

DISTRICT ATTORNEY

COUNTY OF NEW YORK

ONE HOGAN PLACE

New York, N. Y. 10013

(212) 335-9000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

August 24, 2020

VIA CM/ECF

Catherine O'Hagan Wolfe

Clerk of Court

U.S. Court of Appeals for the Second Circuit

Thurgood Marshall United States Courthouse

40 Foley Square

New York, NY 10007

Re: *Trump v. Vance*, 20-2766

Dear Ms. Wolfe:

Appellee Cyrus R. Vance, Jr. respectfully submits the attached correspondence to apprise the Court of his position regarding enforcement of the subpoena at issue in this matter, pending the Court's full adjudication of Appellant's motion for a stay.

Respectfully submitted,

s/ Carey R. Dunne

Carey R. Dunne, *General Counsel*

New York County District Attorney's Office

One Hogan Place

New York, NY 10013

CC: All counsel of record

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CYRUS R. VANCE, JR.
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August 22, 2020

VIA ELECTRONIC MAIL

William Consovoy, Esq.
Consovoy McCarthy PLLC
1600 Wilson Boulevard
Suite 700
Arlington, VA 22209
will@consovoymccarthy.com

Counsel:

We write in response to your request for further forbearance on enforcement of the subpoena *duces tecum* issued by a New York County grand jury to Mazars USA, LLC on August 29, 2019 (the "Mazars Subpoena") in light of the August 21, 2020 Order of the U.S. Court of Appeals for the Second Circuit denying your application for an administrative stay of enforcement of the Mazars Subpoena and setting your application for a stay pending appeal for argument on September 1, 2020.

The Second Circuit properly held in its August 21 Order that no administrative stay of the Mazars Subpoena is warranted, as your client is highly unlikely to succeed on the merits of his appeal and will not suffer irreparable harm if a stay is not entered. The New York County District Attorney's Office welcomes the expedited briefing and argument schedule to resolve your full stay application contemplated by that Order. To ensure the Second Circuit has ample opportunity to consider thoroughly the arguments raised in your stay papers, and to avoid undue further delay, the New York County District Attorney's Office hereby agrees to forbear on enforcement of the Mazars Subpoena until 5:00 pm on the second calendar day after the Second Circuit issues a decision on your application for a stay pending appeal.

Respectfully submitted,

s/ Carey R. Dunne

Carey R. Dunne, *General Counsel*
New York County District Attorney's Office
One Hogan Place
New York, NY 10013