at file

Saxe, Bacon, Bolan & Manley
39 EAST 68TH STREET
NEW YORK, NEW YORK 10021
(212) 472-1400

JOHN GODFREY SAXE (1909-1953)
ROGERS H. BACON (1919-1962)

ROY M. COHN
SCOTT E. MANLEY (ADMITTED ILLINOIS AND INDIANA)
MICHAEL ROSEN

DANIEL J. DRISCOLL

HAROLD SCHWARTZ
MELVYN RUBIN
JEFFREY A. SHUMAN
LORIN DUCKMAN

THOMAS A. BOLAN
COUNSEL

August 5, 1974

Honorable Edward R. Neaher
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States V. Fred C. Trump, et al.
Civil Action NO. 73 C 1529

Dear Judge Neaher:

I telephoned Mr. Brown of Your Honor's chambers following receipt of a call from Mr. Goldberg, one of the hoard of eager-beavers in the Civil Rights Division, who is working on the above entitled matter.

Apparently, what Mr. Goldberg was trying to tell me was that he wished to take depositions in connection with the contempt motion concerning prosecution tactics which Your Honor made returnable for next week (August 16th). Having spent the first week of August suffering through government depositions of approximately 10 more Trump employees, I hardly look forward to another set of depositions relating to a motion which has not even been heard by Your Honor as yet.

I would respectfully request that the entire matter, including what, if any, "pre-trial" should be had in connection with this motion be considered by Your Honor at one time on the already scheduled date of August 16th, at which time I shall, of course, be personally before the court.

We wish also to apply to Your Honor for an order setting some boundaries on the Civil Rights Division's discovery, which is proceeding at a pace that would suggest the facts are being explored now rather than prior to the following of the compliant. The purpose of concluding discovery at an early date would be the fixing of an early trial date by Your Honor so that the preference granted by Congress under this act may be fullfilled. The defendants who have protested and continue to protest their complete innocence, are most desirous of a prompt trial.

Respectfully yours,

SAXE, BACON, BOLAN & MANLEY

By: Roy M. Cohn

RMC:ap
BY HAND

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NEW YORK, NEW YORK 10021
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THOMAS A. BOLAN
COUNSEL

August 20, 1974

Hon Vincent Cattagio
United States Magistrate
Federal Court House
225 Cadman Plaza East - 2nd Floor
Brooklyn, New York

Re: U.S. v. Trump - Civil Rights Case 73C/529

Dear Judge Cattagio:

Following the helpful conference with Your Honor, and your direction that discovery and depositions be completed by September 1, 1974, the Government has done the following:

1. Noticed seven more depositions of employees and former employees.

2. Made new demands for production of large quantities of records.

3. In plaintiff's letter of August 12, 1974, for the first time since the filing of the complaint in the fall of 1973, it has now attempted to enlarge it by indirection to all units operated by the defendants in Norfolk, Virginia and surrounding areas - and demanding production of extensive records down south from these buildings nowhere before cited in this case - in the complaint or in the answers to interrogatories and bill of particulars furnished by the Government at the specific order of Judge Neaher, who found the complaint far too general, and directed specification of locations, dates, details, etc. of the charges of discrimination.

A ten page response to Judge Neaher's order filed by the Government on February 28, 1974, listing said locations and dates in detail - at no point mentioned directly or indirectly any units outside the Eastern District, or specifically, any units in Virginia. To attempt on the eve of conclusion of discovery

in a priority case to suddenly ring in locations never before alleged despite Judge Neahen's order seven months ago to name locations, is improper and unfair.

To expedite this matter, and even though plaintiff has already deposed 13 of our officers, employees, maintenance men, etc. - and even though the new seven depositions sought include those of former employees, and those whose statements could not legally bind us - we are willing to and hereby agree to all seven depositions; and to have them completed before September 1, 1974. As to the records, even though the new demands happen to include a series of records we already produced and others which are not relevant - again to expedite, we hereby agree to the production of all requested records - also before September 1, 1974.

The only item with which we are completely unwilling to comply is the production of records and information about some units in Virginia and elsewhere in the country outside the Eastern District, for the grounds previously stated. To document this in detail: The complaint was filed October 15, 1973. We moved to dismiss or to make more definite and certain on the grounds it told us nothing. On January 25, 1974, Judge Heahen heard argument. The minutes containing his comments and rulings are attached to this letter as "A" for Your Honor's convenience. We particularly refer Your Honor to pages 25 - 28, wherein Judge Heahen indicates that "location of buildings" must be specified (p.27) and pointed out the defendant's difficulty in meeting these charges because of the number of units involved "in New York" (p. 28). The Government's furnishing of locations and details pursuant to these directions of Judge Neahen came on February 28, 1974, and are also attached to this letter (as "C") along with our demand ("B"). At no point in the ten pages is a single location outside the Eastern District mentioned - and now, only days before conclusion of discovery, they seek for the first time to ring in units far away from this District, which would result in considerable delay and prejudice to the defendants in this priority case.

We agree to all seven new depositions, and to produce all requested records for all locations set forth in the Government's response to Judge Neahen's order. We ask Your Honor to exclude the attempt to expand this case to never before cited

buildings in other areas of the country.

Respectfully yours,

Roy M. Cohn

Roy M. Cohn

RMC:sb
cc: Donna Goldstein
Civil Rights Division

Donald Trump

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

JDP:HAB:sm
File No.
730959

United States Department of Justice

UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK
FEDERAL BUILDING
BROOKLYN, N. Y. 11201

August 20, 1974

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.
★ SEP 5 1974 ★
TIME A.M.
P.M.

Honorable Vincent A. Catoggio
Magistrate, U. S. District Court
Eastern District of New York
U. S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fred C. Trump, et al.
Civil Action No. 73 C 1529
D/J Ref.: JSP:DFG
175-52-28

Dear Magistrate Catoggio:

On August 13, 1974, the plaintiff in the above styled lawsuit noticed a Request for Production of Documents under Rule 34 of the Federal Rules of Civil Procedure. This records inspection was to commence at apartment buildings owned by the defendants in Norfolk, Virginia, on August 29th in accordance with the discovery deadline which you directed at the August 8th meeting in your office.

I have been informed by Mr. Cohn that he intends to communicate to you by letter defendants' objections to any production of documents dealing with apartments outside of New York City. We believe that the complaint and related case law show that plaintiff is entitled to such discovery. Therefore, it is respectfully requested that a decision on this issue not be made until plaintiff submits a brief supporting its position.

Thank you for your consideration in this matter.

Very truly yours,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Donna F. Goldstein
By HAB

DONNA F. GOLDSTEIN
Attorney, Housing Section

48

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:FES:DFG:car
DJ 175-52-28

SEP 3 1974

Honorable Vincent A. Catoggio
Magistrate, United States
District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fred C. Trump, et al.
Civil Action No. 73 C 1529

Dear Judge Catoggio:

This is in response to Mr. Cohn's letter to you dated August 20, 1974, in which he objected to plaintiff's Request for Production of Documents from apartment buildings owned by the defendants in Norfolk, Virginia. Since he proceeded informally by letter, we are doing the same, rather than filing a formal motion.

Mr. Cohn's objection appears to be based essentially on two grounds: relevancy and timeliness. Specifically he contends that the plaintiff is not entitled to any discovery with respect to apartment buildings in Norfolk, Virginia, because the United States made no allegations of discrimination in Norfolk either in its Complaint or in its Answers to Interrogatories. He further argues that the request is untimely because it comes on "the eve of conclusion of discovery." We believe that such documents are properly discoverable and that the issue of lack of timeliness has been inequitably raised, since any lateness was directly created by defendants' continuous postponements and delays during discovery.

Before directly dealing with defendants' specific objections, we respond to defendants' repeated contention that plaintiff should have had its evidence before bringing this lawsuit,

58

rather than relying on discovery. As plaintiff's answers to interrogatories and its forthcoming supplemented answers will indicate, the United States has a substantial amount of evidence, quite independent of discovery, indicating discriminatory housing practices. Before filing a Complaint under 42 U.S.C. 3601 et seq. the Attorney General must have "reasonable cause" to believe that the defendants have engaged in a pattern or practice of discrimination. If defendants believe that such reasonable cause does not exist, the appropriate remedy would have been a motion for summary judgment which would have tested the credibility of their oft-repeated generalizations. Defendants having failed so to move, each party is entitled to discovery, both to discover additional evidence and to prepare to meet its adversary's case. Considering that the Trumps control in excess of 12,000 units, our discovery has been modest in comparison to what occurs, for example, in the typical antitrust case.

To support the allegation that the United States is not entitled to information with respect to buildings outside of New York City, defendants represent that Judge Neaher found plaintiff's Complaint too general. In fact, on January 25, 1974, Judge Neaher denied defendants' motion for a more definite statement and directed the defendants to seek its specifications through interrogatories. It is also alleged that plaintiff has heretofore made no mention of buildings outside New York. This too is incorrect and we respectfully direct your Honor's attention to paragraph 3 of the Complaint which states that the defendants own and operate apartment buildings in "New York City and elsewhere" (emphasis added) and to page 29 of the Deposition of Donald Trump, where plaintiff attempted to obtain information about these very buildings now in dispute. Mr. Cohn at that time objected to the pursuit of the issue, based on his "reading" of the Complaint contrary to its terms.

Even if our attempt to inspect Norfolk records were a "fishing expedition," that would not be controlling, for "no longer may the time-honored cry of fishing expedition serve to preclude a party from inquiring into the facts underlying his opponent's case." Hickman v. Taylor, 329 U.S. 495, 507

(1947). In any event, this is no fishing expedition. Our forthcoming supplemental answers to interrogatories will disclose alleged discrimination at Trump's Norfolk properties.

We will not burden your Honor with citations for the incontestable proposition that the discovery rules are to be liberally applied, and that discovery extends not only to matters that are admissible in evidence but also to those that may lead to the discovery of admissible evidence. The Complaint alleges that defendants have engaged in a "pattern and practice of discrimination." If defendants were to introduce evidence, for example, that their Norfolk operation is fully integrated, that it affirmatively advertises to attract blacks into a white area, etc., that evidence would surely be receivable. For that reason alone, plaintiff is entitled to discovery to prepare for it.

Conversely, if plaintiff's discovery in fact discloses discriminatory practices at apartments outside New York City, that evidence would be admissible toward proving such a "pattern or practice." In the debates on the 1964 Civil Rights Act, Senator Humphrey remarked that:

> "there would be a pattern or practice if, for example, . . . a chain of motels or restaurants practiced racial discrimination throughout all, or a significant part of its system. 110 Cong. Rec. 14270 (June 18, 1967).

Defendants' assertion that discovery may not be secured outside the parameters of the specific discriminatory incidents listed in our answers to interrogatories, prepared before discovery began is inconsistent with the very purposes of discovery, for the Rules are designed to enable the parties to discover all pertinent facts. This is particularly true in Civil Rights cases, in which "statistics tell much and courts listen," United States v. Youritan Construction Corp., 370 F. Supp. 643 (N.D. Calif. 1973) and cases cited, and the overall statistical picture is therefore critical. In Burns v. Thiokal

Chemical Corp., 483 F. 2d 300 (5th Cir. 1973), a suit brought under the Equal Employment Opportunity Act, Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., a statute almost identical in respects here pertinent to the Fair Housing Act, the district court had limited plaintiff's discovery to only those employment records relating directly to the specific incidents of discrimination which had precipitated the lawsuit. The Court of Appeals for the Fifth Circuit reversed, holding that this limitation was an abuse of the district court's discretion. The court allowed full discovery of records relating to the employment of all of the defendants' employees, stating:

> Our wide experience with cases involving racial discrimination in education, employment, and other segments of society have led us to rely heavily in Title VII cases on the empirical data which show an employer's overall pattern of conduct in determining whether he has discriminated against particular individuals or a class as a whole. (Emphasis added), 483 F. 2d 300, 305 (5th Cir. 1973).

If a defendants' overall practices are relevant in a suit on behalf of an individual plaintiff, they are even more relevant in a pattern and practice case, in which admissibility is very broad. Evidence of a pattern and practice can go back "many many years." Kennedy v. Lynd, 306 F. 2d 222, 228 (5th Cir. 1962) cert. den. 371 U.S. 952 (1962). Moreover, if the United States proves its allegations, it will be entitled to broad injunctive relief. Louisiana v. United States, 380 U.S. 145, 154 (1965). The Court of Appeals for the Fifth Circuit has recently held that injunctive relief may be available as to all of defendants' operations upon a showing of discrimination only at some of them. Brennan v. Fields, 488 F. 2d 443 (5th Cir. 1973). If the other complexes are relevant to relief, it is surely imperative that sufficient facts be discovered to ensure that the relief fit the operation.

We would like to briefly address ourselves to defendants' ironic claim that plaintiff's request is untimely. First, the request came on the date specified by your Honor. Second, without burdening your Honor with the long list of cancellations and delays occasioned by defense counsel during discovery, we earnestly request that you consider our prior submissions on this question particularly pp. 4-6 of plaintiff's Memorandum in Support of its Motion for Sanctions, and our recent Status Report on discovery. These passages show that the experience encountered by you at the original hearing on discovery, when defense counsel showed up several hours late, was no aberration. It is because of the delays here described, and our attempt to secure discovery in an orderly and logical pattern, that we have only now requested records inspection as to complexes outside New York City. In the Status Report we address ourselves to defendants' failure to answer several of the United States' interrogatories even after two motions to compel. If these interrogatories had been answered, some of the information we are now seeking would be unnecessary. At the January 25 hearing, Judge Neaher stated that if the defendants were to find the United States' interrogatories burdensome, "you will then be faced with the Government's demand for production; the right to inspect and copy your records." (Tr. p. 38).

The United States has attempted to meet the discovery deadline which you set at the August 8 meeting in your office by moving swiftly to apprise the defendants of the remaining discovery we wished to secure. We think the defendants must now accept their share of the responsibility for this Request coming on the "eve of conclusion of discovery." The United States therefore respectfully requests that defendants be required to produce the requested documents.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Donna Goldstein
DONNA GOLDSTEIN
Attorney
Housing Section

cc: Mr. Roy Cohn
Attorney for the Defendants

Saxe, Bacon, Bolan & Manley

39 EAST 68TH STREET

NEW YORK, NEW YORK 10021

(212) 472-1400

JOHN GODFREY SAXE (1909-1953)
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LORIN DUCKMAN

THOMAS A. BOLAN
COUNSEL

September 5, 1974

Honorable Vincent A. Catoggio
Magistrate, United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fred C. Trump, et al.
Civil Action No. 73 C 1529

Dear Judge Catoggio:

On August 14, 1974 Your Honor fixed September 1, 1974 for the completion of all discovery in the above entitled matter. The Government noticed a bunch of depositions in addition to the 13 they had already taken, and requested a volume of new records pertaining to the buildings involved.

We promptly advised that we would object to none of the depositions and would supply all of the records. The only exception, which we set forth in a letter to Your Honor dated August 20, 1974, was our objection to the attempt to ring in some buildings in Norfolk, Virginia which were never mentioned during its pendency until 10 days before the conclusion of discovery. We received no objection to our letter of August 20, 1974, stating that we would supply all of the witnesses and records requested except for the extention to the Norfolk buildings, and assumed that that ended the matter. We went ahead and completed the depositions and produced the records.

The date for conclusion of discovery passed on September 1, 1974. Now, on September 5, 1974, I received in the morning mail a reply to our letter of two and a half weeks ago (August 20, 1974), raising the Norfolk issue again.

57

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:FLS:DFG:car
DJ 175-52-28

SEP 13 1974

Honorable Vincent A. Catoggio
Magistrate, United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fred C. Trump, et al.
Civil Action No. 73 C 1529

Dear Judge Catoggio:

We have just received a copy of Mr. Roy Cohn's September 5, 1974, letter to you in which he contends that our response to defendants' objections to plaintiff's Request for Production of Documents in the above-captioned case was so untimely as to render the issue "academic." While we hesitate to burden you with additional correspondence on this matter, we believe the letter raises issues requiring a short response.

On August 20, after being informed by the United States Attorney's office that Mr. Cohn had objected by letter to our request to inspect records in Norfolk, Virginia, we delivered a letter to you which advised that we intended to respond fully to these objections. You may recall that on September 3, I advised your Honor by telephone that I was on that date mailing, by special delivery, plaintiff's response. During that conversation, it was my impression that the matter remained open for determination.

Despite Mr. Cohn's assertion that the issue is now "academic," we believe that Plaintiff's outstanding Request for Production of Documents, noticed on August 13, 1974, remains active and survives the September first discovery

(56)

deadline. Indeed, if plaintiff's September third response is deemed to be untimely because it comes after the discovery deadline, defendants would succeed in defeating what would otherwise be permissible discovery by making informal objections at the eleventh hour.

Mr. Cohn also indicates that he has asked Judge Neaher to fix an early trial date. We have, as yet, received no notice from the defendants, either formal or informal, that they have requested that this case be put on the trial calendar. However, we will be contacting Judge Neaher to advise him that we believe there are certain matters remaining outstanding in this lawsuit which need to be settled before this action is set for trial. These include our request to inspect records in Norfolk, Virginia, and a forthcoming motion which we intend to file to have defendants' July 26 notice of Motion and supporting Affidavits, which seek to have plaintiff's counsel held in contempt of court, stricken from the record.

Respectfully yours,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Donna Goldstein

DONNA F. GOLDSTEIN
Attorney
Housing Section

cc: Honorable Edward R. Neaher
Roy M. Cohn, Esquire

JSP:FES:NG:car
DJ 175-52-28

Honorable Edward R. Neaher
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fred C. Trump, et al.
Civil Action No. 73 C 1529

Dear Judge Neaher:

On September 11, 1974, we received a copy of a letter sent by Mr. Roy Cohn to Magistrate Catoggio in which he states that he has requested that the above-captioned suit be placed on the trial calendar. As our responding letter to Magistrate Catoggio (a copy of which is enclosed) indicates, we believe there are important matters remaining outstanding which need to be settled before this case is set for trial.

For example, defendants have made objections to plaintiff's August 13th Request for Production of Documents. The parties are now awaiting a determination by Magistrate Catoggio as to the permissibility of this requested discovery. Moreover, we intend, in the very near future, to file a motion to Strike defendants' July 26th Notice of Motion and Supporting Affidavits which seek disciplinary action against plaintiff's counsel for alleged misconduct. As you may recall, on August 8, 1974, after the hearing on plaintiff's Order to Show Cause, the parties met with Judge Catoggio. At that time the defendants decided to withdraw their contempt motion from the calendar, but refused to agree to a full withdrawal with prejudice.

Plaintiff believes that allowing this motion to remain in its present state of limbo only serves to further cloud the issues in this lawsuit. It additionally unduly prejudices the reputation of one of plaintiff's counsel with charges which we are prepared to prove are totally without foundation.

The United States wants an early and expeditious trial in this case in keeping with the requirements of 42 U.S.C. 3613. In fact, this lawsuit could have already been tried had it not been for the continued delays and dilatory tactics occasioned by the defendants and their counsel. However, we do not believe that with these outstanding issues still unresolved, this case is now ready to be set for trial. Therefore, we respectfully urge that this case not be placed on the trial calendar until the resolution of these open matters.

Respectfully yours,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By:

NORMAN P. GOLDBERG
Attorney
Housing Section

cc: The Honorable Vincent A. Catoggio
Roy M. Cohn, Esquire

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JSP:FMS:NB:car
DJ 175-52-28

SEP 17 1974

Honorable Edward R. Neaher
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fred C. Trump, et al.
Civil Action No. 73 C 1529

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54

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Respectfully yours,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Norman P. Goldberg

NORMAN P. GOLDBERG
Attorney
Housing Section

cc: The Honorable Vincent A. Catoggio
Roy M. Cohn, Esquire

Saxe, Bacon, Bolan & Manley

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NEW YORK, NEW YORK 10021

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JOHN GODFREY SAXE (1909-1953)
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MICHAEL ROSEN

DANIEL J. DRISCOLL

HAROLD SCHWARTZ
MELVYN RUBIN
JEFFREY A. SHUMAN
LORIN DUCKMAN

THOMAS A. BOLAN
COUNSEL

November 16, 1974

73 C 1527

Hon. Edward R. Neaher
United States District Judge
United States Court House
Foley Square
New York, New York 10007

Dear Judge Neaher:

When we last appeared before Your Honor, it was brought to Your Honor's attention that the case now bore stamped resemblance to the original allegation contained in the complaint and to their specification by the Civil Rights Section's responses last January, 1974, amplifying the complaint by listing the specific locations and incidents already called upon to me at the trial. Extensive depositions of the people involved in the listed incidents and others in the Trump management were taken - all by the government, none by us, as we were anxious to expedite this trial. Discovery was terminated by Magistrate Cattagio on September 1, 1974, and we moved the case for trial by communicating with Your Honor's chambers.

However, thereafter, the government served a whole new set of amended or additional answers to the ten month old answers to interrogatories. From these it appeared that right during the taking of discovery, the government was going around trying to bolster its case by the use, among other techniques, of undercover tester agents of the Urban League, in an attempt to entrap (albeit substantially unsuccessfully) certain employees of the defendants.

This new slew of answers to interrogatories and alleged incidents obviously produced an entirely new list of alleged incidents, some within a few weeks of the September set of new answers to interrogatories. Nevertheless, we persisted in our attempt to have this case disposed of promptly.

61

When we appeared before Your Honor in October, we were told, for the first time, that the government intended to file still another set of answers to the January, 1974 interrogatories, containing still additional incidents. We advised the Court that without a cut-off date it would be impossible to have the prompt trial to which we are all entitled, and to have substantial justice done with an opportunity on our part to meet allegations - which we thought governed the period to the date of the filing of the complaint - in a monitoring current spy network operating around our units.

It was then and there represented to Your Honor that a final set of new answers would be submitted the next week. They were not. Some time after the promised date there was submitted an entirely new list of answers containing previously uncharged and unspecified alleged incidents.

This letter was supposed to end here, but after I started preparing it, and on yesterday, November 15, 1974, we received still another new set of allegations and specifications.

In view of this amazing conduct on the part of the government, we now have no choice but to reluctantly request Your Honor to adjourn the trial date of November 25, 1974, which was fixed at our instance and opposed by the government, and to ask for the re-opening of discovery so that we may examine witnesses involved in incidents of which we have been notified since the date discovery was ordered concluded - September 1, 1974. We also request that Your Honor formally fix the November 15, 1974 additional allegations by the government as the final cut-off date prior to trial for the filing of such new allegations, so the period between now and whatever the trial date Your Honor sees fit to fix after November 25, 1974, may be used for the preparation of a case of which we have been notified, and can be prepared to meet.

If Your Honor feels a conference is required as a result of this letter, we are, of course, available at your convenience.

Respectfully,

Roy M. Cohn

sb
cc: Mr. Frank Schwelb

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. [illegible]

Address Reply to the Division Indicated and Refer to Initials and Number

JSP:FES:DG:sas
DJ 175-52-20

FEB 18 1975

The Honorable Edward R. Neaher
U.S. District Judge
Eastern District of New York
225 Cadman Plaza E.
Brooklyn, New York 10023

IN C[illegible]
U. S. DISTRICT COURT E.D.N.Y.

FEB 20 1975

TIME A.M.....
P.M.....

Re: U.S. v. Fred C. Trump, et al.
Civil Action No. 73C1529

Dear Judge Neaher:

I am writing to request an early conference with the Court so that a consent decree, which has been agreed upon in principle, can be entered as soon as possible.

As the Court is aware, the parties have agreed to a settlement of the above-styled action on the terms contained in the Memorandum of Understanding, executed on January 20, 1975 and submitted to the Court on January 21, 1975, and the proposed consent decree which is attached thereto, which may be modified only as described in the memorandum. The memorandum provides that the parties shall seek the assistance of the Court to resolve any disagreements as to meaning, and that all provisions not in dispute as to meaning shall be contained in their entirety in the final consent decree.

Because of the delays previously encountered in this action, including the postponement of two trial dates, and the requirement for expedition contained in 42 U.S.C. §3614, the

(66)

Memorandum of Understanding contains a timetable for final execution of the decree. Under the terms of the memorandum, if no final decree has been executed by February 14, 1975, "the parties shall then seek the assistance of the Court to resolve any dispute arising solely out of disagreement as to the meaning of any proposed change referred to in the Memorandum of Understanding."

Shortly after the execution of the Memorandum of Understanding, Plaintiff forwarded to defense counsel a proposed consent decree containing the provisions previously agreed upon. Several attempts to contact Mr. Cohn, both before and after the February 14 deadline, have gone unanswered, and, no decree has therefore been executed. Accordingly, we are writing to request that a meeting with the Court be scheduled in accordance with the provisions of the Memorandum of Understanding, so that the settlement can be made final and the consent decree promptly entered. Thank you for your consideration.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Frank E. Schwelb

FRANK E. SCHWELB
Chief
Housing Section

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

MAY 8 1975

Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:FES:dcr
DJ 175-52-11

Honorable Edward R. Neaher
United States District Judge
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

Re: United States v. Fred C. Trump, et al.,
C.A. No. 73 C 1529

Dear Judge Neaher:

We are writing to you to respond to your law clerk's inquiry about the status of this case and to request the assistance of the Court once again to implement a settlement of the above-styled lawsuit, previously agreed to by the parties. Despite painstaking and time-consuming efforts by my colleagues and myself to complete the settlement through telephone conversations with Mr. Cohn and lengthy conferences with his clients, we have been unable to reach a final resolution of this matter.

As the Court is aware, on January 20, 1975, the parties executed a Memorandum of Understanding, attached hereto as Appendix A, incorporating a proposed Consent Order and specifically outlining the terms of a settlement. That Memorandum is on file with the Court. It was only because of the execution of this document, and the representation contained therein that the lawsuit had been settled, that the plaintiff agreed to the adjournment of the second trial date of January 27, 1975. In fact, in the Memorandum the parties agreed to the entry of the Consent Order on or before February 24, 1975. In addition, the Memorandum provides (starting on the bottom of page 3):

> If no final consent has been executed by February 14, 1975, the parties shall so inform the Court. The parties shall then seek the assistance of the Court to resolve any disputes arising solely out of disagreement as to the meaning of any proposed change referred to in the Memorandum of Understanding. All other provisions in the attached Consent Decree and those not in dispute as to meaning in the Memorandum of Understanding shall be contained in their entirety in the final Consent Decree.

On February 4, 1975, a copy of a proposed Consent Order (attached hereto as Appendix B) based on the settlement outlined in the Memorandum of Understanding was forwarded to Mr. Roy Cohn, defendants' counsel. We were unable to contact Mr. Cohn to agree on the terms of a settlement, and we wrote to this Court on February 18, 1975, seeking a conference. The Court scheduled a conference for March 5, 1975, which was later cancelled by reason of the Court's illness.

Thereafter, Mr. Cohn forwarded to this office a proposed Consent Order which omitted many of the major provisions of the settlement terms agreed to in the January 20th Memorandum. (A copy of this proposal is attached hereto as Appendix C.) On March 14, we wrote Mr. Cohn a letter, a copy of which is attached as Appendix D, indicating that we believed the terms of the settlement had been fixed by the Memorandum of Understanding filed in this Court and that we therefore found the defendants' proposal completely unacceptable. On April 15, 1975, after we had again encountered substantial difficulties in finding anyone with whom to deal, defendant Fred C. Trump, and his colleague Mr. Irving Eskanazi came to Washington to meet with counsel for plaintiff, */ without their counsel but with his consent, to

---

*/ This meeting took place only after Mr. Cohn twice cancelled scheduled conference calls between him, defendant Donald Trump, and counsel for the United States which were supposed to resolve the controversy once and for all. Subsequently, Mr. Cohn advised counsel that defendant Donald Trump would come to Washington to negotiate, but his father and Mr. Eskanazi came instead.

discuss the terms of the final Consent Order. Despite our often stated position that we had negotiated in good faith the terms of a settlement which we considered binding on the parties by the signed Memorandum of Understanding, all three counsel for plaintiff spent half a day with Mr. Trump and Mr. Eskanazi, and Ms. Goldstein spent the remainder of the day with Mr. Eskanazi, working out what we understood to be a final settlement. It was the understanding of all concerned that Mr. Trump and Mr. Eskanazi were negotiating for all defendants. A meeting was arranged for April 23 to take place in New York for the purpose of executing the settlement and on April 19, 1975, a last proposed Consent Order which set forth the precise understanding between Ms. Goldstein and Mr. Eskanazi, was sent to Mr. Cohn. A copy of that document is attached hereto as Appendix E.

On April 22, Mr. Cohn informed us by telephone that he now wished to make new changes in the terms of the settlement. These proposed changes were represented to us as being "minor", and, despite some misgivings, a meeting was scheduled in New York for May 2, 1975 for the purpose of working out these minor changes and executing a final consent decree for presentation to this Court. On May 2, 1975 Ms. Goldstein met with Mr. Fred Trump and Mr. Irving Eskanazi at the law offices of defendants' counsel. Mr. Cohn was again not present. Defendants proposed several new changes, and several were conditionally agreed to by plaintiff even though they were inconsistent with the Memorandum of Understanding. Defendants also made new proposals, however, which in our judgment would have changed the character of the settlement and seriously impaired the effectiveness of the Decree, and to which we were unable to agree.

Specifically defendants now propose to delete provisions, previously agreed to, dealing with the inclusion of fair housing statements in advertising [see III A(3) p. 8 of Appendix B (the

Proposed Consent Order pursuant to the Memorandum of Understanding) and Section IV A(3) p. 8 of Appendix E (the Proposed Consent Order drafted pursuant to the April 15 meeting)], and with affirmative steps to ensure equal employment opportunity (see III C p. 11 of Appendix B */ and IV C p. 10 of Appendix E). In the Memorandum of Understanding agreed to on January 20, 1975, (Appendix A) and in the settlement negotiated with Mr. Trump and Mr. Eskanazi (Appendix E), the Injunction, including the affirmative provisions, applied to all of defendants' properties in New York City. **/ The reporting provisions (part V, p. 15 Appendix B, and part VI, p. 17, Appendix E) were to apply to fifteen properties. ***/ Defendants now propose, contrary to the explicit provisions of prior agreements, that the affirmative provisions of the Decree (see part III of Appendix B and part IV of Appendix E) apply only to those properties listed in the reporting provisions. This proposal is inconsistent with what has been previously settled and makes the decree far less effective in ensuring the full enjoyment of equal housing opportunity. While we have, at defendants' request, agreed to a number of changes in the January 20th Memorandum of Understanding, even though defense counsel had then represented it to be a final settlement, we cannot agree to the three most recent proposals. Defendants apparently take the position that without these new alterations, all three at odds with what they have previously signed, they will not execute a consent decree as they have previously committed themselves to doing.

---

*/ At the May 2 meeting, plaintiff conditionally agreed to delete III C(1) of the decree.

**/ See Brennan v. Fields, 488 F. 2d 443 (5th Cir. 1974) for the propriety of relief at complexes other than those at which the alleged discrimination occurred. In Fields, nationwide relief was granted, whereas here, we negotiated affirmative provisions applicable only to New York, and not affecting defendants' properties in New Jersey, Maryland and Virginia.

***/ Reduced to fourteen at subsequent meetings.

In light of the foregoing, we are now requesting the Court's assistance in accordance with the provisions of the Memorandum of Understanding quoted at the beginning of this letter. We believe that we have exhausted all reasonable avenues towards securing a final consent decree short of requesting the assistance of the Court. The United States agreed to a second postponement of the trial in this case, which is required by statute to be expedited, 42 U.S.C. §3614, solely on the representation that the terms of a Consent Order has been agreed to by the defendants. Now, nearly four months later, it appears that the defendants do not consider themselves to be bound by prior agreements, including the Memorandum of Understanding filed in this Court.

The January 20th agreement specifically states that all provisions not in dispute as to meaning "shall be contained in their entirety in the final Consent Decree." Accordingly, we respectfully request that the Court exercise the authority contemplated by the Memorandum of Understanding, and

> (1) resolve the three issues separating the parties by evaluating the present positions of the parties as against the Memorandum of Understanding; and
>
> (2) enter an Order pursuant to that Memorandum of Understanding, either by issuing a document in the form of Appendix "E" as the Court's Order, or by entering an Order based on the Memorandum of Understanding and the initial proposed Consent Order attached thereto (Appendices A and B).

We are, of course, ready to meet with the Court and with defense counsel at the Court's convenience to resolve this matter, and we hope that this litigation can be completed without further delay. In view of the constant attempts by defendants to renegotiate what has already been settled, and in view of defense counsel's consistent unavailability, we do not think

that further negotiations without the assistance of the Court would be any more productive than the many dozens of attorney-hours already spent. Once a settlement in substance has been reached between counsel which provides for resolution by the Court of any difficulties in completing the settlement, then we believe that the parties are required to utilize the machinery for resolution by the Court of disputes as to the meaning of the Understanding, and are not free to disregard prior commitments.

In the event that the Court should think it inappropriate to require the defendants to comply with their prior agreements, then we must reluctantly request that the case be scheduled for trial at an early date. In this connection, the Memorandum of Understanding includes a list of witnesses for each side, and only four witnesses - the two Trumps, Althea Gibson, and one NAACP representative - are eligible to testify for defendants. Accordingly, substantially all of plaintiff's case will be uncontradicted. Since the case was, for all practical purposes, settled once, it would seem to be an unnecessary expenditure of time and resources to go to trial. Nevertheless, if the defendants are not to be bound to their prior bargains, we will be ready to proceed.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division

By: Frank E. Schwelb

FRANK E. SCHWELB
Chief
Housing Section

cc: Mr. Roy M. Cohn
Mr. Henry Brachtl

Saxe, Bacon, Bolan & Manley

39 EAST 68TH STREET
NEW YORK, NEW YORK 10021
(212) 472-1400

JOHN GODFREY SAXE (1909-1953)
ROGERS H. BACON (1918-1967)

ROY M. COHN
SCOTT E. MANLEY (ADMITTED ILLINOIS AND INDIANA)
MICHAEL ROSEN

DANIEL J. DRISCOLL

THOMAS A. BOLAN
COUNSEL

May 15th, 1975

Hon. Edward R. Neaher
United States District Court
Eastern District
U. S. Court House
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Trump

Dear Judge Neaher:-

Your Honor can surmise from the six-page single space letter written to you by the Housing Section under date May 8, 1975, just how much bureaucratic knit-picking and time-wasting has characterized the process of agreeing on final language in the decree.

I think what they're trying to say is that a meeting with Your Honor would be constructive, which is precisely what I had suggested to Miss Goldstein last week.

Respectfully,

ROY M. COHN

RMC:at
cc: Frank Schwelb, Chief
Housing Section

Saxe, Bacon & Bolan
39 EAST 68TH STREET
NEW YORK, NEW YORK 10021

(212) 472-1400
CABLE: SAXUM

ROY M. COHN
COUNSEL

FILE

August 11, 1975

Honorable Edward R. Neaher
United States District Judge
Cadman Plaza
Brooklyn, New York

Re: Trump Decree

Dear Judge Neaher:

The Trump organization has observed the terms of the decree, but the Civil Rights section has violated it in significant respect.

We declined to execute the decree unless language in the Civil Rights Section proposal - Article IV, Section A (bottom of p. 77), which gave the Open Housing Center the unbridled right to redistribute vacancy lists all over the place - was deleted. We pointed up the administrative difficulties this would present, and after discussion before Your Honor, the language was deleted, and the vacancy list to go to Open Housing Center - period.

Despite this, the Center has been mailing out the vacancy lists we have sent to them to other organizations, causing total confusion and extra work, as by the time the inquiry catches up with us, the list is usually obsolete. And what they are doing defeats the very purpose of the deletion. I am advised by Mr. Eskenazi of the Trump office that he has specifically asked Miss Parrish of the Center, and then Miss Goldstein to desist - and both have said they will not unless specifically directed to by Your Honor.

Secondly, Miss Goldstein advises that Article V, No. 2 - p. 13 - which provides that Trump shall adhere to its past and existing practices with respect to two-bedroom apartments and number of occupants - is in her opinion "discriminating" and should not be observed.

This is to respectfully request Your Honor to set a hearing on these ex parte decisions by the Civil Rights Section for sometime in early September (I shall be abroad on business until Labor Day.).

Hoping Your Honor has a pleasant summer, I am

Respectfully,

Roy M. Cohn

sb

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
JSP:FES:DFG:saf
DJ 175-52-28

AUG 22 1975

The Honorable Edward R. Neaher
United States District Judge
Federal Court House
225 Cadman Plaza East
Brooklyn, New York 10023

Re: United States v. Trump Management, Inc.
Civil Action No. 73 C 1529

Dear Judge Neaher:

I am writing in reference to the Consent Order in the above-styled lawsuit. We are in receipt of Mr. Roy Cohn's letter to you of August 11, 1975, which states that the United States has violated the terms of the Consent Order, and requesting that a hearing be set. We have no objection to another hearing in this matter. In that regard, I am enclosing, for your information, a copy of a recent letter from this office to Mr. Cohn advising him that certain rental practices authorized by the Consent Order are in violation of State Law.

Thank you for your continued patience and consideration in this matter.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

By: Donna F. Goldstein
Donna F. Goldstein
Attorney
Housing Section

Saxe, Bacon & Bolan

39 EAST 68TH STREET

NEW YORK, NEW YORK 10021

(212) 472-1400

JOHN GODFREY SAXE (1909-1953)
ROGERS H. BACON (1919-1962)

ROY M. COHN
SCOTT E. MANLEY (ADMITTED ILLINOIS AND INDIANA)

DANIEL J. DRISCOLL

MELVYN RUBIN
MICHAEL ROSEN
HAROLD L. SCHWARTZ

THOMAS A. BOLAN
COUNSEL

September 11, 1975

Honorable Edward Neaher
United States District Judge
Federal Building
Cadman Plaza
Brooklyn, New York 11201

Re: Trump Decree

Dear Judge Neaher:

I am writing to Your Honor in response to a letter of Donna F. Goldstein, Esq., United States Department of Justice, the August 5, 1975 letter of Donna Goldstein in which Ms. Goldstein alleges that Trump Management is in violation of Real Property Law §236, which prohibits the failure to rent based on the fact that an applicant has children. Ms. Goldstein's presentation omits the crucial statutory word "solely."

We submit that this section is in no way applicable to the instant proceeding, as the Consent Order entered into between the parties provides that rentals shall be pursuant to the policy which Trump Management had employed in the past, i.e., if there were children under the vacating occupancy, there could be children under the new lease.

It is thus evident that no one is denied rental solely on the basis that they have children. In fact, this is what the statute provides - that it is a violation only if the sole reason that a prospective tenant is denied rental is that he has children.

As a practical matter it is my understanding from discussions between Trump Management and this office that the only apartments in which this situation even arises are a few buildings located in the Jamaica Estates area of Queens. These buildings are not designed to accommodate the needs of young children, but rather older people who need peace and quiet and a greater amount of security than is usually found in buildings which are designed for the young.

In this one area, children cannot be as happy with the facilities as in the over thousands of other units, and what Ms. Goldstein suggests would be unfair to them. With these few exceptions, the buildings under the control of Trump Management not only welcome rental to families with younger children, but, in fact, have specifically designed a majority of their complexes to meet the needs of minors.

Respectfully,

SAXE, BACON & BOLAN, P.C.

Roy M. Cohn

Roy M. Cohn

sb
cc: Donna Goldstein, Esq.

Saxe, Bacon & Bolan

39 EAST 68TH STREET
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(212) 472-1400

THOMAS A. BOLAN
COUNSEL

September 11, 1975

Honorable Edward Neaher
United States District Judge
Federal Building
Cadman Plaza
Brooklyn, New York 11201

File
8617
1/30/52

Re: Trump Decree

Dear Judge Neaher:

I am writing to Your Honor in response to a letter of Donna F. Goldstein, Esq., United States Department of Justice, the August 5, 1975 letter of Donna Goldstein in which Ms. Goldstein alleges that Trump Management is in violation of Real Property Law §236, which prohibits the failure to rent based on the fact that an applicant has children. Ms. Goldstein's presentation omits the crucial statutory word "solely."

We submit that this section is in no way applicable to the instant proceeding, as the Consent Order entered into between the parties provides that rentals shall be pursuant to the policy which Trump Management had employed in the past, i.e., if there were children under the vacating occupancy, there could be children under the new lease.

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In this one area, children cannot be as happy with the facilities as in the over thousands of other units, and what Ms. Goldstein suggests would be unfair to them. With these few exceptions, the buildings under the control of Trump Management not only welcome rental to families with younger children, but, in fact, have specifically designed a majority of their complexes to meet the needs of minors.

Respectfully,

SAXE, BACON & BOLAN, P.C.

Roy M. Cohn

sb
cc: Donna Goldstein, Esq.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
DSD:HLH:mop
DJ 175-52-28

MAR 14 1978

Honorable Edward R. Neaher
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Trump Management, Inc.
Civil Action No. 73 C 1529

Dear Judge Neaher:

On Monday, March 6, 1978, the United States filed a Motion for Supplemental Relief in the captioned case. This letter is intended to bring you up to date on the developments in this matter and also to attempt to arrange for a pre-hearing conference with you and opposing counsel.

As you know, the United States initially filed this lawsuit on October 15, 1973, alleging that the defendant was conducting its apartment rental business in violation of the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq. After considerable delay, a Consent Order was entered on June 10, 1975, */ The defendant was permanently enjoined from discriminating in the rental of housing and required, among other things, to implement an affirmative program of compliance with the Fair Housing Act and report periodically, to the Court and this Department, concerning its rental operations. The affirmative provisions of this Order expired on September 10, 1977.

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*/ A copy is attached for your convenience.

In our pending motion, filed March 8, we allege inadequate compliance with the order and seek extension and expansion of certain of its provisions.

We hope that the motion can be resolved by the parties without the necessity for a hearing. Should such a hearing be necessary, however, it will probably assume the proportions of a full-blown trial and occupy two days or more. Plaintiff will want to conduct a fair amount of discovery before the hearing, and we anticipate that defendant may wish to do the same.

After consulting with Mr. Homer LaRue, Assistant United States Attorney, we have concluded that an expeditious procedure would be for counsel to meet with the Court to discuss the motion and the best manner of proceeding. We understand that a tentative date of April 10, 1978 has been set for this meeting. Although this time is agreeable to us, it appears that Mr. Cohn, defense counel, will be out of the country on that date April 17, 1978, however, is agreeable to both parties.

Thank you for your consideration in this matter. If the Court believes that the matter should be handled otherwise, we will of course proceed as the Court may direct.

Sincerely,

Drew S. Days, III
Assistant Attorney General
Civil Rights Division

By: Harvey L. Handley

Harvey L. Handley
Attorney
Housing and Credit Section

27 MAR 78

DRD:FES:HLH:rea
DJ 175-52-28

Honorable Edward R. Neaher
United States District Judge
United States Court House
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United Stated v. Trump Management, Inc.
Civil Action No. 73-C-1259

41

Dear Judge Neaher:

3/24/78
FES
3/24/78

Homer La Rue of the United States Attorney's office has informed us that the Court proposes to reschedule the status conference in the captioned case for May 1, 1978, at 2 p.m., unless this date is inconvient for counsel. This is to advise you that May 1 is satisfactory to the United States.

We appreciate the Court's consideration in this matter.

Sincerely,

Drew S. Days, III
Assistant Attorney General
Civil Rights Division

By:
Harvey L. Handley, III
Attorney
Housing and Credit Section

cc: Roy Cohn, Esq.
Saxe, Bacon & Bolan, P.C.
39 East 68th Street
New York, New York 10021

cc: Records Chrono Trial File Handley
U.S. Atty-Brooklyn, N.Y.

Page 808308

Saxe, Bacon & Bolan, P.C.

39 EAST 68TH STREET
NEW YORK, NEW YORK 10021

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CABLE: SAXUM

JOHN GODFREY SAXE (1909-1953)
ROGERS H. BACON (1919-1962)

ROY M. COHN
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JOHN F. LANG
JAMES M. PECK
ROY R. KULCSAR
JEFFREY A. SHUMAN
RONALD F. POEPPLEIN
EDWARD H. HELLER
LOUIS BIANCONE*

THOMAS A. BOLAN
COUNSEL

*ADMITTED IN NEW JERSEY ONLY

April 19, 1978

Honorable Edward R. Neaher
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S. v. Trump Management, Inc.
73-C-1529

Dear Judge Neaher:

This is to confirm that the scheduling of the status conference in the above-entitled action for May 9, 1978, at 9:30 a.m. is agreeable to counsel, and confirmed by Brian Heffernan of the U.S. Department of Justice.

Respectfully yours,

SAXE, BACON & BOLAN, P.C.

Stanley M. Friedman

sb
cc: Brian Heffernan

Bay 508308

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

DSD:BFH:mop
DJ 175-52-28

19 APR 1978

Honorable Edward R. Neaher
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Trump Management, Inc.
Civil Action No. 73-C-1529

Dear Judge Neaher:

Homer LaRue of the United States Attorney's office has informed us that the Court proposes to reschedule the status conference in the captioned case for May 9, 1978 at 9:30 A.M. I have consulted with Mr. Friedman of Saxe, Bacon and Bolan, counsel for the defendant, and this is to advise you that May 9 is satisfactory to both parties.

We appreciate the Court's consideration and time in this matter.

Sincerely,

Drew S. Days, III
Assistant Attorney General
Civil Rights Division

By: Brian F. Heffernan

Brian F. Heffernan
Attorney
Housing and Credit Section

T. 6/18/79

JUL 5 1979

DSD:BFH:eym
DJ 175-52-28

Honorable Edward R. Neaher
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

BFH
6/18/79
JCA
6/19/79

Re: United States v. Trump Management, Inc.
Civil Action No. 78-C-1529

Dear Judge Neaher:

On March 6, 1978, the United States filed a Motion for Supplemental Relief in the above-styled case, alleging noncompliance of Trump Management, through racially discriminatory apartment rental practices of its employees, with the terms of a Consent Order filed June 10, 1975 in your Court which enjoined the defendant from engaging in any discriminatory practices prohibited by the Fair Housing Act, 42 U.S.C. §3601 et seq. On May 9, 1978, the parties met with you in Chambers to discuss this Motion and, at that time, it was agreed that counsel would attempt to work out an equitable settlement as quickly as possible.

Since the May 9 meeting, counsel have met twice to attempt to reach agreement on the terms of a settlement. On July 11, 1978, in Washington, D.C., a meeting was held to discuss a proposed Supplemental Consent Order which had been drafted by plaintiff. Based on discussion at this meeting, a new proposal was drafted by plaintiff and forwarded to defense counsel on July 14, 1978. On July 25, 1978, a meeting to discuss this proposal was held in New York. At that meeting, it was agreed that Roy Cohn, defense counsel, would forward to this Department a letter setting forth his client's views concerning that proposal and containing suggested changes for our

cc: Records
Chrono
Hefferman
T. File

review. To date, such a letter has not been received, nor has counsel for plaintiff been able to conduct any substantial discussion, written or oral, with Mr. Cohn to bring this matter to a conclusion.

On August 25, 1978, counsel for plaintiff sent defense counsel a letter (a copy of which is enclosed) asking for the agreed upon response to our proposal. The only response to this letter was from an assistant to Mr. Cohn, who stated on October 6, 1978 that Mr. Cohn had just returned from Europe and was beginning a two-week trial, but would get in touch with this Department at the end of the trial. Not having heard from Mr. Cohn at the promised time, another letter (a copy is enclosed) was sent on December 11, 1978. Mr. Cohn's response to this letter was a December 16, 1978 letter (a copy is enclosed) which dealt with no substantive issues in this case and which, in our opinion, served no basic purpose outside of apologizing for the delay already caused. On February 13, 1979, counsel for plaintiff attempted to telephonically contact defense counsel, but was informed he was out of town and would contact this Department when he returned the next day. Soon thereafter, Mr. Cohn's office called counsel for plaintiff to explain that Mr. Cohn would not be back until February 16, 1979, at which time he would call this Department. On February 27, 1979, still not having heard from Mr. Cohn, counsel for plaintiff again called his office, only to be informed that Mr. Cohn was out of the country and would not be back until March 7th or March 8th. At this point, counsel for plaintiff informed Mr. Cohn's office that, if Mr. Cohn did not get in touch with this Department, we would have to approach the judge to seek his assistance in attempting to resolve the outstanding problems in this case. As mentioned above, Mr. Cohn has not contacted this Department as of this date.

Our purpose in setting forth in detail above our attempts to resolve this matter is twofold: first, to indicate to the Court that plaintiff has made more than enough effort in an attempt to bring this matter to a prompt and equitable conclusion; second, to object to the overly dilatory tactics of defense counsel, who appears intent on avoiding contact with plaintiff until this matter has expired due to old age. In light of the above, we would request the Court to issue an

order requiring counsel for the parties in this action to meet within thirty (30) days of the issuance of such order, or to render whatever assistance the Court deems proper, in order to enable this action to proceed to conclusion.

Thank you for your attention to this matter.

Sincerely,

Drew S. Days, III
Assistant Attorney General
Civil Rights Division

By:

Brian F. Heffernan
Attorney
General Litigation Section

Enclosures

cc: Mr. Homer LaRue
Assistant U.S. Attorney

T. 7/11/79

DSD:BFH:eym
DJ 175-52-28

JUL 11 1979

Honorable Edward R. Neaher
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Trump Management, Inc.
Civil Action No. 73-C-1529

Dear Judge Neaher:

Reference is made to this Department's July 5, 1979 letter concerning the above-styled case.

Subsequent to the mailing of such correspondence, this Department received a letter from Roy M. Cohn, counsel for Trump Management, which indicates the possibility of informal resolution of this matter. Accordingly, at this time we are satisfied to delay our request for judicial intervention until a further attempt by the parties at resolving this matter can be made.

Thank you for your attention to this matter.

Sincerely,

Drew S. Days, III
Assistant Attorney General
Civil Rights Division

By:

Brian F. Heffernan
Attorney
General Litigation Section

cc: Records
Chrono
Heffernan
T. File