



*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

July 12, 2019

By ECF

The Honorable Lorna G. Schofield
United States District Judge
40 Foley Square
New York, NY 10007

Re: *PEN American v. Trump*, 18 Civ. 9433 (LGS)

Dear Judge Schofield:

This Office represents defendant President Donald J. Trump in this First Amendment action brought by plaintiff PEN American Center, Inc. (“PEN American”). I write respectfully to bring to the Court’s attention the July 10, 2019 decision of the United States Court of Appeals for the Fourth Circuit in *In re Trump*, No. 18-2486 (4th Cir. 2019), which reversed the denial of defendant’s Trump’s motion to dismiss claims against him under the Emoluments Clauses in *D.C. v. Trump*, No. 17-cv-1596 (D. Md.).

In the present case, plaintiff’s memorandum of law in opposition to defendant’s pending motion to dismiss relied on the district court’s conclusions in *D.C. v. Trump*. See Memorandum of Law in Opposition to Defendant’s Motion to Dismiss, at 21–22, ECF No. 48 (quoting *D.C. v. Trump*, 344 F. Supp. 3d 828 (D. Md. 2018)). In *In re Trump*, the Fourth Circuit granted defendant Trump’s petition for writ of mandamus and reversed the district court’s denial of his motion to dismiss. See *In re Trump*, No. 18-2486. The Fourth Circuit concluded that plaintiffs lacked standing. See *id.* at 26-35.

Thank you for your consideration of this submission.

Respectfully submitted,
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