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9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA  
 11 WESTERN DIVISION

12 JACKSON BROWNE, an individual,  
 13 Plaintiff,

14 v.

15 JOHN MCCAIN, an individual; THE  
 16 REPUBLICAN NATIONAL  
 17 COMMITTEE, a non-profit political  
 18 organization; THE OHIO  
 19 REPUBLICAN PARTY; a non-profit  
 20 political organization,  
 21 Defendants.

No. CV08-5334 RGK (Ex)

**DECLARATION OF JASON MAUK  
 IN SUPPORT OF DEFENDANT  
 OHIO REPUBLICAN PARTY'S  
 MOTION TO DISMISS, etc.**

Date: December 8, 2008  
 Time: 9:00 am  
 Judge: Hon. R. Gary Klausner  
 Place: Courtroom 850

22 I, Jason Mauk, declare as follows:

23 1. I am employed as the Executive Director for the Ohio Republican Party  
 24 located in Columbus, Ohio, a defendant in the above-captioned action. I have been the  
 25 Executive Director since February of 2007. I began working for the Ohio Republican  
 26 Party in 2001 first as the Communications Director, and subsequently, as the Political  
 27 Director of the Ohio Republican Party.

28 2. I have personal knowledge of the matters set forth in this Declaration  
 except as to those matters set forth on information and belief, and as to those matters I

1 am informed and believe them to be true. If called as a witness, I could and would  
2 testify competently to the matters set forth herein.

3 3. The Ohio Republican Party (“ORP”) is a non-profit entity with its  
4 principal place of business in Columbus, Ohio. The ORP is organized as a “political  
5 party” as defined Ohio Rev. Code 3517.01(A)(1). As a political party, the ORP is an  
6 entity established by and regulated by Ohio law, particularly those provisions set forth  
7 in Ohio Rev. Code Title 35, as well as by its own constitution and bylaws. The ORP is  
8 required by Ohio Rev. Code 3517.02 to file with the Ohio Secretary of State a copy of  
9 its constitution and bylaws, also known as its Permanent Rules. A true and correct  
10 copy of these Permanent Rules is attached hereto as Exhibit 4.

11 4. The ORP is required to, and does, file periodic campaign finance reports  
12 with the Ohio Secretary of State regarding its financial activities, pursuant to Ohio  
13 Rev. Code 3517.10. The Ohio Secretary of State reviews and audits the ORP’s  
14 campaign finance reports. The Ohio Elections Commission also has authority to  
15 review and investigate the ORP’s advertisements in the event a complaint is filed with  
16 the Ohio Elections Commission regarding the truthfulness of those advertisements.  
17 Both the Ohio Secretary of State and the Ohio Elections Commission are located in  
18 Columbus, Ohio.

19 5. The members of the controlling committee of the ORP, also known as the  
20 Republican State Central and Executive Committee of Ohio, are elected by direct vote  
21 of Ohio’s registered Republican voters at Ohio primary elections held in even  
22 numbered years, pursuant to Ohio Rev. Code §§ 3517.02 and 3517.03. All of the  
23 members of the ORP’s Central and Executive Committee are, and are required by  
24 Ohio Rev. Code § 3517.02 to be, registered Ohio voters who reside in the Ohio  
25 districts that they represent.

26 6. The ORP’s goal is to promote Republican candidates to the citizens of  
27 Ohio. The ORP provides the organizational structure for electing Republican  
28 candidates and for funding their candidacy. As stated in the Permanent Rules, Article

1 1, Section 4, the purpose of the ORP is to “manage the affairs of the Republican Party  
2 in the State of Ohio; have responsibility for its day-to-day operations at the State level;  
3 direct the general policy of the party organization; direct and conduct campaign  
4 activities;” and create the Ohio Republican Finance Committee to assist in fundraising  
5 efforts. The ORP is also charged to “perform all duties prescribed by the Ohio  
6 Revised Code, federal election law,” the Permanent Rules and/or “by custom required  
7 of it.”

8 7. Robert T. Bennett is the Chairman of the Ohio Republican Party and has  
9 held this position since February of 1988. Kevin DeWine is the Deputy Chairman of  
10 the Ohio Republican Party and Kay Ayers is the Vice Chairman of the Ohio  
11 Republican Party. They all reside in Ohio.

12 8. The Ohio Republican Party maintains a web site at [www.ohiogop.org](http://www.ohiogop.org).  
13 The website design and hosting is provided by Midnet Media, a company with office  
14 in Columbus, Ohio, in Minster Ohio, and Chicago, Illinois. This web site provides  
15 information about our organization, information about Ohio political structure, Ohio  
16 Republican Candidates, news updates, County by County contact information for the  
17 ORP, and a contribution page. The target audience of this web site is Ohio residents.  
18 While this is essentially a passive web site, people from outside of Ohio can send in  
19 contributions to the Ohio Republican Party. Nevertheless, the contributions received  
20 are for the purpose of promoting the goals of the ORP as set forth in the Permanent  
21 Rules in the State of Ohio.

22 9. All employees of the ORP reside in Ohio while employed by the ORP.  
23 We do not have any employees in California.

24 10. All meetings of the ORP’s controlling committee or its standing  
25 committees are held in Ohio.

26 11. The ORP does not sell any goods or products, and thus, does not engage  
27 in any marketing or distribution of goods or services to California. The ORP does not  
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1 sell any products or services through its website. The ORP does not have any type of  
2 licensing or registration that would qualify it to do business in California.

3 12. While the ORP uses services of California companies, like that of  
4 YouTube, this type of file-sharing internet service is utilized without leaving the State  
5 of Ohio.

6 13. The ORP has no branch office or comparable facility in California, and  
7 has no telephone listing or mailing address in California.

8 14. The ORP has no bank accounts or other tangible personal or real property  
9 in California.

10 15. The ORP directs its promotional material to Ohio voters. The ORP does  
11 not direct any of its fund raising activities specifically toward California residents or  
12 any other state outside of Ohio, nor does it advertise in any publications that are  
13 directed primarily toward California residents.

14 16. In January of 2008, I travelled to California at the invitation of Mark  
15 Preston, Political Editor of CNN, Washington, D.C. Political Division. I arrived in  
16 California on January 30, 2008 and left on February 1, 2008.

17 17. CNN wanted the Ohio Republican Party to co-sponsor a presidential  
18 debate with the Ohio Democratic Party. Mr. Preston suggested that the Ohio  
19 Republican Party send representatives to the presidential debates taking place in  
20 California. I, along with Deputy Chairman Kevin DeWine, and Communications  
21 Director John McClelland, attended the Republican Presidential Debate at Reagan  
22 Library in Simi Valley, California.

23 18. The purpose of this trip to California was to prepare for a similar debate  
24 in Ohio. By attending the debate, CNN was able to show us how the program and  
25 facility was set up to accommodate a debate format.

26 19. Due to developments in the Republican primary race, CNN dropped its  
27 plans to conduct any Ohio Republican Presidential Debate. A Democratic Presidential  
28 Debate was held in Ohio, but it was hosted by MSNBC and not CNN.

1           20. Prior to this trip in February of 2008, I had not been to California since  
2 the year 2000, at which time I was not working for the ORP. I have resided in Ohio  
3 since 1997.

4           21. The acts or omissions for which the ORP is sought to be held liable for in  
5 this action, as described in the Complaint, all occurred in Ohio. The video referenced  
6 in paragraph 2 of the Complaint (“Political Video”) was created by in Columbus, Ohio  
7 from either ORP Communications Director John McClelland’s home office or his  
8 ORP office.

9           23. The ORP did not target the Political Video to California voters or a  
10 California audience, but sought to communicate to Ohio voters by obtaining news  
11 coverage relating to the democratic presidential candidate Barak Obama’s visit to the  
12 State of Ohio. The Political Video was not used to raise funds for the ORP.

13           24. It would place an unreasonable burden upon the ORP to defend in  
14 California because it is a not for profit political organization that only engages in its  
15 non-profit activities in Ohio. Ohio law regulates the ORP and the State of Ohio has a  
16 strong interest in the political activities of its non-profit political organizations.

17           25. All of the ORP employees who have any personal knowledge of the  
18 production of the Political Video and the organization of the ORP reside in Ohio.

19           26. On August 6, 2008, Chairman Bennett advised me that he had received a  
20 letter from Plaintiff’s counsel regarding the Political Video and he instructed me to  
21 take action to remove the Political Video from our Ohio GOP tv link. I immediately  
22 spoke with John McClelland and instructed him to remove the Political Video. The  
23 ORP has not used the Political Video since it was removed.

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27. Before the ORP received this letter from Jackson Browne's attorney, I was not at all familiar with Jackson Browne's music and did not know where he lived or that he was politically active.

I declare under penalty of perjury the foregoing is true and correct. Executed this 14<sup>th</sup> day of November, 2008.

Jason Mauk 