

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CALIFORNIA DEMOCRATIC PARTY, *et al.*

Plaintiffs

v.

FEDERAL ELECTION COMMISSION, *et al.*

Defendants

Case No. 1:02CV00875 (CKK)

CONSENT MOTION FOR CONSOLIDATION

Pursuant to Fed.R.Civ.P. 42(a), and with the consent of the defendants to the Complaint, plaintiffs California Democratic Party, Art Torres, Yolo County Democratic Central Committee, California Republican Party, Shawn Steel, Timothy Morgan, Barbara Alby, Santa Cruz County Republican Central Committee, and Douglas R. Boyd, Sr. ("California party plaintiffs"), by counsel, respectfully request that the Court consolidate this action with the cases previously consolidated under the caption *McConnell v. FEC*, Civil Action No. 02-582, and in support thereof represent the following:

1. Fed.R.Civ.P. 42(a) provides that the Court may consolidate actions "involving a common question of law or fact."

2. The Court previously consolidated several cases challenging the constitutionality of the Bipartisan Campaign Reform Act of 2002 ("BCRA"). See Order Consolidating Cases, Civ. Action No. 02-582 (D.D.C. April 24, 2002).

3. This action, filed May 7, 2002, challenges sections of BCRA on grounds it violates the First, Fifth, and Tenth Amendments to the United States Constitution. Similar issues of law and fact are raised in the consolidated *McConnell* actions, and defendants Federal Election Commission and U.S. Department of Justice already are named or participating in the related cases. Like those cases, this case is subject to § 403(a) of the BCRA, authorizing a three-judge court. Accordingly, the interests of efficient and orderly adjudication of related questions of fact and law will be served by consolidating this case with the *McConnell* actions.

4. Plaintiffs' counsel has conferred with counsel for the defendants to this Complaint and they consent to consolidation of this action with the *McConnell* actions.

WHEREFORE, California party plaintiffs request that the Court enter an order consolidating this action with the *McConnell* actions consistent with the terms of the Court's April 24 Order. A proposed Order is attached.

Respectfully submitted,



Thomas W. Kirby, Esq.
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(202) 719-7000

May 9, 2002

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
CALIFORNIA DEMOCRATIC PARTY, <i>et al.</i>)	
)	
Plaintiffs)	
)	
v.)	Case No. 1:02CV00875 (CKK)
)	
)	
FEDERAL ELECTION COMMISSION, <i>et al.</i>)	
)	
Defendants)	
_____)	

ORDER OF CONSOLIDATION

Upon consideration of the Motion for Consolidation filed by plaintiffs California Democratic Committee, Art Torres, Yolo County Democratic Central Committee, California Republican Party, Shawn Steel, Timothy Morgan, Barbara Alby, Santa Cruz County Republican Central Committee, and Douglas R. Boyd, Sr., it is hereby

ORDERED that the Court consolidates this action with *McConnell v. FEC*, Civil Action No. 02-582 for all purposes in the same manner and to the same extent as the cases previously consolidated; and it is further

ORDERED that all filings for this action must be filed in *McConnell v. FEC*, Civil

Action No. 02-582.

SO ORDERED.

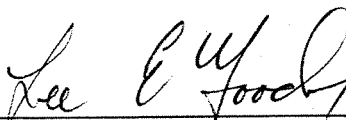
KAREN LECRAFT HENDERSON
United States Circuit Judge

COLLEEN KOLLAR-KOTELLY
United States District Judge

RICHARD LEON
United States District Judge

CERTIFICATE OF SERVICE

I certify that on this 9th day of May, 2002, I caused a copy of the foregoing Motion for Consolidation and proposed Order to be sent via first class U.S. mail to all counsel of record in Civil Action No. 02-875 and Civil Action No. 02-582.

A handwritten signature in cursive script that reads "Lee E. Goodman". The signature is written in black ink and is positioned above a horizontal line.

Lee E. Goodman, Esq.