

SENSITIVE

AGENDA DOCUMENT NO. X25-01

AGENDA ITEM

For the meeting of January 14, 2025



FEDERAL ELECTION COMMISSION

Washington, DC 20463

January 3, 2025

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *LJS*
Christopher H. Bell *CHB*
Shaina Ward *SW*

SUBJECT: Litigation Status Report

The attached litigation report consists of four parts:

- A list of all court cases opened or closed during the previous month.
- A "Pre-Litigation Report" that lists all cases for which the Commission has authorized civil litigation, but for which no court complaint has yet been filed. The list identifies the names of the primary respondents, MUR numbers, dates on which contingent and/or final suit authority was approved, and the staff assigned to the matter.
- A "Pending Litigation Report" that lists all litigation cases that are open as of the date of this report. This list identifies the name of the court case, the case number assigned by the court, the staff working on the case, the related MUR number (if any), and the applicable litigation budget category.
- A "Litigation Activity Report" that lists all court filings for the previous month. Each case for which there has been court activity is listed on a separate page, and each filing is identified by date and name, with further explanation in italics when appropriate. At the top of the first page for each individual case, the report includes information that does not change each month, such as the case name and number, the judge's name, when and where the case was filed, and a description of the issues in dispute. Because we occasionally learn of court filings several days, or even weeks, after they have been submitted to the court, we will sometimes list activity from an earlier month.



CASES OPENED AND CLOSED

	<i>Court</i>	<i>Docket No.</i>	<i>Date</i>
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CASES OPENED:

NRSC, et al.v. FEC, et al.	S. Ct.	24-621	12/04/24
Berman v. FEC	D.C. Cir.	24-5289	12/23/24

CASES CLOSED:

Campaign Legal Center, et al. v. FEC	D.D.C.	22-3319	10/23/24
FEC. v. Plumbers and Pipefitters Local Union No. 9, et al.	D.D.C.	24-1450	12/16/24

Pending Litigation Report as of January 1, 2025

NAME OF CASE	CASE NUMBER/COURT	STATUS	FEC NUMBER	LITIGATION STAFF	TEAM LEADER	BUDGET
Berman v. FEC	23-1017 (D.D.C.) 24-5289 (D.C. Cir.)	Appealed Prelim. mot.	MUR 7998 (Fox News Network, LLC)	Weiman	Bell	N-FECA-DEF
Campaign Legal Center, et al. v. FEC	19-2336 (D.D.C.) 22-5336 (D.C. Cir.)	Appealed Remanded	MUR 7146 (Correct the Record)	Mueller	S. Ward	30109-DEF
Campaign Legal Center v. FEC	21-406 (D.D.C.)	Stayed	MUR 7516 (Heritage Action for Am.)			30109-DEF
Campaign Legal Center v. FEC	22-1976 (D.D.C.) 22-5339 (D.C. Cir.)	Appealed Argued	MUR 7784 (Trump MAGA)	Mueller	S. Ward	30109-DEF
Campaign Legal Center, et al. v. FEC, et al.	22-3319 (D.D.C.)	Prelim. mot.	MUR 6927 (Right to Rise II)	Weiman	Bell	30109-DEF
Campaign Legal Center, et al. v. FEC	23-3163 (D.D.C.)	Briefed	REG 2019-04 (Reporting Segregated Party Accounts)	Golvach/Weiman	Bell	O-FECA-DEF
Campaign Legal Center v. FEC	24-2585 (D.D.C.)	Briefing	MUR 8216 (Last Best Place PAC)	Cunningham	Bell	30109-DEF
CREW v. FEC	22-35 (D.D.C.)	Default	MUR 7465 (Freedom Vote, Inc.)	Weiman	Bell	30109-DEF
CREW v. FEC	22-3281 (D.D.C.)	Stayed	MUR 6589R (AAN)	Mueller	S. Ward	30109-DEF
Defend Louisiana PAC; FEC v.	21-346 (M.D. La.)	Post-judg't	MUR 7610		S. Ward	30109-OFF
DCCC v. FEC	24-2935 (D.D.C.)	Complaint	AO 2024-13 (DSCC, et al.)	Mueller/Weiman/ Golvach	Bell/ S. Ward	O-FECA-DEF
End Citizens United PAC v. FEC	21-2128 (D.D.C.) 22-5277 (D.C. Cir.)	Appealed Argued	MUR 7370 (New Republican PAC) MUR 7496 (New Republican PAC)	Mueller	S. Ward	30109-DEF
Giffords v. FEC	19-1192 (D.D.C.)	Post-judg't	MUR 7427 (NRA) MUR 7497 (NRA) MUR 7524 (NRA) MUR 7553 (NRA)	H. Ward	S. Ward	30109-DEF
In re: Sealed Case		Briefing		Mueller/Coll	S. Ward	30107-OFF

Pending Litigation Report as of January 1, 2025

NAME OF CASE	CASE NUMBER/COURT	STATUS	FEC NUMBER	LITIGATION STAFF	TEAM LEADER	BUDGET
LatPAC; FEC v	21-6095 (S.D.N.Y)	Post-judg't	MUR 7318	H. Ward	S. Ward	30109-OFF
Leopold, et al. v. FEC	20-1331 (D.D.C.)	Complaint	FOIA 2020-60	Mueller	S. Ward	N-FECA-DEF
Lewicki et al. v. FEC	24-2505 (D.D.C.)	Prelim. mot.	MUR 8110 (Am. Coal. for Conservative Policies, et al.)	Coll/Golvach	Bell	30109-DEF
NRSC, et al. v. FEC, et al.	22-639 (S.D. Ohio) 24-3051 (6 th Cir.) 24-621 (S. Ct.)	Question certified Merits determination Cert. Stage		Mueller/H. Ward/ Golvach/Weiman	Bell/ S. Ward	O-FECA-DEF
Plumbers and Pipefitters Local Union No. 9, et al; FEC v.	24-1450 (D.D.C.)	Consent judg't	MUR 7028 (Plumbers and Pipefitters Local Union No. 9)	H. Ward/Mueller	Bell	30109-OFF
Reform Party; FEC v.	04-79 (N.D. Fl.)	Post-judg't		Mueller	S. Ward	T-26-OFF
Rivera; FEC v.	17-22643 (S.D. Fla.) 22-11437 (11th Cir.)	Appealed Briefing	MUR 6655	Mueller	S. Ward	30109-OFF
Suddhapas v. FEC	24-1312 (D.C. Cir)	Prelim. mot.		Cunningham	Bell	N-FECA-DEF

Case: Berman v. FEC		
Court:	U.S. District Court for the District of Columbia	Docket number: 23-1017
Judge: Mehta	Magistrate:	Complaint filed: 04/10/23
Staff: Bell/Weiman	FEC #: MUR 7998	
Related case: Berman v. FEC, No. 24-5289 (D.C. Cir.)		

Description:

In this case, Plaintiff John Berman alleges that the FEC acted arbitrarily and capriciously by dismissing the administrative complaint addressing a Fox News (“FOX”) article headline: “Ohio Senate candidate JD Vance hauls in \$1.75M during first 3 months of his GOP campaign,” and FEC’s failure to address the relevant evidence of coordination between Fox and Vance and the in-kind contribution that is suggested and seemingly reasonably-inferred from the reversal of the headline away from the number disclosed to the FEC.

Court filings for: December 2024

Date	Action
12/12/24	Plaintiff’s Notice of Appeal
12/17/24	Transmission of the Notice of Appeal and D.D.C. Docket Sheet to DC Circuit Court
12/26/24	USCA Case Number 24-5289 for Notice of Appeal to DC Circuit Court
12/30/24	Plaintiff’s Objections to November 12, 2024 (un-numbered on the docket) Minute Order denying Plaintiff’s Objections to Docket 20 Dismissal Memorandum Opinion; Proposed (Outlined) Amendments to Complaint Demonstrate Informational Standing; Leave to Amend Requested; Filed under Rule 59/60

Case: Berman v. FEC		
Court: U.S. Court of Appeals for the District of Columbia		Docket number: 24-5289
Judge:	Magistrate:	Complaint filed: 12/23/24
Staff: Bell/Weiman		FEC #: MUR 7998
Related case: Berman v. FEC, No. 23-1017 (D.D.C.)		

Description:

In this case, Plaintiff John Berman alleges that the FEC acted arbitrarily and capriciously by dismissing the administrative complaint addressing a Fox News (“FOX”) article headline: “Ohio Senate candidate JD Vance hauls in \$1.75M during first 3 months of his GOP campaign,” and FEC’s failure to address the relevant evidence of coordination between Fox and Vance and the in-kind contribution that is suggested and seemingly reasonably-inferred from the reversal of the headline away from the number disclosed to the FEC. The District Court granted FEC’s Motion to Dismiss and denied as moot FEC’s Motion to Defer Transmission of the Administrative Record and Filing of Certified List. The Plaintiff appealed.

Court filings for: December 2024

Date	Action
12/23/24	Transmission of the Notice of Appeal and D.D.C. Docket Sheet to DC Circuit Court
12/23/24	Clerk’s Scheduling Order requiring the Appellant to file the following on January 22, 2025: Certificate as to Parties, Rulings, and Related Cases, Docketing Statement Form, Entry of Appearance Form (Attorneys Only), Procedural Motions, if any, Statement of Intent to Utilize Deferred Joint Appendix, Statement of Issues to be Raised, Transcript Status Report every 30 days after the filing of the initial report, and Underlying Decision from Which Appeal or Petition Arises, requiring the Appellant to file Dispositive Motions, if any, on February 6, 2025; also requiring the FEC to file the following on January 22, 2025: Certificate as to Parties, Rulings, and Related Cases, Entry of Appearance Form (Attorneys Only), and Procedural Motions, if any; requiring the FEC to file Dispositive Motions, if any, on February 6, 2025

Case: Campaign Legal Center, et al. v. FEC

Court: U.S. District Court for the District of Columbia **Docket number:** 19-2336

Judge: Boasberg **Magistrate:** **Complaint filed:** 08/02/19

Staff: S. Ward/Mueller **FEC #:** MUR 7146
(Correct the Record)

Related case: Campaign Legal Center, et al. v. FEC, No. 21-5081 (D.C. Cir.),
Campaign Legal Center, et al. v. FEC, No. 22-5336 (D.C. Cir.)

Description:

This is an action brought by Campaign Legal Center and Catherine Hinckley Kelley under 52 U.S.C. § 30109(a)(8), challenging the Commission's dismissal of their administrative complaints in MUR 7146 (Correct the Record/Hillary for America). The administrative complaints alleged that these committees violated FECA by engaging in a multi-million dollar coordination scheme and failing to report coordinated expenditures.

Previous: The D.C. Circuit reversed the district court's prior order dismissing the complaint for lack of standing and remanded for further proceedings. On remand, the District Court concluded that the dismissal was contrary to law and ordered the FEC to conform within 30 days.

Court filings for: December 2024

Date	Action
12/13/24	Plaintiffs' Reply in Further Support of Motion for An Order Declaring that Defendant has Failed to Conform

Case: Campaign Legal Center v. FEC

Court: U.S. District Court for the District of Columbia **Docket number:** 24-2585

Judge: Mehta **Magistrate:** **Complaint filed:** 09/09/24

Staff: Bell/Cunningham **FEC #:** MUR 8216 (Last Best Place PAC)

Related case:

Description:

In this case, the plaintiff Campaign Legal Center (“CLC”) challenges the Federal Election Commission’s dismissal of an administrative complaint filed against Last Best Place PAC (“LBP PAC”) as arbitrary, capricious, an abuse of discretion, and contrary to law. CLC alleged that LBP PAC failed to disclose independent expenditures which violated disclosure and reporting requirements under the Federal Election Campaign Act.

Court filings for: December 2024

Date	Action
12/18/24	FEC’s Notice of Filing Certified List of Administrative Record Documents in Matter Under Review 8216

Case: DCCC v. FEC.

Court: U.S. District Court for the District of Columbia **Docket number:** 24-2935

Judge: Moss **Magistrate:** **Complaint filed:** 10/17/24

Staff: Bell/S. Ward/Mueller/Weiman/Golvach **FEC #:**

Related case:

Description:

In this case, the Plaintiff Democratic Congressional Campaign Committee (“DCCC”) alleges that the Federal Election Commission failed to render an advisory opinion in response to Advisory Opinion Request 2024-13 (DSCC, Montanans for Tester, and Gallego for Arizona) thus violating the Administrative Procedure Act.

Court filings for: December 2024

Date	Action
12/12/24	FEC’s and the NRSC’s Unopposed Motion to Suspend the Their Deadlines to Respond to the Complaint and to Extend Their Deadlines to Respond to the Amended Complaint
12/15/24	Minute Order granting FEC’s and the NRSC’s Unopposed Motion to Suspend the Their Deadlines to Respond to the Complaint and to Extend Their Deadlines to Respond to the Amended Complaint suspending the FEC’s and NRSC’s responses to the operative complaint; and requiring their answers to the forthcoming amended complaint within 30 days after service of said pleading
12/20/24	First Amended Complaint for Declaratory Judgment and Injunctive Relief

Case: End Citizens United PAC v. FEC

Court: U.S. Court of Appeals for the District of Columbia**Docket number:** 22-5277

Judge:**Magistrate:****Complaint filed:** 10/20/22

Staff: S. Ward/Mueller**FEC #:** MURs 7370 and 7496 (New Republican PAC)

Related case: End Citizens United PAC v. FEC, No. 21-2128 (D.D.C.)

Description:

In this case brought under 52 U.S.C. § 30109(a)(8)(A), End Citizens United challenges the dismissal of its administrative complaints, which alleged that U.S. Senator Rick Scott, Rick Scott for Florida and New Republican PAC violated 52 U.S.C. § 30102(e)(1), 30103(a), 30104, and 30125(e). The administrative complaints allege that in the 2018 Florida Senate race, the candidate and campaign failed to file required statements and reports and that New Republican PAC unlawfully accepted prohibited campaign funds and coordinated expenditures with the campaign resulting in excessive contributions. The district court granted summary judgment to defendant-intervenor New Republican PAC and the plaintiff appealed.

Court filings for: December 2024

Date	Action
12/13/24	<i>En Banc</i> Joint Appendix
12/20/24	FEC's <i>En Banc</i> Brief
12/26/24	Intervenor-Appellee New Republican PAC's <i>En Banc</i> Brief

Case: Giffords v. FEC

Court: U.S. District Court for the District of Columbia **Docket number:** 19-1192

Judge: Sullivan **Magistrate:** **Complaint filed:** 04/24/19

Staff: S. Ward/H. Ward **FEC #:** MUR 7427,
MUR 7497, MUR 7524,
MUR 7553 (NRA)

Related case:

Description:

Giffords claims the Commission has unlawfully failed to act on four administrative complaints alleging that entities affiliated with the National Rifle Association violated FECA through expenditures coordinated with a number of federal candidates in the 2014, 2016, and 2018 election cycles. Plaintiff seeks injunctive and declaratory relief.

Previous: The district court granted summary judgment to plaintiff on September 30, 2021 and, following a status conference with the parties, authorized the filing of a private right of action on November 1, 2021. On January 26, 2024, non-parties National Rifle Association of America and National Rifle Association Political Victory Fund (collectively, “NRA”) filed a Motion for Relief from Orders and Judgment. FEC filed a response on February 7, 2024. The case was stayed prior to Giffords filing a response pending issuance of the mandate in Campaign Legal Center v. 45Committee, 118 F.4th 378 (D.C. Cir. 2024). The stay was lifted on December 3, 2024.

Court filings for: December 2024

Date	Action
12/02/24	Joint Status Report
12/03/24	Minute Order lifting the Stay in this case. Plaintiffs’ response to Non-Parties, National Rifle Association of America, and National Rifle Association of America Political Victory Funds’ Motion for Relief from Orders and Judgment to be filed on January 10, 2025
12/06/24	National Rifle Association of America and National Rifle Association of America Political Victory Fund’s Unopposed Motion for Leave to File Supplemental Brief
12/09/24	Minute Order granting and accepting National Rifle Association of America and National Rifle Association of America Political

	<p>Victory Fund’s Unopposed Motion for Leave to File Supplemental Brief; allowing the FEC to file a response on January 10, 2025; and allowing the plaintiff to file a response to National Rifle Association of America and National Rifle Association of America Political Victory Fund’s Motion for Relief from Orders and Judgment and Supplemental Brief</p>
12/10/24	<p>National Rifle Association of America and National Rifle Association of America Political Victory Fund’s Supplemental Statement of Points and Authorities in Support of Its Motion for Relief of Orders and Judgment</p>

Case: Leopold, et al. v. FEC

Court: U.S. District Court for the District of Columbia **Docket number:** 20-1331

Judge: Reyes **Magistrate:** **Complaint filed:** 05/19/20

Staff: S. Ward/Mueller **FEC #:** FOIA 2020-060

Related case:

Description:

This FOIA matter filed by Jason Leopold and BuzzFeed, Inc. asks the court to require Transportation Security Administration, U.S. Department of Homeland Security, U.S. Agency for International Development, Office of the Director on National Intelligence, and the Commission to respond to their FOIA request and produce various records regarding the COVID-19 pandemic and the government's response to it.

Court filings for: December 2024

Date	Action
12/19/24	The Department of Homeland Security, FEC, Office of the Director of National Intelligence, Transportation Security Administration, and the U.S. Agency for International Development's Joint Status Report

Case: Lewicki et al. v. FEC

Court: U.S. District Court for the District of Columbia **Docket number:** 24-2505

Judge: Jackson **Magistrate:** **Complaint filed:** 08/30/24

Staff: Bell/Coll/Golvach **FEC #:** MUR 8110 (Am.
Coal. for Conservative
Policies, et al.)

Related case:

Description:

In this case brought under 52 U.S.C. § 30109(a)(8)(C), Citizens for Responsibility and Ethics in Washington on behalf of Rev. David Lewicki and Vladimir Shklovsky claims that the FEC's dismissal of their administrative complaint is arbitrary, capricious, an abuse of discretion, and contrary to law. The administrative complaint alleges that an unknown donor or donors laundered over \$5 million to a nonprofit, American Coalition for Conservative Policies, to influence the 2020 federal Senate elections in Georgia.

Court filings for: December 2024

Date	Action
12/11/24	Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendant's Partial Motion to Dismiss
12/20/24	FEC's Appearance of Counsel (S. Golvach)
12/20/24	FEC's Reply in Support of Partial Motion to Dismiss

Case: NRSC, et al. v. FEC, et al.

Court: U.S. District Court for the Southern District of Ohio

Docket number: 22-639

Judge: Cole **Magistrate:** Litkovitz

Complaint filed: 11/04/22

Staff: Bell/S. Ward/Mueller/H.Ward/Golvach/Weiman

FEC #:

Related case: NRSC, et al. v. FEC, et al., No. 24-3051 (6th Cir.), NRSC, et al.v. FEC, et al, No. 24-621 (S. Ct.).

Description:

In this case, the National Republican Senatorial Committee, National Republican Congressional Committee, James David Vance, and Steven Joseph Chabot allege that the Federal Election Campaign Act's limits on coordinated party expenditures, including those under 52 U.S.C. § 30116(d), violate the First Amendment.

Court filings for: November 2024

Date	Action
12/04/24	Joint Status Report
12/04/24	Plaintiffs' Exhibit A: Petition for a Writ of Certiorari
12/11/24	Letter from Scott S. Harris, Clerk, Supreme Court of the United States to Clerk, United States Court of Appeals for the Sixth Circuit acknowledging the filing of the Petition for Writ of Certiorari and placing it on the docket as No. 24-621 on December 6, 2024

Case: NRSC, et al. v. FEC, et al.

Court: Supreme Court

Docket number: 24-621

Judge:

Magistrate:

Complaint filed: 12/04/24

Staff: Bell/S. Ward/ Mueller/H.Ward/Golvach/Weiman

FEC #:

Related case: NRSC, et al. v. FEC, et al., No. 22-639 (S. D. Ohio), NRSC, et al. v. FEC, et al., No. 24-3051 (6th Cir.)

Description:

In this case, the National Republican Senatorial Committee, National Republican Congressional Committee, James David Vance, and Steven Joseph Chabot allege that the Federal Election Campaign Act's limits on coordinated party expenditures, including those under 52 U.S.C. § 30116(d), violate the First Amendment. The Court's Opinion and Order granted plaintiffs' Motion to Certify Question to the En Banc Court of Appeals for the Sixth Circuit pursuant to 52 U.S.C. § 30110. Plaintiffs file a Petition for a Writ of Certiorari with the Supreme Court.

Court filings for: December 2024

Date	Action
12/04/24	Petitioners' Petition for a Writ of Certiorari

Case: Oliver, et al. v. FEC

Court: U.S. District Court for the Northern District of Ohio

Docket number: 24-1166

Judge: Knepp **Magistrate:** Clay

Complaint filed: 07/11/24

Staff: S. Ward/H. Ward/Coon

FEC #:

Related case:

Description:

In this case, Plaintiffs Colleen and Steve Oliver filed suit against the Commission claiming the conduit reporting requirement at 52 U.S.C. § 30116(a)(8) is unconstitutional as applied to donations of up to \$200 and violates the First Amendment.

Previous: This case was voluntarily dismissed on November 22, 2024.

Court filings for: December 2024

Date	Action
12/05/24	FEC's Non-Appeal Transcript Order Form

Case: Plumbers and Pipefitters Local Union No. 9, et al; FEC v.

Court: U.S. District Court for the District of Columbia **Docket number:** 24-1450

Judge: Mehta **Magistrate:** **Complaint filed:** 05/17/24

Staff: Bell/H. Ward/Mueller **FEC #:**

Related case:

Description:

Pursuant to 52 U.S.C. § 30109(a)(5)(D), (6)(A), the Commission filed this civil action to enforce a conciliation agreement against Plumbers and Pipefitters Local Union No. 9 and Plumbers and Pipefitters Local Union No. 9 Political Action Committee.

Court filings for: December 2024

Date	Action
12/13/24	Joint Stipulation for Entry of Consent Judgment
12/13/24	Defendants' Notice of Appearance of Counsel (A. Woodson)
12/13/24	Defendants' Consent Motion to Stay Deadlines Pending Resolution of the Joint Stipulation for Entry of Consent Judgment
12/16/24	Consent Judgment
12/16/24	Minute Order denying Defendants' Consent Motion to Stay Deadlines Pending Resolution of the Joint Stipulation for Entry of Consent Judgment as moot because Judgment was entered in this matter
12/16/24	Court's <i>Unsealed</i> FEC's Complaint for Declaratory, Injunctive, and Other Appropriate Relief