

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 19-1540

Caption [use short title]

Motion for: Expedited Appeal

Set forth below precise, complete statement of relief sought:

The parties jointly ask the Court to expedite this appeal according to the schedule proposed in their attached memorandum.

Donald J. Trump et al. v. Deutsche Bank et al.

MOVING PARTY: Donald J. Trump et al.

OPPOSING PARTY: N/A

☒ Plaintiff☐ Defendant☐ Appellant/Petitioner☐ Appellee/Respondent

MOVING ATTORNEY: Marc L. Mukasey

OPPOSING ATTORNEY: N/A

[name of attorney, with firm, address, phone number and e-mail]

Mukasey Frenchman & Sklaroff LLP

250 Park Avenue, 7th Floor

New York, NY 10177

Court- Judge/ Agency appealed from: Southern District of New York - Ramos, J.

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No If yes, enter date:

Signature of Moving Attorney:

s/ Marc L. Mukasey

Date: May 25, 2019

Service by:

☒ CM/ECF☒ Other

[Attach proof of service]

No. 19-1540

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

DONALD J. TRUMP, DONALD J. TRUMP JR., ERIC TRUMP, IVANKA TRUMP, THE
DONALD J. TRUMP REVOCABLE TRUST, THE TRUMP ORGANIZATION, INC., TRUMP
ORGANIZATION LLC, DJT HOLDINGS LLC, DJT HOLDINGS MANAGING MEMBER
LLC, TRUMP ACQUISITION LLC, and TRUMP ACQUISITION CORP.,

Plaintiff-Appellants,

v.

DEUTSCHE BANK AG and CAPITAL ONE FINANCIAL CORP.,

Defendant-Appellees,

COMMITTEE ON FINANCIAL SERVICES OF THE U.S. HOUSE OF REPRESENTATIVES and
PERMANENT SELECT COMMITTEE ON INTELLIGENCE OF THE U.S. HOUSE OF
REPRESENTATIVES,

Intervenor-Defendant-Appellees.

**MEMORANDUM IN SUPPORT OF JOINT
MOTION TO EXPEDITE APPEAL**

Plaintiff-Appellants (President Donald J. Trump, Donald J. Trump Jr., Eric Trump, Ivanka Trump, Donald J. Trump Revocable Trust, The Trump Organization, Inc., Trump Organization LLC, DJT Holdings LLC, DJT Holdings Managing Member LLC, Trump Acquisition LLC, and Trump Acquisition Corp.), Defendant-Appellees (Deutsche Bank AG and Capital One Financial Corp.), and Intervenor-Defendant-Appellees (Committee on Financial Services of the U.S. House of Representatives and Permanent Select Committee on Intelligence of the U.S. House of Representatives)

jointly move to expedite this appeal. The movants agree that this appeal satisfies the criteria for expedited consideration.

If the Court agrees that expedition is warranted, the parties propose that the appeal proceed as follows:

1. Appellants' opening brief will be filed by June 18, 2019.
2. Appellees' response briefs, if any, will be filed by July 11, 2019.
3. Appellants' reply brief will be filed by July 18, 2019.
4. The parties respectfully request that the Court hold oral argument as soon as the Court deems practicable.

If the Court grants this joint motion to expedite, the Committees, through counsel for the House of Representatives, agree to suspend the time for production set by the subpoenas during the pendency of this appeal, except to the extent the subpoenas call for the production of documents unrelated to any person or entity affiliated with Plaintiff-Appellants.

Deutsche Bank and Capital One agree to continue collecting and preparing all documents responsive to the subpoenas but agree to produce only documents unrelated to any person or entity affiliated with Plaintiff-Appellants during the pendency of the appeal. Nothing in this agreement is intended to preclude separate production agreements between non-parties and the Committees.

If the Court denies this joint motion to expedite, within seven days Plaintiff-Appellants will file an emergency motion to stay the district court's judgment pending

appeal. The Committees, through counsel for the House of Representatives, agree to suspend the time for production set by the subpoenas until that motion is decided and, if it is denied, until seven days thereafter.

Deutsche Bank and Capital One agree not to produce any documents related to any person or entity affiliated with Plaintiff-Appellants during that seven-day period. Nothing in this agreement is intended to preclude separate production agreements between non-parties and the Committees.

The parties are filing a contemporaneous joint motion to stay further proceedings in the District Court during the pendency of this appeal.

Dated: May 25, 2019

s/ Douglas N. Letter

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s/ Steven R. Ross

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Respectfully submitted,

s/ Patrick Strawbridge

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s/ Marc L. Mukasey

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Organization LLC, DJT Holdings LLC, DJT
Holdings Managing Member LLC, Trump
Acquisition LLC, and Trump Acquisition, Corp.*

CERTIFICATE OF SERVICE

I certify that I filed this motion with the Court via the CM/ECF system. I also served all parties a copy of this motion via emails to:

Douglas N. Letter, douglas.letter@mail.house.gov

Steven R. Ross, sross@akingump.com

James A. Murphy, jmurphy@mmlawus.com

Dated: May 25, 2019

s/ Marc L. Mukasey