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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:**  
**DATE FILED:** 11/8/2019

November 8, 2019

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CHAMBERS OF  
JUDGE MARRERO

By Hand

Hon. Victor Marrero  
U.S.D.C. S.D.N.Y.  
500 Pearl Street  
New York, NY 10007

Re: *Donald J. Trump v. Cyrus R. Vance, Jr., et al. (19-cv-08694)*

Dear Judge Marrero:

The parties submit this joint letter in response to the Court's order from November 5, 2019. See Doc. 41.

Plaintiff intends to petition the U.S. Supreme Court for certiorari no later than November 14, 2019. Defendant Vance will oppose this petition, and the parties have agreed to fully brief the matter no later than November 25, 2019. We request the Court keep the case in abeyance until the Supreme Court either denies Plaintiff's petition for certiorari or issues an opinion, consistent with the attached agreement dated October 21, 2019. Following the Supreme Court's determination, the parties will promptly update the Court on their positions relative to further proceedings in this Court.

Respectfully submitted,

s/ William S. Consovoy  
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s/ Carey R. Dunne  
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s/ Jerry D. Bernstein  
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*Counsel for President Donald J. Trump*

*Counsel for Cyrus R. Vance, Jr.*

*Counsel for Mazars USA, LLP*

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by  
the parties  
**SO ORDERED.**  
11-8-19  
DATE VICTOR MARRERO, U.S.D.J.

**DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000**



**CYRUS R. VANCE, JR.**  
DISTRICT ATTORNEY

**BY ECF**

Catherine O'Hagan Wolfe  
Clerk of Court  
U.S. Court of Appeals, Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

October 21, 2019

**Re: Donald J. Trump v. Cyrus R. Vance, Jr., et al.  
Case No. 19-3204 cv**

Dear Ms. O'Hagan Wolfe:

We represent the office of Cyrus R. Vance, Jr., District Attorney of New York County, an Appellee in this matter.

We write to inform the Court that the parties have reached an arrangement to resolve Appellant's emergency motion for a stay pending appeal (Dkt. No. 128) filed on Friday, October 18, 2019.

Appellee Vance agrees to forbear enforcement of the Mazars Subpoena between the date of oral argument in this matter (October 23, 2019) and ten calendar days after this Court issues its panel opinion (the "Forbearance Period"), on the following conditions:

1. Any petition for *certiorari* in this matter will be filed in the Supreme Court within the Forbearance Period; any opposition will be filed within seven calendar days from the petition; and any reply will be filed within three calendar days from any opposition. Should any filing date specified above fall on a weekend or holiday, the terms of Federal Rule of Appellate Procedure 26 shall control.

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2. Should Appellant petition for *certiorari*, Appellant will request in his petition that the Supreme Court hear the case in the current term, and Appellee Vance will further forbear enforcement of the Mazars Subpoena until the Supreme Court either denies *certiorari* or issues an opinion, whichever is sooner.
3. Appellant will immediately withdraw all pending motions for a stay in this Court.

We are available at the Court's convenience should any questions arise concerning this undertaking.

Respectfully submitted,

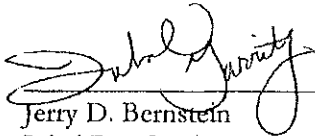


Carey R. Dunne, *General Counsel*  
Christopher Conroy (*pro hac vice*)  
Solomon B. Shinerock  
James H. Graham  
Sarah Walsh (*pro hac vice*)  
Allen J. Vickey  
*Assistant District Attorneys*  
New York County District Attorney's Office

Agreed on October 21, 2019:



William Consovoy  
Marc Mukasey  
Alan Futerfas  
Counsel of Record for the Appellant



Jerry D. Bernstein  
Inbal Paz Garrity  
Nicholas R. Tambone  
Counsel of Record for Appellee Mazars USA, LLP

CC: all counsel of record (via ECF)