United States District Court
Eastern District of Virginia
Richmond Division

The Real Truth About Obama, Inc. ***Plaintiff*,** ***v.*** **Federal Election Commission** and **United States Department of Justice**, ***Defendants*.**	**Case No.** 3:08-cv-00483-JRS

Preliminary Injunction and Summary Judgment Motion

The Real Truth About Obama, Inc. ("RTAO") moves for a preliminary injunction against Defendants to enjoin them from enforcing (**a**) 11 C.F.R. § 100.22(b) ("expressly advocating") and (**b**) the FEC's PAC-status enforcement policy, including the major-purpose test. RTAO respectfully asserts that this Court should expressly recognize the special protections for free speech in the preliminary-injunction context and apply them to grant RTAO's preliminary injunction motion.

RTAO also moves for summary judgment as to both 11 C.F.R. § 100.22(b) and the FEC's PAC-status enforcement policy, but it does so to accommodate opposing counsel, expedite case resolution, and conserve resources for Court and parties. Because the questions are legal and there are no genuine disputes as to material facts, the Court should resolve the merits of the case on summary judgment. But the preliminary injunction motion should not be postponed and denied as moot after summary judgment is decided. Concurrently with this motion, RTAO will file a motion requesting that the hearing for this motion be combined with the hearing on Defen-

dants' motion for summary judgment.

RTAO respectfully moves that a preliminary injunction should issue and that summary judgment be entered in its favor. RTAO requests that no security should be required, or it should be nominal, since Defendants have no monetary stake.

Respectfully submitted,

/s/

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Certificate of Service

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