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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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13 JACKSON BROWNE, an individual

14 Plaintiff,

15 vs.

16 JOHN MCCAIN, an individual; THE
REPUBLICAN NATIONAL
17 COMMITTEE, a non-profit political
organization; THE OHIO
18 REPUBLICAN PARTY; a non-profit
political organization

19 Defendants.

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CASE NO. CV08-5334 RGK(Ex)

**PLAINTIFF'S EVIDENTIARY
OBJECTIONS TO THE
DECLARATIONS OF JASON
MAUK AND JOHN MCCLELLAND
FILED IN SUPPORT OF
DEFENDANT OHIO REPUBLICAN
PARTY'S MOTION TO DISMISS**

Date: February 2, 2009
Time: 9:00 a.m.
Judge: Hon. R. Gary Klausner
Place: Courtroom 850

1 Plaintiff Jackson Browne hereby objects to the following portions of the
2 Declarations of Jason Mauk and John McClelland submitted by Defendant Ohio
3 Republican Party in support of its motions to dismiss Plaintiff’s complaint pursuant
4 to FRCP 12(b)(2), (3) & (6); or to transfer pursuant to §§ 28 USC 1404(a) &
5 1406(a).

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7 **OBJECTIONS TO THE DECLARATION OF JASON MAUK**

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9 1. Paragraph 21 in its entirety (“The acts or omissions for which the ORP
10 is sought to be held liable for in this action, as described in the Complaint, all
11 occurred in Ohio. The video referenced in paragraph 2 of the Complaint (‘Political
12 Video’) was created in Columbus, Ohio from either ORP Communications Director
13 John McClelland’s home office or his ORP office.”): **Lacks foundation and
14 personal knowledge, conclusion and opinion.**

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16 2. That portion of paragraph 23 which appears at p. 5:9-10 (“The ORP did
17 not target the Political Video to California voters or a California audience . . .”):
18 **Lacks foundation, conclusion and opinion.**

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20 3. Paragraph 24 in its entirety (“It would place an unreasonable burden on
21 the ORP to defend in California because it is not a for profit political organization
22 that only engages in non-profit activities in Ohio. . . . Ohio has a strong interest in
23 the political activities of its non-profit political organizations.”): **Purports to state
24 legal conclusions, lacks foundation and is contrary to the evidence that Mauk
25 and others traveled to California on ORP business.**

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27 4. Paragraph 25 in its entirety (“All of the ORP employees who have any
28 personal knowledge of the production of the Political Video and the organization of

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the ORP reside in Ohio.”): **Lacks foundation and personal knowledge and is conclusory.**

OBJECTIONS TO THE DECLARATION OF JOHN MCCLELLAND

5. That portion of paragraph 13 which appears at p. 4:21 (“It was not aimed at a California audience.”): **Conclusion and opinion, contrary to the evidence that ORP’s press release was sent to national media outlets.**

DATED: January 7, 2009

KINSELLA WEITZMAN ISER KUMP &
ALDISERT LLP

By: _____ /s/
Lawrence Y. Iser
Attorneys for Plaintiff Jackson Browne