
299	Trump International Hotel Hawaii LLC	New York, NY	LLC	President	02/10/09	1/19/2017
300	Trump International Hotels Management LLC	New York, NY	LLC	President/Member	05/13/06	1/19/2017
301	Trump International Management Corp	New York, NY	Corporation	President/Director	07/02/96	1/19/2017
304	Trump Korean Projects LLC	New York, NY	LLC	Member	05/04/99	1/19/2017
305	Trump Las Olas LLC	New York, NY	LLC	Member	06/10/05	1/19/2017
306	Trump Las Olas Member Corp	New York, NY	Corporation	Director/President	06/10/05	1/19/2017
307	Trump Las Vegas Corp.	Las Vegas, NV	Corporation	Director/President	12/04/09	1/19/2017
308	Trump Las Vegas Development LLC	Las Vegas, NV	LLC	President/Member	10/10/02	1/19/2017
309	Trump Las Vegas Managing Member LLC	Las Vegas, NV	LLC	President/Member	10/10/02	1/19/2017
312	Trump Las Vegas Member LLC	Las Vegas, NV	LLC	President/Member	10/01/02	1/19/2017
314	Trump Las Vegas Sales & Marketing Inc	Las Vegas, NV	Corporation	President	10/09/04	1/19/2017
316	Trump Lauderdale Development 2 LLC	New York, NY	LLC	Member	09/08/04	1/19/2017
317	Trump Lauderdale Development LLC	New York, NY	LLC	President & Member	1/12/04 & 9/22/2005	1/19/2017
318	Trump Management Inc.	New York, NY	Corporation	Director & VP	04/22/89	1/19/2017
319	Trump Marketing LLC	New York, NY	LLC	Member/President	02/10/11	1/19/2017
320	Trump Marks Asia Corp	New York, NY	Corporation	President/Chairman/Director	03/03/08	1/19/2017
321	Trump Marks Asia LLC	New York, NY	LLC	President	2/29/2008 11/14/11 & 2/29/08	1/19/2017
322	Trump Marks Atlanta LLC	New York, NY	LLC	Member/President	05/01/06	1/19/2017
323	Trump Marks Atlanta Member Corp	New York, NY	Corporation	President/Director/Chairman	05/01/08	1/19/2017
326	Trump Marks Batumi LLC	New York, NY	LLC	Member & President	3/3/11 & 3/9/11	1/19/2017
327	Trump Marks Batumi Member Corp	New York, NY	Corporation	President/Director/Chairman	03/09/11	1/19/2017
330	Trump Marks Canouan Corp	New York, NY	Corporation	President/Director/Chairman	05/17/07	1/19/2017
331	Trump Marks Canouan LLC	New York, NY	LLC	Member/President	05/17/07	1/19/2017
332	Trump Marks Chicago LLC	New York, NY	LLC	Member/President	04/14/10	1/19/2017
333	Trump Marks Chicago Member Corp	New York, NY	Corporation	President/Director/Chairman	04/14/10	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
336	Trump Marks Dubai Corp	New York, NY	Corporation	President/Director/Chairman	09/19/07	1/19/2017
337	Trump Marks Dubai LLC	New York, NY	LLC	President/Member	09/19/07	1/19/2017
338	Trump Marks Egypt Corp	New York, NY	Corporation	President/Director/Chairman	09/17/07	1/19/2017
339	Trump Marks Egypt LLC	New York, NY	LLC	President/Member	09/17/07	1/19/2017
340	Trump Marks Fine Foods LLC	New York, NY	LLC	President/Member	09/11/09	1/19/2017
341	Trump Marks Fine Foods Member Corp	New York, NY	Corporation	President/Director/Chairman	09/11/09	1/19/2017
342	Trump Marks FL Lauderdale LLC	New York, NY	LLC	President/Member	11/06/07	1/19/2017
343	Trump Marks FL Lauderdale Member Corp	New York, NY	Corporation	President/Director/Chairman	11/06/07	1/19/2017
346	Trump Marks GP Corp	New York, NY	Corporation	President/Director/Chairman	07/12/05	1/19/2017
347	Trump Marks Holding LP (FKA Trump Marks LP)	New York, NY	Partnership	Partner	05/25/05	1/19/2017
348	Trump Marks Hollywood Corp	New York, NY	Corporation	Director/Chairman/President	04/10/07	1/19/2017
349	Trump Marks Hollywood LLC	New York, NY	LLC	President/Member	04/09/07	1/19/2017
350	Trump Marks Istanbul II Corp.	New York, NY	Corporation	Director/Chairman/President	03/19/08	1/19/2017
351	Trump Marks Istanbul II LLC	New York, NY	LLC	President/Member	03/18/08	1/19/2017
352	Trump Marks Jersey City Corp.	New York, NY	Corporation	Director/President	06/27/07	1/19/2017
353	Trump Marks Jersey City LLC	New York, NY	LLC	President/Member	06/22/07	1/19/2017
354	Trump Marks Las Vegas Corp	New York, NY	Corporation	Director/President	09/10/07	1/19/2017
355	Trump Marks Las Vegas LLC	New York, NY	LLC	President/Member	09/10/07	1/19/2017
356	Trump Marks LLC	New York, NY	LLC	President	02/28/05	1/19/2017
359	Trump Marks Mattress LLC	New York, NY	LLC	President/Member	09/07/08	1/19/2017
360	Trump Marks Mattress Member Corp.	New York, NY	Corporation	Director/Chairman/President	09/07/08	1/19/2017
361	Trump Marks Menswear LLC	New York, NY	LLC	President/Member	09/24/09	1/19/2017
362	Trump Marks Menswear Member Corp	New York, NY	Corporation	Director/President	09/24/09	1/19/2017
363	Trump Marks Mortgage Corp.	New York, NY	Corporation	President/Director	06/19/07	1/19/2017
364	Trump Marks Mtn LLC	New York, NY	LLC	President/Member	09/23/07	1/19/2017
365	Trump Marks Mumbai LLC	New York, NY	LLC	President/Member	10/11/10	1/19/2017
366	Trump Marks Mumbai Member Corp	New York, NY	Corporation	President/Director/Chairman	10/11/10	1/19/2017
369	Trump Marks New Rochelle Corp.	New York, NY	Corporation	Director/President	09/13/07	1/19/2017
370	Trump Marks New Rochelle LLC	New York, NY	LLC	President/Member	09/13/07	1/19/2017
371	Trump Marks Palm Beach Corp.	New York, NY	Corporation	Director/President	09/12/07	1/19/2017
372	Trump Marks Palm Beach LLC	New York, NY	LLC	President/Member	09/12/07	1/19/2017
373	Trump Marks Panama Corp	New York, NY	Corporation	Director/President	04/26/07	1/19/2017
374	Trump Marks Panama LLC	New York, NY	LLC	President/Member	04/26/07	1/19/2017
375	Trump Marks Philadelphia Corp.	New York, NY	Corporation	Director/President	04/18/07	1/19/2017
376	Trump Marks Philadelphia LLC	New York, NY	LLC	President/Member	04/18/07	1/19/2017
377	Trump Marks Philippines LLC	New York, NY	LLC	President/Member	03/03/08	1/19/2017
378	Trump Marks Philippines Corp	New York, NY	Corporation	Director/President	03/03/08	1/19/2017
379	Trump Marks Products LLC	New York, NY	LLC	President/Member	09/13/10	1/19/2017
380	Trump Marks Products Member Corp	New York, NY	Corporation	President/Director/Chairman	09/13/10	1/19/2017
381	Trump Marks Puerto Rico I LLC	New York, NY	LLC	President/Member	12/11/07	1/19/2017
382	Trump Marks Puerto Rico I Member Corp	New York, NY	Corporation	Director/President	12/11/07	1/19/2017
385	Trump Marks Punta del Este LLC	New York, NY	LLC	President/Member	01/05/12	1/19/2017
386	Trump Marks Punta del Este Manager Corp	New York, NY	Corporation	President/Director/Chairman	01/05/12	1/19/2017
387	The Donald J. Trump Company LLC	New York, NY	LLC	Manager	04/07/14	1/19/2017
388	The Trump Marks Real Estate Corp	New York, NY	Corporation	Chairman/Director & President	02/23/07	1/19/2017
389	Trump Marks Real Estate LLC	New York, NY	LLC	President/Member	06/01/07	1/19/2017
390	Trump Marks SOHO License Corp	New York, NY	Corporation	President/Chairman/Director	08/11/07	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
391	Trump Marks SOHO LLC	New York, NY	LLC	President/Member	06/11/07	1/19/2017
394	Trump Marks Stamford Corp	New York, NY	Corporation	Director/President	06/13/07	1/19/2017
395	Trump Marks Stamford LLC	New York, NY	LLC	President/Member	06/13/07	1/19/2017
396	Trump Marks Sunny Isles I LLC	New York, NY	LLC	President/Member	11/08/07	1/19/2017
397	Trump Marks Sunny Isles I Member Corp.	New York, NY	Corporation	Director/President	11/08/07	1/19/2017
398	Trump Marks Sunny Isles II LLC	New York, NY	LLC	President/Member	11/08/07	1/19/2017
399	Trump Marks Sunny Isles II Member Corp.	New York, NY	Corporation	Director/President	11/08/07	1/19/2017
400	Trump Marks Tampa Corp	New York, NY	Corporation	Director/President	10/28/07	1/19/2017
401	Trump Marks Tampa LLC	New York, NY	LLC	President/Member	10/28/07	1/19/2017
402	Trump Marks Toronto Corp	New York, NY	Corporation	Director/President	09/09/07	1/19/2017
403	Trump Marks Toronto LLC	New York, NY	LLC	President/Member	08/08/07	1/19/2017
404	Trump Marks Toronto L.P. (formerly Trump Toronto Management L.P.)	New York, NY	Partnership	Partner	03/19/08	1/19/2017
405	Trump Marks Waikiki Corp	New York, NY	Corporation	Director/President	04/10/07	1/19/2017
406	Trump Marks Waikiki LLC	New York, NY	LLC	President/Member	04/08/07	1/19/2017
407	Trump Marks Westchester Corp.	New York, NY	Corporation	Director/President	08/13/07	1/19/2017
408	Trump Marks Westchester LLC	New York, NY	LLC	President/Member	05/13/07	1/19/2017
409	Trump Marks White Plains Corp	New York, NY	Corporation	President/Director	08/13/07	1/19/2017
410	Trump Marks White Plains LLC	New York, NY	LLC	President/Member	08/13/07	1/19/2017
411	Trump Miami Resort Management LLC	New York, NY	LLC	President/Member	03/22/12	1/19/2017
412	Trump Miami Resort Management Member Corp	New York, NY	Corporation	President/Director/Chairman	03/22/12	1/19/2017
413	Trump National Golf Club Coits Neck LLC	New York, NY	LLC	President/Member	07/10/08	1/19/2017
414	Trump National Golf Club Coits Neck Member Corp	New York, NY	Corporation	President/Director/Chairman	07/10/08	1/19/2017
415	Trump National Golf Club LLC (Trump National Golf Club - Westchester)	New York, NY	LLC	President	09/02/09	1/19/2017
416	Trump National Golf Club Member Corp	New York, NY	Corporation	Director/President/Chairman	11/09/11	1/19/2017
417	Trump National Golf Club Washington DC LLC	New York, NY	LLC	President	02/03/09	1/19/2017
418	Trump National Golf Club Washington DC Member Corp.	New York, NY	Corporation	President/Chairman/Director	02/03/09	1/19/2017
421	Trump Old Post Office LLC	New York, NY	LLC	President/Member	08/30/11	1/19/2017
422	Trump Old Post Office Member Corp.	New York, NY	Corporation	President/Director/Chairman	08/30/11	1/19/2017
424	Trump Organization LLC	New York, NY	LLC	Chairman and President/Member	2/1/08 & August 2008	1/19/2017
425	The Trump Organization, Inc.	New York, NY	Corporation	Director/President/Chairman	05/01/81	1/19/2017
426	Trump Pegeants, Inc.	New York, NY	Corporation	Director & Chairman/President	10/15/96 & 5/1/06	1/19/2017
427	Trump Palace Condominium	New York, NY	Condominium Association	President	03/27/81	1/19/2017
428	Trump Palace/Parc LLC	New York, NY	LLC	Member	10/01/86	1/19/2017
429	Trump Panama Condominium Management LLC	New York, NY	LLC	President/Member	12/13/10	1/19/2017
430	Trump Panama Condominium Member Corp	New York, NY	Corporation	President/Director/Chairman	12/13/10	1/19/2017
431	Trump Panama Hotel Management LLC	New York, NY	LLC	Member	09/05/10	1/19/2017
432	Trump Panama Hotel Management Member Corp	New York, NY	Corporation	President/Director/Chairman	09/05/10	1/19/2017
433	Trump Parc East Condominium	New York, NY	Condominium Association	President	04/30/96	1/19/2017
434	Trump Park Avenue Acquistikon LLC	New York, NY	LLC	Member/President	Nov. 2004	1/19/2017
435	Trump Park Avenue LLC	New York, NY	LLC	President	01/31/02	1/19/2017
436	Trump Payroll Chicago LLC	New York, NY	LLC	President	08/29/07	1/19/2017
437	Trump Payroll Corp.	New York, NY	Corporation	President/Treasurer/Secretary/Director	04/16/96	1/19/2017
438	Trump Phoenix Development LLC	New York, NY	LLC	President/Member	09/28/03	1/19/2017
439	Trump Plaza LLC	New York, NY	LLC	Member	10/27/97	1/19/2017
440	Trump Plaza Member Inc. (FKA Trump Plaza Corp.)	New York, NY	Corporation	Director/President/Treasurer	08/02/04	1/19/2017
442	Trump Productions LLC (former Rancho Lien LLC)	New York, NY	LLC	Member/President	05/18/06	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
443	Trump Production Managing Member Inc	New York, NY	Corporation	Director/Chairman/President/Treasurer/Secretary	05/18/06	1/19/2017
446	Trump Realty Services, LLC (fka Trump Mortgage Services LLC (03) & Tower Mortgage Services LLC)	Palm Beach, Florida	LLC	President/Member	05/06/00	1/19/2017
447	Trump Restaurants LLC	New York, NY	LLC	President/Member	07/01/12	1/19/2017
449	Trump Riverside Management LLC	New York, NY	LLC	Member	08/29/00	1/19/2017
450	Trump Ruffin Commercial LLC	New York, NY	LLC	President	07/25/07	1/19/2017
451	Trump Ruffin LLC	Las Vegas, NV	LLC	President	10/22/02	1/19/2017
452	Trump Ruffin Tower I LLC	Las Vegas, NV	LLC	President & Director	4/8/2005 & 7/12/05	1/19/2017
453	Trump Sales & Leasing Chicago LLC	Chicago, IL	LLC	Member/President	10/20/09 & 10/21/09	1/19/2017
454	Trump Sales & Leasing Chicago Member Corp	Chicago, IL	Corporation	Member/Director/President	10/20/09 & 10/21/09 & 10/21/09	1/19/2017
455	Trump Scotland Member Inc	Aberdeen, Scotland	Corporation	Director/President/Chairman	03/01/06	1/19/2017
456	Trump Scotsborough Square LLC	Scotsborough Sq, VA	LLC	President	07/07/11	1/19/2017
457	Trump Scotsborough Square Member Corp.	Scotsborough Sq, VA	Corporation	President/Chairman/Director	07/07/11	1/19/2017
458	Trump Sol to Hotel Condominium New York	New York, NY	Condominium Association	Member of the Board	08/03/07	1/19/2017
459	Trump Soho Member LLC	New York, NY	LLC	Member/President	04/24/05	1/19/2017
460	Trump Toronto Development Inc	New York, NY	Corporation	President/Director/Secretary	04/02/03	1/19/2017
461	Trump Toronto Hotel Management Corp.	Toronto, CA	Corporation	President	05/30/06	1/19/2017
462	Trump Toronto Member Corp. (formally Trump Toronto Management Member Corp)	New York, NY	Corporation	Director/Chairman	03/19/08	1/19/2017
463	Trump Tower Commercial LLC	New York, NY	LLC	President	12/22/97	1/19/2017
464	Trump Tower Condominium Residential Section	New York, NY	Condominium Association	President	03/23/83	1/19/2017
465	Trump Tower Managing Member Inc	New York, NY	Corporation	President	12/22/97	1/19/2017
466	Trump Village Construction Corp.	New York, NY	Corporation	Director/Vice President	08/01/99	1/19/2017
467	Trump Vineyard Estates LLC	New York, NY	LLC	President	03/18/11	1/19/2017
468	Trump Vineyard Estates Manager Corp.	New York, NY	Corporation	President/Director/Chairman	03/18/11	1/19/2017
469	Trump Vineyard Estates Lot 3 Owner LLC (fka Eric Trump Land Holdings LLC)	New York, NY	LLC	President	08/15/11	1/19/2017
470	Trump Vineyard Estates Manager Corp.	New York, NY	Corporation	President/Director/Chairman	03/18/11	1/19/2017
471	Trump Virginia Acquisitions LLC (fka Virginia Acquisitions LLC)	New York, NY	LLC	Member/President	3/4/2011 & 1/25/11	1/19/2017
472	Trump Virginia Acquisitions Manager Corp.	New York, NY	Corporation	President/Director/Chairman	03/15/11	1/19/2017
473	Trump Virginia Lot 5 LLC	New York, NY	LLC	President	08/28/11	1/19/2017
474	Trump Virginia Lot 5 Manager Corp.	New York, NY	Corporation	President/Director/Chairman	08/28/11	1/19/2017
475	Trump Wine Marks LLC	New York, NY	LLC	President/Secretary/Treasurer	06/21/11	1/19/2017
476	Trump Wine Marks Member Corp.	New York, NY	Corporation	Director & Chairman/ President	6/21/2011 & 6/21/08	1/19/2017
477	Trump World Productions LLC	New York, NY	LLC	Member/President	09/29/11	1/19/2017
478	Trump World Productions Manager Corp	New York, NY	Corporation	Director/Chairman/President	09/29/11	1/19/2017
479	Trump World Publications LLC	New York, NY	LLC	Member/President	09/29/11	1/19/2017
480	Trump/New World Property Management LLC	New York, NY	LLC	President	11/22/00	1/19/2017
481	Trump's Castle Management Corp	Atlantic City, NJ	Corporation	President	03/24/92	1/19/2017
482	Trump Marks White Plains Corp	New York, NY	Corporation	President/Director	06/13/07	1/19/2017
484	Turnberry Scotland Managing Member Corp.	Turnberry, Scotland	Corporation	Director/Chairman/President	04/09/14	1/19/2017
485	Turnberry Scotland LLC	Turnberry, Scotland	LLC	President	04/09/14	1/19/2017
486	TW Venture I LLC	Palm Beach, Florida	LLC	President	11/19/13	1/19/2017
487	TW Venture II LLC	Doonbeg, Ireland	LLC	President	01/31/14	1/19/2017
488	TW Venture I Managing Member Corp	Palm Beach, Florida	Corporation	President/Director/Chairman	11/19/13	1/19/2017
489	TW Venture II Managing Member Corp	Doonbeg, Ireland	Corporation	President/Director/Chairman	01/31/14	1/19/2017
49D	Ultimate Air Corp.	New York, NY	Corporation	President/Treasurer/Secretary/Director	4/16/96 & 12/9/1993	1/19/2017
49I	Unit 2502 Enterprises Corp	Chicago, IL	Corporation	President/Director	07/21/08	1/19/2017

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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
492	Unit 2502 Enterprises LLC	Chicago, IL	LLC	Member/President	7/16/08 & 7/18/08	1/19/2017
493	VH Property Corp (Trump National Golf Club - Los Angeles)	Los Angeles, CA	Corporation	Secretary/President/Director	9/22/00 & 12/2/02 11/26/02 & 11/25/02	1/19/2017
494	VHPS LLC	Los Angeles, CA	LLC	President/Member	5/28/08 & 12/1/04	1/19/2017
495	West Palm Operations LLC	WVFB, Florida	LLC	Member/President	8/27/10 & 9/1/10	1/19/2017
496	Wexford Hall Inc.	New York, NY	Corporation	Director/Vice President	08/01/99	1/19/2017
497	White Course LLC	Miami, Florida	LLC	President	03/20/12	1/19/2017
498	White Course Managing Member Corp	Miami, Florida	Corporation	Director/Chairman/President	03/20/12	1/19/2017
499	Wishare Hall LLC	New York, NY	LLC	Member	11/22/95	1/19/2017
500	Wolman Rink Operations LLC	New York, NY	LLC	Member/President	9/24/01 & 11/1/01	1/19/2017
501	Yorktown Real Estate LLC (F/K/A/ Yorktown Development Associates LLC)	New York, NY	LLC	Member/President	09/30/97	1/19/2017
502	The Fred C. Trump December 18, 1976 Trust- F/B/O Donald J. Trump	New York, NY	Trust	Trustee	December-76	1/19/2017
504	The Fred C. Trump December 16, 1976 Trust- F/B/O Robert S. Trump	New York, NY	Trust	Trustee	December-76	1/19/2017
505	The Fred C. Trump December 18, 1976 Trust- F/B/O Elizabeth J. Trump	New York, NY	Trust	Trustee	December-76	1/19/2017
509	Fred C. Trump, GRAT Trust- F/B/O Elizabeth Trump Grau	New York, NY	Trust	Trustee	November-97	1/19/2017
510	Trust U/W/O Fred C. Trump- F/B/O Elizabeth Trump Grau	New York, NY	Trust	Trustee	April-01	1/19/2017
511	Maryanne Trump GRAT Trust- F/B/O Elizabeth Trump Grau	New York, NY	Trust	Trustee	November-97	1/19/2017
512	Trust U/W/O Fred C. Trump- F/B/O the grandchildren of Fred C. Trump	New York, NY	Trust	Trustee	April-01	1/19/2017
515	The Donald J. Trump Revocable Trust	New York, NY	Trust	Trustee	April-14	1/19/2017
516	The Police Athletic League, Inc.	New York, NY	Non profit	Member of the Board	July-86	1/19/2017
517	DT Bali Golf Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
518	DT Bali Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
519	DT Bali Hotel Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
520	DT Bali Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
521	DT Bali Technical Services Manager LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
522	DT Bali Technical Services Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
523	DT Connect Europe Limited	Turnberry, Scotland	Foreign Entity	Director	02/13/15	1/19/2017
524	DT Endeavor I LLC	New York, NY	LLC	President	01/04/16	1/19/2017
525	DT Endeavor I Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
530	DT Lido Golf Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
531	DT Lido Golf Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
532	DT Lido Hotel Manager LLC	New York, NY	LLC	President	06/23/15	1/19/2017
533	DT Lido Hotel Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
534	DT Lido Technical Services Manager LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
535	DT Lido Technical Services Manager Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
536	DT Marks Bali LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
537	DT Marks Bali Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
538	DT Marks Lido LLC	New York, NY	LLC	Member/President	06/23/15	1/19/2017
539	DT Marks Lido Member Corp	New York, NY	Corporation	Director/Chairman/President	06/23/15	1/19/2017
540	DT Tower I LLC	New York, NY	LLC	Member/President	01/04/16	1/19/2017
541	DT Tower I Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
542	DT Tower II LLC	New York, NY	LLC	President	01/04/16	1/19/2017
543	DT Tower II Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
544	DT Tower Kolkata LLC	New York, NY	LLC	Member/President	11/25/15	1/19/2017
545	DT Tower Kolkata Managing Member Corp	New York, NY	Corporation	Director/Chairman/President	11/25/15	1/19/2017
546	DT Venture I LLC	New York, NY	LLC	President	01/04/16	1/19/2017
547	DT Venture I Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017

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Instructions for Part 1

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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**Part 1: Filer's Positions Held Outside United States Government**

#	Organization Name	City/State	Organization Type	Position Held	From	To
548	DT Venture II LLC	New York, NY	LLC	President	01/04/16	1/19/2017
549	DT Venture II Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
550	DTTM Operations LLC	New York, NY	LLC	Member/President	01/15/16	1/19/2017
551	DTTM Operations Managing Member	New York, NY	Corporation	Director/Chairman/President	01/15/16	1/19/2017
552	EID Venture II LLC	New York, NY	LLC	Member/President	01/04/16	1/19/2017
553	EID Venture II Member Corp	New York, NY	Corporation	Director/Chairman/President	01/04/16	1/19/2017
554	Mobile Payroll Construction LLC	New York, NY	LLC	Member/President	08/04/15	1/19/2017
555	Mobile Payroll Construction Manager Corp	New York, NY	Corporation	Director/Chairman/President	08/04/15	1/19/2017
556	THG DC Restaurant Hospitality LLC	New York, NY	LLC	President	08/17/15	1/19/2017
561	C DEVELOPMENT VENTURES LLC	New York, NY	LLC	President/Member	04/08/16	1/19/2017
562	C DEVELOPMENT VENTURES MEMBER CORP	New York, NY	Corporation	President/Director/Chairman	04/08/16	1/19/2017
563	TC MARKS BUENOS AIRES LLC	New York, NY	LLC	President/Member	04/20/16	1/19/2017
564	WMTIME LLC	New York, NY	LLC	President/Secretary/Treasurer/Managing Member	09/24/15	1/19/2017
565	Lamington Farm Club LLC (TRUMP NATIONAL GOLF CLUB - BEDMINSTER)	Bedminster, NJ	LLC	President	02/11/00	1/19/2017

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Instructions for Part 2

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
002	40 Wall Street LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	005	Over \$50,000,000	rent	Over \$5,000,000
004	401 North Wabash Ventures LLC Underlying Assets: residential & commercial real estate Location: Chicago, IL See attached schedule	N/A	008	Over \$50,000,000	rent  condo sales	Over \$5,000,000  \$18,486
005	808 NORTH CANON LLC Underlying Assets: residential real estate Location: Beverly Hills, CA See attached schedule	N/A	009	\$5,000,001 - \$25,000,000		None (or less than \$201)
007	845 UN Limited Partnership Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	012	\$5,000,001 - \$25,000,000	rent	\$1,000,001 - \$5,000,000
008	Carbusiness Investments, S.R.L. Underlying Assets: land Location: Dominican Republic See attached schedule	N/A	025	\$1,000,001 - \$5,000,000		None (or less than \$201)
010	Country Apartments, LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Entity set up to buy & sell residential real estate, New York, NY; See attached schedule	N/A	032	\$1,001 - \$15,000		None (or less than \$201)
011	Country Properties, LLC Underlying Assets: residential real estate Location: Norfolk, VA See attached schedule	N/A	034	\$50,001 - \$100,000		None (or less than \$201)

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**Part 2: Filer's Employment Assets and Income**

#	Description	DIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
012	DB Pace Acquisition, LLC Underlying Assets: land, building and f&a Location: New York, NY See attached schedule	N/A	036	\$1,000,001 - \$5,000,000		None (or less than \$201)
013	DJT AEROSPACE LLC Underlying Assets: aircraft Location: New York, NY See attached schedule	N/A	039	\$1,000,001 - \$5,000,000		None (or less than \$201)
014	DJT HOLDINGS LLC Value reported reflects bank account only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Holding company, New York, NY	N/A	042	\$1,000,001 - \$5,000,000	interest	\$50,001 - \$100,000
017	DJT OPERATIONS I LLC Underlying Assets: aircraft Location: New York, NY See attached schedule	N/A	046	Over \$50,000,000	rent	\$1,000,001 - \$5,000,000
018	DT CONNECT II LLC Underlying Assets: aircraft Location: Palm Beach, FL See attached schedule	N/A	055	\$1,000,001 - \$5,000,000	rent	\$50,001 - \$100,000
020	DT DUBAI GOLF MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with DAMAC CRESCENT PROPERTIES LLC - value not readily ascertainable. Management company, Dubai, UAE; See attached schedule.	N/A	059	\$15,001 - \$50,000	management fees	\$141,433
021	DT HOME MARKS INTERNATIONAL LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with RNA RESOURCES GROUP LTD, DORYA INTERNATIONAL LLC, HOMESTUDIO INTERNATIONAL SA, WONU CO LTD - value not readily ascertainable. License holder, New York, NY; See attached schedule.	N/A	063	\$15,001 - \$50,000	royalties	\$100,001 - \$1,000,000
024	Excel Venture I LLC Underlying Assets: residential rental property Location: St. Martin, French West Indies See attached schedule	N/A	098	\$5,000,001 - \$25,000,000	rent	\$100,001 - \$1,000,000

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
026	Fifty-Seventh Street Associates LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	100	Over \$50,000,000	rent	Over \$5,000,000
028	Golf Productions LLC Value reported reflects bank account holding only. Entity promotes golf business, New York, NY; See attached schedule Value not readily ascertainable.	N/A	105	None (or less than \$1,001)	golf related revenue	\$270,000
030	TRUMP NATIONAL GOLF CLUB - JUPITER Underlying Assets: golf club Location: Jupiter, FL See attached schedule	N/A	117	Over \$50,000,000	golf related revenue	\$14,262,997
031	LAMINGTON FAMILY HOLDINGS LLC Underlying Assets: land Location: Bedminster, NJ See attached schedule	N/A	119	\$100,001 - \$250,000		None (or less than \$201)
032	TRUMP NATIONAL GOLF CLUB - BEDMINSTER Underlying Assets: golf club Location: Bedminster, NJ See attached schedule	N/A	120	Over \$50,000,000	golf related revenue	\$15,166,036
034	MAR-A-LAGO CLUB, L.L.C. Underlying Assets: resort Location: Palm Beach, FL See attached schedule	N/A	126	Over \$50,000,000	resort related revenue	\$25,146,488
036	PINE HILL DEVELOPMENT LLC Underlying Assets: golf club Location: Pine Hill, NJ See attached schedule	N/A	142	\$100,001 - \$250,000		None (or less than \$201)
037	Seven Springs LLC Underlying Assets: real estate Location: Mt. Kisco, NY See attached schedule	N/A	153	\$25,000,001 - \$50,000,000		None (or less than \$201)
038	TRUMP TURNBERRY Underlying Assets: golf courses and resort Location: Turnberry, Scotland See attached schedule	N/A	157	Over \$50,000,000	golf related revenue	\$20,383,118
039	T International Realty LLC Value reported reflects bank account holding only. Additional Underlying Asset: brokerage company - value not readily ascertainable. Brokerage company, New York, NY; See attached schedule	N/A	160	\$100,001 - \$250,000	commissions	\$2,090,405

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
040	THC CENTRAL RESERVATIONS LLC Value reported reflects bank account holding only. Additional Underlying Asset: hotel company - value not readily ascertainable. Hotel company, New York, NY; see attached schedule	N/A	167	\$250,001 - \$500,000		None (or less than \$201)
041	THC CHINA DEVELOPMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: developer - value not readily ascertainable. Developer, New York, NY; See attached schedule	N/A	169	\$1,001 - \$15,000		None (or less than \$201)
043	The East 61 Street Company, LP Underlying Assets: residential real estate Location: New York, NY See attached schedule	N/A	199	\$5,000,001 - \$25,000,000	rent	\$100,001 - \$1,000,000
044	THE TRUMP CORPORATION Underlying Assets: management company Location: New York, NY See attached schedule	N/A	200	Over \$50,000,000	management and related fees	\$15,544,624
045	The Trump-Equitable Fifth Avenue Company Value reported reflects bank account only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity, New York, NY	N/A	208	None (or less than \$1,001)	rent	\$100,001 - \$1,000,000
046	TRUMP INTERNATIONAL GOLF LINKS - DOONBEG Underlying Assets: golf course and resort Location: Doonbeg, Ireland See attached schedule	N/A	211	\$25,000,001 - \$50,000,000	golf related revenue	\$14,184,974
047	TIHT COMMERCIAL LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	218	\$5,000,001 - \$25,000,000	rent	\$1,000,001 - \$5,000,000
048	TIHT HOLDING COMPANY LLC Underlying Assets: hotel condo unit Location: New York, NY See attached schedule	N/A	219	\$1,000,001 - \$5,000,000	rent	\$50,001 - \$100,000
049	TRUMP NATIONAL GOLF CLUB - CHARLOTTE Underlying Assets: golf club Location: Charlotte, NC See attached schedule	N/A	223	\$5,000,001 - \$25,000,000	golf related revenue	\$11,750,135
050	TRUMP NATIONAL GOLF CLUB - HUDSON VALLEY Underlying Assets: golf club Location: Hopewell Junction, NY See attached schedule	N/A	225	\$5,000,001 - \$25,000,000	golf related revenue	\$4,372,400

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
051	TRUMP NATIONAL GOLF CLUB - PHILADELPHIA Underlying Assets: golf club Location: Pine Hill, NJ See attached schedule	N/A	229	\$5,000,001 - \$25,000,000	golf related revenue	\$4,377,111
052	TRUMP 106 CPS LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Location: New York, NY; See attached schedule	N/A	234	\$15,001 - \$50,000		None (or less than \$201)
057	TRUMP BOOKS LLC THE MIDAS TOUCH Value reported reflects bank account holding only. Additional Underlying Asset: book deal with Plata Publishing LLC - value not readily ascertainable. Holder of book contract, New York, NY, See attached schedule (Published 2011)	N/A	243	None (or less than \$1,001)	royalties	\$2,601 - \$5,000
059	TRUMP CAROUSEL LLC Value reported reflects bank account holding only. Additional Underlying Asset: operating agreement with NEW YORK CITY DEPARTMENT OF PARKS & RECREATION - value not readily ascertainable. Carousel operator, New York, NY, See attached schedule	N/A	250	\$1,001 - \$15,000	admissions	\$535,849
061	TRUMP CPS LLC Underlying Assets: commercial and residential real estate Location: New York, NY See attached schedule	N/A	269	\$25,000,001 - \$50,000,000	rent	\$1,000,001 - \$5,000,000
064	TRUMP NATIONAL DORAL Underlying Assets: golf courses & resort Location: Miami, FL See attached schedule	N/A	279	Over \$50,000,000	golf resort related revenues	\$74,755,375
065	TRUMP FERRY POINT LLC Underlying Assets: operating agreement with NEW YORK CITY DEPARTMENT OF PARKS & RECREATION - golf course Location: New York, NY See attached schedule (Opening Day: April 1, 2016)	N/A	283	\$5,000,001 - \$25,000,000	golf related revenue	\$6,651,002
066	TRUMP GOLF ACQUISITIONS LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Entity set up to sign letters of intent for golf related deals, New York, NY; See attached schedule	N/A	287	\$1,001 - \$15,000	golf related revenue	\$6,081

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
067	TRUMP HOME MARKS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with DOWNLITE INTERNATIONAL INC, GOURMET HOME PRODUCTS LLC, NORTHPOINT TRADING LLC, SIGN OF TIMES INC, TPS SAS - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	291	\$1,001 - \$15,000	royalties	\$15,001 - \$50,000
068	TRUMP ICE LLC Value reported reflects bank account holding only. Additional Underlying Asset: wholesale company - value not readily ascertainable. Water wholesaler, New York, NY; See attached schedule	N/A	294	None (or less than \$1,001)	sales	\$280,899
069	TRUMP INTERNATIONAL GOLF LINKS - SCOTLAND Underlying Assets: golf course Location: Aberdeen, Scotland See attached schedule	N/A	297	Over \$50,000,000	golf related revenue	\$3,445,724
070	TRUMP INTERNATIONAL GOLF CLUB - FLORIDA Underlying Assets: golf club Location: West Palm Beach, FL See attached schedule	N/A	299	\$25,000,001 - \$50,000,000	golf related revenue	\$12,825,725
071	TRUMP INTERNATIONAL HOTEL HAWAII LLC Value reported reflects bank account holding only. Additional Underlying Asset: management and license agreements with IRONGATE AZREP BW LLC - value not readily ascertainable. License holder, Waikiki, HI See attached schedule	N/A	300	None (or less than \$1,001)	royalties management fees	\$100,001 - \$1,000,000 \$2,079,134
072	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC Underlying Assets: management company Location: New York, NY See attached schedule	N/A	301	Over \$50,000,000	management fees & other contract payments	\$17,125,815
073	TRUMP LAS VEGAS DEVELOPMENT LLC Underlying Assets: developers deal with TRUMP BUFFIN TOWER I LLC. Entity set up to receive development fees, Las Vegas, NV; See attached schedule	N/A	308	\$1,000,001 - \$5,000,000		None (or less than \$201)
076	TRUMP MARKS ASIA LLC Underlying Assets: residential real estate Location: Sterling, VA See attached schedule	N/A	316	\$500,001 - \$1,000,000		None (or less than \$201)

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
078	TRUMP MARKS ISTANBUL II LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with ORTADOGU OTOMOTIV TICARET AS - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	342	None (or less than \$1,001)	royalties	\$100,001 - \$1,000,000
079	TRUMP MARKS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with ELK LIGHTING INC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	347	None (or less than \$1,001)	royalties	\$1,001 - \$2,500
080	TRUMP MARKS MATTRESS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with SERTA - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	350	\$1,001 - \$15,000	royalties	\$5,001 - \$15,000
081	TRUMP MARKS MENSWEAR LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with PVH CORP, PEERLESS CLOTHING INTERNATIONAL, PARLUX LTD, OXFORD OPHTHALMIC, RANDA ACCESSORIES - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	352	\$1,001 - \$15,000	royalties	\$50,001 - \$100,000
082	TRUMP MARKS NEW ROCHELLE LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with NEW ROC PARCEL 1A LLC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	359	None (or less than \$1,001)	royalties	\$15,001 - \$50,000
083	TRUMP MARKS PANAMA LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with K GROUP DEVELOPERS INC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	363	\$1,001 - \$15,000	royalties	\$100,001 - \$1,000,000
087	TRUMP MARKS WAIKIKI LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with IRONGATE AZREP BW LLC - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	391	None (or less than \$1,001)	royalties	\$100,001 - \$1,000,000

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
090	TRUMP MIAMI RESORT MANAGEMENT LLC Value reported reflects bank account holding only. Management company - value not readily ascertainable, Miami, FL; See attached schedule	N/A	396	\$1,000,001 - \$5,000,000		None (or less than \$201)
091	TRUMP MODEL MANAGEMENT LLC Modeling agency Location: New York, NY See attached schedule	N/A	398	\$15,001 - \$50,000	commissions	\$714,914
092	TRUMP NATIONAL GOLF CLUB - COLTS NECK Underlying Assets: golf club Location: Colts Neck, NJ See attached schedule	N/A	399	Over \$50,000,000	golf related revenue	\$7,118,538
093	TRUMP NATIONAL GOLF CLUB - WESTCHESTER Underlying Assets: golf club Location: Briarcliff Manor, NY See attached schedule	N/A	401	Over \$50,000,000	golf related revenue	\$7,253,306
094	TRUMP NATIONAL GOLF CLUB - WASHINGTON DC Underlying Assets: golf club Location: Potomac Falls, VA See attached schedule	N/A	403	Over \$50,000,000	golf related revenue	\$12,735,221
095	TRUMP OLD POST OFFICE LLC Underlying Assets: hotel Location: Washington, DC See attached schedule	N/A	408	Over \$50,000,000	hotel related revenue	\$40,408,037
097	Miss Universe L.P., LLLP Value reported reflects bank account holding only. Additional Underlying Asset: none See attached schedule	N/A	413	\$15,001 - \$50,000		None (or less than \$201)
098	TRUMP PALACE/PARC LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	414	\$1,000,001 - \$5,000,000	rent	\$16,001 - \$50,000
099	TRUMP PARK AVENUE LLC Underlying Assets: residential & commercial real estate Location: New York, NY See attached schedule	N/A	420	Over \$50,000,000	rent condo sales	\$1,000,001 - \$5,000,000 \$15,893,500
100	TRUMP PLAZA LLC Underlying Assets: residential & commercial real estate Location: New York, NY See attached schedule	N/A	424	\$25,000,001 - \$50,000,000	rent	\$1,000,001 - \$5,000,000

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
101	TRUMP PRODUCTIONS LLC Underlying Assets: production company Location: New York, NY See attached schedule	N/A	426	\$1,000,001 - \$5,000,000	production revenue	\$2,059,048
103	Trump Restaurants LLC Underlying Assets: restaurant Location: New York, NY See attached schedule	N/A	430	\$1,000,001 - \$5,000,000	food & beverage related sales	\$3,869,445
104	TRUMP RUFFIN TOWER I LLC Underlying Assets: commercial real estate Location: Las Vegas, NV See attached schedule	N/A	434	Over \$50,000,000	condo sales hotel related revenue	\$8,814,000 \$22,894,946
106	TRUMP SCOTSBOROUGH SQUARE LLC Underlying Assets: residential real estate Location: Scotsborough Square, VA See attached schedule	N/A	438	\$500,001 - \$1,000,000	rent	\$2,501 - \$5,000
108	TRUMP TOWER COMMERCIAL LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	444	Over \$50,000,000	rent	Over \$5,000,000
109	TRUMP TOWER MANAGING MEMBER INC. Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Pass-thru entity. New York, NY	N/A	445	\$1,001 - \$15,000		None (or less than \$201)
110	TRUMP VINEYARD ESTATES LLC Underlying Assets: vineyard Location: Charlottesville, VA See attached schedule	N/A	447	\$5,000,001 - \$25,000,000	rent	\$100,001 - \$1,000,000
111	TRUMP VINEYARD ESTATES LOT 3 OWNER LLC Underlying Assets: vineyard Location: Charlottesville, VA See attached schedule	N/A	448	\$500,001 - \$1,000,000	rent	\$100,001 - \$1,000,000
112	TRUMP VIRGINIA ACQUISITIONS LLC Underlying Assets: commercial real estate Location: Charlottesville, VA See attached schedule	N/A	450	\$5,000,001 - \$25,000,000	hotel related revenue	\$970,578
113	TRUMP VIRGINIA LOT 6 LLC Underlying Assets: vineyard Location: Charlottesville, VA See attached schedule	N/A	452	\$500,001 - \$1,000,000	rent	\$50,001 - \$100,000
116	TRUMP NATIONAL GOLF CLUB - LOS ANGELES Underlying Assets: golf course and unsold lots Location: Los Angeles, CA See attached schedule	N/A	469	Over \$50,000,000	golf related revenue land sales	\$11,544,421 \$9,275,000

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
119	Wollman Rink Operations LLC Underlying Assets: operating agreement with NEW YORK CITY DEPARTMENT OF PARKS & RECREATION - ice skating rinks Location: New York, NY See attached schedule	N/A	476	\$1,000,001 - \$5,000,000	ice skating rink operation	\$9,255,614
120	HWA 565 Owners, LLC Underlying Assets: commercial real estate Location: San Francisco, CA See attached schedule	N/A	478	Over \$50,000,000	rent	Over \$5,000,000
121	1290 AVENUE OF THE AMERICAS, A TENANCY-IN-COMMON Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	479	Over \$50,000,000	rent	Over \$5,000,000
122	4% limited partnership interest in Starrett City Associates, L.P. (via the entities disclosed on Exhibit A and direct ownership by The Donald J. Trump Revocable Trust) Underlying Assets: residential real estate Location: Brooklyn, NY	N/A	018, 141, 154, 446	\$5,000,001 - \$25,000,000	rent	\$1,000,001 - \$5,000,000
123	4% limited partnership interest in Spring Creek Plaza LLC (via the entities disclosed on Exhibit A and direct ownership by The Donald J. Trump Revocable Trust) Underlying Assets: commercial real estate Location: Brooklyn, NY	N/A	018, 141, 154, 446	\$500,001 - \$1,000,000	rent	\$100,001 - \$1,000,000
124	Trump Tower Triplex Underlying Assets: residential real estate Location: New York, NY	N/A		Over \$50,000,000		None (or less than \$201)
125	N/A DT VENTURE I LLC Underlying Assets: residential real estate Location: Palm Beach, FL See attached schedule	N/A	533	\$5,000,001 - \$25,000,000		None (or less than \$201)
126	N/A DTW VENTURE LLC Underlying Assets: residential real estate Location: Palm Beach, FL See attached schedule	N/A	093	\$1,000,001 - \$5,000,000		None (or less than \$201)

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
127	DT Marks Worl LLC Underlying Assets: license deal Licensee(s): JAWALA REAL ESTATE PRIVATE LTD, LODHA DEVELOPERS PRIVATE LTD Location: New York, NY See attached schedule Value not readily ascertainable	N/A	089		royalties	\$1,000,001 - \$5,000,000
130	THC VANCOUVER MANAGEMENT CORP Underlying Assets: management company Location: Vancouver, Canada See attached schedule Value not readily ascertainable	N/A	190		management fees	\$196,983
131	THE TRUMP ENTREPRENEUR INITIATIVE LLC Value reported reflects bank account holding only. Additional Underlying Asset: seminar program Location: New York, NY See attached schedule Value not readily ascertainable	N/A	201	\$15,001 - \$50,000	residual income	\$31,190
132	TNGC JUPITER MANAGEMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: management company Location: Jupiter, FL See attached schedule Value not readily ascertainable	N/A	227	\$50,001 - \$100,000	management fees	\$361,110
133	TRUMP CHICAGO COMMERCIAL MANAGER LLC Underlying Assets: management company Location: New York, NY See attached schedule Value not readily ascertainable	N/A	254		management fees	\$917,282
134	TRUMP CHICAGO HOTEL MANAGER LLC Value reported reflects bank account holding only. Underlying Asset: management company Location: New York, NY See attached schedule Value not readily ascertainable	N/A	256	None (or less than \$1,001)	management fees	\$1,804,141
135	TRUMP CHICAGO RESIDENTIAL MANAGER LLC Underlying Assets: management company Location: New York, NY See attached schedule Value not readily ascertainable	N/A	260		management fees	\$588,988

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
136	TRUMP MARKS FINE FOODS LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with TWO RIVERS COFFEE - value not readily ascertainable. License holder, New York, NY See attached schedule	N/A	333	\$1,001 - \$15,000	royalties	\$15,001 - \$50,000
137	TRUMP MARKS PHILIPPINES LLC Value reported reflects bank account holding only. Licensee(s): CENTURY CITY DEVELOPMENT CORP Location: New York, NY See attached schedule Value not readily ascertainable	N/A	367	None (or less than \$1,001)	royalties	\$1,000,001 - \$5,000,000
139	TRUMP MARKS STAMFORD LLC Underlying Assets: license deal Licensee(s): 33 BROAD STREET ASSOCIATES II Location: New York, NY See attached schedule Value not readily ascertainable	N/A	380		royalties	\$100,001 - \$1,000,000
140	TRUMP MARKS SUNNY ISLES I LLC Underlying Assets: license deal Licensee(s): MICHAEL DEZER & NAOMI DEZERTOV Location: New York, NY See attached schedule Value not readily ascertainable	N/A	381		royalties	\$100,001 - \$1,000,000
141	TRUMP PANAMA HOTEL MANAGEMENT LLC Value reported reflects bank account holding only Underlying Assets: management agreement Location: New York, NY See attached schedule Value not readily ascertainable	N/A	417	None (or less than \$1,001)	management fees	\$458,597
142	TRUMP TORONTO HOTEL MANAGEMENT CORP Value reported reflects bank account holding only. Additional Underlying Asset: management deal with TALON INTERNATIONAL INC - value not readily ascertainable. Management company, New York, NY; See attached schedule.	N/A	442	\$1,001 - \$15,000	management fees & other contract payments	\$2,273,297
143	TW VENTURE I LLC Value reported reflects bank account holding only. Additional Underlying Asset: transportation services company - value not readily ascertainable. Palm Beach, FL See attached schedule	N/A	462	\$1,001 - \$15,000	operating income	\$75,517

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
144	Trump Management Inc. Value reported reflects bank account holding only. Additional Underlying Asset: management company - value not readily ascertainable Location: Manhasset, NY See attached schedule	N/A	480	\$15,001 - \$50,000	management fees	\$12,735
145	RITZ CARLTON HOTEL AT 112 CENTRAL PARK SOUTH N/A DT VENTURE II LLC Underlying Assets: management agreement Location: New York, NY Value not readily ascertainable	N/A	535		management fees	\$71,500
146	Think Like A Champion Publisher: Vanguard Press, a member of Perseus Books LLC Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2009)	N/A			royalties	\$15,001 - \$50,000
147	The Art Of The Deal Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 1987)	N/A			royalties	\$100,001 - \$1,000,000
148	Time To Get Tough Publisher: Regnery Publishing Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2011)	N/A			royalties	\$15,001 - \$50,000
149	Think Like a Billionaire Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2004)	N/A			royalties	\$2,501 - \$5,000
150	The Art of the Comeback Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 1997)	N/A				None (or less than \$201)

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
151	Why We Want You To Be Rich Publisher: Plata Publishing LLC Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2008)	N/A				None (or less than \$201)
152	Trump 101: The Way to Success Publisher: John Wiley & Sons, Inc. Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2007)	N/A				None (or less than \$201)
153	The America We Deserve Publisher: Renaissance Books Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2000)	N/A				None (or less than \$201)
154	Never Give Up Publisher: John Wiley & Sons, Inc. Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2008)	N/A				None (or less than \$201)
155	The Best Real Estate Advice I Ever Received Publisher: Thomas Nelson, Inc. Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2006)	N/A				None (or less than \$201)
156	The Way To The Top Publisher: Bill Adler Books Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2004)	N/A			royalties	\$1,001 - \$2,500
157	How to Get Rich Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2004)	N/A			royalties	\$15,001 - \$50,000
158	Think Big and Kick Ass Publisher: HarperCollins Publishers Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2007)	N/A				None (or less than \$201)

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
159	Trump: Surviving At The Top Publisher: Random House Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 1990)	N/A				None (or less than \$201)
160	SCREEN ACTORS GUILD PENSION Underlying Assets: pension Location: Burbank, CA Value not readily ascertainable	N/A			pension	\$64,840
169	THC MIAMI RESTAURANT HOSPITALITY LLC Value reported reflects bank account holding only. Restaurant operations at Trump National Doral Location: Miami, FL	N/A	178	\$15,001 - \$50,000	food & beverage related sales	\$5,415,844
172	40 WALL STREET COMMERCIAL LLC Value reported reflects bank account holding only. Entity's other holdings and assets are reported elsewhere; see attached schedule. Payroll company. New York, NY	N/A	004	\$15,001 - \$50,000		None (or less than \$201)
173	DT DUBAI II GOLF MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with FRONTLINE INVESTMENT MANAGEMENT CO LLC (AN AFFILIATE OF DAMAC) - value not readily ascertainable. Management company, Dubai, UAE; See attached schedule.	N/A	061	\$15,001 - \$50,000		None (or less than \$201)
174	DT TOWER GURGAON LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with IREO PRIVATE LTD - value not readily ascertainable. License holder, Gurgaon, India; See attached schedule.	N/A	091	\$1,001 - \$15,000		None (or less than \$201)
178	THC IMEA DEVELOPMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: developer - value not readily ascertainable. Location: New York, NY See attached schedule.	N/A	177	\$15,001 - \$50,000		None (or less than \$201)

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
180	TRUMP MARKS PUNTA DEL ESTE LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with AETOS SA and FAROY SA - value not readily ascertainable. License holder, Punta Del Este, Uruguay; See attached schedule.	N/A	374	None (or less than \$1,001)	royalties	\$1,000,001 - \$5,000,000
181	DT BALI TECHNICAL SERVICES MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with PT BALI NIRWANA RESORT - value not readily ascertainable. Management company, Bali, Indonesia; See attached schedule.	N/A	497	\$100,001 - \$250,000	management fees	\$186,687
182	DT CONNECT EUROPE LIMITED Underlying Assets: aircraft Location: Tumberly, Scotland See attached schedule	N/A	499	\$1,000,001 - \$5,000,000	rent	\$100,001 - \$1,000,000
183	DT ENDEAVOR I LLC Underlying Assets: aircraft Location: Palm Beach, FL See attached schedule	N/A	500	\$5,000,001 - \$25,000,000		None (or less than \$201)
184	DT LIDO TECHNICAL SERVICES MANAGER LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with PT LIDO NIRWANA PARAHYANGAN - value not readily ascertainable. Management company, Lido, Indonesia; See attached schedule.	N/A	509	\$100,001 - \$250,000	management fees	\$154,762
187	MOBILE PAYROLL CONSTRUCTION LLC Value reported reflects bank account holding only. Additional Underlying Asset: none Payroll company, Bedminster, NJ; See attached schedule	N/A	523	\$50,001 - \$100,000		None (or less than \$201)
188	CRIPPLED AMERICA Publisher: Threshold Editions Underlying Assets: book Location: New York, NY Value not readily ascertainable (Published 2015)	N/A				None (or less than \$201)
191	Trump Las Vegas Sales & Marketing, Inc. Value reported reflects bank account holding only. Additional Underlying Assets: sales & marketing deal with TRUMP RUFFIN TOWER I LLC - value not readily ascertainable. Entity set up to receive brokerage commissions, Las Vegas, NV; See attached schedule	N/A	311	\$15,001 - \$50,000	commissions	\$193,469

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
192	DT TOWER KOLKATA LLC Value reported reflects bank account holding only. Additional Underlying Asset: license deal with CONCAST INFRASTRUCTURE PRIVATE LIMITED, TRIBECA CREATORS LLP, REGENT HIRISE PRIVATE LIMITED, RAJ CONSTRUCTION PROJECTS PRIVATE LIMITED, RDB REALTY & INFRASTRUCTURE LIMITED - value not readily ascertainable. License holder, Kolkata, India; See attached schedule.	N/A	517	\$1,001 - \$15,000	royalties	\$100,001 - \$1,000,000
193	DT MARKS VANCOUVER LP Value reported reflects bank account holding only. Additional Underlying Asset: license deal with WEST GEORGIA DEVELOPMENT LIMITED PARTNERSHIP AND WEST GEORGIA HOLDINGS INC. - value not readily ascertainable. License holder, Vancouver, Canada; See attached schedule.	N/A	087	None (or less than \$1,001)	royalties	\$1,000,001 - \$5,000,000
194	STORAGE 108 LLC Underlying Assets: commercial real estate Location: New York, NY See attached schedule	N/A	542	\$5,000,001 - \$25,000,000	rent	\$100,001 - \$1,000,000
195	SC CLEVELAND MS MANAGEMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with CHAWLA POINTE, LLC Management company, Cleveland, MS; See attached schedule Value not readily ascertainable	N/A	545	None (or less than \$1,001)	management fees	\$26,667
196	T RETAIL LLC online retail business; startup Location: New York, NY See attached schedule	N/A	548	\$1,001 - \$15,000	sales	\$107,186
197	WESTMINSTER HOTEL MANAGEMENT LLC Value reported reflects bank account holding only. Additional Underlying Asset: management deal with ESPLANADE LIVINGSTON, LLC Management company, Livingston, NJ; See attached schedule Value not readily ascertainable	N/A	550	None (or less than \$1,001)	management fees	\$20,002

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**Part 2: Filer's Employment Assets and Income**

#	Description	EIF	attached schedule (Part 2 - EXHIBIT A) Reference #	Value	Income Type	Income Amount
198	AMERICAN FEDERATION of TELEVISION and RADIO ARTISTS PENSION Underlying Assets: pension Location: New York, NY Value not readily ascertainable	N/A			pension	\$5,543
199	WB Studio Enterprises Inc Residual income earned from movies/television The Fresh Prince of Bel-Air All others generated less than \$200 of income Location: Burbank, CA Value not readily ascertainable	N/A			royalties	\$201 - \$1,000
200	Universal City Studios LLC Residual income earned from movies/television The Little Rascals All others generated less than \$200 of income Location: New York, NY Value not readily ascertainable	N/A			royalties	\$201 - \$1,000
201	Entertainment Partners Residual income earned from movies/television Information regarding the specific movies/television programs is not yet available. Should the information become available, it will be later provided. Location: Burbank, CA Value not readily ascertainable	N/A			royalties	\$201 - \$1,000

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Instructions for Part 3

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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**Part 3: Filer's Employment Agreements and Arrangements**

#	Employer or Party	City/State	Status and Terms	Date
1.	Screen Actors Guild - Producers	Burbank, CA	Pension Plan for Motion Picture Actors; payments received on a monthly basis. The date was changed to reflect the year that Donald J. Trump began participating in the plan. The previous reports reflected the date that the first payment was received.	1992
2.	AMERICAN FEDERATION of TELEVISION and RADIO ARTISTS Retirement Fund	New York, NY	Pension Plan for Television and Radio Artists; payments received on a monthly basis. Information about the plan was inadvertently omitted from Parts II and III of the prior financial disclosure reports. The date reflects the year that Donald J. Trump began participating in the plan; first payment received in May 2017.	1989
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Instructions for Part 4

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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**Part 4: Filer's Sources of Compensation Exceeding \$5,000 in a Year**

#	Source Name	City/State	Brief Description of Duties
1.	N/A		
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Instructions for Part 5

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**Part 5: Spouse's Employment Assets and Income**

#	Description	EIF	Value	Income Type	Income Amount
1.	Melania LLC Underlying Assets: inactive Location: New York, NY	N/A	None (or less than \$1,001)		None (or less than \$201)
2.	MELANIA MARKS ACCESSORIES LLC Underlying Assets: licensing agreement Licensee(s): MZ BERGER & COMPANY LLC Location: New York, NY Value not readily ascertainable	N/A			None (or less than \$201)
3.	MELANIA MARKS ACCESSORIES MEMBER CORP (pass-thru company for MELANIA MARKS ACCESSORIES LLC) Location: New York, NY Value not readily ascertainable	N/A			None (or less than \$201)
4.	721 33H LLC Underlying Assets: residential real estate Location: New York, NY	N/A	\$1,000,001 - \$5,000,000		None (or less than \$201)
5.	721 33H Holdings LLC (pass-thru company for 721 33H LLC) Location: New York, NY Value not readily ascertainable	N/A			None (or less than \$201)
6.	Getty Images Inc. Use of photographic images Location: New York, NY Value not readily ascertainable	N/A		Royalties	\$100,001 - \$1,000,000
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Instructions for Part 6

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**Part 6: Other Assets and Income**

#	Description	EIF	Value	Income Type	Income Amount
1	MIDOCEAN CREDIT OPPORTUNITY FUND LP (MIDOCEAN CREDIT PARTNERS)	Y	None (or less than \$1,001)	Ordinary Income, Interest	\$50,001 - \$100,000
2	JP MORGAN CHASE - CHECKING AND SAVINGS ACCOUNTS	N/A	\$1,000,001 - \$5,000,000	Interest	\$1,001 - \$2,500
3	CAPITAL ONE BANK - CHECKING AND SAVINGS	N/A	\$5,000,001 - \$25,000,000	Interest	\$50,001 - \$100,000
4	SIGNATURE BANK - CHECKING	N/A	\$100,001 - \$250,000	Interest	\$1,001 - \$2,500
5	BANK UNITED, NA - MONEY MARKET	N/A	\$100,001 - \$250,000	Interest	\$1,001 - \$2,500
6	FIRST REPUBLIC BANK - CHECKING	N/A	\$15,001 - \$50,000	Interest	None (or less than \$201)
7	INVESTMENT IN GOLD	N/A	\$100,001 - \$250,000		None (or less than \$201)
8	WMTMF LLC (US BANK CASH ACCOUNT)	N/A	\$50,001 - \$100,000		None (or less than \$201)
	The Fred C. Trump December 16, 1976 Trust- F/B/O Donald J. Trump				
1	JP MORGAN CHASE - SAVINGS ACCOUNT	N/A	\$1,000,001 - \$5,000,000	Interest	\$1,001 - \$2,500
	JP MORGAN CLEARING CORP - BROKERAGE ACCOUNT - HOLDINGS				
1	APPLE, INC	N/A	None (or less than \$1,001)	Capital Gain	\$100,001 - \$1,000,000
2	CATERPILLER INC	N/A	None (or less than \$1,001)	Capital Gain	\$15,001 - \$50,000
3	MICROSOFT CORP	N/A	None (or less than \$1,001)	Capital Gain	\$100,001 - \$1,000,000
4	PEPSICO INC	N/A	None (or less than \$1,001)	Dividends, Capital Gain	\$15,001 - \$50,000
5	ECO TEK 360 INC (f/k/a GLOBAL FASHION TECHNOLOGIES)	N/A	\$1,001 - \$15,000		None (or less than \$201)

Instructions for Part 6

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**Part 6: Other Assets and Income**

#	Description	EIF	Value	Income Type	Income Amount
6	HALLIBURTON COMPANY	N/A	None (or less than \$1,001)	Capital Gain	\$15,001 - \$50,000
7	PHILLIPS 66 COM	N/A	None (or less than \$1,001)	Capital Gain	\$5,001 - \$15,000
	The Donald J Trump Revocable Trust				
1	CAPITAL ONE BANK - CHECKING AND SAVINGS (account funded 4/12/2017)	N/A	Over \$50,000,000	Interest	\$100,001 - \$1,000,000
	DEUTSCHE ASSET & WEALTH MANAGEMENT A/C 2 BOND ACCOUNT - HOLDINGS				
1	DEUTSCHE GOVERNMENT MONEY MARKET	N/A	None (or less than \$1,001)	Dividends	\$5,001 - \$15,000
	Family Trust 1*			Interest, Dividends, Capital Gains	\$15,001 - \$50,000
1	AMERICAN BEACON GLG Total Return - Ultra	Y	\$1,001 - \$15,000		
2	AMG MG PICTET INTL-Z	Y	\$1,001 - \$15,000		
3	AQR LONG-SHORT EQUITY-R6	Y	\$1,001 - \$15,000		
4	AQR MANAGED FUTURES STR-R6	Y	\$1,001 - \$15,000		
5	ARTISAN INTL VALUE FD-INS	Y	\$1,001 - \$15,000		
6	BLACKROCK HIGH YIELD PT-BLAC	Y	\$1,001 - \$15,000		
7	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Y	\$1,001 - \$15,000		
8	DODGE & COX INCOME FD	Y	\$1,001 - \$15,000		

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Instructions for Part 6

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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**Part 6: Other Assets and Income**

#	Description	EIF	Value	Income Type	Income Amount
9	DODGE & COX INTL STOCK FD	Y	\$15,001 - \$50,000		
10	FMI LARGE CAP FUND-INST	Y	\$1,001 - \$15,000		
11	ISHARES CORE MSCI EAFE ETF	Y	\$1,001 - \$15,000		
12	ISHARES INC MSCI JAPAN NEW	Y	\$1,001 - \$15,000		
13	ISHARES MSCI EAFE INDEX FUND	Y	\$15,001 - \$50,000		
14	JOHN HAN II-ABS RET CURR-R6	Y	\$1,001 - \$15,000		
15	JPM SHRT-INT MUNI BND-I FUND 3602 1.88%	Y	\$1,001 - \$15,000		
16	JPMORGAN GL RES ENH IDX-R6	Y	\$15,001 - \$50,000		
17	JPMORGAN US L/C CORE PL-R6	Y	\$15,001 - \$50,000		
18	METROPOLITAN WEST Total Return Bond-PLN	Y	\$1,001 - \$15,000		
19	MFS EMERGING MKTS DEBT FD R6	Y	\$1,001 - \$15,000		
20	NEUBERGER BER MU/C OPP-INS	Y	\$15,001 - \$50,000		
21	PIMCO UNCONSTRAINED BOND-INS	Y	\$1,001 - \$15,000		
22	PRIMECAP ODYSSEY STOCK FD	Y	\$15,001 - \$50,000		
23	SPDR S&P 500 ETF TRUST	Y	\$50,001 - \$100,000		
24	US Bank Cash Account	N/A	\$15,001 - \$50,000		
25	ISHARES RUSSELL MIDCAP INDEX FUND	Y	None (or less than \$1,001)		
26	JPM MID CAP VALUE FD - L FUND 758	Y	None (or less than \$1,001)		

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Instructions for Part 6

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**Part 6: Other Assets and Income**

#	Description	EIF	Value	Income Type	Income Amount
	Family Trust 2*			Interest, Dividends, Capital Gains	\$15,001 - \$50,000
1	AMERICAN BEACON GLG Total Return - Ultra	Y	\$1,001 - \$15,000		
2	AMG MG PICTET INTL-Z	Y	\$15,001 - \$50,000		
3	AQR LONG-SHORT EQUITY-R6	Y	\$1,001 - \$15,000		
4	ARTISAN INTL VALUE FD-INS	Y	\$15,001 - \$50,000		
5	BLACKROCK HIGH YIELD PORTFOLIO	Y	\$1,001 - \$15,000		
6	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Y	\$1,001 - \$15,000		
7	DODGE & COX INCOME FD	Y	\$1,001 - \$15,000		
8	DODGE & COX INTL STOCK FD	Y	\$15,001 - \$50,000		
9	EQUINOX FDS TR IPM SYSTMATC I	Y	\$1,001 - \$15,000		
10	FMI LARGE CAP FUND-INST	Y	\$1,001 - \$15,000		
11	ISHARES CORE MSCI EAFE ETF	Y	\$15,001 - \$50,000		
12	ISHARES INC MSCI JAPAN NEW	Y	\$1,001 - \$15,000		
13	ISHARES MSCI EAFE INDEX FUND	Y	\$15,001 - \$50,000		
14	JOHN HAN II-ABS RET CURR-R6	Y	\$1,001 - \$15,000		
15	JPM SHRT-INT MUNI BND-I FUND 3602 1.88%	Y	\$15,001 - \$50,000		
16	JPMORGAN GL RES ENH IDX-R6	Y	\$15,001 - \$50,000		
17	JPMORGAN US L/C CORE PL-R6	Y	\$15,001 - \$50,000		

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## Instructions for Part 6

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Filer's Name					Page Number
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Part 6: Other Assets and Income					
#	Description	EIF	Value	Income Type	Income Amount
18	METROPOLITAN WEST Total Return Bond-PLN	Y	\$1,001 - \$15,000		
19	MFS EMERGING MKTS DEBT FD R6	Y	\$1,001 - \$15,000		
20	NEUBERGER BER MU/C OPP-INS	Y	\$15,001 - \$50,000		
21	PIMCO UNCONSTRAINED BOND-INS	Y	\$1,001 - \$15,000		
22	PRIMECAP ODYSSEY STOCK FD	Y	\$15,001 - \$50,000		
23	SPDR S&P 500 ETF TRUST	Y	\$50,001 - \$100,000		
24	US Bank Cash Account	N/A	\$15,001 - \$50,000		
25	ISHARES RUSSELL MIDCAP INDEX FUND	Y	None (or less than \$1,001)		
26	JPM MID CAP VALUE FD - L FUND 758	Y	None (or less than \$1,001)		
	Family Trust 3*			Interest, Dividends, Capital Gains	\$15,001 - \$50,000
1	AMERICAN BEACON GLG Total Return - Ultra	Y	\$1,001 - \$15,000		
2	AMG MG PICTET INTL-Z	Y	\$15,001 - \$50,000		
3	AQR LONG-SHORT EQUITY-R6	Y	\$1,001 - \$15,000		
4	AQR MANAGED FUTURES STR-R6	Y	\$1,001 - \$15,000		
5	ARTISAN INTL VALUE FD-INS	Y	\$15,001 - \$50,000		
6	BLACKROCK HIGH YIELD PORTFOLIO	Y	\$1,001 - \$15,000		
7	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Y	\$1,001 - \$15,000		

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## Instructions for Part 6

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Filer's Name					Page Number
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Part 6: Other Assets and Income					
#	Description	EIF	Value	Income Type	Income Amount
8	DODGE & COX INCOME FD	Y	\$1,001 - \$15,000		
9	DODGE & COX INTL STOCK FD	Y	\$15,001 - \$50,000		
10	ISHARES CORE MSCI EAFE ETF	Y	\$15,001 - \$50,000		
11	ISHARES INC MSCI JAPAN NEW	Y	\$1,001 - \$15,000		
12	ISHARES MSCI EAFE INDEX FUND	Y	\$50,001 - \$100,000		
13	JOHN HAN II-ABS RET CURR-R6	Y	\$1,001 - \$15,000		
14	JPM SHRT-INT MUNI BND-I FUND 3602 1.88%	Y	\$15,001 - \$50,000		
15	JPMORGAN GL RES ENH IDX-R6	Y	\$50,001 - \$100,000		
16	JPMORGAN US L/C CORE PL-R6	Y	\$15,001 - \$50,000		
17	METROPOLITAN WEST Total Return Bond-PLN	Y	\$1,001 - \$15,000		
18	MFS EMERGING MKTS DEBT FD R6	Y	\$1,001 - \$15,000		
19	NEUBERGER BER MU/C OPP-INS	Y	\$15,001 - \$50,000		
20	PIMCO UNCONSTRAINED BOND-INS	Y	\$1,001 - \$15,000		
21	PRIMECAP ODYSSEY STOCK FD	Y	\$15,001 - \$50,000		
22	SPDR S&P 500 ETF TRUST	Y	\$100,001 - \$250,000		
23	US Bank Cash Account	N/A	\$15,001 - \$50,000		
24	ISHARES RUSSELL MIDCAP INDEX FUND	Y	None (or less than \$1,001)		
25	JPM MID CAP VALUE FD - L FUND 758	Y	None (or less than \$1,001)		

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Instructions for Part 7

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name		Page Number		
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Part 7: Transactions				
#	Description	Type	Date	Amount
1	MIDOCEAN CREDIT OPPORTUNITY FUND LP (MIDOCEAN CREDIT PARTNERS) - notice of sale date received after June 14, 2017	Sale	03/31/2017	\$1,000,001 - \$5,000,000
	Family Trust 1*			
1	METROPOLITAN WEST Total Return Bond-PLN	Purchase	11/21/2017	\$1,001 - \$15,000
2	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
3	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
4	SPDR S&P 500 ETF TRUST	Purchase	06/29/2017	\$1,001 - \$15,000
5	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
6	AQR LONG-SHORT EQUITY-R6	Purchase	06/29/2017	\$1,001 - \$15,000
7	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Purchase	06/29/2017	\$1,001 - \$15,000
8	DODGE & COX INTL STOCK FD	Purchase	06/29/2017	\$1,001 - \$15,000
9	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	06/29/2017	\$1,001 - \$15,000
10	AMERICAN BEACON GLG Total Return - Ultra	Purchase	06/29/2017	\$1,001 - \$15,000
11	ISHARES MSCI EAFE INDEX FUND	Purchase	05/10/2017	\$1,001 - \$15,000
12	ISHARES MSCI EAFE INDEX FUND	Purchase	05/10/2017	\$1,001 - \$15,000
13	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	05/10/2017	\$1,001 - \$15,000
14	JPM SH INT MUNI BD FD - CL I FUND 3602	Purchase	04/06/2017	\$1,001 - \$15,000
15	AQR MANAGED FUTURES STR-R6	Purchase	03/02/2017	\$1,001 - \$15,000
16	SPDR S&P 500 ETF TRUST	Purchase	01/31/2017	\$1,001 - \$15,000

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Instructions for Part 7

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Filer's Name				Page Number
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Part 7: Transactions				
#	Description	Type	Date	Amount
17	ISHARES INC MSCI JAPAN NEW	Purchase	01/31/2017	\$1,001 - \$15,000
18	BLACKROCK HIGH YIELD PT-BLAC	Sale	11/22/2017	\$1,001 - \$15,000
19	ISHARES RUSSELL MIDCAP INDEX FUND	Sale	07/05/2017	\$15,001 - \$50,000
20	JPM MID CAP VALUE FD - L FUND 758	Sale	06/30/2017	\$1,001 - \$15,000
21	JPM SHRT-INT MUNI BND FD - CLL FUND 3602	Sale	06/30/2017	\$1,001 - \$15,000
22	BLACKROCK HIGH YIELD PT-BLAC	Sale	06/30/2017	\$1,001 - \$15,000
23	MFS EMERGING MKTS DEBT FD-I	Sale	06/30/2017	\$1,001 - \$15,000
24	ISHARES INC MSCI JAPAN NEW	Sale	05/15/2017	\$1,001 - \$15,000
25	JPM MID CAP VALUE FD - L FUND 758	Sale	05/11/2017	\$1,001 - \$15,000
26	VANGUARD INTM TRM INV G-ADM	Sale	04/13/2017	\$1,001 - \$15,000
27	Equinox IPM Systematic Macro Fund	Sale	03/03/2017	\$1,001 - \$15,000
28	JPM SH INT MUNI BD FD - INSTL FUND 3602	Sale	02/01/2017	\$1,001 - \$15,000
	Family Trust 2*			
1	METROPOLITAN WEST Total Return Bond-PLN	Purchase	11/21/2017	\$1,001 - \$15,000
2	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
3	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
4	SPDR S&P 500 ETF TRUST	Purchase	06/29/2017	\$15,001 - \$50,000
5	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000

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Instructions for Part 7

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Filer's Name				Page Number
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Part 7: Transactions				
#	Description	Type	Date	Amount
6	AQR LONG-SHORT EQUITY-R6	Purchase	06/29/2017	\$1,001 - \$15,000
7	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Purchase	06/29/2017	\$1,001 - \$15,000
8	DODGE & COX INTL STOCK FD	Purchase	06/29/2017	\$1,001 - \$15,000
9	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	06/29/2017	\$1,001 - \$15,000
10	AMERICAN BEACON GLG Total Return - Ultra	Purchase	06/29/2017	\$1,001 - \$15,000
11	ISHARES MSCI EAFE INDEX FUND	Purchase	05/10/2017	\$1,001 - \$15,000
12	ISHARES MSCI EAFE INDEX FUND	Purchase	05/10/2017	\$1,001 - \$15,000
13	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	05/10/2017	\$1,001 - \$15,000
14	JPM SH INT MUNI BD FD - CL I	Purchase	04/06/2017	\$1,001 - \$15,000
15	SPDR S&P 500 ETF TRUST	Purchase	01/31/2017	\$1,001 - \$15,000
16	ISHARES INC MSCI JAPAN NEW	Purchase	01/31/2017	\$1,001 - \$15,000
17	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	01/31/2017	\$1,001 - \$15,000
18	BLACKROCK HIGH YIELD PT-BLAC	Sale	11/21/2017	\$1,001 - \$15,000
19	ISHARES RUSSELL MIDCAP INDEX FUND	Sale	06/29/2017	\$15,001 - \$50,000
20	JPM MID CAP VALUE FD - L	Sale	06/29/2017	\$1,001 - \$15,000
21	JPM SHRT-INT MUNI BND FD - CL L FUND 3602	Sale	06/29/2017	\$1,001 - \$15,000
22	BLACKROCK HIGH YIELD PT-BLAC	Sale	06/29/2017	\$1,001 - \$15,000
23	MFS EMERGING MKTS DEBT FD-I	Sale	06/29/2017	\$1,001 - \$15,000
24	ISHARES INC MSCI JAPAN NEW	Sale	05/10/2017	\$1,001 - \$15,000

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Instructions for Part 7

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Filer's Name				Page Number
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Part 7: Transactions				
#	Description	Type	Date	Amount
25	ISHARES INC MSCI JAPAN NEW	Sale	05/10/2017	\$1,001 - \$15,000
26	JPM MID CAP VALUE FD - L FUND 758	Sale	05/10/2017	\$1,001 - \$15,000
27	VANGUARD INTM TRM INV G-ADM	Sale	04/12/2017	\$1,001 - \$15,000
28	DODGE & COX INCOME FD	Sale	01/31/2017	\$1,001 - \$15,000
29	JPM SH INT MUNI BD FD - INSTL FUND 3602	Sale	01/31/2017	\$1,001 - \$15,000
	Family Trust 3*			
1	METROPOLITAN WEST Total Return Bond-PLN	Purchase	11/21/2017	\$1,001 - \$15,000
2	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
3	SPDR S&P 500 ETF TRUST	Purchase	06/29/2017	\$15,001 - \$50,000
4	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
5	ISHARES CORE MSCI EAFE ETF	Purchase	06/29/2017	\$1,001 - \$15,000
6	AQR LONG-SHORT EQUITY-R6	Purchase	06/29/2017	\$1,001 - \$15,000
7	CHILTON STRATEGIC EUROPEAN EQUITIES FD	Purchase	06/29/2017	\$1,001 - \$15,000
8	DODGE & COX INTL STOCK FD	Purchase	06/29/2017	\$1,001 - \$15,000
9	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	06/29/2017	\$1,001 - \$15,000
10	AMERICAN BEACON GLG Total Return - Ultra	Purchase	06/29/2017	\$1,001 - \$15,000
11	ISHARES MSCI EAFE INDEX FUND	Purchase	05/10/2017	\$1,001 - \$15,000
12	ISHARES MSCI EAFE INDEX FUND	Purchase	05/10/2017	\$1,001 - \$15,000

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Instructions for Part 7

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Part 7: Transactions				
#	Description	Type	Date	Amount
13	AMG MANAGERS PICTET INTERNATIONAL FUND CLASS I	Purchase	05/10/2017	\$1,001 - \$15,000
14	JPM SH INT MUNI BD FD - CL I	Purchase	04/06/2017	\$1,001 - \$15,000
15	AQR MANAGED FUTURES STR-R6	Purchase	03/02/2017	\$1,001 - \$15,000
16	SPDR S&P 500 ETF TRUST	Purchase	01/31/2017	\$1,001 - \$15,000
17	ISHARES INC MSCI JAPAN NEW	Purchase	01/31/2017	\$1,001 - \$15,000
18	BLACKROCK HIGH YIELD PT-BLAC	Sale	11/21/2017	\$1,001 - \$15,000
19	ISHARES RUSSELL MIDCAP INDEX FUND	Sale	06/29/2017	\$15,001 - \$50,000
20	JPM MID CAP VALUE FD - L FUND 758	Sale	06/29/2017	\$1,001 - \$15,000
21	JPM SHRT-INT MUNI BND FD - CL L FUND 3602	Sale	06/29/2017	\$1,001 - \$15,000
22	BLACKROCK HIGH YIELD PT-BLAC	Sale	06/29/2017	\$1,001 - \$15,000
23	MFS EMERGING MKTS DEBT FD-I	Sale	06/29/2017	\$1,001 - \$15,000
24	ISHARES INC MSCI JAPAN NEW	Sale	05/10/2017	\$1,001 - \$15,000
25	ISHARES INC MSCI JAPAN NEW	Sale	05/10/2017	\$1,001 - \$15,000
26	JPM MID CAP VALUE FD - L	Sale	05/10/2017	\$1,001 - \$15,000
27	VANGUARD INTM TRM INV G-ADM	Sale	04/12/2017	\$1,001 - \$15,000
28	Equinox IPM Systematic Macro Fund	Sale	03/02/2017	\$1,001 - \$15,000
29	JPM SH INT MUNI BD FD - INSTL FUND 3602	Sale	01/31/2017	\$1,001 - \$15,000

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## Instructions for Part 8

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name						Page Number
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Part 8: Liabilities						
#	Creditor Name	Type	Amount	Year Incurred	Rate	Term
1.	Ladder Capital Finance LLC	Trump Tower Commercial LLC - mortgage	Over \$50,000,000	2012	4.200%	Matures in 2022
2.	Ladder Capital Finance I LLC	40 Wall Street LLC - loan	Over \$50,000,000	2015	3.685%	Matures in 2025
3.	Deutsche Bank Trust Company Americas	Trump National Doral - mortgage	Over \$50,000,000	2012	LIBOR + 1.75% or Prime minus .75%	Matures in 2023
4.	Deutsche Bank Trust Company Americas	Trump National Doral - mortgage	\$5,000,001 - \$25,000,000	2012	LIBOR + 1.75% or Prime minus .75%	Matures in 2023
5.	The Bank of New York Mellon Trust Company N.A., as trustee	Fifty-Seventh Street Associates LLC - issuer of secured lease bonds - loan was fully satisfied before year-end on December 31, 2017	\$1,000,001 - \$5,000,000 *	1996	7.125%	Loan Satisfied
6.	Investors Savings Bank	Trump Park Avenue LLC - mortgage	\$5,000,001 - \$25,000,000	2010	3.250%	Matures in 2020
7.	Ladder Capital Finance LLC	Trump Plaza LLC - mortgage	\$5,000,001 - \$25,000,000	2014	3.850%	Matures in 2024
8.	Amboy Bank	Trump National Golf Club Colts Neck LLC - mortgage	\$5,000,001 - \$25,000,000	2008	5.250%	Matures in 2028
9.	Chevy Chase Trust Holdings, Inc. as successor in interest to Bondy Way Development	Trump National Golf Club Washington DC LLC - mortgage	\$5,000,001 - \$25,000,000	2009	5.500%	Matures in 2029
10.	Royal Bank America	Seven Springs - mortgage	\$5,000,001 - \$25,000,000	2000	4.000%	Matures in 2019
11.	Ladder Capital Finance LLC	TIHT Commercial LLC - mortgage	\$5,000,001 - \$25,000,000	2016	4.050%	Matures in 2026
12.	Merrill Lynch Credit Corporation	1094 S Ocean Blvd - mortgage - loan was fully satisfied before year-end on December 31, 2017	\$100,001 - \$250,000	1994	Six month LIBOR + 1.50%	Loan Satisfied
13.	Merrill Lynch Credit Corporation	124 Woodbridge Road - mortgage - loan was fully satisfied before year-end on December 31, 2017	\$50,001 - \$100,000	1993	Six month LIBOR + 1.75%	Loan Satisfied
14.	Chicago Unit Acquisition LLC	TIHT Chicago - springing loan	Over \$50,000,000	2012	Prime + 5%	Springing loan
15.	Deutsche Bank Trust Company Americas	TIHT Chicago - term loan	\$25,000,001 - \$50,000,000	2012	LIBOR + 2.00% or Prime minus .50%	Matures in 2024
16.	Deutsche Bank Trust Company Americas	Trump Old Post Office - loan	Over \$50,000,000	2015	LIBOR + 1.75% or Prime minus .25% **	Matures in 2024

(\*) Prior year's report reflected a scrivener's error of \$500,000 - \$1,000,000. Value range should have been shown as \$1,000,000 - \$5,000,000.

(\*\*) Change attributable to correcting a scrivener's error.

In the interest of transparency, while not required to be disclosed as "reportable liabilities" on Part 8, in 2016 expenses were incurred by one of Donald J. Trump's attorneys, Michael Cohen. Mr. Cohen sought reimbursement of those expenses and Mr. Trump fully reimbursed Mr. Cohen in 2017. The category of value would be \$100,001 - \$250,000 and the interest rate would be zero.

Instructions for Part 9

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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**Part 9: Gifts and Travel Reimbursements**

#	Source Name	City/State	Brief Description	Value
1.	Kevin Strelman	Scottsdale, AZ	Golf Clubs/Golf Bag	\$1,150
2.	Bryson DeChambeau	Dallas, TX	Golf Clubs	\$750
3.				
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Instructions for Part 2

Notes: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

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Reference #

Part 2 discloses entities with assets over \$1,000 or which produced income of over \$200. This Schedule (EXHIBIT A) discloses the ownership structure of the entities on Part 2, as well as additional entities that are not disclosed on Part 2. For each of the entities below that are not disclosed on Part 2, the numerical or text label indicates which reason for non-disclosure applies. The numerical labels are as follows: \*(1) have no independent value or income and are part of the entity structures listed in Part 2; \*(2) have no independent value or income and provide back office support functions to other entities; \*(3) are dormant/inactive; \*(4) have no independent value or income and exist to hold license deals that are prospective, inactive, or otherwise do not currently have valuable assets or create income; or \*(5) have no independent value or income, not inactive nor dormant, not part of an entity structure or license deal. This Schedule is being provided to ensure a complete picture of the assets and holdings of the filer. Gaps in numerical sequence are due to the removal of previously reported items no longer reportable on this exhibit. All of the interests listed below in this exhibit, which were formerly held by Donald J. Trump, directly or indirectly, are now held by The Donald J. Trump Revocable Trust.

**1 4 SHADOW TREE LANE LLC \*(6)**

Owned by :	% Ownership	Name	Role
	1	4 SHADOW TREE LANE MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

**2 4 SHADOW TREE LANE MEMBER CORP \*(1)**

Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	4 SHADOW TREE LANE LLC	1.00%	Managing Member

**3 40 Wall Development Associates, LLC \*(1)**

Owned by :	% Ownership	Name	Role
	0.1	Pare Consulting, Inc.	Member
	99.9	The Donald J. Trump Revocable Trust	Member

Has ownership interest in :	Entity Name	Ownership	Title
	40 Wall Street LLC	99.90%	Member
	40 WALL STREET COMMERCIAL LLC	100.00%	Member
	40 Wall Street Member Corp.	100.00%	Shareholder

**4 40 WALL STREET COMMERCIAL LLC**

Owned by :	% Ownership	Name	Role
	100	40 Wall Development Associates, LLC	Member

**5 40 Wall Street LLC**

Owned by :	% Ownership	Name	Role
	0.1	40 Wall Street Member Corp.	Managing Member
	99.9	40 Wall Development Associates, LLC	Member

**6 40 Wall Street Member Corp. \*(1)**

Owned by :	% Ownership	Name	Role
	100	40 Wall Development Associates, LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	40 Wall Street LLC	0.10%	Managing Member

**7 401 MEZZ VENTURE LLC \*(1)**

Owned by :	% Ownership	Name	Role
	1	TRUMP CHICAGO MANAGING MEMBER LLC	Managing Member
	49	TRUMP CHICAGO MEMBER LLC	Member
	50	TRUMP CHICAGO MEMBER ACQUISITION LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	401 North Wabash Venture LLC	100.00%	Member
	TRUMP CHICAGO RETAIL LLC	100.00%	Member

**8 401 North Wabash Venture LLC**

Owned by :	% Ownership	Name	Role
	100	401 MEZZ VENTURE LLC	Member

Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP COMMERCIAL CHICAGO LLC	100.00%	Member

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Reference # TRUMP PAYROLL CHICAGO LLC 100.00% Managing Member

**9 809 NORTH CANON LLC**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	809 NORTH CANON MEMBER CORPORATION	Managing Member
	99	DJT HOLDINGS LLC	Member

**10 809 NORTH CANON MEMBER CORPORATION \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	809 NORTH CANON LLC	1.00%	Managing Member

**11 81 Pine Note Holder Inc. \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Shareholder

**12 845 UN Limited Partnership**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	60	Trump 845 LP LLC	Partner
	40	Trump 845 UN GP LLC	Partner

**13 Ace Entertainment Holdings Inc. \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Shareholder

**14 All County Building Supply & Maintenance Corp. \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	25	DJT Holdings LLC	Shareholder
	75	Trump Family Members	Shareholder

**15 AVIATION PAYROLL COMPANY \*(2)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

**17 Beach Haven Apartments #3 LLC \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	25	The Donald J. Trump Revocable Trust	Member
	75	Trump Family Members	Member

**18 Beach Haven Apt #1, Inc. \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	Stamett City Associates, L.P.	0.86%	Partner
	Spring Creek Plaza LLC	0.85%	Member

**20 Beach Haven Shopping Center LLC \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

**21 Bedford Hills Corp. \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	Seven Springs LLC	0.10%	Member

**22 TRUMP BRIARCLIFF MANOR DEVELOPMENT LLC \*(2)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	0.1	BRIARCLIFF PROPERTIES, INC.	Member
	99.9	DJT HOLDINGS LLC	Member

**23 Briar Hill Operations LLC \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	0.1	Development Member Inc.	Member

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Reference #	99.9	DJT Holdings LLC	Member
24	<b><u>BRIARCLIFF PROPERTIES, INC. (Y1)</u></b>		
Owned by:	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in:	<u>Entity Name</u> BRIAR HALL DEVELOPMENT LLC (N/K/A TRUMP BRIARCLIFF MANOR DEVELOPMENT LLC)	<u>Ownership</u> 0.10%	<u>Title</u> Member
25	<b><u>Caribusiness Investments, S.R.L.</u></b>		
Owned by:	<u>% Ownership</u> 1 99	<u>Name</u> THE CARIBUSINESS RE CORP CARIBUSINESS MRE LLC	<u>Role</u> Member Member
26	<b><u>CARIBUSINESS MRE LLC (Y1)</u></b>		
Owned by:	<u>% Ownership</u> 1	<u>Name</u> THE CARIBUSINESS RE CORP	<u>Role</u> Managing Member
Has ownership interest in:	<u>Entity Name</u> Caribusiness Investments, S.R.L.	<u>Ownership</u> 99.00%	<u>Title</u> Member
27	<b><u>Chelsea Hall LLC (Y3)</u></b>		
Owned by:	<u>% Ownership</u> 25 75	<u>Name</u> DJT Holdings LLC Trump Family Members	<u>Role</u> Member Member
28	<b><u>CHICAGO UNIT ACQUISITION LLC (Y5)</u></b>		
Owned by:	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings LLC	<u>Role</u> Member
29	<b><u>CHINA TRADEMARK LLC (Y3)</u></b>		
Owned by:	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings LLC	<u>Role</u> Member
30	<b><u>Clyde Hall, Inc. (Y3)</u></b>		
Owned by:	<u>% Ownership</u> 25 75	<u>Name</u> DJT Holdings LLC Trump Family Members	<u>Role</u> Shareholder Shareholder
31	<b><u>Coronet Hall, Inc. (Y3)</u></b>		
Owned by:	<u>% Ownership</u> 25 75	<u>Name</u> DJT Holdings LLC Trump Family Members	<u>Role</u> Shareholder Shareholder
32	<b><u>Country Apartments, LLC</u></b>		
Owned by:	<u>% Ownership</u> 25 75	<u>Name</u> DJT Holdings LLC Trump Family Members	<u>Role</u> Member Member
33	<b><u>Country Investors LLC (Y3)</u></b>		
Owned by:	<u>% Ownership</u> 25 75	<u>Name</u> DJT Holdings LLC Trump Family Members	<u>Role</u> Member Member
34	<b><u>Country Properties, LLC</u></b>		
Owned by:	<u>% Ownership</u> 25 75	<u>Name</u> DJT Holdings LLC Trump Family Members	<u>Role</u> Member Member
35	<b><u>D B PACE ACQUISITION MEMBER CORP (Y1)</u></b>		
Owned by:	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in:	<u>Entity Name</u> D B Pace Acquisition, LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
36	<b><u>D B Pace Acquisition, LLC</u></b>		



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Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	D B PACE ACQUISITION MEMBER	Managing Member
		CDRP	
	99	DJT Holdings LLC	Member
<b>37 <u>Development Member Inc. *(3)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	Brier Hill Operations LLC	0.10%	Member
<b>38 <u>DJ Aerospace (Bermuda) Limited *(3)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Shareholder
<b>39 <u>DJT AEROSPACE LLC</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Member
<b>40 <u>DJT ENTREPRENEUR MANAGING MEMBER LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	0.10%	Managing Member
<b>41 <u>DJT ENTREPRENEUR MEMBER LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	91.90%	Member
<b>42 <u>DJT HOLDINGS LLC</u></b>			
Assumed Names :	<u>D/B/A</u>	<u>Jurisdiction</u>	<u>Expiration Date</u>
	DJT 3 HOLDINGS LLC	Florida	
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DJT HOLDINGS MANAGING MEMBER LLC	Managing Member
	99	The Donald J. Trump Revocable Trust	Member
Has ownership interest in :	various entities as indicated elsewhere in this schedule		
<b>43 <u>DJT HOLDINGS MANAGING MEMBER LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Member
Has ownership interest in :	various entities as indicated elsewhere in this schedule		
<b>44 <u>DJT LAND HOLDINGS MEMBER CORP *(3)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
<b>45 <u>DJT OPERATIONS CX LLC *(8)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
<b>46 <u>DJT OPERATIONS I LLC</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Member
<b>47 <u>DJT OPERATIONS II LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TAG AIR INC.	100.00%	Shareholder

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48 Donald J Trump Enterprises LLC \*(3)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	Trump Family Members	Member

49 Donald J. Trump Enterprises II LLC \*(3)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	Trump Family Members	Member

50 Donald J. Trump Enterprises III LLC \*(3)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	Trump Family Members	Member

53 DT APP WARRANT HOLDING LLC \*(3)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DT APP WARRANT HOLDING MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

54 DT APP WARRANT HOLDING MANAGING MEMBER CORP \*(3)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	DT APP WARRANT HOLDING LLC	1.00%	Managing Member

55 DT CONNECT II LLC

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DT CONNECT II MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

56 DT CONNECT II MEMBER CORP \*(1)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	DT CONNECT II LLC	1.00%	Managing Member

59 DT DUBAI GOLF MANAGER LLC

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DT DUBAI GOLF MANAGER MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

60 DT DUBAI GOLF MANAGER MEMBER CORP \*(1)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	DT DUBAI GOLF MANAGER LLC	1.00%	Managing Member

61 DT DUBAI II GOLF MANAGER LLC

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DT DUBAI II GOLF MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

62 DT DUBAI II GOLF MANAGER MEMBER CORP \*(1)

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	DT DUBAI II GOLF MANAGER LLC	1.00%	Managing Member

65 DT HOME MARKS INTERNATIONAL LLC

Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DT HOME MARKS INTERNATIONAL MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

64 DT HOME MARKS INTERNATIONAL MEMBER CORP \*(1)

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<p><b>Owned by :</b></p> <p><b>Has ownership interest in :</b></p> <p><b>65 <u>DT INDIA VENTURE LLC *3)</u></b></p> <p><b>Owned by :</b></p> <p><b>66 <u>DT INDIA VENTURE MANAGING MEMBER CORP *3)</u></b></p> <p><b>Owned by :</b></p> <p><b>Has ownership interest in :</b></p> <p><b>67 <u>DT MARKS BAKU LLC *3)</u></b></p> <p><b>Owned by :</b></p> <p><b>68 <u>DT MARKS BAKU MANAGING MEMBER CORP *3)</u></b></p> <p><b>Owned by :</b></p> <p><b>Has ownership interest in :</b></p> <p><b>71 <u>DT MARKS DUBAI LLC *4)</u></b></p> <p><b>Owned by :</b></p> <p><b>72 <u>DT MARKS DUBAI MEMBER CORP *4)</u></b></p> <p><b>Owned by :</b></p> <p><b>Has ownership interest in :</b></p> <p><b>73 <u>DT MARKS GURGAON LLC *4)</u></b></p> <p><b>Owned by :</b></p> <p><b>69</b></p> <p><b>74 <u>DT MARKS GURGAON MANAGING MEMBER CORP *4)</u></b></p> <p><b>Owned by :</b></p> <p><b>Has ownership interest in :</b></p> <p><b>75 <u>DT MARKS JERSEY CITY LLC *4)</u></b></p> <p><b>Owned by :</b></p> <p><b>76 <u>DT MARKS JUPITER LLC *4)</u></b></p> <p><b>Owned by :</b></p> <p><b>77 <u>DT MARKS PRODUCTS INTERNATIONAL LLC *4)</u></b></p>	<p><b>% Ownership</b></p> <p>100</p> <p><b>Entity Name</b></p> <p>DT HOME MARKS INTERNATIONAL LLC</p> <p><b>% Ownership</b></p> <p>1</p> <p>99</p> <p><b>% Ownership</b></p> <p>100</p> <p><b>Entity Name</b></p> <p>DT INDIA VENTURE LLC</p> <p><b>% Ownership</b></p> <p>1</p> <p>99</p> <p><b>% Ownership</b></p> <p>100</p> <p><b>Entity Name</b></p> <p>DT MARKS BAKU LLC</p> <p><b>% Ownership</b></p> <p>1</p> <p>99</p> <p><b>% Ownership</b></p> <p>100</p> <p><b>Entity Name</b></p> <p>DT MARKS DUBAI LLC</p> <p><b>% Ownership</b></p> <p>1</p> <p>99</p> <p><b>% Ownership</b></p> <p>100</p> <p><b>Entity Name</b></p> <p>DT MARKS GURGAON LLC</p> <p><b>% Ownership</b></p> <p>100</p> <p>100</p> <p><b>% Ownership</b></p> <p>100</p>	<p><b>Name</b></p> <p>DTTM Operations Managing Member Corp</p> <p><b>Ownership</b></p> <p>1.00%</p> <p><b>Name</b></p> <p>DT INDIA VENTURE MANAGING MEMBER CORP</p> <p>DTTM OPERATIONS LLC</p> <p><b>Name</b></p> <p>DTTM Operations Managing Member Corp</p> <p><b>Ownership</b></p> <p>1.00%</p> <p><b>Name</b></p> <p>DT MARKS BAKU MANAGING MEMBER CORP</p> <p>DTTM OPERATIONS LLC</p> <p><b>Name</b></p> <p>DTTM Operations Managing Member Corp</p> <p><b>Ownership</b></p> <p>1.00%</p> <p><b>Name</b></p> <p>DT MARKS DUBAI MEMBER CORP</p> <p>DTTM OPERATIONS LLC</p> <p><b>Name</b></p> <p>DTTM Operations Managing Member Corp</p> <p><b>Ownership</b></p> <p>1.00%</p> <p><b>Name</b></p> <p>DT MARKS GURGAON MANAGING MEMBER CORP</p> <p>DTTM OPERATIONS LLC</p> <p><b>Name</b></p> <p>DTTM Operations Managing Member Corp</p> <p><b>Ownership</b></p> <p>1.00%</p> <p><b>Name</b></p> <p>DTTM OPERATIONS LLC</p> <p>DTTM OPERATIONS LLC</p>	<p><b>Role</b></p> <p>Shareholder</p> <p><b>Title</b></p> <p>Managing Member</p> <p><b>Role</b></p> <p>Member</p> <p>Member</p> <p><b>Role</b></p> <p>Shareholder</p> <p>Member</p> <p><b>Role</b></p> <p>Managing Member</p> <p>Member</p> <p><b>Role</b></p> <p>Shareholder</p> <p>Managing Member</p> <p><b>Role</b></p> <p>Managing Member</p> <p>Member</p> <p><b>Role</b></p> <p>Shareholder</p> <p>Managing Member</p> <p><b>Role</b></p> <p>Member</p> <p>Managing Member</p>
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Owned by :	% Ownership	Name	Role
	1	DT MARKS PRODUCTS INTERNATIONAL MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

**78 DT MARKS PRODUCTS INTERNATIONAL MEMBER CORP \*(4)**

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS PRODUCTS INTERNATIONAL LLC	1.00%	Managing Member

**79 DT MARKS PUNE II LLC \*(3)**

Owned by :	% Ownership	Name	Role
	1	DT MARKS PUNE II MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

**80 DT MARKS PUNE II MANAGING MEMBER CORP \*(3)**

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS PUNE II LLC	1.00%	Managing Member

**81 DT MARKS PUNE LLC \*(4)**

Owned by :	% Ownership	Name	Role
	1	DT MARKS PUNE MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

**82 DT MARKS PUNE MANAGING MEMBER CORP \*(4)**

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS PUNE LLC	1.00%	Managing Member

**83 DT MARKS QATAR LLC \*(3)--DISSOLVED 1/28/17**

Owned by :	% Ownership	Name	Role
	1	DT MARKS QATAR MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

**84 DT MARKS QATAR MEMBER CORP \*(3)--DISSOLVED 1/28/17**

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS QATAR LLC	1.00%	Managing Member

**85 DT MARKS RIO LLC \*(3)**

Owned by :	% Ownership	Name	Role
	1	DT MARKS RIO MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

**86 DT MARKS RIO MEMBER CORP \*(3)**

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS RIO LLC	1.00%	Managing Member

**87 DT MARKS VANCOUVER LP**

Owned by :	% Ownership	Name	Title
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Reference #				
	1	DT MARKS VANCOUVER MEMBER CORP	General Partner	
	99	The Donald J. Trump Revocable Trust	Limited Partner	
88	<u>DT MARKS VANCOUVER MEMBER CORP *(1)</u>			
	Owned by:	% Ownership	Name	Role
		100	DTTM Operations Managing Member Corp	Shareholder
	Has ownership interest in:	Entity Name	Ownership	Title
		DT MARKS VANCOUVER LP	1.000000 units (100.00 %)	General Partner
89	<u>DT Marks Worll LLC</u>			
	Owned by:	% Ownership	Name	Role
		1	DT Marks Worll Member Corp	Managing Member
		99	DTTM OPERATIONS LLC	Member
90	<u>DT Marks Worll Member Corp *(1)</u>			
	Owned by:	% Ownership	Name	Role
		100	DTTM Operations Managing Member Corp	Shareholder
	Has ownership interest in:	Entity Name	Ownership	Title
		DT Marks Worll LLC	1.00%	Managing Member
91	<u>DT TOWER GURGAON LLC</u>			
	Owned by:	% Ownership	Name	Role
		1	DT TOWER GURGAON MANAGING MEMBER CORP	Managing Member
		99	TTTT Venture LLC	Member
92	<u>DT TOWER GURGAON MANAGING MEMBER CORP *(1)</u>			
	Owned by:	% Ownership	Name	Role
		100	DTTM Operations Managing Member Corp	Shareholder
	Has ownership interest in:	Entity Name	Ownership	Title
		DT TOWER GURGAON LLC	1.00%	Managing Member
93	<u>DTW VENTURE LLC</u>			
	Owned by:	% Ownership	Name	Role
		100	DJT Holdings LLC	Member
94	<u>DTW VENTURE MANAGING MEMBER CORP *(3)</u>			
	Owned by:	% Ownership	Name	Role
		100	DJT Holdings Managing Member LLC	Shareholder
95	<u>EID Venture I Corporation *(3)</u>			
	Owned by:	% Ownership	Name	Role
		100	DTTM Operations Managing Member Corp	Shareholder
96	<u>EID Venture I LLC *(3)</u>			
	Owned by:	% Ownership	Name	Role
		100	DTTM OPERATIONS LLC	Member
97	<u>Excel Venture I Corporation *(1)</u>			
	Owned by:	% Ownership	Name	Role
		100	DJT Holdings Managing Member LLC	Shareholder
	Has ownership interest in:	Entity Name	Ownership	Title
		Excel Venture I LLC	1.00%	Managing Member
98	<u>Excel Venture I LLC</u>			
	Owned by:	% Ownership	Name	Role
		1	Excel Ventures I Corporation	Managing Member
		99	DJT HOLDINGS LLC	Member
99	<u>Fifty-Seven Management Corp. *(1)</u>			
	Owned by:	% Ownership	Name	Role

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Reference # 100 The Donald J. Trump Revocable Trust Shareholder

Has ownership interest in: Entity Name Ownership Title  
 FIFTY-SEVENTH STREET ASSOCIATES LLC 1.00% Managing Member

100 Fifty-Seventh Street Associates LLC

Owned by: % Ownership Name Role  
 1 FIFTY-SEVEN MANAGEMENT CORP. Managing Member

99 The Trump-Equitable Fifth Avenue Company Member

101 FIRST MEMBER INC \*(1)

Owned by: % Ownership Name Role  
 100 The Donald J. Trump Revocable Trust Shareholder

Has ownership interest in: Entity Name Ownership Title  
 TRUMP PALACE/PARC LLC 8.10% Managing Member

102 FLIGHTS INC \*(6)

Owned by: % Ownership Name Role  
 100 DJT Holdings Managing Member LLC Shareholder

103 FLORIDA PROPERTIES MANAGEMENT LC \*(2)

Owned by: % Ownership Name Role  
 100 DJT Holdings LLC Member

104 Fountainbleu Apartments LLC \*(3)

Owned by: % Ownership Name Role  
 25 DJT Holdings LLC Member  
 75 Trump Family Members Member

105 Golf Productions LLC

Owned by: % Ownership Name Role  
 1 Golf Productions Member Corp. Managing Member

99 DJT Holdings LLC Member

106 Golf Productions Member Corp \*(1)

Owned by: % Ownership Name Role  
 100 DJT Holdings Managing Member LLC Shareholder

Has ownership interest in: Entity Name Ownership Title  
 Golf Productions LLC 1.00% Managing Member

107 Golf Recreation Scotland Limited \*(1)

Owned by: % Ownership Name Role  
 100 TURNBERRY SCOTLAND LLC Sole Member

Has ownership interest in: Entity Name Ownership Title  
 TRUMP TURNBERRY 100.00% Shareholder

108 HELICOPTER AIR SERVICES INC \*(3)

Owned by: % Ownership Name Role  
 100 DJT HOLDINGS MANAGING MEMBER LLC Shareholder

110 Hudson Waterfront Associates I, LP \*(1)

Owned by: % Ownership Name Role  
 1 HUDSON WATERFRONT I CORPORATION Partner

69 HUDSON WESTSIDE ASSOCIATES I, L.P. Partner

30 The Donald J. Trump Revocable Trust Partner

Has ownership interest in: Entity Name Ownership Title  
 HWA 555 Owners, LLC 100.00% Partner

111 Hudson Waterfront Associates II, LP \*(6)

Owned by: % Ownership Name Role

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1	HUDSON WATERFRONT II CORPORATION	Partner
69	HUDSON WESTSIDE ASSOCIATES II, L.P.	Partner
30	The Donald J. Trump Revocable Trust	Partner

112 Hudson Waterfront Associates III, LP \*(1)

Owned by:	% Ownership	Name	Role
	1	HUDSON WATERFRONT III CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES III, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in:	Entity Name	Ownership	Title
	HWA 1290 III LLC	100.00%	Partner

113 Hudson Waterfront Associates IV, LP \*(1)

Owned by:	% Ownership	Name	Role
	1	HUDSON WATERFRONT IV CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES IV, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in:	Entity Name	Ownership	Title
	HWA 1290 IV LLC	100.00%	Partner

114 Hudson Waterfront Associates V LP \*(1)

Owned by:	% Ownership	Name	Role
	1	HUDSON WATERFRONT V CORPORATION	Partner
	69	HUDSON WESTSIDE ASSOCIATES V, L.P.	Partner
	30	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in:	Entity Name	Ownership	Title
	HWA 1290 V LLC	100.00%	Partner

116 Indian Hills Holdings LLC \*(3)

Owned by:	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

117 TRUMP NATIONAL GOLF CLUB - JUPITER

Owned by:	% Ownership	Name	Role
	1	JUPITER GOLF CLUB MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

118 JUPITER GOLF CLUB MANAGING MEMBER CORP \*(1)

Owned by:	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder

Has ownership interest in:	Entity Name	Ownership	Title
	TRUMP NATIONAL GOLF CLUB - JUPITER	1.00%	Managing Member

119 LAMINGTON FAMILY HOLDINGS LLC

Owned by:	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

120 TRUMP NATIONAL GOLF CLUB - BEDMINSTER

Owned by:	% Ownership	Name	Role
	100	LFB ACQUISITION LLC	Member

121 Lawrence Towers Apartments LLC \*(3)

Owned by:	% Ownership	Name	Role
	25	DJT Holdings LLC	Member
	75	Trump Family Members	Member

122 LFB ACQUISITION LLC \*(1)

Owned by:	% Ownership	Name	Role
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Reference #				
	1	LFB ACQUISITION MEMBER CORP		Managing Member
	99	DJT HOLDINGS LLC		Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	TRUMP NATIONAL GOLF CLUB - BEDMINSTER	100.00%	Member	
<b>123 LFB ACQUISITION MEMBER CORP *(1)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	LFB ACQUISITION LLC	1.00%	Managing Member	
<b>125 MAR-A-LAGO CLUB INC *(1)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	MAR-A-LAGO CLUB, L.L.C., MALC, Inc.	0.01%	Member	
		100.00%	Shareholder	
<b>126 MAR-A-LAGO CLUB, L.L.C.</b>				
Assumed Names :	<u>D/B/A</u>			
	MAR-A-LAGO CLUB, L.L.C., L.C.			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	0.01	MAR-A-LAGO CLUB INC		Member
	99.99	The Donald J. Trump Revocable Trust		Member
<b>127 Midland Associates *(3)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	25	DJT Holdings LLC		Partner
	75	Trump Family Members		Partner
<b>128 NITTO WORLD CO., LIMITED *(3)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	TRUMP TURNBERRY		Shareholder
<b>129 OCEAN DEVELOPMENT MEMBER INC *(3)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DJT Holdings LLC		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	OCEAN DEVELOPMENT SERVICES LLC	1.00%	Member	
<b>131 One Central Park West Associates *(3)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	50	TRUMP CENTRAL PARK WEST CORP		Partner
	50	GALBREATH COLUMBUS CIRCLE DEVELOPMENT ASSOCIATES, L.P.		Partner
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	One Central Park West PT Associates	34.30%	Member	
<b>132 One Central Park West PT Associates *(3)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	34.3	One Central Park West Associates		Partner
	65.7	CPW PT Partners, G.P.		Partner
<b>133 OPO HOTEL MANAGER LLC *(5)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	1	OPO HOTEL MANAGER MEMBER CORP		Managing Member
	22.50	Trump Family Members		Member
	76.50	DJT HOLDINGS LLC		Member
<b>134 OPO HOTEL MANAGER MEMBER CORP *(1)</b>				
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DJT Holdings Managing Member LLC		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	



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Reference #	OPD HOTEL MANAGER LLC	1.00%	Managing Member
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135 OWO DEVELOPER LLC \*(3)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

136 PANAMA OCEAN CLUB MANAGEMENT LLC \*(3)

Owned by :	% Ownership	Name	Role
	1	PANAMA OCEAN CLUB MANAGEMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

137 PANAMA OCEAN CLUB MANAGEMENT MEMBER CORP \*(3)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	PANAMA OCEAN CLUB MANAGEMENT LLC	1.00%	Managing Member

140 Parc Consulting, Inc. \*(1)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	40 Wall Development Associates, LLC	0.10%	Member

141 Park Briar Associates \*(1)

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	75	Trump Family Members	Partner
	Starrett City Associates, L.P,	1.47%	Partner
	Spring Craek Plaza LLC	1.47%	Member

142 PINE HILL DEVELOPMENT LLC

Owned by :	% Ownership	Name	Role
	1	PINE HILL DEVELOPMENT MANAGING MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

143 PINE HILL DEVELOPMENT MANAGING MEMBER CORP \*(1)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	PINE HILL DEVELOPMENT LLC	1.00%	Managing Member

144 Plaza Consulting Corp. \*(1)

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	The East 61 Street Company, LP	0.10%	Partner

145 POKER VENTURE LLC \*(3)

Owned by :	% Ownership	Name	Role
	1	POKER VENTURE MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

146 POKER VENTURE MANAGING MEMBER CORP \*(3)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	POKER VENTURE LLC	1.00%	Managing Member

147 Req-Tru Equities, LTD \*(3)

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Reference #	Owned by :	% Ownership	Name	Role
		100	DJT Holdings Managing Member LLC	Shareholder
<b>150</b>	<b><u>RPV DEVELOPMENT LLC *1)</u></b>			
	Owned by :	% Ownership	Name	Role
		100	DJT HOLDINGS MANAGING MEMBER LLC	Member
	Has ownership interest in :	Entity Name	Ownership	Title
		TRUMP NATIONAL GOLF CLUB - LOS ANGELES	100.00%	Shareholder
<b>151</b>	<b><u>SCOTLAND ACQUISITIONS LLC *3)</u></b>			
	Owned by :	% Ownership	Name	Role
		100	DJT Holdings LLC	Member
<b>153</b>	<b><u>Seven Springs LLC</u></b>			
	Owned by :	% Ownership	Name	Role
		0.1	Bedford Hills Corp.	Managing Member
		99.9	DJT HOLDINGS LLC	Member
<b>154</b>	<b><u>Shore Haven Apt#1, Inc. *1)</u></b>			
	Owned by :	% Ownership	Name	Role
		25	The Donald J. Trump Revocable Trust	Shareholder
		75	Trump Family Members	Shareholder
	Has ownership interest in :	Entity Name	Ownership	Title
		Starrett City Associates, L.P.	1.72%	Partner
		Spring Creek Plaza LLC	1.72%	Member
<b>156</b>	<b><u>Shore Haven Shopping Center LLC *3)</u></b>			
	Owned by :	% Ownership	Name	Role
		25	DJT Holdings LLC	Member
		75	Trump Family Members	Member
<b>157</b>	<b><u>TRUMP TURNBERRY</u></b>			
	Owned by :	% Ownership	Name	Role
		100	Golf Recreation Scotland Limited	Sole Shareholder
	Has ownership interest in :	Entity Name	Ownership	Title
		NITTO WORLD CO., LIMITED	100.00%	Shareholder
<b>159</b>	<b><u>Sussex Hall, Inc. *3)</u></b>			
	Owned by :	% Ownership	Name	Role
		25	The Donald J. Trump Revocable Trust	Shareholder
		75	Trump Family Members	Shareholder
<b>160</b>	<b><u>T International Realty LLC</u></b>			
	Owned by :	% Ownership	Name	Role
		55	The Donald J. Trump Revocable Trust	Managing Member
		45	Trump Family Members	Member
<b>161</b>	<b><u>TAG AIR INC. *2)</u></b>			
	Owned by :	% Ownership	Name	Role
		100	DJT OPERATIONS II LLC	Shareholder
<b>162</b>	<b><u>THC BAKU HOTEL MANAGER SERVICES LLC *4)</u></b>			
	Owned by :	% Ownership	Name	Role
		1	THC BAKU HOTEL MANAGER SERVICES MEMBER CORP.	Managing Member
		99	DJT Holdings LLC	Member
<b>165</b>	<b><u>THC BAKU HOTEL MANAGER SERVICES MEMBER CORP. *4)</u></b>			
	Owned by :	% Ownership	Name	Role
		100	DJT Holdings Managing Member LLC	Shareholder
	Has ownership interest in :	Entity Name	Ownership	Title
		THC BAKU HOTEL MANAGER SERVICES LLC	1.00%	Managing Member
<b>164</b>	<b><u>THC BAKU SERVICES LLC *4)</u></b>			

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Owned by :	% Ownership	Name	Role
	1	THC BAKU SERVICES MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member
<b>165 <u>THC BAKU SERVICES MEMBER CORP *(4)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	THC BAKU SERVICES LLC	1.00%	Managing Member
<b>166 <u>THC Barra Hotelaria LTDA. *(4)</u></b>			
Owned by :	% Ownership	Name	Role
	99	DJT Holdings LLC	Shareholder
	1	THC DEVELOPMENT BRAZIL MANAGING MEMBER CORP	Shareholder
<b>167 <u>THC CENTRAL RESERVATIONS LLC</u></b>			
Owned by :	% Ownership	Name	Role
	1	THC CENTRAL RESERVATIONS MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member
<b>168 <u>THC CENTRAL RESERVATIONS MEMBER CORP *(1)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	THC CENTRAL RESERVATIONS LLC	1.00%	Managing Member
<b>169 <u>THC CHINA DEVELOPMENT LLC</u></b>			
Owned by :	% Ownership	Name	Role
	100	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC	Member
<b>170 <u>THC CHINA TECHNICAL SERVICES LLC *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	1	THC CHINA TECHNICAL SERVICES MANAGER CORP	Managing Member
	99	DJT Holdings LLC	Member
<b>171 <u>THC CHINA TECHNICAL SERVICES MANAGER CORP *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	THC CHINA TECHNICAL SERVICES LLC	1.00%	Managing Member
<b>172 <u>THC DEVELOPMENT BRAZIL LLC. *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	1	THC DEVELOPMENT BRAZIL MANAGING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member
<b>173 <u>THC DEVELOPMENT BRAZIL MANAGING MEMBER CORP *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	THC DEVELOPMENT BRAZIL LLC.	1.00%	Managing Member
	THC Barra Hotelaria LTDA	1.00%	Managing Member
<b>176 <u>THC HOTEL DEVELOPMENT LLC *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member

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177 THC IMEA DEVELOPMENT LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC	Member

178 THC MIAMI RESTAURANT HOSPITALITY LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC MIAMI RESTAURANT HOSPITALITY MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

179 THC MIAMI RESTAURANT HOSPITALITY MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC MIAMI RESTAURANT HOSPITALITY LLC	1.00%	Managing Member

180 THC QATAR HOTEL MANAGER LLC \*(3)--DISSOLVED 1/26/17

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC QATAR HOTEL MANAGER MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

181 THC QATAR HOTEL MANAGER MEMBER CORP \*(3)--DISSOLVED 1/26/17

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC QATAR HOTEL MANAGER LLC	1.00%	Managing Member

182 THC RIO MANAGER LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC RIO MANAGING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

183 THC RIO MANAGING MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC RIO MANAGER LLC	1.00%	Managing Member

184 THC SALES & MARKETING LLC \*(5)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC SALES & MARKETING MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

185 THC SALES & MARKETING MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC SALES & MARKETING LLC	1.00%	Managing Member

186 THC SERVICES SHENZHEN LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC SERVICES SHENZHEN MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

187 THC SERVICES SHENZHEN MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>

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Reference #	THC SERVICES SHENZHEN LLC	1.00%	Managing Member
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188 THC SHENZHEN HOTEL MANAGER LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC SHENZHEN HOTEL MANAGER MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

189 THC SHENZHEN HOTEL MANAGER MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC SHENZHEN HOTEL MANAGER LLC	1.00%	Managing Member

190 THC VANCOUVER MANAGEMENT CORP

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder

191 THC VANCOUVER PAYROLL ULC \*(2)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	THC VANCOUVER MANAGEMENT CORP	Member

192 THC VENTURE I LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	99	DJT HOLDINGS LLC	Member
	1	THC VENTURE I MANAGING MEMBER CORP	Member

193 THC VENTURE I MANAGING MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC VENTURE I LLC	1.00%	Managing Member

194 THC VENTURE II LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	THC VENTURE II MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

195 THC VENTURE II MANAGING MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THC VENTURE II LLC	1.00%	Managing Member

195 THC VENTURE III LLC - N/K/A TTTT Venture LLC \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TTTT Venture Member Corp	Managing Member
	76.272	DTTM OPERATIONS LLC	Member
	22.728	Trump Family Members	Member

Has ownership interest in : various entities as indicated elsewhere in this schedule

197 THC VENTURE III MEMBER CORP - N/K/A TTTT Venture Member Corp \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Shareholder

Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TTTT VENTURE LLC	1.00%	Managing Member

198 THE CARIBUSINESS RE CORP \*(1)

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Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	CARIBUSINESS MRE LLC	1.00%	Managing Member
	Caribusiness Investments, S.R.L.	1.00%	Member
<b>199 <u>The East 61 Street Company, LP</u></b>			
Owned by :	% Ownership	Name	Role
	99.9	The Donald J. Trump Revocable Trust	Partner
	0.1	Plaza Consulting Corp.	Partner
<b>200 <u>THE TRUMP CORPORATION</u></b>			
Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder
<b>201 <u>THE TRUMP ENTREPRENEUR INITIATIVE LLC</u></b>			
Owned by :	% Ownership	Name	Role
	100	THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	Managing Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP EDUCATION LLC	100.00%	Shareholder
<b>202 <u>THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC) *(1)</u></b>			
Owned by :	% Ownership	Name	Role
	0.1	DJT ENTREPRENEUR MANAGING MEMBER LLC (FORMALLY KNOWN AS DJT UNIVERSITY MANAGING MEMBER LLC)	Managing Member
	3.5	Spitalny, Jonathan	Member
	4.5	Sexton, Michael	Member
	91.9	DJT ENTREPRENEUR MEMBER LLC (FORMALLY KNOWN AS DJT UNIVERSITY MEMBER LLC)	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THE TRUMP ENTREPRENEUR INITIATIVE LLC	100.00%	Managing Member
<b>203 <u>THE TRUMP FOLLIES LLC *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	1	THE TRUMP FOLLIES MEMBER INC.	Managing Member
	99	DJT Holdings LLC	Member
<b>204 <u>THE TRUMP FOLLIES MEMBER INC. *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	THE TRUMP FOLLIES LLC	1.00%	Managing Member
<b>205 <u>The Trump Hotel Corp. *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
<b>206 <u>THE TRUMP MARKS REAL ESTATE CORP *(1)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS REAL ESTATE LLC	1.00%	Member
<b>207 <u>The Trump Organization, Inc. *(3)</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
<b>208 <u>The Trump-Equitable Fifth Avenue Company</u></b>			

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Owned by :	% Ownership	Name	Role
	99	The Donald J. Trump Revocable Trust	Partner
	1	TIPPERARY REALTY CORPORATION	Partner
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	Fifty-Seventh Street Associates LLC	99.00%	Member
	TRUMP TOWER COMMERCIAL LLC	99.00%	Member
<b>209 <u>TIGL COMMON AREA MANAGEMENT CORP 'Y3</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
<b>211 <u>TRUMP INTERNATIONAL GOLF LINKS - DOONBEG</u></b>			
Owned by :	% Ownership	Name	Role
	100	TW VENTURE II LLC	Sole Member
<b>212 <u>TIGL IRELAND MANAGEMENT LIMITED *assets &amp; income already disclosed on Part 2 under TRUMP INTERNATIONAL GOLF LINKS - DOONBEG; operator of suites</u></b>			
Owned by :	% Ownership	Name	Role
	100	TRUMP INTERNATIONAL GOLF LINKS - DOONBEG	Sole Member
<b>213 <u>TIHC RESERVATIONS LLC 'Y3</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member
<b>214 <u>TIHH MEMBER CORP 'Y1</u></b>			
Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP INTERNATIONAL HOTEL HAWAII LLC	1.00%	Managing Member
<b>215 <u>TIHH MEMBER LLC 'Y1</u></b>			
Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Managing Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP INTERNATIONAL HOTEL HAWAII LLC	99.00%	Member
<b>216 <u>TIHM MEMBER CORP. 'Y1</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC	0.10%	Managing Member
<b>217 <u>TIHT CHICAGO MEMBER ACQUISITION LLC 'Y1</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT HOLDINGS LLC	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	401 MEZZ VENTURE LLC	50.00%	Member
<b>218 <u>TIHT COMMERCIAL LLC</u></b>			
Owned by :	% Ownership	Name	Role
	0.01	TIHT MEMBER LLC	Member
	99.99	The Donald J. Trump Revocable Trust	Managing Member
<b>219 <u>TIHT HOLDING COMPANY LLC</u></b>			
Owned by :	% Ownership	Name	Role
	100	DJT Holdings LLC	Member
<b>220 <u>TIHT MEMBER LLC 'Y1</u></b>			

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Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Member
Has ownership interest in :	<u>Entity Name</u> TIHT COMMERCIAL LLC	<u>Ownership</u> 0.01%	<u>Title</u> Member
<b>221 <u>TIPPERARY REALTY CORP. *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> The Trump-Equitable Fifth Avenue Company	<u>Ownership</u> 1.00%	<u>Title</u> Partner
<b>222 <u>TMG Member, LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings LLC	<u>Role</u> Member
Has ownership interest in :	<u>Entity Name</u> Trump Model Management LLC	<u>Ownership</u> 85.00%	<u>Title</u> Member
<b>223 <u>TRUMP NATIONAL GOLF CLUB - CHARLOTTE</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TNGC CHARLOTTE MANAGER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>224 <u>TNGC CHARLOTTE MANAGER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP NATIONAL GOLF CLUB - CHARLOTTE	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>225 <u>TRUMP NATIONAL GOLF CLUB - HUDSON VALLEY</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TNGC DUTCHESS COUNTY MEMBER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>226 <u>TNGC DUTCHESS COUNTY MEMBER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP NATIONAL GOLF CLUB - HUDSON VALLEY	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>227 <u>TNGC JUPITER MANAGEMENT LLC</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TNGC JUPITER MANAGING MEMBER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>228 <u>TNGC JUPITER MANAGING MEMBER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TNGC JUPITER MANAGEMENT LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>229 <u>TRUMP NATIONAL GOLF CLUB - PHILADELPHIA</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TNGC PINE HILL MEMBER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>230 <u>TNGC PINE HILL MEMBER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>



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	TRUMP NATIONAL GOLF CLUB - PHILADELPHIA	1.00%	Managing Member
231	<u>Toronto Development LLC *(3)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
234	<u>TRUMP 106 CPS LLC</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
235	<u>Trump 845 LP LLC *(1)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Managing Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	845 UN Limited Partnership	60.00%	Partner
236	<u>TRUMP 845 UN GP LLC *(1)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	0.1	TRUMP 845 UN MGR CORP	Managing Member
	99.9	The Donald J. Trump Revocable Trust	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	845 UN Limited Partnership	40.00%	Partner
237	<u>TRUMP 845 UN MGR CORP *(1)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP 845 UN GP LLC	0.10%	Managing Member
238	<u>TRUMP 845 UN MGR LLC *(3)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Managing Member
239	<u>TRUMP AC CASINO MARKS LLC *(3)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP AC CASINO MARKS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
240	<u>TRUMP AC CASINO MARKS MEMBER CORP *(3)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP AC CASINO MARKS LLC	1.00%	Managing Member
241	<u>TRUMP ACQUISITION CORP. *(3)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP ACQUISITION, LLC	1.00%	Managing Member
242	<u>TRUMP ACQUISITION, LLC *(3)</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP ACQUISITION CORP,	Managing Member
	99	DJT Holdings LLC	Member
243	<u>TRUMP BOOKS LLC</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP BOOKS MANAGER CORP	Managing Member
	99	DJT Holdings LLC	Member

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244 **TRUMP BOOKS MANAGER CORP \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP BOOKS LLC	1.00%	Managing Member

245 **TRUMP BRAZIL LLC \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member

246 **TRUMP CANADIAN SERVICES, INC. \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Shareholder

247 **TRUMP CANQUAN ESTATE LLC \*(6)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP CANQUAN ESTATE MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

248 **TRUMP CANQUAN ESTATE MEMBER CORP \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP CANQUAN ESTATE LLC	1.00%	Managing Member

249 **TRUMP CARIBBEAN LLC \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member

250 **TRUMP CAROUSEL LLC**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP CAROUSEL MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

251 **TRUMP CAROUSEL MEMBER CORP \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP CAROUSEL LLC	1.00%	Managing Member

252 **TRUMP CENTRAL PARK WEST CORP \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	One Central Park West Associates	50.00%	Partner

253 **Trump Chicago Commercial Member Corp \*(1)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP CHICAGO COMMERCIAL MANAGER LLC	1.00%	Managing Member

254 **TRUMP CHICAGO COMMERCIAL MANAGER LLC**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	Trump Chicago Commercial Member Corp	Managing Member
	99	DJT Holdings LLC	Member

255 **TRUMP CHICAGO DEVELOPMENT LLC \*(3)**

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member

256 **TRUMP CHICAGO HOTEL MANAGER LLC**

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Owned by :	<u>% Ownership</u> 1	<u>Name</u> Trump Chicago Hotel Member Corp	<u>Role</u> Managing Member
	99	DJT Holdings LLC	Member
<b>257 <u>Trump Chicago Hotel Member Corp *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP CHICAGO HOTEL MANAGER LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>258 <u>TRUMP CHICAGO MANAGING MEMBER LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS LLC	<u>Role</u> Member
Has ownership interest in :	<u>Entity Name</u> 401 MEZZ VENTURE LLC	<u>Ownership</u> 1.00%	<u>Title</u> Member
<b>259 <u>TRUMP CHICAGO MEMBER LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS LLC	<u>Role</u> Member
Has ownership interest in :	<u>Entity Name</u> 401 MEZZ VENTURE LLC	<u>Ownership</u> 49.00%	<u>Title</u> Member
<b>260 <u>TRUMP CHICAGO RESIDENTIAL MANAGER LLC</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> Trump Chicago Residential Member Corp	<u>Role</u> Managing Member
	99	DJT Holdings LLC	Member
<b>261 <u>Trump Chicago Residential Member Corp *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP CHICAGO RESIDENTIAL MANAGER LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>262 <u>TRUMP CHICAGO RETAIL LLC *(assets &amp; income already disclosed on Part 2 under 401 North Wabash Venture LLC; operator of retail space)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> 401 MEZZ VENTURE LLC	<u>Role</u> Member
<b>263 <u>TRUMP CHICAGO RETAIL MANAGER LLC *(3)</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP CHICAGO RETAIL MEMBER CORP	<u>Role</u> Managing Member
	99	DJT Holdings LLC	Member
<b>264 <u>TRUMP CHICAGO RETAIL MEMBER CORP *(3)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP CHICAGO RETAIL MANAGER LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>267 <u>TRUMP COMMERCIAL CHICAGO LLC *(assets &amp; income already disclosed on Part 2 under 401 North Wabash Venture LLC; operator of commercial space)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> 401 North Wabash Venture LLC	<u>Role</u> Member
<b>268 <u>TRUMP CPS CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP CPS LLC	<u>Ownership</u> 0.10%	<u>Title</u> Managing Member
<b>269 <u>TRUMP CPS LLC</u></b>			
Owned by :	<u>% Ownership</u> 0.1	<u>Name</u> TRUMP CPS CORP	<u>Role</u> Managing Member
	99.9	The Donald J. Trump Revocable Trust	Member

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270 TRUMP DELMONICO LLC \*(1)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Member
Has ownership interest in :	<u>Entity Name</u> TRUMP PARK AVENUE LLC	<u>Ownership</u> 50.00%	<u>Title</u> Managing Member

271 TRUMP DEVELOPMENT SERVICES LLC \*(3)

Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP DEVELOPMENT SERVICES MEMBER CORP	<u>Role</u> Managing Member
	99	DJT Holdings LLC	Member

272 TRUMP DEVELOPMENT SERVICES MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP DEVELOPMENT SERVICES LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

275 TRUMP DRINKS ISRAEL LLC \*(3)

Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP DRINKS ISRAEL MEMBER CORP	<u>Role</u> Managing Member
	99	DJT Holdings LLC	Member

276 TRUMP DRINKS ISRAEL MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP DRINKS ISRAEL LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

277 TRUMP EDUCATION ULIC \*(3)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> THE TRUMP ENTREPRENEUR INITIATIVE LLC (NY DOMESTIC)	<u>Role</u> Shareholder
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278 TRUMP EMPIRE STATE INC \*(3)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
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279 TRUMP NATIONAL DORAL

Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP ENDEAVOR 12 MANAGER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member

280 TRUMP ENDEAVOR 12 MANAGER CORP \*(1)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP NATIONAL DORAL	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

281 TRUMP EU MARKS LLC \*(3)

Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP EU MARKS MEMBER CORP	<u>Role</u> Managing Member
	99	DTTM OPERATIONS LLC	Member

282 TRUMP EU MARKS MEMBER CORP \*(3)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP EU MARKS LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

283 TRUMP FERRY POINT LLC

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Assumed Names :	<u>D/B/A</u> Trump Golf Links Ferry Point Trump Golf Links Ferry Point Trump Golf Links	<u>Jurisdiction</u> Delaware New York New York	
Owned by :	<u>% Ownership</u> 1  99	<u>Name</u> TRUMP FERRY POINT MEMBER CORP  DIT Holdings LLC	<u>Role</u> Managing Member  Member
284	<u>TRUMP FERRY POINT MEMBER CORP *(1)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP FERRY POINT LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
285	<u>TRUMP FLORIDA MANAGEMENT LLC *(3)</u>		
Owned by :	<u>% Ownership</u> 1  99	<u>Name</u> TRUMP FLORIDA MANAGER CORP  DIT HOLDINGS LLC	<u>Role</u> Member  Member
286	<u>TRUMP FLORIDA MANAGER CORP *(3)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DIT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP FLORIDA MANAGEMENT LLC	<u>Ownership</u> 1.00%	<u>Title</u> Member
287	<u>TRUMP GOLF ACQUISITIONS LLC</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DIT Holdings LLC	<u>Role</u> Member
288	<u>TRUMP GOLF COCO BEACH LLC *(4)</u>		
Owned by :	<u>% Ownership</u> 1  99	<u>Name</u> TRUMP GOLF COCO BEACH MEMBER CORP  DIT Holdings LLC	<u>Role</u> Managing Member  Member
289	<u>TRUMP GOLF COCO BEACH MEMBER CORP *(4)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DIT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP GOLF COCO BEACH LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
290	<u>TRUMP GOLF MANAGEMENT LLC *(3)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DIT Holdings LLC	<u>Role</u> Member
291	<u>TRUMP HOME MARKS LLC</u>		
Owned by :	<u>% Ownership</u> 1  99	<u>Name</u> TRUMP HOME MARKS MEMBER CORP  DTTM OPERATIONS LLC	<u>Role</u> Managing Member  Member
292	<u>TRUMP HOME MARKS MEMBER CORP *(1)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP HOME MARKS LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
293	<u>TRUMP ICE INC *(3)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DIT Holdings LLC	<u>Role</u> Shareholder
294	<u>TRUMP ICE LLC</u>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>

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Reference #				
	100	DJT Holdings LLC		Member
295	<b><u>TRUMP INTERNATIONAL DEVELOPMENT LLC *(3)</u></b>			
Owned by :	% Ownership	Name		Role
	1	TRUMP INTERNATIONAL DEVELOPMENT MEMBER CORP		Managing Member
	99	DJT Holdings LLC		Member
296	<b><u>TRUMP INTERNATIONAL DEVELOPMENT MEMBER CORP *(3)</u></b>			
Owned by :	% Ownership	Name		Role
	100	DJT Holdings Managing Member LLC		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP INTERNATIONAL DEVELOPMENT LLC	1.00%	Managing Member	
297	<b><u>TRUMP INTERNATIONAL GOLF LINKS - SCOTLAND</u></b>			
Owned by :	% Ownership	Name		Role
	99	DJT HOLDINGS MANAGING MEMBER LLC		Member
	1	TRUMP SCOTLAND MEMBER INC		Member
298	<b><u>Trump International Golf Club, Inc. *(1)</u></b>			
Owned by :	% Ownership	Name		Role
	100	DJT HOLDINGS MANAGING MEMBER LLC		Shareholder
Has ownership interest in :	Entity Name	Ownership	Title	
	TRUMP INTERNATIONAL GOLF CLUB - FLORIDA	0.001%	Member	
299	<b><u>TRUMP INTERNATIONAL GOLF CLUB - FLORIDA</u></b>			
Owned by :	% Ownership	Name		Role
	0.001	Trump International Golf Club, Inc.		Member
	99.999	The Donald J. Trump Revocable Trust		Member
300	<b><u>TRUMP INTERNATIONAL HOTEL HAWAII LLC</u></b>			
Owned by :	% Ownership	Name		Role
	1	TIHH MEMBER CORP		Managing Member
	99	TIHH MEMBER LLC		Member
301	<b><u>TRUMP INTERNATIONAL HOTELS MANAGEMENT LLC</u></b>			
Assumed Names :	D/B/A	Jurisdiction		
	TRUMP HOTEL COLLECTION	Hawaii		
	TRUMP HOTEL COLLECTION	New York		
Owned by :	% Ownership	Name		Role
	0.1	TIHM MEMBER CORP.		Managing Member
Has ownership interest in :	% Ownership	Name		Role
	99.9	DJT Holdings LLC		Member
	Entity Name	Ownership	Title	
	THC CHINA DEVELOPMENT LLC	100.00%	Member	
	THC IMEA DEVELOPMENT LLC	100.00%	Member	
303	<b><u>Trump Korea LLC *(3)</u></b>			
Owned by :	% Ownership	Name		Role
	41	DAEWOO AMERICA DEVELOPMENT (NEW YORK) CORP		Member
	59	TRUMP KOREAN PROJECTS LLC		Member
304	<b><u>TRUMP KOREAN PROJECTS LLC *(3)</u></b>			
Owned by :	% Ownership	Name		Role
	100	DJT Holdings LLC		Member
Has ownership interest in :	Entity Name	Ownership	Title	
	Trump Korea LLC	59.00%	Member	
305	<b><u>TRUMP LAS OLAS LLC *(3)</u></b>			
Owned by :	% Ownership	Name		Role
	1	TRUMP LAS OLAS MEMBER CORP		Managing Member
	99	DJT Holdings LLC		Member
306	<b><u>TRUMP LAS OLAS MEMBER CORP *(3)</u></b>			

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<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
<b>Has ownership interest in:</b>	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP LAS CLAS LLC	1.00%	Managing Member

**307 TRUMP LAS VEGAS CORP \*(1)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
<b>Has ownership interest in:</b>	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP LAS VEGAS MANAGING MEMBER LLC	6.00%	Managing Member
	TRUMP LAS VEGAS MEMBER LLC	6.00%	Managing Member

**308 TRUMP LAS VEGAS DEVELOPMENT LLC**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS LLC	Member

**309 TRUMP LAS VEGAS MANAGING MEMBER LLC \*(1)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	6	TRUMP LAS VEGAS CORP	Member
	94	DJT HOLDINGS LLC	Member
<b>Has ownership interest in:</b>	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP RUFFIN LLC	1.00%	Managing Member

**310 TRUMP LAS VEGAS MEMBER LLC \*(1)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	6	TRUMP LAS VEGAS CORP	Member
	94	DJT HOLDINGS LLC	Managing Member
<b>Has ownership interest in:</b>	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP RUFFIN LLC	49.00%	Member

**311 Trum Las Vegas Sales & Marketing, Inc.**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder

**312 TRUMP LAUDERDALE DEVELOPMENT LLC \*(9)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member

**313 TRUMP LAUDERDALE DEVELOPMENT NO 2 LLC \*(4)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member

**314 TRUMP MARKETING LLC \*(4)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member

**315 TRUMP MARKS ASIA CORP \*(1)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
<b>Has ownership interest in:</b>	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS ASIA LLC	1.00%	Managing Member

**316 TRUMP MARKS ASIA LLC**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS ASIA CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

**317 TRUMP MARKS ATLANTA LLC \*(3)**

<b>Owned by:</b>	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS ATLANTA MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

**318 TRUMP MARKS ATLANTA MEMBER CORP \*(3)**

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Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS ATLANTA LLC	1.00%	Managing Member
<b>321 TRUMP MARKS BATUMI LLC *(3)</b>			
Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS BATUMI MANAGING MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>322 TRUMP MARKS BATUMI MANAGING MEMBER CORP *(3)</b>			
Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS BATUMI LLC	1.00%	Managing Member
<b>325 TRUMP MARKS CANOUAN CORP *(3)</b>			
Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS CANOUAN LLC	1.00%	Managing Member
<b>326 TRUMP MARKS CANOUAN LLC *(3)</b>			
Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS CANOUAN CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>327 TRUMP MARKS CHICAGO LLC *(3)</b>			
Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS CHICAGO MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>328 TRUMP MARKS CHICAGO MEMBER CORP *(3)</b>			
Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS CHICAGO LLC	1.00%	Managing Member
<b>329 TRUMP MARKS DUBAI CORP *(3)</b>			
Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS DUBAI LLC	1.00%	Managing Member
<b>330 TRUMP MARKS DUBAI LLC *(3)</b>			
Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS DUBAI CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>331 TRUMP MARKS EGYPT CORP *(3)</b>			
Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS EGYPT LLC	1.00%	Managing Member
<b>332 TRUMP MARKS EGYPT LLC *(3)</b>			



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Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP MARKS EGYPT CORP	<u>Role</u> Managing Member
333 <u>TRUMP MARKS FINE FOODS LLC</u>	99	DTTM OPERATIONS LLC	Member
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP MARKS FINE FOODS MEMBER CORP	<u>Role</u> Managing Member
334 <u>TRUMP MARKS FINE FOODS MEMBER CORP *(1)</u>	99	DTTM OPERATIONS LLC	Member
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP MARKS FINE FOODS LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
335 <u>TRUMP MARKS FT LAUDERDALE LLC *(3)</u>	1	TRUMP MARKS FT LAUDERDALE MEMBER CORP	Managing Member
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP MARKS FT LAUDERDALE MEMBER CORP	<u>Role</u> Managing Member
336 <u>TRUMP MARKS FT LAUDERDALE MEMBER CORP *(3)</u>	99	DTTM OPERATIONS LLC	Member
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP MARKS FT LAUDERDALE LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
337 <u>TRUMP MARKS GP CORP *(1)</u>	100	DTTM Operations Managing Member Corp	Shareholder
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP MARKS HOLDINGS LP	<u>Ownership</u> 1.00%	<u>Title</u> Partner
338 <u>TRUMP MARKS HOLDINGS LP *(1)</u>	1	TRUMP MARKS GP CORP	Partner
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP MARKS GP CORP	<u>Role</u> Partner
Has ownership interest in :	<u>Entity Name</u> TRUMP MARKS LLC	<u>Ownership</u> 100.00%	<u>Title</u> Member
339 <u>TRUMP MARKS HOLLYWOOD CORP *(3)</u>	100	DTTM Operations Managing Member Corp	Shareholder
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP MARKS HOLLYWOOD LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
340 <u>TRUMP MARKS HOLLYWOOD LLC *(3)</u>	1	TRUMP MARKS HOLLYWOOD CORP	Managing Member
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP MARKS HOLLYWOOD CORP	<u>Role</u> Managing Member
341 <u>TRUMP MARKS ISTANBUL II CORP *(1)</u>	98	DTTM OPERATIONS LLC	Member
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP MARKS INSTANBUL II LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
342 <u>TRUMP MARKS ISTANBUL II LLC</u>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>

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Reference #				
	1	TRUMP MARKS ISTANBUL II CORP		Managing Member
	99	DTTM OPERATIONS LLC		Member
343	<b><u>TRUMP MARKS JERSEY CITY CORP *(4)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	TRUMP MARKS JERSEY CITY LLC	1.00%	Managing Member	
344	<b><u>TRUMP MARKS JERSEY CITY LLC *(4)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	1	TRUMP MARKS JERSEY CITY CORP		Managing Member
	99	DTTM OPERATIONS LLC		Member
345	<b><u>TRUMP MARKS LAS VEGAS CORP *(3)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	TRUMP MARKS LAS VEGAS LLC	1.00%	Managing Member	
346	<b><u>TRUMP MARKS LAS VEGAS LLC *(3)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	1	TRUMP MARKS LAS VEGAS CORP		Managing Member
	99	DTTM OPERATIONS LLC		Member
347	<b><u>TRUMP MARKS LLC</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	TRUMP MARKS HOLDINGS LP		Member
350	<b><u>TRUMP MARKS MATTRESS LLC</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	1	TRUMP MARKS MATTRESS MEMBER CORP		Managing Member
	99	DTTM OPERATIONS LLC		Member
351	<b><u>TRUMP MARKS MATTRESS MEMBER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	TRUMP MARKS MATTRESS LLC	1.00%	Managing Member	
352	<b><u>TRUMP MARKS MENSWEAR LLC</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	1	TRUMP MARKS MENSWEAR MEMBER CORP		Managing Member
	99	DTTM OPERATIONS LLC		Member
353	<b><u>TRUMP MARKS MENSWEAR MEMBER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	
	TRUMP MARKS MENSWEAR LLC	1.00%	Managing Member	
354	<b><u>TRUMP MARKS MORTGAGE CORP *(3)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>		<u>Role</u>
	100	DTTM Operations Managing Member Corp		Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>	

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	TRUMP MARKS MTG LLC	1.00%	Managing Member
<b>355</b>	<b><u>TRUMP MARKS MTG LLC *(3)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS MORTGAGE CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>356</b>	<b><u>TRUMP MARKS MUMBAI LLC *(3)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS MUMBAI MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>357</b>	<b><u>TRUMP MARKS MUMBAI MEMBER CORP *(3)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS MUMBAI LLC	1.00%	Managing Member
<b>358</b>	<b><u>TRUMP MARKS NEW ROCHELLE CORP *(1)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS NEW ROCHELLE LLC	1.00%	Managing Member
<b>359</b>	<b><u>TRUMP MARKS NEW ROCHELLE LLC</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS NEW ROCHELLE CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>360</b>	<b><u>TRUMP MARKS PALM BEACH CORP *(3)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS PALM BEACH LLC	1.00%	Managing Member
<b>361</b>	<b><u>TRUMP MARKS PALM BEACH LLC *(3)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS PALM BEACH CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>362</b>	<b><u>TRUMP MARKS PANAMA CORP *(1)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS PANAMA LLC	1.00%	Managing Member
<b>363</b>	<b><u>TRUMP MARKS PANAMA LLC</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS PANAMA CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>364</b>	<b><u>TRUMP MARKS PHILADELPHIA CORP *(3)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS PHILADELPHIA LLC	1.00%	Managing Member

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365 TRUMP MARKS PHILADELPHIA LLC \*(3)

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PHILADELPHIA CORP	Managing Member
	99	The Donald J. Trump Revocable Trust	Member

366 TRUMP MARKS PHILIPPINES CORP \*(1)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PHILIPPINES LLC	1.00%	Managing Member

367 TRUMP MARKS PHILIPPINES LLC

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PHILIPPINES CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

368 TRUMP MARKS PRODUCTS LLC \*(4)

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PRODUCTS MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

369 TRUMP MARKS PRODUCTS MEMBER CORP \*(4)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PRDDUCTS LLC	1.00%	Managing Member

370 TRUMP MARKS PUERTO RICO I LLC \*(3)

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PUERTO RICO I MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

371 TRUMP MARKS PUERTO RICO I MEMBER CORP \*(3)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PUERTO RICO I LLC	1.00%	Managing Member

374 TRUMP MARKS PUNTA DEL ESTE LLC

Owned by :	% Ownership	Name	Role
	1	TRUMP MARKS PUNTA DEL ESTE MANAGER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

375 TRUMP MARKS PUNTA DEL ESTE MANAGER CORP \*(1)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS PUNTA DEL ESTE LLC	1.00%	Managing Member

376 TRUMP MARKS REAL ESTATE LLC \*(6)

Owned by :	% Ownership	Name	Role
	1	THE TRUMP MARKS REAL ESTATE CORP	Member
	99	DTTM OPERATIONS LLC	Member

377 TRUMP MARKS SOHO LICENSE CORP \*(4)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	Entity Name	Ownership	Title
	TRUMP MARKS SOHO LLC	1.00%	Member

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378 TRUMP MARKS SOHO LLC \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS SOHO LICENSE CORP	Member
	99	DTTM OPERATIONS LLC	Member

379 TRUMP MARKS STAMFORD CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS STAMFORD LLC	1.60%	Member

380 TRUMP MARKS STAMFORD LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	99	DTTM OPERATIONS LLC	Member
	1	TRUMP MARKS STAMFORD CORP	Member

381 TRUMP MARKS SUNNY ISLES I LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS SUNNY ISLES I MEMBER CORP	Member
	99	DTTM OPERATIONS LLC	Member

382 TRUMP MARKS SUNNY ISLES I MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS SUNNY ISLES I LLC	1.00%	Member

383 TRUMP MARKS SUNNY ISLES II LLC \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS SUNNY ISLES II MEMBER CORP	Member
	99	DTTM OPERATIONS LLC	Member

384 TRUMP MARKS SUNNY ISLES II MEMBER CORP \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS SUNNY ISLES II LLC	1.00%	Member

385 TRUMP MARKS TAMPA CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS TAMPA LLC	1.00%	Member

386 TRUMP MARKS TAMPA LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS TAMPA CORP	Member
	99	DTTM OPERATIONS LLC	Member

387 TRUMP MARKS TORONTO CORP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS TORONTO LLC	1.00%	Member

388 TRUMP MARKS TORONTO LLC \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS TORONTO CORP	Member
	99	DTTM OPERATIONS LLC	Member

389 TRUMP MARKS TORONTO LP \*(3)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP TORONTO MEMBER CORP	Member
	99	DTTM Operations LLC	Member

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390 TRUMP MARKS WAIKIKI CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	The Donald J. Trump Revocable Trust	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS WAIKIKI LLC	1.00%	Managing Member

391 TRUMP MARKS WAIKIKI LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS WAIKIKI CORP	Managing Member
	99	The Donald J. Trump Revocable Trust	Member

392 TRUMP MARKS WESTCHESTER CORP \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS WESTCHESTER LLC	1.00%	Managing Member

393 TRUMP MARKS WESTCHESTER LLC \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS WESTCHESTER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

394 TRUMP MARKS WHITE PLAINS CORP \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MARKS WHITE PLAINS LLC	1.00%	Managing Member

395 TRUMP MARKS WHITE PLAINS LLC \*(4)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MARKS WHITE PLAINS CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

396 TRUMP MIAMI RESORT MANAGEMENT LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP MIAMI RESORT MANAGEMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member

397 TRUMP MIAMI RESORT MANAGEMENT MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP MIAMI RESORT MANAGEMENT LLC	1.00%	Managing Member

398 TRUMP MODEL MANAGEMENT LLC

Assumed Names :	<u>D/B/A</u>	<u>Jurisdiction</u>	
	TRUMP MODELS	New York	
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	15	Annia Veltri	Member
	85	TMG Member, LLC	Member

399 TRUMP NATIONAL GOLF CLUB - COLTS NECK

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP NATIONAL GOLF CLUB COLTS NECK MEMBER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member

400 TRUMP NATIONAL GOLF CLUB COLTS NECK MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
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	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP NATIONAL GOLF CLUB - COLTS NECK	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
401	<u>TRUMP NATIONAL GOLF CLUB - WESTCHESTER</u>		
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP NATIONAL GOLF CLUB MEMBER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Managing Member
402	<u>TRUMP NATIONAL GOLF CLUB MEMBER CORP *(1)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP NATIONAL GOLF CLUB - WESTCHESTER	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
403	<u>TRUMP NATIONAL GOLF CLUB - WASHINGTON DC</u>		
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP NATIONAL GOLF CLUB WASHINGTON DC MEMBER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
404	<u>TRUMP NATIONAL GOLF CLUB WASHINGTON DC MEMBER CORP *(1)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP NATIONAL GOLF CLUB - WASHINGTON DC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
405	<u>Trump New World Property Management, LLC *(3)</u>		
Owned by :	<u>% Ownership</u> 50	<u>Name</u> New World Property Management Limited	<u>Role</u> Managing Member
	50	TRUMP RIVERSIDE MANAGEMENT LLC	Managing Member
408	<u>TRUMP OLD POST OFFICE LLC</u>		
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP OLD POST OFFICE MEMBER CORP	<u>Role</u> Managing Member
	76.725	DJT HOLDINGS LLC	Member
	22.275	Trump Family Members	Member
409	<u>TRUMP OLD POST OFFICE MEMBER CORP *(1)</u>		
Owned by :	<u>% Ownership</u> 77.5	<u>Name</u> DJT HOLDINGS MANAGING MEMBER LLC	<u>Role</u> Shareholder
	22.5	Trump Family Members	
Has ownership interest in :	<u>Entity Name</u> TRUMP OLD POST OFFICE LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
411	<u>TRUMP ORGANIZATION LLC *(3)</u>		
Assumed Names :	<u>D/B/A</u> The Trump Organization	<u>Jurisdiction</u> New York	
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings LLC	<u>Role</u> Member
412	<u>TRUMP PAGEANTS, INC. *(1)</u>		
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> Miss Universe L.P., LLLP	<u>Ownership</u> 2.00%	<u>Title</u> Partner
413	<u>Miss Universe L.P., LLLP</u>		
Owned by :	<u>% Ownership</u> 2	<u>Name</u> TRUMP PAGEANTS, INC.	<u>Role</u> Partner
	98	DJT Holdings LLC	Partner
414	<u>TRUMP PALACE/PARC LLC</u>		

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Owned by:	% Ownership	Name	Role
	0.1	FIRST MEMBER INC	Managing Member
	99.9	The Donald J. Trump Revocable Trust	Member
<b>415 TRUMP PANAMA CONDOMINIUM MANAGEMENT LLC *(3)</b>			
Owned by:	% Ownership	Name	Role
	1	TRUMP PANAMA CONDOMINIUM MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member
<b>415 TRUMP PANAMA CONDOMINIUM MEMBER CORP *(3)</b>			
Owned by:	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in:	Entity Name	Ownership	Title
	TRUMP PANAMA CONDOMINIUM MANAGEMENT LLC	1.00%	Managing Member
<b>417 TRUMP PANAMA HOTEL MANAGEMENT LLC</b>			
Owned by:	% Ownership	Name	Role
	1	TRUMP PANAMA HOTEL MANAGEMENT MEMBER CORP	Managing Member
	99	DJT Holdings LLC	Member
<b>418 TRUMP PANAMA HOTEL MANAGEMENT MEMBER CORP *(1)</b>			
Owned by:	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in:	Entity Name	Ownership	Title
	TRUMP PANAMA HOTEL MANAGEMENT LLC	1.00%	Managing Member
<b>419 TRUMP PARK AVENUE ACQUISITION LLC *(1)</b>			
Owned by:	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member
Has ownership interest in:	Entity Name	Ownership	Title
	TRUMP PARK AVENUE LLC	49.90%	Member
<b>420 TRUMP PARK AVENUE LLC</b>			
Owned by:	% Ownership	Name	Role
	0.1	GEPT Delmonico LLC	Member
	49.9	TRUMP PARK AVENUE ACQUISITION LLC	Member
	50	TRUMP DELMONICO LLC	Managing Member
<b>421 TRUMP PAYROLL CHICAGO LLC *(2)</b>			
Owned by:	% Ownership	Name	Role
	100	401 North Wabash Venture LLC	Managing Member
<b>422 TRUMP PAYROLL CORP *(2)</b>			
Owned by:	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder
<b>423 TRUMP PHOENIX DEVELOPMENT LLC *(3)</b>			
Owned by:	% Ownership	Name	Role
	100	DJT Holdings LLC	Shareholder
<b>424 TRUMP PLAZA LLC</b>			
Owned by:	% Ownership	Name	Role
	1	TRUMP PLAZA MEMBER INC.	Managing Member
	99	The Donald J. Trump Revocable Trust	Member
<b>425 TRUMP PLAZA MEMBER INC. *(1)</b>			
Owned by:	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Shareholder



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Reference #	Entity Name	Ownership	Title
	TRUMP PLAZA LLC	1.00%	Managing Member
<b>426</b>	<b><u>TRUMP PRODUCTIONS LLC</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP PRODUCTIONS MANAGING MEMBER INC.	Managing Member
	99	DJT Holdings LLC	Member
<b>427</b>	<b><u>TRUMP PRODUCTIONS MANAGING MEMBER INC. *(1)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP PRODUCTIONS LLC	1.00%	Managing Member
<b>429</b>	<b><u>TRUMP REALTY SERVICES LLC *(8)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
<b>430</b>	<b><u>Trump Restaurants LLC</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
<b>431</b>	<b><u>TRUMP RIVERSIDE MANAGEMENT LLC *(9)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	Trump New World Property Management, LLC	50.00%	Managing Member
<b>432</b>	<b><u>TRUMP RUFFIN COMMERCIAL LLC *assets &amp; income already disclosed on Part 2 under TRUMP RUFFIN TOWER I LLC; operator of front desk)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	TRUMP RUFFIN TOWER I LLC	Managing Member
<b>433</b>	<b><u>TRUMP RUFFIN LLC *(1)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP LAS VEGAS MANAGING MEMBER LLC	Managing Member
	49	TRUMP LAS VEGAS MEMBER LLC	Member
	50	Hyde Park, LLC	Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP RUFFIN TOWER I LLC	100.00%	Managing Member
<b>434</b>	<b><u>TRUMP RUFFIN TOWER I LLC</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	TRUMP RUFFIN LLC	Managing Member
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP RUFFIN COMMERCIAL LLC	100.00%	Managing Member
<b>435</b>	<b><u>TRUMP SALES &amp; LEASING CHICAGO LLC *(5)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TRUMP SALES & LEASING CHICAGO MEMBER CORP	Member
	99	DJT Holdings LLC	Member
<b>436</b>	<b><u>TRUMP SALES &amp; LEASING CHICAGO MEMBER CORP *(1)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP SALES & LEASING CHICAGO LLC	1.00%	Member
<b>437</b>	<b><u>TRUMP SCOTLAND MEMBER INC. *(1)</u></b>		
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>

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	TRUMP INTERNATIONAL GOLF LINKS - SCOTLAND	1.00%	Member
438	<b>TRUMP SCOTSBOROUGH SQUARE LLC</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	1	TRUMP SCOTSBOROUGH SQUARE MEMBER CORP.	Managing Member
	99	DJT HOLDINGS LLC	Member
439	<b>TRUMP SCOTSBOROUGH SQUARE MEMBER CORP. *(1)</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<b>Entity Name</b>	<b>Ownership</b>	<b>Title</b>
	TRUMP SCOTSBOROUGH SQUARE LLC	1.00%	Managing Member
440	<b>TRUMP SOHO MEMBER LLC *(3)</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	DJT Holdings LLC	Member
441	<b>TRUMP TORONTO DEVELOPMENT, INC. *(4)</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	DJT Holdings Managing Member LLC	Shareholder
442	<b>TRUMP TORONTO HOTEL MANAGEMENT CORP</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
443	<b>TRUMP TORONTO MEMBER CORP *(3)</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<b>Entity Name</b>	<b>Ownership</b>	<b>Title</b>
	TRUMP MARKS TORONTO LP	1.00%	Member
444	<b>TRUMP TOWER COMMERCIAL LLC</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	1	TRUMP TOWER MANAGING MEMBER INC.	Managing Member
	99	The Trump-Equitable Fifth Avenue Company	Member
445	<b>TRUMP TOWER MANAGING MEMBER INC.</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	The Donald J. Trump Revocable Trust	Shareholder
Has ownership interest in :	<b>Entity Name</b>	<b>Ownership</b>	<b>Title</b>
	TRUMP TOWER COMMERCIAL LLC	1.00%	Managing Member
445	<b>Trump Village Construction Corp. *(1)</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder
Has ownership interest in :	<b>Entity Name</b>	<b>Ownership</b>	<b>Title</b>
	Starrett City Associates, L.P.	1.84%	Partner
	Spring Creek Plaza LLC	1.84%	Member
447	<b>TRUMP VINEYARD ESTATES LLC</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	1	TRUMP VINEYARD ESTATES MANAGER CORP	Managing Member
	99	DJT HOLDINGS LLC	Member
Has ownership interest in :	<b>Entity Name</b>	<b>Ownership</b>	<b>Title</b>
	TRUMP VINEYARD ESTATES LOT 3 OWNER LLC	100.00%	Member
448	<b>TRUMP VINEYARD ESTATES LOT 3 OWNER LLC</b>		
Owned by :	<b>% Ownership</b>	<b>Name</b>	<b>Role</b>
	100	TRUMP VINEYARD ESTATES LLC	Member
449	<b>TRUMP VINEYARD ESTATES MANAGER CORP *(1)</b>		

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Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP VINEYARD ESTATES LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>450 <u>TRUMP VIRGINIA ACQUISITIONS LLC</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP VIRGINIA ACQUISITIONS MANAGER CORP	<u>Role</u> Managing Member
	99	DJT Holdings LLC	Member
<b>451 <u>TRUMP VIRGINIA ACQUISITIONS MANAGER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP VIRGINIA ACQUISITIONS LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>452 <u>TRUMP VIRGINIA LOT 5 LLC</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP VIRGINIA LOT 5 MANAGER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>453 <u>TRUMP VIRGINIA LOT 5 MANAGER CORP *(1)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP VIRGINIA LOT 5 LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>454 <u>TRUMP WINE MARKS LLC *(3)</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP WINE MARKS MEMBER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>455 <u>TRUMP WINE MARKS MEMBER CORP *(3)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP WINE MARKS LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>456 <u>TRUMP WORLD PRODUCTIONS LLC *(4)</u></b>			
Owned by :	<u>% Ownership</u> 1	<u>Name</u> TRUMP WORLD PRODUCTIONS MANAGER CORP	<u>Role</u> Managing Member
	99	DJT HOLDINGS LLC	Member
<b>457 <u>TRUMP WORLD PRODUCTIONS MANAGER CORP *(4)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> TRUMP WORLD PRODUCTIONS LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member
<b>458 <u>TRUMP WORLD PUBLICATIONS LLC *(3)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings LLC	<u>Role</u> Member
<b>459 <u>TRUMP'S CASTLE MANAGEMENT CORP *(3)</u></b>			
Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Shareholder
<b>460 <u>TURNBERRY SCOTLAND LLC *(1)</u></b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>

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	1	TURNBERRY SCOTLAND MANAGING MEMBER CORP	Managing Member
Has ownership interest in:	99	DJT HOLDINGS LLC	Member
	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	Golf Recreation Scotland Limited	100.00%	Sole Member
<b>461 <u>TURNBERRY SCOTLAND MANAGING MEMBER CORP *(1)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TURNBERRY SCOTLAND LLC	1.00%	Managing Member
<b>462 <u>TW VENTURE I LLC</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TW VENTURE I MANAGING MEMBER CORP	Managing Member
Has ownership interest in:	99	DJT HOLDINGS LLC	Member
<b>463 <u>TW VENTURE I MANAGING MEMBER CORP *(1)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TW VENTURE I LLC	1.00%	Managing Member
<b>464 <u>TW VENTURE II LLC *(1)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	TW VENTURE II MANAGING MEMBER CORP	Managing Member
Has ownership interest in:	99	DJT HOLDINGS LLC	Member
	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TRUMP INTERNATIONAL GOLF LINKS - DOONBEG	100.00%	Shareholder
<b>465 <u>TW VENTURE II MANAGING MEMBER CORP *(1)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT HOLDINGS MANAGING MEMBER LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	TW VENTURE II LLC	1.00%	Managing Member
<b>466 <u>ULTIMATE AIR CORP. *(3)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
<b>467 <u>UNIT 2502 ENTERPRISES CORP *(1)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	UNIT 2502 ENTERPRISES LLC	1.00%	Managing Member
<b>468 <u>UNIT 2502 ENTERPRISES LLC *(6)</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	UNIT 2502 ENTERPRISES CORP	Managing Member
Has ownership interest in:	99	DJT HOLDINGS LLC	Member
<b>469 <u>TRUMP NATIONAL GOLF CLUB - LOS ANGELES</u></b>			
Owned by:	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	RPV DEVELOPMENT LLC	Shareholder
Has ownership interest in:	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	VHPS LLC	100.00%	Managing Member

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470 VHPS LLC \*(assets & income already disclosed on Part 2 under TRUMP NATIONAL GOLF CLUB - LOS ANGELES: owner of vacant land)

Owned by :	% Ownership	Name	Role
	100	TRUMP NATIONAL GOLF CLUB - LOS ANGELES	Managing Member

471 WEST PALM OPERATIONS LLC \*(5)

Owned by :	% Ownership	Name	Role
	100	DIT Holdings LLC	Member

472 Wexford Hall Inc. \*(3)

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

473 WHITE COURSE LLC \*(6)

Owned by :	% Ownership	Name	Role
	1	WHITE COURSE MANAGING MEMBER CORP	Managing Member
	99	DIT HOLDINGS LLC	Member

474 WHITE COURSE MANAGING MEMBER CORP \*(1)

Owned by :	% Ownership	Name	Role
	100	DIT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	WHITE COURSE LLC	1.00%	Managing Member

475 Wilshire Hall LLC \*(3)

Owned by :	% Ownership	Name	Role
	25	DIT Holdings LLC	Member
	75	Trump Family Members	Member

476 Wollman Rink Operations LLC

Owned by :	% Ownership	Name	Role
	100	DIT Holdings LLC	Member

477 YORKTOWN REAL ESTATE LLC (F/K/A Yorktown Development Associates LLC) \*(3)

Owned by :	% Ownership	Name	Role
	100	DIT Holdings LLC	Member

478 HWA 565 Owners, LLC

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates I, L.P.	Partner

479 1290 AVENUE OF THE AMERICAS, A TENANCY-IN-COMMON

Owned by :	% Ownership	Name	Role
	52	HWA 1290 III LLC	Partner
	20.2	HWA 1290 IV LLC	Partner
	27.8	HWA 1290 V LLC	Partner

480 Trump Management Inc.

Owned by :	% Ownership	Name	Role
	25	The Donald J. Trump Revocable Trust	Shareholder
	75	Trump Family Members	Shareholder

481 HWA 1290 III LLC \*(1)

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates III, L.P.	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	1290 Avenue of the Americas	52.00%	Partner

482 HWA 1290 IV LLC \*(1)

Owned by :	% Ownership	Name	Role
	100	Hudson Waterfront Associates IV, L.P.	Partner

Has ownership interest in :	Entity Name	Ownership	Title
	1290 Avenue of the Americas	20.20%	Partner

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483 HWA 1290 V LLC \*(1)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> Hudson Waterfront Associates V, L.P.	<u>Role</u> Partner
Has ownership interest in :	<u>Entity Name</u> 1290 Avenue of the Americas	<u>Ownership</u> 27.80%	<u>Title</u> Partner

486 Travel Enterprises Management Inc. \*(6)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
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480 The Donald J. Trump Company LLC \*(3)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Member
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493 DT BALI GOLF MANAGER LLC \*(4)

Owned by :	<u>% Ownership</u> 1	<u>Name</u> DT BALI GOLF MANAGER MEMBER CORP	<u>Role</u> Managing Member
	99	TTTT VENTURE LLC	Member

494 DT BALI GOLF MANAGER MEMBER CORP \*(4)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> DT BALI GOLF MANAGER	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

495 DT BALI HOTEL MANAGER LLC \*(4)

Owned by :	<u>% Ownership</u> 1	<u>Name</u> DT BALI HOTEL MANAGER MEMBER CORP	<u>Role</u> Managing Member
	99	TTTT VENTURE LLC	Member

496 DT BALI HOTEL MANAGER MEMBER CORP \*(4)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> DT BALI HOTEL MANAGER LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

497 DT BALI TECHNICAL SERVICES MANAGER LLC

Owned by :	<u>% Ownership</u> 1	<u>Name</u> DT BALI TECHNICAL SERVICES MANAGER MEMBER CORP	<u>Role</u> Managing Member
	99	TTTT VENTURE LLC	Member

498 DT BALI TECHNICAL SERVICES MANAGER MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> DT BALI TECHNICAL SERVICES MANAGER LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

499 DT CONNECT EUROPE LIMITED

Owned by :	<u>% Ownership</u> 100	<u>Name</u> Golf Recreation Scotland Limited	<u>Role</u> Partner
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500 DT ENDEAVOR I LLC

Owned by :	% Ownership	Name	Role
	100	The Donald J. Trump Revocable Trust	Member

505 DT LIDO GOLF MANAGER LLC \*(4)

Owned by :	% Ownership	Name	Role
	1	DT LIDO GOLF MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

506 DT LIDO GOLF MANAGER MEMBER CORP \*(4)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT LIDO GOLF MANAGER LLC	1.00%	Managing Member

507 DT LIDO HOTEL MANAGER LLC \*(4)

Owned by :	% Ownership	Name	Role
	1	DT LIDO HOTEL MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

508 DT LIDO HOTEL MANAGER MEMBER CORP \*(4)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT LIDO HOTEL MANAGER LLC	1.00%	Managing Member

509 DT LIDO TECHNICAL SERVICES MANAGER LLC

Owned by :	% Ownership	Name	Role
	1	DT LIDO TECHNICAL SERVICES MANAGER MEMBER CORP	Managing Member
	99	TTTT VENTURE LLC	Member

510 DT LIDO TECHNICAL SERVICES MANAGER MEMBER CORP \*(1)

Owned by :	% Ownership	Name	Role
	100	DJT Holdings Managing Member LLC	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT LIDO TECHNICAL SERVICES MANAGER LLC	1.00%	Managing Member

511 DT MARKS BALI LLC \*(4)

Owned by :	% Ownership	Name	Role
	1	DT MARKS BALI MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

512 DT MARKS BALI MEMBER CORP \*(4)

Owned by :	% Ownership	Name	Role
	100	DTTM Operations Managing Member Corp	Shareholder

Has ownership interest in :	Entity Name	Ownership	Title
	DT MARKS BALI LLC	1.00%	Managing Member

513 DT MARKS LIDO LLC \*(4)

Owned by :	% Ownership	Name	Role
	1	DT MARKS LIDO MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member

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Reference #

514 DT MARKS LIDO MEMBER CORP \*(4)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> DT MARKS LIDO LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

515 DT TOWER I LLC \*(4)

Owned by :	<u>% Ownership</u> 1 99	<u>Name</u> DT TOWER I MEMBER CORP DJT Holdings LLC	<u>Role</u> Managing Member Member
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516 DT TOWER I MEMBER CORP \*(4)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> DT TOWER I LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

517 DT TOWER KOLKATA LLC

Owned by :	<u>% Ownership</u> 1 99	<u>Name</u> DT TOWER KOLKATA MANAGING MEMBER CORP DTTM OPERATIONS LLC	<u>Role</u> Managing Member Member
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518 DT TOWER KOLKATA MANAGING MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DTTM Operations Managing Member Corp	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> DT TOWER KOLKATA LLC	<u>Ownership</u> 1.00%	<u>Title</u> Member

519 DTTM OPERATIONS LLC \*(1)

Owned by :	<u>% Ownership</u> 1 99	<u>Name</u> DTTM OPERATIONS MANAGING MEMBER CORP DJT Holdings LLC	<u>Role</u> Managing Member Member
Has ownership interest in :	various entities as indicated elsewhere in this schedule		

520 DTTM OPERATIONS MANAGING MEMBER CORP \*(1)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> DJT Holdings Managing Member LLC	<u>Role</u> Shareholder
Has ownership interest in :	various entities as indicated elsewhere in this schedule		

521 EID VENTURE II LLC \*(2)

Owned by :	<u>% Ownership</u> 1 99	<u>Name</u> EID VENTURE II MEMBER CORP The Donald J. Trump Revocable Trust	<u>Role</u> Managing Member Member
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522 EID VENTURE II MEMBER CORP \*(2)

Owned by :	<u>% Ownership</u> 100	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Shareholder
Has ownership interest in :	<u>Entity Name</u> EID VENTURE II LLC	<u>Ownership</u> 1.00%	<u>Title</u> Managing Member

523 MOBILE PAYROLL CONSTRUCTION LLC

Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
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1		MOBILE PAYROLL CONSTRUCTION MANAGER CORP	Managing Member
99		DJT Holdings LLC	Member
<b>524 MOBILE PAYROLL CONSTRUCTION MANAGER CORP *(1)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings Managing Member LLC	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	MOBILE PAYROLL CONSTRUCTION LLC	1.00%	Managing Member
<b>525 THC DC RESTAURANT HOSPITALITY LLC *(1)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	OFO HOTEL MANAGER LLC	Member
<b>530 C DEVELOPMENT VENTURES LLC *(3)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	C DEVELOPMENT VENTURES MEMBER CORP	Managing Member
	99	DTTM OPERATIONS LLC	Member
<b>531 C DEVELOPMENT VENTURES MEMBER CORP *(3)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>
	C DEVELOPMENT VENTURES LLC	1.00%	Managing Member
<b>532 TC MARKS BUENOS AIRES LLC *(4)--DISSOLVED 1/26/17</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	TTTT VENTURE LLC	Member
<b>533 DT VENTURE I LLC</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
<b>534 DT VENTURE I MEMBER CORP *(3)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
<b>535 DT VENTURE II LLC</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DJT Holdings LLC	Member
<b>536 DT VENTURE II MEMBER CORP *(3)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
<b>537 DT TOWER II LLC *(4)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	1	DTTM Operations LLC	Member
	99	DT TOWER II MEMBER CORP	Managing Member
<b>538 DT TOWER II MEMBER CORP *(4)</b>			
Owned by :	<u>% Ownership</u>	<u>Name</u>	<u>Role</u>
	100	DTTM Operations Managing Member Corp	Shareholder
Has ownership interest in :	<u>Entity Name</u>	<u>Ownership</u>	<u>Title</u>

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Reference #

DT TOWER II LLC 99.00% Managing Member

539 DT ENDEAVOR I MEMBER CORP \*(3)

Owned by: % Ownership Name Role  
 100 DTTM Operations Managing Shareholder  
 Member Corp

540 4T HOLDINGS ONE LLC \*(3)

Owned by: % Ownership Name Role  
 100 TTTT VENTURE LLC Member

541 4T HOLDINGS TWO LLC \*(1)

Owned by: % Ownership Name Role  
 100 TTTT VENTURE LLC Member

Has ownership interest in: Entity Name Ownership Title  
 SC CLEVELAND MS MANAGEMENT 100.00% Member  
 LLC  
 SC PIER VILLAGE 100.00% Member  
 MANAGEMENT LLC

542 STORAGE 108 LLC

Owned by: % Ownership Name Role  
 100 The Donald J. Trump Revocable Trust Member

543 T EXPRESS LLC \*(5)

Owned by: % Ownership Name Role  
 1 T EXPRESS MANAGER MEMBER CORP Managing Member  
 99 TTTT VENTURE LLC Member

544 T EXPRESS MANAGER MEMBER CORP \*(1)

Owned by: % Ownership Name Role  
 100 DJT HOLDINGS MANAGING MEMBER Shareholder  
 LLC

Has ownership interest in: Entity Name Ownership Title  
 T EXPRESS LLC 1.00% Managing Member

545 SC CLEVELAND MS MANAGEMENT LLC

Owned by: % Ownership Name Role  
 100 4T HOLDINGS TWO LLC Member

546 SC PIER VILLAGE MANAGEMENT LLC \*(3)

Owned by: % Ownership Name Role  
 100 4T HOLDINGS TWO LLC Member

547 T PROMOTIONS LLC \*(3)

Owned by: % Ownership Name Role  
 100 DTTM OPERATIONS LLC Member

548 T RETAIL LLC

Owned by: % Ownership Name Role  
 0.5 T RETAIL MANAGING MEMBER CORP Managing Member  
 0.5 DTTM OPERATIONS LLC Member  
 99 TTTT VENTURE LLC Member

549 T RETAIL MANAGING MEMBER CORP \*(1)

Owned by: % Ownership Name Role

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Reference #	100	DJT HOLDINGS MANAGING MEMBER LLC	Sole Shareholder
Has ownership interest in :	<u>Entity Name</u> T RETAIL LLC	<u>Ownership</u> 0.50%	<u>Title</u> Managing Member
550	<u>WESTMINSTER HOTEL MANAGEMENT LLC</u>		
Owned by :	<u>% Ownership</u> 76.725 22.275 1	<u>Name</u> DJT HOLDINGS LLC TTT CONSULTING LLC WESTMINSTER HOTEL MANAGER MEMBER CORP	<u>Role</u> Member Member Managing Member
551	<u>WESTMINSTER HOTEL MANAGER MEMBER CORP *(1)</u>		
Owned by :	<u>% Ownership</u> 77.5	<u>Name</u> The Donald J. Trump Revocable Trust	<u>Role</u> Shareholder
Has ownership interest in :	22.5 <u>Entity Name</u> WESTMINSTER HOTEL MANAGEMENT LLC	TTT CONSULTING LLC <u>Ownership</u> 1.00%	Shareholder <u>Title</u> Managing Member

Real Estate License Fees (Royalties) are customarily paid to Trump in phases: upon signing of the License Agreement (Upfront Fee), and during various stages of the project's development. Therefore, the amount of License fee income reflected herein is dependent on the phase of that project's development cycle with the majority of payment back-loaded towards project completion.

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PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. <b>DONALD J. TRUMP - REVOCABLE TRUST AC</b> <b>725 5TH AVENUE</b> <b>NEW YORK, NY 10022</b> <b>(212)836-3250</b>		1 Rents \$	OMB No. 1545-0115  <b>2017</b>  Form 1099-MISC	<b>Miscellaneous Income</b>  <b>Copy A</b> <b>For Internal Revenue Service Center</b>  <b>File with Form 1096.</b>  <b>For Privacy Act and Paperwork Reduction Act Notice, see the 2017 General Instructions for Certain Information Returns.</b>
PAYER'S federal identification number [REDACTED]		2 Royalties \$	3 Other income \$	
RECIPIENT'S identification number [REDACTED]		4 Federal income tax withheld \$	5 Fishing boat proceeds \$	
RECIPIENT'S name <b>MICHAEL D COHEN ESQ</b>		6 Medical and health care payments \$	7 Nonemployee compensation \$ <b>105,000.00</b>	
Street address (including apt. no.) [REDACTED]		8 Substitute payments in lieu of dividends or interest \$	9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$
City or town, state or province, country, and ZIP or foreign postal code [REDACTED]		11	12	13 Excess golden parachute payments \$
Account number (see instructions) <b>M COHEN</b>	FATCA filing requirement <input type="checkbox"/>	2nd TIN not <input type="checkbox"/>	14 Gross proceeds paid to an attorney \$	15a Section 409A deferrals \$
15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no.	18 State income \$	

Form 1099-MISC

41-0852411

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

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PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. DONALD J. TRUMP 725 5TH AVENUE NEW YORK, NY 10022 (212)836-3250		1 Rents \$	OMB No. 1545-0115 <b>2017</b> Form 1099-MISC		Miscellaneous Income
PAYER'S federal identification number [REDACTED]		2 Royalties \$	3 Other Income \$	4 Federal income tax withheld \$	
RECIPIENT'S identification number [REDACTED]		5 Fishing boat proceeds \$	6 Medical and health care payments \$	File with Form 1096.	
RECIPIENT'S name MICHAEL D COHEN ESQ		7 Nonemployee compensation \$ 315,000.00	8 Substitute payments in lieu of dividends or interest \$	For Privacy Act and Paperwork Reduction Act Notice, see the 2017 General Instructions for Certain Information Returns.	
Street address (including apt. no.) [REDACTED]		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$		
City or town, state or province, country, and ZIP or foreign postal code [REDACTED]		11	12		
Account number (see instructions) M COHEN	FATCA filing requirement <input type="checkbox"/>	2nd TIN not <input type="checkbox"/>	13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$	
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no.	18 State income \$	

Form 1099-MISC

41-0852411

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

**Do Not Cut or Separate Forms on This Page — Do Not Cut or Separate Forms on This Page**

**GX 181**

<https://www.wsj.com/articles/trump-lawyer-arranged-130-000-payment-for-adult-film-stars-silence-1515787678>

U.S.

# Trump Lawyer Arranged \$130,000 Payment for Adult-Film Star's Silence

Agreement just before election required woman to keep quiet about an alleged sexual encounter with Trump in 2006, people familiar with the matter say

By [Michael Rothfeld](#) [Follow](#) and [Joe Palazzolo](#) [Follow](#)

Updated Jan. 12, 2018 3:13 pm ET



Donald Trump with Stephanie Clifford, whose stage name is Stormy Daniels, in a 2006 photo uploaded to her Myspace.com account.

A lawyer for President Donald Trump arranged a \$130,000 payment to a former adult-film star a month before the 2016 election as part of an agreement that precluded her from publicly discussing an alleged sexual encounter with Mr. Trump, according to people familiar with the matter.

Michael Cohen, who spent nearly a decade as a top attorney at the Trump Organization, arranged payment to the woman, Stephanie Clifford, in October 2016 after her lawyer negotiated the nondisclosure agreement with Mr. Cohen, these people said.



Ms. Clifford, whose stage name is Stormy Daniels, has privately alleged the encounter with Mr. Trump took place after they met at a July 2006 celebrity golf tournament on the shore of Lake Tahoe, these people said. Mr. Trump married Melania Trump in 2005.

Mr. Trump faced other allegations during his campaign of inappropriate behavior with women, and vehemently denied them. In this matter, there is no allegation of a nonconsensual interaction.

“These are old, recycled reports, which were published and strongly denied prior to the election,” a White House official said, responding to the allegation of a sexual encounter involving Mr. Trump and Ms. Clifford. The official declined to respond to questions about an agreement with Ms. Clifford. It isn’t known whether Mr. Trump was aware of any agreement or payment involving her.

In a statement, Mr. Cohen didn’t address the \$130,000 payment but said of the alleged sexual encounter that “President Trump once again vehemently denies any such occurrence as has Ms. Daniels.”



Michael Cohen, Mr. Trump’s personal attorney  
PHOTO: JONATHAN ERNST/REUTERS

Mr. Cohen added in the statement, addressed to The Wall Street Journal: “This is now the second time that you are raising outlandish allegations against my client. You have attempted to perpetuate this false narrative for over a year; a narrative that has been consistently denied by all parties since at least 2011.”

The Journal previously reported that Ms. Clifford, 38 years old, had been in talks with ABC’s “Good Morning America” in the fall of 2016 about an appearance to discuss Mr. Trump, according to people familiar with the matter. In that article, the Journal reported the company that owns the National Enquirer agreed to pay \$150,000 to a former Playboy centerfold model three months before the election for her story of an affair a decade earlier with the Republican presidential nominee, which the tabloid newspaper didn’t publish. The company said she was paid to write fitness columns and appear on magazine covers.

Mr. Cohen also sent a two-paragraph statement by email addressed “TO WHOM IT MAY CONCERN” and signed by “Stormy Daniels” denying that she had a “sexual and/or romantic affair” with Mr. Trump.

“Rumors that I have received hush money from Donald Trump are completely false,” the statement said.

Ms. Clifford didn’t respond to multiple emails seeking comment.

After the agreement, Ms. Clifford’s camp complained the payment wasn’t being made quickly enough and threatened to cancel the deal, some of the people familiar with the matter said.

The payment was made to Ms. Clifford through her lawyer in the matter, Keith Davidson, with funds sent to Mr. Davidson’s client-trust account at City National Bank in Los Angeles, according to the people.

“I previously represented Ms. Daniels,” Mr. Davidson said, referring to Ms. Clifford’s stage name. “Attorney-client privilege prohibits me from commenting on my clients’ legal matters.”

A spokeswoman for City National Bank declined to comment.

The agreement with Ms. Clifford came as the Trump campaign confronted allegations from numerous women who described unwanted sexual advances and alleged assaults by Mr. Trump.

In October 2016, the Washington Post published a videotape made, but never aired, by NBC’s “Access Hollywood” in which Mr. Trump spoke of groping women.

Mr. Trump denied all allegations of inappropriate sexual conduct and apologized at the time for his remarks on the tape, calling them locker-room banter.

Mr. Cohen worked at the Trump Organization from 2007 until after the election. As Mr. Trump took office, Mr. Cohen said he would work in private practice and act as Mr. Trump’s personal attorney. “I am the fix-it guy,” he said in an interview in January 2017 before Mr. Trump’s inauguration.

Ms. Clifford has appeared in about 150 adult films, and was considered among the industry's biggest stars when the then-27-year-old met Mr. Trump at the American Century Championship in 2006, held at Edgewood Tahoe golf course in Nevada.

Another adult-film star, Jessica Drake, later alleged in an October 2016 news conference that Mr. Trump kissed her and two other women without permission in a hotel suite after the same 2006 golf event.

"I did not sign [a nondisclosure agreement], nor have I received any money for coming forward," Ms. Drake said this week in an emailed statement. "I spoke out because it was the right thing to do."

A White House official responded to questions about Ms. Drake by referring to a previous statement by the Trump campaign, which called her account "totally false and ridiculous."

*—Alexandra Berzon contributed to this article.*

**Write to Michael Rothfeld at [michael.rothfeld@wsj.com](mailto:michael.rothfeld@wsj.com) and Joe Palazzolo at [joe.palazzolo@wsj.com](mailto:joe.palazzolo@wsj.com)**

**GX 201**

# McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Frankfurt Houston London Los Angeles Miami  
Milan Munich New York Orange County Paris Rome Silicon Valley Washington, D.C.  
Strategic alliance with MWE China Law Offices (Shanghai)

Digitally signed by  
Kathryn Ross  
Date: 2018.02.12  
10:44:15 -05'00'

Stephen M. Ryan  
Attorney at Law  
[REDACTED]@mwe.com  
+1 [REDACTED] 8333

February 8, 2018

## VIA E-MAIL

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Christal Dennis, Paralegal  
999 E Street, N.W.  
Washington, D.C. 20463

**HIGHLY CONFIDENTIAL**

Re: MUR 7313

Dear Mr. Jordan:

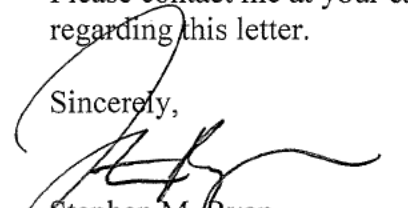
I am writing on behalf of my client, Michael D. Cohen, in response to your letter dated, January 30, 2018. Specifically, this letter responds to the complaint numbered MUR 7313, which was filed with the Federal Election Commission (FEC) by Common Cause and Paul S. Ryan.

In a private transaction in 2016, before the U.S. presidential election, Mr. Cohen used his own personal funds to facilitate a payment of \$130,000 to Ms. Stephanie Clifford. Neither the Trump Organization nor the Trump campaign was a party to the transaction with Ms. Clifford, and neither reimbursed Mr. Cohen for the payment directly or indirectly.

Contrary to the allegations in the complaint, which are entirely speculative, neither Mr. Cohen nor Essential Consultants LLC made any in-kind contributions to Donald J. Trump for President, Inc., or any other presidential campaign committee. Mr. Cohen has not been a government employee during any of the relevant time period. The payment in question does not constitute a campaign contribution or expenditure and, therefore, the FEC lacks jurisdiction over this matter. The complainants have not and cannot present any evidence to the contrary. Accordingly, the complaint should be dismissed.

Please contact me at your earliest convenience at [REDACTED]-8333 if you have any questions regarding this letter.

Sincerely,



Stephen M. Ryan  
Counsel for Michael Cohen

**GX 202**

"In late January 2018, I received a copy of a complaint filed at the Federal Election Commission (FEC) by Common Cause. The complaint alleges that I somehow violated campaign finance laws by facilitating an excess, in-kind contribution. The allegations in the complaint are factually unsupported and without legal merit, and my counsel has submitted a response to the FEC.

I am Mr. Trump's longtime special counsel and I have proudly served in that role for more than a decade. In a private transaction in 2016, I used my own personal funds to facilitate a payment of \$130,000 to Ms. Stephanie Clifford. Neither the Trump Organization nor the Trump campaign was a party to the transaction with Ms. Clifford, and neither reimbursed me for the payment, either directly or indirectly. The payment to Ms. Clifford was lawful, and was not a campaign contribution or a campaign expenditure by anyone.

I do not plan to provide any further comment on the FEC matter or regarding Ms. Clifford."

"Just because something isn't true doesn't mean that it can't cause you harm or damage. I will always protect Mr. Trump."

**GX 205**



**From:** Costello, Robert J.  
**Sent:** Saturday, April 21, 2018 8:57 PM  
**To:** Michael Cohen  
**Subject:** Giuliani

Attorney Client Communication Privileged

I spoke with Rudy . Very Very Positive.You are "loved". If you want to call me I will give you the details. I told him everything you asked me to and he said they knew that. There was never a doubt and they are in our corner.

Rudy said this communication channel must be maintained. He called it crucial and noted how reassured they were that they had someone like me whom Rudy has known for so many years in this role.

Sleep well tonight , you have friends in high places.

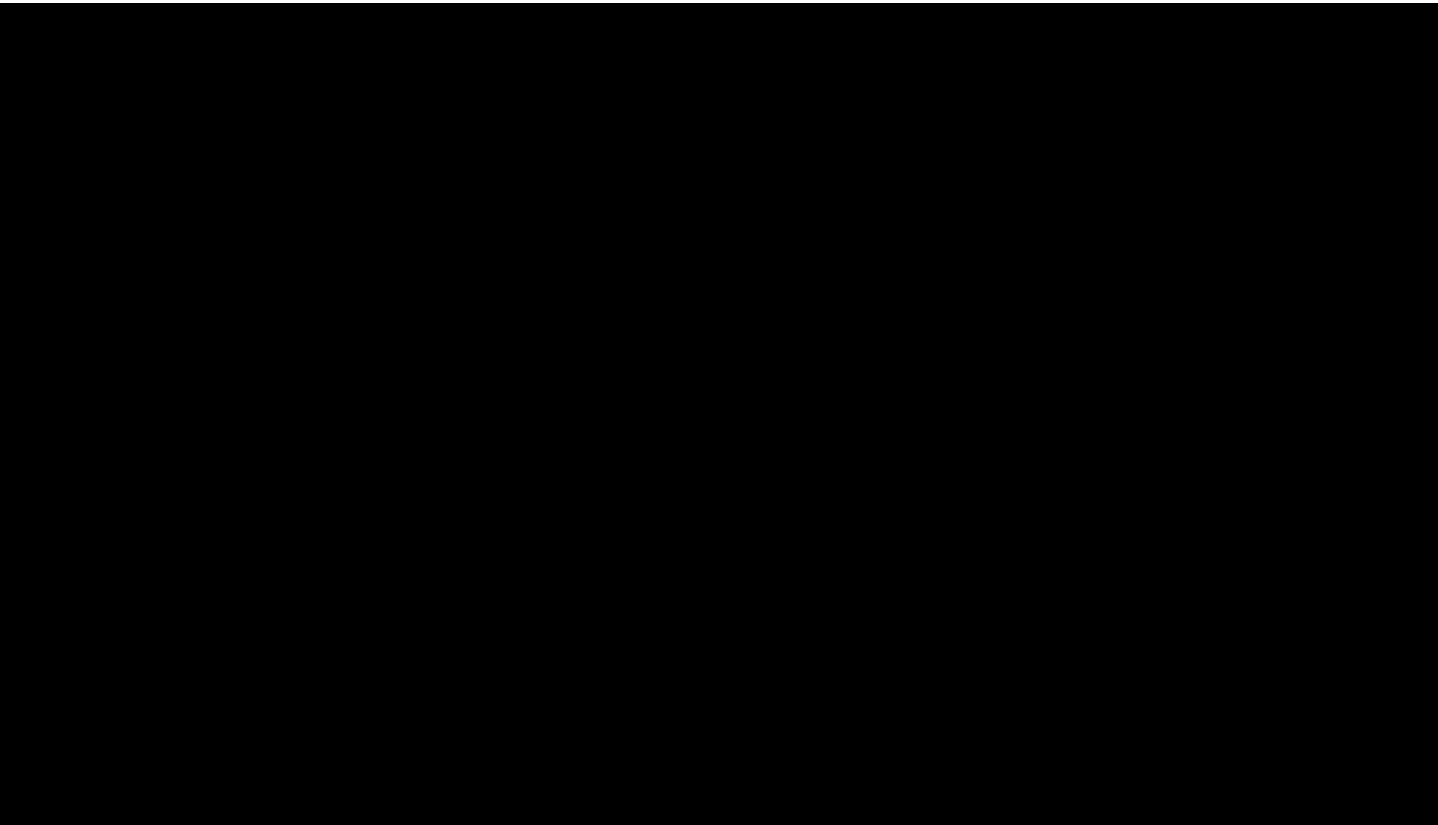
Bob

P.S. Some very positive comments about you from the White House. Rudy noted how that followed my chat with him last night.

85

Sent from my iPad

**GX 207**



From: **Costello, Robert J.** <[REDACTED]@dhclegal.com>  
Date: Wed, Jun 13, 2018 at 3:21 PM  
Subject: FW: Update DRAFT  
To: Michael Cohen <[REDACTED]@gmail.com>

Michael,

Since you jumped off the phone rather abruptly, I did not get a chance to tell you that my friend has communicated to me that he is meeting with his client this evening and he added that if there was anything you wanted to convey you should tell me and my friend will bring it up for discussion this evening.

I would suggest that you give this invitation some real thought. Today's newspaper stories should not rattle you. The event announced today you thought would be announced Friday or Monday so it is merely a difference of timing. MW& E were brought in to do a discreet task and they have performed those services in an exemplary fashion. This is not a change in plan rather it is exactly what was planned. Your message or the message of MW &E should be positive and not negative in any way. What you do next is for you to decide, but if that choice requires any discussion with my friends client, you have the opportunity to convey that this evening, but only if you so decide.

I must tell you quite frankly that I am not used to listening to abuse like today's conversation. You have called me numerous times over the last month to discuss issues and I have always tried to be as helpful as I could. You told me back in April that I was part of the team and I have acted accordingly on your behalf. When I suggested that we meet and discuss a strategy following this news you

suddenly took a new approach and stated: "That's not going to happen" Stunned by this remark, I was asking you for a clarification of our legal relationship. You indicated that you would be talking to someone in a boutique firm that was not ready to get involved and when I noted that you were willing to sit down with them but not sit down with us, you had an unfortunate outburst. I relayed this situation to Jeff Citron who suggested that you probably were just having a bad moment but that it was necessary to seek a clarification of our position with you in light of your remarks.

Please remember if you want or need to communicate something, please let me know and I will see that it gets done. I hope I am wrong but it seems to both Jeff and I that perhaps we have been played here. Let me know what you want to do.

Bob



**Robert J. Costello, Esq.**

Davidoff Hutcher & Citron LLP

[605 Third Avenue, New York, NY 10158](#)

Firm: [redacted] 7200 Direct: [redacted] .3238

Fax: [redacted] 1884 Email: [redacted] @dhclegal.com

[Website](#)

\*\*\*\*\*

STATEMENT OF CONFIDENTIALITY

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify us immediately by email reply to sender or by telephone to Davidoff Hutcher & Citron LLP at [redacted]-2843, ext. [redacted], and destroy all copies of this message and any attachments.

IRS DISCLOSURE NOTICE

In accordance with Internal Revenue Service Circular 230, we inform you that any discussion of a federal tax issue contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used, by any recipient for the purpose of (i) avoiding penalties that may be imposed on the recipient under United States federal tax laws, or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

\*\*\*\*\*

--  
Yours,

Michael D. Cohen

[REDACTED] 0114 (Cellular)

[REDACTED] [@gmail.com](#)

**GX 217**





Jay Sekulow

Tap here for settings




 Outgoing call

 Incoming call

 Incoming call

Feb 19, 2018 7:14 PM

Client says thanks for what you do

 Unanswered outgoing call

I am on a call.

Ok. Buzz me after

Delivered

 Incoming call



New Message



# **GX 246**

(Audio File Admitted in Native Format)



**GX 248**

## Trump-Cohen Recording

Michael Cohen: Told you about Charleston. I need to open up a company for the transfer of all of that info regarding our friend, David, you know, so that -- I'm going to do that right away. I've actually come up and I've spoken --

Donald J. Trump: Give it to me and get me a --

Michael Cohen: And, I've spoken to Allen Weisselberg about how to set the whole thing up with --

Donald J. Trump: So, what do we got to pay for this? One-fifty?

Michael Cohen: -- funding. Yes. And it's all the stuff.

Donald J. Trump: Yes, I was thinking about that.

Michael Cohen: All the stuff. Because -- here, you never know where that company, you never know what he's --

Donald J. Trump: Maybe he gets hit by a truck

Michael Cohen: Correct. So, I'm all over that. And, I spoke to Allen about it, when it comes time for the financing, which will be --

Donald J. Trump: Listen, what financing?

Michael Cohen: We'll have to pay him something.

Donald J. Trump: (INAUDIBLE) pay with cash.

Michael Cohen: No, no, no, no, no, I got it.

Donald J. Trump: Check.

**GX 260**

Timeline (4)

#	Type	Direction	Attachments	Locations	Date	Time	Party	Description	Source	Latitude	Longitude	Address	Deleted	Tag Note	Source file information	Carved
1	Instant Messages	Outgoing			2/6/2018	2/6/2018 2:03:56 PM(UTC-5)	From: [REDACTED] 0114 Michael Cohen (owner) To: [REDACTED] 4978 Maggie Haberman To: [REDACTED] 4978 Maggie Haberman	Big boss just approved me responding to complaint and statement. Please start writing and I will call you soon	Native Messages						971effd1117bd8fdce3bfd2a4202af234e63f00_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x2DA7895 (Table: message, handle; Size: 82022400 bytes)	
2	Instant Messages	Outgoing			2/6/2018	2/6/2018 3:22:55 PM(UTC-5)	From: [REDACTED] 0114 Michael Cohen (owner) To: [REDACTED] 4978 Maggie Haberman To: [REDACTED] 4978 Maggie Haberman	Embargoed until we talk with Steve Ryan. But you are the only one who will have it	Native Messages						971effd1117bd8fdce3bfd2a4202af234e63f00_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x2DAAFE4 (Table: message, handle; Size: 82022400 bytes)	
3	Instant Messages	Outgoing			2/13/2018	2/13/2018 4:28:09 PM(UTC-5)	From: [REDACTED] 0114 Michael Cohen (owner) To: [REDACTED] 4978 Maggie Haberman To: [REDACTED] 4978 Maggie Haberman	"In late January 2018, I received a copy of a complaint filed at the Federal Election Commission (FEC) by Common Cause. The complaint alleges that I somehow violated campaign finance laws by facilitating an excess, in-kind contribution. The allegations in the complaint are factually unsupported and without legal merit, and my counsel has submitted a response to the FEC.  I am Mr. Trump's longtime special counsel and I have proudly served in that role for more than a decade. In a private transaction in 2016, I used my own personal funds to facilitate a payment of \$130,000 to Ms. Stephanie Clifford. Neither the Trump Organization nor the Trump campaign was a party to the transaction with Ms. Clifford, and neither reimbursed me for the payment, either directly or indirectly. The payment to Ms. Clifford was lawful, and was not a campaign contribution or a campaign expenditure by anyone.  I do not plan to provide any further comment on the FEC matter or regarding Ms. Clifford."	Native Messages						971effd1117bd8fdce3bfd2a4202af234e63f00_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x2E789FF (Table: message, handle; Size: 82022400 bytes)	
4	Instant Messages	Outgoing			2/13/2018	2/13/2018 7:37:03 PM(UTC-5)	From: [REDACTED] 0114 Michael Cohen (owner) To: [REDACTED] 4978 Maggie Haberman To: [REDACTED] 4978 Maggie Haberman	We are good to go on the statement. Release tomorrow at 6:40am	Native Messages						971effd1117bd8fdce3bfd2a4202af234e63f00_files_full.zip/private/var/mobile/Library/SMS/sms.db : 0x2E7FA78 (Table: message, handle; Size: 82022400 bytes)	

**GX 319**

9:30



Madeleine



Wed, Mar 14, 2:18 PM

Yes will be there at 3

Will you have some time to talk when you get in?

Yes!

Ok great! See you soon

Hey do you know who the mil aide is with the boss?

Chris Ross

Can you send me his cell

[REDACTED] 9854

Tue, Mar 20, 6:28 PM

Hey- the president wants to know if you called David pecker again?

Tue, Mar 27, 12:31 PM



iMessage



HCH\_NY\_000055

**GX 407F**



← Thread



**Donald J. Trump**   
@realDonaldTrump



The New York Times and a third rate reporter named Maggie Haberman, known as a Crooked H flunkie who I don't speak to and have nothing to do with, are going out of their way to destroy Michael Cohen and his relationship with me in the hope that he will "flip." They use....

9:10 AM · Apr 21, 2018

7,762 Retweets 3,758 Quote Tweets 36.4K Likes



**Donald J. Trump**   
@realDonaldTrump · Apr 21, 2018  
Replying to @realDonaldTrump



....non-existent "sources" and a drunk/drugged up loser who hates Michael, a fine person with a wonderful family. Michael is a businessman for his own account/lawyer who I have always liked & respected. Most people will flip if the Government lets them out of trouble, even if....



6,705



7,431



29.6K



**Donald J. Trump**   
@realDonaldTrump · Apr 21, 2018



....it means lying or making up stories. Sorry, I don't see Michael doing that despite the horrible Witch Hunt and the dishonest media!



13.9K



7,377



31.9K



**GX 407G**

← Post



**Donald J. Trump** ✓  
@realDonaldTrump



Mr. Cohen, an attorney, received a monthly retainer, not from the campaign and having nothing to do with the campaign, from which he entered into, through reimbursement, a private contract between two parties, known as a non-disclosure agreement, or NDA. These agreements are.....

6:46 AM · May 3, 2018

17K

11K

44K

71



← Post



**Donald J. Trump** ✓  
@realDonaldTrump



...very common among celebrities and people of wealth. In this case it is in full force and effect and will be used in Arbitration for damages against Ms. Clifford (Daniels). The agreement was used to stop the false and extortionist accusations made by her about an affair,.....

6:54 AM · May 3, 2018

15K

10K

46K

35



← Post



**Donald J. Trump**   
@realDonaldTrump



...despite already having signed a detailed letter admitting that there was no affair. Prior to its violation by Ms. Clifford and her attorney, this was a private agreement. Money from the campaign, or campaign contributions, played no roll in this transaction.

7:00 AM · May 3, 2018

 36K

 13K

 51K

 49



**GX 407H**

← Post



**Donald J. Trump** ✓  
@realDonaldTrump



If anyone is looking for a good lawyer, I would strongly suggest that you don't retain the services of Michael Cohen!

8:44 AM · Aug 22, 2018

57K

47K

99K

260



**GX 407I**



← Post



**Donald J. Trump**   
@realDonaldTrump



I feel very badly for Paul Manafort and his wonderful family. “Justice” took a 12 year old tax case, among other things, applied tremendous pressure on him and, unlike Michael Cohen, he refused to “break” - make up stories in order to get a “deal.” Such respect for a brave man!

9:21 AM · Aug 22, 2018

 42K

 19K

 58K

 104

