

# APPENDIX A

**Supreme Court of the State of New York**  
**Appellate Division, First Judicial Department**

Kern, J.P., Kapnick, Gesmer, González, O'Neill Levy, JJ.

2486 &  
M-1928

In the Matter of GOOD LAWGIC, LLC et al.,  
Petitioners,

Ind. No. 71543/23  
Case No. 2024-02457

-against-

THE HONORABLE JUAN M. MERCHAN, etc.,  
et al.,  
Respondents.

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Murray-Nolan Berutti LLC, New York (Ronald A. Berutti of counsel), for Good Lawgic, LLC, petitioner.

Joseph Nierman, Flushing, petitioner pro se.

David Nocenti, Office of Court Administration, New York (Lisa Evans of counsel), for Hon. Juan M. Merchan, respondent.

Alvin L. Bragg, Jr., District Attorney, New York (Philip V. Tisne of counsel), for The People of the State of New York, respondent.

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Petition challenging the orders of Supreme Court, New York County (Juan M. Merchan, J.), entered March 26, 2024 (the Original Restraining Order) and amended on or about April 1, 2024 (the Amended Restraining Order, and together with the Original Restraining Order, the Restraining Order), which, among other things, prohibited nonparty Donald J. Trump (Trump), the defendant in the underlying criminal action, from making certain extrajudicial statements, unanimously denied, and the proceeding brought pursuant to CPLR article 78 dismissed, without costs.

In this original article 78 proceeding, petitioners are essentially seeking a judgment pursuant to CPLR 7803(2). We decline to exercise our discretion to grant this

extraordinary remedy (see *Matter of Rush v Mordue*, 68 NY2d 348, 354 [1986]; see also *Matter of Dondi v Jones*, 40 NY2d 8, 14 [1976]).

It is well established that “[a]lthough litigants do not surrender their First Amendment Rights at the courthouse door, those rights may be subordinated to other interests that arise in the trial setting” (*United States v Trump*, 88 F4th 990, 1007 [DC Cir 2023] [internal quotation marks and brackets omitted] [the Federal Restraining Order Decision]). The Federal Restraining Order Decision found that a restraining order was necessary under the circumstances, holding that “Mr. Trump’s documented pattern of speech and its demonstrated real-time, real-world consequences pose a significant and imminent threat to the functioning of the criminal trial process” (*id.* at 1012). In the same vein, Justice Merchan properly determined that petitioner’s public statements posed a significant threat to the integrity of the criminal trial proceedings. Furthermore, petitioners’ objections to the Restraining Order are merely derivative of Mr. Trump’s rights, and we have already declined to grant relief to him in a separate article 78 proceeding (see *Matter of Trump v Merchan*, \_\_\_ AD3d \_\_\_, 2024 NY Slip Op 02680 [1st Dept 2024]).

We have considered petitioners' remaining contentions and find them unavailing.

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Motion for a stay of enforcement of the Restraining Order during the pendency of this proceeding and a preliminary injunction, dismissed as moot.

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 30, 2024

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas  
Clerk of the Court