

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Benjamin Bluman,

455 West 37th Street, Apt. 208
New York, NY 10018

Dr. Asenath Steiman,

353 East 17th Street, Apt. 4G
New York, NY 10003

Plaintiffs,

v.

Federal Election Commission,

999 E Street, NW
Washington, DC 20463,

Defendant.

CIVIL ACTION NO. _____

THREE JUDGE COURT

**APPLICATION FOR THREE-JUDGE COURT
AND MEMORANDUM IN SUPPORT**

Plaintiffs respectfully request the appointment of a three-judge court to adjudicate this case, which involves a constitutional challenge to a provision of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. No. 107-155, 116 Stat. 81. In support of their request, Plaintiffs submit the following memorandum of points and authorities. *See* LCvR 9.1.

Points and Authorities

Section 403 of BCRA provides that in any case “brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act,” certain unique procedural rules shall apply. Among them: the action “shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.” BCRA § 403(a), 116 Stat. at 113-14. The referenced statutory provision, 28 U.S.C. § 2284, simply

provides that a “district court of three judges shall be convened when otherwise required by Act of Congress,” and explains the mechanism for appointment of such a court.

BCRA’s special procedural rules apply automatically to any constitutional challenge “filed on or before December 31, 2006.” BCRA § 403(d)(1). With respect to challenges filed after that date, the special provisions apply only if “the person filing such action elects such provisions to apply to the action.” BCRA § 403(d)(2).

Plaintiffs, in their Complaint, challenge the constitutionality under the First Amendment of § 303 of BCRA (codified at 2 U.S.C. § 441e), which restricts the speech rights of foreign nationals. *See* Complaint ¶¶ 1-3, 24-28. They seek declaratory and injunctive relief. *Id.* ¶ 3. Further, pursuant to § 403(d)(2) of BCRA, Plaintiffs elect the provisions of § 403(a) to apply to this action. Therefore, a three-judge court should be convened to hear this action.

Dated: October 19, 2010

Respectfully submitted,

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[PROPOSED] ORDER

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For the reasons set forth in Plaintiffs' Application and supporting Memorandum, this Court hereby GRANTS Plaintiffs' Application for a Three-Judge Court to adjudicate this case.

It is SO ORDERED this _____ day of _____, 2010.

United States District Judge
District of Columbia