UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIE SEEGERS,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civil Action No. 1:26-cv-00276-JMC

Judge Jia M. Cobb

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

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* Authorities chiefly relied upon. See LCvR 7(a).

INTRODUCTION

This is a Federal Election Campaign Act ("FECA") action under 52 U.S.C. § 30109(a)(8) with a clean and fully documented procedural record. Plaintiff Julie Seegers filed a sworn, notarized administrative complaint with the Federal Election Commission ("the Commission" or "the FEC") on August 29, 2025; the Commission acknowledged receipt by letter dated September 26, 2025 and assigned the matter MUR 8404; the 120-day statutory period elapsed on December 27, 2025 without any Commission action; Plaintiff timely filed this action on January 30, 2026; Plaintiff perfected service on the Commission, the United States Attorney for the District of Columbia, and the Attorney General of the United States as required by Federal Rule of Civil Procedure 4(i); the Commission filed only a two-page Notice of Lack of Quorum stating that it cannot litigate the merits; the deadline under Rule 12(a)(2) lapsed on April 27, 2026 with no answer, Rule 12 motion, or request for an extension; and on July 8, 2026 the Clerk entered default under Rule 55(a) (Dkt. 13). The case is therefore ripe for default judgment under Rule 55(b)(2) and 55(d).

Plaintiff seeks the narrow, statutory remedy Congress prescribed for this exact circumstance. Section 30109(a)(8)(C) authorizes this Court, upon a finding that the Commission's failure to act on a complaint is contrary to law, to declare that failure contrary to law and to "direct the Commission to conform with such declaration within 30 days." 52 U.S.C. § 30109(a)(8)(C). If the Commission does not conform, the statute authorizes the complainant to bring a civil action against the original respondent "to remedy the violation involved in the original complaint." *Id.* Plaintiff does not at this stage ask the Court to adjudicate the underlying FECA violations alleged in MUR 8404; that adjudication is the subject of the conditional citizen-action remedy that

Congress placed in § 30109(a)(8)(C) and that becomes available only if and when the Commission fails to conform.

FACTUAL AND PROCEDURAL BACKGROUND

The factual record in support of this Motion is set out in the accompanying Declaration of Julie Seegers and authenticated exhibits. The salient points are summarized below.

A. The Underlying Administrative Complaint (MUR 8404).

On August 29, 2025, Plaintiff executed and submitted to the Federal Election Commission a sworn, notarized administrative complaint under 52 U.S.C. § 30109(a)(1) and the FEC's implementing regulations, 11 C.F.R. §§ 111.4–111.7. (Compl. ¶¶ 24–27 (Dkt. 1); Seegers Decl. ¶¶ 3–6 & Ex. E.) The administrative complaint names as respondents ActBlue (FEC ID C00401224), the largest Democratic-aligned conduit political committee for processing federal contributions, and its treasurer, George Gilmer. It alleges that ActBlue accepted, processed, and reported large volumes of contributions through a campaign-finance laundering pattern commonly known as "smurfing" - the fragmentation of contributions into large numbers of small transactions reported in the names of individuals, including elderly and unemployed individuals, whose reported activity is inconsistent with genuine personal giving. (Seegers Decl. ¶ 4.)

The administrative complaint is supported by transaction-level analysis of the FEC's own public disclosure database. It identifies as many as 178,204,660 flagged donor transactions totaling at least $3,543,266,360, attributed to as many as 281,434 unique flagged donor identities — approximately 39.7% of the 449,329,799 committee transactions available for the analyzed period. (Seegers Decl. ¶ 5 & Ex. E.) The administrative complaint cites violations of 52 U.S.C. § 30122 (contributions in the name of another), 52 U.S.C. § 30104 (reporting), 52 U.S.C. § 30102 (recordkeeping), and 52 U.S.C. § 30116 (contribution limits), together with the Commission's implementing regulations, including 11 C.F.R. § 110.4(b). (Compl. ¶ 26; Seegers Decl. ¶ 5.)

The Commission acknowledged receipt of the administrative complaint by letter dated September 26, 2025, confirming that the complaint had been received and that the matter had been assigned MUR 8404. (Compl. ¶ 28; Seegers Decl. ¶ 6 & Ex. D.) Under 11 C.F.R. § 111.5, the Commission is required to notify each respondent within five days of receipt; under 11 C.F.R. § 111.6, respondents have fifteen days to demonstrate that no action should be taken; and 11 C.F.R. §§ 111.4 and 111.7 establish the form-and-content requirements and the General Counsel's recommendation procedures.

B. The Commission's Failure to Act for More Than 120 Days.

Under 52 U.S.C. § 30109(a)(8)(A), the 120-day statutory period began on August 29, 2025, the date the administrative complaint was filed. The 120-day period expired on December 27, 2025. As of the date of this Motion - more than 320 days after the administrative complaint was filed - the Commission has not (a) made a "reason to believe" determination under § 30109(a)(2), (b) voted to dismiss MUR 8404, (c) entered into conciliation, or (d) instituted civil proceedings. Plaintiff has received no further communication from the Commission concerning MUR 8404 indicating any disposition. (Seegers Decl. ¶¶ 7–8.)

C. Commencement of This Action and Rule 4(i) Service.

Plaintiff filed the Complaint for Declaratory and Injunctive Relief on January 30, 2026 (Dkt. 1), thirty-four days after the expiration of the 120-day statutory period. Plaintiff perfected service of process under Federal Rule of Civil Procedure 4(i): (i) on February 24, 2026, at 2:33 p.m., Ambiko Wallace of Capitol Process Services, Inc. personally served the United States Attorney for the District of Columbia, c/o Civil Process Clerk, 601 D Street, NW, Washington, DC 20530, by delivery to Aquilla Alexander, Paralegal Specialist, authorized to accept service (Dkt. 6, p. 1, filed March 4, 2026); (ii) on February 24, 2026, at 1:42 p.m., Michael Weaver of Capitol Process Services, Inc. personally served the Federal Election Commission at its principal office, 1050 First Street, NE, by delivery to Joe Clark, Facilities Manager, authorized to accept service (Dkt. 6, p. 2); and (iii) the Attorney General of the United States was served by USPS Certified Mail, Return Receipt Requested, Article No. 9414 8362 0855 1295 5585 87, mailed February 23, 2026 and delivered March 4, 2026, with the process server's sworn Affidavit of Service by Certified Mail and USPS proof of delivery filed April 15, 2026 (Dkt. 7). All service was completed within the 90-day period of Rule 4(m). (Seegers Decl. ¶¶ 10–12 & Ex. C.)

D. The Commission's April 24, 2026 Notice of Lack of Quorum.

On April 24, 2026 — one day before its responsive-pleading deadline - the Commission filed a document styled "Defendant Federal Election Commission's Notice of Lack of Quorum" (Dkt. 8), signed by Lisa J. Stevenson (Deputy General Counsel – Law), James D. McGinley (Associate General Counsel), Shaina Ward (Acting Assistant General Counsel), and Greg J. Mueller (Attorney). The Notice represents that, since the resignation of former Commissioner Allen Dickerson on April 30, 2025 and former Commissioner James E. "Trey" Trainor on October 3, 2025, the Commission has lacked the four affirmative votes required by 52 U.S.C. § 30106(c) and § 30107(a)(6) to authorize the defense of this action. It reports that the President announced the nominations of two new Commissioners on February 11, 2026, but acknowledges that those nominations remained pending as of April 24, 2026. The Notice does not admit or deny any allegation, asserts no defense, requests no relief, and seeks no extension of time; its sole stated purpose is advisory.e(Dkt.e8 ¶ 4; Seegers Decl. ¶ 13 & Ex. F.)

E. Expiration of the Response Period and Plaintiff's Opposition to Any Stay.

Under Rule 12(a)(2), an agency of the United States must serve an answer within 60 days after service on the United States Attorney. Based on the February 24, 2026 Rule 4(i)(1)(A) service on the United States Attorney for the District of Columbia, the 60-day period expired on Saturday, April 25, 2026, extended to Monday, April 27, 2026 by Rule 6(a)(1)(C). The Commission has not filed an answer, has not filed a Rule 12 motion, and has neither requested nor obtained an enlargement of time. (Seegers Decl. ¶ 14.) By Minute Order of May 7, 2026, the Court invited Plaintiff's position on whether the action should be stayed pending restoration of a quorum; on May 20, 2026, Plaintiff filed her Response to Defendant's Notice of Lack of Quorum and Opposition to Any Stay (Dkt. 10), explaining that an indefinite stay tied to political events outside the litigation would extend the very agency inaction that § 30109(a)(8) permits complainants to challenge. (Seegers Decl. ¶ 15 & Ex. G.)

F. The Clerk's Entry of Default.

Plaintiff filed her Declaration in Support of Request for Clerk's Entry of Default on May 18, 2026 (Dkt. 9), her Request for Clerk's Entry of Default with supporting Affidavit and proposed entry on May 20, 2026 (Dkt. 11), and a letter to the Clerk of Court on June 15, 2026 (Dkt. 12). On July 8, 2026, the Clerk of Court entered default against the Federal Election Commission under Federal Rule of Civil Procedure 55(a), finding that the Commission "failed to plead or otherwise defend this action though duly served with summons and copy of the complaint." (Dkt. 13; Seegers Decl. ¶ 17 & Ex. A.) The Clerk of this Court has previously entered default against the FEC where the Commission did not defend an action under § 30109(a)(8). See Clerk's Entry of Default, CREW v. FEC, No. 1:22-cv-00035 (D.D.C. Mar. 29, 2022).

ARGUMENT

I. Subject-Matter Jurisdiction and Venue Are Proper.

This Court has subject-matter jurisdiction under 52 U.S.C. § 30109(a)(8) and 28 U.S.C. § 1331. Declaratory relief is authorized by 28 U.S.C. §§ 2201–2202. Venue is proper because Congress vested jurisdiction over actions under 52 U.S.C. § 30109(a)(8) exclusively in this District, and because the defendant is an agency of the United States headquartered in this District. 28 U.S.C. § 1391(e)(1).

II. Plaintiff Has Standing under § 30109(a)(8)(A).

Plaintiff is the sworn complainant in MUR 8404 and is a "party aggrieved" within the meaning of 52 U.S.C. § 30109(a)(8)(A). Standing in this posture is established. *See FEC v. Akins*, 524 U.S. 11, 19–26 (1998) (informational injury sufficient where complainant is denied information Congress required to be disclosed); *Common Cause v. FEC*, 489 F. Supp. 738, 741–42 (D.D.C. 1980); *see also Adkins v. Teseo*, 180 F. Supp. 2d 15, 17 (D.D.C. 2001). Plaintiff relies on accurate and complete federal campaign-finance disclosures to evaluate committees, candidates, and the true sources of political contributions; the Commission's failure to act on MUR 8404 deprives her of information that FECA's reporting and enforcement mechanisms are designed to make public. (Seegers Decl. ¶ 2; Compl. ¶¶ 15–17.)

III. Plaintiff Has Provided the Notice Required by Rule 55(b)(2).

Federal Rule of Civil Procedure 55(b)(2) requires written notice to a defaulting party that has "appeared personally or by a representative" at least seven days before any hearing. The Commission, through counsel Lisa J. Stevenson (Deputy General Counsel – Law), James D. McGinley (Associate General Counsel), Shaina Ward (Acting Assistant General Counsel), and Greg J. Mueller (Attorney), filed the Notice of Lack of Quorum (Dkt. 8). Out of an abundance of caution, Plaintiff treats that filing as an appearance "by a representative" for purposes of Rule 55(b)(2)'s notice provision and has served all counsel of record listed on Dkt. 8 with this Motion and the supporting papers more than seven days before any hearing on this Motion, as reflected in the accompanying Certificate of Service. Treating the Notice as an appearance for notice purposes is consistent with, and does not undermine, the Clerk's Rule 55(a) determination that the Notice does not "otherwise defend."

IV. Default Judgment Standard under Rule 55(b)(2) and 55(d).

Rule 55 prescribes a two-step path to default judgment. The Clerk's entry of default under Rule 55(a) is the ministerial first step, completed here on July 8, 2026 (Dkt. 13); the substantive motion under Rule 55(b)(2) follows. Following the Clerk's entry, "[a] defaulting defendant is deemed to admit every well-pleaded allegation in the complaint." *Adkins v. Teseo*, 180 F. Supp. 2d 15, 17 (D.D.C. 2001). Where, as here, the defaulting defendant is an agency of the United States, the claimant must additionally "establish[] a claim or right to relief by evidence that satisfies the court." Fed. R. Civ. P. 55(d). This evidentiary requirement is the only material difference between Rule 55(b)(2) judgments against private defendants and judgments against the United States. Plaintiff seeks no monetary damages, so no independent damages determination is required. *See Adkins*, 180 F. Supp. 2d at 17. Rule 55(b)(2) provides that the Court "may conduct hearings" as needed, but no hearing is required where, as here, the relief sought is declaratory and the record is unrebutted.

Default judgment has previously been entered against the Commission in a materially identical posture - a § 30109(a)(8) failure-to-act suit in which the Commission did not defend. *See Campaign Legal Center v. FEC*, No. 20-cv-0809, 2021 WL 5178968, at *5–*9 (D.D.C. Nov. 8, 2021) (entering default judgment against the Commission, declaring its failure to act on an administrative complaint contrary to law under the *Common Cause* factors, and directing the Commission to conform within thirty days pursuant to 52 U.S.C. § 30109(a)(8)(C)); *see also Campaign Legal Center v. 45Committee, Inc.*, No. 23-7040, slip op. at 8–9 (D.C. Cir. Oct. 8, 2024) (describing that default judgment).

V. Plaintiff Establishes Her Claim by Evidence Satisfying the Court.

A. The Commission Received the Complaint and Failed to Act for 120 Days.

The Commission acknowledged receipt of Plaintiff's administrative complaint by letter dated September 26, 2025, confirming the filing and the assignment of MUR 8404. (Seegers Decl. ¶ 6 & Ex. D.) The 120-day statutory period under § 30109(a)(8)(A) began on August 29, 2025 and expired on December 27, 2025. (Id. ¶ 7.) The Commission has not communicated any disposition of MUR 8404 to Plaintiff, and no reason-to-believe determination, dismissal, conciliation, or civil proceeding has occurred. (Id. ¶ 8.) These facts are established by sworn declaration and authenticated exhibits and satisfy the Rule 55(d) standard.

B. The Failure-to-Act Standard under § 30109(a)(8).

Section 30109(a)(8)(A) authorizes any "party aggrieved" by the Commission's dismissal of a complaint, or by the Commission's failure to act on a complaint within 120 days after the complaint is filed, to file a petition with this Court. Expiration of the 120-day period confers the right to judicial review; it does not by itself establish that the failure to act is contrary to law. *See Common Cause v. FEC*, 489 F. Supp. 738, 744 (D.D.C. 1980) (once the statutory period expires, the court must determine whether the Commission has acted "expeditiously," considering factors including the credibility of the allegations, the nature of the threat posed, the resources available to the agency, the information available to it, and the novelty of the issues). The unreasonable-delay factors articulated in *Telecommunications Research & Action Center v. FCC*, 750 F.2d 70, 79–80 (D.C. Cir. 1984) ("TRAC"), also inform the analysis: (1) whether the agency's timing is governed by a rule of reason; (2) whether Congress has provided a timetable; (3) whether human health and welfare are at stake; (4) the effect on competing agency priorities; (5) the nature and extent of the interests prejudiced by delay; and (6) whether impropriety lurks behind agency lassitude — which need not be shown. Judge Sullivan synthesized and applied both frameworks in *Giffords v. FEC*, No. 19-1192 (EGS), 2021 WL 4810333, at *4–*8 (D.D.C. Sept. 30, 2021), declaring the Commission's failure to act on four administrative complaints contrary to law and ordering the Commission to make reason-to-believe determinations within thirty days. Upon a finding that the failure to act is contrary to law, the Court "may direct the Commission to conform with such declaration within 30 days." 52 U.S.C. § 30109(a)(8)(C).

C. Application of the Common Cause / TRAC / Giffords Multi-Factor Analysis.

Each factor favors Plaintiff: (1) Length of delay and Congress's timetable. As of the date of this Motion, more than 320 days have elapsed since Plaintiff filed her administrative complaint on August 29, 2025 - more than two and one-half times the 120-day period Congress prescribed in 52 U.S.C. § 30109(a)(8)(A). Delays substantially exceeding the 120-day period have been held contrary to law in this District. *See Giffords*, 2021 WL 4810333, at *6–*7 (complaints pending between 138 and 251 days when suit was filed, and unresolved for years by the time of decision, held unreasonably delayed). Congress prescribed a 120-day period and authorized judicial review immediately upon its expiration; there is no "rule of reason" that excuses indefinite inaction beyond the statutory period.

(2) Credibility of the allegations and availability of information. The administrative complaint is built on transaction-level analysis of the FEC's own public disclosure database — 178,204,660 flagged transactions totaling at least $3,543,266,360 across as many as 281,434

unique donor identities, approximately 39.7% of the committee's available transactions. (Seegers Decl. ¶ 5 & Ex. E.) As in *Giffords*, the allegations can be verified from the Commission's own records; there is no information bottleneck. *Cf. Giffords*, 2021 WL 4810333, at *5–*6.

(3) Effect on human health and welfare and the interests prejudiced. The administrative complaint alleges sustained, multi-cycle violations of 52 U.S.C. § 30122 affecting the integrity and transparency of federal election financing - interests Congress and the Supreme Court have recognized as substantial. Plaintiff's informational and participatory interests under Akins are concretely impaired by the Commission's failure to act. In addition, the five-year statute of limitations applicable to FECA civil enforcement, 28 U.S.C. § 2462, continues to run on the earliest transactions analyzed in the administrative complaint, so continued delay threatens to place a portion of the alleged conduct beyond effective enforcement. Cf. Giffords, 2021 WL 4810333, at *7 (delay prejudices the complainant where it may contribute to expiration of the limitations period).

(4) Competing agency priorities. There is no competing administrative priority of similar weight on this record. The Commission's representation that it lacks a quorum is not a prioritization decision; it is an institutional incapacity, and its consequences cannot be made to fall on a private complainant. Cf. Giffords, 2021 WL 4810333, at *7.

(5) Bad faith. Plaintiff does not allege bad faith; under TRAC, the absence of bad faith does not defeat relief where the other factors favor the complainant. TRAC, 750 F.2d at 80.

D. The Commission's Lack of Quorum Does Not Defeat Judicial Review.

The Commission's April 24, 2026 Notice of Lack of Quorum (Dkt. 8) is not a defense. Section 30109(a)(8)(A) conditions the judicial remedy solely on the Commission's dismissal of, or failure to act on, an administrative complaint within the 120-day period; the statute contains no exception keyed to the cause of the inaction. The court in *Giffords* confronted the same posture - a Commission that had been without a quorum for an extended period - and held the Commission's quorum-driven inaction contrary to law notwithstanding the quorum deficit. *Giffords*, 2021 WL 4810333, at *6–*7. If a quorum failure could insulate the Commission from § 30109(a)(8) review, the Commission's enforcement obligations could be nullified whenever its membership falls below quorum - a result the statutory text does not permit. The quorum deficit here predates Plaintiff's administrative complaint's 120-day deadline and remains within the control of the political branches, not of Plaintiff. For completeness, Plaintiff notes that the deferential standard governing review of Commission dismissals - a dismissal may be set aside only if it rests on an impermissible interpretation of FECA or is arbitrary, capricious, or an abuse of discretion, *Orloski v. FEC*, 795 F.2d 156, 161 (D.C. Cir. 1986) -— is not implicated here, because the Commission has made no decision of any kind to which deference could attach. This case is governed by the failure-to-act framework of *Common Cause* and *TRAC*, not by *Orloski*'s dismissal-review standard.

E. The Conformance Framework and the Citizen-Suit Backstop.

Consistent with 52 U.S.C. § 30109(a)(8)(C), the proper remedy is not for this Court to dictate the substance of the Commission's enforcement decision, but to declare the continued failure to act contrary to law and direct the Commission to conform within thirty days. If the Commission does not conform within the statutory period, § 30109(a)(8)(C) authorizes the complainant to bring a civil action in her own name to remedy the violations alleged in the original administrative complaint. Plaintiff acknowledges the D.C. Circuit's decision in *Campaign Legal Center v. 45Committee, Inc.*, No. 23-7040 (D.C. Cir. Oct. 8, 2024), which addressed what constitutes Commission "conformance" with a contrary-to-law declaration and held that a reason-to-believe vote that fails for lack of four affirmative votes can constitute conformance, foreclosing the citizen-suit pathway in that circumstance. That holding does not bear on the relief sought here, and it is distinguishable on its face: in *45Committee*, the Commission voted; here, the Commission has held no vote of any kind on MUR 8404 and has represented that it presently cannot. Plaintiff cites the decision candidly for its articulation of the conformance framework, and the precise contours of conformance can be addressed if and when they arise during the conformance period. What matters at this stage is that the statutory declaration-and-conformance remedy is available and appropriate on this record.

VI. Plaintiff Is Entitled to the Narrow, Statutory Relief Authorized by § 30109(a)(8)(C).

The relief Plaintiff requests tracks the statute. Specifically, Plaintiff requests (a) a declaration that the Commission's failure to act on MUR 8404 is contrary to law; (b) an order directing the Commission to conform within thirty (30) days, including by certifying any vote and filing any controlling Statement of Reasons sufficient to permit judicial review; (c) authorization, in the event the Commission fails to conform, for Plaintiff to bring a civil action under § 30109(a)(8)(C) in her own name against the respondents in MUR 8404; (d) retention of jurisdiction over the conformance period (*see Giffords*, 2021 WL 4810333, at *9 (retaining jurisdiction)); and (e) allowable costs. Each item of requested relief is expressly authorized by the text of § 30109(a)(8)(C); none implicates monetary damages against the United States; and none asks the Court at this stage to adjudicate the underlying FECA allegations.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court GRANT the Motion for Default Judgment and enter the relief set forth in the accompanying [Proposed] Order Granting Plaintiff's Motion for Default Judgment.

Respectfully submitted,

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Dated: July 20, 2026