

June 26, 2020

VIA ELECTRONIC FILING

Honorable Hal B. Greenwald
Supreme Court of the State of New York, Dutchess County
10 Market Street
Poughkeepsie, New York 12601

Re: Robert S. Trump v. Mary L. Trump, Index #2020-51585 (Sup. Ct. Dutchess County)

Dear Justice Greenwald:

We represent Defendant Mary Trump in the above-captioned action filed in this Court today by Robert S. Trump, who is the brother of the President of the United States, Donald J. Trump. Plaintiff has sought by order to show cause the extraordinary remedy of a prior restraint against the publication of a book authored by Ms. Trump, the niece of both Plaintiff and the President. The book in question is to be published more than a month from now, on July 28, 2020.

Ms. Trump intends to oppose Plaintiff's request for a temporary restraining order and preliminary injunction. The relief Plaintiff seeks is a "classic example[] of prior restraint[]," *Ronnie Van Zant, Inc. v. Cleopatra Records, Inc.*, 906 F.3d 253, 257 (2d Cir. 2018) (per curiam), which "comes to this Court bearing a heavy presumption against its constitutional validity," *N.Y. Times Co. v. United States*, 403 U.S. 713, 714 (1971) (per curiam), and "may be imposed only in the most exceptional cases," *Porco v. Lifetime Entm't Servs., LLC*, 116 A.D.3d 1264, 1266 (3d Dep't 2014). And this well-established rule of First Amendment jurisprudence "has its fullest and most urgent application to speech uttered during a campaign for political office." *See Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 339 (2010). The First Amendment unquestionably protects Ms. Trump's right to participate in the electoral debate by writing and having published her work concerning the President's character and fitness for office, and it independently protects the right of Defendant Simon & Schuster, Inc., to publish it as well.

Ms. Trump respectfully submits that no provisional relief restraining the publication of a book concerning the President of the United States in an election year should be issued on an *ex parte* basis. Ms. Trump thus respectfully requests the opportunity to file a brief opposing Mr. Trump's TRO application and will do so on any schedule that the Court directs. Counsel for Ms. Trump likewise is available to appear at the Court's convenience for oral argument in this matter.

**Honorable Hal B. Greenwald
June 26, 2020
Page 2**

Ms. Trump reserves all rights, defenses, and objections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anne Champion", with a long horizontal flourish extending to the right.

Anne Champion

cc: All Counsel of Record