

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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MAR 24 2026

Angela D. Caesar, Clerk
U.S. District & Bankruptcy Courts
for the District of Columbia

PETER BERNEGGER,

Plaintiff,

v.

Civil Action No. 1:26-cv-00106-APM

FEDERAL ELECTION COMMISSION,

Defendant.

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
AND DEFAULT JUDGMENT**

Plaintiff Peter Bernegger respectfully moves, pursuant to Federal Rule of Civil Procedure 55(a), 55(b)(2), and 55(d), for entry of default against Defendant Federal Election Commission and for default judgment. In support, Plaintiff states that:

1. Plaintiff filed this action on January 14, 2026, seeking declaratory and injunctive relief under 52 U.S.C. § 30109(a)(8) based on the Federal Election Commission's refusal to process and failure to act on Plaintiff's sworn administrative complaint concerning Friends of John Thune (C00409581), John Thune, and Treasurer Nicole Weyers.
2. Plaintiff effected service of the Summons and Complaint on the Federal Election Commission on January 20, 2026, on the United States Attorney's Office for the District of Columbia on January 20, 2026, and on the Attorney General of the United States by certified mail on January 21, 2026.
3. The Commission appeared on January 29, 2026, by filing a Notice of Lack of Quorum. See ECF No. 3.

4. Plaintiff thereafter filed his First Amended Complaint on February 6, 2026. See ECF No. 5.
5. Under Federal Rule of Civil Procedure 15(a)(3), 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.
6. Under Federal Rule of Civil Procedure 12(a)(2), a United States agency must serve an answer within 60 days after service on the United States Attorney.
7. Because the United States Attorney for the District of Columbia was served on January 20, 2026, the latest date for Defendant to answer, move under Rule 12, or otherwise respond to the First Amended Complaint was March 23, 2026.
8. More than the maximum time permitted by Rules 12(a)(2) and 15(a)(3) has elapsed, and Defendant has failed to answer, move under Rule 12, or otherwise respond to the First Amended Complaint.
9. Defendant's earlier Notice of Lack of Quorum is not a responsive pleading to the First Amended Complaint and does not suspend Defendant's obligation to answer or otherwise defend.
10. Plaintiff has established by the pleadings, the docket, and the record evidence that Defendant has refused to process and failed to act on Plaintiff's administrative complaint within the time required by 52 U.S.C. § 30109(a)(8), and that Plaintiff is entitled to the relief requested in the First Amended Complaint.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. Direct the Clerk to enter default against Defendant Federal Election Commission;
- B. Enter default judgment in Plaintiff's favor under Rule 55(b)(2) and 55(d);

- C. Declare that the Commission's refusal to process and failure to act on Plaintiff's administrative complaint is contrary to law under 52 U.S.C. § 30109(a)(8)(C);
- D. Order the Commission to conform with that declaration within 30 days;
- E. Direct that the matter remain expedited as required by 52 U.S.C. § 30109(a)(8)(B);
- F. Award Plaintiff allowable costs; and
- G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: March 24, 2026



Peter Bernegger - Plaintiff
1806 Brynnwood Trace
New London, WI 54961
(920) 551-0510
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Defendant.

CERTIFICATE OF SERVICE

I, Peter Bernegger, Plaintiff, hereby certify under sworn oath penalty of perjury that on March 24, 2026, a true and correct copy of the foregoing Plaintiff's Motion for Entry of Default and Default Judgment was served by postage prepaid U.S. Mail First Class, upon the following counsel of record for Defendant Federal Election Commission:

Michael D. Contino
Attorney for Defendant
Federal Election Commission
Office of General Counsel
1050 First Street, NE
Washington, DC 20463



Peter Bernegger
1806 Brynwood Trace
New London, WI 54961
920-551-0510 peter@electionwatch.info

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