

1 Rebecca Connolly, Esq. SBN 145482  
2 GRUNSKY, EBEL, FARRAR & HOWELL  
3 A Professional Corporation  
4 240 Westgate Drive  
5 Watsonville, CA 95076  
6 Telephone (831)722-2444  
7 Facsimile (831)722-6153

8 Attorneys for Defendant The Ohio Republican Party

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)

**REPLY DECLARATION OF JOHN  
MCCLELLAND IN SUPPORT OF  
DEFENDANT OHIO REPUBLICAN  
PARTY'S MOTION TO DISMISS, etc.**

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

22 I, John McClelland, declare as follows:

23 1. I am employed as the Communications Director for the Ohio Republican  
24 Party ("ORP") located in Columbus, Ohio, a defendant in the above-captioned action.  
25 I began working for the ORP in August of 2005 as Communications Director.

26 2. I have personal knowledge of the matters set forth in this Declaration  
27 except as to those matters set forth on information and belief, and as to those matters I  
28 am informed and believe them to be true. If called as a witness, I could and would  
testify competently to the matters set forth herein.

1           3.     I have reviewed Exhibit "E" to the Declaration of Jonathan Noyes and am  
2 familiar with the 20 web videos depicted in Exhibit "E". These 20 web videos are  
3 representative of the remaining 118 videos that the ORP posted at its OhioGOptv link.

4           4.     As Communications Director, I am the person at the ORP who posts  
5 information at the ORP OhioGOptv link. I produced and posted the web videos that  
6 are depicted in Exhibit "E" to the Noyes' Declaration. With these video clips, the  
7 ORP seeks to generate media interest concerning Ohio. The target audience of these  
8 web videos is Ohio.

9           5.     As described in more detail below, each of the video clips listed at  
10 Exhibit E have a connection to Ohio and are about a campaign rally in an Ohio city, an  
11 Ohio sporting event, an Ohio politician, a candidate on the Ohio ballot, or the ORP  
12 itself.

13           a.     Fiesta Bowl Prediction – This video is a continuation of the  
14 previous video, Interview with Jon Husted, in which the outgoing Speaker of the Ohio  
15 House of Representatives, a former college football standout, makes a prediction about  
16 the outcome of the 2009 Fiesta Bowl between the Ohio State Buckeyes and the Texas  
17 Longhorns.

18           b.     Interview with Jon Husted – This video is an interview with the  
19 outgoing Speaker of the Ohio House of Representatives, Jon Husted, about his eight  
20 years in the Ohio House and four years as Speaker. We discussed his greatest  
21 accomplishments, working with Republican and Democrat governors, and his thoughts  
22 on the most important issues facing Ohio in the next few years.

23           c.     OhioGOptv – This video highlights a recent report on former Ohio  
24 Attorney General Marc Dann issued by the Ohio Inspector General. The report details  
25 the level of corruption in the AG's office which led to Dann's resignation. The video  
26 also promoted the Salvation Army's Red Kettle Duel.

27           d.     Red Kettle Duel – This video contains highlights from the  
28 Salvation Army's Red Kettle Duel, a friendly challenge between the Ohio Republican

1 and Democrat parties to raise money during the holidays for people in need in central  
2 Ohio.

3 e. Joe the Plumber on the Ohio Democrats' Cover Up – This video is  
4 an interview in which Samuel Wurzelbacher, a.k.a Joe the Plumber, talks about the  
5 controversial search of his personal records by Democrats in the administration of  
6 Ohio Governor Ted Strickland. The Director of the Ohio Department of Job and  
7 Family Services, Helen Jones-Kelly, was given an unpaid leave of absence for  
8 searching his records.

9 f. Ohio GOP Post Election – This video is on a post election press  
10 briefing held by incoming Ohio Republican Party Chairman Kevin DeWine. The  
11 president of the Ohio College Republican Federation is also interviewed on the  
12 importance of reaching out to younger voters.

13 g. Romney Rallies Volunteers at Columbus Victory Center – This  
14 video is a brief speech from Mitt Romney at a Victory Center in Columbus the day  
15 before the November presidential election. Romney points out many of the policy  
16 differences between John McCain and Barack Obama.

17 h. Jennifer Brunner – This video is a compilation of many news  
18 reporters quoting the name of Ohio Secretary of State Jennifer Brunner, who said in  
19 2006 that no one would know her name if she was doing her job well. She is a  
20 controversial figure in Ohio who became the topic of national news coverage  
21 questioning the integrity of Ohio's election.

22 i. Palin Columbus Rally – This video contains parts of a speech given  
23 by Republican Vice Presidential candidate Sarah Palin at a rally in the Columbus area  
24 the weekend before the 2008 presidential election.

25 j. John McCain Rally in Columbus – This video contains the speech  
26 given by John McCain at a rally in Columbus the weekend before the election. This  
27 was the speech given by McCain following his introduction by California Governor  
28 Arnold Schwarzenegger, who has long-standing ties in Ohio.

1 k. Schwarzenegger Campaigns for McCain in Columbus – This video  
2 is a speech given by California Governor Arnold Schwarzenegger at a campaign rally  
3 for Republican presidential nominee John McCain in Columbus, Ohio the weekend  
4 before the 2008 presidential election. Schwarzenegger makes a few jokes and talks  
5 about his ties to Ohio, but the bulk of his speech focuses on the disagreements he has  
6 with the policy initiatives of Barack Obama.

7 l. Jennifer Brunner says SE Ohioans “not progressive enough” – This  
8 video is a portion of a brief interview of Ohio Secretary of State Jennifer Brunner  
9 about the voting process in Ohio. Brunner hints that some voters outside Ohio cities  
10 may not vote for an African-American, continuing a troubling tradition of some  
11 liberals who disdain people who live outside of metropolitan areas and believe their  
12 social values are “not progressive enough.”

13 m. Fight Ohio Fraud – This video is a video version of a radio  
14 advertisement paid by the Ohio Republican Party to highlight Ohio Secretary of State  
15 Jennifer Brunner’s efforts to disenfranchise Republican voters in Ohio while breaking  
16 down safeguards to protect the integrity of Ohio’s election. This was the only paid  
17 advertisement on radio or television made by the Ohio Republican Party during the  
18 2008 presidential election.

19 n. Kevin DeWine on Fox News – This video is an interview with  
20 incoming Ohio Republican Party chairman Kevin DeWine, discussing the  
21 controversial administration of the Ohio election by Democrat Secretary of State  
22 Jennifer Brunner. They also discuss legislation filed in Ohio and federal courts seeking  
23 to require the Secretary of State to do her job and reveal information on questionable  
24 voter registrations to Ohio county boards of elections.

25 o. Rep. Danny Bulp from Iraq – This video is an interview with Ohio  
26 State Representative Danny Bulp, a marine colonel serving in Iraq who was also  
27 running for reelection to the Ohio House of Representatives. Col. Bulp discusses  
28

1 running from so far away from home and the improvements in security and safety in  
2 Iraq.

3 p. OhioGOPTv – Oct. 20, 2008 – This video report contains quotes  
4 from Ohio newspaper endorsements of McCain and Obama during the 2008  
5 presidential election. It also contains portions of speeches by John McCain and Sarah  
6 Palin from Ohio that week, specifically about “Joe the Plumber’s” questioning of  
7 Barack Obama, and details about issues of voter fraud in Ohio’s three major cities,  
8 Columbus, Cleveland and Cincinnati.

9 q. Mr. Squirrel Visits Columbus, Ohio – This video was taken during  
10 a Democrat press conference at the Ohio Statehouse as part of the effort to educate  
11 people about the connections between the Obama campaign and ACORN (Association  
12 of Community Organizations for Reform Now). ACORN was accused of numerous  
13 election fraud activities in Ohio and other states, so the Republican National  
14 Committee created a web site and sent out the squirrel costume to stage “street  
15 theater” demonstrations to draw attention to the Obama/ACORN connection.

16 r. McCain Rally at Otterbein (all three videos listed in Exhibit “E”  
17 are the same) – This video is a portion of John McCain’s campaign speech at Otterbein  
18 College in central Ohio. McCain talks about the importance of Ohio in the election,  
19 “Joe the Plumber” and Obama’s comments to “spread the wealth”, and his policy  
20 initiatives on taxes and spending.

21 6. I am also familiar with the web video described in paragraph 5 of the  
22 Noyes Declaration and manually filed as Exhibit “D” that is titled “Los Angeles Video  
23 Blog”. I am depicted in the video reporting on the attendance at the Republican  
24 Presidential Debate described in my previously filed declaration at paragraph 4.

25 7. At approximately 1 minute and 20 seconds into this video, I reported on  
26 former Ohio Attorney General Marc Dann’s excessive use of the official airplane for  
27 the State of Ohio.

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