

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,

-against-

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

Respondents.

Index No. _____

Motion Sequence _____

AFFIRMATION OF AUSTIN THOMPSON IN SUPPORT OF THE OFFICE OF THE ATTORNEY GENERAL’S MOTION TO FILE *IN CAMERA* AND SEAL

Austin Thompson, an attorney duly admitted to practice before the Courts of this State, does hereby state the following under penalty of perjury:

1. I am an Assistant Attorney General in the Office of New York State Attorney General who appears on behalf of the People of the State of New York in this special proceeding.
2. I submit this Affirmation in support of the Office of the Attorney General’s motion by order to show cause for an Order to permit the filing *in camera* of the Second Affirmation of Matthew Colangelo and the exhibits annexed thereto; for the Court to consider the *in camera* filing in ruling on the Attorney General’s Motion to Compel; and, under Section 216.1(a) of the Uniform Rules for New York State Trial Courts, to allow OAG to file investigatory information under seal until the producing parties and respondents have an opportunity to address its confidentiality.

3. I am familiar with the facts and circumstances set forth in this Affirmation, which are based upon my personal knowledge and information contained in the files of the Office of the Attorney General (OAG).

4. OAG has kept this investigation confidential to avoid prejudice to the investigation and to avoid undue reputational harm to witnesses and the subjects of the investigation. OAG has not concluded its investigation and has not reached any determination regarding whether the facts identified to date establish violations of any applicable laws.

5. OAG has obtained information in this investigation from numerous individuals and entities whose identities it has sought to keep confidential. Premature public disclosure of their identities or the evidence they have provided could impair OAG's ability to seek further testimony and documents from those and other witnesses and entities.

6. In addition, and because OAG has not yet reached a determination regarding whether the facts identified in this investigation establish violations of any applicable laws, premature public disclosure of the witnesses and evidence collected to date could result in undue reputational and other harm to witnesses and subjects of the investigation.

7. The Second Affirmation of Matthew Colangelo in support of the Office of the Attorney General's Order to Show Cause to Compel Compliance with Investigatory Subpoenas, dated August 21, 2020, contain information about such witnesses and evidence. The exhibits annexed to the Second Affirmation of Matthew Colangelo likewise contain information about such witnesses and evidence. Further, most of the exhibits have been produced by parties who have designated them as potentially confidential under New York law. OAG seeks to file these documents *in camera* to keep these witnesses and evidence confidential.

8. Similarly, the exhibits appended to the First Affirmation of Matthew Colangelo, dated August 21, 2020 contain sensitive investigatory information and testimony that OAG has obtained from Respondents and others. OAG however, seeks to keep this investigatory information confidential for the same reasons discussed above: to avoid premature public disclosure of witnesses' identities or the evidence provided could impair the OAG's ability to seek further testimony and documents from those and other witnesses and entities, or could result in undue reputational and other harm to witnesses and subjects of the investigation. OAG seeks to file these documents under seal, limited to the parties' and court's review only, to keep these witnesses and evidence confidential.

9. The Verified Petition; Memorandum of Law in support of the Attorney General's Special Proceeding and Application to Compel Respondents the Trump Organization, Inc., DJT Holdings LLC, DJT Holdings Managing Member LLC, Seven Springs LLC, Eric Trump, Charles Martabano, Morgan, Lewis & Bockius LLP and Sheri Dillon to Comply with Investigatory Subpoenas; the First Affirmation of Matthew Colangelo, dated August 21, 2020; and certain exhibits to that affirmation contain the identities of the witnesses whose testimony is in dispute or on whose testimony or documents OAG relies in its arguments. The versions of these documents OAG submits for public filing redact that information.

10. Certain submissions contain confidential personal information as defined by Uniform Rule § 202.5(e). This information is redacted from all of OAG submissions, including those that are otherwise unredacted.

11. Petitioner has not previously requested or sought the relief sought herein in this or any other Court.

Dated: New York, New York
August 21, 2020

 /s/ Austin Thompson
Austin Thompson