

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

KEAN FOR CONGRESS COMMITTEE, )  
)  
Plaintiff, )  
)  
v. ) Civ. Action No. 1:04CV00007 (JDB)  
)  
)  
FEDERAL ELECTION COMMISSION, )  
)  
Defendant. )  
)  
\_\_\_\_\_ )

**PLAINTIFF'S NOTICE OF FILING**

Plaintiff Kean for Congress Committee (“Committee”) respectfully submits the attached Conciliation Agreement recently entered into by the Federal Election Commission (“FEC”) and the Council for Responsible Government and two of its officers (collectively, “CRG”) regarding their violations of the Federal Election Campaign Act (“FECA”). The FEC referenced the Conciliation Agreement in its November 21, 2005, Notice of Recent Development (“Notice”), but did not file it with the Court. Also attached for the Court’s information is the FEC’s Factual and Legal Analysis setting forth the FEC’s conclusions on remand from this Court for purposes of reconsidering the FEC’s initial decision to dismiss the administrative complaint in light of *McConnell v. FEC*, 540 U.S. 93 (2003).

Although the Commission indicated in its Notice that it has closed the administrative file in this case, the Conciliation Agreement requires CRG to disclose within 30 days information regarding disbursements it made in connection with the

political advertisements at issue. The Committee is carefully reviewing the Conciliation Agreement and the Factual and Legal Analysis in light of the allegations set forth in the First Amended Complaint and the prayer for relief, which included in pertinent part the disclosure of information by CRG, as required by the FECA. The Committee will not be in a position to fully evaluate the FEC's resolution of the administrative complaint until it has an opportunity to review any disclosures made by CRG in accordance with the Conciliation Agreement. The Committee will supplement its application for attorneys' fees in light of recent developments at the appropriate time.

Respectfully submitted,

/s/ Kimberly N. Brown

Kimberly N. Brown  
D.C. Bar No. 452383  
Kirk L. Jowers  
D.C. Bar No. 456095  
Caplin & Drysdale, Chartered  
One Thomas Circle, NW  
Washington, D.C. 20005  
(202) 862-5000

/s/ Trevor Potter

Trevor Potter  
D.C. Bar No. 413778  
J. Gerald Hebert  
D.C. Bar No. 447676  
Campaign Legal Center  
1640 Rhode Island Avenue, NW  
Suite 650  
Washington, D.C. 20036  
(202) 736-2200

Donald J. Simon  
D.C. Bar No. 256388  
Sonosky, Chambers, Sachse, Endresson &  
Perry LLP  
1425 K Street, N.W., Suite 600  
Washington, D.C. 20005  
(202)682-0240

November 29, 2005

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2005, I served a copy of the foregoing Plaintiff's Notice of Filing by filing it in the Court's Electronic Case Filing System, and in addition served a copy of the foregoing Notice on the following counsel of record by placing a true and correct copy of the same, in the United States mail, first-class, postage prepaid, and addressed as follows:

Lawrence H. Norton  
General Counsel  
Richard B. Bader  
Associate General Counsel  
David Kolker  
Assistant General Counsel  
Vivien Clair  
Attorney  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

/s/ J. Gerald Hebert

J. Gerald Hebert