

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

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

Index # 451130/2018

Petitioner, :

- against -

**ANSWER TO PETITION**

DONALD J. TRUMP, DONALD J. TRUMP, JR.,  
IVANKA TRUMP, ERIC F. TRUMP, and the  
DONALD J. TRUMP FOUNDATION, :

Respondents.

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Respondents President Donald J. Trump, Donald J. Trump, Jr. Ivanka Trump, Eric F. Trump and The Donald J. Trump Foundation (the “Foundation”), by their undersigned attorneys, the Law Offices of Alan S. Futerfas and co-counsel Marc L. Mukasey, Esq., as and for their Answer to the Verified Petition of the Attorney General in this action, filed June 14, 2018, allege as follows:<sup>1</sup>

1. Deny each and every allegation contained in paragraph 1 of the Petition and aver that the Attorney General’s politically motivated claims for equitable and injunctive relief are unwarranted on the facts and the law, particularly where almost every dollar the Foundation received went to charitable causes, and where the Foundation sought to voluntarily dissolve after Mr. Trump’s election as President.

2. Deny each and every allegation contained in paragraph 2 of the Petition and aver that the Trump Foundation was established in 1987 by Donald J. Trump for the purpose of raising and distributing money to support various charitable causes. The Foundation has, to date,

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<sup>1</sup> Respondents provided responses to Petitioner’s Notices to Admit on September 7, 2018 and December 17, 2018.

distributed approximately \$17.5 million to almost 600 charitable organizations, and, upon dissolution, will disburse another \$1.74 million. The charitable causes to which the Foundation has distributed funds include Autism Speaks, City Meals on Wheels, Wildlife Conservation Society, American Cancer Society, March of Dimes, Leukemia and Lymphoma Society, Make-A-Wish Foundation, Juvenile Diabetes Foundation International, Damon Runyan Cancer Research Foundation, St. Jude Children's Research Hospital, Martha Graham Center of Contemporary Dance, American Heart Association, Susan G. Komen Breast Cancer Foundation, Inc., American Red Cross, the New York Hall of Science, New York Landmarks Conservancy, the Ronald McDonald House, Room to Grow, Seeds of Peace, the New York Botanical Garden, the Whitney Museum of American Art and the Salvation Army, among others.

3. Deny each and every allegation contained in paragraph 3 of the Petition, except to the extent that the Petition alleges conclusions of law as to which no response is required.

4. Deny each and every allegation contained in paragraph 4 of the Petition and aver that it is unprecedented for the Attorney General to bring an action against a charitable foundation that donated almost every penny it received to worthy charitable causes.

5. Admit the allegations contained in paragraph 5 of the Petition and aver that it is unprecedented for the Attorney General to bring an action against a charitable foundation that donated almost every penny it received to worthy charitable causes.

6. Deny the allegations contained in paragraph 6 of the Petition and aver that the Trump Foundation was established in 1987 by Donald J. Trump for the purpose of raising and distributing money to support various charitable causes. Its principal place of business is 725 Fifth Avenue, New York, New York. The Foundation has, to date, distributed approximately

\$17.5 million to almost 600 charitable organizations, and, upon dissolution, will disburse another \$1.74 million.

7. Admit the allegations contained in paragraph 7 of the Petition.

8. Deny the allegations contained in paragraph 8 of the Petition, except admit only that Mr. Trump is the founder of the Foundation and served as its president from 1987 through January 23, 2017, and that Mr. Trump personally donated significant funds to support the Foundation.

9. Deny the allegations contained in paragraph 9 of the Petition, except admit only that Donald J. Trump Jr., Eric F. Trump and Ivanka Trump joined the Foundation's board of directors (the "Board") in or about 2006 and aver that Respondents have, over the years, supported numerous philanthropic causes. For example, President Trump personally donated approximately \$8 million to the Foundation. Donald Trump, Jr. has served in various capacities, including on the Board of Directors, for Operation Smile, Smile Train and their successors. Ivanka Trump has long supported women's causes, was a founding partner of the UN Foundation Up Girl Initiative and donated royalties from her book, *Women Who Work*, to a fund which, in turn, made donated the proceeds to the Boys and Girls Clubs of America and the National Urban League's Entrepreneurship Center's programs. In 2006, at age 22, Eric Trump established the Eric Trump Foundation to support St. Jude Children's Research Hospital in the fight against pediatric cancer. In 2012, the Eric Trump Foundation committed to raise \$20 million to build a state-of-the-art surgical center and intensive care unit at St. Jude, and in 2014, the Eric Trump Foundation Surgery & ICU Center at St. Jude opened to treat children with cancer and other life-threatening diseases. After the 2016 election, Respondents resigned from all charitable boards save for Donald Trump, Jr. and Eric Trump, both of whom have remained

on the Foundation's Board pending dissolution. Mr. Trump's resignation from the Foundation's board was held while the Foundation was in suspense pending dissolution, with the understanding that it would become effective once the New York Attorney General's investigation was resolved.

10. Deny each and every allegation contained in paragraph 10 of the Petition and aver that the Attorney General filed the Petition and seeks the relief therein for improper political reasons, as demonstrated by its substantial record of public antipathy and bias against President Trump.

11. Admit the allegations contained in paragraph 11 of the Petition and aver that the Attorney General filed the Petition and seeks the relief therein for inappropriate political reasons, as demonstrated by its substantial record of public antipathy and bias against President Trump.

12. Neither admit nor deny the allegations contained in paragraph 12 of the Petition insofar as it quotes statutory language, except aver that the Attorney General filed the Petition and seeks the relief therein for improper political reasons, as demonstrated by its substantial record of antipathy and bias against President Trump, and by the prosecution of this case despite the Foundation's desire to voluntarily dissolve after Mr. Trump's election as President.

13. Neither admit nor deny the allegations contained in paragraph 13 of the Petition, as the same quotes statutory language, except aver that the Foundation did not distribute any part of its income to the directors or officers of the Foundation.

14. Neither admit nor deny the allegations contained in paragraph 14 of the Petition, as the Petition merely recites statutory language.

15. Neither admit nor deny the allegations contained in paragraph 15 of the Petition, as the same recites statutory language and otherwise constitutes conclusions of law as to which

no response is required, except aver that the Attorney General filed the Petition and seeks the relief therein for improper political reasons, as demonstrated by its substantial record of antipathy and bias against President Trump, and by the prosecution of this case despite the Foundation's desire to voluntarily dissolve after Mr. Trump's election as President, and Respondents deny making any material false statement.

16. Neither admit nor deny the allegations contained in paragraph 16 of the Petition, as the same constitutes conclusions of law as to which no response is required, except aver that the Attorney General filed the Petition and seeks the relief therein for inappropriate, political reasons, as demonstrated by its substantial record of antipathy and bias against President Trump.

17. Neither admit nor deny the allegations contained in paragraph 17 of the Petition, as the same constitutes conclusions of law as to which no response is required and aver that no intentional or willful misconduct took place at the Foundation.

18. Neither admit nor deny the allegations contained in paragraph 18 of the Petition, as the same constitutes conclusions of law as to which no response is required.

19. Neither admit nor deny the allegations contained in paragraph 19 of the Petition, as the same constitutes conclusions of law as to which no response is required.

20. Neither admit nor deny the allegations contained in paragraph 20 of the Petition, as the same constitutes conclusions of law as to which no response is required.

21. Neither admit nor deny the allegations contained in paragraph 21 of the Petition, as the same constitutes conclusions of law as to which no response is required, except aver that this action is gratuitous and a misuse of public resources in light of the Foundation's long-stated desire to voluntarily dissolve.

22. Neither admit nor deny the allegations contained in paragraph 22 of the Petition, as the same constitutes conclusions of law as to which no response is required and aver that all funds went to charitable causes and that no Director acted in an illegal, oppressive or fraudulent manner.

23. Neither admit nor deny the allegations contained in paragraph 23 of the Petition, as the same constitutes conclusions of law as to which no response is required.

24. Neither admit nor deny the allegations contained in paragraph 24 of the Petition, as the same constitutes conclusions of law as to which no response is required. Admit only that the Foundation is located in New York County.

**Responding to Petitioner’s Allegations Regarding “Factual Background”**

25. Deny each and every allegation contained in paragraph 25 of the Petition, except admit only that the Foundation had no employees.

**Responding to Petitioner’s Allegations Regarding  
“Insufficient Board Oversight and Lack of Internal Controls”**

26. Deny each and every allegation contained in paragraph 26 of the Petition.

27. Deny each and every allegation contained in paragraph 27 of the Petition.

28. Deny each and every allegation contained in paragraph 28 of the Petition.

29. Deny each and every allegation contained in paragraph 29 of the Petition.

30. Deny each and every allegation contained in paragraph 30 of the Petition.

31. Deny each and every allegation contained in paragraph 31 of the Petition.

32. Deny each and every allegation contained in paragraph 32 of the Petition.

**Responding to Petitioner’s Allegations Regarding  
“2016 Political Party/ Related Party Transactions”**

33. Deny each and every allegation contained in paragraph 33 of the Petition.

34. Admit the allegations contained in paragraph 34 of the Petition.

35. Deny each and every allegation contained in paragraph 35 of the Petition and respectfully refers the Court to the document referenced in paragraph 35 of the Petition for its terms, content and meaning.

36. Deny each and every allegation contained in paragraph 36 of the Petition.

37. Deny each and every allegation contained in paragraph 37 of the Petition, except admit only that Mr. Weisselberg, Mr. McConney, Ivanka Trump, Donald Trump Jr., and Eric Trump were present at the Veterans Fundraiser on January 28, 2016 (hereinafter the “Veterans Fundraiser.”)

38. Deny each and every allegation contained in paragraph 38 of the Petition, except admit only that the photo included in paragraph 38 of the Petition is of Mr. Trump speaking during a fundraiser held in Des Moines, Iowa on January 28, 2016.

39. Deny each and every allegation contained in paragraph 39 of the Petition and aver that the Veterans Fundraiser raised approximately \$5.6 million – \$1 million of which was donated by Mr. Trump – all of which was distributed to veterans’ organizations.

40. Deny each and every allegation contained in paragraph 40 of the Petition.

41. Deny each and every allegation contained in paragraph 41 of the Petition and respectfully refer the Court to the document referenced in paragraph 41 of the Petition for its terms, content and meaning.

42. Deny each and every allegation contained in paragraph 42 of the Petition and respectfully refer the Court to the document referenced in paragraph 42 of its Petition for its terms, content and meaning.

43. Deny each and every allegation contained in paragraph 43 of the Petition and respectfully refer the Court to the document referenced in paragraph 43 of the Petition for its terms, content and meaning.

44. Deny each and every allegation contained in paragraph 44 of the Petition and respectfully refer the Court to the testimony referenced in paragraph 44 of its Petition for its content and meaning, if any.

45. Deny each and every allegation contained in paragraph 45 of the Petition and respectfully refer the Court to the documents referenced in paragraph 45 of the Petition for their terms, content and meaning.

46. Deny each and every allegation contained in paragraph 46 of the Petition and respectfully refer the Court to the testimony and documents referenced in paragraph 46 of the Petition for their terms, content and meaning, if any.

47. Deny each and every allegation contained in paragraph 47 of the Petition and respectfully refer the Court to the document referenced in paragraph 47 of the Petition for its terms, content and meaning.

48. Deny each and every allegation contained in paragraph 48 of the Petition and respectfully refer the Court to the document referenced in paragraph 48 of the Petition for its terms, content and meaning.

49. Deny each and every allegation contained in paragraph 49 of the Petition and respectfully refer the Court to the document referenced in paragraph 49 of the Petition for its terms, content and meaning.

50. Deny each and every allegation contained in paragraph 50 of the Petition and respectfully refer the Court to the document referenced in paragraph 50 of the Petition for its



terms, content and meaning. Respondents aver that \$5.6 million was raised at the Veterans Fundraiser, of which \$2.8 million was donated directly from individual donors to veterans organizations (including \$1 million donated by Mr. Trump to the Marine Corp-Law Enforcement Foundation), and \$2.8 million was donated via the DonaldTrumpforVets.Com website using the Foundation, a 501(c)(3) charitable organization with grant-making authority, as a pass-through. Five charitable veteran's organizations – Support Siouxland Soldiers, Central Iowa Shelter & Services, Puppy Jake Foundation, Americans for Independent Living and Partners for Patriots, Inc. - received a total of \$500,000 after the Veterans Fundraiser, and the remaining \$2.3 million was also duly distributed to other veterans' organizations.

51. Deny each and every allegation contained in paragraph 51 of the Petition and respectfully refer the Court to the document referenced in paragraph 51 of the Petition for its terms, content and meaning. Respondents aver that \$100,000 of the money raised at the Veterans Fundraiser was disbursed to the Puppy Jake Foundation.

52. Deny each and every allegation contained in paragraph 52 of the Petition, except admit only that at the campaign event in Council Bluffs, Iowa on or about January 31, 2016, Jerry Falwell, Jr. made the following statements in the presence of Mr. Trump: (i) "I mean, how often do you see a presidential candidate giving money away instead of taking it. I think that is wonderful."; and (ii) "[W]e have a group here today that is going to receive the second disbursement of that six million dollars that was raised the other night. If that group would come on the stage now, it's called Partners for Patriots." Also, admit only that at the campaign event in Council Bluffs, Iowa on or about January 31, 2016, Mr. Trump made the following statements after Mr. Falwell spoke: "So with a hundred thousand you can do a lot, right?" and (ii) "This is

such an honor, it is so great.” Respondents aver that \$100,000 of the money raised at the Veterans Fundraiser was disbursed to Partners for Patriots, Inc.

53. Deny each and every allegation contained in paragraph 53 of the Petition and respectfully refer the Court to the document referenced in paragraph 53 of the Petition for its terms, content and meaning. Respondents aver that \$100,000 of the money raised at the Veterans Fundraiser was disbursed to Support Siouxland Soldiers.

54. Deny each and every allegation contained in paragraph 54 of the Petition and respectfully refer the Court to the document referenced in paragraph 54 of the Petition for its terms, content and meaning. Respondents aver that \$100,000 of the money raised at the Veterans Fundraiser was disbursed to Americans for Independent Living and another \$100,000 was dispersed to Central Iowa Shelter & Services.

55. Deny each and every allegation contained in paragraph 55 of the Petition, except aver that at a May 31, 2016 press conference, Mr. Trump stated that “nobody gave this kind of money- so I gave \$5,600,000” and that “[w]hen I raise money for the veterans, and it’s a massive amount of money, find out how much Hillary Clinton’s given to the veterans. Nothing.” We respectfully refer the Court to the document referenced in paragraph 55 of the Petition for its terms, content and meaning.

56. Deny each and every allegation contained in paragraph 56 of the Petition and aver that every penny raised at the Veterans Fundraiser was ultimately donated to deserving veterans’ organizations.

57. Deny each and every allegation contained in paragraph 57 of the Petition.

58. Deny each and every allegation contained in paragraph 58 of the Petition.

59. Deny each and every allegation contained in paragraph 59 of the Petition.

60. Deny each and every allegation contained in paragraph 60 of the Petition and respectfully refer the Court to the documents referenced in paragraph 60 of the Petition for their terms, content and meaning.

**Responding to Petitioner's Allegations Regarding the "And Justice for All" Transaction**

61. Deny each and every allegation contained in paragraphs 61 – 71 of the Petition, and respectfully refer the Court to the documents and testimony referenced in paragraph 61 of the Petition for their terms, content and meaning.

62. Respondents aver that in the Fall of 2013, Mr. Trump was supporting Florida Attorney General, Pam Bondi's, re-election campaign, and an instruction was sent to donate \$25,000 to her political campaign fund called "And Justice for All." The request eventually made its way to an accounts payable clerk. Presuming that "And Justice for All" was a charity, the accounts payable clerk proceeded to look up the name of the organization in her book of IRS approved 501(c)(3) charities. The book contained a 501(c)(3) with the name "And Justice for All" based in Utah. The clerk circled and highlighted the entry in the IRS book. Believing the 501(c)(3) "And Justice for All" to be the recipient organization, the clerk issued a Foundation check made out to "And Justice for All," and another administrative clerk sent the check to Pam Bondi's re-election campaign address in Florida on September 9, 2013. The clerk's records and all of the facts of this episode were shared with the NYAG long before the filing of the Petition.

63. When the Foundation filed its 2013 IRS Form 990-PF with the Charities Bureau as part of its annual New York State filing obligation, the Foundation was not aware of the mix up and thus did not disclose the contribution to Ms. Bondi's re-election campaign. The Foundation's outside accountants compounded the issue by mistakenly identifying the

contribution on the Foundation's Form 990-PF tax return as being made to "Justice for All," a 501(c)(3) organization located in Kansas.

64. Respondents aver that on or about March 23, 2016, almost six months prior to the initiation of the Attorney General's investigation, the Foundation took remedial steps by filing an IRS Form 4720. In addition, the excise tax was paid, and Mr. Trump reimbursed \$25,000 to the Foundation.

**Responding to Petitioner's Allegations Regarding  
"Additional Self-Dealing/Related Party Transactions"**

65. Deny each and every allegation contained in paragraphs 72 (A)-(E) and 73 of the Petition, except as admitted and averred below.

*The Fisher House Donation (2007)*

66. Deny each and every allegation contained in paragraphs 74 – 77 of the Petition and respectfully refer the Court to the documents referenced in paragraphs 74 – 77 of the Petition for their terms, content and meaning. Respondents aver that in 2007, Mar-a-Lago, a private club in Palm Beach, Florida, received a town citation accusing the club of violating a local ordinance by flying a large American flag on its property. In response, Mar-A-Lago filed suit challenging the constitutionality of the ordinance as an undue restriction of the First Amendment's guarantees of free speech and freedom of expression and a violation of the Fourteenth Amendment's Equal Protection Clause.

67. Respondents further aver that following court-ordered mediation, the parties settled the matter on April 17, 2007. The Town and Mar-A-Lago reached a resolution whereby Mar-A-Lago could continue to fly its flag on an agreed-upon location on the property. Although Mr. Trump was not a party to the lawsuit, the terms of the settlement provided that he would

contribute \$100,000 to charities agreed to between the parties relating either to veterans, the American flag or the local VA Hospital.

68. Respondents further aver that the Foundation donated \$100,000 to the Fisher House Foundation, a respected 501(c)(3) charitable organization that helps thousands of military families and wounded soldiers. Fisher House builds or rents housing near military bases and VA medical centers to provide comfortable accommodations for the families of service members undergoing medical treatment. It also provides scholarship programs for military families and their children.

69. Respondents further aver that the settlement was overseen by lawyers on both sides and by the mediator who was a former judge. Notwithstanding the foregoing, after issues were raised a decade later, on March 10, 2017, the Foundation was reimbursed \$100,000 plus interest in the amount of \$8,763.41.

*The Alonzo Mourning Charities Event (2012)*

70. Deny each and every allegation contained in paragraphs 78 – 83 of the Petition, and respectfully refer the Court to the documents referenced in paragraphs 78 – 83 of the Petition for their terms, content and meaning.

71. Respondents aver that Alonzo Mourning Charities (“AMC”) is a charitable organization run by former NBA player Alonzo Mourning which provides advocacy and educational services to disadvantaged children in South Florida. In 2011, AMC held a charity golf tournament on the property of the Trump National Golf Course in Briarcliff, New York (“TNGC”). As part of the event, golfers were given the opportunity to win \$1 million if they hit a “Hole in One” at the par 3, 13th hole. In advance of the event, AMC obtained what is known as “Hole in One” insurance to underwrite and guarantee the payment. Notwithstanding the very

low chances of making a “Hole in One”, an individual named Martin B. Greenberg did so. When the insurer who had issued the policy refused to pay, Greenberg filed suit against the insurer, TNGC, AMC and others.

72. Respondents further aver that the parties settled, with AMC agreeing to make a \$775,000 contribution to Mr. Greenberg’s charitable foundation. Though neither TNGC nor Mr. Trump had any legal obligation to fund the settlement, Mr. Trump did not wish for AMC to suffer financially. Accordingly, in an effort to assist AMC, TNGC agreed to donate to AMC two lifetime TNGC golf memberships together with the proceeds from the sale of a third lifetime TNGC membership. Between 2012 and 2013, the two lifetime memberships contributed to AMC were auctioned off by AMC on Charitybuzz.com for a total of \$304,499. Prior to that, in December 2011, the third lifetime membership TNGC contributed to AMC was auctioned off.

73. Respondents further aver that the Foundation hosted the 2011 online auction believing that it was proper because the proceeds were going to charity (which they did). On December 19, 2011, the third membership sold at the online auction for \$185,000. On January 9, 2012, after deducting a 15% service fee for the auctioneer site, \$157,250 was transferred to the Foundation and, at the direction of AMC, donated to Mr. Greenberg’s foundation. Contrary to the suggestion in the Petition (*see* Petit. ¶80), an advertisement for the auction specifically stated that “proceeds of the auction benefit the Alonzo Mourning Charities” and that is precisely how the proceeds were used.

74. Five years later, on March 17, 2017, prior counsel, in an abundance of caution and to resolve any possible ambiguity, arranged for TNGC to contribute \$158,000 plus \$3,593.08 in interest back to the Foundation.

*The DC Preservation League Donation (2013)*

75. Deny each and every allegation contained in paragraphs 84 – 86 of the Petition and respectfully refer the Court to the documents referenced in paragraphs 84-86 of the Petition for their terms, content and meaning. Respondents aver that in 2013, the Foundation contributed \$5,000 to the DC Preservation League (“DCPL”), a section 501(c)(3) organization that works to protect historic buildings in Washington, D.C. The contribution entitled the Foundation to run an ad in the hard copy program for a DCPL fundraising event. A promotion for The Trump International Hotel in D.C. (“D.C. Hotel”) was placed in the event’s program.

76. Respondents further aver that on December 9, 2016, Trump Hotels contributed \$5,084.62, plus interest, to the Foundation to reimburse it for the contribution to DCPL. On December 19, 2016, the Foundation filed Form 4720 reporting the transaction. Further, Trump International Hotel Management LLC paid excise taxes and interest in the amounts of \$502.33, \$505.12, and \$506.88, respectively, for each of the 2013, 2014 and 2015 tax years.

*The Unicorn Children’s Foundation Donation (2014)*

77. Deny each and every allegation contained in paragraphs 87 – 88 of the Petition and respectfully refer the Court to the documents referenced in paragraphs 87-88 of the Petition for their terms, content and meaning. Respondents aver that on March 1, 2014, the Unicorn Children’s Foundation, a 501(c)(3) organization that provides support to children and young adults with developmental, communication and learning disorders, held its 14<sup>th</sup> Annual Gala at the Mar-a-Lago Club in Palm Beach, Florida. Mr. Trump attended the event and received an award “for his continued support of the Unicorn Children’s Foundation’s mission.”

78. Respondents further aver that a painting of Mr. Trump was donated as an auction item. In an effort to support the Unicorn Children’s Foundation, Mr. Trump successfully bid

\$10,000 for the painting. After the auction, the painting was placed in a storage room by hotel staff at the Trump Hotel in Doral, Florida. Unaware that the painting was owned by the Foundation, hotel staff later decided to hang it in the hotel.

79. As soon as the hotel staff was notified that the painting belonged to the Foundation, it was removed from the hotel and returned to the Foundation. On November 17, 2016, the Doral Hotel paid \$185.82, plus interest, to the Foundation as compensation for the fair rental value of the painting as determined by an outside appraisal report. On December 19, 2016, the Foundation filed IRS Form 4720. Outstanding excise taxes and interest in the amount of \$8.49 and \$18.48, respectively, for each of 2014 and 2015, were paid by the entity which owns the Doral Hotel.

*The 2015 NALT Donation (2015)*

80. Deny each and every allegation contained in paragraphs 89 – 90 of the Petition and respectfully refer the Court to the documents referenced in paragraphs 89 – 90 of the Petition for their terms, content and meaning. Respondents aver that in 2015, the Foundation donated \$32,000 to the North American Land Trust (“NALT”) to satisfy a \$32,000 pledge by Seven Springs LLC (“Seven Springs”). The NALT is a land preservation organization that undertakes projects to preserve natural resources. Seven Springs pledged to donate \$32,000 to a stewardship fund that NALT maintains to manage properties that it acquires. The \$32,000 payment was made from the Foundation rather than from Seven Springs because of NALT’s 501(c)(3) status and its charitable purpose.

81. On November 17, 2016, the Foundation self-reported the Seven Springs LLC transaction to the NYAG and reimbursed \$32,000 to the Foundation. On December 9, 2016, Seven Springs paid \$228.38 to the Foundation as the applicable interest on the amount



contributed. In addition, on December 19, 2016, Seven Springs LLC filed IRS Form 4720 and paid excise taxes of \$3,213.19.

#### **ANSWERING THE FIRST CAUSE OF ACTION**

82. Respondents repeat and re-allege the answers to paragraphs 1 – 91 of the Petition as if set forth herein in their entirety.

83. Neither admit nor deny the allegations contained in paragraph 92 of the Petition as the same constitute conclusions of law as to which no response is required.

84. Deny each and every allegation contained in paragraph 93 of the Petition.

85. Deny each and every allegation contained in paragraph 94 of the Petition.

#### **ANSWERING THE SECOND CAUSE OF ACTION**

86. Respondents repeat and re-allege the answers to paragraphs 1 – 95 of the Petition as if set forth herein in their entirety.

87. Deny each and every allegation contained in paragraph 96 of the Petition.

88. Deny each and every allegation contained in paragraph 97 of the Petition.

#### **ANSWERING THE THIRD CAUSE OF ACTION**

89. Respondents repeat and re-allege the answers to paragraphs 1 – 98 of the Petition as if set forth herein in their entirety.

90. Deny each and every allegation contained in paragraph 99 of the Petition.

91. Deny each and every allegation contained in paragraph 100 of the Petition.

92. Deny each and every allegation contained in paragraph 101 of the Petition.

#### **ANSWERING THE FOURTH CAUSE OF ACTION**

93. Respondents repeat and re-allege the answers to paragraphs 1 – 102 of the Petition as if set forth herein in their entirety.

94. Neither admit nor deny the allegations contained in paragraph 103 of the Petition as the same constitute conclusions of law as to which no response is required.

95. Neither admit nor deny the allegations contained in paragraph 104 of the Petition as the same constitute conclusions of law as to which no response is required.

96. Neither admit nor deny the allegations contained in paragraph 105 of the Petition as the same constitute conclusions of law as to which no response is required.

97. Neither admit nor deny the allegations contained in paragraph 106 of the Petition as the same constitute conclusions of law as to which no response is required.

98. Neither admit nor deny the allegations contained in paragraph 107 of the Petition as the same constitute conclusions of law as to which no response is required.

99. Deny each and every allegation contained in paragraph 108 of the Petition.

100. Deny each and every allegation contained in paragraph 109 of the Petition.

101. Deny each and every allegation contained in paragraph 110 of the Petition.

102. Deny each and every allegation contained in paragraph 111 of the Petition.

103. Deny each and every allegation contained in paragraph 112 of the Petition.

104. Deny each and every allegation contained in paragraph 113 of the Petition.

105. Deny each and every allegation contained in paragraph 114 of the Petition.

106. Deny each and every allegation contained in paragraph 115 of the Petition.

107. Deny each and every allegation contained in paragraph 116 of the Petition and aver that the Foundation determined voluntarily to dissolve after Mr. Trump was elected President and prior to the initiation of this action. Further, aver that the Foundation is in the process of being dissolved by agreed upon stipulation.

108. Deny each and every allegation contained in paragraph 117 of the Petition.

**ANSWERING THE FIFTH CAUSE OF ACTION**

109. Respondents repeat and re-allege the answers to paragraphs 1 – 118 of the Petition as if set forth herein in their entirety.

110. Neither admit nor deny the allegations contained in paragraph 119 of the Petition as the same constitute conclusions of law as to which no response is required.

111. Deny each and every allegation contained in paragraph 120 of the Petition.

**ANSWERING THE SIXTH CAUSE OF ACTION**

112. Respondents repeat and re-allege the answers to paragraphs 1 – 121 of the Petition as if set forth herein in their entirety.

113. Neither admit nor deny the allegations contained in paragraph 122 of the Petition as the same constitute conclusions of law as to which no response is required.

114. Deny each and every allegation contained in paragraph 123 of the Petition.

**AFFIRMATIVE DEFENSES**

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

The Petition fails to state a cause of action upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

The Petition is barred in whole or in part by the doctrine of laches, waiver and estoppel.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

The Petition is barred in whole or in part by the business judgment rule.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

The Attorney General lacks standing to bring this action.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

The Petition is barred in whole or in part by the Statute of Limitations.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

The Petition is barred by documentary evidence.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

The Petition is barred in that it is the product of the Attorney General's animus and bias against President Donald J. Trump and it was filed for improper, biased and political reasons. The factual allegations of bias, and the legal basis therefore, contained in the Futerfas Affirmation at paragraphs 20 – 28, dated August 30, 2018, and in the Dillon Affidavit at paragraphs 4 – 13, dated August 29, 2018, and in the Memorandum of Law, Point Four, filed on August 30, 2018, are re-alleged and incorporated herein in their entirety. In addition, Respondents aver the following additional facts arising subsequent to the facts previously alleged: Newly elected New York Attorney General Letitia James ran on an anti-Trump campaign where she expressed grave antipathy and animus toward Mr. Trump.<sup>2</sup> Attorney General James has referred to President Trump as an "illegitimate President" and has vowed to "use every area of the law to investigate President Trump and his business transactions and that of his family as well."<sup>3</sup> Statements by the former two, and the current, New York Attorney General, express clear bias and animus and constitute an unlawful appearance of impropriety.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

The Petition is barred in that all appropriate reimbursement has been made and excise taxes paid.

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<sup>2</sup> Jeffery C. Mays, *N.Y.'s New Attorney General Is Targeting Trump. Will Judges See a 'Political Vendetta?'*, NYTIMES, (Dec. 31. 2018), <https://www.nytimes.com/2018/12/31/nyregion/tish-james-attorney-general-trump.html>

<sup>3</sup> *Id.*

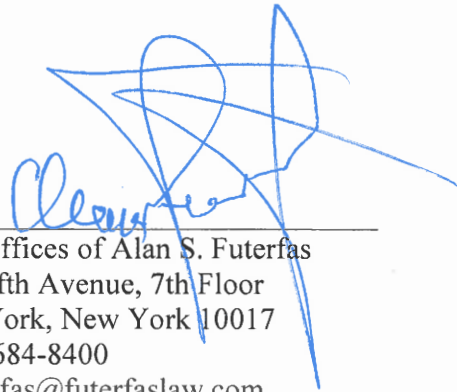
**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

Respondents hereby give notice that they intend to rely upon other affirmative defenses that may become available or appear during discovery or other proceedings in this case, and hereby reserve their right to assert such defenses.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

This Court lacks jurisdiction over President Donald J. Trump.

Dated: New York, New York  
February 8, 2019

By:   
\_\_\_\_\_  
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