

FEDERAL ELECTION COMMISSION

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COMMISSION

2011 NOV 17 PM 4:47

IN THE MATTER OF:

CELA

FRIENDS OF CHRISTINE O'DONNELL

MUR No. 6380

CHRISTINE O'DONNELL

**AFFIDAVIT OF JONATHON MOSELEY, ESQ. CONCERNING
UNSOLICITED PHONE CALL FROM DAVID CHARLES KEEGAN, JR.**

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. David Charles Keegan, Jr., admitted to me in an unsolicited phone call to me dialed by him on March 11, 2011, that he has **NO** first-hand, direct, or personal knowledge or information that any of the accusations that he and Citizens Responsibility and Ethics in Washington ("C.R.E.W.") brought against Christine O'Donnell are actually true.

2. In his unsolicited phone call to me, David Keegan told me that when he was interviewed by the FBI he **DENIED** having any personal, direct, or first-hand knowledge of the accusations in his affidavit, but stated only that he had "learned" these things from other people.

3. The complaint by Citizens for Responsibility and Ethics in Washington ("C.R.E.W.") against Christine O'Donnell is based for its factual grounds upon an undated, un-notarized affidavit by David Charles Keegan, Jr., of Hockessin, Delaware.

4. No other factual basis was offered to support the complaint against O'Donnell, except a newspaper article, which David Keegan also admits was based on Keegan's own claims.

5. I am competent to make this affidavit as an adult over the age of 18 years old. *(Note: I write this affidavit as an abbreviated, public version of my longer, sworn affidavit already submitted on March 16, 2011, affidavit, which contains other topics more confidential.)*

6. I am a licensed attorney in good standing with the State Bar of Virginia.

7. I was the initial Treasurer for Friends of Christine O'Donnell for Christine O'Donnell's 2008 campaign for United States Senator, as well as her campaign manager for her primary (convention contest) in which she won the Republican nomination for U.S. Senate in 2008, after being friends with Christine O'Donnell since February 1, 2003.

8. David Keegan admitted to me in his unsolicited phone call to my cell phone that his accusations were "hearsay" and emphasized that his affidavit only says that he "learned" of these things. Keegan denied claiming that his accusations were true, only that he learned of them.

9. In a March 11, 2011, telephone call to me, Keegan portrayed his affidavit – which forms the core of accusations against O'Donnell – as simply raising questions that he hoped someone would look into. His affidavit obviously embodies only his questions – *not any facts*.

10. Keegan did not explain whether he approached the FBI or the other way around. The fact that Keegan talked to the FBI might not indicate any interest by the FBI, but could possibly mean that Keegan approached their offices agitating for an investigation and was received.

11. David Keegan told me in his unsolicited phone call to me that Citizens for Responsibility and Ethics in Washington (C.R.E.W.) wrote the affidavit for him, but the affidavit used by C.R.E.W. was not supposed to be the final version, and Keegan was promised – but denied – the opportunity to edit the affidavit further. Specifically, although Keegan signed it without a notary, Keegan says that he was promised the opportunity to review the entire package and reconsider his affidavit in the context of the overall complaint, and make changes. C.R.E.W. broke that promise, he stated, and the affidavit C.R.E.W. uses was not supposed to be the final version. Keegan volunteered to me that the affidavit being used does not say what he wanted to say and does not accurately reflect his own beliefs, but was (in my words to reflect his meaning) a working draft not for final publication.

12. Keegan claimed to me that his affidavit is meaningless and legally defective, including because “there is no” (*sic*) original signature, C.R.E.W. got his name wrong (he said), and he was promised the opportunity to review and finalize the affidavit. Keegan told me that he does not regard the affidavit used by C.R.E.W. in its complaint as valid, accurate, or meaningful. He described the affidavit used by C.R.E.W. as a draft, not final, and inaccurate.

13. Keegan told me that he never authorized C.R.E.W. to use his affidavit in a criminal complaint to the U.S. Attorney and that he was never told it would be used in that way.

14. When I challenged him on his attempts to sound like a passive, helpless victim – as the witness launching a nationwide scandal and investigation of Christine O'Donnell which probably cost Republicans the U.S. Senate seat from Delaware -- Keegan explicitly answered yes to my question whether C.R.E.W. used his affidavit without his authorization.

15. Keegan's admission that his accusations are only hearsay – what he *imagines* that people said – suggests Keegan probably misunderstood what other people were saying or doing.

16. For example, Keegan mentioned his concerns about Christine O'Donnell eating out in 2008 at specific restaurants – yet the campaign never actually paid for those expenses as shown on O'Donnell's 2008 Federal Election Commission campaign finance reports. He explicitly named to me shopping in 2008 by O'Donnell at specific stores which also do not show up on the 2008 campaign finance reports as expenses. So, apparently, Keegan misunderstood what other people said, and simply assumed that events had been expensed to the campaign. It seems that in the field, Keegan saw people eating or doing errands and just assumed that the expenses might be charged to the campaign – even though a professional CPA was the Treasurer in 2008.

17. David Keegan admitted to me that he started with the O'Donnell campaign in early to mid-June 2008 and left the campaign in mid-August 2008.

18. Keegan admitted to me that he knows Timothy Koch, a professional accountant, was the Treasurer for the 2008 campaign after I resigned, but tries to make it sound like Koch's natural resignation at the conclusion of the 2008 election cycle indicates something wrong.

19. After hearing his unsolicited explanations for around 30 minutes, I conclude that David Keegan does not actually understand what an affidavit is or means, but sees (and originally saw) his affidavit as merely an informal document suggesting some questions that someone might want to look into, not as evidence of any real facts. Despite his statement that his father was a partner at the law firm of Winston & Strawn, Keegan's discussion of his affidavit was dramatically inconsistent with any real understanding of what an affidavit is.

20. David Keegan's statement to me that he talked to the FBI now suggests that the nationwide firestorm of publicity on December 29, 2010, was created by David Keegan. The Associated Press on December 29, 2010, reported that an anonymous person claimed to have been interviewed in the investigation. According to news reports, everyone else associated with the case (including me) reported they had not been talked to. According to news reports, government agencies refused to comment.

21. So it would appear that David Keegan was the one who told the Associated Press that he had supposedly been interviewed (for which we have only his own word).

22. Over the holiday period, when Christine O'Donnell was home trying to rest from the campaign with family, David Keegan apparently sparked a nationwide news story of a supposed criminal investigation of his nephew's former girlfriend, exposing the entire nation to negative news coverage about Christine.

23. Two or three times, Keegan hinted that perhaps I could write some statement for him to issue to withdraw or modify his affidavit to retract his affidavit, at least partially, but I had to clarify that it would be a conflict of interest for me to do that. Keegan seemed to be searching for a way to partially retract his affidavit provided to C.R.E.W. and try to end the matter and make the entire issue disappear, although he seemed to be unable to take responsibility for his role in launching the entire firestorm. (At no point did Keegan ever suggest he was represented by an attorney, and seemed to be trying to think through how he might undo what he had done.)

24. I believe I was able to prompt these admissions from David Keegan because he now seems to regret starting this fire storm of publicity, and – having already harmed O'Donnell in the 2010 election – now wishes that the whole issue would simply go away. He was motivated to admit that he really does not know anything because he apparently regrets what his actions set in motion. For example, he told me that he never wanted there to be a criminal investigation of O'Donnell. **David Keegan was seeking to avoid scrutiny, deflect attention from himself and persuade me not to publicize his involvement in this controversy.** David Keegan incorrectly believed that I wrote an article in the FREEDOMIST about him. So I obtained these startling admissions by confronting Keegan with the enormity of what he had caused, including telling

him my own childhood story of accidentally setting 30 acres of farmland on fire by failing to carefully monitor a trash fire. I compared the consequences of my unintentional mistake with what David Keegan had done now. In response to those appeals, Keegan admitted that he was only asking questions, not stating facts. But I have learned that the very next day, Keegan repeated all of the same falsehoods against O'Donnell in a media interview.

25. However, his regret was not any sympathy for O'Donnell but only a wish to avoid any ramifications to himself or feelings of personal guilt. Keegan's telephone call to me seemed calculated to do the maximum damage to Christine O'Donnell's reputation with Keegan taking the minimum responsibility possible. Keegan attempted with me, as he has done in the news media for the last year, to engage in what I would call "hit and run" smear tactics -- to create the impression of her guilt while taking no personal responsibility for his own attacks on O'Donnell. Therefore, Keegan tried to disparage O'Donnell, while distancing himself from any moral responsibility for throwing accusations at her. This, in my opinion, is why Keegan admitted that he actually doesn't know anything about the matter. In my opinion, Keegan wanted to disparage O'Donnell, but appear invisible doing it.

26. For example, Keegan immediately tried to drive a wedge between myself and O'Donnell by claiming that O'Donnell made disparaging remarks about me in 2008.

27. In his affidavit used by C.R.E.W. to request prosecution, Keegan swore under oath to have been **the Finance Consultant** for Christine O'Donnell's 2008 U.S. Senate campaign, and swore that **"In that capacity, I became familiar with the campaign's spending."**

28. Keegan *implies* that being a Finance Consultant afforded him personal knowledge of the finances of Christine O'Donnell and of the Friends of Christine O'Donnell campaign.

29. Keegan did not retract his claim that he knew about those finances, but more or less admitted that he was not really a Finance Consultant at all.

30. In my capacity as the initial Treasurer of that very same 2008 campaign, I know that Christine O'Donnell's 2008 U.S. Senate campaign had no use for a Finance Consultant and no reason to have one. During 2008, that campaign never had enough money on hand in the bank to need a Finance Consultant for any advice or actions to manage the campaign's money.

31. Indeed, some of my own expenditures advanced from my own funds for campaign expenses were not reimbursed to me until 2010 for want of extra funds. So, I know that the 2008 campaign did not have enough funds on hand to justify or need a Finance Consultant.

32. Furthermore, in my capacity as the Initial Treasurer of that very same 2008 campaign, I also know that I was succeeded as Treasurer by Timothy Koch of the professional campaign finance compliance expert firm Koch & Hoos, LLP, which is confirmed by his filings with the Federal Election Commission for that campaign.

33. Christine O'Donnell's campaign had no use for a Finance Consultant because it already had a professional campaign finance specialist Timothy Koch, CPA, as Treasurer.

34. In David Keegan's March 11, 20011, phone call to me lasting 20 – 30 minutes, never once did Keegan take the opportunity to identify any education, training, or work experience in any field remotely related to being a Finance Consultant.

35. Keegan repeatedly and studiously avoided all questions about whether he is or was a Finance Consultant, or whether he was qualified to be a Finance Consultant, by simply saying that is what the campaign called him. He does not take responsibility for calling himself a Finance Consultant. He simply hides behind the claim "that's what the campaign called me."

36. Keegan's only basis for claiming to know about O'Donnell's campaign finances were specifically tied to particular projects he claims to have been working with. His explanation is dramatically in conflict with his claim to be a Finance Consultant.

37. Keegan claimed that during the course of ordering campaign signs or T-shirts that involved the spending of money, he would check whether money was available to cover the expense. That is typical of any campaign worker, very narrowly limited to their own particular project, and totally inconsistent with his claim to be a Finance Consultant knowledgeable about the campaign's finance as a whole, and certainly not Christine O'Donnell's personal finances.

38. Talking to me, Keegan repeatedly attempted to sound as if he were just a bystander, who simply wanted the whole thing to go away, rather than the chief instigator of attacks on O'Donnell as far back as last 2008. Keegan has openly admitted on Facebook that he turned against O'Donnell based on her political beliefs in his last campaign meeting in 2008.

39. In conflict with Keegan's persistent attempts to sound like an innocent bystander and almost a victim, I found on Facebook (since deleted) that Keegan proudly portrayed his own role in the attacks on O'Donnell on Facebook with his post:

David Keegan Exhibit A on the complaint. That's my affidavit.

October 13, 2010 at 10:47pm

40. In conflict with Keegan's persistent attempts to sound like an innocent bystander and almost a victim, I saw the following posts by David Keegan on Facebook, which disappeared as soon as I drew them to David Keegan's attention, confirming David Keegan's authorship and control over the posts on Facebook:

David Keegan She is only the third generation in her family to walk upright. See, apes are still evolving. Also explains that "hairy" thing.

November 3, 2010 at 3:31pm

David Keegan Just a dumb b*tch with a grudge.

October 23, 2010 at 8:41am

David Keegan Who created this group? Post a more appropriate picture of the witch.

November 3, 2010 at 3:35pm

David Keegan Ding Dong the Witch is DEAD! The Wicked Witch is DEAD!!!!!!

November 2, 2010 at 8:19pm

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

~~JONATHON A. MOSELEY, ESQ.~~

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COMMONWEALTH OF VIRGINIA

SS.:

COUNTY OF FAIRFAX

Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day **Jonathon A. Moseley** whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 4th day of June, 2011.

Notary Public

My Commission Expires: 11-30-2014



FEDERAL ELECTION COMMISSION

 IN THE MATTER OF:

FRIENDS OF CHRISTINE O'DONNELL

CHRISTINE O'DONNELL

MUR No. 6380

**AFFIDAVIT OF JONATHON MOSELEY, ESQ. REVIEWING
MEDIA INTERVIEW WITH DAVID CHARLES KEEGAN, JR.**

I, the undersigned, do solemnly swear under oath and make this affidavit testifying that:

1. I am competent to make this affidavit as an adult over the age of 18 years old.
2. I am a licensed attorney in good standing with the State Bar of Virginia.
3. I was the initial Treasurer for Friends of Christine O'Donnell for Christine O'Donnell's 2008 campaign for United States Senator, as well as her campaign manager for her primary (convention contest) in which she won the Republican nomination for U.S. Senate in 2008, after being friends with Christine O'Donnell since February 1, 2003.
4. An FEC and criminal complaint was filed by Citizens for Responsibility and Ethics in Washington, based for its factual basis upon an affidavit by David Charles Keegan, Jr., of Hockessin, Delaware.
5. David Keegan has given a great many lengthy interviews with journalists, talking freely for more than a year since late 2009 or early 2010, but those journalists have reported only narrow slices of those interviews which fit their agenda and desired narrative.
6. Journalists have not reported those aspects of David Keegan's extensive statements that prove that his accusations are false and/or unreliable.
7. On information and belief, David Keegan has widely admitted to many journalists facts demonstrating that his accusations against Christine O'Donnell and Friends of Christine O'Donnell are false, and the raw, unedited tapes of news interviews with Keegan would corroborate that.
8. However, liberal or sensationalist news reporters have ignored those portions of Keegan's interviews which contradict or undermine the sensationalist stories about Christine O'Donnell. Keegan's prior statements undermining accusations against O'Donnell have been overlooked and negative statements exaggerated and taken out of context.

9. As one example of those many, many interviews David Keegan has given to journalists, I obtained access to one of those news interviews, which is on the attached computer disk (CD).

10. While I was asked to comment and assist in facilitating additional interviews and information, I was allowed to review a tape recorded interview between Trans Terra Media and David Charles Keegan, Jr., of Hockessin, Delaware.

11. The taped copy I have is not a final production copy, and the questions and answers are on different tracks. Therefore, I have only David Keegan's answers, on the tape attached.

12. While reviewing this interview, I discovered within the taped interview attached that:

13. At time stamp 5:39, David Keegan admits that his nephew Brent Vasher was receiving reimbursement of expenses in the March and April 2009 checks from the campaign, which Keegan bases his accusations against Christine O'Donnell upon:

"He was getting reimbursed for his expenses."

14. At time stamp 10:39, of his accusations, David Keegan admits

"Again, you know, it's all hearsay. And in my affidavit, it just says I LEARNED of this. It doesn't say I WITNESSED. So...."

15. At time stamp 36:27, David Keegan admitted (in his own voice): Concerning the two \$750 payments to Brent Vasher in March and April 2009:

"As far as things like that rent, I don't know, you know, I don't know the whole truth behind that. It could be something completely different than, than what I think." (emphasis added.)

16. At time stamp 52:15, concerning the two \$750 March and April 2009 payments to Brent Vasher: *(after mentioning that Christine was acting as her own Treasurer...)* David Keegan admitted (in his own voice):

"And that was during that time when she made the, uh, you know, the in lieu of rent... I just call them rent payments. I don't know what they actually were, if they were actual reimbursements or not. Because I am sure that Brent, Brent Vasher has thousands and thousands of dollars that he, probably, you know, when they were boyfriend, girlfriend or whatever that he paid for. But I can't verify that, either."

(emphasis added)

17. At time stamp 9:23: David Keegan's core accusation is admitted to be pure SPECULATION:

"For March and April there were two payments from the campaign. So apparently Christine must have written Brent two checks and then called it a campaign expense."

In other words Keegan is GUESSING: "apparently" and "must have"

He does not actually know anything. He is guessing.

18. At time stamp 10:07: David Keegan:

" I don't know that's not for me to decide, that's for the courts to decide." And "I don't know if it was a check cash or what. She accounted for, for it as... you know, which came out later in her reports, came out later, that she said it was, it was reimbursement expenses. "

In other words, David Keegan is purely guessing.

19. At time stamp 45:35 (in his own voice) about CREW:

"All I did was, you know, the only thing that is there is my affidavit and I am mad at CREW because I was supposed to be able to edit that affidavit and see what they were writing, and it was only supposed to go the Federal Election Commission. They attached that affidavit to a complaint with the Attorney General without my permission. So, push comes to.... Plus there is no original, signed document. Normally, something like that, a legal document... They even have my name wrong. *TO ME, MY AFFIDAVIT ON THERE IS WORTHLESS.*" (emphasis added.)

20. At time stamp 26:26, David Keegan states:

"That is what the whole purpose of this investigation is, to see if she did this illegally."

Keegan does not actually have evidence of illegal conduct, but only suspicions, no facts.

21. Keegan runs away from having any qualifications as a financial consultant. At time 2:17, David Keegan states

"I never touted myself as a Financial Consultant."

22. David Keegan loaned the campaign \$2,300 – showing his strong confidence in the financial integrity and stability of Christine O'Donnell's 2008 campaign. The loan was repaid within a couple of weeks. Keegan admits that there was no problem at all with this loan.

23. Yet now, when a political motive arises within the Delaware Republican Party, suddenly David Keegan claims that the finances were improper. Why did David Keegan loan the 2008 campaign \$2,300 if he had doubts *then* about the campaign's finances – rather than inventing these charges later for political purposes?

24. 2008 Treasurer Timothy Koch reported only **\$456 as cash on hand** at the end of December 2008 -- yet Keegan fantasizes that Christine O'Donnell was living in 2009 off of left-over campaign funds raised during 2008. His complaints do not correspond to the facts. Cash on hand for the campaign at the end of 2008 was only \$456, yet Keegan claims there were "thousands" of dollars left over from 2008.

25. Keegan assumes and claims that Christine O'Donnell was not a candidate during 2009, and bases most of his accusations on mistakenly thinking she was not a candidate.

26. Of course, Christine O'Donnell posted on her campaign website in December 2008 her intent to run for the 2010 election, told me in January or February 2009 that she was a candidate for the 2010 election, and told donors that she would be running for the 2010 election. Christine O'Donnell filed her "Statement of Candidacy" on March 20, 2009, which is not required until 15 days after a threshold of \$5,000 is reached in an election cycle.

27. Thus, Keegan makes accusations again based on his lack of knowledge of the facts, simply assuming that O'Donnell was not a candidate during 2009.

28. Keegan repeatedly discusses supposed examples of personal expenses of Christine O'Donnell – but those were never actually expensed to the campaign and do not show up on the FEC campaign reports.

29. Keegan complains about Christine O'Donnell repeatedly eating out at restaurants – clearly meaning many meals that would be small expenses. But there are NO such meals at restaurants – NONE – expensed on the campaign's FEC reports during all of 2008 – the time when David Keegan claims he was involved with the campaign and witnessed campaign money being used to pay for meals.

30. In contrast to Mike Castle in 2010 and Joe Biden in 2008, Christine O'Donnell expensed **NO** food or meals in her entire 2008 campaign – except twice.

31. One of two food expenses during the entire 2008 campaign is one ***submitted – by David Keegan himself!*** Disbursed on May 23, 2008! (Keegan organized a fund-raising event at his house, which involved meals for the donors who paid to attend.)

32. The only restaurant expense in the entire 2008 campaign was a \$313.61 event at Mrs. Robino's in Wilmington, Delaware disbursed on October 20, 2008 – clearly not Christine O'Donnell eating out for lunch instead of packing a sandwich. This event for \$313.61 was not Ms. O'Donnell personally eating her own meals.

33. David Keegan was only involved for a few months in 2008.

34. I personally know of many meals that could have been expensed legitimately to the 2008 campaign, including many of my own, **but none were actually charged to the campaign.** (Because I was away from home to work on the campaign, I could have expensed all of my meals. I expensed none. We had many campaign meetings at restaurants, or over pizza. We expensed none of those meals to the campaign. I personally met with Vance Phillips, the former Vice Chair of the Delaware Republican Party with Christine O'Donnell, but did not expense our lunch in downstate Delaware.)

35. Keegan complains about Christine O'Donnell purchasing personal items like shampoo at Wal-Mart. There are NO campaign expenses to Wal-Mart appearing in the 2008 campaign anywhere. (Ironically, I personally bought items at Wal-Mart in Maryland for the May 3-4, 2008, State convention such as poster board and magic markers, but I was alone at the time and there were no personal items purchased at Wal-Mart. However, I do not see any purchases at Wal-Mart, including my own purchases, actually expensed to the campaign.)

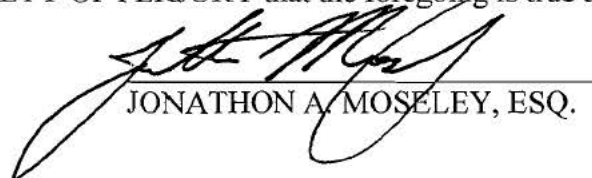
36. Thus, it appears that David Keegan's accusations have no relationship to reality or fact. He is certainly not a reliable witness. Over and over, the statements David Keegan makes do not match the facts.

37. Around time stamp 9:00, David Keegan claims that he created the campaign committee, Friends of Christine O'Donnell, when the records of the Federal Election Commission clearly show that I did, as the founding, initial Treasurer in April 2008.

38. In listening to David Keegan's comments –

**IT IS IMPORTANT TO REMEMBER THAT
IT WAS DAVID KEEGAN'S JOB TO RAISE FUNDS
FOR THE CAMPAIGN – YET HE CONSTANTLY
COMPLAINS ABOUT THERE NOT BEING ENOUGH
MONEY. IT WAS HIS JOB TO DO FUND-RAISING
SO DAVID KEEGAN FAILED AT HIS JOB TO FUND-RAISE
AND THEN BLAMES EVERYONE ELSE FOR HIS OWN FAILURE.
His interviews blame Christine O'Donnell for not having money in
the campaign – when it was David Keegan's job to raise that money.**

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.


JONATHON A. MOSELEY, ESQ.

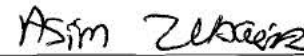
COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX


SS.:
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Before me, the undersigned Notary Public, in and for the above-mentioned jurisdiction, appeared this day **Jonathon A. Moseley** whose name is signed to the foregoing document, and acknowledged her signature thereto.

Subscribed and sworn to before me this 18th day of March, 2011.



Notary Public

My Commission Expires:

6/30/2013

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

FRIENDS OF CHRISTINE O'DONNELL, :
a Federal Political Campaign Committee and:
a Delaware Nonprofit Association; :
CHRISTINEPAC, a Federal Political :
Action Committee and a Delaware Nonprofit:
Association, and CHRISTINE O'DONNELL:

Plaintiffs, :

v. :

C.A. No. :

JONATHON A. MOSELEY, :

Defendant. :

COMPLAINT

The Plaintiff brings this action for Declaratory Judgment, as follows:

THE PARTIES

1. Plaintiff Friends of Christine O'Donnell ("Friends") is a Federal Political Candidate Committee organized and established pursuant to the provisions of 2 U.S.C. § 431 *et seq.*, and also constitutes a Delaware Nonprofit Association pursuant to 6 *Del. C.* § 1901 *et seq.*

2. Plaintiff ChristinePAC (the "PAC"), is a Federal Political Candidate Committee organized and established pursuant to the provisions of 2 U.S.C. § 431 *et seq.*, and also constitutes a Delaware Nonprofit Association pursuant to 6 *Del. C.* § 1901 *et seq.*

3. Plaintiff Christine O'Donnell ("O'Donnell") is a Delaware resident who is the candidate of Friends and a member of the PAC.

4. Defendant Jonathon A. Moseley ("Moseley") is, upon information and belief, a resident of the Commonwealth of Virginia, residing and with offices located at 1818 Library

Street, Suite 500, Reston, Virginia 20190. Moseley is a lawyer licensed to practice in the Commonwealth of Virginia.

JURISDICTION

5. This Court has jurisdiction over this action pursuant to Article IV, § 7B of the Delaware Constitution, 10 *Del. C.* § 1324, and 10 *Del. C.* Ch. 65.

THE FACTS

6. In or about late 2010 or early 2011, Friends retained Moseley to provide certain legal and related services. No written retainer agreement was requested or obtained by Moseley, and all relations between the parties were pursuant to verbal agreement.

7. Friends agreed to pay Moseley the amount of \$5,000 per month for his legal and related services. The original understanding between the parties was that Moseley would perform services for a 3-month time period, and no express agreement was entered into between the parties for any services beyond that timeframe.

8. Friends compensated Moseley in the total amount of \$17,500 for services and costs. This fully compensated Moseley for all work performed under the agreement between the parties.

9. Moseley has in recent months threatened to bring suit against Friends for alleged claims regarding additional amounts purportedly due to him for additional work beyond that ever agreed to by Friends. Moseley has also asserted that Friends is indebted to him in the amount of \$3,250 for work that he performed in 2008, which was allegedly agreed upon and then performed solely in the State of Delaware and concluded by no later than June of 2008 (the "2008 Bill").

10. Prior to performing the work at issue in the 2008 Bill for Friends, Moseley has alleged that he lived in Los Angeles, California, and that he moved to Delaware to perform the services.

11. Friends paid Moseley an accommodation amount regarding the 2008 Bill in the summer of 2010, with the express written condition that Moseley would negotiate the check provided as full and final payment for all amounts due at that time. Moseley received the check and the written conditions from Friends and negotiated the check.

12. Friends has informed Moseley that under Delaware law (10 *Del. C.* § 8106), the Delaware Statute of Limitations also bars his claim for the 2008 Bill. Moseley has declined and refused to continue his threats to bring suit against Friends for the \$3,250 amount despite the accommodation and Statute of Limitations bars to such a claim.

13. Moseley has also demanded that Friends, and/or PAC, and/or O'Donnell pay him additional amounts in recent months for alleged additional work performed beyond the scope and timeframe agreed to by Friends. Specifically, he has made numerous written demands for payment of two (2) additional monthly amounts of \$5,000 (\$10,000 total) for work through April, 2011, and verbally demanded payment for the first time on October 12, 2011 of three (3) additional monthly amounts of \$5,000 each (\$15,000 total) for work through May, 2011. Most recently, he threatened to sue all three (3) Plaintiffs via a written, signed, Verified Complaint dated about one month ago.

14. Plaintiffs have declined to pay Moseley on the grounds that the monies were not earned or agreed to be paid, and that no services were contemplated to be provided. Under Federal Election laws, Friends is not authorized to make payment solely based on unfounded threats of litigation by a former attorney. PAC and O'Donnell did not hire Moseley.

15. Moseley has also made general threats to sue Friends, and/or PAC, and/or O'Donnell in recent months for additional amounts purportedly due and owing of various amounts.

16. Plaintiffs believe that Moseley has been paid for all services ever rendered by Moseley, and that they are not legally obligated to pay any other amounts to him.

17. Given Moseley's threats to improperly sue the Plaintiffs in the Commonwealth of Virginia, which clearly lacks jurisdiction over some, if not all, of his purported claims, Plaintiffs are forced to file this action in order to obtain a declaration from this Court establishing that they have no liability to Moseley for any monetary amounts.

COUNT I - DECLARATORY JUDGMENT

18. The contents of paragraphs 1. through 17. are hereby restated as if fully set forth herein.

19. Pursuant to 10 *Del. C.* § 6501, the Courts of this State have the power to declare the rights, status, and other legal relations between parties. Under 10 *Del. C.* § 6502, the Courts of this State are authorized to determine the rights of parties under any contract.

20. This Court should declare that the Plaintiffs have no monetary obligations of any nature or sort to Moseley regarding his claims.

21. Moseley has been paid in full by Friends, and no further agreements were entered into by the parties for him to perform any additional services for which any additional compensation might be due.

22. Moseley's claim from June of 2008 in the amount of \$3,250 was resolved pursuant to an "Accommodation" via consensual settlement and compromise, and it is further barred based upon the Delaware 3-year general Statute of Limitations which ran in June of 2011.

23. The Court should enter a Declaratory Judgment establishing that the Plaintiffs have no indebtedness to Moseley.

WHEREFORE, the Plaintiffs respectfully request that this Court enter a Declaratory Judgment in their favor and against Defendant Jonathon A. Moseley, establishing that there are no further financial obligations for amounts owed based on services performed and actually contracted for between the parties, and that the Court grant such other and further relief as it deems just and proper.

ABBOTT LAW FIRM

A handwritten signature in cursive script, appearing to read "Richard L. Abbott", is written over a horizontal line.

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Dated: October 13, 2011

Christine O'Donnell's Chief Accuser Walks Back Allegations New Discoveries in Delaware U.S. Senate Race

BY LAURA REILLY¹

Surprising new details find that Christine O'Donnell's chief accuser is now 'walking back' from his accusations and revealing that his accusations are false. Last year, Christine O'Donnell stunned political observers with a Cinderella-like electoral upset in Delaware over Congressman Mike Castle to become the Republican nominee on September 14.

But the very next morning a group called C.R.E.W. started calling her a criminal. On September 20, Citizens for Responsibility and Ethics in Washington filed a complaint with the U.S. Attorney in Delaware, the U.S. Department of Justice, and the Federal Election Commission. Massive news coverage has portrayed O'Donnell as already guilty.

The factual basis for C.R.E.W.'s complaint is David Keegan's sworn legal affidavit. Keegan worked for Christine O'Donnell's campaign in 2008, but is now her chief accuser.

However, now it is being reported for the first time that David Keegan made a loan of \$2,300 to Christine O'Donnell's campaign in 2008, at the same time Keegan would later insist he saw financial irregularities. "So if David Keegan trusted Christine O'Donnell enough to loan her \$2,300, did he really doubt her financial integrity at the time?" comments Stephen Mahoney, an O'Donnell volunteer in 2010: "Or did Keegan invent accusations later to help Mike Castle in the election? Usually people don't loan \$2,300 to a campaign after seeing mis-spent funds."

I was able to interview David Keegan by telephone. Keegan admitted to me: "Tim Koch knew that he was paying me back the \$2,300, which he did, you know, that was done right away.

¹ The author, a free-lance reporter fully disclosed to this publication, writes under a pseudonym for protection of other professional pursuits. Contact her at LauraReilly1@live.com

There was no problem at all with that.” Keegan confirmed to me that he was only with the campaign from June 2008 through mid-August 2008. Keegan loaned O’Donnell the \$2,300 on July 25, 2008. (Tim Koch was then the Treasurer.)

[So was last year’s U.S. Senate election in Delaware manipulated by the type of irregularities that the United States often criticizes in other countries? The U.S. State Department often raises concerns about elections around the world. Criminal prosecutions used to sideline political challengers in Russia sparked protests from Washington.]

David Keegan accuses Christine O’Donnell of using campaign funds to pay her \$750 rent to his nephew, Brent Vasher, in 2009: “For March and April, there were two payments from the campaign. So apparently Christine must have written Brent two checks and then called it a campaign expense.” But that sounds as if Keegan might be simply guessing.

Keegan then admitted to me that he actually does not know any of this to be true: “As far as things like that rent, I don’t know, you know, I don’t know the whole truth behind that. It could be something completely different than, than what I think.” Keegan also told me about the two \$750 checks to his nephew Brent Vasher: “He was getting reimbursed for his expenses.”

Keegan added: “I just call them rent payments. I don’t know what they actually were, if they were actual reimbursements or not. Because I am sure that Brent Vasher has thousands and thousands of dollars that he, probably, you know, when they were boyfriend, girlfriend or whatever that he paid for. But I can’t verify that, either.” So it appears that the accusations against Christine O’Donnell amount to one man simply guessing.

Keegan then admitted to me that he is not speaking from personal knowledge: “Again, you know, it’s all hearsay. And in my affidavit, it just says I *learned* of this. It doesn’t say I *witnessed*. So...” Put into less polished words, David Keegan is circulating rumors. Keegan

also told me that his affidavit used in CREW's complaint is "worthless" because it was not notarized and he was promised an opportunity to change it before it being used by CREW.

Keegan was responding to Christine O'Donnell's criticism: "David Keegan was a volunteer in 2008. So how would he know anything about 2009?" (CNN, morning news show, December 30, 2010). Keegan conceded to me that he left in August 2008. His accusations focus on 2009 and 2010.

But Keegan accuses Christine O'Donnell of eating personal meals at restaurants with campaign money even in 2008. Keegan told me: "So any time Christine would go out to dinner and charge it to the campaign or go out to dinner I would get mad."

"But such expenses weren't ever charged to her 2008 campaign," counters 2010 Congressional candidate Robert Broadus in Maryland over the Delaware border. "As a Congressional candidate, I had to file campaign reports with the FEC. When I look over O'Donnell's official campaign finance reports, I don't see any expenses for dinners, lunches, or other meals in 2008. There is one large fund-raiser at Mrs. Rubino's for \$313 and a \$250 fund-raiser run by David Keegan himself. I don't see any purchases at Wal-Mart which Keegan complains about. I see other expenses as small as \$36.59, but none of the expenses Keegan claims. In fact, under the law, O'Donnell could have paid herself a salary from her campaign." So Keegan's accusations are contradicted by the hard evidence of the campaign's actual expenditures. [Broadus was a warm up speaker for Christine O'Donnell at a December 7 banquet of the Northern Virginia Tea Party.]

Meanwhile, Keegan told me that O'Donnell was living off of thousands of dollars of campaign funds left over from her 2008 campaign. However, campaign finance reports from her professional Treasurer Timothy Koch show that O'Donnell had only \$456 in cash at the end of her 2008 campaign. Almost nothing Keegan claims checks out as true.

Keegan's accusations have gotten wide attention because he claimed to be a "Finance Consultant," implying intimate knowledge of the campaign's finances. But Keegan admitted to me "I never touted myself as a finance consultant." He claimed it was the campaign that gave him that title although Keegan earned a college degree in Middle Eastern and North African Affairs from the University of Michigan in 1993 at the age of 38. Keegan told me that his background was in government, which he told me was classified, which did not involve finances.

Keegan strongly accuses Christine O'Donnell of using campaign funds for personal use and is fervent in his demand that Christine O'Donnell's campaign finances be investigated, including for subsequent years, 2009 and 2010. Moreover, he describes O'Donnell as financially irresponsible, unqualified, and unintelligent. Keegan is adamant in his belief that O'Donnell is guilty and in expressing his contempt for O'Donnell, both personally and professionally. When stating his conclusions, Keegan sounds persuasive and very impressive. How reporters are impressed after interviewing Keegan is easy to understand.

[Another major accusation is that O'Donnell was not running for office in 2009, and therefore O'Donnell's 2009 expenses were not proper. However, on February 20, 2009, Campaign Diaries reported that O'Donnell was testing the waters for a run for the 2010 Senate election. On February 13, 2009, Delaware radio station WDEL reported "Christine O'Donnell to run for U.S. Senate." On March 20, 2009, Christine O'Donnell filed her Statement of Candidacy publicly with the U.S. Federal Election Commission. The FEC confirmed that O'Donnell did not need to file her Statement of Candidacy immediately when becoming a candidate or when testing the waters.]

[Available exclusively for the first time, this reporter obtained a sworn legal affidavit that Jason O'Neill submitted for the FEC investigation. O'Neill was a campaign volunteer for Christine O'Donnell in both 2008 and 2010. He testified: "I know from personal knowledge

that Christine O'Donnell was pursuing election to the U.S. Senate in the 2010 election as early as December 2008, and that therefore expenses charged to her campaign in 2009 were all legitimate campaign expenses." During an interview, O'Neill explained to me that in December of 2008 O'Donnell posted an announcement that she was testing the waters for a run in 2010.]

[Yet C.R.E.W. publicly accuses O'Donnell of incurring expenses while not being a candidate during 2009. Armies of U.S. journalists failed to report O'Donnell's 2009 Statement of Candidacy that this reporter managed to uncover with relative ease. On examining the record, it would appear that local and national US news media did not really try to understand this story.]

[Meanwhile, I was shown David Keegan's pornographic posts on Facebook about Christine O'Donnell. Keegan claimed publicly that Christine O'Donnell is only the third generation in her family to walk upright. Keegan posted two sexually depraved comments about the Republican U.S. Senate nominee's anatomy, called her a witch, and made other mocking statements. Keegan's posts don't sound like the comments of a campaign insider who truly had access to private information about Christine O'Donnell's finances.]

[Rick Shaftan, a pollster and adviser to conservative candidates and organizations, explains: "Why did they go after Christine? It's because she's an up-and-coming conservative who is articulate and can raise money. She has a following... someone they see as dangerous to the establishment. So a future leader had to be discredited using Saul Alinsky's techniques."]

David Keegan and C.R.E.W. certainly have a lot of questions they want answered and strongly oppose O'Donnell. Keegan says he wants to make sure that O'Donnell does not run again. But their questions have been widely reported as if Keegan's questions were facts.

Did Keegan's accusations change the outcome of the election for the U.S. Senate in 2010? Perhaps David Keegan said it best himself when he told me: "Then it becomes just politics. It's I don't want her to be Senator."

[In retrospect, were the events in the political landscape of Delaware U.S. style electioneering as usual, or is there a deeper malaise in the contemporary political system in the world's most vibrant democracy? Are the charges leveled at O'Donnell an attempt to neutralize a rising star in the Republican aisle before she can emerge, or do they represent petty personal grievance that is ripe for exploitation by powerful political forces?]

Ultimately, only time will tell, as Delaware, one of the original states born of a late 18th Century U.S. political revolution – emerges from political mudslinging more reminiscent of Chicago politics of the early 60's. The jury pool in Wilmington consists of registered voters in New Castle County, 66% of whom voted against O'Donnell last year. Only 26% on the voter rolls in the County are Republicans.

For now however, it is clear that the exceptional rise of a new political star and her future remain uncertain – at least until clarity is brought to a chaotic political environment. As continuing volleys of charges and countercharges fail to illuminate the bottom line, a simple question begs resolution: Does the campaign system in the world's largest democracy require an urgent overhaul?

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OOPS, journalists! Christine O'Donnell DID NOT pay her rent with campaign funds

[The Delaware News Center](#) ^ | March 20, 2011 | Jonathon Moseley

Posted on Sunday, March 20, 2011 5:50:18 PM by [Moseley](#)

The mystery of Christine O'Donnell's rent and campaign expenses has now been solved -- but not by any quality work by the news media, of course.

One of the scams run by the liberal news media and the Left was the claim that Christine O'Donnell used campaign money to pay her rent. Of course there has been no evidence of this and O'Donnell denies it.

The accusation is that O'Donnell's U.S. Senate campaign paid "half the rent" on the condominium townhouse that Christine lived in in Wilmington, Delaware.

So imagine my surprise, when I visited my friend Christine after the election at the famous townhouse condo. Er, *condos -- there are two of them!*

The campaign headquarters is in one townhouse in one location, which is Christine's **LEGAL** residence -- but not her actual, physical residence. To avoid the vicious attacks of the Left, and to stay safe as a single woman, she uses the campaign headquarters as her legal residence -- and Christine personally pays the campaign for the trouble.

But the place where she lives is somewhere else.

We should have expected the Delaware news media and national news media to be completely incompetent in mis-reporting this information.

The reason the O'Donnell campaign paid "half" the rent is because **1 of 2 different townhouses (in different locations) is 100% dedicated to office space** and the other townhouse is living space. There were and are TWO (2) completely different townhouses.

But both condos were contracted through the same realtor in one single contract. So "half" the rent means **ONE (1) of the TWO (2) completely different townhouses.**

Christine O'Donnell's campaign paid for the townhouse used 100% completely and separately for **NOTHING** but office space.

The townhouse (condo) used for living space was the half NOT paid for by the campaign.

The liberal news media, Left-wing activists, and "sore loser" moderate Republicans tried to suggest that Christine O'Donnell was living in one part of a single apartment and the other part of the same apartment was used for office space.

All true conservatives know that the news media lies. A person who reads or listen to the mainstream media and believes what they say about a conservative leader or candidate does not have any genuine experience in conservative politics.

How many times have I attended a rally or press conference in person, then returned home to flip on the news -- and what is reported bears no resemblance to what I personally witnessed a few hours before?

So the news media attacked Christine O'Donnell. When experienced conservatives heard those stories, they immediately understood the hogwash. Conservatives know that this is the same old song the Left and their fellow travelers in the media have been singing for decades, since portraying Barry Goldwater was a war-mongering lunatic.

Of course, the Delaware Republican Party helped spread these lies. Kristin Murray worked for the Delaware Republican Party under Tom Ross, then spent 1 1/2 weeks as Christine O'Donnell's campaign manager in 2008. Christine fired Kristin Murray for not showing up to do any work. (Apparently Kristin Murray had some personal relationship crises that seemed more important at the time and distracted her from being consistent about work.)

Christine then talked to Tom Ross about the problem. So Tom Ross actually knew that Kristin Murray was not actually Christine O'Donnell's campaign manager for more than 1 1/2 weeks. Tom Ross actually knew that Kristin Murray was not a reliable source of any information about Christine O'Donnell or O'Donnell's 2008 campaign.

Yet in March 2010, Tom Ross and Kristin Murray knowingly lied to the *Delaware News Journal*, to national Republicans, and to Delaware and national media. Knowing it to be a lie, Delaware Republican Chair Tom Ross actively spread the slanderous lie that Christine O'Donnell was paying her personal (living space) rent with campaign funds. Tom Ross knew that to be false at the time, and knows now that he lied about Christine O'Donnell.

This is why a Delaware activist has created a website:

<http://www.firetomross.com/>

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1 posted on **Sunday, March 20, 2011 5:50:23 PM** by **Moseley**

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To: **Moseley**

To quote Marion Barry - "The bitch set me up!"

2 posted on **Sunday, March 20, 2011 6:05:14 PM** by **jimfree** (In 2012 Sarah Palin will continue to have more relevant quality executive experience than B. Obama.)

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To: **Moseley**

Doesn't matter, mission accomplished.