

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EMILY'S LIST,

Plaintiff,

v.

CIVIL ACTION NO. 05-00049-CKK

FEDERAL ELECTION COMMISSION,

Defendant.

**MEMORANDUM OF THE AMICI CURIAE REGARDING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Senator John McCain, Senator Russ Feingold, Representative Christopher Shays, Representative Martin Meehan, Democracy 21, the Campaign Legal Center, and the Center for Responsive Politics, *amici curiae* herein, respectfully submit this memorandum on plaintiff's motion for summary judgment. Counsel for the plaintiff and defendant have consented to the filing of this memorandum.

The *amici* have reviewed plaintiff's motion for summary judgment and found that it is nearly identical in all respects with plaintiff's motion for preliminary injunction, which this Court denied on February 25, 2005. *Amici* previously submitted a comprehensive memorandum in opposition to the plaintiff's motion for preliminary injunction. Rather than resubmit that memorandum at the summary judgment stage, again addressing the same points and burdening the record before this Court, *amici* calls this Court's attention to that previously-filed memorandum, and would respectfully submit that for the reasons set forth in that earlier memorandum, plaintiff's motion for summary judgment also should be denied.

Respectfully submitted,

<p><u>/s/ J. Gerald Hebert</u> Trevor Potter (Bar No. 413778) J. Gerald Hebert (Bar No. 447676) Paul S. Ryan CAMPAIGN LEGAL CENTER 1640 Rhode Island Avenue, N.W. Suite 650 Washington, D.C. 20036 (202) 736-2200</p> <p><i>Counsel for the Campaign Legal Center and individual amici</i></p>	<p>Donald J. Simon (Bar No. 256388) SONOSKY, CHAMBERS, SACHSE ENDRESON & PERRY, LLP 1425 K STREET, N.W. Suite 600 Washington, D.C. 20005 (202) 682-0240</p> <p><i>Counsel for Democracy 21</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2005, I served a copy of the foregoing Memorandum of the *Amici Curiae* Regarding Plaintiff's Motion for Summary Judgment on the following counsel. In addition to filing these documents in the Court's Electronic Case Filing System, these documents also were served by first class mail, postage prepaid and addressed as follows:

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/s/ J. Gerald Hebert
J. Gerald Hebert