

18-474-cv
Citizens for Responsibility and Ethics in Washington v. Trump

1 UNITED STATES COURT OF APPEALS
2 FOR THE SECOND CIRCUIT
3
4 August Term, 2018
5
6 (Argued: October 30, 2018 Decided: September 13, 2019)
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8 Docket No. 18-474
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12 Citizens for Responsibility and Ethics in Washington, Restaurant
13 Opportunities Centers United, Inc., Jill Phaneuf, and Eric Goode,
14
15 *Plaintiffs-Appellants,*
16
17 v.
18
19 Donald J. Trump, in his official capacity as
20 President of the United States of America,
21
22 *Defendant-Appellee.*
23
24
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26 Before:
27
28 JOHN M. WALKER, PIERRE N. LEVAL, CHRISTOPHER F. DRONEY,
29 *Circuit Judges.*
30
31 Plaintiffs, who own and operate businesses in the hospitality industry,
32 appeal from the dismissal of their lawsuit by the United States District Court
33 for the Southern District of New York (George B. Daniels, J.). The district
34 court dismissed Plaintiffs' suit on the grounds that Plaintiffs lack Article III
35 standing, they fall outside the zone of interests of the Emoluments Clauses,
36 their claims do not present a ripe case or controversy within the meaning of
37 Article III, and the case presents a non-justiciable "political question."
38 VACATED AND REMANDED.
39
40 Judge WALKER dissents in a separate opinion.

ERRATA

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So Ordered:



JOHN M. WALKER, JR.
Judge

9/13/19
Date