

At Part 39 of the Supreme Court  
of the State of New York,  
held in and for the County of New York,  
at the County Courthouse, Civil Term  
at 60 Centre Street, New York, NY  
on the 21<sup>st</sup> day of June 2018

**HON. SALIANN SCARPULLA**

PRESENT: Hon \_\_\_\_\_

J.S.C.

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

THE PEOPLE OF THE STATE OF NEW YORK, by  
BARBARA D. UNDERWOOD, Attorney General of the  
State of New York,

Petitioner,

-against-

DONALD J. TRUMP, DONALD J. TRUMP JR.,  
IVANKA TRUMP, ERIC F. TRUMP, and THE  
DONALD J. TRUMP FOUNDATION,

Respondents.

**ORDER TO SHOW CAUSE**

Index No.: 451130/18

ORAL ARGUMENT  
REQUESTED

**MOTION SEQUENCE # 001**

Upon reading and filing of the annexed Verified Petition, filed on June 14, 2018, the Affirmation of Assistant Attorney General Steven Shiffman, dated June 13, 2018, and the exhibits annexed thereto, and Petitioner's Memorandum of Law in Support of the Verified Petition, and upon the motion of Barbara D. Underwood, for Petitioner, the People of the State of New York, it is hereby ordered that Respondents in this proceeding show cause before the Honorable Saliann Scarpulla, on the 11<sup>th</sup> day of October 2018 at 11:00 am or as soon thereafter as counsel may be heard, at a term of this Court, to be held at the Courthouse thereof, 60 Centre Street, Room 208, New York, New York 10007, why an Order should not be

entered granting the following relief pursuant to Article 4 of the New York Civil Practice Law and Rules ("CPLR"), the New York Not-For-Profit Corporation Law ("N-PCL") and the New York Estates, Powers and Trust Law ("EPTL"):

1. Pursuant to EPTL §§ 8-1.4, 8-1.9(c)(4) and N-PCL §§ 112, 706, 715(f), enjoining Respondent Donald J. Trump ("Mr. Trump") from serving as an officer, director, trustee or equivalent position of any not-for-profit or charitable organization incorporated or authorized to conduct business or solicit charitable donations in the State of New York for a period of ten years; and pursuant to EPTL § 8-1.4 and N-PCL §§ 112 and 706, enjoining the Respondents Donald J. Trump Jr., Ivanka Trump, and Eric Trump (together with Mr. Trump, the "Individual Respondents") from serving as officers, directors, trustees or equivalent positions of any not-for-profit or charitable organization incorporated or authorized to conduct business or solicit charitable donations in the State of New York for a period of one year, subject to suspension in the event the remaining directors undergo sufficient training on the fiduciary duties of directors of not-for-profit corporations;

2. Pursuant to N-PCL §§ 112, 715(f)(4) and EPTL § 8-1.9(c)(4)(D), directing Mr. Trump to pay an amount up to double the amount of benefits improperly obtained through self-dealing transactions after July 1, 2014;

3. Pursuant to N-PCL §§ 112, 715(f), 720 and EPTL § 8-1.4(m), directing each of the Individual Respondents to account for his or her conduct in the failure to perform his or her duties in the management of corporate assets, to make full restitution for waste and misuse of charitable assets, and to pay damages resulting from the breach of fiduciary duties;

4. Pursuant to N-PCL §§ 112, 1101 and 1102, declaring that the Foundation has exceeded the authority conferred upon it by law, and has carried on, conducted, or transacted its

business in a persistently fraudulent or illegal manner, and has abused its powers contrary to public policy;

5. Pursuant to N-PCL §§ 112, 1101 and 1102, dissolving the Foundation, annulling the Certificate of Incorporation of the Foundation, and terminating the corporate existence of the Foundation;

6. Directing the Foundation to cooperate with the Attorney General in the distribution of any remaining assets to qualified charitable entities;

7. Pursuant to N-PCL § 1113, restraining the Foundation and its officers and directors, except by permission of the court, from (i) conducting any unauthorized activities and from exercising any corporate powers; (ii) collecting or receiving any debt or other property of the corporation; or (iii) from paying out or otherwise transferring or delivering any property of the corporation; and

8. Granting such other and further relief as is just and proper.

**ORDERED** that answering papers, if any, shall be served upon counsel for Petitioner and filed with the Court on or before the \_\_\_\_ day of \_\_\_\_, 2018 and that reply papers, if any, shall be served upon Respondents and filed with the Court on or before the \_\_\_\_ day of \_\_\_\_, 2018; and it is further

**ORDERED** that a copy of this Order to Show Cause, together with the Verified Petition and supporting Papers upon which it is based, ~~be served by mail on the state tax commission on or before June 28, 2018, which is at least twenty days before the hearing in this matter, and on each of the Respondents at their last known address by overnight mail, mailed on or before June 28, 2018, or to counsel accepting service on their behalf, and that, with respect to Respondent Donald J. Trump Foundation, service may instead be made on the~~

*AS agreed by the parties on the record on 6/21/18*

*stet*

*counsel accepted service of the OSC and petition on behalf of all defendants/respondents in court on 6/24/18*

*HON. SALIANN SCARFONE*

Secretary of State on or before \_\_\_\_\_, 2018, and the same shall be deemed good and sufficient service; and it is further

**ORDERED** that, pursuant to N-PCL § 1104, a copy of this Order to Show Cause shall be published at least once in each of the three weeks before the hearing on this Order to Show Cause, in the following newspapers of general circulation in New York County:

NYLJ

; and it is further

**ORDERED** that pursuant to N-PCL § 1104, a copy of this Order to Show Cause and the Verified Petition shall be filed, within ten days after the order is entered, with the clerk of New York County.

ENTER

(Signature)  
J.S.C. HON. SALIANN SCARPULLA

ORAL AGREEMENT  
DISCLOSED  
(Signature)  
HON. SALIANN SCARPULLA J.S.C.