

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

K&D, LLC, t/a Cork,

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Appellant,

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v.

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Case No. 18-7185

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Trump Old Post Office, LLC, et al.,

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Appellees.

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**STATEMENT OF ISSUES TO BE RAISED**

Appellant K&D, LLC, t/a Cork, by and through undersigned counsel, hereby responds to the Court’s Scheduling Order dated December 11, 2018, and states that it will raise the following issues on appeal:

1. Whether the District Court erred in concluding that removal by Appellees Trump Old Post Office, LLC and Donald J. Trump under 28 U.S.C. § 1441(a), on the ground that Appellant’s complaint arises under the laws of the United States within the meaning of 28 U.S.C. § 1331, was proper?
2. Whether the District Court erred in concluding that removal by Appellee Donald J. Trump under 28 U.S.C. § 1442(a)(1), on the ground that the conduct of Appellee Donald J. Trump that is the basis of the complaint related to acts undertaken by him under color of the office of President of the United States, was proper?

3. Whether the District Court erred in concluding the Appellant had failed to sufficiently allege tortious actions by the Appellees that fell within the scope of unfair competition under the common law of the District of Columbia?

Date: January 10, 2019

Respectfully submitted,

/s/

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Attorneys For The Appellant

**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2019, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notice of such filing to all attorneys of record in this matter.

/s/

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