



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1988

Donald M. Cinnamond, Clerk
United States District Court
for the Middle District of Florida
Box 3270
611 North Florida Avenue, Room 105
Tampa, FL 33601

Re: Federal Election Commission v. Cesar Rodriguez,
No. 86-687-CIV-T-10 (M.D.Fla. default entered
Sept. 16, 1988).

Dear Mr. Cinnamond:

Enclosed please find an original and two photocopies of the plaintiff Federal Election Commission's motion for default judgment against defendant Cesar Rodriguez, which the Commission is submitting in the above-captioned litigation.

Please file the original and one photocopy of the motion with the court. In addition, please date-stamp the remaining copy of the motion and return it to us for our files in the enclosed self-addressed, franked envelope provided for that purpose.

Thank you in advance for your cooperation in this matter. If you should have any questions or problems, please contact me immediately at FTS 376-5690.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Bonham, III".

Robert W. Bonham, III
Attorney

Enclosures.

cc: Cesar Rodriguez

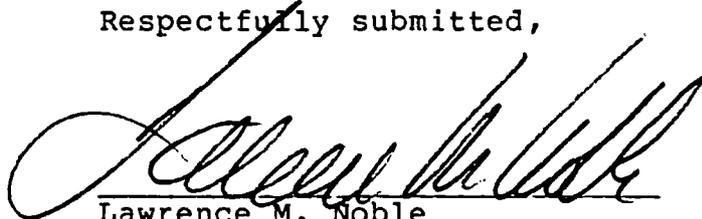
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FEDERAL ELECTION COMMISSION,)
)
 Plaintiff,)
) No. 86-687-CIV-T-10
 v.)
) MOTION FOR DEFAULT JUDGMENT
 CESAR RODRIGUEZ,)
)
 Defendant.)

**PLAINTIFF FEDERAL ELECTION COMMISSION'S
MOTION FOR DEFAULT JUDGMENT AGAINST
DEFENDANT CESAR RODRIGUEZ**

Pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, the plaintiff Federal Election Commission (the "Commission") hereby moves for default judgment against defendant Cesar Rodriguez. In support thereof, the Commission relies on the accompanying memorandum of points and authorities. A proposed form of judgment also accompanies this motion.

Respectfully submitted,



Lawrence M. Noble
General Counsel



Richard B. Bader
Associate General Counsel



Ivan Rivera
Assistant General Counsel

Robert W. Bonham III

Robert W. Bonham, III
Attorney

October 17, 1988

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 376-5690

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FEDERAL ELECTION COMMISSION,)	
)	
Plaintiff,	)	Civil Action No. 86-2807-C
)	
v.	)	PLAINTIFF'S MEMORANDUM
	)	IN SUPPORT OF ITS MOTION
CESAR RODRIGUEZ,	)	FOR DEFAULT JUDGMENT
)	
Defendant.)	

**PLAINTIFF FEDERAL ELECTION COMMISSION'S
MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT AGAINST DEFENDANT CESAR RODRIGUEZ**

The plaintiff Federal Election Commission (the "Commission") has now moved for default judgment against defendant Cesar Rodriguez. In support thereof, the Commission states as follows:

1. The Commission's May 9, 1988 amended complaint was served on defendant Rodriguez by first-class mail, postage prepaid, at defendant's last known address on June 24, 1988. A photocopy of the certificate of service for that amended complaint is attached as FEC Exhibit No. 1. Defendant Rodriguez's answer to the amended complaint therefore was due on or before July 11, 1988.

2. When more than ten (10) days had elapsed since the service of the amended complaint upon defendant Rodriguez, and defendant Rodriguez had neither filed nor served an answer, pleading or other response to the complaint as required by Rules 5(d) and 15(a) of the Federal Rules of Civil Procedure, the Commission requested that the Clerk enter default against Rodriguez. The Clerk subsequently entered that default against

defendant Rodriguez on September 16, 1988. See FEC Exhibit No. 2.

3. To the best of the Commission's knowledge, to date defendant Rodriguez has not served or filed an answer, pleading or other response to the complaint in this litigation.

4. To the best of the Commission's knowledge, defendant Rodriguez is not an infant or an incompetent person; and

5. To the best of the Commission's knowledge, defendant Rodriguez is not at present serving in any branch of the United States Armed Forces.

COSTS

6. To date, the plaintiff Commission has incurred \$22.95 in taxable costs for photocopying documents in connection with this litigation. See 28 U.S.C. §§ 1920(3) and (4). This amount was computed as follows:

	<u>Document</u>	<u>Pages</u>	<u>Copies</u> ^{1/}	<u>Cost</u> ^{2/}
(a)	Complaint.	5	2	\$.50
(b)	FEC opposition to defendant's motion to dismiss.	9	2	.90
(c)	Copy of document for attachment to original of (b).	2	1	.10

^{1/} Unless otherwise noted, this figure denotes the total number of photocopies of the document filed and/or served.

^{2/} The Commission customarily charges the general public \$.05 per page for photocopies. See 11 C.F.R. §§ 4.9 and 5.6.

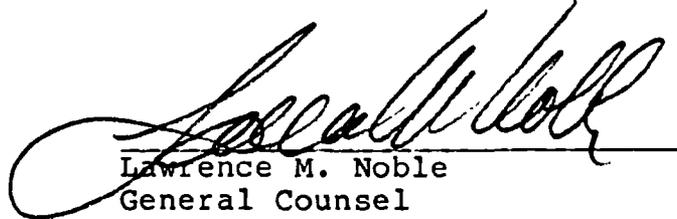
	<u>Document</u>	<u>Pages</u>	<u>Copies</u>	<u>Costs</u>
(d)	FEC notice to take deposition of Rodriguez.	3	1	\$.15
(e)	FEC motion for summary Judgment.	109	2	10.90
(f)	Copies of documents for attachment to original of (e).	100	1	5.00
(g)	FEC response to court order (May 20, 1987).	3	2	.30
(h)	FEC motion for an extension of time.	7	2	.70
(i)	FEC motion for leave to reopen file in this case and for leave to amend its complaint.	15	2	1.50
(j)	Copies of documents for attachment to original of (i).	6	1	.30
(k)	Amended complaint.	7	2	.70
(l)	FEC request to enter default.	5	2	.50
(m)	FEC motion for default judgment.	13	2	1.30
(n)	Copies of documents for attachment to original of (m).	2	1	.10

Total = \$ 22.95

7. Total taxable costs to date therefore are \$22.95.

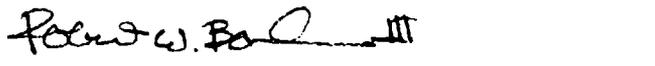
8. As verified in the accompanying affidavit of Robert W. Bonham, III, the foregoing costs were necessarily incurred in this case, and the services for which fees have been charged were actually and necessarily performed.

Respectfully submitted,


Lawrence M. Noble
General Counsel


Richard B. Bader
Associate General Counsel


Ivan Rivera
Assistant General Counsel


Robert W. Bonham, III
Attorney

October 17, 1988

FOR THE PLAINTIFF
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(202) 376-5690

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FEDERAL ELECTION COMMISSION,)	
)	
Plaintiff,	)	No. 86-687-CIV-T-10
)	
v.	)	Hodges, J.
)	
CESAR RODRIGUEZ,	)	CERTIFICATE OF SERVICE
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of June, 1988,
I caused to be served by first-class mail, postage prepaid,
a copy of the plaintiff Federal Election Commission's May 9, 1988
amended complaint in the above-captioned litigation, which today
was forwarded to the clerk of the court for filing, to the
following defendant:

Cesar Rodriguez
2510 South Dundee Street
Tampa, FL 33620

June 24, 1988



Robert W. Bonham, III
Attorney

CGC
411
RECEIVED
FEDERAL ELECTION COMMISSION

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FEDERAL ELECTION COMMISSION

Plaintiff,

CASE NUMBER: 86-687-CIV-T-10B

vs.

CESAR RODRIGUEZ

Defendant

ENTRY OF DEFAULT

Pursuant to Fed.R.Civ.P. 55(a), default is entered against the
defendant(s) Cesar Rodriguez

on this 16th day of September, 19 88.

DONALD M. CINNAMOND, CLERK

By: Rita J. Cole
Deputy Clerk
RECEIVED
FEDERAL ELECTION COMMISSION
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Copies to: Robert W. Bonham
Cesar Rodriguez

DC 105
(2/84)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FEDERAL ELECTION COMMISSION,)
)
 Plaintiff,)
) No. 86-687-CIV-T-10
 v.)
) AFFIDAVIT
 CESAR RODRIGUEZ,)
)
 Defendant.)

AFFIDAVIT OF
ROBERT W. BONHAM, III

Washington)
District of Columbia)

Robert W. Bonham, III, being duly sworn, makes the following his affidavit and states:

1. I am an attorney employed by the plaintiff Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463.

2. I am an attorney of record in the above-captioned case.

3. I hereby affirm that all the statements in the plaintiff Federal Election Commission memorandum of points and authorities in support of its motion for default judgment against defendant Cesar Rodriguez are true and accurate to the best of my knowledge and belief. Furthermore, to the best of my knowledge and belief, the costs which the Commission seeks were necessarily incurred in this case, and the services for which fees have been charged were actually and necessarily performed. See 28 U.S.C. § 1924.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FEDERAL ELECTION COMMISSION,)	
)	
Plaintiff,	)	No. 86-687-CIV-T-10
)	
v.)	
)	
CESAR RODRIGUEZ,	)	FINAL ORDER AND
	)	DEFAULT JUDGMENT
)	
Defendant.)	

FINAL ORDER AND DEFAULT JUDGMENT

Upon consideration of the plaintiff Federal Election Commission's motion for default judgment against defendant Cesar Rodriguez,

IT IS HEREBY ORDERED that the plaintiff's motion be and the same hereby is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

1. Defendant Cesar Rodriguez violated 2 U.S.C. § 441f by knowingly assisting in the making of contributions in the name of another;

2. Defendant Cesar Rodriguez is permanently enjoined from similar future violations of the Federal Election Campaign Act of 1971, as amended;

3. Defendant Cesar Rodriguez shall pay to the plaintiff Federal Election Commission, within fifteen days from the date of entry of this default judgment, a civil penalty in the total amount of twenty thousand dollars (\$20,000). This amount represents civil penalties of five thousand dollars (\$5,000) for each of the four contributions in the name of another for

which evidence was submitted prior to defendant's default in this litigation. See Exhibit Nos. 2-5 to FEC Motion for Summary Judgment (Nov. 12, 1986), and 2 U.S.C. § 437g(a)(6)(B); and

4. Defendant Cesar Rodriguez shall pay the plaintiff Federal Election Commission, within fifteen (15 days) from the date of entry of this order and judgment, the additional sum of \$22.95. This amount represents the total costs which have been incurred to date by or on behalf of the Commission in this action.

Date

Wm. Terrell Hodges
United States District Judge

Copies to:

Robert W. Bonham, III
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463
(Counsel for plaintiff),

and

Cesar Rodriguez
2510 South Dundee Street
Tampa, FL 33629
(Defendant).

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

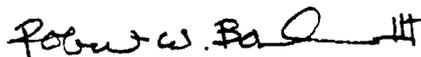
FEDERAL ELECTION COMMISSION,)
)
 Plaintiff,)
) No. 86-687-CIV-T-10
 v.)
) CERTIFICATE OF SERVICE
 CESAR RODRIGUEZ,)
)
 Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October, 1988, I caused to be served by first-class mail, postage prepaid, a copy of the plaintiff Federal Election Commission's motion for default judgment in the above-captioned litigation, which today was forwarded to the clerk of the court for filing, to the following defendant:

Cesar Rodriguez
2510 South Dundee Street
Tampa, FL 33620.

October 17, 1988



Robert W. Bonham, III
Attorney