

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

INDEPENDENCE INSTITUTE,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 14-1500 (CKK)
)	
FEDERAL ELECTION COMMISSION,)	STIPULATION AND ORDER
)	
Defendant.)	

**JOINT STIPULATION OF THE PARTIES AND ORDER OF THE COURT AS TO THE
SCOPE OF PLAINTIFFS' ALLEGATIONS AND CLAIMS**

Plaintiff Independence Institute and Defendant Federal Election Commission hereby enter into the following stipulation regarding the scope of issues presented in this case:

The Independence Institute's challenge does not rely upon the probability that its donors will be subject to threats, harassment, or reprisals as a result of the Institute's filing of an Electioneering Communications statement pursuant to 52 U.S.C. § 30104(f)(1)-(2) (previously codified at 2 U.S.C. § 434(f)(1)-(2)). Consequently, it has neither alleged nor introduced any evidence — nor will it allege or introduce any evidence — that there is a reasonable probability that its donors would face threats, harassment, or reprisals if their names were disclosed as a result of plaintiff's compliance with that statutory provision. The parties accordingly agree that this case presents an as-applied challenge to 52 U.S.C. § 30104(f)(1)-(2) based upon the content of the Independence Institute's intended communication, and not the possibility that its donors will be subject to threats, harassment, or reprisals.

The parties further agree, upon entry of this Joint Stipulation and Order and in light of Plaintiff Independence Institute's agreement not to supplement its Motion for Preliminary

(N)

Injunction (Docket No. 5) with supplemental substantive briefing or evidence, for the Court to consider Plaintiff's Motion for Preliminary Injunction as a Motion for Summary Judgment and to follow the briefing schedule set forth in the Court's September 9, 2014 Minute Order.

Respectfully submitted,

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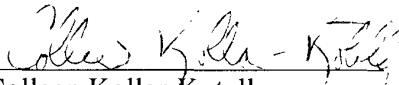
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September 10, 2014

IT IS SO ORDERED.

Dated: 9/10/14


Hon. Colleen Kollar-Kotelly
United States District Judge