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August 6, 2012

VIA FEDERAL EXPRESS/FACSIMILE

Jeff S. Jordan, Esq.
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6494

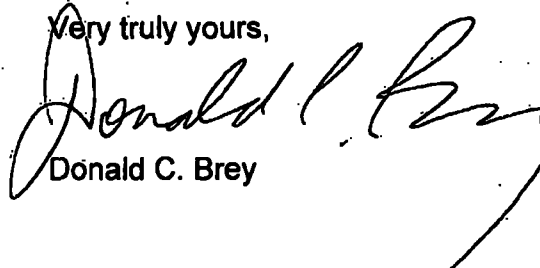
Dear Mr. Jordan:

Enclosed please find the:

1. Original Respondent's Response to Third Amendment to Complaint;
 2. Affidavit Response of Donald C. Brey to Third Amendment to Complaint;
 3. Affidavit Response of Sarah D. Morrison to Third Amendment to Complaint;
- and
4. Affidavit Response of Elizabeth J. Watters.

Filings are regarding MUR 6494, all of which are being faxed and sent overnight to you.

Very truly yours,



Donald C. Brey

DCB/rc
Enclosures

31175920.3

FEDERAL ELECTIONS COMMISSION

Office of General Counsel
999 E Street, NW
Washington, D.C. 20463

DAVID KRIKORIAN,

Complainant,

v.

REP. JEAN SCHMIDT, et al.,

Respondents.

MUR No. 6494

RESPONSE TO THIRD AMENDMENT TO COMPLAINT

Respondents Rep. Jean Schmidt, Schmidt for Congress Committee, Joseph Braun, Phillip Greenberg and Peter Schmidt submit that the allegations against them in the Complaint, in the Amendment to the Complaint in the Second Amendment to the Complaint and, now, in the Third Amendment to the Complaint are without merit and should be dismissed.

Most of the Third Amendment to the Complaint is merely a repeat of verbiage and arguments made in one or more of Complainant's three prior versions of a Complaint. Thus, Respondents incorporate, by reference, their prior responses to the Complaint, to the First Amendment to the Complaint, and to the Second Amendment to the Complaint. Aside from Complainant's bald assertion of a conspiracy among Jean Schmidt's attorneys to conceal the source of contributions, the Third Amendment to the Complaint presents only three new arguments.

First, the Third Amended Complaint asserts that since Schmidt for Congress has reported paying for legal fees to Chester, Willcox & Saxbe (now known as Taft, Stettinius & Hollister), that those fees must have been paid for representation in connection with the defamation action. In fact, whatever the propriety would have been of the Campaign Committee paying for legal

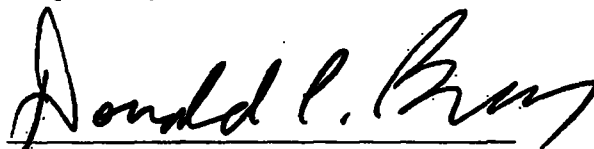
expenses incurred in connection with the defamation action, this was not what happened. As the FEC is well aware, Schmidt for Congress is a Respondent in the instant FEC MUR and is represented in connection with this MUR by Donald C. Brey of Taft, Stettinius & Hollister (formerly known as Chester, Willcox & Saxbe). Thus, Schmidt for Congress had every right to pay its lawyers for their legal services related to the FEC MUR. That is precisely what was done. The Schmidt for Congress payments to Chester, Willcox & Saxbe were for legal representation before the FEC. None of those payments by Schmidt for Congress were for legal representation in connection with the defamation lawsuit against David Krikorian.

Second, Complainant objects to the manner in which Jean Schmidt has complied with a decision by the House Ethics Committee. With all due respect, it is the House Ethics Committee and not the FEC that has authority to determine what does or does not constitute compliance with its decisions.

Third, Complainant argues that Advisory Opinion 2006-22 is relevant to this MUR. It is not. Advisory Opinion 2006-22 dealt with the representation and preparation of an amicus brief on behalf of a *campaign committee*. The only amicus brief at issue in the instant MUR was filed on behalf of Jean Schmidt individually.

WHEREFORE, for the above stated reasons, and for the reasons set forth in their prior responses, Respondents Rep. Jean Schmidt, Schmidt for Congress Committee, Joseph Braun, Phillip Greenberg and Peter Schmidt respectfully submit that the Complaint against them should be dismissed.

Respectfully submitted,



Donald C. Brey, Esq.
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Columbus, Ohio 43215
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e-mail: dbrey@taftlaw.com

Counsel for Respondents

31263404.1

FEDERAL ELECTIONS COMMISSION

Office of General Counsel

999 E Street, NW

Washington, D.C. 20463

DAVID KRIKORIAN,

Complainant,

v.

MUR No. 6494

REP. JEAN SCHMIDT, et al.,

Respondents.

**RESPONSE OF DONALD C. BREY
TO THIRD AMENDMENT TO COMPLAINT**

STATE OF OHIO :
COUNTY OF FRANKLIN : SS.

Donald C. Brey, being first duly sworn, deposes and says as follows:

1. Complainant, David Krikorian, falsely alleges that I, and every other lawyer who has represented Jean Schmidt adverse to David Krikorian, have "attempted to conceal the source of" TALDF's payments of legal fees incurred in connection with those representations, which Complainant mischaracterizes as "excessive, impermissible contributions."
2. Since Complainant does not identify any FEC statute or rule that I am alleged to have violated, and since Complainant does not identify any specific facts about me that tend to show that I have violated any FEC statute or rule, I am naturally at a disadvantage in responding to Mr. Krikorian's conclusory allegations.
3. Nothing in the report of the Office of Congressional Ethics states or suggests that I did anything improper. Although there is an allusion to hiring local counsel, I do not believe my name is ever mentioned in that report.

4. I had nothing to do with the arrangement or understanding between Jean Schmidt and TALDF or TCA.

5. As far as I know, there have never been any excessive, impermissible contributions, and I certainly never attempted to conceal the source of any contributions.

6. I am not aware of anyone ever attempting to conceal the source of any contributions to Jean Schmidt or to her campaign committee.

7. I did not attempt to conceal nor am I aware of anyone else attempting to conceal the source of any payments for legal fees incurred in connection with the representations of Jean Schmidt adverse to Mr. Krikorian.

8. All payments from TALDF or TCA for my legal services were made to my law firm, then Chester, Willcox & Saxbe, LLP (now known as Taft, Stettinius & Hollister, LLP). My personal compensation was in the form of a partnership draw, from my law firm.

9. The Third Amended Complaint also falsely asserts that since Schmidt for Congress has reported paying for legal fees to Chester, Willcox & Saxbe (now known as Taft, Stettinius & Hollister), that those fees must have been paid for representation in connection with the defamation action. In fact, whatever the propriety would have been of the Campaign Committee paying for legal expenses incurred in connection with the defamation action, this was not what happened.

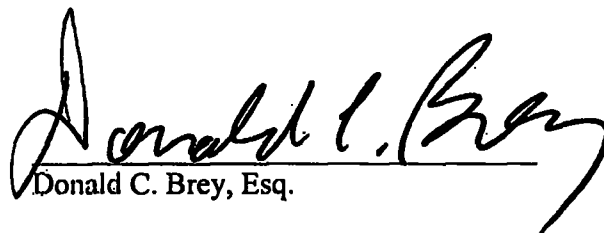
10. Schmidt for Congress is a Respondent in the instant FEC MUR and is represented in connection with this MUR by Donald C. Brey of Taft, Stettinius & Hollister (formerly known as Chester, Willcox & Saxbe). Thus, Schmidt for Congress had every right to pay its lawyers for their legal services related to the FEC MUR. That is precisely what was done.

11. The Schmidt for Congress payments to Chester, Willcox & Saxbe were for legal representation before the FEC. None of those payments by Schmidt for Congress were for legal representation in connection with the defamation lawsuit against David Krikorian.

12. The addition of Jean Schmidt's lawyers as parties Respondent to this MUR appears to me to be a thinly veiled attempt to drive a wedge between Jean Schmidt and her lawyers for improper tactical purposes. As is reflected in other filings in this MUR, this is not the first time Mr. Krikorian has attacked Jean Schmidt's lawyers in an apparent attempt to disrupt or discourage their continued representation of Jean Schmidt.

13. The allegations against me in the Third Amendment to the Complaint are frivolous and should be dismissed.

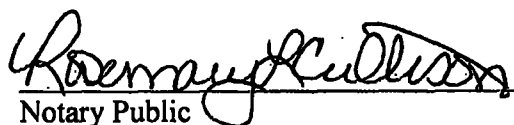
Further affiant sayeth naught.


Donald C. Brey, Esq.

Sworn to before me and subscribed in my presence this 6th day of August, 2012.



ROSEMARY L. CULLISON
Notary Public, State of Ohio
My Commission Expires 07-17-13


Notary Public

31267333.1

FEDERAL ELECTIONS COMMISSION

Office of General Counsel

999 E Street, NW

Washington, D.C. 20463

DAVID KRIKORIAN,

Complainant,

v.

MUR No. 6494

REP. JEAN SCHMIDT, et al.,

Respondents.

**RESPONSE OF SARAH D. MORRISON
TO THIRD AMENDMENT TO COMPLAINT**

AFFIDAVIT OF SARAH D. MORRISON

STATE OF OHIO)
)
COUNTY OF FRANKLIN)

ss:

1. I am more than eighteen years of age and competent to attest to the matters set forth herein.
2. The matters set forth herein are based upon my personal knowledge.
3. I am licensed to practice law in the State of Ohio, and am a partner at the law firm of Taft, Stettinius & Hollister, LLP (formerly Chester, Willcox & Saxbe, LLP).
4. I have never been paid any monies by or received compensation from Respondent Turkish Coalition of America ("TCA") or Respondent Turkish American Legal Defense Fund ("TALDF").

5. I have no personal knowledge regarding who paid Chester, Willcox & Saxbe, LLP and/or Taft, Stettinius & Hollister, LLP for services rendered by the law firms to Jean Schmidt and/or the Schmidt for Congress Committee.

6. I have never incurred travel or lodging expenses on behalf of either Jean Schmidt or the Schmidt for Congress Committee.

7. I did not provide legal services to Jean Schmidt or the Schmidt for Congress Committee in 2008 or 2009.

8. I was not counsel of record and did not make an appearance on behalf of Jean Schmidt or the Schmidt for Congress Committee in any Ohio Elections Commission cases or any administrative appeals therefrom, nor did I work on any such matters without entering a formal appearance in them. I was not responsible for the client intake for Jean Schmidt or the Schmidt for Congress Committee for any matters at the Ohio Elections Commission, and I was not and am not involved at all with client billing to either Ms. Schmidt or the Campaign Committee. I have never seen the legal bills for the work done in representing Representative Schmidt or the Schmidt for Congress Committee before the Ohio Elections Commission or the Franklin County Common Pleas Court. I have never seen the retention agreement for the representation of Representative Schmidt or the Schmidt for Congress Committee before the Ohio Elections Commission and/or Franklin County Common Pleas Court. I have no personal knowledge regarding the billing of and/or payment for legal services rendered with regard Ohio Elections Commission Case Nos. 2009E-003 and 09CV017709 and/or the administrative appeals to the Franklin County Common Pleas Court (Case Nos. 09CV017707 & 09CV017709).

9. I was not counsel of record and did not make an appearance on behalf of Congresswoman Jean Schmidt in the United States District Court, Southern District of Ohio

Case No. 1:10cv103. According to firm records, I billed 15 minutes of time relating to that matter. I was not responsible for the client intake, and I was and am not involved with the billing for this matter. I have never seen the legal bills for the work done in representing Representative Schmidt before the United States District Court, Southern District of Ohio. I have never seen the retention agreement for the representation of Representative in the United States District Court, Southern District of Ohio Case No. 1:10cv103. I have no personal knowledge with regard to the billing of and/or payment for legal services rendered by Representative Schmidt's attorneys in connection with the case in the Southern District of Ohio.

10. With regard to *Schmidt v. Krikorian*, Case No. 2010 CVC 1217 (Clermont Cty C.P.), the complaint was filed on or about June 8, 2010; I made an appearance in that case earlier this year (2012) – almost two years after the action was initiated. While I did perform services related to that case before I formally entered an appearance, I was not responsible for the client intake for Jean Schmidt for that work. I was not and am not involved at all with client billing to Ms. Schmidt. I have never seen the legal bills for the work done in representing Representative Schmidt in the Clermont County Common Pleas Court. I have never seen the retention agreement for the representation of Representative Schmidt before the Clermont County Common Pleas Court. I have no personal knowledge regarding the billing of and/or payment for legal services rendered with regard to the Clermont County case.

11. I was never asked to provide any information and was not deposed in connection with the referral to the U.S. House of Representatives' Committee on Ethics regarding Jean Schmidt or the Ohio Election Commission cases. To my knowledge, there were no findings about me or my law firm by either the U.S. House of Representatives' Committee on Ethics or the Office of Congressional Ethics. To my knowledge, I am not mentioned anywhere in any

reports, findings or public pronouncements of either the U.S. House of Representatives' Committee on Ethics or the Office of Congressional Ethics. I have no knowledge of any finding that I was compensated by TCA for services provided to Jean Schmidt.

12. I have no knowledge about Mr. Krikorian's allegation in the Conclusion of his Amended Complaint that I (and other attorneys) "have attempted to conceal the source of these excessive, impermissible contributions [from the TCA to the Schmidt for Congress Committee]." Amended Complaint p. 23. I have not attempted to conceal and have not concealed any information regarding the source of contributions related in any way to the Schmidt for Congress Committee.

Further affiant sayeth naught.


Sarah D. Morrison

Sworn to and subscribed in my presence, under oath, by Sarah D. Morrison this 6th day of August, 2012.



ROSEMARY L. CULLISON
Notary Public, State of Ohio
My Commission Expires 07-17-13


Notary Public

FEDERAL ELECTIONS COMMISSION

DAVID KRIKORIAN,

Complainant,

vs.

**TURKISH COALITION OF
AMERICA, et al.,**

Respondents.

MUR # 6494

AFFIDAVIT OF ELIZABETH J. WATTERS

STATE OF OHIO

COUNTY OF FRANKLIN

ss:

1. I am more than eighteen years of age and competent to attest to the matters set forth herein.
2. The matters set forth herein are based upon my personal knowledge.
3. I am a Magistrate with the Franklin County Common Pleas Court in Franklin County, Ohio, and am licensed to practice law in the State of Ohio.
4. I am a former partner at the law firms of Taft, Stettinius & Hollister, LLP and Chester, Willcox & Saxbe, LLP.
5. I have never been paid any monies by or received compensation from Respondent Turkish Coalition of America ("TCA") or Respondent Turkish American Legal Defense Fund ("TALDF"). At all times relevant, I received compensation in the forms of a partnership "draw" from the law firms of Chester, Willcox & Saxbe, LLP and a salary from Taft, Stettinius & Hollister, LLP.
6. I was not counsel of record and did not make an appearance on behalf of Jean Schmidt or the Schmidt for Congress Committee in the Ohio Elections Commission

Case Nos. 2009E-003 and 09CV017709 or the administrative appeals to the Franklin County Common Pleas Court (Case Nos. 09CV017707 & 09CV017709). I was not responsible for the client intake. I was not the billing, originating or responsible attorney for this matter. I have never seen the legal bills for the work done in representing Representative Schmidt and/or the Schmidt for Congress Committee before the Ohio Elections Commission or the Franklin County Common Pleas Court. I have never seen the retention agreement for the legal representation of Representative Schmidt and/or the Schmidt for Congress Committee before the Ohio Elections Commission and Franklin County Common Pleas Court. I have no personal knowledge regarding the billing of and/or payment for legal services rendered with regard Ohio Elections Commission Case Nos. 2009E-003 and 09CV017709 and the administrative appeals to the Franklin County Common Pleas Court (Case Nos. 09CV017707 & 09CV017709). Indeed, I do not believe that I provided any assistance to attorney Donald C. Brey with regard to the legal services provided in the administrative appeals to the Franklin County Common Pleas Court (Case Nos. 09CV017707 & 09CV017709).

7. I was not counsel of record and did not make an appearance on behalf of Congresswoman Jean Schmidt in the United States District Court, Southern District of Ohio, Case No. 1:10cv103. I was not responsible for the client intake. I was not the billing, originating or responsible attorney for this matter, and thus, have never seen the legal bills for the work done in representing Representative Schmidt before the United States District Court, Southern District of Ohio. I did not negotiate or execute a client retention agreement for this representation, and have never seen the

retention agreement for the representation of Representative Schmidt in the United States District Court, Southern District of Ohio, Case No. 1:10cv103. Indeed, I do not believe that I provided any assistance to attorney Donald C. Brey with regard to Chester, Willcox & Saxbe, LLP's representation of Congresswoman Schmidt in this case. I have no personal knowledge with regard to the billing of and/or payment for legal services rendered on behalf of Representative Schmidt in connection with this case.

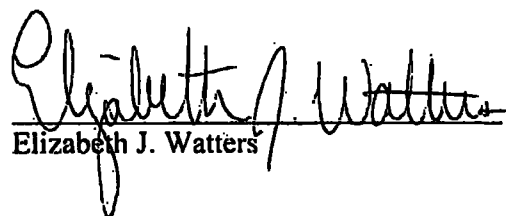
8. With regard to *Schmidt v. Krikorian*, Case No. 2010 CVC 1217 (Clermont Cty C.P.), the complaint was filed on or about June 8, 2010, and I made an appearance in the case on April 11, 2011 – more than a year after the action was initiated. I was not involved and did not assist attorney Donald C. Brey in the drafting of the complaint for this lawsuit. Nor was I involved in the retention of Chester, Willcox & Saxbe, LLP as legal counsel. I did not negotiate or execute the client retention agreement, and have never seen the retention agreement for the representation of Representative Jean Schmidt in Case No. 2010 CVC 1217. I was not the originating, billing or responsible attorney for this client. I do not recall reviewing any of the legal bills in connection with this case until certain discovery and other rulings were appealed to the Court of Appeals of Clermont County, Ohio, Twelfth Appellate District in the fall of 2011. Mr. Brey asked me to review the bills associated with the appeals to the Twelfth Appellate District because I did most of the work associated with the appellate briefs. The legal bills of Chester, Willcox & Saxbe, LLP that I reviewed in the fall of 2011 with regard to Case No. 2010 CVC 1217 were all addressed to Jean Schmidt and the bills indicated that they were to be mailed to Jean Schmidt.

9. I withdrew as counsel for Plaintiff Jean Schmidt in Case No. 2010 CVC 1217 on January 26, 2012.

10. I was never asked to provide any information and was not deposed in connection with the referral to the U.S. House of Representatives' Committee on Ethics regarding Jean Schmidt or the Ohio Election Commission cases. Notably, it is my understanding that there are not any findings by either the U.S. House of Representatives' Committee on Ethics or the Office of Congressional Ethics with regard to Chester, Willcox & Saxbe, LLP's bills and its representation of Jean Schmidt. It is also my understanding that I am not mentioned anywhere in any reports, findings or public pronouncements of either the U.S. House of Representatives' Committee on Ethics or the Office of Congressional Ethics with regard to Jean Schmidt.

11. I have no knowledge about Mr. Krikorian's bald allegation in the Conclusion of his Amended Complaint that I (and other attorneys) "have attempted to conceal the source of these excessive, impermissible contributions [from the TCA to the Schmidt for Congress Committee]." Amended Complaint p. 23. I have not attempted to conceal anything.

Further affiant sayeth naught.


Elizabeth J. Watters

Sworn to and subscribed in my presence, under oath, by Elizabeth J. Watters this 6th day of August, 2012.

MARK C. PETRUCCI, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.


Notary Public