

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

)		
SENATOR MITCH McCONNELL et al.,)	
Plaintiffs,)	
)	
v.)	Civ. No. 02-0582
)	(CKK, KLH, RLL)
FEDERAL ELECTION COMMISSION et al.,)	
Defendants.)	
))	

PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiffs Senator Mitch McConnell *et al.* (hereafter “the McConnell plaintiffs”) come before this Court and state as follows:

1. On March 27, 2002, plaintiff Senator Mitch McConnell filed this action, challenging the constitutionality of various aspects of the Bipartisan Campaign Reform Act of 2002 (“BCRA”), which was signed into law earlier that day. On April 12, 2002, Senator McConnell amended his complaint to add twenty-six additional plaintiffs, comprising a wide range of officeholders, political parties, issue groups, and other interested parties.

2. The McConnell plaintiffs now seek leave to file a second amended complaint, the original of which is attached. This amended complaint makes two substantive modifications to the first amended complaint filed on April 12. *First*, the complaint adds new Count VI, which challenges the constitutionality of § 212(a) of the BCRA, a provision requiring parties engaging in independent expenditures to make certain disclosures. *Second*, the complaint adds new Paragraph 57, which adds to Count II a reference

to another statutory provision, § 311 of the BCRA, imposing disclosure obligations relating to “electioneering communications.”

3. Defendants would suffer no prejudice from the amendment of plaintiffs’ complaint. Defendants’ answer to plaintiffs’ complaint is not due until May 27, 2002. Moreover, the provisions of the BCRA challenged in the new portions of plaintiffs’ complaint have already been challenged in other complaints consolidated with this one. *See* Complaint of Chamber of Commerce of the United States *et al.*, No. 02-751, Counts II, IV; Complaint of American Federation of Labor and Congress of Industrial Organizations *et al.*, No. 02-754, Count II.

4. Pursuant to LCvR 7.1(m), counsel for the McConnell plaintiffs have conferred with counsel for defendants, who have indicated that they do not object to this motion.

* * *

For the foregoing reasons, this Court should grant the McConnell plaintiffs’ unopposed motion for leave to amend complaint.

Respectfully submitted,

Floyd Abrams
CAHILL GORDON & REINDEL
80 Pine Street
New York, NY 10005
(212) 701-3000

Kenneth W. Starr (Bar No. 273245)
KIRKLAND & ELLIS
655 Fifteenth Street, N.W.
Washington, DC 20005
(202) 879-5000

(Complete list of counsel on complaint)

Attorneys for Senator Mitch McConnell et al.
May 7, 2002

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

)		
SENATOR MITCH McCONNELL et al.,)	
Plaintiffs,)	
)	
v.)	Civ. No. 02-0582
)	(CKK, KLH, RLL)
FEDERAL ELECTION COMMISSION et al.,)	
Defendants.)	
))	

ORDER
(May ____, 2002)

Based upon good cause shown, the unopposed motion of Plaintiffs in the above case for leave to file amended complaint is Granted.

It is so ordered.

The Honorable Karen LeCraft Henderson
United States Circuit Judge

The Honorable Colleen Kollar-Kotelly
United States District Judge

The Honorable Richard J. Leon
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that, on May 7, 2002, I caused two true and correct copies of the foregoing Plaintiffs' Unopposed Motion For Leave To File Amended Complaint to be served on each of the following by hand delivery:

Richard Blair Bader
Federal Election Commission
999 E Street, N.W., Fourth Floor
Washington, DC 20463

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

The Honorable John Ashcroft
Attorney General of the United States
United States Department of Justice
Robert F. Kennedy Building
Tenth Street and Constitution Avenue, N.W.
Washington, DC 20530

Roscoe C. Howard, Jr.
United States Attorney for the District of Columbia
Judiciary Center Building
555 Fourth Street, N.W.
Washington, DC 20001

Roger M. Witten
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, DC 20037

Kenneth W. Starr