UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

THE REAL TRUTH ABOUT OBAMA, INC.,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION, *et al.*,

Defendants.

Action No. 3:08–CV–483

ORDER

THIS MATTER is before the Court on Plaintiff's Motions for Preliminary Injunctions (Docket Nos. 3, 53), Consolidation of Hearing with Trial on the Merits (Docket No. 5), to Expedite this matter (Docket No. 6), and Consolidation of Hearings for both Preliminary Injunctions (Docket No. 58). Upon due consideration, and for the reasons stated in the Memorandum Opinion that will follow this Order, the Court GRANTS the Motion to Consolidate the Hearings of the first and second Preliminary Injunctions. This Court further DENIES both Preliminary Injunctions, DENIES Consolidation of Hearing with Trial on the Merits, and DENIES Expediting this matter. This case shall be scheduled for the next pretrial conference date.

A preliminary injunction is "an extraordinary remedy," one "to be granted only sparingly." In re Microsoft Litig., 333 F.3d 517, 524 (4th Cir. 2003). Additionally, the party seeking the preliminary injunction bears the burden of proving that each factor supports granting relief. Direx Israel, Ltd. v. Breakthrough Med. Corp., 952 F.2d 802, 812 (4th Cir.

1991). In consideration of a Preliminary Injunction, the Court must weigh four factors: (1) the likelihood of irreparable harm to the plaintiff if its request for relief is denied; (2) the likelihood of harm to the defendant if the requested relief is granted; (3) the likelihood that the plaintiff will succeed on the merits of its claim; and (4) the public interest. Blackwelder Furniture Co. v. Seilig Mfg. Co., 550 F.2d 189, 193 (4th Cir. 1977).

After hearing the arguments presented by all parties, this Court finds that Plaintiff is unlikely to succeed on the merits of the claims of unconstitutionality of the challenged provisions. Further, this Court has considered the irreparable harm element and finds that in balancing the harms of each party, the harm to the Defendants will be greater than the harm to the Plaintiff. Lastly, this Court finds that a grant of these injunctions would negatively impact the public. Because Plaintiff fails to demonstrate a likelihood of success on the merits, an irreparable harm greater than that of Defendants, and that public policy would be served by granting these injunctions, Plaintiff has failed to meet its burden. Accordingly, this Court DENIES both Motions for Preliminary Injunction.

A Memorandum supporting these findings will follow this Order.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

/s/
James R. Spencer
Chief United States District Judge

ENTERED this 11th day of September 2008