

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

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CENTER FOR COMPETITIVE POLITICS,))	
))	
Plaintiff,))	Civ. No. 14-970 (RDM)
))	
v.))	
))	STIPULATION OF
FEDERAL ELECTION COMMISSION,))	DISMISSAL
))	
Defendant.))	
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STIPULATION OF DISMISSAL

On December 4, 2015, Judge Richard J. Leon issued a minute order in *Public Citizen v. FEC*, No. 14-148 (D.D.C.), ordering the Commission to file in *Public Citizen* “a complete administrative record, including the First General Counsel’s Report and accompanying Factual and Legal Analysis circulated to the Federal Election Commission on or about June 21, 2011, and certify the same.”¹ Minute Order, *Public Citizen v. FEC*, No. 14-148 (D.D.C. Dec. 4, 2015) (attached as Exhibit 1).

¹ In both *Public Citizen* and here, the Commission argued that the June 2011 Report and its accompanying documents were protected from release by the work product doctrine and the deliberative process privilege. Federal Election Commission’s Opposition to Crossroads Grassroots Policy Strategies’ Motion to Supplement the Administrative Record, at 15-24 (ECF No. 45), *Public Citizen v. FEC*, No. 14-148 (D.D.C. Aug. 24, 2015). In *Public Citizen*, intervenor Crossroads Grassroots Policy Strategies (“Crossroads”) argued that the June 2011 Report was not protected by those privileges and that even if it were, Crossroads’s alleged “particularized need” for the report overcame both privileges. Crossroads Grassroots Policy Strategies’ Motion to Direct the Federal Election Commission to Complete the Administrative Record, at 10 (ECF No. 42), *Public Citizen v. FEC*, No. 14-148 (D.D.C. Aug. 8, 2015). The Minute Order issued in *Public Citizen* does not indicate the basis for the court’s order that the Commission include the June 2011 Report in the administrative record in that case.

In light of that order, which requires the public filing in the *Public Citizen* litigation of the same document requested here, the Commission has provided Plaintiff Center for Competitive Politics (“CCP”) with a copy of the report.

In light of the foregoing, plaintiff CCP and defendant Federal Election Commission hereby jointly stipulate to the dismissal of this action pursuant to Federal Rule Civil Procedure 41(a)(1)(A)(ii). As a stipulation made pursuant to Rule 41(a)(1)(A)(ii), this dismissal is effective without court order. Each side bears its own fees and costs.

Respectfully submitted,

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December 16, 2015

**U.S. District Court
 District of Columbia (Washington, DC)
 CIVIL DOCKET FOR CASE #: 1:14-cv-00148-RJL**

PUBLIC CITIZEN et al v. FEDERAL ELECTION
 COMMISSION
 Assigned to: Judge Richard J. Leon
 Case in other court: USCA, 14-05199
 Cause: 02:431 Fed. Election Commission: Failure Enforce C

Date Filed: 01/31/2014
 Jury Demand: None
 Nature of Suit: 890 Other Statutory
 Actions
 Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
12/04/2015		MINUTE ORDER granting <u>42</u> Crossroads Grassroots Policy Strategies' Motion to Direct the Federal Election Commission to Complete the Administrative Record. It is hereby ORDERED that this motion is GRANTED. It is further ORDERED that defendant Federal Election Commission shall file a complete administrative record, including the First General Counsel's Report and accompanying Factual and Legal Analysis circulated to the Federal Election Commission on or about June 21, 2011, and certify the same. It is further ORDERED that the parties shall submit a joint proposed scheduling order to govern summary judgment briefing within 30 days of the date of this Order. SO ORDERED. Signed by Judge Richard J. Leon on 12/4/15. (lcrjl3,) (Entered: 12/04/2015)