



Activity in Case 1:11-cv-00766-ABJ VAN HOLLEN v. FEDERAL ELECTION  
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**U.S. District Court**

**District of Columbia**

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**Case Name:** VAN HOLLEN v. FEDERAL ELECTION COMMISSION

**Case Number:** [1:11-cv-00766-ABJ](#)

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**WARNING: CASE CLOSED on 03/30/2012**

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### **Docket Text:**

**MINUTE ORDER.** The Court of Appeals remanded the case to this court directing it first to refer the matter to the agency for consideration of whether it intended to pursue rulemaking or defend the current regulation. [Dkt #65]. On October 4, 2012, the agency informed the court that it intended to defend the regulation. [Dkt #67]. Pursuant to the decision of the Court of Appeals that this case should not have been resolved at Chevron step one, then, this Court must now determine whether the regulation is reasonable and therefore entitled to deference under Chevron step two, see *Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 843-44 (1984), and whether it survives arbitrary and capricious review under *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42-43 (1983). The parties have already briefed the Chevron step two and State Farm issues in connection with the motions for summary judgment, see e.g. Memorandum of Points and Authorities in Support of Plaintiff's Motion for Summary Judgment, [Dkt #20] at 27-35, and FEC's Memorandum in Support of its Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment, [Dkt #25] at 28-42. As such, the Court now has the matter under advisement, and it will schedule additional argument if it considers it necessary after its review of the pleadings. However, on October 5, 2012, intervenor-defendant Center for

**Individual Freedom ("CFIF") advised the Court that it has petitioned the FEC to engage in the very rulemaking the agency informed the Court the day before that it did not intend to undertake. The parties shall notify the court within two business days of any decision by the FEC on CFIF's petition. Signed by Judge Amy Berman Jackson on 10/9/2012. (lcabj2)**

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