

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHIGAN WELFARE RIGHTS
ORGANIZATION, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:20-cv-03388-TSC

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs Michigan Welfare Rights Organization (“MWRO”), NAACP, Maureen Taylor, Nicole L. Hill, and Teasha K. Jones, by counsel, respectfully submit this Notice of Supplemental Authority to notify the Court that the Court of Appeals for the D.C. Circuit summarily affirmed this Court’s finding that the actions of Defendant Trump at the heart of this case fell outside the scope of his official duties, and thus, that Defendant Trump is not entitled to absolute immunity. *Michigan Welfare Rights Org. v. Trump*, No. 22-7164, Order (D.C. Cir. Mar. 8, 2024) (the “Order,” attached hereto as Exhibit A); *see also* Dkt. 59 at 11-13 (denying immunity).

The Order removes all doubt as to whether this case can proceed. The arguments in favor of a stay raised by Defendants—that “there is a pending motion for summary affirmance based on the *Blassingame* decision” in the D.C. Circuit and therefore “this Court lacks jurisdiction to take any action as to President Trump” (Dkt. 92 at 5)—have been mooted by issuance of the Order. Accordingly, the Court must deny Defendants’ motion for stay (Dkt. 66).

Even if any question of Defendant’s Trump’s immunity survives in this case following

the *Blassingame* decision,¹ it would not affect the claims for injunctive relief against Defendant Trump, nor would it have any bearing on the claims against the other Defendants. Further delays in this proceeding will create a grave risk of denying Plaintiffs an opportunity for relief in advance of the 2024 election. Accordingly, Plaintiffs' motion for discovery should be granted (Dkt. 68).

Dated: March 12, 2024

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Respectfully submitted,

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¹ *Blassingame v. Trump*, 87 F.4th 1, 30 (D.C. Cir. 2023) (“[W]e affirm the district court's denial of President Trump's motion to dismiss on grounds of presidential immunity, and we leave it to that court to conduct further proceedings on the issue as desired and warranted.”).

CERTIFICATE OF SERVICE

I certify that on March 12, 2024, I electronically filed the foregoing Plaintiffs' Notice of Supplemental Authority with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel and parties of record.

Dated: March 12, 2024

/s/ Jason M. Bradford

Jason M. Bradford

Attorney for Plaintiffs

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Exhibit A

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-7164

September Term, 2023

1:20-cv-03388-EGS

Filed On: March 8, 2024

Michigan Welfare Rights Organization, et al.,

Appellees

v.

Donald J. Trump, in his personal capacity,

Appellant

Donald J. Trump For President, Inc. and
Republican National Committee,

Appellees

BEFORE: Henderson, Millett, and Walker, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, the opposition thereto, and the reply; and the motion to hold in abeyance and the opposition thereto, it is

ORDERED that this appeal be removed from abeyance. It is

FURTHER ORDERED that the motion for summary affirmance be granted. This appeal raises the same question that this court recently decided in Blassingame v. Trump, 87 F.4th 1 (D.C. Cir. 2023). As a result, the merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Blassingame held that former President Donald J. Trump lacks presidential immunity for actions that he took "in his personal capacity as presidential candidate," as opposed to "in his official capacity as sitting President." 87 F.4th at 4. Now that the mandate in Blassingame has issued, our decision there has become final. See Fed. R. App. P. 41(c), 1998 advisory committee's note. Appellant has made no effort to distinguish this appeal from Blassingame. And given that appellees' motion rests entirely on the court's recent decision in

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Blassingame, they had “good cause” for filing it when they did. D.C. Cir. Rule 27(g)(1).
It is

FURTHER ORDERED that the motion to hold in abeyance be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

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