



**Office of the New York State  
Attorney General**

**Letitia James  
Attorney General**

December 9, 2024

D. John Sauer  
James Otis Law Group, LLC  
13321 North Outer Forty Road, Suite 300  
St. Louis, Missouri 63017

Re: *People v. Donald J. Trump, et al.*, Nos. 2023-04925, 2024-01134, 2024-01135 (1st Dep't).

Dear Mr. Sauer:

I am writing in response to your letter dated November 26, 2024, regarding the above-referenced action. This Office will not stipulate to vacate the final judgment already entered by Supreme Court, New York County, in this action or otherwise seek to dismiss the action.

As you know, this is a civil enforcement action under Executive Law § 63(12) against the Trump Organization, a business headquartered in New York, and its top executives concerning those defendants' fraudulent and unlawful actions to misleadingly inflate defendant Donald J. Trump's personal net worth in business transactions for the purpose of obtaining more favorable terms on loans and insurance policies than they otherwise would have received. This civil enforcement action was filed following a multiyear investigation by the Office, and multiple courts have rejected claims that the investigation or action were brought in anything other than good faith. See *People v. Trump Org., Inc.*, 205 A.D.3d 625, 626-27 (1st Dep't 2022); *Trump v. James*, No. 1:21-1352, 2022 WL 1718951, at \*12-14 (N.D.N.Y. May 27, 2022). Following summary judgment and an eleven-week bench trial, Supreme Court concluded that Mr. Trump and the other entity and individual defendants violated § 63(12). The court also entered final judgment ordering various forms of equitable relief. Defendants appealed from Supreme Court's post-trial final judgment. That appeal has been fully briefed and argued in the Appellate Division, First Department, and the parties are now awaiting a decision from the First Department.

Your letter presents no basis for this Office to seek to vacate the final judgment or to dismiss this action.

*First*, Mr. Trump's upcoming inauguration as the next President of the United States has no bearing on the pendency of defendants' appeal in this action. This civil enforcement

action is not a criminal action, and Supreme Court did not impose any criminal sanction on Mr. Trump or any other defendant. Accordingly, the various actions taken by the Special Counsel's office or the District Attorney's Office of New York County in the respective criminal cases brought by those offices against Mr. Trump are irrelevant here.

Contrary to your suggestion, the pendency of defendants' appeal during Mr. Trump's term as President fully comports with the U.S. Constitution. The final judgment concerns only business conduct undertaken by entities that are part of the Trump Organization and individual defendants who were acting on behalf of the Trump Organization. The judgment thus does not concern any conduct related to Mr. Trump's first term as President. Nor does it implicate any conduct that Mr. Trump might undertake after his upcoming inauguration. Presidents do not have immunity from civil lawsuits arising from unofficial conduct, and such lawsuits may proceed while the President is in office. See *Clinton v. Jones*, 520 U.S. 681, 694 (1997); *Zervos v. Trump*, 171 A.D.3d 110, 128 (1st Dep't 2019); see also *Trump v. United States*, 603 U.S. 593, 615-16 (2024). Regardless, Mr. Trump's upcoming inauguration is irrelevant to the judgment rendered against the fourteen other defendants found liable by Supreme Court in this action.

There is also no merit to your claim that the pendency of defendants' own appeal will impede Mr. Trump's official duties as President. The ordinary burdens of civil litigation do not impede the President's official duties in a way that violates the U.S. Constitution. See *Clinton*, 520 U.S. at 705-06; *Zervos*, 171 A.D.3d at 125-26. In any event, Mr. Trump does not face any such litigation burdens here. The trial is over, final judgment has been rendered, and defendants' appeal to the First Department has been fully submitted and argued. Mr. Trump's official duties will not be impeded while awaiting the First Department's decision. Nor will his duties be impeded if further appeals in this action are filed. Those appeals will be handled primarily by Mr. Trump's appellate lawyers, and any consultations Mr. Trump may have with those attorneys about appeals will not plausibly impose an unconstitutional burden.

*Second*, the arguments in your letter about the merits of the final judgment simply repeat the arguments defendants already raised to the First Department in their appellate briefs. This Office addressed these arguments at length in our respondent's brief. For all the reasons explained in that brief and at oral argument, the overwhelming evidence supports Supreme Court's conclusion that Mr. Trump and the other defendants engaged in repeated and persistent fraud and illegality under § 63(12), and Supreme Court appropriately exercised its discretion in awarding disgorgement and other equitable relief.

Sincerely,



Judith N. Vale  
Deputy Solicitor General