NYSCEF DOC. NO. 26

INDEX NO. 2020-51585

RECEIVED NYSCEF: 06/30/2020

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF DUTCHESS

ROBERT S. TRUMP,

Plaintiff,

- against –

MARY L. TRUMP and SIMON & SCHUSTER, INC.,

Defendants.

Index No. 2020-51585

AFFIRMATION OF ELIZABETH A. McNAMARA IN SUPPORT OF SIMON & SCHUSTER, INC.'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

ELIZABETH A. McNAMARA, an attorney duly admitted to practice before the courts of this state, affirms under penalty of perjury as follows:

- 1. I am a member of the bar of this Court and a Partner at the law firm of Davis Wright Tremaine LLP, counsel for Simon & Schuster, Inc. ("Simon & Schuster") in the above-captioned action.
- 2. Attached hereto as **Exhibit A** is a true and correct copy of *The New York Times* article titled "Trump Engaged in Suspect Tax Schemes as He Reaped Riches From His Father" published on October 2, 2018.
- 3. Attached hereto as **Exhibit B** is a true and correct copy of *The Daily Beast* article titled "Revealed: The Family Member Who Turned on Trump" published on June 14, 2020.
- 4. Attached hereto as **Exhibit C** is a true and correct copy of *The New York* Times article titled "Trump's Niece to Publish Book with 'Harrowing Revelations' published on June 15, 2020.

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5. Attached hereto as **Exhibit D** is a true and correct copy of a *BBC* article titled "Mary Trump: Why has president's niece penned damning memoir?" published on June 15,

2020.

6. Attached hereto as **Exhibit E** is a true and correct copy of a *USA Today* article

titled "Mary Trump, Donald Trump's niece, dishes on 'toxic family,' 'dark history' in book

coming in July" published on June 15, 2020.

7. Attached hereto as **Exhibit F** is a true and correct copy of *The Washington Post*

article titled "Power Up: Trump braces for series of unflattering books prefacing his reelection

fight" published on June 17, 2020.

8. Attached hereto as **Exhibit G** is a true and correct copy of a *Vanity Fair* article

titled "Trump May Sue His Own Niece to Hush Up Her Tell-All" published on June 17, 2020.

9. Attached hereto as **Exhibit H** is a true and correct copy of a *Cosmopolitan* article

titled "Here's the Deal With Donald Trump's Niece Mary Trump and Her Receipt-Filled Book"

published on June 21, 2020.

10. Attached hereto as **Exhibit I** is a true and correct copy of an *Axios* article titled

"Trump says niece 'not allowed' to write book because of nondisclosure agreement" published

on June 21, 2020.

11. Attached hereto as **Exhibit J** is a true and correct copy of *The Daily Beast* article

titled "Trump Confirms Niece Mary Trump Signed Nondisclosure Agreement" published on

June 21, 2020.

12. Attached hereto as **Exhibit K** is a true and correct copy of a CNN article titled

"Trump says niece set to publish book had signed nondisclosure agreement" published on June

21, 2020.

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13. Attached hereto as **Exhibit L** is a true and correct copy of a *Business Insider*

article titled "Trump says his niece Mary can't publish a tell-all because she signed a 'very

powerful' NDA — and says his family was blindsided by the book" published on June 22, 2020.

14. Attached hereto as **Exhibit M** is a true and correct copy of a *New York Post*

article titled "Trump says niece Mary is violating nondisclosure agreement with tell-all book"

published on June 22, 2020.

15. Attached hereto as **Exhibit N** is a true and correct copy of the Amazon.com

listing and description of the Too Much and Never Enough: How My Family Created the

World's Most Dangerous Man by Mary L. Trump.

16. Attached hereto as **Exhibit O** is a true and correct copy of a *New York Daily*

News article titled "Inside Trumps' Bitter Battle: Nephew's ailing baby caught in the middle"

published on December 19, 2000.

17. Attached hereto as **Exhibit P** is a true and correct copy of an *Edmonton Journal*

article titled "Trump accused of nasty tactics in battle over will: Tycoon allegedly cut nephew's

severely-ill baby off medical coverage" published on December 24, 2000.

18. Attached hereto as **Exhibit Q** is a true and correct copy of an *Al-Jazeera* article

titled "Trump engaged infraud, dubious tax schemes in the 1990s: NYT" published on October 3,

2018.

19. Attached hereto as **Exhibit R** is a true and correct copy of a BBC article titled

"Trump taxes: New York authorities examine president's tax affairs" published on October 3,

2018.

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20. Attached hereto as **Exhibit S** is a true and correct copy of a Time Magazine article titled "Here's What Stood Out About the Trump Family's Taxes, According to 2 Former Federal Tax Lawyers" published on October 4, 2018.

Dated: New York, New York

June 26, 2020

ELIZABETH A McNAMARA