

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER BERNEGGER,

Plaintiff,

v.

Civil Action No. 1:25-cv-04559-JEB

FEDERAL ELECTION COMMISSION,

Defendant.

**CLERK'S ENTRY OF DEFAULT
UNDER FED. R. CIV. P. 55(a)**

Upon the Declaration of Plaintiff Peter Bernegger in Support of Request for Clerk's Entry of Default, and upon review of the record in this action, it appearing that Defendant Federal Election Commission has failed to plead or otherwise defend as provided by Federal Rule of Civil Procedure 55(a),

IT IS HEREBY ENTERED, pursuant to Federal Rule of Civil Procedure 55(a), that default is entered against Defendant Federal Election Commission.

Date: _____

ANGELA D. CAESAR
Clerk of Court

By: _____
Deputy Clerk

RECEIVED
MAY 10 2026

APR 20 2026

Angela D. Caesar, Clerk of Court
U.S. District Court, District of Columbia

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER BERNEGGER,
Plaintiff,

v.

FEDERAL ELECTION COMMISSION,
Defendant.

Civil Action No. 1:25-cv-04559-JEB

**DECLARATION IN SUPPORT OF REQUEST FOR CLERK'S
ENTRY OF DEFAULT UNDER FED. R. CIV. P. 55(a)**

Plaintiff Peter Bernegger submits this sworn declaration in support of his request that the Clerk enter default against Defendant Federal Election Commission ("FEC") under Federal Rule of Civil Procedure 55(a).

1. I am the Plaintiff in this action. I make this declaration based on personal knowledge and on my review of the docket, the filings in Case No. 1:25-cv-04559-JEB and my records.
2. Procedural history. The Complaint was filed on December 31, 2025 (Dkt. 1). The First Amended Complaint ("FAC") was filed and entered on the docket on February 5, 2026 (Dkt. 5).
3. Rule 4(i)(2) service – Defendant FEC. Capitol Process Services, Inc., of Greenbelt, Maryland, through process server Givonna Stuart, served the Federal Election Commission c/o Office of General Counsel, 1050 First Street, NE, Washington, DC 20463, by United States Postal Service Certified Mail, Return Receipt Requested, on January 5, 2026, USPS Article Number 9414 8362 0855 1293 2122 69. The process server's sworn Affidavit of Service by Certified Mail was filed with the Court. Defendant

has actual notice of this action: on January 29, 2026, counsel for the Commission, Michael D. Contino (D.C. Bar No. 1782269), entered an appearance and filed the Commission's Notice of Lack of Quorum (Dkt. 3). This entity was served the court stamped Summons, Complaint and exhibits.

4. Rule 4(i)(1)(A) service – United States Attorney for the District of Columbia. On January 5, 2026, at 2:40 p.m., Ambiko Wallace of Capitol Process Services, Inc., personally served the United States Attorney for the District of Columbia, c/o Civil Process Clerk, 601 D Street, NW, Washington, DC 20530, with the court-stamped Summons and Complaint for Declaratory and Injunctive Relief (with Exhibits) by delivering them to Elena Haramalis, Paralegal Specialist, authorized to accept service. The process server's sworn Declaration of Service was filed on January 20, 2026 (Dkt. 2). In addition, Plaintiff served the United States Attorney by certified mail, return receipt requested, at the same address, USPS tracking number 9590 9402 9434 5069 5677 89; the return receipt establishes delivery on February 2, 2026.
5. Rule 4(i)(1)(B) service – Attorney General of the United States. Plaintiff served the Attorney General of the United States by certified mail, return receipt requested, addressed to the U.S. Department of Justice, Attn: Civil Process Clerk, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001, USPS tracking number 9590 9402 9434 5069 5677 96. The return receipt establishes delivery on February 2, 2026.
6. Notice to Court. On February 19, 2026, Plaintiff filed a Notice to Court of Proof of Service documenting the Rule 4(i) service described above, with the certified-mail return-receipt cards (for the Attorney General and the United States Attorney) and the process-server declarations attached as Exhibit A.

7. Pursuant to the Court's practice of providing notice to interested persons named in the underlying administrative proceeding, Plaintiff also sent the campaign committee Klobuchar for Minnesota (FEC ID C00431353), addressed to its Treasurer, Samuel Clark, PO Box 4146, Saint Paul, MN 55104, a courtesy copy of the stamped Summons and Complaint by United States Postal Service Certified Mail, Return Receipt Requested. Plaintiff has received the return-receipt card for that mailing.
8. Response deadline under Rule 12(a)(2). Federal Rule of Civil Procedure 12(a)(2) requires a United States agency, or a United States officer or employee sued only in an official capacity, to serve an answer to a complaint within 60 days after service on the United States Attorney. Based on the January 5, 2026 Rule 4(i)(1)(A) service on the United States Attorney for the District of Columbia (Dkt. 2), the 60-day period for the FEC to answer or otherwise respond to the Complaint expired on March 6, 2026.
9. Response deadline under Rule 15(a)(3). Federal Rule of Civil Procedure 15(a)(3) provides that any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later. Plaintiff filed the First Amended Complaint on February 5, 2026 (Dkt. 5), and served it that same day on counsel for the Commission, Michael D. Contino, by FedEx overnight delivery pursuant to Fed. R. Civ. P. 5, as documented in the Certificate of Service dated February 5, 2026. The 14-day period under Rule 15(a)(3) expired on February 19, 2026. The later of the Rule 12(a)(2) and Rule 15(a)(3) deadlines is March 6, 2026, and no Rule 12 motion, answer, or other responsive pleading directed to the First Amended Complaint appears on the docket.

10. The Notice of Lack of Quorum (Dkt. 3). On January 29, 2026, counsel for the Commission (Michael D. Contino, for Acting General Counsel Lisa J. Stevenson) filed a document styled “Defendant Federal Election Commission’s Notice of Lack of Quorum” (Dkt. 3). For the reasons set forth in the following paragraph, that filing does not constitute a pleading or other defense within the meaning of Rule 55(a).
11. The Notice of Lack of Quorum is not a pleading and does not “otherwise defend.” The January 29, 2026 Notice (Dkt. 3): (a) states, in the Commission’s own words, that the Notice “is given for the sole purpose of notifying the Court that the Commission lacks a quorum and is without the authority to litigate the merits of plaintiff’s Complaint” (Dkt. 3 ¶ 4); (b) is not styled as, and does not purport to be, an answer under Rule 8(b) or a motion under Rule 12; (c) does not admit or deny any allegation of the Complaint or First Amended Complaint; (d) does not seek dismissal, a more definite statement, judgment on the pleadings, or any other relief; (e) does not request an extension of time to respond; and (f) was filed on January 29, 2026, before the First Amended Complaint was filed on February 5, 2026, and therefore is not directed to the operative pleading. The filing is, on its face, an advisory notice of the Commission’s inability to defend. It is therefore not a “pleading” or other step to “otherwise defend” within the meaning of Rule 55(a).
12. No extension has been sought or granted. The docket does not reflect that Defendant has filed an answer to the First Amended Complaint, filed a Rule 12 motion, or obtained an order enlarging its time to respond.
13. Rule 55(a) standard. Federal Rule of Civil Procedure 55(a) provides: “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise

defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." The showing required by Rule 55(a) is made here.

14. Request. Plaintiff respectfully requests that the Clerk enter default against Defendant Federal Election Commission under Rule 55(a). This request is without prejudice to any subsequent motion practice concerning default judgment under Rule 55(b) and Rule 55(d), or any motion the Defendant may file to set aside an entry of default.

VERIFICATION

I, Peter Bernegger, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct based on my personal knowledge, my review of the docket in this action, and the filings referenced above.

Executed on 04-17-, 2026.



Peter Bernegger, Plaintiff
1806 Brynwood Trace
New London, WI 54961
Telephone: (920) 551-0510
Email: peter@electionwatch.info

Clerk of Court
Room 1225
US District Court
District of Columbia
333 Constitution Ave, N.W.
Washington, DC 2001

April 17, 2026

Clerk of Court:

Please file the enclosed pleadings in the respective cases. **Important:** there are filings enclosed here for three different cases.



Peter Bernegger – Plaintiff
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New London, WI 54961
920-551-0510
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MAY 20 2026

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Angela L. Saesa, Clerk of Clerk
U.S. District Court, District of Columbia