

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

PRESENT: ADAM SILVERA  
Administrative Judge for Civil Matters

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

Plaintiff,

-against-

Index No.: 452564/2022

DONALD J. TRUMP, DONALD TRUMP, JR.,  
ERIC TRUMP, IVANKA TRUMP,  
ALLEN WEISSELBERG, JEFFREY MCCONNEY,  
THE DONALD J. TRUMP REVOCABLE TRUST,  
THE TRUMP ORGANIZATION, INC.,  
TRUMP ORGANIZATION LLC,  
DJT HOLDINGS LLC,  
DJT HOLDINGS MANAGING MEMBER,  
TRUMP ENDEAVOR 12 LLC,  
401 NORTH WABASH VENTURE LLC,  
TRUMP OLD POST OFFICE LLC,  
40 WALL STREET LLC, and SEVEN SPRINGS LLC,

Defendants.

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**ADMINISTRATIVE ORDER**

On September 21, 2022, plaintiff commenced the instant action against defendants by filing a Summons and Complaint (the Complaint) (Doc No. 1)<sup>1</sup>, together with a Request for Judicial Intervention (RJI) (Doc No. 27) identifying the nature of this litigation as an Executive Law § 63 (12) action for “[f]raud and [i]llegality in the conduct of business.” The RJI listed *People v The Trump Organization, et al*, (the Special Proceeding) (Sup Ct, NY County, Index 451685/2020) as a “related” matter. The Special Proceeding is pending before the Honorable Arthur F. Engoron, a general Individual Assignment Part of the Court (the IAS part).

Ordinarily, an RJI is filed when an affirmative relief is sought and/or after service of the Complaint. Here, plaintiff filed an RJI seeking a preliminary conference before service of the Complaint and without a pending application before the Court. At that stage, assignment of this case to a Justice

<sup>1</sup> “Doc No.” followed by a number refers to documents filed in the New York State Courts Electronic Filing System (NYSCEF).



of this Court would have been premature as a preliminary conference would only have been with one party present.

In the interim, prior to service of the Complaint and prior to assignment of this matter by the General Clerk's Office, this Court received multiple correspondences from certain named defendants seeking relief from this Court.

By letter dated September 28, 2022 (the Letter Application) (Doc No. 29), defendants Donald J. Trump, the Trump Organization, Inc., and Trump Organization, LLC's attorney, Alina Habba, Esq., (Counsel), seeks an Administrative Order, pursuant to 22 NYCRR § 202.70 (e), assigning this matter to the Commercial Division on grounds that this case meets both the monetary threshold (22 NYCRR § 202.70 [a]) and the subject matter criteria (22 NYCRR § 202.70 [b] [1], [3], [6], and [7]) needed to assign this action to a Commercial Division Justice.

Section 202.70 (e) of the Rules of the Commercial Division of the Supreme Court, states, in pertinent part, as follows:

“(e) Transfer into the Commercial Division

*If an RJI is filed within the 90-day period following service of the complaint and the case is assigned to a noncommercial part because the filing party did not designate the case as "commercial" on the RJI, any other party may apply by letter application (with a copy to all parties) to the Administrative Judge, within ten days after receipt of a copy of the RJI, for a transfer of the case into the Commercial Division. ... In addition, a non-Commercial Division justice to whom a case is assigned may sua sponte request the Administrative Judge to transfer a case that meets the jurisdictional requirements for Commercial Division assignment set forth in subdivisions (a), (b) and (c) of this section to the Commercial Division. The determinations of the Administrative Judge with respect to any letter applications or requests under this subdivision shall be final and subject to no further administrative review or appeal.*” (Emphasis added).

On the same date as Counsel's Letter Application, Clifford S. Robert Esq., attorney for defendants, Donald Trump, Jr. and Eric Trump, wrote a letter to the court (Doc No. 32), seeking relief under the same aforementioned 22 NYCRR § 202.70 (e), requesting assignment of this action to the Commercial Division on grounds that this action “meets the jurisdictional standards and subject-matter criteria for assignment to the Commercial Division pursuant to 22 N.Y.C.R.R. § 202.70.”

Both sets of defendants' attorney letter applications were premature in that the Complaint had yet to be served at the time the herein requests were made. To the extent that Counsel and Clifford S. Robert Esq. filed Notices of Appearance on behalf of their clients (Doc Nos. 28 and 30 respectively), on September 28, 2022, the General Clerk's Office was able to assign this action to Justice Engoron as is the procedure of this Court that matters identified as “related” on the RJI be heard before the same Justice.

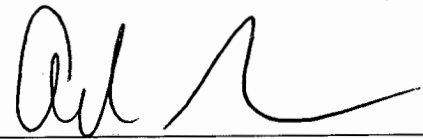


By letter dated September 29, 2022 (Doc No. 33), plaintiff objected to any transfer<sup>2</sup> of this matter from the IAS part to a Commercial Division Justice and reiterated that the Special Proceeding is “related” to the instant action in that “the Special Proceeding included a ‘[s]ubstantial record developed in [the] underlying enforcement action,’” and Judge Engoron “has [a] substantial degree of familiarity with the relevant information and matters at issue” (see RJI). Notably, plaintiff asserts that “this action is seeking to prove the very same facts under investigation in the Special Proceeding.”

Consistent with court procedure, the General Clerk’s Office appropriately assigned this action to Judge Engoron, on grounds that plaintiff identified it as “related” to the Special Proceeding. In the event Judge Engoron deems this action un-related to the Special Proceeding, pursuant to Section 202.70 (e) of the Rules of the Commercial Division of the Supreme Court, Judge Engoron may make a request to transfer this action to the Commercial Division. Contrary to Counsel’s assertion, the Special Proceeding is still pending before Judge Engoron and has not been marked disposed. Incidentally, on October 7, 2022, plaintiff filed an affidavit of service attendant to the Complaint (Doc No. 36). Once service of the Complaint was effectuated, this Court deemed it applicable to address the letter requests dated September 28, 2022 (see 22 NYCRR 202.70 [e]).

Accordingly, the Letter Application seeking an Administrative Order transferring this matter from the IAS part to the Commercial Division is denied, and the action shall remain before the Honorable Arthur F. Engoron, a general Individual Assignment Part of the Court as a related action for judicial economy and expediency.

**DATED: October 19, 2022**



**Hon. Adam Silvera**  
**Administrative Judge**  
**Supreme Court, New York County**  
**Civil Branch**

<sup>2</sup> By the time plaintiff responded to defendants’ letter applications, the case had already been assigned to Justice Engoron. This Court deems any prior applications made by defendants to be one seeking an Administrative Order transferring this action from the IAS part to the Commercial Division.

