

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division**

DONALD J. TRUMP,

Plaintiff,

v.

MICHAEL D. COHEN,

Defendant.

Case No. 23-cv-21377-DPG

**[PROPOSED] ORDER ON PLAINTIFF'S
REQUEST TO RESCHEDULE HIS DEPOSITION**

This matter was before the Court on Plaintiff, Donald J. Trump's ("Plaintiff"), request to modify the Court's prior order that Plaintiff "appear for his deposition on October 3, 2023" [D.E. 65 at 5], and the Court having heard arguments of counsel, and being otherwise advised in the premises, finds as follows:

I. Date and Location of Plaintiff's Deposition

On November 22, 2022, the court in *People of the State of New York v. Donald J. Trump, et al.*, No. 452564/2022 (Sup. Ct. N.Y. County), entered an order stating, among other things, that the trial in that matter (the "New York trial") "shall begin on October 2, 2023." *Id.*, D.E. 228 at 3 (emphasis in original). The October 2, 2023 trial date was affirmed many times on the record,

including in January 2023, March 2023, April 2023, June 2023, and again at least twice more in September 2023. Plaintiff nevertheless requested that the Court reschedule his deposition in this case, which had previously been scheduled for September 6, 2023, to October 3, 2023. The Court granted Plaintiff's request and ordered Plaintiff to appear for his deposition on October 3, 2023. [D.E. 65.]

On September 28, 2023, Plaintiff again requested to reschedule his deposition so that he could attend his previously-scheduled New York trial in person. Through counsel, Plaintiff represented that he would be attending his New York trial in person—at least for each day of the first week of trial. He also stated that, because of the trial, he would be unavailable on any business day between October 2, 2023 and the end of his trial.

Based on Plaintiff's representation about his scheduling conflict, Defendant's counsel agreed to find a way to make themselves available and to reschedule Plaintiff's deposition to either October 8 or 9, 2023. Plaintiff's counsel represented that Plaintiff preferred to move the deposition from October 3 to October 8, 2023.

The Court now orders that Plaintiff's deposition shall commence at 10:00 AM EDT on October 9, 2023 in New York City. Defendant will serve an amended notice of deposition by October 2, 2023, at 5:00 PM EDT specifying the specific venue at which the deposition will be conducted. Plaintiff will direct his protective detail to contact Defendant's counsel and explain any necessary security protocols involving Defendant's counsel no later than October 3, 2023, at 5:00 PM EDT. To be clear, the Court will not entertain any further requests from Plaintiff to reschedule or relocate his deposition for any reason.

To the extent Plaintiff's representations about his scheduling conflict and/or availability to conduct the deposition pursuant to this order were false or misleading, the Court will entertain a

request for sanctions pursuant to Rule 37 of the Federal Rules of Civil Procedure and/or the Court's inherent authority.

II. Costs and Expenses Created by Plaintiff's Request

In reliance on Plaintiff's agreement and the Court's order, Defendant had already made all logistical arrangements for Plaintiff's deposition to occur in Palm Beach County on October 3, 2023. To make Defendant's counsel whole, Plaintiff will promptly reimburse Defendant's counsel for all actual expenses incurred due to the rescheduling and relocating, as well as Defendant's counsel's fees for time related to rescheduling and relocating Plaintiff's deposition.

Specifically, to the extent Defendant incurs cancellation fees or is unable to obtain full refunds for any expenses he has already incurred in arranging to take the deposition on October 3, 2023, he will submit documentation of those expenses to Plaintiff's counsel within ten (10) days after Plaintiff's deposition. In addition, Defendant shall submit documentation of expenses incurred for the deposition venue in New York City to Plaintiff's counsel within ten (10) days after the deposition. Plaintiff will pay the full amount of any submitted expenses within ten (10) days after Plaintiff's submission.

Additionally, Defendant may seek reimbursement for attorneys' fees and related expenses for all time (including both attorneys and non-attorney personnel) related to rescheduling and relocating Plaintiff's deposition to accommodate Plaintiff's request. Defendant's counsel shall submit an invoice to Plaintiff's counsel within ten (10) days after Plaintiff's deposition. The invoice shall reflect all time entries associated with arranging the logistics of Plaintiff's rescheduled Deposition and each involved person's standard hourly rate, as well as expenses associated with travel to and accommodation in New York City. Plaintiff shall pay the full amount of Defendant's invoice within ten (10) days of receipt.

If Defendant fails to timely submit expenses or invoices, he will waive his right to reimbursement of any such untimely expenses or invoices. If Plaintiff fails to timely pay any properly-submitted expenses or invoices, he will incur a sanction of \$1,000 for each additional day his payment is late, payable to Defendant's counsel.

DONE AND ORDERED in Chambers in Miami, Florida, this ____ day of September, 2023.

EDWIN G. TORRES

Chief United States Magistrate Judge