

**United States District Court
Eastern District of North Carolina
Northern Division**

<p>Holly Lynn Koerber and Committee for Truth in Politics, Inc.,</p> <p style="text-align: right;"><i>Plaintiffs,</i></p> <p style="text-align: center;">v.</p> <p>Federal Election Commission,</p> <p style="text-align: right;"><i>Defendant.</i></p>	<p>Case No. _____</p>
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Preliminary Injunction Motion

Holly Lynn Koerber and Committee for Truth in Politics, Inc. (“CTP”) move for a preliminary injunction to enjoin the FEC from enforcing **(a) § 201** of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), Pub. L. No. 107-155, 116 Stat. 81, 88-89, 2 U.S.C. § 434(f) (“Reporting Requirement”), and **(b) BCRA § 311**, 116 Stat. 105, 2 U.S.C. § 441d(a) (“Disclaimer Requirement”), as applied to CTP, its *Basic Rights* and *Tragic, but True* ads, its materially-similar future ads, and all communications that meet the statutory “electioneering communications” definition but are not unambiguously campaign related under *WRTL II*’s appeal-to-vote test because they “may reasonably be interpreted as something other than as an appeal to vote for or against a specific candidate.” *FEC v. Wisconsin Right to Life*, 127 S. Ct. 2652, 2670 (2007) (“*WRTL II*”) (stating holding).

Plaintiffs also move for the preliminary injunction to enjoin the FEC from using **(c)** its PAC-status enforcement policy, *see Verified Complaint* at 53-56, which goes beyond the mandated examination of “*the* major purpose” of an organization and determination of major purpose as an “empirical judgment as to whether an organization primarily engages in *regulable*, elec-

tion-related speech” *North Carolina Right to Life v. Leake*, 525 F.3d 274, 287 (4th Cir. 2008) (emphasis added), as a basis for investigation, enforcement, or imposing penalties under the PAC provisions of the Federal Election Campaign Act (“FECA”), facially and as applied to CTP.

Dated: October 2, 2008

Respectfully submitted,

/s/ Paul Stam

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Certificate of Service

The undersigned hereby certifies that a true and accurate copy of the foregoing Preliminary Injunction Motion was served by certified mail on the persons identified below on October 3, 2008. In addition, a courtesy copy was sent by email to the FEC at tduncan@fec.gov, dkolker@fec.gov, and kdeeley@fec.gov, and a courtesy copy was sent by FedEx overnight service to General Mukasey.

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