

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

LEIGH BROWN AND MALLARD CREEK
PROPERTIES, INC. D/B/A LEIGH BROWN
& ASSOCIATES

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civil Case No. 1:19-cv-01021-TJK

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Leigh Brown and Mallard Creek Properties, Inc., d/b/a Leigh Brown & Associates (collectively "Plaintiffs") move for a Preliminary Injunction against Defendants to enjoin them from enforcing 52 U.S.C. § 30104(f), 11 C.F.R. § 100.29 ("electioneering communications"), 11 C.F.R. §§ 104.5(j), 114.10(b)(2), 110.11(a)(4) and 11 C.F.R. § 104.20 (electioneering communications disclaimer and reporting requirements) as applied to Plaintiff Leigh Brown & Associate's current radio advertisements until such time as this Court shall rule on the merits of Plaintiffs' claim for permanent injunctive relief. Defendant's actions, as applied to Plaintiffs, constitute a prior restraint on speech in contravention of the First Amendment as well as a violation of Plaintiffs' rights under the Fifth and First Amendments. The electioneering communications window for the upcoming primary for North Carolina's Ninth Congressional District began on Sunday April 14, 2019. The present and continuing harms brought about by Defendant's actions necessitates this request for a preliminary injunction.

This motion is made on the grounds specified in this motion, Plaintiffs' brief in support thereof, the Amended Verified Complaint, the Exhibits attached to the Amended Verified

Complaint, and such other and further evidence as may be presented to the Court at the time of the hearing.

Plaintiffs respectfully requests oral argument because of the complexities and the important constitutional rights involved in this case.

Pursuant to Local Rule 7(m), Plaintiffs have conferred with Counsel for the Federal Election Commission who state that they oppose this motion.

Dated: April 17, 2019

Respectfully submitted,

/s/ Jason Torchinsky

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I do hereby certify that, on this 17th day of April 2019, the foregoing Motion for Preliminary Injunction was filed electronically with the Clerk of Court using the CM/ECF system. The following parties were served either electronically on April 17th or by USPS First Class Mail on April 18, 2019.

/s/ Jason Torchinsky
Jason Torchinsky (D.C. Bar No. 976033)

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