

2008 WL 2788753

Only the Westlaw citation is currently available.

United States District Court,  
District of Columbia.

CITIZENS UNITED, Plaintiff,

v.

FEDERAL ELECTION COMMISSION, Defendant.

Civil Action No. 07-2240 (ARR, RCL, RWR).

|  
July 18, 2008.

#### Attorneys and Law Firms

James Bopp, Jr., Clayton J. Callen, Jeffrey P. Gallant, Richard E. Coleson, Bopp, Coleson & Bostrom, Terre Haute, IN, for Plaintiff.

Adav Noti, Kevin Deeley, Steve Nicholas Hajjar, Federal Election Commission, Washington, DC, for Defendant.

#### MEMORANDUM OPINION

#### (Three-Judge Court)

United States Circuit Judge [A. RAYMOND RANDOLPH](#), and United States District Judges [ROYCE C. LAMBERTH](#) and [RICHARD W. ROBERTS](#).

\*1 This case returns to us on cross motions for summary judgment. Summary judgment “should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” [Fed.R.Civ.P. 56\(c\)](#); [Mills v. Winter](#), 540 F.Supp.2d 178, 183 (D.D.C.2008). There are no genuine issues of material fact presented in this case. Based on the reasoning of our prior opinion, we find that the Federal Election Commission is entitled to judgment as a matter of law. See [Citizens United v. FEC](#), 530 F.Supp.2d 274 (D.D.C.2008) (denying Citizens United's request for a preliminary injunction). Therefore, plaintiff's motion [52] for summary judgment will be **DENIED**, and defendant's motion [55] for summary judgment will be **GRANTED**.<sup>1</sup> Accordingly, judgment will be entered for defendant.

A separate order shall issue this date.

#### All Citations

Not Reported in F.Supp.2d, 2008 WL 2788753

#### Footnotes

- 1 Defendant's motion [43] to dismiss Counts 3 and 4 of the Amended Complaint will be **GRANTED** in part and **DENIED** in part as moot. As to Count 3, defendant's motion will be denied as moot. As to Count 4, defendant's motion to dismiss will be granted without prejudice by agreement of the parties.

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