



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

March 6, 2009

By FedEx

Karen Mitchell, Clerk  
Clerk's Office, United States District Court for the Northern District of Texas  
1100 Commerce Street, Room 1452  
Dallas, TX 75242

Re: *FEC v. Novacek*, (N.D. Tex.)

Dear Ms. Mitchell:

Enclosed for filing please find one original and two photocopies of the following documents:

- Federal Election Commission's Complaint for Declaratory, Injunctive, and Other Appropriate Relief;
- Plaintiff Federal Election Commission's *Ex Parte* Motion for Waiver of the Local Counsel Requirement and Waiver of the *Pro Hac Vice* Admission Fee and Memorandum in Support Thereof (with Appendix);
- Application and Order for Admission *Pro Hac Vice* (application for each Commission Attorney, Thomasenia P. Duncan, David Kolker, Kevin Deeley, and Greg J. Mueller);
- Proposed Order Regarding Motion for Waiver of the Local Counsel Requirement and Waiver of the *Pro Hac Vice* Admission Fee; and
- Certificate of Interested Persons.

In addition, a completed Civil Cover Sheet and two copies of the Summonses for each of the defendants are enclosed. Please issue the enclosed Summons, date-stamp one set of the copies of the other documents listed above, and return all these documents to me in the enclosed self-addressed pre-paid envelope. Thank you in advance for your cooperation. Should you have any questions or problems, please contact me immediately at (202) 694-1650.

Sincerely,

  
Greg J. Mueller

Enclosures

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>I. (a) PLAINTIFFS</b> Federal Election Commission</p> <p><b>(b) County of Residence of First Listed Plaintiff</b> _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> (see attachment)</p>	<p><b>DEFENDANTS</b> Jody L. Novacek, et al.</p> <p>County of Residence of First Listed Defendant <u>Dallas</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;"><b>PTF</b></td> <td style="width: 10%; text-align: center;"><b>DEF</b></td> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;"><b>PTF</b></td> <td style="width: 10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<p><b>CONTRACTS</b></p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p><b>TORTS</b></p> <p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><b>PERSONAL INJURY - Med. Malpractice</b></p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p><b>PERSONAL PROPERTY</b></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><b>FORFEITURE/PENALTY</b></p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food &amp; Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. &amp; Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p><b>LABOR</b></p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Emp'l. Ret. Inc. Security Act</p> <p><b>IMMIGRATION</b></p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus - Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p><b>BANKRUPTCY</b></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p><b>SOCIAL SECURITY</b></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><b>FEDERAL TAX SUITS</b></p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p><b>OTHER STATUTES</b></p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input checked="" type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
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**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 Transferred from another district (specify)     6 Multidistrict Litigation     7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
2 U.S.C. 441h and 2 U.S.C. 441d

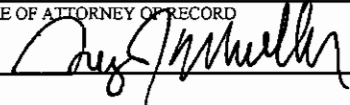
Brief description of cause:  
fraudulent misrepresentations and failure to include required disclaimers during campaign fundraising.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ civil    CHECK YES only if demanded in complaint:  
penalty, declaratory & injunctive relief    JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE: 03/06/2009    SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**FEC v. Novacek, (N.D. Tex.)  
Attachment to Civil Cover Sheet  
Listing of Plaintiff's Counsel**

Thomasenia P. Duncan  
General Counsel

David Kolker  
Associate General Counsel  
dkolker@fec.gov

Kevin Deeley  
Assistant General Counsel  
kdeeley@fec.gov

Greg J. Mueller  
Attorney  
gmueller@fec.gov

Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463  
(202) 694-1650

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

FEDERAL ELECTION COMMISSION,  
999 E Street, N.W.  
Washington, DC 20463,

Plaintiff,

v.

JODY L. NOVACEK,  
1221 Lakeridge Lane  
Irving, TX 75063,

REPUBLICAN VICTORY COMMITTEE,  
INC., (a.k.a. REPUBLICAN VICTORY 2004  
COMMITTEE),  
1221 Lakeridge Lane  
Irving, TX 75063,

BPO, INC.,  
1221 Lakeridge Lane  
Irving, TX 75063, and

BPO ADVANTAGE, LP,  
1221 Lakeridge Lane  
Irving, TX 75063,

Defendants.

Civ. No. \_\_\_\_\_

COMPLAINT FOR  
DECLARATORY, INJUNCTIVE,  
AND OTHER APPROPRIATE  
RELIEF

**COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER  
APPROPRIATE RELIEF**

1. The defendants made fundraising solicitations by phone and in mailers that fraudulently misrepresented the source of the solicitation as the Republican National Committee and the Republican Party in what constitutes a knowing and willful violation of the Federal Election Campaign Act, as amended, 2 U.S.C. §§ 431-455 (“Act”). Jody L. Novacek created and operated the Republican Victory Committee (“RVC”), as well as BPO, Inc., and BPO Advantage

LP (collectively here “BPO”). Through these entities Novacek made misrepresentations to vendors and the general public stating or implying that the RVC was raising money for the Republican Party and the RNC. RVC raised more than \$75,000 in response to these solicitations. In addition, Novacek and RVC violated the Act by failing to include on their communications some of the required disclaimer information in the manner specified by statute.

#### JURISDICTION AND VENUE

2. This Court has jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by an agency of the United States expressly authorized to sue by an act of Congress. *See* 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6).

3. This action seeks declaratory, injunctive, and other appropriate relief pursuant to the express authority granted to the Federal Election Commission (“Commission”) by the Act.

4. Venue is properly found in the Northern District of Texas in accordance with 28 U.S.C. § 1391(b), (c), and 2 U.S.C. § 437g(a)(6)(A). All or a substantial part of the events giving rise to the claims in this action occurred in this district. At the time of the events described herein, defendants resided and transacted business in this district.

#### PARTIES

5. Plaintiff, the Commission, is the independent agency of the United States government with exclusive jurisdiction over the administration, interpretation, and civil enforcement of the Act. *See generally* 2 U.S.C. §§ 437c(b)(1), 437d(a), and 437g. The Commission is authorized to institute investigations of possible violations of the Act, 2 U.S.C. § 437g(a)(1) and (2), and has exclusive jurisdiction to initiate civil actions in the United States district courts to obtain judicial enforcement of the Act, 2 U.S.C. §§ 437c(b)(1) and 437d(e).

6. Defendant, Jody L. Novacek, during the time period covered in this Complaint, resided in Irving, Texas. She has extensive experience in political telemarketing, having worked in the field since 1982.

7. Defendant, the Republican Victory Committee, Inc., was created and incorporated by Novacek in Texas in early 2004. She conducted all of RVC's operations from her residence; it had no employees or volunteers acting on its behalf.

8. Defendants, BPO, Inc. and BPO Advantage, LP were organized in Texas and operated as a single unit by Novacek. She conducted both entities' operations; they had no employees or volunteers acting on their behalf.

#### ADMINISTRATIVE PROCEEDINGS

9. On June 29, 2004, the RNC filed an administrative complaint with the Commission that alleged certain solicitations to the public made by the RVC violated the Act because those solicitations contained misrepresentations that RVC was affiliated with or acting on behalf of the Republican Party.

10. On June 30, 2004, Novacek submitted a response to the administrative complaint.

11. On January 31, 2005, the Commission, by an affirmative vote of at least four of its members, determined that there was reason to believe that Novacek and RVC had knowingly and willfully violated 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a candidate or political party for the purpose of soliciting contributions. The Commission further determined, by an affirmative vote of at least four of its members, that there was reason to believe that BPO, Inc. and BPO Advantage, LP had knowingly and willfully violated 2 U.S.C. 441h(b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on the behalf of a candidate or

political party for the purpose of soliciting contributions. The Commission, by an affirmative vote of at least four of its members, also determined that there was reason to believe that Novacek and RVC had violated 2 U.S.C. § 441d, by failing to include on its communications some of the required disclaimer information in the manner specified by statute.

12. On February 8, 2005, the Commission notified the defendants of these findings and provided a Factual and Legal Analysis that formed its basis.

13. On June 19, 2007, after overseeing an investigation, the Commission's General Counsel notified defendants that she was prepared to recommend that the Commission find probable cause to believe that that Novacek and RVC knowingly and willfully violated the fraudulent misrepresentation provision in 2 U.S.C. § 441h(b)(1); that there was probable cause to believe that BPO, Inc. and BPO Advantage, LP had knowingly and willfully had violated the fraudulent misrepresentation provision in 2 U.S.C. 441h(b)(2); and that there was probable cause to believe Novacek and RVC had violated the disclaimer provision in 2 U.S.C. § 441d(a), (c). At that time, the General Counsel also provided defendants with a brief that stated the position of the General Counsel on the relevant factual and legal issues supporting the General Counsel's recommendations, as well as copies of relevant evidence. A cover letter accompanying the brief explained that any brief that defendant submitted to the Secretary of the Commission would be considered by the Commission before it proceeded to a vote on whether there was probable cause to believe that a violation had occurred.

14. On July 6, 2007, defendants filed a written response to the General Counsel's brief.

15. On October 21, 2008, the Commission, by an affirmative vote of at least four of its members, found probable cause to believe that Novacek and RVC knowingly and willfully

violated the fraudulent misrepresentation provision in 2 U.S.C. § 441h(b)(1); that there was probable cause to believe that BPO, Inc. and BPO Advantage, LP knowingly and willfully violated the fraudulent misrepresentation provision in 2 U.S.C. § 441h(b)(2); that there was probable cause to believe that Novacek and RVC had violated the disclaimer provision in 2 U.S.C. § 441d(a), (c).

16. On October 21 and 29, 2008, the General Counsel sent letters to the defendants that notified them of the Commission's action and provided a proposed conciliation agreement. The Commission thereafter endeavored for a period of not less than thirty days to correct the violations by informal methods of conference, conciliation, and persuasion, and sought to enter into a conciliation agreement with defendants pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

17. The Commission was unable through informal methods to secure an acceptable conciliation agreement with the defendants. The Commission determined on February 12, 2009, by an affirmative vote of at least four of its members, to authorize the initiation of this civil suit for relief in federal district court. *See* 2 U.S.C. § 437g(a)(6).

18. The Commission has satisfied all of the jurisdictional requirements under the Act that are prerequisites to filing this action against the defendants. *See* 2 U.S.C. § 437g(a).

#### RELEVANT STATUTORY PROVISIONS

19. Under 2 U.S.C. § 441h(b) “[n]o person shall: (1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or (2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).”



20. Whenever a person makes a public communication that solicits a contribution, the communication must contain a disclaimer. 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a). A public communication, for this purpose, includes any communication by a mailing or telephone bank. 11 C.F.R. § 100.26. A “telephone bank” means more than 500 telephone calls of an identical or substantially similar nature within a 30-day period. 11 C.F.R. § 100.28. The disclaimers must state the name and street address, telephone number or web address of the person who paid for the communication and, if not authorized by a candidate or candidate committee, must state that the communication is not so authorized. 2 U.S.C. § 441d(a)(3); 11 C.F.R. § 110.11(b)(3). In mailers the disclaimer must be presented in a clear and conspicuous manner, be of sufficient type size to be clearly readable, and be contained in a printed box set apart from the other content of the communication. 2 U.S.C. § 441d(c); 11 C.F.R. §§ 110.11(c)(1), 110.11(c)(2)(i)-(ii).

#### FACTUAL BACKGROUND

21. Acting through RVC and BPO, Novacek made fraudulent misrepresentations to fundraising vendors and to the general public stating or implying that the RVC was raising money for the Republican Party and/or the RNC. Novacek crafted a telemarketing fundraising campaign to solicit donations to the RVC, and made all financial and contractual arrangements through BPO.

22. Novacek, acting through BPO, hired Apex CoVantage, L.L.C. (“Apex”) as a subcontractor to make fundraising calls on behalf of the RVC, and either Apex or the RVC followed up the fundraising calls with mailings requesting contributions and donations that those solicited by phone had agreed to make.

23. Novacek provided Apex with a list of potential contributors and a call script, and Apex utilized its call center based in India to conduct the calls. The scripts were created and edited by Novacek.

24. Each recipient who agreed to send a contribution then received a letter created and mailed by Novacek or Apex providing additional information and instructing the recipient where to send the contribution. The contributions initially were sent directly to a post office box held by Novacek; later some were sent to a second post office box set up by Apex to hold the checks for Novacek.

25. The Apex personnel believed that the calls they were making were on behalf of the Republican Party and/or the RNC. Apex believed the program was for the RNC because of the name of the entity and the way in which Novacek had presented the telephone bank project.

26. Novacek had told Apex that she was working for and was on retainer with the RNC and that she was in charge of its outgoing telemarketing. The Statement of Work attached to the contract between Apex and BPO, signed by Novacek, described the program as “Outbound Telemarketing Fundraising for the Republican Party” and discussed the revenue split that will go to the “GOP.”

27. When negotiating the contract between BPO, on behalf of the RVC, and Apex, Novacek explained that the RNC was an “umbrella organization” and that the umbrella covered the calls proposed by Novacek.

28. In RVC’s solicitations by telephone, the callers were instructed to ask whether the recipient was a registered Republican. Once that was verified, they asked for support for “our state candidates and President Bush’s agenda” because “[i]t’s going to be tough to beat the Democrats this fall.” The caller explained, “Your financial help is critical so Republicans can

win . . . .” The callers stated that the calls were by the “Republican Victory Committee” but never stated that the RVC was not affiliated with the Republican Party. The callers did not state the RVC’s permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee.

29. The calls were then followed up with letters and return envelopes. The letters included the following statements, which either explicitly or implicitly referred to the Republican Party:

- “Contributions or gifts to the Republican Party are not deductible as charitable contributions.”
- “I’m grateful our Party can count on your help to support Republicans across the country win elections.”
- “The Republican Party can count on my support to help candidates at the state and local level. I’m proud to help our Party prepare for the November election.”
- “I am proud to help the Republican Party prepare for the November election.”
- “I’m grateful you are fully supportive of President Bush and our Republican Party.... Please join me to ensure our Party is ready to stand up to the liberal pundits.”

30. The mailings did not state the RVC’s permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee. The material RVC mailed did include the name of the Republican Victory Committee, but did not place the information in a printed box set apart from the content of the communication.

31. The callers stated that they were calling for the Republican Party. In at least one instance after an individual agreed to make a contribution, he asked, “Now, this is the Republican Party?” to which the caller responded, “yes.”

32. Recipients of the calls generally believed that the calls were made on behalf of the Republican Party or RNC. Many of the call recipients who ultimately made contributions believed that they were giving to a sub-group of the RNC or to a group similar to the National Republican Senatorial Committee, and all believed that their money was going to be used toward the re-election of President Bush and other Republican candidates. Nearly one hundred checks deposited by Novacek were made payable to those organizations, or it was otherwise reflected in the memo line that the money was intended for use by those entities.

33. Bank records show that the RVC deposited approximately \$50,000 as a result of the solicitations made by Apex for the RVC.

34. Novacek received a cease and desist letter from the RNC that indicated she should stop holding the RVC out to the public as an official representative of the Republican Party. After receiving this RNC letter, she did not alter her call scripts to clarify the RVC's status to call recipients and continued with her putative fundraising operation.

35. After the contract with Apex was terminated in April 2004, Novacek then engaged in a second series of RVC solicitation calls using a different contractor, Advantage. The script stated that the caller was calling on behalf of the Republican Victory Committee and that the recipient of the call had "supported our Committee in the past." The caller further explained that the

Presidential election is very close - which means our state and local candidate races could be at risk. Everything hinges on getting Republicans to the polls in two weeks. The Democrats are planning a massive Get-Out-The-Vote effort in [INSERT STATE] and we need your help to counter this. Otherwise the tax and spend liberals could win races from the White House to the state house and local offices. It's crunch time and we need support to get every Republican to the polls. Help us defeat Democrats with an emergency gift of \$[INSERT], to be used for Get-Out-The-Vote efforts

36. The callers stated that the calls were by the “Republican Victory Committee” but never stated that the RVC was not affiliated with the Republican Party. The callers did not state the RVC’s permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee.

FIRST CAUSE OF ACTION  
(FRAUDULENT MISREPRESENTATION)

37. Paragraphs 1 through 36 are incorporated herein by reference.

38. Novacek and RVC knowingly and willfully violated 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a candidate or political party for the purpose of soliciting contributions.

SECOND CAUSE OF ACTION  
(FRAUDULENT MISREPRESENTATION)

39. Paragraphs 1 through 36 are incorporated herein by reference.

40. BPO, Inc. and BPO Advantage, LP knowingly and willfully violated 2 U.S.C. § 441h(b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on the behalf of a candidate or political party for the purpose of soliciting contributions.

THIRD CAUSE OF ACTION  
(DISCLAIMER)

41. Paragraphs 1 through 36 are incorporated herein by reference.

42. Novacek and RVC violated 2 U.S.C. § 441d(a), (c) by failing to include in their communications some of the required disclaimer information in the manner specified by statute. In the phone calls RVC made, the callers did not state its permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee. In the mailings RVC sent out, it failed to include that same information and failed to

include the formatting (a printed box set apart from the content of the communication) required for mailed solicitations.

### REQUEST FOR RELIEF

Wherefore, plaintiff Federal Election Commission requests that this Court:

A. Declare that Novacek and RVC knowingly and willfully violated 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a political party for the purpose of soliciting contributions.

B. Declare that BPO, Inc. and BPO Advantage, LP knowingly and willfully violated 2 U.S.C. § 441h (b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on behalf of a political party for the purpose of soliciting contributions.

C. Declare that Novacek and RVC violated 2 U.S.C. § 441d(a), (c) by failing to include on their communications some of the required disclaimer information in the manner specified by statute.

D. Permanently enjoin Novacek, RVC, BPO, Inc. and BPO Advantage, LP from further violations of the Act similar to those found by the Court.

E. Assess an appropriate civil penalty against the defendants for each violation that they are found to have committed, not to exceed the greater of \$11,000 or 200% of the amount of the contribution or expenditure involved for each violation found to be knowing and willful, and not to exceed the greater of \$6,500 or the amount of the contribution or expenditure involved for each violation not found to be knowing and willful. *See* 2 U.S.C. § 437g(a)(6)(B),(C); 11 C.F.R. § 111.24. The maximum civil penalty for the violations of the fraudulent

misrepresentation provisions in 2 U.S.C. § 441h(b)(2), if calculated based on the amount in violation, is approximately \$150,000.

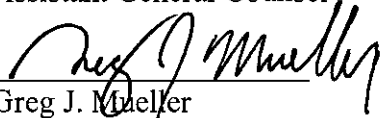
F. Grant Plaintiff Federal Election Commission such other relief as may be appropriate.

Respectfully submitted,

Thomasenia P. Duncan  
General Counsel

David Kolker  
Associate General Counsel

Kevin Deeley  
Assistant General Counsel

  
Greg J. Mueller  
Attorney

Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463  
(202) 694-1650

March 6, 2009

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

FEDERAL ELECTION COMMISSION,  
999 E Street, N.W.  
Washington, DC 20463

Plaintiff,

v.

JODY L. NOVACEK, et al.,  
1221 Lakeridge Lane  
Irving, TX 75063,

Defendants.

Civ. No. \_\_\_\_\_

**PLAINTIFF FEDERAL ELECTION COMMISSION'S *EX PARTE*  
MOTION FOR WAIVER OF THE LOCAL COUNSEL REQUIREMENT AND  
WAIVER OF THE *PRO HAC VICE* ADMISSION FEE  
AND MEMORANDUM IN SUPPORT THEREOF**

This action is before the Court on the Complaint for Declaratory and Injunctive Relief filed by plaintiff Federal Election Commission ("FEC" or "Commission") against defendant Jody L. Novacek, et al. The Commission moves for waiver of the local counsel requirement pursuant to Local Rule 83.10. Granting this motion will allow the Commission to represent itself directly in this litigation as intended by Congress and provide that service of papers in this case shall be made directly upon the Commission. The Commission also moves for waiver, as to counsel for the Commission, of the fee normally charged for *pro hac vice* admission.<sup>1</sup>

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<sup>1</sup> The Commission is also contemporaneously filing a separate Application and Order for Admission *Pro Hac Vice*, using the Court-approved form, for each of the undersigned counsel.



The local counsel requirement imposed by Local Rule 83.10 — which would, in effect, require that the Commission name a representative of the local United States Attorney’s Office as local counsel in this action and require pleadings in this litigation to be signed by the local United States Attorney’s Office, rather than solely by the Commission — produces a result inconsistent with the intent of Congress when it established the Commission’s independent litigation authority. Likewise, application of the fee requirement in Local Rule 83.9(b) for *pro hac vice* admission would impose a burden on the Commission’s attorneys, who must seek admission to litigate this matter, and conflicts with the Commission’s independent litigation authority.

In recognition of the Commission’s independent litigation authority, this Court has, on at least four different occasions, issued orders granting this relief to Commission counsel. *FEC v. Wright*, No. 4-91-542-A (N.D. Tex. 1991); *FEC v. Bryant Campaign Committee*, No. 3-89-1694-G (N.D. Tex. 1989); *Friends of Phil Gramm v. FEC*, No. 3-85-1164-F (N.D. Tex. 1985); *FEC v. Friends of Phil Gramm*, No. 3-85-1507-F (N.D. Tex. 1985) (collected and attached in Appendix pp. 1-4). Other courts in this Circuit have also waived their local practice rules for Commission counsel. *See Cao v. FEC*, No. 08-4887 (E.D. La. Jan. 21, 2009); *Hearn v. FEC*, No. 07-1674 (W.D. La. 2007); *Cooksey v. FEC*, No. 04-1152 (W.D. La. 2004); *Stockman v. FEC*, 944 F. Supp. 518 (E.D. Tex. 1996); *FEC v. Mustakas*, No. 90-2525 (E.D. La, 1990); *Locke v. FEC*, No. SA89CA1564 (W.D. Tex. 1990); *FEC v. Aulston*, No. 79-2719 (E.D. La. 1979); *FEC v. McDermott & Co., Inc.*, No. 77-3801 (E.D. La. 1977) (Appendix pp. 5-19).

## Argument

The Commission is the agency of the United States government empowered with exclusive civil jurisdiction to administer, interpret and enforce the Federal Election Campaign Act of 1971 (“Act”). *See generally* 2 U.S.C. §§ 437c(b)(1), 437d(a) and 437g. The Commission is expressly authorized by statute to appear in and defend against actions brought pursuant to the Act. *See generally* 2 U.S.C. §§ 437c(f)(4), 437d(a)(6) and 437d(e). The Commission maintains its sole offices at 999 E Street, N.W., Washington, D.C. 20463.

With only one exception not applicable here,<sup>2</sup> the Commission was not established in, and was never intended to conform to, the traditional model of a client agency of the United States Department of Justice. The Department of Justice, pursuant to 28 U.S.C. § 516, represents many federal agencies and provides local counsel by way of regional United States Attorneys.

However, the Act grants the Commission the authority to control its own litigation. *See* 2 U.S.C. §§ 437d(a)(6) and (b), 437g, and 437h; 26 U.S.C. §§ 9010 and 9040. The legislative history of the 1974 and 1976 amendments to the Act, which established the Commission, contains repeated assertions in support of the Commission’s independent power to conduct its own district court litigation, stating that this authority is not subject to direct or indirect control by the Department of Justice. *See FEC v. NRA Political Victory Fund*, 513 U.S. 88, 95-96 (1994) (citing legislative history); *id.* at 102-103 (Stevens, J., dissenting) (same). *See generally* 120 Cong. Rec. 7939 (1974) (Rep. Esch); 120 Cong. Rec. 10344 (1974) (Rep. Heckler); 122 Cong. Rec. 7288, 7289 (1976) (Sen. Cannon); and 122 Cong. Rec. 12470, 12471 (1976) (Sen. Brock).

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<sup>2</sup> The Solicitor General must file, or timely authorize, petitions for certiorari in actions arising under the Act. *FEC v. NRA Political Victory Fund*, 513 U.S. 88, 98 (1994).

This legislative history demonstrates congressional concern that the Commission's representation of itself and its interests not be subject to any direct or indirect control by the Department of Justice. Thus, it was Congress's clear intent and purpose to ensure the Commission's independence in civil litigation from political interference, and to identify the Commission as the real party in interest in this and other district court actions. By requiring the Commission to name local counsel, and by requiring the Commission to pay a fee for its attorneys to litigate, Local Rules 83.10 and 83.9(b) would impose anomalous burdens on a government entity with the Commission's unique statutory authority and responsibility. Since the Commission is authorized to represent itself in every district and circuit in the United States, it would be burdensome for attorneys for the Commission to conform with local admission rules requiring special qualifications to appear before a court, including designation of the United States Attorney's Office as local counsel, and payment of *pro hac vice* admission fees.<sup>3</sup> The Commission's independence of the Department of Justice, legislated by Congress, would thus be undermined by procedural rules that hinder such independence.

Accordingly, the Commission requests that the Court remove these unintended obstacles to the effectuation of congressional intent by waiving application of Local Rules 83.10 and 83.9(b) and admitting Commission counsel *pro hac vice* in this litigation, so as to allow the Commission to litigate this case directly without local counsel, provide for direct service of papers upon the real party in interest to this action (the Commission), and waive the fees normally charged for *pro hac vice* admissions. The Commission expects direct, electronic service upon the Commission to enhance and expedite notice of case activity. Counsel for the Commission will fulfill the obligations and duties of counsel in this litigation and offer their

---

<sup>3</sup> The Administrative Office of the United States Courts has stated that Judicial Conference policy is that *pro hac vice* fees not be charged to federal government attorneys. Exhibit 2.

availability for appearance before the Court on 48 hours' notice, or whatever amount of notice is deemed appropriate by the Court.

**Conclusion**

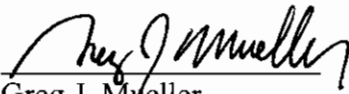
In view of the specific statutory provisions and legislative history noted above, plaintiff Federal Election Commission respectfully requests that the Court waive any local counsel requirement, waive payment of any admission fees, and approve the accompanying *pro hac vice* applications.

Respectfully submitted,

Thomasenia P. Duncan  
General Counsel

David Kolker  
Associate General Counsel

Kevin Deeley  
Assistant General Counsel

  
Greg J. Mueller  
Attorney

Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463  
(202) 694-1650

March 6, 2009

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

FEDERAL ELECTION COMMISSION,  
999 E Street, N.W.  
Washington, DC 20463

Plaintiff,

v.

JODY L. NOVACEK, et al.,  
1221 Lakeridge Lane  
Irving, TX 75063,

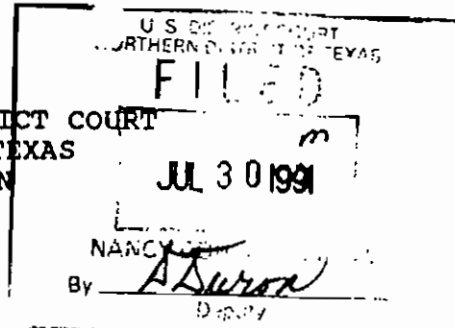
Defendants.

Civ. No. \_\_\_\_\_

APPENDIX

**APPENDIX SUBMITTED IN SUPPORT OF THE  
DEFENDANT FEDERAL ELECTION COMMISSION'S *EX PARTE*  
MOTION FOR WAIVER OF THE LOCAL COUNSEL REQUIREMENT AND  
WAIVER OF THE *PRO HAC VICE* ADMISSION FEE  
AND MEMORANDUM IN SUPPORT THEREOF**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



FEDERAL ELECTION COMMISSION, §  
Plaintiff, §  
VS. §  
JAMES C. WRIGHT, JR., §  
Defendant. §

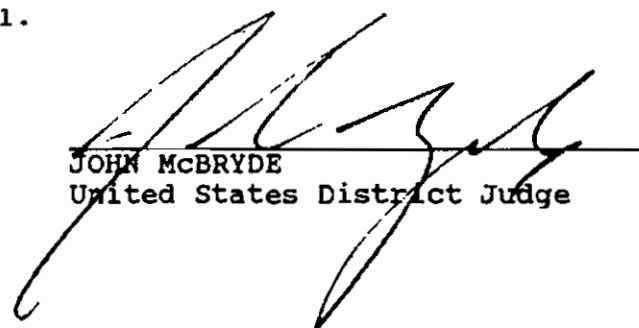
CIVIL ACTION NO. 4-91-542-A

ORDER

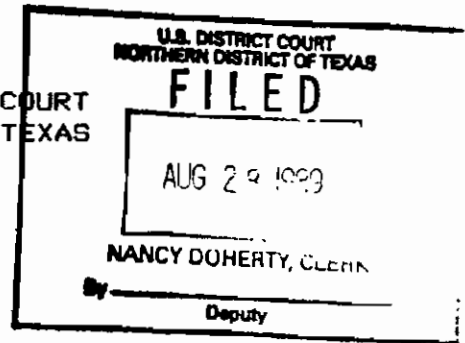
Came on for consideration the motion of plaintiff, Federal Election Commission, to appear by and through its attorneys without designation of local counsel pursuant to Local Rule 13.4(a)(2). The court finds that the motion is well-taken and should be granted.

The court ORDERS that plaintiff may appear by and through Lawrence M. Noble, Richard B. Bader, V. Colleen Miller, or Kenneth E. Kellner, whose address is Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, and whose phone number is (202) 376-8200, without designation of local counsel, provided that such counsel shall be available to appear before the court on twenty-four hours' notice if necessary.

SIGNED July 30, 1991.

  
JOHN MCBRYDE  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



FEDERAL ELECTION COMMISSION, )  
 )  
Plaintiff, )  
 )  
VS. )  
 )  
JOHN BRYANT CAMPAIGN COMMITTEE, )  
ET AL., )  
 )  
Defendants. )


CIVIL ACTION NO.  
CA 3-89-1694-6

ORDER

The parties having advised the court that this case has been settled, it is ORDERED that the final judgment or order of dismissal be presented for entry by September 15, 1989. If it is not, then the case will be subject to dismissal.

Defendants' motion to waive Local Rules 13.3 and 13.4 is GRANTED.

August 28, 1989.

  
\_\_\_\_\_  
A. JOE FISH  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

FRIENDS OF PHIL GRAMM, JOHN )  
BAXTER, TREASURER )  
VS. )  
FEDERAL ELECTION )  
COMMISSION, ET AL. )

NO. CA3-85-1164-F

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED  
AUG 12 1985

NANCY HALL DOHERTY, CLERK

BY ppd  
DOHERTY bh

ORDER

The FEC has moved the Court to waive the requirements of Local Rule 13.4 so that the Commission can appear without designating local counsel. The Court will grant the motion with the following provisions: counsel for Petitioner must comply with the other Local Rules of Practice including supplying a certificate of conference on all future motions. Moreover, the FEC must make itself, or a designated representative, available for proceedings in this Court upon 24 hours notice. Objection by Petitioner will result in enforcement of the Rule 13.4 requirements. Accordingly, it is hereby

ORDERED that Petitioner's motion to appear without designating local counsel is GRANTED as provided herein.

Signed and entered this 12th day of August, 1985.



ROBERT W. PORTER  
UNITED STATES DISTRICT JUDGE

8804200428



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M  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**FILED**

**AUG 12 1985**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS DIVISION

NANCY HALL DOHERTY, CLERK

By ppk d  
Deputy bl

FEDERAL ELECTION COMMISSION )  
VS. )  
FRIENDS OF PHIL GRAMM, JOHN )  
BAXTER, as treasurer )

NO. CA3-85-1507-F

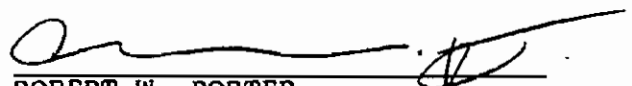
O R D E R

The FEC has moved the Court to waive the requirements Local Rule 13.4 so that the Commission can appear without designating local counsel. The Court will grant the motion with the following provisions: counsel for Petitioner must comply with the other Local Rules of Practice including supplying a certificate of conference on all future motions. Moreover, the FEC must make itself, or a designated representative, available for proceedings in this Court upon 24 hours notice. Objection by Petitioner will result in enforcement of the Rule 13.4 requirements. Accordingly, it is hereby

AUG 16 P 4:56

ORDERED that Petitioner's motion to appear without designating local counsel is GRANTED as provided herein.

Signed and entered this 12th day of August, 1985.

  
ROBERT W. PORTER  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

_____	)	
ANH "JOSEPH" CAO,	)	
REPUBLICAN NATIONAL COMMITTEE, AND	)	
REPUBLICAN PARTY OF LOUISIANA,	)	
	)	
PLAINTIFFS,	)	
	)	CIVIL ACTION No. 1:08CV4887
v.	)	
	)	SECTION C, DIVISION 5
FEDERAL ELECTION COMMISSION,	)	
	)	JUDGE HELEN G. BERRIGAN
	)	
DEFENDANT.	)	CHIEF MAGISTRATE JUDGE
_____	)	ALMA L. CHASEZ

Upon consideration of Defendant Federal Election Commission's motion and supporting memorandum seeking waiver under LR 83.2.7 as to the Commission of certain requirements of local rules LR 83.2.2E, LR 83.2.6E and LR 83.2.10E so as to allow the Commission to prosecute this litigation directly, without payment of admission fees or designation of local counsel, and to provide that service of papers in this case shall be made directly upon the Commission.

IT IS HEREBY ORDERED that defendant Federal Election Commission's Motion be GRANTED; and it is

_____	Fee	_____
_____	Process	_____
X	Dktd	_____
✓	CtRmDep	_____
_____	Doc. No.	_____

FURTHER ORDERED, that counsel for the Commission are admitted *pro hac vice* in this litigation without payment of any fees, and that all papers in this action be served on counsel for the Commission directly.

THUS DONE AND SIGNED on this the 21<sup>st</sup> day of ~~December, 2008~~ January, 2009

  
\_\_\_\_\_  
UNITED STATES DISTRICT ~~MAGISTRATE~~ JUDGE



FURTHER ORDERED, that counsel for the Commission are admitted pro hac vice in this litigation without payment of any fees, and that all papers in this action be served on counsel for the Commission directly.

THUS DONE AND SIGNED on this the 26<sup>th</sup> day of December, 2007.



UNITED STATES DISTRICT ~~MAGISTRATE~~ JUDGE

RECEIVED

NOV 19 2004

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
FILED

NOV 24 2004

ROBERT L. CHEMWEILL, CLERK  
BY [Signature] DEPUTY

<hr/>		)
JOHN C. COOKSEY, INDIVIDUALLY AND	)	)
ON BEHALF OF COOKSEY FOR SENATE	)	)
FINANCE COMMITTEE,	)	)
	)	)
PLAINTIFF,	)	)
	)	)
v.	)	CIVIL ACTION No. 3:04CV1152
	)	)
FEDERAL ELECTION COMMISSION,	)	JUDGE JAMES
	)	)
	)	MAGISTRATE KIRK
DEFENDANT.	)	)
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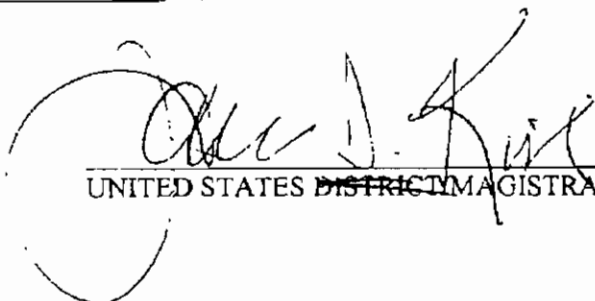
**ORDER**

Upon consideration of Defendant Federal Election Commission's motion, supporting memorandum, and affidavit seeking waiver as to the Commission of certain requirements of local rules LR83.2.2W and LR83.2.6W, so as to allow the Commission to prosecute this litigation directly, without payment of admission fees, and to provide that service of papers in this case shall be made directly upon the Commission pursuant to Uniform Local Rule LR83.2.7,

IT IS HEREBY ORDERED that defendant Federal Election Commission's Motion be GRANTED: and it is

FURTHER ORDERED, that counsel for the Commission are admitted pro hac  
vice in this litigation without payment of any fees, and that all papers in this action be  
served on counsel for the Commission directly.

THUS DONE AND SIGNED at \_\_\_\_\_, Louisiana, on this the  
24<sup>th</sup> day of November, 2004.

  
UNITED STATES ~~DISTRICT~~ MAGISTRATE JUDGE





copies to:

Denitta D. Ward  
Attorney  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
Counsel for Defendant

Kent M. Adams  
ADAMS, COFFEY & DUESLER, L.L.P.  
Petroleum Tower  
550 Fannin, Suite 830  
Post Office Box 7505  
Beaumont, Texas 77726-7505  
Counsel for Plaintiffs



Copies to:

V. Colleen Miller  
Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
(counsel for petitioner)

and

George Mustakas, III  
4408 Shores Drive, Suite E  
Metairie, Louisiana 70006  
(respondent)

and

George Mustakas, II and  
Collette Mustakas  
c/o George Mustakas, III  
4408 Shores Drive, Suite E  
Metairie, Louisiana 70006  
(respondents)

CC 5216

RECEIVED  
FEDERAL ELECTION COMMISSION

**FILED**  
JAN 23 1990  
By CHARLES W. YAMMICK, Clerk  
Deputy

90 JAN 26 AM 9:22 UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

ROBERT A. (BOBBY) LOCKE,  
Plaintiff,  
v.  
FEDERAL ELECTION COMMISSION,  
Defendant.

Case No. SA89CA1564  
ORDER

90 JAN 26 AM 11:36

FEDERAL ELECTION COMMISSION

**ORDER**

Upon consideration of the defendant Federal Election Commission's (the "Commission") motion for an order waiving application of the requirements of Rules 200-1 and 200-3, Local Rules W.D. Texas, to the Commission so as to allow direct prosecution of this case by the Commission and providing that service of papers in this case shall be made directly upon the Commission, and defendant's memorandum of points and authorities and affidavit in support thereof,

IT IS HEREBY ORDERED that the defendant's motion be and the same hereby is GRANTED.

Dated: San Antonio, Texas, January 23<sup>rd</sup>, 1990.

*A. J. Garcia*  
UNITED STATES DISTRICT JUDGE

13

Copies to:

Charles W. Snyder  
Office of the General Counsel  
FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

and

Robert A. Locke  
139 Parland  
San Antonio, TX 78209

3 3 0 4 2 0 1 2 5  
 UNITED STATES DISTRICT COURT FOR THE  
 EASTERN DISTRICT OF LOUISIANA

FEDERAL ELECTION COMMISSION )  
 )  
 Plaintiff, )  
 )  
 )  
 )  
 v. )  
 )  
 ROBERT P. AULSTON )  
 )  
 )  
 )  
 AND )  
 )  
 ELRAY VENICE )  
 )  
 )  
 )  
 )  
 )  
 Defendants. )

CIVIL ACTION NO.

ORDER

Upon motion of Plaintiff, the Federal Election Commission,  
 it is hereby,

ORDERED that pursuant to Rule 21.6 of the Rules of this Court,  
 the Federal Election Commission will be permitted, through its  
 Office of General Counsel, to argue this matter before this  
 Court, answer appearances, file papers, and directly receive  
 service of all pleadings.

July 18, 1979  
 Date

Robert Collins  
 UNITED STATES DISTRICT JUDGE

5:89-CV-01564

IVAN RIVERA, ESQ.  
FEDERAL ELECTION COMMISSION  
999 E. STREET, N.W.  
WASHINGTON, DC 20463

CR

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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF LOUISIANA

FEDERAL ELECTION COMMISSION )  
1325 K Street, N.W. )  
Washington, D.C. 20463, )  
 )  
Plaintiff )

v. )

CIVIL ACTION NO. )

J. RAY MCDERMOTT & COMPANY, INC. )  
1010 Common Street )  
New Orleans, Louisiana )

CHARLES L. GRAVES )  
1329 Octavia Street )  
New Orleans, Louisiana )

ERNEST B. GRAVOIS )  
RFD 2; Box 515 )  
Thedodaux, Louisiana, )  
 )  
Defendants )

ORDER

Upon motion of petitioner, the Federal Election Commission,  
it is hereby,

ORDERED that pursuant to Rule 21.6 of Rules of this court,  
the Federal Election Commission will be permitted, through its  
Office of General Counsel, to argue this matter before this court,  
enter appearances, file papers, and directly receive service of  
all pleadings.

Dec 21, 1977  
Date

RB Apx 19  
United States District Judge



**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

FEDERAL ELECTION COMMISSION,  
999 E Street, N.W.  
Washington, DC 20463

Plaintiff,

v.

JODY L. NOVACEK, et al.,  
1221 Lakeridge Lane  
Irving, TX 75063,

Defendants.

Civ. No. \_\_\_\_\_

**[Proposed] Order**

Upon consideration of the plaintiff Federal Election Commission's ("Commission") motion for waiver of the requirements of Local Rule 83.10 and 83.9 as to the Commission and supporting memorandum:

IT IS HEREBY ORDERED that the plaintiff Federal Election Commission's motion is GRANTED; and it is

FURTHER ORDERED, that local counsel requirement in Local Rule 83.10 is waived as to the Commission in this litigation, and it is

FURTHER ORDERED, that *pro hac vice* admission fees are waived for Commission counsel in this litigation.

Dated:

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE



VI. Applicant has never involuntarily lost, temporarily or permanently, the right to practice before any court or tribunal, or resigned in lieu of discipline, except as provided below:

VII. Applicant has never been subject to grievance proceedings or involuntary removal proceedings—regardless of outcome—while a member of the bar of any state or federal court or tribunal that requires admission to practice, except as provided below:

VIII. Applicant has not been charged, arrested, or convicted of a criminal offense or offenses, except as provided below (omit minor traffic offenses):

IX. Applicant has filed for *pro hac vice* admission in the United States District Court for the Northern District of Texas during the past three (3) years in the following matters:

Date of Application

Case No. And Style

          none          

(If necessary, attach statement of additional applications.)

X. Local counsel of record associated with Applicant in this matter is (Motion for waiver filed herewith.)

who has offices at \_\_\_\_\_,  
(Address)

\_\_\_\_\_  
(Telephone No.)

XI. Check the appropriate box below.

For Application in a **Civil Case**

- Applicant has read *Dondi Properties Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc), and the local civil rules of this court and will comply with the standards of practice adopted in *Dondi* and with the local civil rules.

For Application in a **Criminal Case**

- Applicant has read and will comply with the local criminal rules of this court.

XII. Applicant respectfully requests to be admitted to practice in the United States District Court for the Northern District of Texas for this cause only.

SIGNED this 5<sup>th</sup> day of March, 2009.

Thomasenia P. Duncan

Printed Name of Applicant

Thomasenia P. Duncan

Signature

I hereby certify that I have served a true and correct copy of this document upon each attorney of record and the original upon the clerk of court accompanied by a \$25.00 filing fee on this 6<sup>th</sup> day of March, 2009.  
(Waiver mot. filed herewith.), \_\_\_\_\_.

Thomasenia P. Duncan

Printed Name of Applicant

Thomasenia P. Duncan

Signature

---

---

**ORDER**

The Court, having considered the above Application for Admission *Pro Hac Vice*, orders that:

- the application be granted. The Clerk of Court shall deposit the application fee to the account of the Non-Appropriated Fund of this Court.
- the application be denied. The Clerk of Court shall return the admission fee to the Applicant.

DATE

JUDICIAL OFFICER



VI. Applicant has never involuntarily lost, temporarily or permanently, the right to practice before any court or tribunal, or resigned in lieu of discipline, except as provided below:

VII. Applicant has never been subject to grievance proceedings or involuntary removal proceedings—regardless of outcome—while a member of the bar of any state or federal court or tribunal that requires admission to practice, except as provided below:

VIII. Applicant has not been charged, arrested, or convicted of a criminal offense or offenses, except as provided below (omit minor traffic offenses):

IX. Applicant has filed for *pro hac vice* admission in the United States District Court for the Northern District of Texas during the past three (3) years in the following matters:

Date of Application	Case No. And Style
<u>none</u>	_____
_____	_____

(If necessary, attach statement of additional applications.)

X. Local counsel of record associated with Applicant in this matter is (Motion for waiver filed herewith.)

who has offices at \_\_\_\_\_,  
(Address)

\_\_\_\_\_  
(Telephone No.)

XI. Check the appropriate box below.

For Application in a **Civil Case**

- Applicant has read *Dondi Properties Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc), and the local civil rules of this court and will comply with the standards of practice adopted in *Dondi* and with the local civil rules.

For Application in a **Criminal Case**

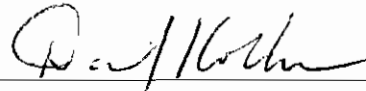
- Applicant has read and will comply with the local criminal rules of this court.

XII. Applicant respectfully requests to be admitted to practice in the United States District Court for the Northern District of Texas for this cause only.

SIGNED this 5<sup>th</sup> day of March, 2009.

David Kolker

Printed Name of Applicant

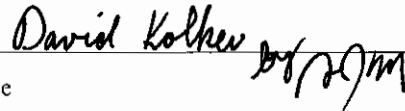


Signature

I hereby certify that I have served a true and correct copy of this document upon each attorney of record and the original upon the clerk of court accompanied by a \$25.00 filing fee on this 6<sup>th</sup> day of March, 2009 (Waiver mot. filed herewith.), \_\_\_\_\_.

David Kolker

Printed Name of Applicant



Signature

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**ORDER**

The Court, having considered the above Application for Admission *Pro Hac Vice*, orders that:

- the application be granted. The Clerk of Court shall deposit the application fee to the account of the Non-Appropriated Fund of this Court.
  
- the application be denied. The Clerk of Court shall return the admission fee to the Applicant.

DATE

JUDICIAL OFFICER

**Attachment to Application and Order for Admission  
Pro Hac Vice of David Kolker**

United States Court of Appeals for the Ninth Circuit,  
June 6, 1995.

United States Court of Appeals for the Tenth Circuit,  
December 11, 1995.

United States Court of Appeals for the First Circuit,  
October 8, 1996.

United States Supreme Court, July 18, 1997.

United States District Court for the Central District of Illinois,  
June 2, 2002.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**  
Dallas **DIVISION**

Federal Election Commission,  
**Plaintiff**  
v.  
Jody L. Novacek, et al.,  
**Defendant**

§  
§  
§  
§  
§  
§  
§  
§

\_\_\_\_\_ **Case Number**

**APPLICATION AND ORDER FOR ADMISSION PRO HAC VICE**

I. Applicant is an attorney and a member of the law firm of (or practices under the name of)  
Federal Election Commission, with offices at 999 E Street, N.W.,  
(Street Address)  
Washington, DC, 20463, (202) 694-1650.  
(City) (State) (Zip Code) (Telephone No.)

II. Applicant will sign all pleadings with the name Kevin Deeley.

III. Applicant has been retained personally or as a member of the above-named firm by  
Federal Election Commission

(List All Parties Represented)

to provide legal representation in connection with the above-styled matter now pending before the United States District Court; for the Northern District of Texas.

IV. Applicant is a member in good standing of the bar of the highest court of the state of  
Kevin Deeley, where Applicant regularly practices law.  
Bar license number: MA Bar #644486 Admission date: March 13, 2000.

V. Applicant has also been admitted to practice before the following courts:

Court:	Admission Date:	Active or Inactive:
<u>USDC, C.D. of Illinois</u>	<u>Feb. 28, 2004</u>	<u>Active</u>
<u>USDC, W.D. of Washington</u>	<u>June 25, 2001</u>	<u>Active</u>
<u>US Supreme Court</u>	<u>Feb. 20, 2007</u>	<u>Active</u>
<u>USCA, 10th Circuit</u>	<u>Aug., 10, 2007</u>	<u>Active</u>

**VI.** Applicant has never involuntarily lost, temporarily or permanently, the right to practice before any court or tribunal, or resigned in lieu of discipline, except as provided below:

**VII.** Applicant has never been subject to grievance proceedings or involuntary removal proceedings—regardless of outcome—while a member of the bar of any state or federal court or tribunal that requires admission to practice, except as provided below:

**VIII.** Applicant has not been charged, arrested, or convicted of a criminal offense or offenses, except as provided below (omit minor traffic offenses):

**IX.** Applicant has filed for *pro hac vice* admission in the United States District Court for the Northern District of Texas during the past three (3) years in the following matters:

Date of Application	Case No. And Style
None.	

(If necessary, attach statement of additional applications.)

**X.** Local counsel of record associated with Applicant in this matter is (Motion for waiver filed herewith.) who has offices at \_\_\_\_\_, (Address)

(Telephone No.) \_\_\_\_\_.

**XI.** Check the appropriate box below.

For Application in a **Civil Case**

- Applicant has read *Dondi Properties Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc), and the local civil rules of this court and will comply with the standards of practice adopted in *Dondi* and with the local civil rules.

For Application in a **Criminal Case**

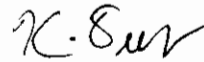
- Applicant has read and will comply with the local criminal rules of this court.

**XII.** Applicant respectfully requests to be admitted to practice in the United States District Court for the Northern District of Texas for this cause only.

SIGNED this 6th day of March, 2009.

Kevin Deelcy

Printed Name of Applicant

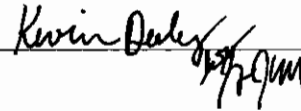


Signature

I hereby certify that I have served a true and correct copy of this document upon each attorney of record and the original upon the clerk of court accompanied by a \$25.00 filing fee on this 6th day of (Waiver mot. filed herewith.), \_\_\_\_\_.

Kevin Deelcy

Printed Name of Applicant



Signature

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**ORDER**

The Court, having considered the above Application for Admission *Pro Hac Vice*, orders that:

- the application be granted. The Clerk of Court shall deposit the application fee to the account of the Non-Appropriated Fund of this Court.
  
- the application be denied. The Clerk of Court shall return the admission fee to the Applicant.

DATE

JUDICIAL OFFICER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

Dallas **DIVISION**

<u>Federal Election Commission</u> , <b>Plaintiff</b>	§	
	§	
<b>v.</b>	§	<b>Case Number</b>
	§	
<u>Jody L. Novacek, et al.</u> , <b>Defendant</b>	§	

**APPLICATION AND ORDER FOR ADMISSION PRO HAC VICE**

I. Applicant is an attorney and a member of the law firm of (or practices under the name of) Federal Election Commission, with offices at 999 E Street, N.W.,  
(Street Address)

Washington, DC, 20463, (202) 694-1650.  
(City) (State) (Zip Code) (Telephone No.)

II. Applicant will sign all pleadings with the name \_\_\_\_\_.

III. Applicant has been retained personally or as a member of the above-named firm by

Federal Election Commission

(List All Parties Represented)

to provide legal reprcsentation in connection with the above-styled matter now pending before the United States District Court; for the Northern District of Texas.

IV. Applicant is a member in good standing of the bar of the highest court of the state of

Greg J. Mueller, where Applicant regularly practices law.

Bar license number: D.C. Bar # 462840 Admission date: February 11, 2001.

V. Applicant has also been admitted to practice before the following courts:

Court:	Admission Date:	Active or Inactive:
<u>Court of Appeals of Maryland</u>	<u>January 6, 2000</u>	<u>Active</u>
<u>U.S.C.A., Fourth Circuit</u>	<u>November 2, 1998</u>	<u>Active</u>
<u>U.S.C.A., D.C. Circuit</u>	<u>June 2005</u>	<u>Active</u>
<u>(See attached.)</u>		

VI. Applicant has never involuntarily lost, temporarily or permanently, the right to practice before any court or tribunal, or resigned in lieu of discipline, except as provided below:

VII. Applicant has never been subject to grievance proceedings or involuntary removal proceedings—regardless of outcome—while a member of the bar of any state or federal court or tribunal that requires admission to practice, except as provided below:

VIII. Applicant has not been charged, arrested, or convicted of a criminal offense or offenses, except as provided below (omit minor traffic offenses):

IX. Applicant has filed for *pro hac vice* admission in the United States District Court for the Northern District of Texas during the past three (3) years in the following matters:

Date of Application	Case No. And Style
None.	

(If necessary, attach statement of additional applications.)

X. Local counsel of record associated with Applicant in this matter is (Motion for waiver filed herewith.) who has offices at \_\_\_\_\_,  
(Address)

\_\_\_\_\_  
(Telephone No.)

XI. Check the appropriate box below.

For Application in a **Civil Case**

- Applicant has read *Dondi Properties Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc), and the local civil rules of this court and will comply with the standards of practice adopted in *Dondi* and with the local civil rules.

For Application in a **Criminal Case**

- Applicant has read and will comply with the local eriminal rules of this court.

**XII.** Applicant respectfully requests to be admitted to practice in the United States District Court for the Northern District of Texas for this cause only.

SIGNED this 6<sup>th</sup> day of March, 2009.

Greg J. Mueller

Printed Name of Applicant

Greg J. Mueller

Signature

I hereby certify that I have served a true and correct copy of this document upon each attorney of record and the original upon the clerk of court accompanied by a \$25.00 filing fee on this 6<sup>th</sup> day of March, 2009 (Waiver mot. filed herewith.), \_\_\_\_\_.

Greg J. Mueller

Printed Name of Applicant

Greg J. Mueller

Signature

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**ORDER**

The Court, having considered the above Application for Admission *Pro Hac Vice*, orders that:

- the application be granted. The Clerk of Court shall deposit the application fee to the account of the Non-Appropriated Fund of this Court.
- the application be denied. The Clerk of Court shall return the admission fee to the Applicant.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDICIAL OFFICER

**Attachment to Application and Order for Admission  
Pro Hac Vice of Greg J. Mueller**

Virginia Bar, Associate Member VA Bar # 43051 Virginia Supreme Court, Associate Member	November 2, 1998
United States District Court for the Central District of Illinois	August 7, 2001
District of Columbia Court of Appeals	February 11, 2001
United States District Court for the District of Colorado	April 2, 2007
United States Court of Appeals for the Tenth Circuit	August 10, 2007

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

*Dallas Division*

Federal Election Commission

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Civil Action No.

Jody L. Novacek

\_\_\_\_\_  
Defendant

**CERTIFICATE OF INTERESTED PERSONS**

(This form also satisfies Fed. R. Civ. P. 7.1)

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(f), LR 7.4, LR 81.1(a)(3)(D), and LR 81.2,  
the Federal Election Commission

\_\_\_\_\_  
provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock (if none, state "None");

***\*Please separate names with a comma. Only text visible within box will print.***

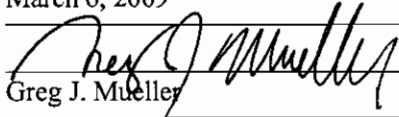
n/a, governmental party

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

***\*Please separate names with a comma. Only text visible within box will print.***

None.



Date: March 6, 2009  
Signature:   
Print Name: Greg J. Mueller  
Bar Number: D.C. Bar # 462840 (Pro Hac Pend)  
Address: 999 E Street, N.W.  
City, State, Zip: Washington  
Telephone: (202) 694-1559  
Fax: 202 219-0260  
E-Mail: gmueller@fec.gov

**NOTE:** To electronically file this document, you will find the event in our Case Management (CM/ECF) system, under Civil/Other Documents/Certificate of Interested Persons

# UNITED STATES DISTRICT COURT

for the

Northern District of Texas

_____	)	
Federal Election Commission,	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Jody L. Novacek, et al.	)	
Defendant	)	

### Summons in a Civil Action

To: *(Defendant's name and address)*

JODY L. NOVACEK,  
1221 Lakeridge Lane  
Irving, TX 75063,

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Greg J. Mueller  
Federal Election Commisison  
999 E Street, N.W.  
Washington DC 20463

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

Northern District of Texas

_____	)	
Federal Election Commission,	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Jody L. Novacek, et al.	)	
Defendant	)	

### Summons in a Civil Action

To: *(Defendant's name and address)*

REPUBLICAN VICTORY COMMITTEE, INC., (a.k.a.  
 REPUBLICAN VICTORY 2004 COMMITTEE),  
 1221 Lakeridge Lane  
 Irving, TX 75063,

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Greg J. Mueller  
 Federal Election Commission  
 999 E Street, N.W.  
 Washington DC 20463

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

Northern District of Texas

_____	)	
Federal Election Commission,	)	
Plaintiff	)	
v.	)	Civil Action No.
_____	)	
Jody L. Novacek, et al.	)	
Defendant	)	

### Summons in a Civil Action

To: *(Defendant's name and address)*

BPO, INC.,  
1221 Lakeridge Lane  
Irving, TX 75063

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Greg J. Mueller  
Federal Election Commisison  
999 E Street, N.W.  
Washington DC 20463

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

(1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_  
\_\_\_\_\_ ; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or

(4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or

(5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

# UNITED STATES DISTRICT COURT

for the

Northern District of Texas

\_\_\_\_\_  
Federal Election Commission,

Plaintiff

v.

\_\_\_\_\_  
Jody L. Novacek, et al.

Defendant

)  
)  
)  
)  
)

Civil Action No.

## Summons in a Civil Action

To: *(Defendant's name and address)*

BPO ADVANTAGE, LP,  
1221 Lakeridge Lane  
Irving, TX 75063

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Greg J. Mueller  
Federal Election Commisison  
999 E Street, N.W.  
Washington DC 20463

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

\_\_\_\_\_  
Name of clerk of court

Date: \_\_\_\_\_

\_\_\_\_\_  
Deputy clerk's signature

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*



**Proof of Service**

I declare under penalty of perjury that I served the summons and complaint in this case on \_\_\_\_\_,  
by:

- (1) personally delivering a copy of each to the individual at this place, \_\_\_\_\_  
\_\_\_\_\_ ; or
- (2) leaving a copy of each at the individual's dwelling or usual place of abode with \_\_\_\_\_  
who resides there and is of suitable age and discretion; or
- (3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is  
\_\_\_\_\_ ; or
- (4) returning the summons unexecuted to the court clerk on \_\_\_\_\_ ; or
- (5) other (*specify*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address