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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL ELECTION COMMISSION
Plaintiff

Civ. No. 21-6095

v.

LATPAC

and

CHALIN M. ASKEW, in his official
capacity as treasurer of LATPAC
Defendants

**DEFENDANT'S OPPOSITION TO
MOTION FOR DEFAULT JUDGMENT**

On February 3, 2022, plaintiff Federal Election Commission ("Commission") filed a motion for default judgement to the Court, before before the Honorable Stewart D. Aaron.

The motion should be denied for several reasons. First, it is established and undisputed that the defendant violated 52 U.S.C. § 30104(a) and (b). The defendant has agreed to file all reports and disclose all information to the Commission that were previously required. The complexity of the reports and the timeline proposed of 30 days creates an undue burden.

Second, the defendant would be unable to pay the civil penalty amount of equal to or greater than \$56,400. As of the submission of this motion, LATPAC's current account has an available balance of \$6,162 and a monthly average balance of \$5,052.

Furthermore, in addition to being unable to pay the civil penalty, it is because of lack of funding that the defendant has been unable to hire the proper staff to complete the reports at the required deadlines. The defendant has only recently obtained volunteers to assist in completing the backlog.

While a civil penalty may be proper to impose, it should be within the defendant's means. As the defendant would be unable to pay the civil penalty, the parties would likely find themselves in similar litigation.

For these reasons, the defendant requests that the Court deny plaintiff's motion for default judgment.

Dated: February 25, 2022

Respectfully submitted,

By: /s/ Chalin Askew
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