

At an IAS Part DJMP 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 359 on the 11 day of June 2021.

PRESENT:

Hon. Richard J. Montelione, 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 HAVEN APARTMENTS DEL LLC, SOUTHAMPTON APARTMENTS DEL LLC, SUSSEX APARTMENTS ASSOCIATES DEL LLC, STATEN ISLAND 18 ACRES LLC, WESTMINSTER APARTMENTS LLC, WEXFORD APARTMENTS DEL LLC,

Index No.: 518776/20

PROPOSED ORDER

2021 JUL -2 AM 11:25

KINGS COUNTY CLERK FILED

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 motion by Order to Show Cause of Plaintiffs 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"), the supporting affirmation of Anthony P. Mastroianni, Esq., dated March 5, 2021, and all papers and proceedings had under Motion Sequence #02,

IT IS HEREBY ORDERED, that Plaintiffs' unopposed motion seeking leave to file and serve a Second Amended Complaint and amending the caption is granted in its entirety^{without filed opposition}, and it is further

ORDERED that Plaintiffs shall be permitted to add the following parties as named defendants in this action: 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; and it is further

ORDERED that Defendant JOHN or JANE DOE, the Executor of the Estate of JOHN W. WALTER, deceased, in his or her capacity as Executor, shall be substituted as a defendant with JOAN WALTER, the Executrix of the Estate of JOHN W. WALTER, deceased, in her capacity as Executrix; and it is further

ORDERED that Plaintiffs shall be permitted to assert causes of action for violations of 18 USC §1962, The Racketeer Influenced and Corrupt Organizations Act ("RICO") against 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, SHAWN HUGHES, the Executor of the Estate of ROBERT S. TRUMP, deceased in his capacity as Executor, ELIZABETH TRUMP GRAU, and JOAN WALTER, Executrix of the Estate of JOHN W. WALTER, deceased, in her capacity as Executrix; and it is further

ORDERED that Plaintiffs shall serve a Supplemental Summons and the Second Amended Complaint upon the new defendants as provided by law; and it is further

ORDERED that Plaintiffs shall serve the Second Amended Complaint upon counsel for all parties that have appeared by stipulation and to all parties already served, but in default, by Federal Express; and it is further

ORDERED that all parties that have appeared and consented by stipulation to the filing of a further amended complaint shall be deemed to have appeared for all purposes, including Defendants 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, WESTMINSTER APARTMENTS LLC, WEXFORD APARTMENTS DEL LLC, WILSHIRE APARTMENTS DEL LLC, WINSTON APARTMENTS DEL LLC, APARTMENT MANAGEMENT ASSOCIATES LLC, and D.S.J. REALTY, L.L.C., and shall respond to the Second Amended Complaint within forty-five (45) days of service pursuant to stipulation, and it is further

ORDERED that all newly added defendants and parties in default shall respond to the Second Amended Complaint within thirty (30) days of service; and it is further

ORDERED that this action shall bear the following caption:

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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 and MARYANNE TRUMP BARRY, the Co-Executors of the Estate of FRED C. TRUMP, deceased, in their capacity as Co-Executors, and individually, SHAWN HUGHES, the Executor of the Estate of ROBERT S. TRUMP, deceased, in his capacity as Executor, ELIZABETH TRUMP GRAU, JOAN WALTER, the Executrix of the Estate of JOHN W. WALTER, deceased, in her capacity as Executor, E. TRUMP & SON COMPANY, TRUMP ORGANIZATION INC., TRUMP ORGANIZATION LLC, BEACH HAVEN APTS. NO. 1, INC., SHORE HAVEN APTS. NO. 1, INC., SUSSEX HALL, INC., TRUMP VILLAGE CONSTRUCTION CORP., WEXFORD HALL, INC., ALL COUNTY BUILDING SUPPLY & MAINTENANCE CORP., MIDLAND ASSOCIATES LLC, TRUMP MANAGEMENT INC., APARTMENT MANAGEMENT ASSOCIATES INC., JACK MITNICK, SPAHR LACHER & SPERBER, INC., SPAHR LACHER & SPERBER L.L.P., MAZARS USA LLP, CAMMEBY'S REALTY CORP., ARGYLE APARTMENTS LLC, BEACH HAVEN APARTMENTS ASSOCIATES LLC, BEACH HAVEN GROUP LLC, BRIAR WYCK APARTMENTS LLC, EDGERTON APARTMENTS DEL LLC, FALCON APARTMENTS DEL 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, TRUMP VILLAGE APARTMENTS ONE OWNER LLC, TRUMP VILLAGE APARTMENTS TWO OWNER LLC, TYSENS APARTMENTS LLC, WESTMINSTER APARTMENTS LLC, WEXFORD APARTMENTS DEL LLC, WILSHIRE APARTMENTS DEL LLC, WINSTON APARTMENTS DEL LLC, APARTMENT MANAGEMENT ASSOCIATES LLC, PARKOFF OPERATING CORP., BELCREST PARK ASSETS LLC, CHELSEA PARK ASSETS LLC, FIESTA PARK ASSETS LLC, D.S.J. REALTY, L.L.C., ATLANTIC MANAGEMENT CO. INC., JOHN or JANE DOE 1-100 and XYZ CORPORATION 1-100,

Defendants.

and it is further,

ORDERED that Plaintiffs shall serve a copy of this order with notice of entry upon counsel for all parties that have appeared by stipulation within five (5) days of the NYSCEF filing date of the decision and order on this motion.

*This action shall be overridden to a random IAS part**

The foregoing constitutes the decision and order of the Court.

**and a PC shall be held 1/12/22 in the Intake part.*

ENTER,

[Handwritten Signature]

Hon. Richard J. Montelione, Justice

2021 JUL -2 AM 11:25

FILED
KINOS GOLDMAY CLERK