

Case No. 08-7074

In the
United States Court of Appeals
for the **DC Circuit**

RALPH NADER; PETER MIGUEL CAMEJO; D.B. FANNING;
C.K. IRELAND; JULIE COYLE; HERMAN BLANKENSHIP;
LLOYD MARBET; GREGORY KAFOURY,
Appellants,

v.

DEMOCRATIC NATIONAL COMMITTEE; KERRY-EDWARDS
2004 INC.; BALLOT PROJECT, INC.; AMERICA COMING
TOGETHER; SERVICE EMPLOYEES INTERNATIONAL UNION;
JOHN KERRY; JACK CORRIGAN; TOBY MOFFETT;
ELIZABETH HOLTZMAN; ROBERT BRANDON;
MARK BREWER; REED SMITH, LLP,
Appellees.

**On Appeal from the United States District Court
for the District of Columbia
Case No. 07-cv-02136
Honorable Ricardo M. Urbina Presiding**

BRIEF OF APPELLANTS

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**CERTIFICATE OF COUNSEL AS TO PARTIES,
RULINGS AND RELATED CASES**

Pursuant to Circuit Court Rule 28(a)(1), counsel for Plaintiff/Appellants Ralph Nader, Peter Miguel Camejo, Gregory Kafoury, Lloyd Marbet, D.B. Fanning, C.K. Ireland, Julie Coyle and Herman Blankenship certifies the following:

(A) Parties and Amici. Ralph Nader, Peter Miguel Camejo, Gregory Kafoury, Lloyd Marbet, D.B. Fanning, C.K. Ireland, Julie Coyle and Herman Blankenship were the Plaintiffs in the District Court and are the Appellants in this Court. The Democratic National Committee, Kerry-Edwards 2004, Inc., The Ballot Project, Inc., America Coming Together, Service Employees International Union, Reed Smith LLP, John Kerry, Jack Corrigan, Toby Moffett, Elizabeth Holtzman, Robert Brandon and Mark Brewer were the Defendants in the District Court and are the Appellees in this Court. There were no *amici curiae* or intervenors in the District Court, and there are none in this Court.

(B) Rulings Under Review. The Appellants appeal the decision of the United States District Court for the District of Columbia (Urbina, J.) dated May 27, 2008, in *Nader, et al. v. Democratic National Committee, et al.*, 555 F. Supp. 2d 137 (D.D.C. 2008), which granted the Appellees' motions to dismiss.

(C) Related Cases. This case has not previously been before this Court or any other court. Two cases currently pending in the United States District Court for

the District of Columbia are related under D.C. Cir. R. 28(a)(1)(C), because they involve the same plaintiffs and some of the same defendants as the instant case, and because they involve similar issues arising from Defendant-Appellees' nationwide conspiracy to restrain Plaintiff-Appellants' lawful participation in the 2004 General Election, as qualified candidates and voters, by means of twenty-nine groundless and abusive complaints that Defendant-Appellees and their co-Conspirators filed in eighteen state courts and a federal agency within twelve weeks immediately preceding the election, as well as acts of harassment, intimidation and sabotage that were specifically intended to prevent Plaintiff-Appellants from complying with state election laws and to manufacture grounds for Defendant-Appellees' otherwise baseless litigation. The two related cases are *Nader, et al. v. McAuliffe, et al.*, Civ. No. 1:08-cv-0428-RMU (D.D.C.), and *Nader, et al. v. Democratic National Committee, et al.*, Civ. No. 1:08-cv-00589-RMU (D.D.C.).

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GLOSSARY OF TERMS

ACT – Defendant-Appellee America Coming Together

Candidates – Ralph Nader and Peter Miguel Camejo, 2004 Independent Candidates for President and Vice President, respectively

Conspirator or co-Conspirator – Individuals or entities who assisted, materially supported or participated in wrongful and abusive litigation or other unlawful acts to interfere with the Candidates’ lawful participation in the 2004 General Election

FEC – Federal Election Commission

SEIU – Service Employees International Union

I. JURISDICTIONAL STATEMENT

Plaintiffs Ralph Nader, Peter Miguel Camejo, D.B. Fanning, C.K. Ireland, Julie Coyle, Herman Blankenship, Gregory Kafoury and Lloyd Marbet appeal from a final judgment entered in the United States District Court for the District of Columbia. The District Court's final judgment dismissed the Plaintiffs' Amended Complaint based upon a May 27, 2008 Memorandum Opinion granting six motions to dismiss filed by Defendants Democratic National Committee, The Ballot Project, Inc., Kerry-Edwards 2004, Inc., Reed Smith, LLP, Service Employees International Union and America Coming Together, on behalf of all Defendants. The District Court had jurisdiction pursuant to 28 U.S.C. § 1441(c) (2007), as an action removed from the Superior Court of the District of Columbia, by consent of all Defendants, on November 27, 2007. Final judgment was entered in the District Court on May 27, 2008. A Notice of Appeal was filed on June 26, 2008. This appeal is timely pursuant to Fed. R. App. 4(a)(1). The Court of Appeals has jurisdiction pursuant to 28 U.S.C. § 1291.

The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.