

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACK and RENEE BEAM,

Plaintiffs,

Civil Action No. 07-cv-1227

Honorable Rebecca R. Pallmeyer

vs.

FEDERAL ELECTION COMMISSION,

Defendant.

/

**PLAINTIFFS' MOTION FOR PARTIAL RECONSIDERATION OF ITS ORDER
GRANTING DEFENDANT'S MOTION IN LIMINE**

On July 27, 2010, the parties appeared before the Court for argument on Defendant's motion in limine. In their motion, Defendants sought, *inter alia*, to preclude Plaintiffs' from introducing into evidence their written responses to Defendant Federal Election Commission's allegations that they violated federal campaign finance laws by allegedly being reimbursed for their contributions.

Plaintiffs' filed a written response to Defendant's motion in limine arguing, among other things, that their written responses to Defendant Commission's accusations were relevant and probative of the issues in this case. Specifically, Jack and Renee Beam both denied in their letters that they were reimbursed for their campaign contributions. According to the testimony of Defendant's agents, including attorneys, the Commission generally must look at an individual's bank records to determine whether he or she was reimbursed for a campaign contribution.

Here, the FEC accused Plaintiffs of being reimbursed for their campaign contributions which, the Commission alleged, was a violation of federal campaign finance laws. Plaintiffs' written responses (one subject of Defendant's motion in limine) are directly relevant to the issue of whether

Defendant Commission would have needed to obtain Plaintiffs' bank records.

In other words, because Plaintiffs had denied being reimbursed for their campaign contributions, Defendant Commission, by necessity, would have needed to look at Plaintiffs' bank records. Plaintiffs' written responses to the Commission are thus directly relevant to whether Defendant Commission obtained and/or received Plaintiffs' bank records. The crux of this entire lawsuit is whether Defendant Federal Election Commission obtained, received, and/or exchange Plaintiffs' bank records in violation of the Right to Financial Privacy Act. Plaintiffs' written responses are thus relevant within the meaning of F.R.E. 401 and should not be excluded from evidence.

Moreover, Defendant FEC recently offered the same letters into evidence as exhibits to the deposition of Ms. Audra Wassom-Beys. How then can Defendant Commission use Plaintiffs' written responses to elicit deposition testimony but then argue that Plaintiffs cannot use same during the trial on the merits?

During oral arguments before this Court, the parties *never* addressed this particular issue raised in Defendant's motion in limine. And while the undersigned counsel agreed, in part, to some of the issues raised in their motion, the issue of Plaintiffs' written response letters to the Commission were never addressed by either party or the Court. Indeed, it was only *after* the hearing when the Court issued its Order Granting Defendant's Motion in Limine that Plaintiffs first learned that their written response letters were ruled inadmissible at trial.

For these reasons, Plaintiffs respectfully request that this Honorable Court reconsider its Order Granting Defendant's motion in limine to the extent that the Court ruled inadmissible Plaintiffs' written responses to the Commission.

Respectfully submitted,

FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX, P.C.

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Dated: August 9, 2010

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

s/ Michael R. Dezsi
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