

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WISCONSIN RIGHT TO LIFE, INC.,)	
)	
Plaintiff,)	No. 1:04cv01260 (DBS, RWR, RJL)
)	(Three-Judge Court)
v.)	
)	
)	
)	FEC Exhibits Vol. 2
FEDERAL ELECTION COMMISSION,)	
)	
Defendant,)	
)	
and)	
)	
SEN. JOHN MCCAIN, <u>et al.</u> ,)	
)	
Intervenor-Defendants.)	

**DEFENDANT FEDERAL ELECTION COMMISSION'S EXHIBITS
SUBMITTED IN SUPPORT OF ITS MOTION FOR SUMMMARY JUDGMENT**

VOLUME 2

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WISCONSIN RIGHT TO LIFE, INC.,)	
)	
Plaintiff,)	No. 1:04cv01260 (DBS, RWR, RJL)
)	(Three-Judge Court)
v.)	
)	
)	
)	
)	
)	FEC EXHIBIT 67
FEDERAL ELECTION COMMISSION,)	
999 E Street, N.W.)	
Washington, DC 20463)	
)	
Defendant.)	
)	
)	
and)	
)	
SEN. JOHN MCCAIN, <u>et. al.</u> ,)	
)	
Intervenor-Defendants.)	

**DEFENDANT FEDERAL ELECTION COMMISSION'S EXHIBIT 67
SUBMITTED IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGEMENT**



WRL General Fund Regular Donor 40055a08

Hello, may I speak with (Name). Good. (Name) My name is (operator) and I am calling with an urgent appeal from your friends at WI's oldest and most successful...100% pro-life organization...Wisconsin Right to Life to say "thank you."

M/M ____, your past financial support enabled us to successfully pass a number of pro-life laws...like the Woman's Right to Know, Born Alive Infant Protection Act, Parental Consent and Fetal Homicide.

Now, you may have recently heard through television and radio ads OR by phone, that Wisconsin Right To Life had contacted thousands of Wisconsinites... and asked them to call and URGE Senators Feingold and Kohl (pause) to STOP the filibuster (to try to stop a vote by making long speeches) and let the Senate vote on President Bush's QUALIFIED judicial nominees. But, because of McCain/Feingold (Campaign Finance Reform) we have to go to court to get permission to continue our ads. This prevents **you—the voter-** from receiving crucial information about upcoming votes! So now... in addition to our work to save lives, we have to challenge the FEC (federal Election Commission).

M/M ____, I am also calling to tell you how a Rose Society membership to Wisconsin Right to Life works. You would still receive our informative *Life Without Limits* magazine **and** a voter guide <pause> and you would help us to establish a monthly budget by contributing a total of \$20 that you would actually give each month in the amount of \$5. Would that work for you?

If yes: That is great. Like I said, for the rest of this year, your total would average out to only (\$5) per month. Thank you so much for your support. I have to inform you that your gift is not tax deductible, audited financial statements are available on request and if you would please stay on the line for just a moment – I will have someone verify and update your mailing address. Please hold.

If no response: I understand. M/M ____, not everyone can contribute monthly. Would a **single** gift of (ask for 10 or 15 more than last gift) be more convenient for you?

BE POLITELY AGGRESSIVE!

If still no response: Mr/Mrs ____, I don't mean to offend you by asking again, but would you consider matching your last gift of (last gift)?

40055a08
Revised 8/11/04

WRL General Fund Regular Donor 40055c08 (postcards)

Hello, may I speak with (Name). Good. (Name) My name is (operator) and I am calling with an urgent appeal from your friends at WI's oldest and most successful...100% pro-life organization...Wisconsin Right to Life to say "thank you."

M/M ____, your past financial support enabled us to successfully pass a number of pro-life laws...like the Woman's Right to Know, Born Alive Infant Protection Act, Parental Consent and Fetal Homicide.

Now, you may have recently heard through television and radio ads OR by phone, that Wisconsin Right To Life had contacted thousands of Wisconsinites... and asked them to call and URGE Senators Feingold and Kohl (pause) to STOP the filibuster (to try to stop a vote by making long speeches) and let the Senate vote on President Bush's QUALIFIED judicial nominees. But, because of McCain/Feingold (Campaign Finance Reform) we have to go to court to get permission to continue our ads. This prevents **you—the voter-** from receiving crucial information about upcoming votes! So now... in addition to our work to save lives, we have to challenge the FEC (federal Election Commission).

M//M ____, I am also calling to tell you how a Rose Society membership to Wisconsin Right to Life works. You would still receive our informative *Life Without Limits* magazine **and** a voter guide <pause> and you would help us to establish a monthly budget by contributing a total of \$20 or \$40 that you would actually give each month in the amount of \$5 or \$10. Would that work for you?

If yes: That is great. Like I said, for the rest of this year, your total would average out to only (\$5) (\$10) per month. Thank you so much for your support. I have to inform you that your gift is not tax deductible, audited financial statements are available on request and if you would please stay on the line for just a moment – I will have someone verify and update your mailing address. Please hold.

If no response: I understand. M/M ____, not everyone can contribute monthly. Would a **single gift** of (ask for 10 or 15 more than last gift) be more convenient for you?

BE POLITELY AGGRESSIVE!

If still no response: Mr/Mrs ____, I don't mean to offend you by asking again, but would you consider matching your last gift of (last gift)?

40055c08

Revised 8/11/04

**WRL General Fund 13-24 months 40055b08(2)
Lapsed and Long Lapsed 41053804**

Hello, may I speak with (Name). Good. (Name) My name is (operator) and I am calling with an urgent appeal from your friends at WI's oldest and most successful...100% pro-life organization...Wisconsin Right to Life to say "thank you."

M/M ____, your past financial support enabled us to successfully pass a number of pro-life laws...like the Woman's Right to Know, Born Alive Infant Protection Act, Parental Consent and Fetal Homicide.

Now, you may have recently heard through television and radio ads OR by phone, that Wisconsin Right To Life had contacted thousands of Wisconsinites... and asked them to call and URGE Senators Feingold and Kohl (pause) to STOP the filibuster (to try to stop a vote by making long speeches) and let the Senate vote on President Bush's QUALIFIED judicial nominees. But, because of McCain/Feingold (Campaign Finance Reform) we have to go to court to get permission to continue our ads. This prevents **you—the voter-** from receiving crucial information about upcoming votes! So now... in addition to our work to save lives, we have to challenge the FEC (federal Election Commission).

By renewing you support to WRL by joining our Annual Donor Program, you would still receive our informative quarterly magazine *Life Without Limits*, legislative updates and a voter guide, but we only call you one time for your donation for the ENTIRE year. Your last gift was (last gift) and if you double that it would be just (last gift x 2) for the year? Would you be able to do that?

If no response: I understand. M/M ____, not everyone will be able to double their last gift, but many of the people I have talked with are able to **match** their last gift. Would you help with the same (last gift amount) you gave back in (MM of YY)?

BE POLITELY AGGRESSIVE!

If still no response: Mr/Mrs ____, It has been awhile since you have supported our pro-life efforts, have we done something to offend you?

40055b08(2) and 41053804
Revised 8/17/04

Wisconsin Right To Life Prospecting 60048fba

Hello, I am not a telemarketer; may I please speak with ___? Good (greeting), (Name). My name is (operator) and I am contacting you because in the past you indicated that you shared my values for human life and I am calling on behalf of WI's oldest and most successful...100% pro-life organization...Wisconsin Right to Life.

M/M ___, we wanted you to know that **right now**, we have a better opportunity to overturn Roe v Wade, than we have had in 20 years! But <pause> we need pro-life justices to be appointed and confirmed to the Federal bench.

To succeed in these efforts, we **must** reach thousands of WI residents and **urge** them to contact PRO-ABORTION senators Kohl and Feingold... and **INSIST** that they **stop** the gridlock in Washington and allow a vote on the President's appointees.

Mr/Mrs ___, we have so much work to do in our state! Would you please help us with a gift of \$50 or even \$75 within the next few weeks?

If no

(Acknowledge objection). Mr/Mrs ___, I speak with hundreds of pro-life people and some cannot give those amounts either, but can help with amounts like \$20 or \$25. Would you consider those amounts?

If still no

Sir/Ma'am, I understand and please know that we feel extremely grateful just to have your pro-life support. I do not want to offend you by asking this, but would you be able to help with \$10 or \$15?

60048fba
6/23/04

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WISCONSIN RIGHT TO LIFE, INC.,)	
)	
Plaintiff,)	No. 1:04cv01260 (DBS, RWR, RJL)
)	(Three-Judge Court)
v.)	
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)	
)	FEC EXHIBIT 68
FEDERAL ELECTION COMMISSION,)	
999 E Street, N.W.)	
Washington, DC 20463)	
)	
Defendant.)	
)	
and)	
)	
SEN. JOHN MCCAIN, <u>et. al.</u> ,)	
)	
Intervenor-Defendants.)	

**DEFENDANT FEDERAL ELECTION COMMISSION'S EXHIBIT 68
SUBMITTED IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGEMENT**

United States District Court
District of Columbia

<p>Wisconsin Right to Life, Inc. <i>Plaintiff,</i></p> <p>v.</p> <p>Federal Election Commission, <i>Defendant,</i></p> <p><i>and</i></p> <p>Sen. John McCain et al., <i>Intervenors-Defendants.</i></p>	<p>Civil Action No. 04-1260 (DBS, RWR, RJL)</p> <p>THREE-JUDGE COURT</p> <p>2006 MAR -5 A 11:14</p> <p>RECEIVED FEDERAL OFFICE MAY 11 2006</p>
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**Plaintiff WRTL’s Responses
To Defendants’ First Request for Production of Documents**

Pursuant to Federal Rule of Civil Procedure 34 and the Court’s April 17, 2006 Scheduling Order, Wisconsin Right to Life, Inc. (“WRTL”) submits these Responses to *Defendant Federal Election Commission’s and Intervenor-Defendants’ First Request for Production of Documents* (“Requests”) served on WRTL.

General Objections

1. WRTL objects to the Requests to the extent that: (a) they purport to call for the production of documents that contain privileged attorney-client communications; (b) constitute attorney work product; (c) disclose the mental impressions, conclusions, opinions, or legal theories of any attorneys or other representatives of WRTL; (d) were prepared in

anticipation of litigation; or (e) are otherwise protected from disclosure under applicable privileges, immunities, laws, or rules.

2. WRTL objects to the Requests as unduly burdensome and beyond the scope of the obligations imposed by the Federal Rules of Civil Procedure to the extent that the documents are already in the defendants' possession, are within the possession and/or control of a third party, or are publicly available. Such documents include, but are not limited to, reports filed with the Federal Election Commission, the U.S. Department of Labor, Internal Revenue Service, and any other agency of the United States government or any state or local government agency.

3. WRTL objects to the Requests to the extent that they are vague, not limited in scope, unreasonably broad and burdensome, beyond the scope of permissible discovery, and seek documents not relevant to the subject matter of this action.

4. WRTL objects to the instructions accompanying the Requests to the extent that they purport to impose obligations beyond those imposed by the Federal Rules of Civil Procedure, local rules or any Order issued by this Court, including the Court's April 17, 2006 Scheduling Order.

5. WRTL objects to the extremely broad definition of "WRTL" as including a wide range of non-official persons, including volunteers and consultants over whom WRTL exercises no control and whose files are not subject to search for documents by WRTL officials. WRTL objects to the phrase "or persons otherwise working on behalf of" as being incomprehensibly vague and so apparently overbroad as to encompass persons across Wisconsin (and to a lesser extent the nation, e.g., the National Right to Life Committee, Inc.)

who support WRTL and its ideological causes.

6. WRTL objects to the release of any records in electronic format given the difficulties of isolating responsive from non-responsive information and protecting proprietary information and the risk of data damage and manipulation, but appropriate and responsive printouts have been provided.

7. WRTL objects to each Request to the extent that it seeks documents that are neither relevant to the parties' claims or defenses in the pending action nor reasonably calculated to lead to the discovery of admissible evidence. By responding to these Requests, WRTL does not concede that any of the documents requested are relevant to this action or admissible at the trial thereof or that any person identified in the responses has documents relevant to this action. WRTL reserves any and all objections as to competency, relevance, materiality, privilege, admissibility, or any other grounds on which an objection may be made. WRTL expressly reserves the right to object to further discovery into the subject matter of these Requests. Any response to a Request that inadvertently discloses privileged documents is not intended to and shall not be deemed or construed to constitute a waiver of any privilege or right of Plaintiffs. Insofar as a response to a Request may be deemed to be a waiver of any privilege or right, such waiver shall be deemed to be a waiver limited to that particular response only.

Subject to and without waiving any of the foregoing General Objections, which are hereby incorporated into each response given below, WRTL objects to the individual Requests as follows:

Specific Objections & Responses

1. All articles of incorporation, constitutions, by-laws, mission statements, charters and other foundational documents of WRTL that were in effect at any time from 2002 to the present.

WRTL provides responsive documents as to WRTL. *See* Folder #1.

2. All documents related to the three broadcast advertisements found at Exhibits A, B, and C to the Verified Complaint in this matter, including but not limited to any contracts and correspondence relating to the airing of the proposed broadcast advertisements, and any documents relating to the creation, drafting, production, broadcast, purpose or effect of these advertisements.

WRTL objects to this request as unduly burdensome insofar as it requests “all documents related to (defined to include documents that “constitute or refer to.” Definition 6) by WRTL and WRTL PAC defined to include a wide range of persons, even including volunteers and “persons otherwise working on behalf of or at the request of WRTL.” Definition 1. *See* General Objection 5. WRTL has no ability, and believes it has no duty, to ask such a wide array of persons (whether or not they are even known and whether or not they worked on the grassroots lobbying advertising project at issue) whether they might have a responsive document, e.g., whether some supportive person sent an email to a friend asking if he or she had seen the ads being broadcast. Even to attempt to do such a broad effort is impossible and unduly burdensome given the fifteen-day response period (which is effectively shorter due to email service of the present discovery requests being done after office hours on a Friday night so that it was not effectively received until the following Monday morning). However, without waiving these objections, WRTL has performed a good-faith search for responsive documents from WRTL personnel actually involved in, and known to be knowledgeable about, the 2004 grassroots lobbying advertisement project at issue and provides responsive

documents, such as contracts, scripts, a project outline, and correspondence. *See* Folder #2. WRTL objects specifically to producing two emails discussing disclaimer requirements on the ground that they contain legal advice and are privileged under attorney-client and attorney work-product privileges: (1) July 13, 2004 email from James Bopp, Jr. to Jason Vanderground; (2) July 14, 2004 email from Barbara Lyons to Jason Vanderground.

3. All documents that summarize WRTL's (including WRTL PAC's) receipts or disbursements from January 1, 2002 through the present.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for "all documents," especially given the overbroad and vague definition of WRTL, so that it could sweep in a copy of a financial report in the possession of some supporter. WRTL objects to providing any electronic database information, which would contain donor information, which is proprietary, confidential, and constitutionally protected from disclosure. Moreover, it would be unduly burdensome to seek out all possible financial reports when the actual information can be readily provided in more readily available format. WRTL objects to producing financial records as to WRTL PAC because the FEC already has the PAC reports, which are equally available to it as to WRTL. WRTL objects to the production of documents for years other than 2004 as beyond the authority of the Court's April 17, 2004 Scheduling Order. However, without waiving these objections, WRTL provides responsive documents in the form of a copy of WRTL's 2004 Form 990, but not including Schedule B (which would contain donor information, which WRTL objects to providing on proprietary and First Amendment grounds), and a PAC financial statement for July 31, 2004. *See* Folder #3. *See also* Folder # 9 (2004 PAC Budget).

4. Copies of all documents from January 1, 2002 through the present

communicating WRTL's (including WRTL PAC's) support of or opposition to United States Senator Russ Feingold or one of his opponents, regardless of whether those communications expressly advocate the election or defeat of a candidate.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for "all documents," especially given the overbroad and vague definition of WRTL and in light of the vague phrase "support of or opposition to" without the express advocacy limitation which vagueness makes it impossible for WRTL to know what documents might be responsive. WRTL objects that this request is beyond the permitted scope of discovery in that the April 17, 2006 Scheduling Order expressly forbade discovery concerning "any historical . . . advocacy by plaintiff." *Id.* at 2.

5. All documents that support WRTL's contention that it is not a qualified nonprofit corporation, and was not so qualified in 2004, within the meaning of 11 C.F.R. 114.10.

WRTL objects to this request as unduly burdensome because of the use of "all documents" coupled with the lack of temporal limitation (other than "is" and a reference to 2004). WRTL objects to providing copies of the contracts for rental of its mailing lists because it would be unduly burdensome to collect them for an open-ended period of time, because they are proprietary, and because they are protected by the First Amendment. WRTL objects to providing the names of entities renting its mailing lists as proprietary and protected by the First Amendment. WRTL objects that inquiry into other years than 2004 and 2006 is beyond the scope permitted by the Court's April 17, 2006 Scheduling Order and irrelevant. However, without waiving these objections, WRTL provides its articles of incorporation and by-laws, *see* Folder #1, and responsive documents concerning corporate donations and business activities income for 2004 and 2006. *See* Folder #5.

6. All documents related to or discussing WRTL's new membership campaigns or any other activities or programs designed to increase the number of WRTL members from January 1, 2002 to the present. Responsive materials should include, but are not limited to, membership drive planning documents, actual member solicitation materials, internal memorandum, and notes or other correspondence concerning new member efforts during the relevant time period.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for "all documents," especially given the overbroad and vague definition of WRTL, coupled with the vague definition of "related" as merely referring to and with the vague phrase "or any other activities or programs designed to increase the number of WRTL members since WRTL intends and hopes that all of its activities will attract new members to further the mission of WRTL, and intends and hopes that all of its supporters are attempting to increase membership. WRTL objects to the production of documents for years than 2004 as beyond the authority of the Court's April 17, 2004 Scheduling Order. However, without waiving these objections, WRTL provides responsive annual membership solicitation letters and response devices. *See* Folder #6. WRTL specifically objects to producing its solicitation policy document, which shows the inner workings and plans of the organization, and which is proprietary and constitutionally protected under the First Amendment. The document was a projected planning document for fundraising appeals, subject to changes as the year went along so that it did not represent what actually happened during the year, and the only responsive portion would be the page for January 2004, which shows that fund raising mailings were planned for January when membership solicitations are made.

7. All documents related to or discussing WRTL's efforts to raise funds for grass roots lobbying communications or activities from January 1, 2002 to the present.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for “all documents.” especially given the overbroad and vague definition of WRTL. WRTL objects to the production of documents that might otherwise be responsive to this request but for the fact that they involve state, not federal, activity, as being overbroad, unduly burdensome, and irrelevant. WRTL objects to production of documents for other than the year 2004 as being beyond the permissible scope of the April 17, 2006 Scheduling Order, which expressly forbade discovery concerning “any historical or planned future advocacy by plaintiff.” *Id.* at 2. However, without waiving these objections, WRTL provides responsive documents. *See* Folder #7.

8. All documents related to or discussing WRTL’s efforts to raise funds for electioneering communications or independent expenditures from 2002 to the present.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for “all documents.” especially given the overbroad and vague definition of WRTL. WRTL objects to the production of documents that might otherwise be responsive to this request but for the fact that they involve state, not federal, activity, as being overbroad, unduly burdensome, irrelevant, and beyond the permissible scope of the April 17, 2006 Scheduling Order, which expressly forbade discovery concerning “any historical or planned future advocacy by plaintiff.” *Id.* at 2. WRTL likewise objects to production of documents for other than the year 2004 as being beyond the permissible scope of Order. WRTL produced documents related to funds for grassroots lobbying, *see* Folder #7, some of which might have, but never did, become electioneering communications, so there are no other responsive documents as to electioneering communications. WRTL objects to the request for funds

raised for independent expenditures, which would have been funds raised in the federal PAC, because they are beyond the permissible scope of the April 17, 2006 Scheduling Order which forbade discovery into other advocacy and because they are irrelevant. Specifically, WRTL objects to producing a 2004 WRTL PAC fundraising letter for the reasons stated.

9. All documents related to or discussing WRTL's plans to raise and expend approximately \$71,000 as stated in paragraph 10 of the affidavit of Barbara Lyons executed on August 9, 2004, in this case.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for "all documents," especially given the overbroad and vague definition of WRTL, the definition of "related to" as referring to, and the use of the phrase "or discussing" (which terms would sweep in documents in the present case, including this one). However, without waiving these objections, WRTL provides a responsive document. *See Folder #9.*

10. All documents related to or discussing WRTL's plans to raise and expend an estimated \$100,000 as stated in paragraph 10 of the affidavit of Barbara Lyons executed on August 9, 2004, in this case.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for "all documents," especially given the overbroad and vague definition of WRTL, the definition of "related to" as referring to, and the use of the phrase "or discussing" (which terms might sweep in irrelevant documents). However, without waiving these objections, WRTL responds that paragraph 10 states no such plans and there are consequently no responsive documents, but on the assumption that Defendants intended to say "paragraph 12." WRTL states that there are no responsive documents.

11. All documents related to or discussing the assertions in paragraph 13 of the August 9, 2004 affidavit of Barbara L. Lyons that "[b]ased on past PAC fundraising experience, it would take approximately six months to raise an estimated \$100,000" and that WRTL's "donors cannot be repeatedly asked

for donations without jeopardizing the raising of ongoing operating funds for WRTL itself.”

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for “all documents,” especially given the overbroad and vague definition of WRTL, the definition of “related to” as referring to, and the use of the phrase “or discussing” (which terms would sweep in documents in the present case, including this one) . However, without waiving these objections, WRTL states that there are no responsive documents.

12. All documents related to or discussing the factual basis for the assertion in paragraph 16 of the August 9, 2004 affidavit of Barbara L. Lyons that “The cost for television air time for running an ad one time averages approximately \$1,000, not including planning and production costs, which are substantially more than that.”

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for “all documents,” especially given the overbroad and vague definition of WRTL, the definition of “related to” as referring to, and the use of the phrase “or discussing” (which terms would sweep in documents in the present case, including this one) . However, without waiving these objections, WRTL states that there are no responsive documents.

13. All documents, including but not limited to WRTL’s analyses, studies or consultant reports, related to or discussing WRTL’s contention that public communications via media other than broadcast communications would not be as effective in disseminating WRTL’s grass-roots lobbying communications messages.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for “all documents,” especially given the overbroad and vague definition of WRTL, the definition of “related to” as referring to, and the use of the phrase “or discussing” (which terms would sweep in documents in the present case, including this one) . However, without waiving these objections, WRTL provides responsive documents. *See* Folder #13.

14. All documents, including but not limited to WRTL's analyses, studies or consultant reports, related to or discussing WRTL's contention that the option of "avoiding any specific reference to federal candidates," *McConnell v. FEC*, 540 U.S. 93, 206 (2003), would not be as effective in disseminating WRTL's grass-roots lobbying messages as the text of WRTL's three planned advertisements.

WRTL objects to the overbroad and unduly burdensome formulation of this request as one for "all documents," especially given the overbroad and vague definition of WRTL, the definition of "related to" as referring to, and the use of the phrase "or discussing" (which terms would sweep in documents in the present case, including this one). However, without waiving these objections, WRTL states that the opinion of Judge Leon and the cited record evidence therein are responsive, but Defendants have equal access to that material so it is not provided here. *See McConnell v. FEC*, 251 F. Supp.2d 176 (D.D.C. 2003).

Respectfully submitted,



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Local Counsel for Plaintiff

United States District Court
District of Columbia

<p>Wisconsin Right to Life, Inc. <i>Plaintiff,</i></p> <p>v.</p> <p>Federal Election Commission, <i>Defendant,</i></p> <p><i>and</i></p> <p>Sen. John McCain et al., <i>Intervenors-Defendants.</i></p>	<p>Civil Action No. 04-1260 (DBS, RWR, RJL)</p> <p>THREE-JUDGE COURT</p>
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Certificate of Service

I hereby certify that on May 4, 2006, I served responses to Defendants' First Interrogatories and Defendants' First Request for Production of Documents to the counsel for Defendants by sending the responses to the FEC's address as instructed in the discovery requests, by FedEx, Priority Overnight, at the following address:

David Kolker
Harry J. Summers
Federal Election Commission
999 E Street, NW
Washington, DC 20463
202/694-1650

Roger M. Witten
WILMER CUTLER ET AL.
[c/o FEC at address at left]



Richard E. Coleson

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WISCONSIN RIGHT TO LIFE, INC.,)	
)	
Plaintiff,)	No. 1:04cv01260 (DBS, RWR, RJL)
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v.)	
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SEN. JOHN MCCAIN, <u>et. al.</u> ,)	
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Intervenor-Defendants.)	

**DEFENDANT FEDERAL ELECTION COMMISSION'S EXHIBIT 69
SUBMITTED IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGEMENT**

Key Legal Dates & Scenarios

HM-01-S-095

Date
July 28

Legal Action
File initial case in U.S. District Court

Implications for Paid Communication
Need first produced radio spot, script for second radio spot, and scripts/storyboards for two TV spots.

Aug 9/10

Likely hearing in U.S. District Court

Need most recent set of anti-filibuster communications (two produced radio spots, one produced TV spot, and one script/storyboard for second TV spot.)

Aug 13

Likely decision from U.S. District Court
Scenario A: Favorable Ruling
o Continue airing anti-filibuster communications and;
o Request permission from U.S. District Court to air campaign finance reform spots that call on Senator Feingold to remedy the situation.

redacted

Aug 16/17

File with U.S. Court of Appeals (if necessary)

attached

Aug 23

Likely decision from U.S. Court of Appeals

redacted

redacted