

TRUMP FAMILY MATTERS

By: Jack Greiner on June 26, 2020 on graydon.law

Readers may have seen recently that an effort to stop President Donald Trump's niece from publishing a tell all book was **tossed out of court**. That last part is true, but there's more to the story, and a few misconceptions.

So, let's clear some things up. The issue in the case is a non-disclosure agreement (NDA) that the family of Fred Trump executed in connection with Fred Trump's estate. Fred Trump was the brother of Donald, Robert and Mary Trump. The book's author is Mary Trump, Fred's daughter and the niece of Donald, Robert and Mary.

When the family settled Fred Trump's estate in 2001 (he died at the age of 42 from complications arising from alcoholism) the descendants (including Fred's daughter Mary) signed an agreement prohibiting them from publishing a book about the family relationships.

So, misconception number one is that President Trump didn't bring the suit. His brother Robert did. Based on some Twitter comments, President Trump is rooting for Robert, but he's strictly a spectator in this one.

And misconception two is the nature of the court's dismissal. Robert filed the case in Probate Court. He apparently felt the case was ultimately about the administration of the estate, since the agreement came up in the context of Fred's estate. But the Probate Court disagreed - it felt that the ultimate resolution of the case would not impact the estate. If there are damages, they would come from Mary, but not from the estate itself. For that reason, the court dismissed the case because it lacked jurisdiction.

All of that means that there's been no ruling on the substance of the case. There are certainly issues that will need to be sorted out - does the agreement cover the publication of **this** book?; is the appropriate remedy an order shutting down the publication or is it money damages?; and finally, does the public interest in the book outweigh the private interests in enforcing the NDA?

Robert's lawyer has vowed to file the case in the proper court. But he better hurry. The publication date is July 28. As we saw in the John Bolton proceedings, once the book is out there, it's nearly impossible to pull it back.

