



United States District Court

For the District of Columbia

Notice of Orders or Judgments
Fed. R. Civ. P. 77(d)

Date: 10/16/02

To: Eric Jr. Mogilnicki
2445 M Street, NW
Washington, DC 20037

Re: Case Number: 1:02-cv-00582

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATOR MITCH McCONNELL, *et al.*,

Plaintiffs,

v.

Civ. No. 02-582
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

FILED ✓

OCT 15 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

NATIONAL RIFLE ASSOCIATION, *et al.*,

Plaintiffs,

v.

Civ. No. 02-581
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

EMILY ECHOLS, *et al.*,

Plaintiffs,

v.

Civ. No. 02-633
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

(N)

**CHAMBER OF COMMERCE OF THE
UNITED STATES, *et al.*,**

Plaintiffs,

v.

Civ. No. 02-751
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

**NATIONAL ASSOCIATION OF
BROADCASTERS,**

Plaintiff,

v.

Civ. No. 02-753
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

AFL-CIO, *et al.*,

Plaintiffs,

v.

Civ. No. 02-754
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

CONGRESSMAN RON PAUL, *et al.*,

Plaintiffs,

v.

Civ. No. 02-781
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

REPUBLICAN NATIONAL COMMITTEE, *et al.*,

Plaintiffs,

v.

Civ. No. 02-874
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION,

Defendant.

CALIFORNIA DEMOCRATIC PARTY, *et al.*,

Plaintiffs,

v.

Civ. No. 02-875
(CKK, KLH, RJL)

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

VICTORIA JACKSON GRAY ADAMS, *et al.*,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civ. No. 02-877
(CKK, KLH, RJL)

BENNIE G. THOMPSON, *et al.*,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

Civ. No. 02-881
(CKK, KLH, RJL)

Briefing ~~Plan~~
(October 15, 2002)

ORDERED that the plaintiffs in 8¹ of the 11 actions (collectively, the McConnell group) shall file together one opening brief of no more than 335 pages, one opposition brief of no more than 205 pages, and one reply brief of no more than 160 pages. All legal

¹ *National Rifle Association* (Civ. No. 02-581), *McConnell* (Civ. No. 02-582), *Echols v. FEC* (Civ. No. 02-633), *Chamber of Commerce* (02-751), *National Association of Broadcasters* (Civ. No. 02-753), *AFL-CIO v. FEC* (02-754), *Republican National Committee* (Civ. No. 02-874), and *California Democratic Party* (Civ. No. 02-875). The Court subtracted the Paul plaintiffs from the McConnell group in order to treat the description of their brief separately.

arguments shall be presented on a title-by-title basis, with a discrete section of each brief devoted to each title. Within each section, the omnibus arguments for or against that title shall be presented first, followed by a separate subsection for those additional arguments advancing different legal theories or different provisions of BCRA by each of the individual plaintiffs.

It is further **ORDERED** that the government defendants (the Federal Election Commission and the Department of Justice, jointly) and intervening Members of Congress (intervenors) shall file together one opening brief of no more than 395 pages, one opposition brief of no more than 245 pages, and one reply brief of no more than 180 pages. As with the McConnell group, all arguments shall be presented on a title-by-title basis, with a discrete section of each brief devoted to each title.

It is further **ORDERED** that the McConnell group's opening brief be divided as follows:

- The McConnell group's omnibus portion of the brief shall be divided on a title-by-title basis and shall not exceed 100 pages in the aggregate.
- The RNC plaintiffs' challenges to Titles I & III of BCRA shall be addressed on a title-by-title basis and shall not exceed 75 pages in the aggregate.
- The California Democratic Party ("CDP") plaintiffs shall address their challenges to Title I in no more than 50 pages.
- The NRA plaintiffs shall address their challenges to Title II in no more than

50 pages.

- The Chamber of Commerce plaintiffs shall address their challenges to Title II in no more than 20 pages.
- The AFL-CIO plaintiffs shall address their challenges to Title II in no more than 20 pages.
- The ACLU shall address its challenges to Title II in no more than 20 pages.

It is further **ORDERED** that the defendants' opening brief be divided as follows:

- The Federal Election Commission and the Department of Justice shall address, jointly, the plaintiffs' constitutional challenges to BCRA on a title-by-title basis and their arguments shall not exceed 225 pages in the aggregate.
- The intervenors shall address the plaintiffs' constitutional challenges to BCRA on a title-by-title basis and their arguments shall not exceed 170 pages in the aggregate.

It is further **ORDERED** that the McConnell group's opposition brief be divided as follows:

- The McConnell group's omnibus opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 75 pages in the aggregate.
- The RNC plaintiffs' opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 50 pages in the aggregate.

- The CDP plaintiffs' opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 25 pages in the aggregate.
- The NRA plaintiffs' opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 25 pages in the aggregate.
- The Chamber of Commerce plaintiffs' opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 10 pages in the aggregate.
- The AFL-CIO plaintiffs' opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 10 pages in the aggregate.
- The ACLU's opposition to the defendants' opening brief shall be presented on a title-by-title basis and not exceed 10 pages in the aggregate.

It is further **ORDERED** that the defendants' opposition brief be divided as follows:

- The FEC and the DOJ's opposition to the plaintiffs' opening briefs shall be presented on a title-by-title basis and not exceed 135 pages in the aggregate.
- The intervenors' opposition to the plaintiffs' opening briefs shall be presented on a title-by-title basis and not exceed 110 pages in the aggregate.

It is further **ORDERED** that the McConnell group's reply brief be divided as follows:

- The McConnell group's joint omnibus response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 50 pages in the aggregate.

- The RNC plaintiffs' response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 30 pages in the aggregate.
- The CDP plaintiffs' response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 25 pages in the aggregate.
- The NRA plaintiffs' response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 25 pages in the aggregate.
- The Chamber of Commerce plaintiffs' response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 10 pages in the aggregate.
- The AFL-CIO plaintiffs' response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 10 pages in the aggregate.
- The ACLU's response to the defendants' opposition shall be presented on a title-by-title basis and not exceed 10 pages in the aggregate.

It is further **ORDERED** that the defendants' reply brief be divided as follows:

- The FEC and DOJ's joint response to the plaintiffs' opposition briefs shall be presented on a title-by-title basis and not exceed 100 pages in the aggregate.
- The intervenors' response to the plaintiffs' opposition briefs shall be presented on a title-by-title basis and not exceed 80 pages in the aggregate.


It is further **ORDERED** that because of the type of challenges and focus of the Thompson, Adams, and Paul plaintiffs, it is the decision of the Court that the plaintiffs in


Paul (Civ No. 02-781) and the plaintiffs collectively in the Adams (Civ. No. 02-877) and Thompson plaintiffs (Civ. No. 02-811) (collectively, the Adams group) shall both address their challenges to BCRA in an opening brief consisting of no more than 30 pages, an opposing brief of no more than 20 pages, and a reply brief of no more than 10 pages. As with the other parties, both of these briefs shall present all arguments on a title-by-title basis in discrete sections of the brief.


It is further **ORDERED** that the deadline for the filing of the opening briefs, accompanied by fact witnesses and expert testimony and documentary evidence, is November 6, 2002, opposition briefs are to be filed on November 20, 2002, and reply briefs are to be filed on November 27, 2002.

The parties' proposals as to the submission of proposed findings of fact and conclusions of law are taken under advisement and the Court will issue a separate order.

SO ORDERED.


KAREN LeCRAFT HENDERSON
United States Circuit Judge


COLLEEN KOLLAR-KOTELLY
United States Circuit Judge


RICHARD J. LEON
United States District Judge