

NOT YET SCHEDULED FOR ORAL ARGUMENT

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Nos. 16-5300, 16-5343

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON, *et al.*,  
Plaintiffs-Appellees and Cross-Appellants,

v.

FEDERAL ELECTION COMMISSION,  
Defendant-Appellee,

and

AMERICAN ACTION NETWORK,  
Intervenor Defendant-Appellant.

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**Plaintiffs-Appellees and Cross-Appellants’  
Brief in Response to Defendant-Appellee Federal Election Commission’s  
Motion to Dismiss for Lack of Jurisdiction**

On December 8, 2016, the Defendant-Appellee Federal Election Commission (“FEC”) moved to dismiss the cross-appeals brought by Intervenor Defendant-Appellant American Action Network (“AAN”) and Plaintiffs-Appellees and Cross-Appellants Citizens for Responsibility and Ethics in Washington and Melanie Sloan (together, “CREW”) for lack of jurisdiction. The brunt of the

FEC's argument goes to AAN's standing to appeal and the FEC's argument to dismiss CREW's cross-appeal relies entirely on its argument to dismiss AAN's appeal. *See* Mot. at 16, Doc. # 1650065 (arguing for dismissal of CREW's cross-appeal on the grounds that it is "conditional" on AAN's appeal). Accordingly, to the extent the Court denies the FEC's motion with respect to AAN's appeal, it should similarly deny the FEC's motion with respect to CREW's cross-appeal. CREW takes no position, however, on AAN's standing to appeal.

Dated: January 23, 2017.

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

I hereby certify, on this 23rd day of January, 2017, that:

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. 32(f), this document contains 150 words.
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/s/ Stuart C. McPhail  
Stuart C. McPhail

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 23, 2017, a true and correct copy of the Plaintiffs-Appellees and Cross-Appellants' Brief in Response to the Defendant-Appellee Federal Election Commission's Motion to Dismiss for Lack of Jurisdiction was filed and served electronically through the Court's CM/ECF system upon the following counsel of record:

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