

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF DUTCHESS

ROBERT S. TRUMP,

Plaintiff,

- against -

MARY L. TRUMP and SIMON & SCHUSTER,
 INC.

Defendants.

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Index No. 2020-51585

Hon. Hal Greenwald

PLEASE TAKE NOTICE that Defendant Simon & Schuster, Inc. (“Simon & Schuster”) hereby appeals to the Appellate Division of the Supreme Court of the State of New York, Second Department, from an Order dated June 30, 2020, insofar as said Order restrains Simon & Schuster from continuing to publish, print, or distribute the book *Too Much and Never Enough* by Mary Trump.

Dated: June 30, 2020

DAVIS WRIGHT TREMAINE LLP

By: 

- Elizabeth A. McNamara
- Katherine M. Bolger
- Jeremy A. Chase
- Amanda B. Levine

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Attorneys for Defendant Simon & Schuster

Supreme Court of the State of New York

Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

ROBERT S. TRUMP,
Plaintiff

- against -

MARY L. TRUMP and SIMON & SCHUSTER, INC.,
Defendants.

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type

- Civil Action
- CPLR article 75 Arbitration
- Action Commenced under CPLR 214-g
- CPLR article 78 Proceeding
- Special Proceeding Other
- Habeas Corpus Proceeding

Filing Type

- Appeal
- Original Proceedings
- Transferred Proceeding
- CPLR Article 78
- Executive Law § 298
- CPLR 5704 Review
- CPLR Article 78
- Eminent Domain
- Labor Law 220 or 220-b
- Public Officers Law § 36
- Real Property Tax Law § 1278

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input checked="" type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal

Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
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- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Amended Decree | <input type="checkbox"/> Determination | <input checked="" type="checkbox"/> Order | <input type="checkbox"/> Resettled Order |
| <input type="checkbox"/> Amended Judgement | <input type="checkbox"/> Finding | <input type="checkbox"/> Order & Judgment | <input type="checkbox"/> Ruling |
| <input type="checkbox"/> Amended Order | <input type="checkbox"/> Interlocutory Decree | <input type="checkbox"/> Partial Decree | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree | |
| <input type="checkbox"/> Decree | <input type="checkbox"/> Judgment | <input type="checkbox"/> Resettled Judgment | |

Court: Supreme Court	County: Dutchess
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Dated: 06/30/2020	Entered: 6/30/2020
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Judge (name in full): Hal Greenwald	Index No.: 2020-51585
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Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
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Prior Unperfected Appeal and Related Case Information

Are any appeals arising in the same action or proceeding currently pending in the court? Yes No
 If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.

Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:

Original Proceeding

Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
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Statute authorizing commencement of proceeding in the Appellate Division:

Proceeding Transferred Pursuant to CPLR 7804(g)

Court: Choose Court	County: Choose County
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Judge (name in full):	Order of Transfer Date:
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CPLR 5704 Review of Ex Parte Order:

Court: Choose Court	County: Choose County
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Judge (name in full):	Dated:
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Description of Appeal, Proceeding or Application and Statement of Issues

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

This is an appeal from an order prohibiting Simon & Schuster, Inc. ("Simon & Schuster") from continuing to publish, print, or distribute the book Too Much and Never Enough by Mary S. Trump (the "Order") until the parties have fully briefed and the court has decided Plaintiff's Motion for a Preliminary Injunction.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Whether the Order constitutes an unconstitutional prior restraint of Simon & Schuster's rights under the First Amendment of the United States Constitution and Article I, Section 8 of the New York Constitution.

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Robert S. Trump	Plaintiff	Respondent
2	Simon & Schuster, Inc.	Defendant	Appellant
3	Mary L. Trump	Defendant	Appellant
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Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Charles Harder / Harder LLP

Address: 100 Park Avenue, 16th Floor

City: New York State: NY Zip: 10017 Telephone No: 212-799-1400

E-mail Address: charder@harderllp.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):1

Attorney/Firm Name: Robert Weis / The Law Firm of William G. Sayegh, P.C.

Address: 65 Gleneida Avenue

City: Carmel State: NY Zip: 10512 Telephone No: 845-228-4200

E-mail Address: Weis@sayeghlaw.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):1

Attorney/Firm Name: Elizabeth A. McNamara / Davis Wright Tremaine LLP

Address: 1251 Avenue of the Americas, 21st Floor

City: New York State: NY Zip: 10020 Telephone No: 212-489-8230

E-mail Address: lizmcnamara@dwt.com

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Party or Parties Represented (set forth party number(s) from table above):2

Attorney/Firm Name: Katherine M. Bolger / Davis Wright Tremaine LLP

Address: 1251 Avenue of the Americas, 21st Floor

City: New York State: NY Zip: 10020 Telephone No: 212-489-8230

E-mail Address: katebolger@dwt.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):2

Attorney/Firm Name: Theodore J. Boutrous, Jr. / Gibson Dunn & Crutcher LLP

Address: 333 S. Grand Ave.

City: Los Angeles State: CA Zip: 90071 Telephone No: 213-229-7000

E-mail Address: TBoutrous@gibsondunn.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):3

Attorney/Firm Name: Anne Champion / Gibson Dunn & Crutcher LLP

Address: 200 Park Avenue

City: New York State: NY Zip: 10166 Telephone No: 212-351-5361

E-mail Address: AChampion@gibsondunn.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):3

At the term of the Supreme Court of the State of New York, held in and for the County of Dutchess, at 10 Market Street, Poughkeepsie, 12601 on June 30, 2020.

P R E S E N T: Hon. Hal B. Greenwald, J.S.C.

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ROBERT S. TRUMP,

Plaintiff,

v.

MARY L. TRUMP and SIMON & SCHUSTER,
INC.,

Defendants.
-----X

Index No. 2020-51585

File No.

**ORDER TO SHOW CAUSE IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRAINING ORDER**

Upon the annexed Affidavit of Robert S. Trump sworn to June 26, 2020, the Emergency Affirmation of Charles J. Harder, Esq. dated June 25,2020, the Complaint of Robert S. Trump dated June 25, 2020, the Memorandum of Law in Support of Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order, together with all other papers and proceedings heretofore had herein, and Plaintiff having provided Defendants with prior Notice of the instant application pursuant to 22 NYCRR 202.7(f); and the Court having conducted a Chambers Skype conference with counsel for the parties on June 29, 2020; it is hereby

ORDERED, that Mary L. Trump and Simon & Schuster, Inc., or their attorneys, show cause before this Court at 10 Market St, Poughkeepsie, NY12601, **on the 10th day of July, 2020**, or as soon thereafter as counsel may be heard, why an order should not be made and entered herein:

Pursuant to CPLR §6301, granting a preliminary injunction enjoining and restraining Mary L. Trump and Simon & Schuster, Inc., together with their respective members, officers, employees, servants, agents, attorneys, representatives and all other persons acting on behalf of or in concert with either or both of them, from publishing, printing or distributing, directly or indirectly, any book or any portions thereof, including but not limited to the book entitled: "Too Much and Never Enough, How My Family Created the World's Most Dangerous Man" ,in any medium containing any descriptions or accounts of Mary L. Trump's relationship with Robert S.

Trump, Donald Trump, or Maryanne Trump Barry, or assisting any other person or entity in such publication, printing, or distribution, or providing such descriptions or accounts to any other person (other than counsel of record in this case), and it is further

ORDERED, that pending the hearing and determination of Petitioner Robert S. Trump's within motion for a preliminary injunction, Mary L. Trump and Simon & Schuster, Inc., together with their respective members, officers, employees, servants, agents, attorneys, representatives and all other persons acting on behalf of or in concert with either or both of them, are hereby temporarily enjoined and restrained, pursuant to CPLR 6313, from publishing, printing or distributing any book or any portions thereof including but not limited to the book entitled: "Too Much and Never Enough, How My Family Created the World's Most Dangerous Man", in any medium containing descriptions or accounts of Mary L. Trump's relationship with Robert S. Trump, Donald Trump, or Maryanne Trump Barry; and it is further

ORDERED, that service of a copy of this Order, together with the papers upon which it is granted, including the Summons and Verified Complain therein, **by both electronic mail and overnight mail on or before July 1, 2020** upon (i) Mary L. Trump, c/o her attorney(s), Anne Champion, (achampion@gibsondunn.com), Gibson Dunn & Crutcher LLP, 200 Park Avenue, New York, New York 10166 and Theodore J. Boutros, Jr., Esq. (tboutros@gibsondunn.com) Gibson Dunn & Crutcher LLP, 333 Grand Avenue, Los Angeles, California, 90071 (ii) Simon & Schuster, Inc., c/o its attorney(s), Elizabeth McNamara(lizmcnamara@dwt.com), Davis Wright Tremaine LLP, 1251 Avenue of the Americas, 21st Floor, New York, New York 10020, be deemed good and sufficient service; and it is further

ORDERED, that answering papers, if any, shall be filed with the Court and served upon Plaintiff's counsel **via NYSCEF and electronic mail on or before July 2, 2020**; and it is further

ORDERED, that reply papers if any shall be filed with Court and served upon the Defendants' counsel **via NYSCEF and electronic mail on or before July 7, 2020**; and it is further

ORDERED, that no appearances shall be required on the return date and a decision will be rendered based on the papers submitted.

Dated: June 30, 2020
Poughkeepsie, NY

ENTER:



Hon. Hal B. Greenwald, J.S.C.