



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

AGENDA DOCUMENT NO. X25-05  
AGENDA ITEM  
For meeting of February 11, 2025  
**SUBMITTED LATE**

February 5, 2025

## MEMORANDUM

**TO:** The Commission

**FROM:** Lisa J. Stevenson *LJS*  
James McGinley *JMG*  
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:**

### **CASES CLOSED:**

FEC v. Rivera	S.D. Fla.	17-22643	01/06/25
	11 <sup>th</sup> Cir.	22-11437	

## Pending Litigation Report as of February 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	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	Contino	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/Contino	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/Contino	S. Ward	30109-DEF
In re: Sealed Case		Briefing		Mueller	S. Ward	30107-OFF
LatPAC; FEC v	21-6095 (S.D.N.Y)	Post-judg't	MUR 7318	H. Ward	S. Ward	30109-OFF

## Pending Litigation Report as of February 1, 2025

NAME OF CASE	CASE NUMBER/COURT	STATUS	FEC NUMBER	LITIGATION STAFF	TEAM LEADER	BUDGET
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.)	Golvach	Bell	30109-DEF
NRSC, et al. v. FEC, et al.	22-639 (S.D. Ohio) 24-3051 (6 <sup>th</sup> Cir.) 24-621 (S. Ct.)	Question certified Merits determination Cert. Stage		Mueller/H. Ward/ Golvach/Weiman	Bell/ S. Ward	O-FECA-DEF
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

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**Case:** Berman v. FEC

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**Court:** U.S. District Court for the District of Columbia **Docket number:** 23-1017

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**Judge:** Mehta **Magistrate:** **Complaint filed:** 04/10/23

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**Staff:** Bell/Weiman **FEC #:** MUR 7998

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**Related case:** Berman v. FEC, No. 24-5289 (D.C. Cir.)

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**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.

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**Court filings for:** January 2025

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Date	Action
01/25/25	Notification denying leave to file Plaintiff's Notice of Filing. This document is unavailable as the Court denied its filing. Pro Se party has been notified by first class mail. As a result, this matter is now closed.

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**Case:** Berman v. FEC

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**Court:** U.S. Court of Appeals for the District of Columbia

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**Docket number:** 24-5289

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**Judge:**

**Magistrate:**

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**Complaint filed:** 12/23/24

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**Staff:** Bell/Weiman

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**FEC #:** MUR 7998

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**Related case:** Berman v. FEC, No. 23-1017 (D.D.C.)

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**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.

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**Court filings for:** January 2025

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Date	Action
01/22/25	FEC’s Notice of Entry of Appearance (C. H. Bell); FEC’s Certificate as to Parties, Rulings, and Related Cases

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

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

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

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

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**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.)

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**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.

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**Court filings for:** January 2025

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Date	Action
01/28/25	Order and Memorandum Opinion denying <i>Sealed</i> Plaintiffs' Motion for an Order Declaring that FEC has Failed to Conform to the Remand Order

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**Case:** Campaign Legal Center v. FEC

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**Court:** U.S. District Court for the District of Columbia **Docket number:** 21-406

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**Judge:** Kelly **Magistrate:** **Complaint filed:** 02/16/21

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**Staff:** **FEC #:** MUR 7516  
(Heritage Action for Am.)

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**Related case:** Campaign Legal Center v. FEC, No. 22-5140 (D.C. Cir.); Campaign Legal Center v. FEC, No. 22-5167 (D.C. Cir.)

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**Description:**

In this case brought under 52 U.S.C. § 30109(a)(8)(A), the Campaign Legal Center claims that the FEC has unlawfully failed to act on an administrative complaint alleging that Heritage Action for America violated FECA by failing to disclose who paid to further the group's independent expenditures in disclosure reports required after it aired election advertising during the 2018 election cycle. FEC defaulted and has not appeared in this case.

**Previous:** Order granting plaintiff's motion for default judgment.  
Heritage Action's appeals were unsuccessful.

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**Court filings for:** January 2025

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Date	Action
01/16/25	Plaintiff's Notice of Withdrawal of Counsel (B. A. Shumate)
01/17/25	Plaintiff and Heritage Action for America's Joint Status Report
01/17/25	Minute Order requiring parties to file a further joint status report with 7 days of either (i) the filing of any petition for certiorari, petition for rehearing, or request to extend the deadlines for doing so, or (ii) April 15, 2025, whichever is earlier, proposing how to proceed in this matter.

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**Case:** Campaign Legal Center v. FEC

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

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

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

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**Related case:**

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**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.

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**Court filings for:** January 2025

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Date	Action
01/08/25	Case directly reassigned to Judge Sparkle L. Sooknanan. Judge Amit P. Mehta is no longer assigned to the case.
01/17/25	Plaintiff’s Motion for Summary Judgment and Memorandum of Points and Authorities Supporting Motion for Summary Judgment

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**Case:** DCCC v. FEC.

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

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

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

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**Related case:**

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**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.

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**Court filings for:** January 2025

Date	Action
01/15/25	Plaintiff’s Unopposed Motion to Set Briefing Schedule
01/16/25	Plaintiff’s Notice of Withdrawal of Counsel (R. O’Donnell)
01/19/25	Minute Order granting Plaintiff’s Unopposed Motion to Set Briefing Schedule requiring FEC to file its Rule 12(b) motion and provide its Certified Administrative Record on February 7, 2025; requiring Intervenor-Defendant NRSC to file its Rule 12(b) motion and/or motion for summary judgment on February 7, 2025; requiring Plaintiff to file its opposition to Rule 12(b) and summary judgment motion(s) and cross-motion for summary judgment on March 7, 2025; requiring FEC and NRSC to file their replies in support of opening motions and oppositions to Plaintiffs cross-motion for summary judgment on March 31, 2025; requiring Plaintiff to file its reply in support of cross-motion for summary judgment on April 18, 2025; and requiring the deadline for FEC and NRSC to file their answer shall be suspended pending the Court's resolution of the parties' cross-motions.

<b>Case:</b> End Citizens United PAC v. FEC		
<b>Court:</b> U.S. Court of Appeals for the District of Columbia	<b>Docket number:</b> 22-5277	
<b>Judge:</b>	<b>Magistrate:</b>	<b>Complaint filed:</b> 10/20/22
<b>Staff:</b> S. Ward/Mueller/Contino		<b>FEC #:</b> MURs 7370 and 7496 (New Republican PAC)
<b>Related case:</b> 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:** January 2025

Date	Action
01/02/25	Per Curiam Order granting consent motions for invitation to participate as <i>amici curiae</i> in support of appellant, filed by movants Brennan Center for Justice at NYU School of law and Election Law Scholars, and Professors of Administrative Law
01/02/25	Notification of Per Above Order Lodged <i>Amicus</i> Briefs
01/02/25	Notification of Per Above Order Lodged Appendix
01/02/25	NRSC and NRCC as <i>Amici Curiae's</i> Brief in Support of the FEC and New Republican PAC and Affirmance
01/15/25	Appellee New Republican PAC's Notice of Withdrawal of Counsel (P. M. Gordon and K. C. Daines)
01/24/25	Plaintiff-Appellant's <i>En Banc</i> Reply Brief
01/27/25	Intervenor-Appellee's Notice of Entry of Appearance (P. Clement, E.

01/27/25	Murphy, J. Xi, New Republican PAC) Appellee's Notice of Entry of Appearance (S. Ward, FEC)
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