

NEW YORK SUPREME COURT  
APPELLATE DIVISION — FIRST DEPARTMENT

DONALD J. TRUMP, DONALD TRUMP, JR., ERIC 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, SEVEN SPRINGS LLC,

Defendants-Appellants,

vs.

PEOPLE OF THE STATE OF NEW YORK, BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK,

Plaintiff-Respondent

Case Nos.  
2023-04925  
2024-01134  
2024-01135

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**NOTICE OF MOTION AND AFFIRMATION OF RONALD A. BERUTTI IN  
SUPPORT OF JOB CREATORS NETWORK FOUNDATION AS  
AMICUS CURIAE IN SUPPORT OF DEFENDANTS-APPELLANTS**

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PLEASE TAKE NOTICE that Job Creators Network Foundation (JCNF), as *amicus curiae*, respectfully moves to file the attached brief in support of Defendants-Appellants in accordance with the Practice Rules of the Appellate Division, 22 NYCRR 1250.4(f). JCNF and its members have a substantial interest in the just

resolution of this proceeding, and JCNF's brief will aid in its expeditious, just, and lawful resolution.

**Affirmation of Ronald A. Berutti**

RONALD A. BERUTTI, being duly admitted to the Bar of this Court, hereby affirms the following under penalty of perjury:

1. Job Creators Network Foundation (JCNF) is a 501(c)(3) nonpartisan organization founded by entrepreneurs committed to educating employees of Main Street America about government policies that harm economic freedom. JCNF's Legal Action Fund defends against government overreach to ensure that America's free market system is not only protected but allowed to thrive. JCNF is committed to protecting Main Street and the 90 million Americans who depend on the success of small businesses.

2. Because of its dedication to economic freedom and to those who depend on small businesses for their economic well-being, JCNF has an interest in any matter that threatens the liberty or stability of our economy. New York has nearly half a million small businesses and over three million small business employees, so New York's vitality is especially important to JCNF.

3. Protecting New Yorkers and New York's environment of economic opportunity from the fallout of New York Attorney General Letitia James's

(“NYAG”) ill-considered prosecution of Donald Trump falls squarely within JCNF’s core mission.

4. JCNF therefore offers the attached brief to explain how the decision on appeal will harm the New York economy by creating investment risk, undermining the rule of law, and driving business elsewhere.

The issues raised in the brief include:

- The decision on appeal creates economic uncertainty, which is dangerous for New York’s economy.
- The decision on appeal is an unprecedented application of Executive Law § 63(12) that expands the law well beyond its intended scope.
- The decision on appeal creates an impossible standard of precision by which to judge the imprecise practice of asset valuation, thereby setting a precedent that would subject a wide swath of honest transactions to unjustified judicial scrutiny and punishment.
- The punitive fines imposed in the decision on appeal are grossly disproportionate to any measure of culpability and further exacerbate the risk of doing business in New York.
- The decision on appeal is unsound as a matter of policy, as it will harm New York’s economy, stifle investment, cost jobs, and drive business out of New York.

5. JCNF is uniquely positioned to provide context, law, and arguments that might otherwise escape the Court's consideration. None of the parties, for example, are able to inform the Court's understanding of how the policy implications of the decision on appeal and the precedent it sets will affect the business and investment decisions of third parties. The Attorney General is not a businessperson and the Defendants, as parties, are too directly involved to offer an objective third-party perspective. JCNF, however, was founded by, is led by, is largely comprised of, and serves the interests of entrepreneurs and businesspeople. Educating the public and serving as the voice of Main Street as a defense to bad government policy is JCNF's core mission. When a legal precedent threatens to significantly impact how the economy is regulated, Main Street deserves a voice in the matter.

6. No party or party's counsel contributed to the content of the proposed brief, participated in its preparation, or contributed money that was intended to fund the preparation or submission of the brief. No person or entity other than JCNF and JCNF's counsel (including lawyers from Murray-Nolan Berutti LLC and America First Legal Foundation) contributed money that was intended to fund the preparation or submission of the brief.

Dated: New York New York  
August 22, 2024

*Ronald A. Berutti*

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Ronald A. Berutti (2637718)  
MURRAY-NOLAN BERUTTI LLC  
*Local Counsel*  
30 Wall Street, 8<sup>th</sup> Floor  
New York, New York 10005

Reed D. Rubinstein  
Andrew J. Block  
Ryan T. Giannetti  
*Attorneys for Amicus Curiae*  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Ave. SE #231  
Washington, DC 20003

To:  
Kevin C. Wallace, Esq.  
Colleen K. Faherty, Esq.  
Office of the New York State Attorney General  
28 Liberty Street  
New York, New York 10005  
*Counsel for Plaintiff*

Alina Habba, Esq.  
Michael Madaio, Esq.  
Habba Madaio & Associates, LLP  
112 West 34th Street, 17th & 18th Floors  
New York, New York 10120  
*Counsel for Defendants Donald J. 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 LLC, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC and Seven Springs LLC*

Christopher M. Kise, Esq. (*Admitted Pro Hac Vice*)  
Continental PLLC  
101 North Monroe Street, Suite 750  
Tallahassee, Florida 32301  
*Counsel for Defendants The Donald J. Trump Revocable Trust, DJT Holdings LLC, DJT Holdings Managing Member LLC, Trump Endeavor 12 LLC, 401 North Wabash Venture LLC, Trump Old Post Office LLC, 40 Wall Street LLC and Seven Springs LLC*