## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS BOSTON DIVISION

	)	
ROBINSON COMMITTEE, LLC and	)	
JACK E. ROBINSON,	)	
	)	Case Number: 1:10-cv-11335-GAO
Petitioners,	)	District Judge George A. O'Toole, Jr
	)	
v.	)	RESPONDENT'S RENEWED
	)	MOTION TO DISMISS
FEDERAL ELECTION COMMISSION,	)	THE PETITION
	)	
Respondent.	)	
-	)	

## RESPONDENT FEDERAL ELECTION COMMISSION'S RENEWED MOTION TO DISMISS THE PETITION

Pursuant to Federal Rule of Civil Procedure 12(b)(6) respondent Federal Election

Commission ("FEC") renews its motion to dismiss the Petition of Robinson Committee, LLC

and Jack E. Robinson. The renewed motion should be granted because the FEC did not act

arbitrarily or capriciously in assessing a civil money penalty against petitioners for their failure

to file on time a report disclosing their 2009 campaign finance activity, as required by the

Federal Election Campaign Act ("FECA"), 2 U.S.C. §§ 431-57. During the administrative

proceedings, the FEC fully considered petitioners' arguments, and its final determination, which

is entitled to deference, is rationally supported by the administrative record.

In support of this motion, the FEC relies on its accompanying memorandum in support and attached exhibits referenced by the Petition.

Respectfully submitted,

Phillip Christopher Hughey Acting General Counsel David Kolker Associate General Counsel

Kevin Deeley Assistant General Counsel

/s/ Kevin P. Hancock

Kevin P. Hancock Attorney

COUNSEL FOR DEFENDANT FEDERAL ELECTION COMMISSION 999 E Street NW Washington, DC 20463 (202) 694-1650

e-mail: khancock@fec.gov

Dated: May 25, 2011

## **Certificate of Service**

I, Kevin P. Hancock, certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 25, 2011.

Dated: May 25, 2011 Respectfully submitted,

/s/ Kevin P. Hancock
Kevin P. Hancock

## **Certification of Compliance With Local Rule 7.1(a)(2)**

I, Kevin P. Hancock, certify that pursuant to Local Rule 7.1(a)(2) of this Court, counsel to the Commission conferred with counsel for petitioners regarding this Renewed Motion to Dismiss the Petition on May 20, 2011 and May 23, 2011. Counsel has advised that petitioners will oppose this Motion.

Dated: May 25, 2011 Respectfully submitted,

/s/ Kevin P. Hancock

Kevin P. Hancock