



trump v. trump: publisher is not an agent of author subject to a non-disclosure agreement

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On July 1, the Appellate Division of the State of New York Supreme Court issued a decision on whether an author's non-disclosure agreement (NDA) binds a publisher and other similarly situated distributors. The decision allows publisher Simon & Schuster to proceed with the publication of Mary Trump's book about her uncle, President Donald Trump, titled *Too Much and Never Enough, How My Family Created the World's Most Dangerous Man*.

Fred and Mary Anne Trump were Donald Trump's parents and Mary Trump's grandparents. In 2001, Mary Trump signed an NDA as part of a settlement agreement regarding the probate dispute among Fred and Mary Anne Trump's heirs. The NDA prohibited Ms. Trump *and her agents* from publishing "any diary, memoir, letter, story, photograph, interview, article, essay, account, or description or depiction" regarding the probate litigation or the relationship between Ms. Trump and her relatives on the opposing side – including President Trump – without their consent.

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