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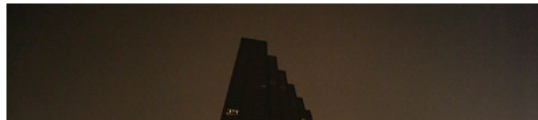
How the Trump Tower became the lion's den for homeowner privacy rights



JPAYE

If you're a fan of low-key living, then moving into a hot spot such as the Trump Tower is probably not the best choice right now. The issue may not be which side of the political scale you're on. Privacy is becoming a bigger obstacle living in these locations.

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HIGHER APPRAISAL RATING, HIGHER DEBT: WHEN RENOVATING GOES WRONG

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[C-SPAN](#) has a [live feed](#) outside of the Trump Tower in New York while Donald Trump continues to dodge the press (minus the notable cancellation and then rescheduled interview with The New York Times). Protesters have [burned American flags](#) outside of the Trump International Hotel in New York. Anti-Trump activists are already reportedly in the works of organizing protests outside of the [Trump Tower in Chicago](#) when he returns for his “thank you” tour.

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Although both New York and Illinois were blue states in the 2016 presidential election, these are also locations where his property has other tenants. And those tenants are paying a pretty penny for both privacy and financially to maintain a semblance of their old lives pre-election in addition to New Yorkers who don't even live in the building. CNN reports an estimate of New York taxpayers paying [over \\$1 million per day](#) because of Trump still staying at his East Coast property, and even [Snopes](#) says "it's possible." (If/when he moves to the White House, his wife Melania Trump and their 10-year old son Barron plan to stay put, which will leave taxpayers paying for law enforcement to protect the new first family, including the [Secret Service potentially renting](#) a room.)



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Recommended Reading: [“Investment condo or real-life ‘Money Pit’: Why real estate investors should beware of condo restrictions”](#)

Some tenants are reportedly “[embarrassed](#)” by living in a building affiliated with Trump’s name. Others are [tired of protesters](#) and are considering moving or [selling their property](#) simply because it’s just getting too much attention. (Gucci and Tiffany & Co. store locations are losing customers just for being too close to the Trump Tower.)

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As a reality TV personality, Trump’s real estate may have gotten a few tourists. But Hyde Park residents in Chicago have already experienced the craziness of living on the 5000 block of South Greenwood Avenue, near the same confines as the Commander in Chief. And now it’s the East Coast’s turn — and not just in Washington DC.

The question of when news reporting and coverage becomes an invasion of privacy is a difficult one. The right to privacy afforded to all Americans is rooted in the Fourth Amendment of the U.S. Constitution. The Fourth Amendment provides “the right of the people to be secure in their persons, **houses**, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or thing to be sized.”

Recommend Reading: [Social media incrimination and arrest: Chris Brown, Designer, and you](#)

What is a reasonable expectation for privacy?

The United States Supreme Court has interpreted the Fourth Amendment to provide American citizens with a “reasonable expectation of privacy.” What exactly is a “reasonable expectation of privacy?” U.S. federal and state courts are constantly redefining what is private based upon interpretations of this elusive legal standard. Many states have enacted laws to help provide clarity on what is considered private. There are four main types of privacy claims, which for the most part are civil torts largely controlled by state laws.

1. Intrusion of solitude
2. Appropriation of name or likeness
3. Public disclosure of private facts

- 3. Public disclosure of private facts
- 4. False light



(Photo credit: iStock)

Donald Trump is a public figure and may not have a “reasonable expectation of privacy,” but should the solitude of the other condo residents of Trump Tower be impacted by the media? That may depend on each resident’s individual opinions (or as a collective). In order to bring an intrusion of solitude claim, the residents of Trump Tower would

have to show the following elements:

- 1. The defendant, without authorization, must have intentionally invaded the private affairs of the plaintiff.
- 2. The invasion must be offensive to a reasonable person.

3. The matter that the defendant intruded upon must involve a private matter.
4. The intrusion must have caused mental anguish or suffering to the plaintiff. See [Restatement \(Second\) of Torts – Intrusion Upon Seclusion](#).

Individuals should check their state laws because the elements required for Intrusion of Solitude claims may be different. Using the elements outlined above, the residents of Trump Tower may have difficulty showing that the invasion of media at their doorstep is offensive to the reasonable person. Condo owners would have to demonstrate more than mere discomfort or embarrassment to meet the second element of an intrusion of solitude claim.

As technology and society’s need for information continues to evolve, the United States Supreme Court shoulders the responsibility of defining what constitutes a “reasonable expectation of privacy. When Donald Trump assumes the presidential office, he will get to appoint a Supreme Court Justice. Assuming the residents of Trump Tower file an invasion of privacy lawsuit that makes it all the way to the U.S. Supreme Court, a Supreme

lawsuit that makes it all the way to the U.S. Supreme Court, a Supreme Court judge appointed by Trump would be involved in deciding the case.

Have more questions about rights of privacy? Contact [J. Paye & Associates](#) today.

Shamontiel L. Vaughn contributed to this blog. Find out more about her at [Shamontiel.com](#).

The information contained here is intended to provide useful information on the topic covered but should not be construed as one-size-fits-all legal advice. Speak to an attorney specifically about your contractual agreement for specific terms and conditions.

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