

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER BERNEGGER,

Plaintiff,

v.

Civil Action No. 25-4559 (JEB)

FEDERAL ELECTION COMMISSION,

Defendant.

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MAR 24 2026

Angela D. Caesar, Clerk
U.S. District & Bankruptcy Courts
for the District of Columbia

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
AND DEFAULT JUDGMENT**

Plaintiff Peter Bernegger respectfully moves, pursuant to Federal Rule of Civil Procedure 55(a), 55(b)(2), and 55(d), for entry of default against Defendant Federal Election Commission and for default judgment. In support, Plaintiff states that:

1. Plaintiff filed this action on December 31, 2025, seeking declaratory and injunctive relief under 52 U.S.C. § 30109(a)(8) based on the Federal Election Commission's failure to act on Plaintiff's administrative complaint, MUR 8399.
2. The Commission appeared on January 29, 2026, by filing a Notice of Lack of Quorum. See ECF No. 3.
3. Plaintiff thereafter filed his First Amended Complaint on February 6, 2026. See ECF No. 5.
4. Under Federal Rule of Civil Procedure 15(a)(3), any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later. Defendant was properly served.

5. Under Federal Rule of Civil Procedure 12(a)(2), a United States agency must serve an answer within 60 days after service on the United States Attorney.

6. More than the maximum time permitted by Rules 12(a)(2) and 15(a)(3) has elapsed, and Defendant has failed to answer, move under Rule 12, or otherwise respond to the First Amended Complaint.

7. Defendant's earlier Notice of Lack of Quorum is not a responsive pleading to the First Amended Complaint and does not suspend Defendant's obligation to answer or otherwise defend.

8. Plaintiff has established by the pleadings, the docket, and the record evidence that Defendant has failed to act on Plaintiff's administrative complaint within the time required by 52 U.S.C. § 30109(a)(8), and that Plaintiff is entitled to the relief requested in the First Amended Complaint.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Direct the Clerk to enter default against Defendant Federal Election Commission;
- B. Enter default judgment in Plaintiff's favor under Rule 55(b)(2) and 55(d);
- C. Declare that the Commission's failure to act on Plaintiff's administrative complaint is contrary to law under 52 U.S.C. § 30109(a)(8)(C);
- D. Order the Commission to conform with that declaration within 30 days;
- E. Direct that the matter remain expedited as required by 52 U.S.C. § 30109(a)(8)(B);

F. Award Plaintiff allowable costs; and

G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: March 23, 2026



Peter Bernegger - Plaintiff
1806 Brynnwood Trace
New London, WI 54961
(920) 551-0510
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CERTIFICATE OF SERVICE

I, Peter Bernegger, Plaintiff, hereby certify under sworn oath penalty of perjury that on March 23, 2026, a true and correct copy of the foregoing Plaintiff's Motion for Entry of Default and Default Judgment was served by postage prepaid US Mail First Class, upon the following counsel of record for Defendant Federal Election Commission:

Michael D. Contino
Attorney for Defendant
Federal Election Commission
Office of General Counsel
1050 First Street, NE
Washington, DC 20463



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1806 Brynwood Trace
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