

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

THE PATRIOTS FOUNDATION
4020 121st Street
Urbandale, Iowa 50323,

Plaintiff,

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
800 Maine Avenue SW, Suite 400
Washington, D.C. 20024

MEDIA MATTERS FOR AMERICA
800 Maine Avenue SW, Suite 400
Washington, D.C. 20024

AMERICAN BRIDGE 21ST CENTURY
FOUNDATION
800 Maine Avenue SW, Suite 400
Washington, D.C. 20024

AMERICAN BRIDGE 21ST CENTURY PAC
800 Maine Avenue SW, Suite 400
Washington, D.C. 20024

DAVID BROCK
800 Maine Avenue SW, Suite 400
Washington, D.C. 20024

Proposed
Defendant-Intervenors.

Civil Action No. 1:20-cv-02229-EGS

PROPOSED INTERVENORS'
ANSWER TO PLAINTIFF'S
COMPLAINT

Correct the Record (“CTR”), Media Matters for America (“MMFA”), American Bridge 21st Century Foundation (“AB Foundation), American Bridge 21st Century PAC (“AB PAC”), Hillary for America (“HFA”), and David Brock, (together, “Proposed Intervenors”) submit this Answer to the Complaint filed by Plaintiff The Patriots Foundation, denying each allegation except to the extent expressly admitted below:

1. Proposed Intervenors admit that Plaintiff purports to bring an action pursuant to 52 U.S.C. § 30109(a)(8) for unlawful agency delay.

2. Proposed Intervenors admit that Plaintiff seeks injunctive and declaratory relief to compel Defendant Federal Election Commission (“FEC”) to take action on Plaintiff’s Administrative Complaint.

3. Paragraph 3 makes no factual allegations, but rather purports to describe Plaintiff’s Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent a response is required, Proposed Intervenors deny that they violated the Federal Election Campaign Act of 1971, as amended. Proposed Intervenors lack sufficient information to confirm or deny whether the FEC acknowledged receipt of Plaintiff’s Administrative Complaint by letter dated April 13, 2020. Proposed Intervenors admit that the FEC has numbered this matter MUR 7726.

4. Paragraph 4 makes no factual allegations, but rather purports to describe Plaintiff’s Administrative Complaint, which speaks for itself, and therefore no response is required.

5. Paragraph 5 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

6. Proposed Intervenors admit that 120 days have passed since Plaintiff filed its administrative complaint and the FEC has taken no public action on that complaint.

7. Proposed 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.
10. Proposed Intervenors deny the allegations in Paragraph 10.
11. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11, and therefore, they are denied.
12. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12, and therefore, they are denied.
13. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13, and therefore, they are denied.
14. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14, and therefore, they are denied.
15. Proposed Intervenors admit the allegation in Paragraph 15.
16. Proposed Intervenors admit that David Brock is a Democratic political operative who founded MMFA, AB PAC, AB Foundation, and CTR, but denies that the organizations share the common goal of electing Democratic candidates.
17. Proposed Intervenors admit that Brock established MMFA as an incorporated, tax-exempt Section 501(c)(3) organization. Proposed Intervenors deny the remaining allegations in Paragraph 17.
18. Proposed Intervenors admit the allegations in Paragraph 18.

19. Proposed Intervenors admit that AB Foundation was established as a Section 501(c)(4) organization but deny that it serves as an “advocacy arm” of American Bridge 21st Century PAC.

20. Proposed Intervenors admit the allegations in Paragraph 20.

21. Paragraph 21 makes no factual allegations, but rather purports to describe FEC and IRS public filings, which speak for themselves, and therefore no response is required.

22. Paragraph 22 makes no factual allegations, but rather purports to describe “recent audited financial statements,” which speak for themselves, and therefore no response is required.

23. Paragraph 23 makes no factual allegations, but rather purports to describe Plaintiff’s Administrative Complaint, which speaks for itself, and therefore no response is required.

24. Paragraph 24 makes no factual allegations, but rather purports to describe Plaintiff’s Administrative Complaint, which speaks for itself, and therefore no response is required.

25. Proposed Intervenors admit that American Bridge 21st Century PAC made independent expenditures opposing Donald Trump and that David Brock received a salary from both American Bridge 21st Century PAC and Correct the Record. Proposed Intervenors currently lack knowledge or information sufficient to form a belief as to the truth of whether AB PAC and CTR shared at least seven staff members in 2016. Proposed Intervenors deny the remainder of the allegations in Paragraph 25.

26. Paragraph 26 makes no factual allegations, but rather purports to describe Plaintiff’s Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent that a response is required, Proposed Intervenors deny that AB PAC’s

expenditures in support of Hillary Clinton's election were misreported as independent expenditures and should have been reported by HFA as in-kind contributions.

27. Paragraph 27 makes no factual allegations, but rather purports to describe Plaintiff's Administrative Complaint, which speaks for itself, and therefore no response is required.

28. Paragraph 28 makes no factual allegations, but rather purports to describe Plaintiff's Administrative Complaint, which speaks for itself, and therefore no response is required. To the extent a response is required, Proposed Intervenors deny that there were unreported in-kind contributions made and received among Brock's organizations.

29. Paragraph 29 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

30. Paragraph 30 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

31. Paragraph 31 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

32. Paragraph 32 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

33. Paragraph 33 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

34. Paragraph 34 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

35. Paragraph 35 makes no factual allegations, but rather states legal conclusions and characterizations to which no response is required.

36. Proposed Intervenors admit the allegations in Paragraph 36 but deny that they violated FECA or corresponding FEC regulations.

37. Proposed Intervenors lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37, and therefore, they are denied. Proposed Intervenors admit that the matter was designated by the FEC as MUR 7726.

38. Proposed Intervenors admit the allegation in Paragraph 38.

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

40. Proposed Intervenors deny the allegations in Paragraph 40.

41. Proposed Intervenors admit the allegation in Paragraph 41.

42. Proposed Intervenors admit that TPF seeks injunctive and declaratory relief to compel the FEC to take action on TPF's Administrative Complaint.

43. Proposed Intervenors deny the allegations in Paragraph 43.

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

DEFENSES AND AFFIRMATIVE DEFENSES

Having set forth their answers to Plaintiff's Complaint, Proposed Intervenors plead the following defenses and affirmative defenses:

1. Plaintiff lacks standing to pursue its claims.
2. The equitable doctrine of laches bars Plaintiff from obtaining any relief.
3. Plaintiff fails to state a claim upon which relief may be granted.
4. Proposed Intervenors designate all denials to the Complaint set forth above as defenses to the extent necessary for its full defense of this matter.

5. Proposed Intervenors reserve the right to amend and add affirmative defenses.

PRAYER FOR RELIEF

The Court should deny Plaintiff's requests for relief and grant no other relief to Plaintiff. Such relief is not warranted in this case because Plaintiff lacks standing; the equitable doctrine of laches bars Plaintiff's claim for relief; and the Commission's dismissal of Plaintiffs' Administrative Complaint was not contrary to law.

DATED: October 28, 2020

Respectfully submitted,

PERKINS COIE LLP

By: /s/ Aria C. Branch

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Counsel for Defendant-Proposed Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 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/ Aria C. Branch

Marc Erik Elias

Aria C. Branch

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