

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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U.S. DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

_____)
KUHN FOR CONGRESS,)
)
Plaintiff,)
)
v.)
)
FEDERAL ELECTION COMMISSION,)
)
Defendant.)
_____)

Civ. No. 2:13-3337 (PMD-BHH)

MOTION

**DEFENDANT FEDERAL ELECTION COMMISSION'S
MOTION TO DISMISS PLAINTIFF'S PETITION FOR REVIEW**

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and 5 U.S.C. § 706, defendant Federal Election Commission ("FEC" or "Commission") respectfully moves to dismiss the Petition for Review filed by Kuhn for Congress in this administrative review case. The motion should be granted, because the FEC did not act arbitrarily, capriciously, or otherwise contrary to law in assessing a civil money penalty against Kuhn for Congress for its failure to timely file a statutorily mandated campaign-finance disclosure report in April 2013, as required by the Federal Election Campaign Act ("FECA"), 2 U.S.C. § 434(a)(2)(A)(iii).

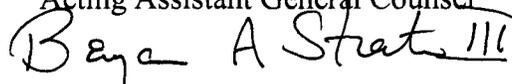
Pursuant to Local Civil Rule 7.04 DSC, the Commission submits the attached Memorandum of Law in support of this motion. The Commission also submits this day as a separate submission the Certified Administrative Record in this case. Finally, upon filing this Motion, the Commission will email a proposed order to this Court's ECF email address, with a copy to opposing counsel, in accordance with the Court's Standard Preferences for submitting proposed orders.

Respectfully submitted,

Lisa J. Stevenson*
Deputy General Counsel – Law

Kevin Deeley*
Acting Associate General Counsel

Erin Chlopak*
Acting Assistant General Counsel



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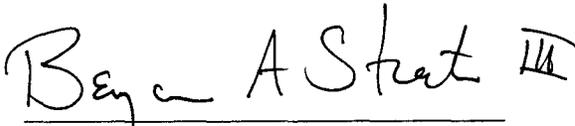
FOR DEFENDANT
FEDERAL ELECTION COMMISSION
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Washington, D.C. 20463
(202) 219-0260 - facsimile
(202) 694-1650

March 27, 2014

* *Counsel for the Commission have filed applications to appear pro hac vice (see Docket Nos. 23-26) and the Commission has filed a Motion for Waiver of the Local Counsel Requirements and Waiver of the Pro Hac Vice Admission Fees (Docket No. 22), all of which were still pending as of the date this motion was filed.*

CERTIFICATE OF SERVICE

I, Benjamin A. Streeter III, hereby certify that on this 27th day of March, 2014, I sent via UPS overnight express the foregoing Federal Election Commission's Motion to Dismiss Plaintiff's Petition for Review and Memorandum in Support of Its Motion to Dismiss Plaintiff's Petition for Review to the Clerk of the United States District Court for the District of South Carolina for filing and that a copy was sent via UPS overnight express to counsel of record for plaintiff at the address indicated below.


Benjamin A. Streeter III

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