

June 17, 2022

Via NYSCEF

Hon. Arthur F. Engoron, J.S.C.
Supreme Court of the State of New York
60 Centre Street, Room 519
New York, NY 10007

Re: *People v. Trump, et al.*
Index No.: 451685/2020

Dear Judge Engoron,

This office represents the respondent, Donald J. Trump (“Respondent”) in the above-referenced matter. In accordance with the Decision and Order dated June 10, 2022 (the “Order”) (NYSCEF No. 798), enclosed herein, please find the following:

1. Affidavit of Alina Habba, Esq.;
2. Affidavit of Alan Garten;
3. Affidavit of Jeff McConney;
4. Affidavit of Ron Lieberman;
5. Affidavit of Mike Vergara;
6. Affidavit of Eric Brunnett;
7. Affidavit of Mark Hawthorn; and
8. Affidavit of Matthew Calamari.

Accordingly, we respectfully request that this Court find that Respondent has satisfied all conditions set forth in the Order.

Respectfully Submitted,



Alina Habba, Esq.
For Habba Madaio & Associates LLP

Enclosures

cc: Kevin Wallace (kevin.wallace@ag.ny.gov)
Colleen Faherty (colleen.faherty@ag.ny.gov)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by
LETITIA JAMES, Attorney General of the State
of New York,

Petitioner,

v.

THE TRUMP ORGANIZATION, INC.; DJT
HOLDINGS LLC; DJT HOLDINGS
MANAGING MEMBER LLC; SEVEN
SPRINGS LLC; ERIC TRUMP; CHARLES
MARTABANO; MORGAN, LEWIS &
BOCKIUS, LLP; SHERI DILLON; DONALD J.
TRUMP; IVANKA TRUMP; AND DONALD
TRUMP, JR.,

Respondents.

Index No.: 451685/2020

AFFIDAVIT OF ALINA HABBA, ESQ.

I, Alina Habba, Esq., being duly sworn, state as follows:

1. My office represents the Respondent, Donald J. Trump (“Respondent”), in connection with the above referenced action. My office also represents the Respondent, The Trump Organization, Inc. (the “Trump Organization”) in this action.

2. I submit this affirmation in compliance with the June 10, 2022 Order of the Hon. Arthur Engoron, J.S.C. (the “June 10th Order”), requiring, in part, “An affidavit from Respondent’s counsel or the Trump Organization’s general counsel identifying the departments within the Trump Organization that would, in the ordinary course of business, receive documents from Mr. Trump containing his handwritten approval, rejection, edits, comments, and/or other instructions...” (collectively, “Respondent’s Documents”).

3. Pursuant to the June 10th Order, the following is a list of departments within the Trump Organization that would, in the ordinary course of business, receive Respondent’s

Documents:

- a. Legal Department;
- b. Accounting Department;
- c. Information Technology Department;
- d. Property Management Department;
- e. Design, Construction & Development Department;
- f. Hotel Division; and
- g. Golf Division.

4. Attached hereto are affidavits from a representative of each of the above-referenced departments, each of which are incorporated by reference herein.




 Alina Habba, Esq.

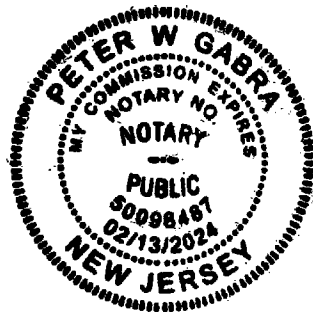
ACKNOWLEDGMENT

STATE OF NEW JERSEY)
COUNTY OF SOMERSET)

On this 17th day of June in the year 2022, before me, the undersigned, a notary public in and for said state, personally appeared Alina Habba personally known to be or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.



 Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF NEW YORK

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 TRUMP, IVANKA TRUMP, DONALD
 TRUMP, JR., and CUSHMAN AND
 WAKEFIELD, INC.,

Respondents.

AFFIDAVIT OF ALAN GARTEN

STATE OF NEW YORK)
) ss.:
 COUNTY OF NEW YORK)

I, Alan Garten, Esq., being duly sworn, deposes and says:

1. Since 2006, I have been employed by The Trump Organization (the “Company”) as an attorney in the Company’s Legal Department.

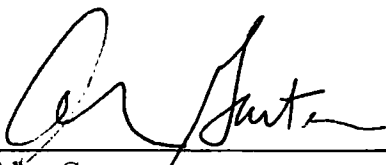
2. I currently serve as the Company’s Chief Legal Officer. As such, I have personal knowledge of the facts stated herein.

3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten

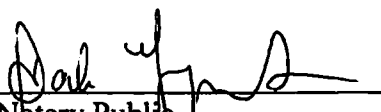
approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).

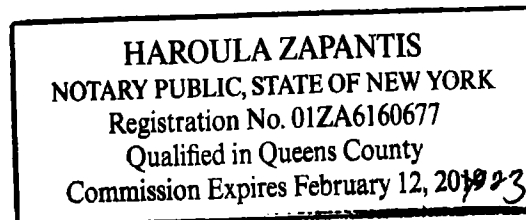
4. Upon information and belief, during the course of my employment with the Company, it has been the general policy and practice of the Legal Department, with respect to documents/files received by the Legal Department, to retain and preserve documents/files (i) that are of material significance or potential importance (as determined by members of the Legal Department, in their professional judgment) or (ii) which the Company is legally or contractually obligated to preserve, on the Company’s “L: Drive”, on the Legal Department’s document management platforms (*i.e.*, Worldox and/or TimeMatters), in the offices of those individuals working in the Legal Department, in certain limited circumstances, in file cabinets on the 25th and/or 26th floor of the Company’s offices, at off-site storage facilities and as addressed at my deposition before the Office of the New York Attorney General.

5. The Legal Department does not currently have, nor has it ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent’s Documents. To the extent the Legal Department received Respondent’s Documents, the policy and practice of the Legal Department would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraph 4 above.


Alan Garten

Sworn to before me this
6th day of June, 2022


Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK, by
LETITIA JAMES, Attorney General of the State
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MARTABANO, MORGAN, LEWIS &
BOCKIUS, LLP, SHERI DILLON, DONALD J.
TRUMP, IVANKA TRUMP, DONALD
TRUMP, JR., and CUSHMAN AND
WAKEFIELD, INC.,

AFFIDAVIT OF JEFFREY McCONNERY

Respondents.

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

I, Jeffrey McConney, being duly sworn, deposes and says:

1. Since 1987, I have been employed by The Trump Organization (the “Company”) as an accountant in the Company’s Accounting Department.

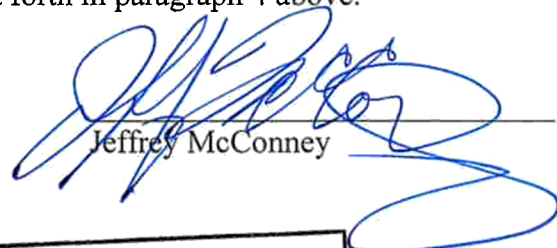
2. I currently serve as the Company’s Controller. As such, I have personal knowledge of the facts stated herein.

3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten

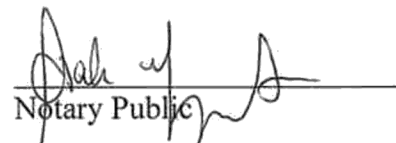
approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).

4. Upon information and belief, during the course of my employment with the Company, it has been the general policy and practice of the Accounting Department, with respect to documents/files received by the Accounting Department, to retain and preserve documents/files (i) that are of material significance or potential importance (as determined by members of the Accounting Department, in their professional judgment) or (ii) which the Company is legally or contractually obligated to preserve, on MDS (i.e., the Accounting Department’s accounting and property management software platform), on the Company’s “O: Drive”, in the offices and on the computers and local drive (including the “U: Drive”) of those individuals working in the Accounting Department, in file cabinets on the 26th floor of the Company’s offices and/or at off-site storage facilities.

5. The Accounting Department does not currently have, nor has it ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent’s Documents. To the extent the Accounting Department received Respondent’s Documents, the policy and practice of the Accounting Department would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraph 4 above.


Jeffrey McConney

Sworn to before me this
10 day of June, 2022


Notary Public

HAROULA ZAPANTIS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ZA6160677
Qualified in Queens County
Commission Expires February 12, 2023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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TRUMP, IVANKA TRUMP, DONALD
TRUMP, JR., and CUSHMAN AND
WAKEFIELD, INC.,

Respondents.

Index No. 451685/2020

AFFIDAVIT OF RONALD LIEBERMAN

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

I, Ronald Lieberman, being duly sworn, deposes and says:

1. I have been employed by The Trump Organization (the “Company”) since 2008.

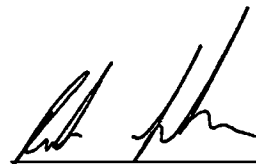
2. My current responsibilities include, among other things, co-leading the Company’s golf operations division, Trump Golf (the “Golf Division”), which includes the Golf Division’s golf marketing team. As such, I have personal knowledge of the facts stated herein.

3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten

approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).

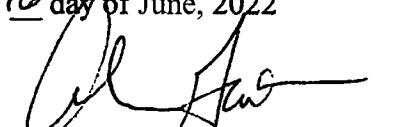
4. Upon information and belief, during the course of my employment with the Company, it has been the general policy and practice of the Golf Division, with respect to documents/files received by the Golf Division, to retain and preserve documents/files (i) that are of material significance or potential importance (as determined by members of the Golf Division, in their professional judgment) or (ii) which the Company is legally or contractually obligated to preserve, on Google Drives, on the Company’s “M: Drive” and “P: Drive”, in the offices and on the computers and local drive (including the “U: Drive”) of those individuals working in the Golf Division, at the golf course properties that are a part of the Golf Division and in file cabinets on the 25th floor of the Company’s offices.

5. The Golf Division does not currently have, nor have they ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent’s Documents. To the extent the Golf Division received Respondent’s Documents, the policies and practices of the Golf Division would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraphs 4 above.



Ronald Lieberman

Sworn to before me this
16th day of June, 2022



Notary Public

ALAN GARTEN
Notary Public, State of New York
No. 02GA6021578
Qualified in Nassau County
Commission Expires on March 15, 2023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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WAKEFIELD, INC.,

Respondents.

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AFFIDAVIT OF MICHAEL VERGARA

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Michael Vergara, being duly sworn, deposes and says:

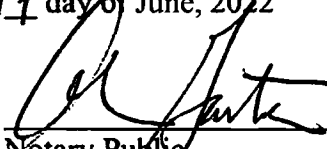
1. I have been employed by the Trump Organization (the “Company”) since 2004.
2. Since 2017 I have overseen the Company’s Design, Construction & Development Division (the “Design & Construction Division”). As such, I have personal knowledge of the facts stated herein.
3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten

approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).

4. Upon information and belief, during the course of my employment overseeing the Design & Construction Division, it has been the general policy and practice of the Design & Construction Division, with respect to documents/files received by the Design & Construction Division, to retain and preserve documents/files (i) that are of material significance or potential importance (as determined by members of the Design & Construction Division, in their professional judgment) or (ii) which the Company is legally or contractually obligated to preserve, on Google Drives, the Company’s “T: Drive”, on the Company’s Gmail system and in the offices and on the computers and local drive (including the “U: Drive”) of those individuals working in the Design & Construction Division.

5. The Design & Construction Division does not currently have, nor, upon information and belief, has it ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent’s Documents. To the extent the Design & Construction Division received Respondent’s Documents, the policy and practice of the Design & Construction Division would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraph 4 above.


Michael Vergara

Sworn to before me this
17th day of June, 2022

Notary Public

ALAN GARTEN
Notary Public, State of New York
No. 02GA6021578
Qualified in Nassau County
Commission Expires on March 15, 2023

SUPREME COURT OF THE STATE OF NEW YORK
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TRUMP, IVANKA TRUMP, DONALD
TRUMP, JR., and CUSHMAN AND
WAKEFIELD, INC.,

AFFIDAVIT OF ERIC BRUNETT

Respondents.

STATE OF CONNECTICUT)
) ss.:
COUNTY OF FAIRFIELD)


I, Eric Brunnett, being duly sworn, deposes and says:

- 1. I have been employed by the Trump Organization (the “Company”) since 2009.
- 2. Since 2015, I have overseen the Company’s Information Technology Department (the “IT Department”). As such, I have personal knowledge of the facts stated herein.

3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).


4. Upon information and belief, during the course of my employment in the IT Department, it has been the general policy and practice of the IT Department, with respect to documents/files received by the IT Department, to retain and preserve those documents/files (i) that are of material significance or potential importance (as determined by members of the IT Department, in their professional judgment) or (ii) which the Company is legally or contractually obligated to preserve, on Google Drives, on the Company's network drives, on the Company's helpdesk software system (Zendesk), in the offices of those individuals working in the IT Department and as further described at my prior deposition before the Office of the New York Attorney General.

5. The IT Department does not currently have, nor has it ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent's Documents. To the extent the IT Department received Respondent's Documents, the policy and practice of the IT Department would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraph 4 above.

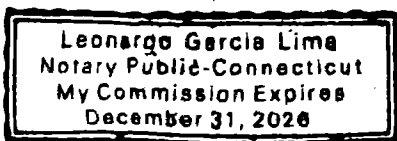


Eric Brunnett

Sworn to before me this
17 day of June, 2022



Notary Public



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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TRUMP, IVANKA TRUMP, DONALD
TRUMP, JR., and CUSHMAN AND
WAKEFIELD, INC.,

AFFIDAVIT OF MARK HAWTHORN

Respondents.

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

I, Mark Hawthorn, being duly sworn, deposes and says:

1. Since 2016, I have been employed by the Trump Organization’s (the “Company”) hotel division, Trump International Hotels Management LLC (the “Hotel Division”).

2. I currently serve as the Chief Operating Officer (“COO”) of the Hotel Division. As such, I have personal knowledge of the facts stated herein.

3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten

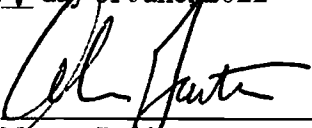
approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).

4. Upon information and belief, during the course of my employment with the Hotel Division, it has been the general policy and practice of the Hotel Division, with respect to documents/files received by the Hotel Division, to retain and preserve documents/files (i) that are of material significance or potential importance (as determined by members of the Hotel Division, in their professional judgment) or (ii) which the Company and/or the Hotel Division are legally or contractually obligated to preserve, on Google Drives, the Company’s “P: Drive”, in the offices of those individuals working in the Hotel Division and in file cabinets on the 25th floor of the Company’s offices.

5. The Hotel Division does not currently have, nor, upon information and belief, has it ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent’s Documents. To the extent the Hotel Division received Respondent’s Documents, the policy and practice of the Hotel Division would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraph 4 above.



Mark Hawthorn

Sworn to before me this
17 day of June, 2022


Notary Public

ALAN GARTEN
Notary Public, State of New York
No. 02GA6021578
Qualified in Nassau County
Commission Expires on March 15, 2023

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**AFFIDAVIT OF MATTHEW
CALAMARI, SR.**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

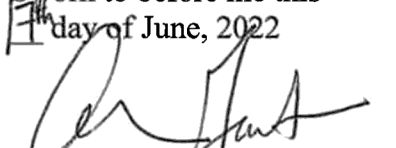
I, Matthew Calamari, Sr., being duly sworn, deposes and says:

1. I have been employed by the Trump Organization (the “Company”) since 1981.
2. Since 1995 I have overseen the Company’s Property Management Division (the “Property Management Division”). As such, I have personal knowledge of the facts stated herein.
3. I respectfully submit this Affidavit pursuant to Paragraph 1(b) of the Court’s June 10, 2022 Order requiring that respondent Donald J. Trump (“Respondent”), as a condition to purging his contempt, submit affidavits from representatives of various departments within the Company setting forth the “retention, destruction, and preservation policies and practices” with respect to a specific category of documents, i.e., those containing Respondent’s “handwritten approval, rejection, edits, comments and/or other instructions” (“Respondent’s Documents”).

4. Upon information and belief, during the course of my employment with the Company, it has been the general policy and practice of the Property Management Division, with respect to documents/files received by the Property Management Division, to retain and preserve documents/files (i) that are of material significance or potential importance (as determined by members of the Property Management Division, in their professional judgment) or (ii) which the Company is legally or contractually obligated to preserve, on the Property Management Division's "O: Drive", "P: Drive" and "S: Drive", in the file cabinets on the 16th Floor of the Company's offices and in the offices and on the computers and local drive (including the "U: Drive") of those individuals working in the Property Management Division and at off-site storage facilities.

5. The Property Management Division does not currently have, nor has it ever had, a retention, destruction, or preservation policy that is specific to Respondent or to Respondent's Documents. To the extent the Property Management Division received Respondent's Documents, the policy and practice of the Property Management Division would have been to retain and preserve such documents consistent with the policy and practice set forth in paragraph 4 above.


Matthew Calamari, Sr.

Sworn to before me this
7th day of June, 2022

Notary Public

ALAN GARTEN
Notary Public, State of New York
No. 02GA6021578
Qualified in Nassau County
Commission Expires on March 15, 2023