

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAR - 9 2009
CLERK, U.S. DISTRICT COURT
By _____ Deputy

FEDERAL ELECTION COMMISSION,
999 E Street, N.W.
Washington, DC 20463,

Plaintiff,

v.

JODY L. NOVACEK,
1221 Lakeridge Lane
Irving, TX 75063,

REPUBLICAN VICTORY COMMITTEE,
INC., (a.k.a. REPUBLICAN VICTORY 2004
COMMITTEE),
1221 Lakeridge Lane
Irving, TX 75063,

BPO, INC.,
1221 Lakeridge Lane
Irving, TX 75063, and

BPO ADVANTAGE, LP,
1221 Lakeridge Lane
Irving, TX 75063,

Defendants.

Case No. 09 CV 0444-M

COMPLAINT FOR
DECLARATORY, INJUNCTIVE,
AND OTHER APPROPRIATE
RELIEF

**COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER
APPROPRIATE RELIEF**

1. The defendants made fundraising solicitations by phone and in mailers that fraudulently misrepresented the source of the solicitation as the Republican National Committee and the Republican Party in what constitutes a knowing and willful violation of the Federal Election Campaign Act, as amended, 2 U.S.C. §§ 431-455 ("Act"). Jody L. Novacek created and operated the Republican Victory Committee ("RVC"), as well as BPO, Inc., and BPO Advantage

LP (collectively here “BPO”). Through these entities Novacek made misrepresentations to vendors and the general public stating or implying that the RVC was raising money for the Republican Party and the RNC. RVC raised more than \$75,000 in response to these solicitations. In addition, Novacek and RVC violated the Act by failing to include on their communications some of the required disclaimer information in the manner specified by statute.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this suit pursuant to 28 U.S.C. § 1345 as an action brought by an agency of the United States expressly authorized to sue by an act of Congress. *See* 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6).

3. This action seeks declaratory, injunctive, and other appropriate relief pursuant to the express authority granted to the Federal Election Commission (“Commission”) by the Act.

4. Venue is properly found in the Northern District of Texas in accordance with 28 U.S.C. § 1391(b), (c), and 2 U.S.C. § 437g(a)(6)(A). All or a substantial part of the events giving rise to the claims in this action occurred in this district. At the time of the events described herein, defendants resided and transacted business in this district.

PARTIES

5. Plaintiff, the Commission, is the independent agency of the United States government with exclusive jurisdiction over the administration, interpretation, and civil enforcement of the Act. *See generally* 2 U.S.C. §§ 437c(b)(1), 437d(a), and 437g. The Commission is authorized to institute investigations of possible violations of the Act, 2 U.S.C. § 437g(a)(1) and (2), and has exclusive jurisdiction to initiate civil actions in the United States district courts to obtain judicial enforcement of the Act, 2 U.S.C. §§ 437c(b)(1) and 437d(e).

6. Defendant, Jody L. Novacek, during the time period covered in this Complaint, resided in Irving, Texas. She has extensive experience in political telemarketing, having worked in the field since 1982.

7. Defendant, the Republican Victory Committee, Inc., was created and incorporated by Novacek in Texas in early 2004. She conducted all of RVC's operations from her residence; it had no employees or volunteers acting on its behalf.

8. Defendants, BPO, Inc. and BPO Advantage, LP were organized in Texas and operated as a single unit by Novacek. She conducted both entities' operations; they had no employees or volunteers acting on their behalf.

ADMINISTRATIVE PROCEEDINGS

9. On June 29, 2004, the RNC filed an administrative complaint with the Commission that alleged certain solicitations to the public made by the RVC violated the Act because those solicitations contained misrepresentations that RVC was affiliated with or acting on behalf of the Republican Party.

10. On June 30, 2004, Novacek submitted a response to the administrative complaint.

11. On January 31, 2005, the Commission, by an affirmative vote of at least four of its members, determined that there was reason to believe that Novacek and RVC had knowingly and willfully violated 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a candidate or political party for the purpose of soliciting contributions. The Commission further determined, by an affirmative vote of at least four of its members, that there was reason to believe that BPO, Inc. and BPO Advantage, LP had knowingly and willfully violated 2 U.S.C. 441h(b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on the behalf of a candidate or

political party for the purpose of soliciting contributions. The Commission, by an affirmative vote of at least four of its members, also determined that there was reason to believe that Novacek and RVC had violated 2 U.S.C. § 441d, by failing to include on its communications some of the required disclaimer information in the manner specified by statute.

12. On February 8, 2005, the Commission notified the defendants of these findings and provided a Factual and Legal Analysis that formed its basis.

13. On June 19, 2007, after overseeing an investigation, the Commission's General Counsel notified defendants that she was prepared to recommend that the Commission find probable cause to believe that that Novacek and RVC knowingly and willfully violated the fraudulent misrepresentation provision in 2 U.S.C. § 441h(b)(1); that there was probable cause to believe that BPO, Inc. and BPO Advantage, LP had knowingly and willfully had violated the fraudulent misrepresentation provision in 2 U.S.C. 441h(b)(2); and that there was probable cause to believe Novacek and RVC had violated the disclaimer provision in 2 U.S.C. § 441d(a), (c). At that time, the General Counsel also provided defendants with a brief that stated the position of the General Counsel on the relevant factual and legal issues supporting the General Counsel's recommendations, as well as copies of relevant evidence. A cover letter accompanying the brief explained that any brief that defendant submitted to the Secretary of the Commission would be considered by the Commission before it proceeded to a vote on whether there was probable cause to believe that a violation had occurred.

14. On July 6, 2007, defendants filed a written response to the General Counsel's brief.

15. On October 21, 2008, the Commission, by an affirmative vote of at least four of its members, found probable cause to believe that Novacek and RVC knowingly and willfully

violated the fraudulent misrepresentation provision in 2 U.S.C. § 441h(b)(1); that there was probable cause to believe that BPO, Inc. and BPO Advantage, LP knowingly and willfully violated the fraudulent misrepresentation provision in 2 U.S.C. § 441h(b)(2); that there was probable cause to believe that Novacek and RVC had violated the disclaimer provision in 2 U.S.C. § 441d(a), (c).

16. On October 21 and 29, 2008, the General Counsel sent letters to the defendants that notified them of the Commission's action and provided a proposed conciliation agreement. The Commission thereafter endeavored for a period of not less than thirty days to correct the violations by informal methods of conference, conciliation, and persuasion, and sought to enter into a conciliation agreement with defendants pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

17. The Commission was unable through informal methods to secure an acceptable conciliation agreement with the defendants. The Commission determined on February 12, 2009, by an affirmative vote of at least four of its members, to authorize the initiation of this civil suit for relief in federal district court. *See* 2 U.S.C. § 437g(a)(6).

18. The Commission has satisfied all of the jurisdictional requirements under the Act that are prerequisites to filing this action against the defendants. *See* 2 U.S.C. § 437g(a).

RELEVANT STATUTORY PROVISIONS

19. Under 2 U.S.C. § 441h(b) “[n]o person shall: (1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or (2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).”

20. Whenever a person makes a public communication that solicits a contribution, the communication must contain a disclaimer. 2 U.S.C. § 441d(a); 11 C.F.R. § 110.11(a). A public communication, for this purpose, includes any communication by a mailing or telephone bank. 11 C.F.R. § 100.26. A “telephone bank” means more than 500 telephone calls of an identical or substantially similar nature within a 30-day period. 11 C.F.R. § 100.28. The disclaimers must state the name and street address, telephone number or web address of the person who paid for the communication and, if not authorized by a candidate or candidate committee, must state that the communication is not so authorized. 2 U.S.C. § 441d(a)(3); 11 C.F.R. § 110.11(b)(3). In mailers the disclaimer must be presented in a clear and conspicuous manner, be of sufficient type size to be clearly readable, and be contained in a printed box set apart from the other content of the communication. 2 U.S.C. § 441d(c); 11 C.F.R. §§ 110.11(c)(1), 110.11(c)(2)(i)-(ii).

FACTUAL BACKGROUND

21. Acting through RVC and BPO, Novacek made fraudulent misrepresentations to fundraising vendors and to the general public stating or implying that the RVC was raising money for the Republican Party and/or the RNC. Novacek crafted a telemarketing fundraising campaign to solicit donations to the RVC, and made all financial and contractual arrangements through BPO.

22. Novacek, acting through BPO, hired Apex CoVantage, L.L.C. (“Apex”) as a subcontractor to make fundraising calls on behalf of the RVC, and either Apex or the RVC followed up the fundraising calls with mailings requesting contributions and donations that those solicited by phone had agreed to make.

23. Novacek provided Apex with a list of potential contributors and a call script, and Apex utilized its call center based in India to conduct the calls. The scripts were created and edited by Novacek.

24. Each recipient who agreed to send a contribution then received a letter created and mailed by Novacek or Apex providing additional information and instructing the recipient where to send the contribution. The contributions initially were sent directly to a post office box held by Novacek; later some were sent to a second post office box set up by Apex to hold the checks for Novacek.

25. The Apex personnel believed that the calls they were making were on behalf of the Republican Party and/or the RNC. Apex believed the program was for the RNC because of the name of the entity and the way in which Novacek had presented the telephone bank project.

26. Novacek had told Apex that she was working for and was on retainer with the RNC and that she was in charge of its outgoing telemarketing. The Statement of Work attached to the contract between Apex and BPO, signed by Novacek, described the program as “Outbound Telemarketing Fundraising for the Republican Party” and discussed the revenue split that will go to the “GOP.”

27. When negotiating the contract between BPO, on behalf of the RVC, and Apex, Novacek explained that the RNC was an “umbrella organization” and that the umbrella covered the calls proposed by Novacek.

28. In RVC’s solicitations by telephone, the callers were instructed to ask whether the recipient was a registered Republican. Once that was verified, they asked for support for “our state candidates and President Bush’s agenda” because “[i]t’s going to be tough to beat the Democrats this fall.” The caller explained, “Your financial help is critical so Republicans can

win” The callers stated that the calls were by the “Republican Victory Committee” but never stated that the RVC was not affiliated with the Republican Party. The callers did not state the RVC’s permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee.

29. The calls were then followed up with letters and return envelopes. The letters included the following statements, which either explicitly or implicitly referred to the Republican Party:

- “Contributions or gifts to the Republican Party are not deductible as charitable contributions.”
- “I’m grateful our Party can count on your help to support Republicans across the country win elections.”
- “The Republican Party can count on my support to help candidates at the state and local level. I’m proud to help our Party prepare for the November election.”
- “I am proud to help the Republican Party prepare for the November election.”
- “I’m grateful you are fully supportive of President Bush and our Republican Party.... Please join me to ensure our Party is ready to stand up to the liberal pundits.”

30. The mailings did not state the RVC’s permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee. The material RVC mailed did include the name of the Republican Victory Committee, but did not place the information in a printed box set apart from the content of the communication.

31. The callers stated that they were calling for the Republican Party. In at least one instance after an individual agreed to make a contribution, he asked, “Now, this is the Republican Party?” to which the caller responded, “yes.”

32. Recipients of the calls generally believed that the calls were made on behalf of the Republican Party or RNC. Many of the call recipients who ultimately made contributions believed that they were giving to a sub-group of the RNC or to a group similar to the National Republican Senatorial Committee, and all believed that their money was going to be used toward the re-election of President Bush and other Republican candidates. Nearly one hundred checks deposited by Novacek were made payable to those organizations, or it was otherwise reflected in the memo line that the money was intended for use by those entities.

33. Bank records show that the RVC deposited approximately \$50,000 as a result of the solicitations made by Apex for the RVC.

34. Novacek received a cease and desist letter from the RNC that indicated she should stop holding the RVC out to the public as an official representative of the Republican Party. After receiving this RNC letter, she did not alter her call scripts to clarify the RVC's status to call recipients and continued with her putative fundraising operation.

35. After the contract with Apex was terminated in April 2004, Novacek then engaged in a second series of RVC solicitation calls using a different contractor, Advantage. The script stated that the caller was calling on behalf of the Republican Victory Committee and that the recipient of the call had "supported our Committee in the past." The caller further explained that the

Presidential election is very close - which means our state and local candidate races could be at risk. Everything hinges on getting Republicans to the polls in two weeks. The Democrats are planning a massive Get-Out-The-Vote effort in [INSERT STATE] and we need your help to counter this. Otherwise the tax and spend liberals could win races from the White House to the state house and local offices. It's crunch time and we need support to get every Republican to the polls. Help us defeat Democrats with an emergency gift of \$[INSERT], to be used for Get-Out-The-Vote efforts

36. The callers stated that the calls were by the “Republican Victory Committee” but never stated that the RVC was not affiliated with the Republican Party. The callers did not state the RVC’s permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee.

FIRST CAUSE OF ACTION
(FRAUDULENT MISREPRESENTATION)

37. Paragraphs 1 through 36 are incorporated herein by reference.

38. Novacek and RVC knowingly and willfully violated 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a candidate or political party for the purpose of soliciting contributions.

SECOND CAUSE OF ACTION
(FRAUDULENT MISREPRESENTATION)

39. Paragraphs 1 through 36 are incorporated herein by reference.

40. BPO, Inc. and BPO Advantage, LP knowingly and willfully violated 2 U.S.C. § 441h(b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on the behalf of a candidate or political party for the purpose of soliciting contributions.

THIRD CAUSE OF ACTION
(DISCLAIMER)

41. Paragraphs 1 through 36 are incorporated herein by reference.

42. Novacek and RVC violated 2 U.S.C. § 441d(a), (c) by failing to include in their communications some of the required disclaimer information in the manner specified by statute. In the phone calls RVC made, the callers did not state its permanent address, phone number or web address, or state that the solicitation was not authorized by a candidate or candidate committee. In the mailings RVC sent out, it failed to include that same information and failed to

include the formatting (a printed box set apart from the content of the communication) required for mailed solicitations.

REQUEST FOR RELIEF

Wherefore, plaintiff Federal Election Commission requests that this Court:

- A. Declare that Novacek and RVC knowingly and willfully violated 2 U.S.C. § 441h(b)(1) by fraudulently misrepresenting themselves as acting for or on behalf of a political party for the purpose of soliciting contributions.
- B. Declare that BPO, Inc. and BPO Advantage, LP knowingly and willfully violated 2 U.S.C. § 441h (b)(2) by participating in or conspiring to participate in a plan, scheme, or design to fraudulently misrepresent themselves as acting for or on behalf of a political party for the purpose of soliciting contributions.
- C. Declare that Novacek and RVC violated 2 U.S.C. § 441d(a), (c) by failing to include on their communications some of the required disclaimer information in the manner specified by statute.
- D. Permanently enjoin Novacek, RVC, BPO, Inc. and BPO Advantage, LP from further violations of the Act similar to those found by the Court.
- E. Assess an appropriate civil penalty against the defendants for each violation that they are found to have committed, not to exceed the greater of \$11,000 or 200% of the amount of the contribution or expenditure involved for each violation found to be knowing and willful, and not to exceed the greater of \$6,500 or the amount of the contribution or expenditure involved for each violation not found to be knowing and willful. *See* 2 U.S.C. § 437g(a)(6)(B),(C); 11 C.F.R. § 111.24. The maximum civil penalty for the violations of the fraudulent

misrepresentation provisions in 2 U.S.C. § 441h(b)(2), if calculated based on the amount in violation, is approximately \$150,000.

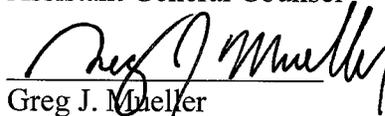
F. Grant Plaintiff Federal Election Commission such other relief as may be appropriate.

Respectfully submitted,

Thomasenia P. Duncan
General Counsel

David Kolker
Associate General Counsel

Kevin Deeley
Assistant General Counsel


Greg J. Mueller
Attorney

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463
(202) 694-1650

March 6, 2009

CIVIL COVER SHEET

ORIGINAL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Federal Election Commission

DEFENDANTS

Jody L. Novacek, et al.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN LAND INVOLVED CASES)

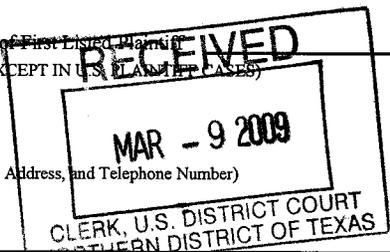
County of Residence of First Listed Defendant Dallas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (if known) **3-09 CV 0444-M**

(c) Attorney's (Firm Name, Address, and Telephone Number)

(see attachment)



II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

2 U.S.C. 441h and 2 U.S.C. 441d

Brief description of cause:

fraudulent misrepresentations and failure to include required disclaimers during campaign fundraising.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ civil CHECK YES only if demanded in complaint:
penalty, declaratory JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
03/06/2009

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**FEC v. Novacek, (N.D. Tex.)
Attachment to Civil Cover Sheet
Listing of Plaintiff's Counsel**

Thomasenia P. Duncan
General Counsel

David Kolker
Associate General Counsel
dkolker@fec.gov

Kevin Deeley
Assistant General Counsel
kdeeley@fec.gov

Greg J. Mueller
Attorney
gmueller@fec.gov

Federal Election Commission
999 E Street, N.W.
Washington, DC 20463
(202) 694-1650

