

## Donald Trump Drops Orangutan Lawsuit

By Silvia Hsieh

Once again, Donald Trump has gone apesh\*t over Bill Maher's orangutan joke. The real estate wheeler-dealer turned reality show job-terminator has withdrawn his \$5 million lawsuit against comedian Maher, while vowing to refile an amended complaint some day. Proving that all you need to bring a lawsuit is the filing fee and a bruised ego, Trump sued in a California civil court back in February, claiming that Maher didn't make good on an offer he made on The Tonight Show. In front of Jay Leno and the world, Maher had likened Trump's trademark comb-over to an orangutan's fur and said he would cough up \$5 million if Trump could prove he was not the son of an orangutan. The money would go to a charity Trump chose; Maher suggested Hair Club for Men. The offer was similar to one Trump made to President Barack Obama. You may recall that during the presidential election Trump hired investigators to scour the birth registries of Hawaii, held an ego-stroking press conference helicopter-side to update the nation on the President's citizenship status, and took to YouTube with an offer to contribute \$5 million to a charity of Obama's choosing if the president released his college records. After Trump filed his lawsuit, he told Fox News he was sure Maher's offer was not a joke. Attached to Trump's legal complaint seeking payment of the \$5 million was a copy of his birth certificate identifying his father as Fred Trump, not an orangutan (although I'm fairly certain the genus and species of Fred were omitted from the official document). Trump, who once wrote a book called "The Art of the Deal," seems to be confused about how a contract is formed. It's not that verbal promises can't be enforced: Walk into McDonald's and order a Big Mac. Oral contract. Nor is it true that unilateral contracts can't be enforced: Post a \$100 reward for whoever finds your lost pet. Better pay up when a stranger returns Fluffy to you. Trump's lawsuit fails because there was no "meeting of the minds," says Graig F. Zappia, a business and real estate attorney in Albany, N.Y. To enforce an agreement, especially without a written contract, courts look at the intent of the parties and the context in which the agreement was made, he added. "Here you have two comedians joking around on a late-night talk show. Anybody watching knows they're just having fun," said Zappia. To save face, Trump's legal team likely withdrew the lawsuit before it could be thrown out of court. "It's like saying you resigned instead of getting fired," Zappia said. Besides, said Los Angeles attorney Kelli Sager, "the underfunded and overcrowded Los Angeles courts have better things to do than deal with this kind of ridiculous lawsuit." Too bad The Donald, with all the millions he's accumulated, can't go out and buy a sense of humor.