

Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Kathryn Ross, Paralegal
1050 First Street, NE
Washington, DC 20463

Via email: cela@fec.gov

October 31, 2019

Re: MUR 7640 (Christine O'Donnell)

Dear Ms. Ross,

The Commission should dismiss the complaint against Friends of Christine O'Donnell ("FOCD") and Christopher M. Marston, in his official capacity as treasurer,¹ because the matter is now moot.

The complainant alleges that Ms. O'Donnell and FOCD are "attempting to convert campaign committee assets... to personal use." MUR 7640, Complaint at 1. In support of this allegation, the complaint cites the petition for accounting filed by Ms. O'Donnell in the Circuit Court for Loudon County alleging that Allegiance List Marketing, LLC, may have acted illegally or unethically in connection with a mailing list that Ms. O'Donnell claimed to have an ownership interest in.

However, on October 28, 2019, Ms. O'Donnell, by and through counsel, exercised her right pursuant to section 8.01-380 of the Virginia Code to nonsuit the action.² A nonsuit is a procedural right to voluntarily dismiss a case. So, in other words, Ms. O'Donnell voluntarily withdrew the petition for accounting upon which the complaint in this matter is wholly based.

Absent the existence of the Virginia state court proceedings between Ms. O'Donnell and Allegiance List Marketing, LLC, the complaint in this matter is moot. As such, the Commission should dismiss the allegations in the complaint that FOCD and Christopher Marston, in his official capacity as treasurer, violated the Federal Election Campaign Act of 1971, as amended (the "Act").

Submitted,



Ashley K. Stow
Counsel to Friends of Christine O'Donnell and Christopher M. Marston, in his official capacity as treasurer

¹ Ms. O'Donnell has notified Mr. Marston that she has retained sperate counsel to represent her in this matter.

² See Exhibit A.

VIRGINIA:

IN THE CIRCUIT COURT FOR LOUDOUN COUNTY

CHRISTINE O'DONNELL

Petitioner

vs.

ALLEGIANCE LIST MARKETING, LLC

and

SCOTT FAIRCLOTH

and

MEGAN O'BRIEN

and

ALLEGIANCE DIRECT, LLC

Respondents

Civil Case Number: 19-1561

NOTICE OF NONSUIT

COMES NOW, the Petitioner, Christine O'Donnell, by and through her undersigned counsel, and invokes her statutory right of her first voluntary non-suit as of right pursuant to Va. Code § 8.01-380(A), which is immediately effective and entered upon the date it is received by the Circuit Court.

Counsel and Petitioner expect the cause of action to be re-filed in another forum where additional causes of action may be added to more thoroughly address concerns.

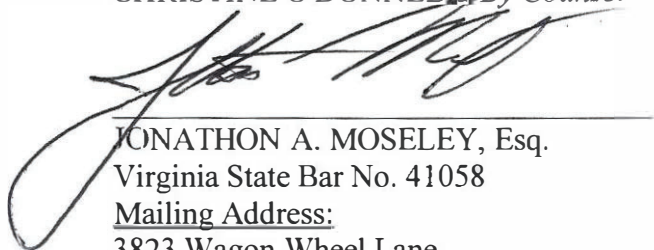
The Petitioner has not previously exercised the right of nonsuit in this case.

There are no counter-claims filed in this case.

Petitioner's invocation of her right of nonsuit is not made within seven (7) days of trial, but no trial has been scheduled in the case. There are no expert witnesses which have been identified and no testimony or depositions of expert witnesses scheduled.

WHEREFORE, the Petitioner hereby provides this notice invoking her right of voluntary non-suit as the first non-suit in this case.

RESPECTFULLY SUBMITTED
CHRISTINE O'DONNELL, *By Counsel*



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Attorney for Petitioner Christine O'Donnell

REQUESTED BY the Petitioner

CHRISTINE O'DONNELL

CERTIFICATE OF SERVICE

I hereby certify that I have mailed the foregoing document by first-class U.S. mail, postage prepaid, on October _____, 2019, to:

Mr. Kevin Jaros, Esq.
PJI Law
3900 Jermantown Road, Suite 220
Fairfax, Virginia 22030

Facsimile: (703) 865-6125
Email: kjaros@pjilaw.com

Clerk of the Court
Civil Motions Intake
Circuit Court of Loudoun County
Post Office 550
Leesburg, Virginia 20178
