

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF

NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U. S. DISTRICT COURT E.D. N.Y.

★ APR 23 1974 ★

TIME A.M. *10:00*  
P.M.

CIVIL ACTION  
NO. 73 C 1529

MOTION AND NOTICE OF  
MOTION FOR SANCTIONS

UNITED STATES OF AMERICA, )  
                                  ) )  
                          Plaintiff, )  
                                  ) )  
                          v.          ) )  
                                  ) )  
FRED C. TRUMP, et. al.,      ) )  
                                  ) )  
                          Defendants. )  
                                  ) )  
                                  ) )  
\_\_\_\_\_ )

SIRS:

PLEASE TAKE NOTICE that plaintiff, United States of America, will move this Court, before the Honorable Edward R. Neaher, District Judge at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York in Courtroom 9, on the 3rd day of May, 1974 at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, for an Order striking the Answer herein and precluding defendants from contesting plaintiff's contention that defendants have engaged in a pattern and practice of discrimination within the meaning of 42 U.S.C. 3613, and have denied equal housing opportunity to groups of persons, which denial has raised an issue of general public importance, also within the meaning of 42 U.S.C. 3613, unless defendants

- (1) File complete and responsive answers to all interrogatories heretofore propounded to them by plaintiff within ten days of the entry of this Court's Order; and

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- (2) Provide and adhere to a firm schedule of availability for depositions of the defendants and their agents heretofore noticed for deposition; and
- (3) File with the Court an assurance that they will proceed with and respond to discovery in accordance with the Federal Rules of Civil Procedure and any Orders which may be entered by this Court in relation thereto.

This motion is made pursuant to Rule 37 of the Federal Rules of Civil Procedure; and the grounds therefor are set forth with particularity in plaintiff's supporting memorandum and in the attached affidavit of Elyse Goldweber. Plaintiff further prays for such other and further relief that this Court deems just and proper.

Dated: April 19<sup>th</sup>, 1974  
Brooklyn, New York

Yours, etc.

To: Roy M. Cohn, Esq.  
Saxe, Bacon, Bolan  
and Manley  
39 East 68th Street  
New York, New York 10021

*Frank E. Schwelb*

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ELYSE S. GOLDWEBER  
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Washington, D. C. 20530

AFFIDAVIT

CITY OF WASHINGTON     )  
                                  ) ss  
DISTRICT OF COLUMBIA    )

Elyse S. Goldweber, being duly sworn, deposes and says:

1. I am an attorney in the Housing Section, Civil Rights Division, United States Department of Justice, and one of the counsel for plaintiff in United States v. Fred C. Trump, et al., Civil Action No. 73-C-1529.

2. I have prepared the factual statement in plaintiff's Memorandum for Sanctions and have personal knowledge of the facts contained therein. It is true to the best of my knowledge and belief.

Elyse S. Goldweber  
ELYSE S. GOLDWEBER

Subscribed and sworn to  
before me this 18<sup>th</sup> day  
of April 1974.

Gronne Lee  
NOTARY PUBLIC

My Commission expires: