



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**SENSITIVE**

AGENDA DOCUMENT NO. **X23-32**  
AGENDA ITEM  
For meeting of **August 8, 2023**  
**SUBMITTED LATE**

August 7, 2023

**MEMORANDUM**

**TO:** The Commission

**FROM:** Lisa J. Stevenson *LJS by KD*  
Kevin Deeley *KD*  
Harry J. Summers *HJS*

**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:**

<i>Julianne Jones v. FEC</i>	Sup. Ct. D.C.	23-4078	07/10/23
<i>Ready to Win v. FEC</i>	D.C. Cir.	23-5161	07/14/23

### **CASES CLOSED:**

<i>Legacy Foundation v. FEC</i>	D.D.C.	19-1389	07/21/23
<i>Great America PAC v. FEC</i>	D.D.C.	23-1027	07/31/23

## Pending Litigation Report as of August 1, 2023

NAME OF CASE	CASE NUMBER/COURT	STATUS	FEC NUMBER	LITIGATION STAFF	TEAM LEADER	BUDGET
AB PAC v. FEC	22-2139	Briefing		S. Ward		30109-DEF
Campaign Legal Center, et al. v. FEC	19-2336 (D.D.C.) 22-5336 (D.C. Cir.)	Appealed Briefing	MUR 7146 (Correct the Record)	Mueller		30109-DEF
Campaign Legal Center v. FEC	21-406 (D.D.C.) 22-5140 / 22-5167 (D.C. Cir.)	Appealed/Stayed Post-decis'n	MUR 7516 (Heritage Action for Am.)		Summers	30109-DEF
Campaign Legal Center v. FEC	22-1976 (D.D.C.) 22-5339 (D.C. Cir.)	Appealed Briefing	MUR 7784 (Trump MAGA)	Mueller	Summers	30109-DEF
Campaign Legal Center, et al. v. FEC, et al.	22-3319 (D.D.C.)	Prelim. mot.	MUR 6927 (Right to Rise II)	Bell		30109-DEF
Castro v. FEC	22-2176 (D.D.C.) 22-5323 (D.C. Cir.)	Appealed Post-decis'n		S. Ward		30109-DEF
CREW v. FEC	22-35 (D.D.C.)	Default	MUR 7465 (Freedom Vote, Inc.)			30109-DEF
CREW v. FEC	22-3281 (D.D.C.)	Prelim. mot.	MUR 6589R (AAN)	Mueller		30109-DEF
Common Cause Georgia, et al. v. FEC	22-3067 (D.D.C.)	Briefing	MUR 7894 (True the Vote)	Bell	Summers	30109-DEF
Defend Louisiana PAC; FEC v.	21-346 (M.D. La.)	Post-judg't	MUR 7610	S. Ward		30109-OFF
End Citizens United PAC v. FEC	21-1665 (D.D.C.) 22-5176 (D.C. Cir.)	Appealed Post-decis'n	MUR 7609 (Donald J. Trump for President, Inc.)			30109-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	Summers	30109-DEF
Free Speech for People, et al. v. FEC	22-666 (D.D.C.)	Prelim. mot.	MUR 7207 (Russian Federation)	S. Ward	Summers	30109-DEF
Freedman v. FEC et al.	22-1542 (D.D.C.)	Prelim. mot.	MUR 7811 (Reddit, Inc.)	Mueller	Summers	30109-DEF
Great America PAC v. FEC	23-1027 (D.D.C.)	Complaint	MUR 7722 (Bloomberg)	Golvach	Summers	30109-DEF

Heritage Action for America v. FEC	22-1422 (D.D.C.)	Post-judg't	Multiple	Mueller/Bell	Summers	N-FECA-DEF
Jones v. FEC	23-4078 (Sup. Ct. D.C.)	Complaint				N-FECA-DEF
Legacy Foundation v. FEC	19-1389 (D.D.C.)	Post-judg't	FOIA 2019-43	S. Ward	Summers	N-FECA-DEF
LatPAC; FEC v	21-6095 (S.D.N.Y)	Post-judg't	MUR 7318	H. Ward	Summers	30109-OFF
Leopold, et al. v. FEC	20-1331 (D.D.C.)	Complaint	FOIA 2020-60	Mueller		N-FECA-DEF
NRSC, et al. v. FEC, et al.	22-639 (S.D. Ohio)	Discovery		Mueller/S. Ward/ Bell	Summers	O-FECA-DEF
NRA of America Political Victory Fund, et al. v. FEC	22-1017 (D.D.C.)	Complaint	FOIA 2022-015	Mueller/Bell	Summers	N-FECA-DEF
Palmer v. FEC	22-2876 (D.D.C.)	Prelim. mot.	MUR 7946 (Center for Tech and Civic Life)	S. Ward		30109-DEF
Ready To Win v. FEC	22-3282 (D.D.C.) 23-5161 (D.C. Cir.)	Appealed/Stayed Appealed	AO 2022-12	Mueller/Bell		N-FECA-DEF
Reform Party; FEC v	04-79 (N.D. Fl.)	Post-judg't		Mueller	Summers	T-26-OFF
Rivera; FEC v.	17-22643 (S.D. Fla.) 22-11437 (11th Cir.)	Appealed Briefing	MUR 6655	Mueller/S. Ward		30109-OFF
Stein, et al. v. FEC	21-1213 (D.C. Cir.)	Post-decis'n	LRA No. 1021	S. Ward		T-26-DEF

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**Case:** AB PAC v. FEC

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**Court:** U.S. District Court for the District of Columbia **Docket number:** 22-2139

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**Judge:** Kelly **Magistrate:** **Complaint filed:** 03/29/22

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**Staff:** S. Ward **FEC #:** 

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**Related case:** 

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**Description:**

AB PAC claims, pursuant to 52 U.S.C. § 30109(a)(8)(A), that the Commission failed to act on an administrative complaint alleging that Donald J. Trump made expenditures to advance his 2024 presidential campaign without filing a statement of candidacy and without disclosing those expenditures, and by accepting excessive contributions from his leadership PAC and a joint fundraising committee, in violation of 52 U.S.C. §§ 30102(e)(1), 30104, and 30116(f).

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**Court filings for:** July 2023

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Date	Action
07/17/23	Memorandum Opinion and Order granting Defendant's Partial Motion to Dismiss Amended Complaint; granting Plaintiff's Amended Complaint; dismissing in part to the extent that it seeks any relief relating to Defendant's failure to act on Plaintiff's excessive-contributions claim set forth in its administrative complaint
07/31/23	FEC's Answer to Plaintiff's Amended Complaint

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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:** Summers      **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.

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

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**Court filings for:** July 2023

Date	Action
07/11/23	Mandate
07/20/23	Movant Heritage Action for America's Notice of Withdrawal (S. J. Kenny)
07/24/23	Notice of Appearance of Counsel (C.E.T. Roberts)
07/24/23	Joint Status Report
07/31/23	Minute Order staying this matter pending the D.C. Circuit's resolution of CLC's appeal of Judge Nichols' order dismissing <i>CLC v. Heritage Action</i> (D.D.C. 22-1248) for lack of subject matter jurisdiction; and further requiring parties to file a joint status report within seven days of said decision

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

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**Court:** U.S. Court of Appeals for the District of Columbia**Docket number:** 22-5140/  
22-5167

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**Judge:****Magistrate:****Appeal filed:** 05/24/22

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

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**Related case:** Campaign Legal Center v. FEC, No. 21-406 (D.D.C.)

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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. The district court entered default judgment against the Commission, and the proposed intervenor-defendant Heritage Action for America moved to intervene and filed an appeal.

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**Court filings for:** July 2023

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Date	Action
07/11/23	Mandate



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

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**Court:** U.S. Court of Appeals for the District of Columbia**Docket number:** 22-5336

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**Judge:****Magistrate:****Complaint filed:** 12/21/22

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**Staff:** 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. 19-2336 (D.D.C.)

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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. The District Court granted Plaintiffs' Motion for Summary Judgment; denied Defendant-Intervenor's Motion for Summary Judgment; and entered judgment in favor of the Plaintiffs. The FEC appealed.

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**Court filings for:** July 2023

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Date	Action
07/11/23	Plaintiffs-Appellees' Entry of Appearance (A. Copper)
07/14/23	FEC's Reply Brief

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**Case:** Castro v. FEC

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**Court:** U.S. District Court for the District of Columbia **Docket number:** 22-369

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**Judge:** Cooper **Magistrate:** **Complaint filed:** 02/11/22

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**Staff:** Summers/Mueller **FEC #:** Unknown

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**Related case:**

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**Description:**

In this case, John Anthony Castro seeks declaratory and injunctive relief pursuant to 52 U.S.C. 30109 for the FEC's alleged failure to act on a purported administrative complaint alleging that the FEC should declare Donald J. Trump a "candidate" for president based on his electoral activities, but also refuse to accept his FEC Form 2 on the grounds that his involvement in the events of January 6, 2021 renders him constitutionality ineligible for that office. Plaintiff alternatively alleges that the FEC's "testing the waters" regulation at 11 C.F.R. 100.72 is invalid under the Administrative Procedure Act.

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**Court filings for:** July 2023

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Date	Action
07/25/23	Set/Reset Deadlines: Replies due by 8/2/2023 [Apparently entered in error]

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**Case:** Citizens for Responsibility and Ethics in Washington v. FEC

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**Court:** U.S. District Court for the District of Columbia      **Docket number:** 22-3281

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**Judge:** Cooper      **Magistrate:**      **Complaint filed:** 10/27/22

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**Staff:** Mueller      **FEC #:** MUR 6589R  
(AAN)

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**Related case:**

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**Description:**

In this case brought under 52 U.S.C. § 30109(a)(8)(C), Citizens for Responsibility and Ethics in Washington claims that the FEC's dismissal of its administrative complaint is arbitrary, capricious, an abuse of discretion, and contrary to law. The administrative complaint alleges that American Action Network's ("AAN") major purpose was the nomination or election of federal candidates.

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**Court filings for:** July 2023

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Date	Action
07/18/23	Plaintiff's Notice of Supplemental Authority

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**Case:** End Citizens United PAC v. FEC

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

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

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

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

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**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.

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**Court filings for:** July 2023

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Date	Action
07/13/23	Intervenor-Appellee New Republican PAC's Rule 28(j) Notice of Supplemental Authority
07/18/23	Plaintiff-Appellant's Response to Appellee's Rule 28(j) Notice of Supplemental Authority