

# Trump's hotel denies operating unfairly

Nihal Krishan 12 May 2017

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President Donald Trump and his Old Post Office hotel have filed to dismiss a complaint against them by a wine bar in Washington, DC.

The Cork Wine Bar claims Trump International Hotel and its dining establishments have

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The Cork wine bar claims Trump International Hotel and its dining establishments have gained an unfair advantage from Trump being the US President.

But in a motion to dismiss in Washington, DC, federal court on Wednesday, Trump and his hotel argued that the bar's claims fall outside the narrow scope of DC unfair competition law.

The wine bar had specifically argued that the Old Post Office hotel has violated a lease agreement for the building with the US General Services Administration, which contained a clause holding that no member of Congress or elected US government official could share the lease or any benefits flowing from it. The bar claimed that the hotel gained an unfair advantage over rivals.

Trump and the hotel note that in any event, the General Services Administration has concluded that the tenant is in full compliance with the lease.

The defendants added that under previous case law, unfair competition in DC is limited to "defamation, disparagement of a competitor's goods or business methods, intimidation of customers or employees, interference with access to the business, threats of groundless suits, commercial bribery, inducing employees to sabotage, [and] false advertising or deceptive packaging".

Lawyers for the defendants said: "Here, Cork's claim fails because the allegation that [the hotel] breached a commercial lease restriction does not conceivably fit within any of the unlawful acts recognised as actionable under DC law."

Instead, they said, Cork's complaint paints "a picture of regular competition between businesses, in which Cork speculates it may lose customers to a newer, more popular venue."

Cork's counsel Scott Howard Rome at the Veritas Law Firm in Washington, DC told *GCR* that the hotel's lawyers disagree with Trump's motion.

On Thursday, Cork said in a statement that Trump wants to keep his businesses, unfairly compete with others, and then claim immunity when sued for the operation of those businesses.

"Simply because he serves as President does not mean that he is immune, or above the law,

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for his unofficial acts. This is part of the problem with continuing to own and benefit from businesses while serving as President,” Rome said.

“We think that the tangible harm to Cork will come out during discovery. We think Trump is pulling business from all other establishments in DC and we hope to prove this because unfair competition is a very broad tort in the District of Columbia,” Rome said.

#### Counsel to the Cork Wine Bar

Law offices of Mark Zaid

Mark Steven Zaid and Bradley Prescott Moss in Washington, DC

Veritas Law Firm

Scott Howard Rome in Washington, DC

George Washington University Law School professor Alan Morrison

#### Counsel to the Trump Old Post Office

Seyfarth Shaw

Rebecca Woods in Washington DC and Esther Slater McDonald in Atlanta

#### Counsel to Donald Trump

Morgan Lewis & Bockius

Jason Scherr in Washington, DC, Erik Sitarchuk in Philadelphia, and Allyson Ho in Dallas

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