

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

-----X	:	
SUMMER ZERVOS,	:	NOTICE OF APPEAL
	:	TO THE COURT OF APPEALS
Plaintiff-Respondent,	:	
	:	Index No. 150522/2017
v.	:	
	:	
DONALD J. TRUMP,	:	
	:	
Defendant-Appellant.	:	
	:	
-----X		

PLEASE TAKE NOTICE that defendant-appellant Donald J. Trump, pursuant to CPLR § 5601(b)(1), appeals to the Court of Appeals from the order of the Appellate Division, First Department, entered in the office of the Clerk of the Appellate Division on May 17, 2018, denying his motion for a stay pending his appeal to the Appellate Division from the March 20, 2018 order of the Supreme Court denying his motion to dismiss on the threshold ground, among others, that a sitting United States President is immune under the Supremacy Clause of the United States Constitution, Article VI, Section II, from suit in state court during his or her term in office, which Appellate Division order is a final appealable order because (a) absent this appeal, both that order and the Supreme Court’s order would be effectively unreviewable, and (b) the appeal involves the construction of the Supremacy Clause.

PLEASE TAKE FURTHER NOTICE that defendant-appellant Donald J. Trump
appeals from each and every part of the Order.

Dated: New York, New York
May 21, 2018

KASOWITZ BENSON TORRES LLP

By: /s/ Marc E. Kasowitz
Marc E. Kasowitz

1633 Broadway
New York, New York 10019
Tel: (212) 506-1700
mkasowitz@kasowitz.com

Attorneys for Defendant-Appellant Donald J. Trump

TO:

Mariann Meier Wang
CUTI HECKLER WANG LLP
305 Broadway, Suite 607
New York, New York 10007
(212) 620-2600

Attorneys for Plaintiff-Respondent Summer Zervos

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on May 17, 2018.

PRESENT: Hon. John W. Sweeny, Jr., Justice Presiding,
Dianne T. Renwick
Angela M. Mazzarelli
Ellen Gesmer
Anil C. Singh, Justices.

-----X

Summer Zervos,
Plaintiff-Respondent,

-against-

M-1699
Index No. 150522/17

Donald J. Trump,
Defendant-Appellant.

-----X

An appeal having been taken from an order of the Supreme Court, New York County, entered on or about March 20, 2018,

And defendant-appellant having moved for a stay of the action pending hearing and determination of the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTERED:


CLERK