

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

CAMPAIGN LEGAL CENTER,

*Plaintiff,*

v.

FEDERAL ELECTION COMMISSION,

*Defendant,*

45COMMITTEE, INC.,

*Proposed Intervenor-Defendant.*

Case No. 1:20-cv-0809 (ABJ)

**EXPEDITED MOTION OF 45COMMITTEE, INC.  
TO INTERVENE FOR THE PURPOSE OF APPEAL**

45Committee, Inc. respectfully moves to intervene in this case as a matter of right under Federal Rule of Civil Procedure 24(a)(2) for the purpose of seeking appellate review of this Court’s subject matter jurisdiction to issue the order dated April 21, 2022. Dkt. No. 32 (“April 21 Order”). That order granted the motion of Plaintiff Campaign Legal Center (“CLC”) seeking an order declaring that Defendant Federal Election Commission (“FEC”) had failed to comply with its November 8, 2021, order. Pl’s Mot. for Order Declaring Failure to Conform to Default J., Dkt. No. 26. Once the Court issued the April 21 Order, CLC filed a direct lawsuit against 45Committee in this Court. *See* April 21 Order 6 (citing 52 U.S.C. § 30109(a)(8)(C)); Compl., *CLC v. 45Committee, Inc.*, No 22-cv-01115 (D.D.C. Apr. 22, 2022). 45Committee alternatively moves for permissive intervention under Federal Rule of Civil Procedure 24(b)(1)(B).<sup>1</sup> 45Committee

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 24(c) and Local Rule 7(j), a proposed answer to the Complaint is attached to this motion. Also attached is a proposed order granting this Motion. 45Committee’s Corporate Disclosure Statement was filed with its amicus brief at Dkt. No. 31, at i.

respectfully requests an expedited ruling on this motion because the Court may lose jurisdiction to rule on the motion to intervene once 45Committee files a notice of appeal of the Court's April 21 Order. *See Amarin Pharms. Ireland Ltd. v. FDA*, 139 F. Supp. 3d 437, 443 (D.D.C. 2015) (holding that the court lost jurisdiction to decide a motion to intervene once a notice of appeal was filed, but issuing an indicative ruling under Rule 62.1 that the court would grant the motion to intervene if the D.C. Circuit remands for entry of the order).

### **POSITION OF THE PARTIES**

Counsel for 45Committee sought Plaintiff's consent to this motion, but Plaintiff's counsel stated that Plaintiff opposes this Motion. The FEC has not appeared in this matter and there is no counsel of record to notify. Nonetheless, out of an abundance of caution, counsel for 45Committee contacted the FEC's Office of General Counsel by email, informing the FEC of 45Committee's intention to file this motion. Counsel for 45Committee also asked counsel for the FEC whether the Commission will appeal the Court's April 21 order, but the FEC has not responded to that inquiry.

Respectfully submitted, on April 28, 2022.

*/s/ Brett A. Shumate*

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Brett A. Shumate (D.C. Bar No. 974673)

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*Attorneys for Proposed Intervenor-Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and distribution to all registered participants of the CM/ECF System. Attorneys for Plaintiff are registered users of the CM/ECF System of this Court. Defendant was served a paper copy of this filing via regular United States mail at its address:

Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

*/s/ Brett A. Shumate* \_\_\_\_\_

Brett A. Shumate