

No. 25A312
IN THE
Supreme Court of the United States

DONALD J. TRUMP,
President of the United States, et al.,
Applicants,
v.

LISA D. COOK,
Member of the Board of Governors of the Federal Reserve System,
Respondent.

**MOTION OF PATRICK J. BORCHERS, MICHAEL C. DORF, KELLEN FUNK,
AZIZ HUQ, RILEY T. KEENAN, JAMES PFANDER, AND JONATHAN D.
SHAUB FOR LEAVE TO FILE AMENDED *AMICUS* BRIEF**

Patrick J. Borchers, Michael C. Dorf, Kellen Funk, Aziz Huq, Riley T. Keenan, James Pfander, and Jonathan D. Shaub (“*Amici*”) move this Court for leave to file an amended *amicus curiae* brief in support of the Respondent. The grounds for that relief are as follows.

1. On September 18, 2025, Applicants sought a stay in this Court of the district court’s preliminary injunction maintaining Respondent Lisa Cook in her position on the Federal Reserve Board. Within a week, *Amici*—a group of legal scholars—filed an *amicus* brief in support of a stay. That brief took no position regarding Respondent’s entitlement to her office, but expressed *Amici*’s view that federal courts possess the remedial authority to prevent unlawful removals of federal officials either at law or in equity. *See* Br. Patrick J. Borchers et al. (Sep. 25, 2025) at 1-3.

2. On October 1, this Court deferred ruling on the stay application until oral argument could be held in January 2026. Order of 10/1/25. It also instructed the clerk

to “establish a briefing schedule for *amici curiae* and any supplemental briefs responding to *amici*.” *Id.* The clerk then directed that “[a]ny brief for an *amicus curiae* under Rule 37.4 must be filed on or before Wednesday, October 29, 2025,” and allowed the parties to file supplemental briefs responding to *amici*. Order (Oct. 9, 2025).

3. *Amici* understood the clerk’s order to permit any party to file an amicus brief by the October 29, 2025 deadline without need for additional leave of Court, and accordingly filed an updated brief on that deadline. *See* Br. Patrick J. Borchers et al. (Oct. 29, 2025). In an abundance of caution, however, *Amici* submit this motion to accompany their updated brief.

4. With the benefit of this additional time for *amicus* briefing, *Amici* have amended their earlier submission. The edits are relatively modest—*Amici* have included additional details about the procedural merger of law and equity, a discussion of the interaction between quo warranto and mandamus, and a footnote regarding declaratory judgments. This material was added to aid the Court’s understanding of relevant remedial history and evaluation of the government’s stay application.

5. No party would be prejudiced by granting *Amici* leave to amend their *amicus* brief, as both parties will have the opportunity to file supplemental briefs responding to any *amicus* briefs.

6. Counsel for *Amici* consulted counsel for the parties regarding this motion. Respondent takes no position on the filing. No response was received from Applicants in time to file and serve the motion today.

October 30, 2025

/s/ Joseph R. Sellers
Counsel of Record