

At an IAS Part 66 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 8 day of March 2022

P R E S E N T :

Hon. Richard Velasquez, 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

**ORDER**

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, 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 July 27, 2021, the Reply Affirmation of Jay L.T. Breakstone Esq., dated December 13, 2021, and all papers under Motion Sequence #03 and prior proceedings,

IT IS HEREBY ORDERED, that Plaintiffs' motion seeking leave to i) remove NANCY DELIA-SMITH ("Deceased Proposed Plaintiff") from this action as a plaintiff class representative pursuant to CPLR 1003; ii) amend the caption pursuant to CPLR 3025; iii) lift the automatic stay of the action; and iv) allow the action to proceed in the normal course, is granted; and it is further

ORDERED that Plaintiffs shall be permitted to remove the Deceased Proposed Plaintiff as a named class representative from the action, and it is further

ORDERED that the automatic stay of the action arising from the death of the Deceased Proposed Plaintiff on March 18, 2021 is lifted, and the action shall proceed in the normal course, and it is further

ORDERED that the Court adopts herein the decision and order of the Honorable Richard J. Montelione, dated July 2, 2021 in Motion Sequence #02, granting Plaintiffs the relief to:

- i. 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;
- ii. Substitute Defendant JOHN or JANE DOE, the Executor of the Estate of JOHN W. WALTER, deceased, in his or her capacity as Executor, as a defendant with JOAN WALTER, the Executrix of the Estate of JOHN W. WALTER, deceased, in her capacity as Executrix;
- iii. 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;
- iv. Serve a Supplemental Summons and the Second Amended Complaint upon the new defendants as provided by law;
- v. Serve the Second Amended Complaint upon counsel for all parties that have appeared by stipulation and all parties already served, but in default, by Federal Express;
- vi. Deem all parties that have appeared and consented by stipulation to the filing of a further amended complaint in this matter deemed to have appeared for all purposes and shall respond to Plaintiff's Second Amended Complaint within forty-five (45) days of service pursuant to stipulation; and
- vii. Direct all newly added defendants and parties in default to 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:

ISHMAIL DIMSON, MIGUEL RODRIGUEZ, EDWARD CROSS, LAURANE YEARWOOD, MARY ALSTON, PATRICIA NELSON, STEVEN CHERNOFF, 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,

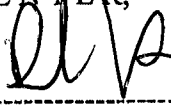
Defendants.

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 Motion Sequence #03.

The foregoing constitutes the decision and order of the Court.

ENTER,



-----  
Hon. Richard Velasquez, Justice

Hon. Richard Velasquez, JSC

MAR 08 2022