

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

CAMPAIGN LEGAL CENTER
1101 14TH St., NW, Ste. 400
Washington, D.C. 20005

CATHERINE HINCKLEY KELLEY
1101 14TH St., NW, Ste. 400
Washington, D.C. 20005

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION
1050 First St., NE
Washington, D.C. 20463,

Defendant

and

HILLARY FOR AMERICA
P.O. Box 5256
New York, NY 10185-5256

CORRECT THE RECORD
455 Massachusetts Ave., NW
Ste. 600
Washington, D.C. 20001

Defendant-Intervenors.

Civil Action No. 1:19-cv-02336-JEB

DEFENDANT-INTERVENORS ANSWER TO PLAINTIFFS' AMENDED COMPLAINT

Defendant-Intervenors Hillary for America (“HFA”) and Correct the Record (“CTR”), (collectively, “Intervenors”) submit this Answer to the Amended Complaint for Declaratory and Injunctive Relief filed by Plaintiffs Campaign Legal Center and Catherine Hinckley Kelley, denying each allegation except to the extent expressly admitted below:

1. Intervenor admits that Plaintiffs purport to bring this action pursuant to 52 U.S.C. § 30109(a)(8) for declaratory and injunctive relief to challenge the Federal Election Commission's ("FEC" or "Commission") dismissal of an administrative complaint filed by Plaintiffs in Matter Under Review ("MUR") 7146 (the "Administrative Complaint"). Intervenor admits that this action purports to allege that Intervenor violated the Federal Election Campaign Act ("FECA" or the "Act") and Commission regulations, but deny that Intervenor violated these provisions. The remainder of Paragraph 1 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

2. Intervenor admits that David Brock was the founder of CTR and that he made public statements regarding CTR's coordinated activities with HFA. The remainder of Paragraph 2 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

3. Intervenor admits that Plaintiffs filed an Administrative Complaint on October 6, 2016 that the FEC designated as MUR 7146. The remainder of Paragraph 3 purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required.

4. Paragraph 4 makes no factual allegations, but rather purports to describe the FEC's Office of General Counsel's Report, which speaks for itself, and therefore no response is required.

5. Intervenors admit the allegations in Paragraph 5.

6. Intervenors admit the allegations in Paragraph 6, but deny any suggestion that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

7. Intervenors deny the allegations in Paragraph 7.

8. Paragraph 8 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

9. Paragraph 9 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

10. Paragraph 10 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

11. Paragraph 11 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the

legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

12. Intervenor's admit that Plaintiffs seek a judicial declaration that the dismissal of their Administrative Complaint was arbitrary, capricious, and contrary to law. Intervenor's admit that Plaintiffs seek an order requiring the FEC to conform with such declaration within 30 days.

13. Intervenor's admit that Plaintiffs purport that this Court has jurisdiction over this action under 52 U.S.C. § 30109(a)(8)(A), 5 U.S.C. § 702, 28 U.S.C. §§ 1331, 2201(a), and 2202. Intervenor's deny that this case involves a case or controversy within the meaning of Article III of the Constitution over which the Court has jurisdiction.

14. Notwithstanding Intervenor's denial that the Court has jurisdiction, as explained in response to the allegations set forth in Paragraph 13, Intervenor's admit that, if the Court determines that it has jurisdiction over Intervenor's claims, venue is proper in this district.

15. Intervenor's admit that CLC is a nonpartisan 501(c)(3) organization but lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in paragraph 15, and therefore, they are denied.

16. Intervenor's lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16, and therefore, they are denied.

17. Intervenor's lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17, and therefore, they are denied.

18. Intervenor's lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18, and therefore, they are denied.

19. Intervenor's admit that CLC is involved in campaign finance litigation and has filed amicus briefs in campaign finance cases. Intervenor's lack knowledge or information sufficient to

form a belief as to the truth of the remaining allegations in paragraph 19, and therefore, they are denied.

20. Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20, and therefore, they are denied.

21. Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21, and therefore, they are denied.

22. Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22, and therefore, they are denied.

23. Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23, and therefore, they are denied.

24. Intervenors lack knowledge sufficient to form a belief as to the truth of the allegations in paragraph 24, and therefore, they are denied. Intervenors deny the allegations in paragraph 24 to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

25. Intervenors deny the allegation in Paragraph 25. Catherine Hinckley Kelley appears to be CLC's Senior Director, Policy & Strategic Partnerships.

26. Intervenors lack knowledge or information sufficient to admit or deny the allegations in paragraph 26.

27. Paragraph 27 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

28. Paragraph 28 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

29. Paragraph 29 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

30. Paragraph 30 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

31. Paragraph 31 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

32. Intervenors admit the allegations in Paragraph 32.

33. Paragraph 33 makes no factual allegations, but rather purports to summarize provisions of the Act and Commission regulations, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

34. Paragraph 34 makes no factual allegations, but rather purports to summarize provisions of the Act, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

35. Paragraph 35 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize provisions of the Act, which speak for themselves,

and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

36. Paragraph 36 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize case law, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

37. Paragraph 37 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

38. Intervenors admit the allegations in Paragraph 38.

39. Paragraph 39 makes no factual allegations, but purports to summarize a provision of the Act, which speaks for itself, and therefore no response is required.

40. Paragraph 40 makes no factual allegations, but rather purports to summarize a provision of Commission regulations, which speaks for itself, and therefore no response is required.

41. Paragraph 41 makes no factual allegations, but rather purports to summarize the reporting requirements of the Act, which speak for themselves, and therefore no response is required.

42. Paragraph 42 makes no factual allegations, but rather purports to summarize the reporting requirements of the Act, which speak for themselves, and therefore no response is required.

43. Paragraph 43 makes no factual allegations, but rather purports to summarize the reporting requirements of the Act and Commission regulations, which speak for themselves, and therefore no response is required.

44. Paragraph 44 makes no factual allegations, but rather purports to summarize the reporting requirements of the Act and Commission regulations, which speak for themselves, and therefore no response is required.

45. Paragraph 45 makes no factual allegations, but rather purports to summarize a provision of the Act, which speaks for itself, and therefore no response is required.

46. Paragraph 46 makes no factual allegations, but rather purports to summarize Commission regulations, which speak for themselves, and therefore no response is required.

47. Paragraph 47 makes no factual allegations, but rather purports to summarize Commission regulations, which speak for themselves, and therefore no response is required.

48. Paragraph 48 makes no factual allegations, but rather purports to summarize Commission regulations, which speak for themselves, and therefore no response is required.

49. Paragraph 49 makes no factual allegations, but rather purports to summarize Commission regulations, which speak for themselves, and therefore no response is required.

50. Paragraph 50 makes no factual allegations, but rather purports to summarize Commission regulations, which speak for themselves, and therefore no response is required.

51. Paragraph 51 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize Commission regulations and the Commission Explanation and Justification for Internet Communications, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

52. Paragraph 52 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize Commission regulations, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

53. Paragraph 53 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize Commission regulations, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

54. Paragraph 54 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize the Act and Commission regulations, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

55. Paragraph 55 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize case law and FEC advisory opinions, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

56. Paragraph 56 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize case law and FEC guidance, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

57. Paragraph 57 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize case law and FEC guidance, which speak for

themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

58. Paragraph 58 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize the Act and Commission regulations, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

59. Paragraph 59 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize the Act, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

60. Paragraph 60 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize Commission policy, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

61. Paragraph 61 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize case law, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

62. Intervenors admit that Plaintiffs filed a sworn Administrative Complaint on October 6, 2016. The remainder of Paragraph 62 makes no factual allegations, but rather states legal conclusions and characterizations, and purports to summarize Plaintiffs' Administrative Complaint, the Act, and Commission regulations, which speak for themselves, and therefore no

response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

63. Paragraph 63 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

64. Paragraph 64 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

65. Paragraph 65 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

66. Paragraph 66 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

67. Paragraph 67 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

68. Paragraph 68 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

69. Paragraph 69 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

70. Paragraph 70 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

71. Paragraph 71 makes no factual allegations, but rather purports to summarize Plaintiffs' Administrative Complaint, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

72. Intervenors admit the allegations in Paragraph 72.

73. Paragraph 73 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report issued in MUR 7146 on October 16, 2018 ("Office of General Counsel's Report"), which speaks for itself, and therefore no response is required.

74. Paragraph 74 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report, which speaks for itself, and therefore no response is required.

75. Paragraph 75 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report and Intervenors' responses to Plaintiffs' Administrative Complaint, which speak for themselves, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

76. Paragraph 76 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

77. Paragraph 77 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

78. Paragraph 78 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

79. Paragraph 79 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report and Intervenors' response to Plaintiffs' Administrative Complaint, which speak for themselves. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

80. Paragraph 80 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

81. Paragraph 81 makes no factual allegations, but rather purports to summarize the Office of General Counsel's Report, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

82. Intervenors admit the allegations in Paragraph 82.

83. Intervenors admit the allegations in Paragraph 83.

84. Intervenors admit the allegations in Paragraph 84.

85. Intervenors admit the allegations in Paragraph 85.

86. Paragraph 86 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

87. Paragraph 87 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

88. Paragraph 88 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

89. Paragraph 89 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

90. Paragraph 90 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the

allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

91. Paragraph 91 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

92. Paragraph 92 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

93. Paragraph 93 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

94. Paragraph 94 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport

to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

95. Paragraph 95 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

96. Paragraph 96 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied.

97. Paragraph 97 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

98. Paragraph 98 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the

allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

99. Intervenors admit that on September 20, 2019, FEC Chair Ellen L. Weintraub issued a Statement of Reasons explaining her vote to find "reason to believe" and proceed with an investigation. The remainder of Paragraph 99 makes no factual allegations, but rather purports to summarize Commissioner Weintraub's Statement of Reasons, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

100. Paragraph 100 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

101. Paragraph 101 makes no factual allegations, but rather purports to summarize case law, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

102. Paragraph 102 makes no factual allegations, but rather purports to summarize case law, which speaks for itself, and state legal conclusions to which no response is required. To the

extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

103. Paragraph 103 makes no factual allegations, but rather purports to summarize the Commissioner Weintraub's Statement of Reasons, which speaks for itself, and states legal conclusions and characterizations to which no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

104. Intervenors deny the allegations in Paragraph 104.

105. Intervenors incorporate their responses to the preceding paragraphs as if fully set forth herein.

106. Intervenors deny the allegations in Paragraph 106.

107. Intervenors deny the allegations in Paragraph 107.

108. Intervenors incorporate their responses to the preceding paragraphs as if fully set forth herein.

109. Paragraph 109 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

110. Paragraph 110 makes no factual allegations, but rather purports to summarize the controlling Commissioners' Statement of Reasons, which speaks for itself, and therefore no response is required. To the extent Plaintiffs purport to make factual allegations, those allegations are denied to the extent they suggest that the allegations support the legal conclusion that the Commission's decision to dismiss Plaintiffs' Administrative Complaint was arbitrary, capricious, or contrary to law.

111. Intervenors deny the allegations in Paragraph 111.

112. Intervenors deny the allegations in Paragraph 112.

113. Intervenors deny the allegations in Paragraph 113.

Finally, Intervenors deny any and all allegations in the Amended Complaint not expressly admitted herein to which a response is required.

DEFENSES AND AFFIRMATIVE DEFENSES

Having set forth their answers to Plaintiffs Amended Complaint, Intervenors plead the following defenses and affirmative defenses:

1. Plaintiffs lack standing to pursue their claims.
2. Plaintiffs fail to state a claim upon which relief may be granted.
3. The Administrative Procedure Act ("APA") does not provide an avenue for relief where other adequate bases for relief from administrative action are available. Because the FECA otherwise provides relief from improper dismissal, no APA remedy is available here.
4. Intervenors designate all denials to the Amended Complaint set forth above as defenses to the extent necessary for its full defense of this matter.
5. Intervenors reserve the right to amend and add affirmative defenses.

PRAYER FOR RELIEF

The Court should deny Plaintiffs' requests for relief and grant no other relief to Plaintiffs. Such relief is not warranted in this case because Plaintiffs lack standing; the Commission's dismissal of Plaintiffs' Administrative Complaint was not contrary to law; and Plaintiffs' APA claim does not provide an avenue for relief.

DATED: June 18, 2020

Respectfully submitted,

PERKINS COIE LLP

By: /s/ Marc Erik Elias

Marc Erik Elias, Bar No. 442007
Aria C. Branch, Bar No. 1014541
MElias@perkinscoie.com
ABranch@perkinscoie.com
700 Thirteenth Street, N.W., Suite 800
Washington, D.C. 20005-3960
Telephone: 202.654.6200
Facsimile: 202.654.6211

Attorneys for Defendant-Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2020, that I caused a true and correct copy of the foregoing document to be served upon all counsel of record registered with the Court's ECF system, by electronic service via the Court's ECF transmission facilities.

By: /s/ Marc Erik Elias

Marc Erik Elias

Aria C. Branch

PERKINS COIE LLP

700 Thirteenth Street, N.W., Suite 800

Washington, D.C. 20005-3960

Telephone: 202.654.6200

Facsimile: 202.654.6211

Email: MElias@perkinscoie.com

Email: ABranch@perkinscoie.com