

At an IAS Term, Part 37EFM of the Supreme Court of the State of New York, County of New York, held at the Courthouse, 60 Centre Street, New York, New York 10007, on \_\_\_\_\_, 2020.

PRESENT: Hon. Arthur F. Engoron, J.S.C.

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PEOPLE OF THE STATE OF NEW YORK, by  
LETITIA JAMES, Attorney General of the  
State of New York,

Index No. 451685/20

Petitioner,

**Motion Seq. No.: 006**

-against-

**ORDER TO SHOW CAUSE  
WITH TEMPORARY  
RESTRAINTS**

THE TRUMP ORGANIZATION, INC.,  
DJT HOLDINGS LLC, DJT HOLDINGS MANAGING  
MEMBER LLC, SEVEN SPRINGS LLC,  
ERIC TRUMP, CHARLES MARTABANO,  
MORGAN, LEWIS & BOCKIUS, LLP, and  
SHERI DILLON,

**Oral Argument Requested**

Respondents.

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UPON the reading of the Emergency Affirmation of Lawrence S. Rosen, Esq., dated September 30, 2020, the Affirmation of George J. Calcagnini, Esq., dated September 29, 2020, the Affidavit of Alan Garten, Esq. sworn to on September 30, 2020, the accompanying memorandum of law submitted on behalf of respondents The Trump Organization, DJT Holdings LLC, DJT Holdings Managing Member LLC, and Seven Springs LLC (collectively, “TTO”) and respondents Eric Trump and Charles Martabano, Esq., and all prior pleadings herein,

Let the Office of the New York State Attorney General (the “OAG”) show cause before this Court at Part 37EFM on \_\_\_\_\_, 2020, at \_\_:\_\_\_.m., or as soon thereafter as counsel

can be heard, why an Order should not be made and entered on behalf of TTO, Eric Trump, and Charles Martabano, pursuant to CPLR 2221, (i) granting TTO, Eric Trump, and Mr. Martabano leave to reargue that portion of the Court's September 23, 2020 Order (the "Order") holding that respondent Charles Martabano, Esq. "waived" privilege in response to the January 8, 2020 subpoena *duces tecum* (the "Subpoena") served on him by the Office of the New York State Attorney General (the "OAG"); and, upon reconsideration, (ii) vacating its ruling that Mr. Martabano "waived" privilege in response to the Subpoena, (iii) ordering that Mr. Martabano produce, in cooperation with TTO, a revised privilege log complying with the requirements of CPLR 3122(b) by a date certain, to be set by the Court and (iv) scheduling an *in camera* review of any documents over which the OAG and the parties have any dispute as to privilege.

IT IS FURTHER ORDERED, that the portion of the Order compelling Mr. Martabano to produce all documents responsive to the Subpoena by October 2, 2020 be stayed pending the hearing and determination of this application by TTO, Eric Trump and Mr. Martabano.

IT IS FURTHER ORDERED, that service of a copy of this Order to Show Cause, together with all of the supporting papers upon which it is based, be made on or before October \_\_, 2020, by email upon (a) the OAG by Matthew Colangelo at Matthew.Colangelo@ag.ny.gov, Colleen Faherty at Colleen.Faherty@ag.ny.gov, Austin Thompson at Austin.Thompson@ag.ny.gov, and Alex Finkelstein at Alex.Finkelstein@ag.ny.gov; (b) respondent Morgan, Lewis & Bockius LLP's counsel, Morgan, Lewis & Bockius LLP, by Zane Memeger, Esq., at zane.memeger@morganlewis.com, and Nathan Andrisani, Esq., at nathan.andrisani@morganlewis.com; (c) respondent Sheri Dillon's counsel, Zuckerman Spaeder LLP by Graeme Bush, Esq., at gbush@zuckerman.com and Catherine Duval, Esq. at CDuval@zuckerman.com; and it is further

ORDERED, that opposition papers, if any, shall be served by email so as to be received by (a) LaRocca Hornik Rosen & Greenberg LLP, attorneys for TTO, to the attention of Lawrence S. Rosen at lrosen@lhr gb.com and Amy D. Carlin at acarlin@lhr gb.com; (b) Mukasey Frenchman & Sklaroff LLP and Law Offices of Alan S. Futerfas, attorneys for Eric Trump, to the attention of Marc Mukasey at marc.mukasey@mukaseylaw.com and Alan Futerfas at asfuterfas@futerfaslaw.com; and (c) George J. Calcagnini, Esq., attorney for Martabano, at gcalcagnin@aol.com, no later than \_\_ o'clock \_\_ m. on the \_\_ day of \_\_\_\_\_, 2020; and it is further

ORDERED that any reply papers shall be served on counsel for petitioner and respondents by email at the addresses listed above on or before October \_\_, 2020.

E N T E R

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J.S.C.