

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REPRESENTATIVE CHRISTOPHER SHAYS, et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civil Action No. 04-1597 (EGS)

MOTION

**DEFENDANT FEDERAL ELECTION COMMISSION'S
SECOND MOTION FOR SUMMARY JUDGMENT**

The defendant Federal Election Commission (“Commission”) now moves for summary judgment pursuant to Fed. R. Civ. P. 56 and LCvR 56.1. The Commission is filing with this motion its Memorandum in Support of the Commission’s Second Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Further Relief, its Second Statement of Material Facts Not in Genuine Dispute, and a proposed Order.

The Commission’s motion rests on the grounds that the Commission’s comprehensive supplemental explanation of its decision to continue enforcing restrictions applicable to political committees under the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431-455, pursuant to its new regulations and the existing statutory, regulatory, and judicial framework,

rather than promulgating a rule relying on the status of entities under the Internal Revenue Code, easily satisfies the highly deferential standard of review under the Administrative Procedure Act.

Respectfully submitted,

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/s/ David Kolker

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May 8, 2007

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