

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

 The Tea Party Leadership Fund)
 209 Pennsylvania Ave SE, Suite 2109)
 Washington, DC 20003)
)
 Mr. John Raese)
 The Raese for Senate Committee)
 PO BOX 262)
 Morgantown, WV 26507)
)
 Mr. Sean Bielat)
 Bielat for Congress 2012)
 PO BOX 1143)
 Brookline, MA 02446)
)
 Plaintiffs,)
)
 v.)
)
 FEDERAL ELECTION COMMISSION)
 999 E Street, NW)
 Washington, DC 20463,)
)
 Defendant.)

Civil Case No. _____

MOTION FOR EMERGENCY PRELIMINARY INJUNCTION

Plaintiffs move for an emergency preliminary injunction pursuant to Fed. R. Civ. P. 65. Plaintiffs file their Verified Complaint for Declaratory and Injunctive Relief and Memorandum in Support of Emergency Preliminary Injunction Memo concurrently.

As described in the Verified Complaint and Memorandum, Plaintiffs complain against the unconstitutionality of a six-month waiting period at 2 U.S.C. § 441a(a)(4) and contribution limits at 2 U.S.C. §§ 441a(a)(1)(C) as applied to contributions the Tea Party Leadership Fund would make to Plaintiffs Raese and Bielat and other federal candidates.¹

Plaintiffs have established probable success on the merits, demonstrating that they will be irreparably harmed, that an injunction will not substantially harm the Defendant, the Federal

¹ Plaintiffs also challenge facially the six-month waiting period, but that is a determination this Court need not address in adjudicating Plaintiffs' Motion for Emergency Preliminary Injunction.

Election Commission, that an injunction serves the public interest, and that there is no adequate remedy at law. Because a preliminary injunction presents no monetary risk to the FEC, Plaintiffs request that any bond requirement should be waived.

In accord with Local Rule of Civil Procedure 65.1(c), Plaintiffs have filed a Verified Complaint contemporaneously with this request for injunctive relief. Verified Complaints are the legal equivalent of an affidavit. *See Neal v. Kelly*, 963 F.2d 453 (D.C. Cir. 1992); *Mallick v. Int'l Broth. of Elec. Workers*, 814 F.2d 674, 680 (D.C. Cir. 1987). In addition, pursuant to Local Rule 7(m), Plaintiffs have conferred with legal counsel for the FEC concerning whether these provisions should be subject to preliminary injunctive relief. The response of the FEC is included in Plaintiffs' Notice of Consultation on Motions.

As detailed in the accompanying Memorandum, Plaintiffs request that this court grant its preliminary injunction motion and preliminarily enjoin the FEC from enforcing 2 U.S.C. §§ 441a(a)(4) and 441a(a)(1)(C) as-applied to contributions the Tea Party Leadership Fund will make to federal candidates before November's election, until a final hearing on the merits of this matter.

Stephen M. Hoersting*

/s/

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Attorneys for Plaintiffs

*Motions for *Pro Hac Vice* to be filed.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2012, I caused to be served this Motion for Preliminary Injunction by postage prepaid, first class mail, upon the following counsel:

Anthony Herman, General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dated: October 17, 2012

Respectfully submitted,

/s/

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