

At an IAS Part \_\_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse located at 360 Adams Street, Brooklyn, NY, 11201 in Room \_\_\_\_ on the \_\_ day of \_\_\_\_\_ 2021.

P R E S E N T :

HON. \_\_\_\_\_, Justice

ISHMAIL DIMSON, MIGUEL RODRIGUEZ, EDWARD CROSS, LAURANE YEARWOOD, MARY ALSTON, PATRICIA NELSON, STEVEN CHERNOFF, NANCY DELIA-SMITH, TAISHA INESTI, ELAINE WILSON, ARTHUR SCHWARTZ, BETSY MUNOZ-BERMUDEZ, JOANN SINDONE, CAROL VACCA, LEONIE GREEN, MYRTLE SMITH, NANCY VASQUEZ, KATHLEEN BADYNA, DEREK MCKISSICK and HORACE VINCENT, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

DONALD J. TRUMP, in his personal capacity, E. TRUMP & SON COMPANY, MARYANNE TRUMP BARRY, ROBERT S. TRUMP, deceased, SHAWN HUGHES, the Executor of the Estate of ROBERT S. TRUMP, deceased, in his capacity as Executor, JOHN W. WALTER, deceased, JOHN or JANE DOE, the Executor of the Estate of JOHN W. WALTER, deceased, in his or her capacity as Executor, TRUMP ORGANIZATION LLC, ALL COUNTY BUILDING SUPPLY & MAINTENANCE CORP., MIDLAND ASSOCIATES LLC, ARGYLE APARTMENTS LLC, BEACH HAVEN APARTMENTS ASSOCIATES LLC, BEACH HAVEN GROUP LLC, BELCREST PARK ASSETS LLC, BRIAR WYCK APARTMENTS LLC, CHELSEA PARK ASSETS LLC, EDGERTON APARTMENTS DEL LLC, FALCON APARTMENTS DEL LLC, FIESTA PARK ASSETS LLC, FONTAINEBLEAU TOWERS DEL LLC, GREEN PARK ESSEX APARTMENTS DEL LLC, GREEN PARK SUSSEX APARTMENTS DEL LLC, GRYMES HILL APARTMENTS DEL LLC, KENDALL APARTMENTS DEL LLC, LAWRENCE GARDENS APARTMENTS DEL LLC, LAWRENCE TOWERS DEL LLC, NAUTILUS APARTMENTS DEL LLC, SHORE

Index No.: 518776/20

**ORDER TO**  
**SHOW CAUSE**

HAVEN APARTMENTS DEL LLC, SOUTHHAMPTON APARTMENTS DEL LLC, SUSSEX APARTMENTS ASSOCIATES DEL LLC, STATEN ISLAND 18 ACRES LLC, WESTMINSTER APARTMENTS LLC, WESTMINSTER APARTMENTS LLC, WEXFORD APARTMENTS DEL LLC, WILSHIRE APARTMENTS DEL LLC, WINSTON APARTMENTS DEL LLC, APARTMENT MANAGEMENT ASSOCIATES LLC, D.S.J. REALTY, L.L.C., JOHN or JANE DOE 1-100 and XYZ CORPORATION 1-100,

Defendants.

UPON the reading and filing of the affirmation of Anthony P. Mastroianni, Esq., affirmed the 5<sup>th</sup> day of March, 2021, the exhibits annexed thereto, and all prior pleadings herein, let Defendants DONALD J. TRUMP, in his personal capacity, E. TRUMP & SON COMPANY, MARYANNE TRUMP BARRY, ROBERT S. TRUMP, deceased, SHAWN HUGHES, the Executor of the Estate of ROBERT S. TRUMP, deceased, in his capacity as Executor, JOHN W. WALTER, deceased, JOHN or JANE DOE, the Executor of the Estate of JOHN W. WALTER, deceased, in his or her capacity as Executor, TRUMP ORGANIZATION LLC, ALL COUNTY BUILDING SUPPLY & MAINTENANCE CORP., MIDLAND ASSOCIATES LLC, ARGYLE APARTMENTS LLC, BEACH HAVEN APARTMENTS ASSOCIATES LLC, BEACH HAVEN GROUP LLC, BELCREST PARK ASSETS LLC, BRIAR WYCK APARTMENTS LLC, CHELSEA PARK ASSETS LLC, EDGERTON APARTMENTS DEL LLC, FALCON APARTMENTS DEL LLC, FIESTA PARK ASSETS LLC, FONTAINEBLEAU TOWERS DEL LLC, GREEN PARK ESSEX APARTMENTS DEL LLC, GREEN PARK SUSSEX APARTMENTS DEL LLC, GRYMES HILL APARTMENTS DEL LLC, KENDALL APARTMENTS DEL LLC, LAWRENCE GARDENS APARTMENTS DEL LLC, LAWRENCE TOWERS DEL LLC, NAUTILUS APARTMENTS DEL LLC, SHORE HAVEN

APARTMENTS DEL LLC, SOUTHAMPTON APARTMENTS DEL LLC, SUSSEX APARTMENTS ASSOCIATES DEL LLC, STATEN ISLAND 18 ACRES LLC, WESTMINSTER APARTMENTS LLC, WESTMINSTER APARTMENTS LLC, WEXFORD APARTMENTS DEL LLC, WILSHIRE APARTMENTS DEL LLC, WINSTON APARTMENTS DEL LLC, APARTMENT MANAGEMENT ASSOCIATES LLC, D.S.J. REALTY, L.L.C., JOHN or JANE DOE 1-100 and XYZ CORPORATION 1-100 show cause before this Court, at an IAS Part of the Supreme Court of the State of New York, Kings County, in Room \_\_\_ of the Courthouse located at 360 Adams Street, Brooklyn, New York 11201, on \_\_\_\_\_, 2021, at \_\_\_ o'clock in the \_\_\_\_\_ noon of that day, or as soon thereafter as counsel shall be heard, why an Order should not be entered:

Granting Plaintiffs leave pursuant to CPLR 3025(b) to file and serve a Second Amended Complaint to:

- a. **Add as defendants:** DONALD J. TRUMP and MARYANNE TRUMP BARRY, the Co-Executors of the Estate of FRED C. TRUMP, in their capacity as Co-Executors, ELIZABETH TRUMP GRAU, TRUMP ORGANIZATION INC., BEACH HAVEN APTS. NO. 1, INC., SHORE HAVEN APTS. NO. 1, INC., SUSSEX HALL, INC., TRUMP VILLAGE CONSTRUCTION CORP., WEXFORD HALL, INC., TRUMP MANAGEMENT INC., APARTMENT MANAGEMENT ASSOCIATES INC., TRUMP VILLAGE APARTMENTS ONE OWNER, LLC, TRUMP VILLAGE APARTMENTS TWO OWNER LLC, TYSENS APARTMENTS LLC, JACK MITNICK, SPAHR LACHER & SPERBER, INC., SPAHR LACHER & SPERBER L.L.P., MAZARS USA LLP, CAMMEBY'S REALTY CORP., and PARKOFF OPERATING CORP. pursuant to CPLR 1003;
- b. **Substitute as a defendant:** JOHN or JANE DOE, the Executor of the Estate of JOHN W. WALTER, deceased, in his or her capacity as Executor, with JOAN WALTER, the Executrix of the Estate of JOHN W. WALTER, deceased in her capacity as Executrix;
- c. **Add a cause of action:** For violations of 18 USC §1962, The Racketeer Influenced and Corrupt Organizations Act ("RICO") as to Defendants DONALD J. TRUMP and MARYANNE TRUMP BARRY, the Co-Executors of the Estate of FRED C. TRUMP, in their capacity as Co-Executors, and

individually, MARYANNE TRUMP BARRY, SHAWN HUGHES, the Executor of the Estate of ROBERT TRUMP, deceased in his capacity as Executor, ELIZABETH TRUMP GRAU, and JOAN WALTER, Executrix of the Estate of JOHN WALTER, deceased, in her capacity as Executrix;

- d. **Add all additional facts and allegations:** Contained in the proposed Second Amended Complaint annexed to the affirmation in support of the motion;
- e. **Directing Service:** Upon the grant of the foregoing request for leave to amend:
  - i. Directing service of a Supplemental Summons and the Second Amended Complaint upon new defendants as provided by law; and
  - ii. Directing service of the Second Amended Complaint upon counsel for all appearing parties and to parties already served but in default by Federal Express; and

For such other and further relief as the Court deems just and proper; and it is hereby

ORDERED, that sufficient cause appearing thereto, let service of a copy of this Order and the papers upon which it is granted, upon Defendants DONALD J. TRUMP, in his personal capacity, E. TRUMP & SON COMPANY, MARYANNE TRUMP BARRY, ROBERT S. TRUMP, deceased, SHAWN HUGHES, the Executor of the Estate of ROBERT S. TRUMP, deceased, in his capacity as Executor, JOHN W. WALTER, deceased, JOHN or JANE DOE, the Executor of the Estate of JOHN W. WALTER, deceased, in his or her capacity as Executor, TRUMP ORGANIZATION LLC, ALL COUNTY BUILDING SUPPLY & MAINTENANCE CORP., MIDLAND ASSOCIATES LLC, ARGYLE APARTMENTS LLC, BEACH HAVEN APARTMENTS ASSOCIATES LLC, BEACH HAVEN GROUP LLC, BELCREST PARK ASSETS LLC, BRIAR WYCK APARTMENTS LLC, CHELSEA PARK ASSETS LLC, EDGERTON APARTMENTS DEL LLC, FALCON APARTMENTS DEL LLC, FIESTA PARK ASSETS LLC, FONTAINEBLEAU TOWERS DEL LLC, GREEN PARK ESSEX APARTMENTS DEL LLC, GREEN PARK SUSSEX APARTMENTS DEL LLC, GRYMES HILL APARTMENTS DEL LLC, KENDALL APARTMENTS DEL LLC, LAWRENCE

GARDENS APARTMENTS DEL LLC, LAWRENCE TOWERS DEL LLC, NAUTILUS APARTMENTS DEL LLC, SHORE HAVEN APARTMENTS DEL LLC, SOUTHAMPTON APARTMENTS DEL LLC, SUSSEX APARTMENTS ASSOCIATES DEL LLC, STATEN ISLAND 18 ACRES LLC, WESTMINSTER APARTMENTS LLC, WESTMINSTER APARTMENTS LLC, WEXFORD APARTMENTS DEL LLC, WILSHIRE APARTMENTS DEL LLC, WINSTON APARTMENTS DEL LLC, APARTMENT MANAGEMENT ASSOCIATES LLC, D.S.J. REALTY, L.L.C., JOHN or JANE DOE 1-100 and XYZ CORPORATION 1-100 or upon counsel appearing on Defendants' behalf on or before the \_\_\_\_ day of \_\_\_\_\_ 2021 by certified mail, return receipt requested and regular mail, be deemed good and sufficient service.

ENTER,

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J.S.C.