

February 28, 2022

Ms. Lisa J. Stevenson, Esquire
Acting General Counsel
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

MUR # 7967

2022 MAR -9 AM 9:32

OFFICE OF
GENERAL COUNSEL

Re: Campaign Finance Violations by Defending Main Street Super PAC, Inc.

Dear Ms. Stevenson:

Pursuant to 52 U.S.C. § 30109(a), I write to file a complaint against Defending Main Street Super PAC, Inc and Sarah Chamberlain, in her official capacity as Treasurer (collectively, the "PAC"), for violation of the Federal Election Campaign Act ("the Act" or "FECA"), 52 U.S.C. § 30104, and the regulations of the Federal Election Commission ("the Commission" or "FEC").

The PAC has violated Federal Law by repeatedly mis-reporting its independent expenditures on both its 48-hour reports and its regular monthly reports to the FEC. Specifically, the PAC appears to have deliberately disguised the target of its independent expenditures in order to frustrate online search capabilities and public disclosure of its activities.

Facts of the Violations

The PAC is a federal independent expenditure-only political committee that first registered with the FEC on December 26, 2012.

In 2022, the PAC has engaged in a series of defamatory mailings concerning Congressman Alex Mooney. While the defamatory content of these mailings is not a matter under the FEC's jurisdiction but rather a matter for the courts, the inaccurate and misleading reporting of these expenditures is firmly under the jurisdiction of the FEC.

In four (4) separate reports to the FEC, the PAC has disguised the target of its misleading expenditures. On the 48-Hour Reports that the Committee filed on January 19, 2022; January 27, 2022; February 4, 2022; and the Committee's February Monthly Report filed on February 10, 2022; the PAC referred to the target of their attack ads as "Alex Moody" [sic]. Copies of these filings are attached for your convenience. See Attachments 1-4.

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In a February 3, 2022 letter to the PAC, Mooney for Congress 2022 flagged this issue, yet the PAC continues to file the same misleading reports to the Commission. *See* Attachment 5 at page 2.

Analysis

The Act requires committee treasurers to file accurate reports of the committee's receipts and disbursements. 52 U.S.C. § 30104; 11 CFR 104.1(a). This requirement includes the accurate reporting of independent expenditures. 52 U.S.C. § 30104(b)(4)(H)(iii); 11 C.F.R. § 104.3(b)(1)(vii).

Every political committee that makes independent expenditures must report them in their regularly scheduled disclosure reports. 11 CFR § 104.4(a). In addition, a political committee, like the PAC, that makes or contracts to make independent expenditures aggregating \$10,000 or more for an election in any calendar year, up to 12 and including the 20th day before an election, must report these expenditures within 48 hours. 52 U.S.C. § 30104(g)(2); 11 C.F.R. § 104.4(b)(2). "For each independent expenditure reported, the committee must also provide a statement which indicates whether such independent expenditure is in support of, or in opposition to a particular candidate, as well as **the name of the candidate and office sought by such candidate** (including State and Congressional district, when applicable)." 11 CFR § 104.3(b)(3)(vii)(B) (emphasis added).

Here, the PAC has repeatedly violated these rules by failing to accurately "provide a statement which indicates whether such independent expenditure is in support of, or in opposition to a particular candidate, as well as the name of the candidate and office sought by such candidate (including State and Congressional district, when applicable)." 11 CFR § 104.3(b)(3)(vii)(B) (emphasis added).

While the PAC may argue that its errant reports are merely the result of typographical errors, the facts do not support such a contention. First, the PAC did not file an inaccurate report on only one occasion. It has done so repeatedly; on four (4) separate occasions, even after the PAC was made aware of this issue. Moreover, despite having been made aware of the issue, the PAC has not amended its inaccurate reports to the Commission, as required by law.

This would suggest that the PAC's reporting was by design: that the PAC intentionally mis-reported its independent expenditures in order to frustrate the ability of the public to accurately review and understand the Committee's independent expenditures. Likely understanding that attacking an incumbent Republican Congressman was wholly inconsistent with its stated mission of "defend[ing] key incumbent Republican seats. . .", the Committee appears to have intentionally misstated its activities in violation of the Act. *See* Defending Main Street Super PAC, *available at* www.defendingmainstreet.com (last accessed Feb. 25, 2022).

The Commission has previously fined committees for failure to accurately report their independent expenditures. *See, e.g.,* MUR # 7896 (Integrity NJ); MUR # 7545 (Tea Party

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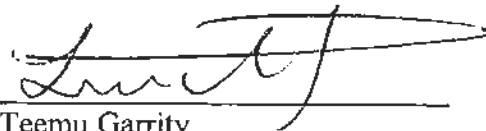
Majority Fund); MUR #7476 (Ohio First PAC). Given the repeated nature of the violations here, a similar penalty would be appropriate under the present circumstances.

Conclusion

Upon information and belief, and based upon the facts set forth hereinabove, the Respondents, Defending Main Street Super PAC, Inc., and Sarah Chamberlain, in her official capacity as treasurer thereof, have violated the Federal Election Campaign Act of 1971, as amended.

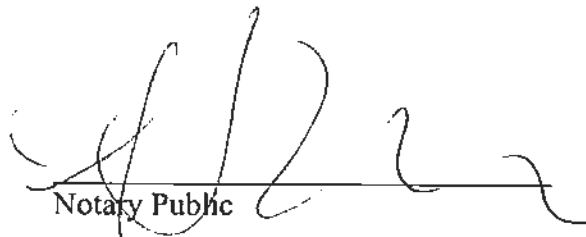
Please contact me if you have any further questions.

Respectfully submitted,



Teemu Garrity
Campaign Manager
Mooney for Congress 2022

Before me this 3rd day of March, 2022, appeared Teemu Garrity and under penalty of perjury did swear and affirm that the above and foregoing facts are true and correct to the best of his knowledge and belief.


Notary Public

ATTACHMENT 1

Image# 202201199475024056

24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES
(Schedule E)PAGE 1 OF 1
FOR SE OF FORM 24/48

NAME OF COMMITTEE (In Full) Defending Main Street SuperPAC Inc.		FEC IDENTIFICATION NUMBER ▼ C 00540203
Check if <input type="checkbox"/> 24-hour report <input checked="" type="checkbox"/> 48-hour report <input checked="" type="checkbox"/> New report <input type="checkbox"/> Amends report filed on		

Full Name of Payee Big Dog Strategies, LLC		Date of Public Distribution/Dissemination MM / DD / YYYY 01 / 18 / 2022
Mailing Address PO Box 217		Amount 25087.44
City Clarence Center	State NY	Zip Code 14032
Purpose of Expenditure Mailings	Category/Type	Transaction ID : SE.5938 Date of Disbursement or Obligation MM / DD / YYYY 01 / 17 / 2022
Name of Federal Candidate Moody, Alex, ,	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	Office Sought: <input checked="" type="checkbox"/> House District: 02 <input type="checkbox"/> President <input type="checkbox"/> Senate State: WV
Calendar Year-To-Date Per Election for Office Sought 25087.44		Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶

Full Name of Payee		Date of Public Distribution/Dissemination MM / DD / YYYY
Mailing Address		Amount
City	State	Zip Code
Purpose of Expenditure	Category/Type	Date of Disbursement or Obligation MM / DD / YYYY
Name of Federal Candidate	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Office Sought: <input type="checkbox"/> House District: <input type="checkbox"/> President <input type="checkbox"/> Senate State:
Calendar Year-To-Date Per Election for Office Sought		Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶

(a) SUBTOTAL of Itemized Independent Expenditures	25087.44
(b) SUBTOTAL of Unitemized Independent Expenditures	
(c) TOTAL Independent Expenditures	25087.44

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Chamberlain, Sarah, ,

[Electronically Filed]

Date

MM / DD / YYYY
01 / 19 / 2022

Signature

ATTACHMENT 2

Image# 202201279475215042

24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES
(Schedule E)PAGE 1 OF 1
FOR SE OF FORM 24/48

NAME OF COMMITTEE (In Full) Defending Main Street SuperPAC Inc.	FEC IDENTIFICATION NUMBER ▼ C 00540203
---------------------------------------------------------------------------	--------------------------------------------------

Check if ☐ 24-hour report ☒ 48-hour report☒ New report ☐ Amends report filed on

MM / DD / YYYY	MM / DD / YYYY	MM / DD / YYYY
01 / 29 / 2022		

Full Name of Payee Big Dog Strategies, LLC		Date of Public Distribution/Dissemination MM / DD / YYYY 01 / 29 / 2022	
Mailing Address PO Box 217		Amount 50067.54	
City Clarence Center	State NY	Zip Code 14032	Transaction ID : SE.5941
Purpose of Expenditure Mailings	Category/Type	Date of Disbursement or Obligation MM / DD / YYYY 01 / 27 / 2022	
Name of Federal Candidate Moody, Alex, . .	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	Office Sought: <input checked="" type="checkbox"/> House <input type="checkbox"/> President <input type="checkbox"/> Senate	District: 02 State: WV
Calendar Year-To-Date Per Election for Office Sought	75154.98	Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶	

Full Name of Payee		Date of Public Distribution/Dissemination MM / DD / YYYY	
Mailing Address		Amount	
City	State	Zip Code	Date of Disbursement or Obligation MM / DD / YYYY
Purpose of Expenditure	Category/Type		
Name of Federal Candidate	<input type="checkbox"/> Support <input type="checkbox"/> Oppose	Office Sought: <input type="checkbox"/> House <input type="checkbox"/> President <input type="checkbox"/> Senate	District: _____ State: _____
Calendar Year-To-Date Per Election for Office Sought		Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶	

(a) SUBTOTAL of Itemized Independent Expenditures.....▶	50067.54
(b) SUBTOTAL of Unitemized Independent Expenditures.....▶	
(c) TOTAL Independent Expenditures.....▶	50067.54

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Chamberlain, Sarah, . .

[Electronically Filed]

Date

MM / DD / YYYY	MM / DD / YYYY	MM / DD / YYYY
01 / 27 / 2022		

Signature

ATTACHMENT 3

Image# 202202049491597063

24/48 HOUR REPORT OF INDEPENDENT EXPENDITURES
(Schedule E)

PAGE 1 OF 1

FOR SE OF FORM 24/48

NAME OF COMMITTEE (In Full) Defending Main Street SuperPAC Inc.	FEC IDENTIFICATION NUMBER ▼ C 000540203
Check if <input type="checkbox"/> 24-hour report <input checked="" type="checkbox"/> 48-hour report <input checked="" type="checkbox"/> New report <input type="checkbox"/> Amends report filed on	

Full Name of Payee Big Dog Strategies, LLC		Date of Public Distribution/Dissemination 02 / 07 / 2022	
Mailing Address PO Box 217		Amount 27428.31	
City Clarence Center	State NY	Zip Code 14032	Transaction ID : SE.5947
Purpose of Expenditure Mailings	Category/Type	Date of Disbursement or Obligation 02 / 02 / 2022	
Name of Federal Candidate Moody, Alex, . .		Office Sought: <input checked="" type="checkbox"/> House District: 02 <input type="checkbox"/> President <input type="checkbox"/> Senate State: WV	
Calendar Year-To-Date Per Election for Office Sought 102583.29		Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶	

Full Name of Payee		Date of Public Distribution/Dissemination	
Mailing Address		Amount	
City	State	Zip Code	Date of Disbursement or Obligation
Purpose of Expenditure	Category/Type		
Name of Federal Candidate		Office Sought: <input type="checkbox"/> House District: _____ <input type="checkbox"/> President <input type="checkbox"/> Senate State: _____	
Calendar Year-To-Date Per Election for Office Sought		Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶	

(a) SUBTOTAL of Itemized Independent Expenditures.....▶	27428.31
(b) SUBTOTAL of Unitemized Independent Expenditures.....▶	
(c) TOTAL Independent Expenditures.....▶	27428.31

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Chamberlain, Sarah, . .

[Electronically Filed]

Date

02 / 04 / 2022

Signature

ATTACHMENT 4

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Defending Main Street SuperPAC Inc.

ADDRESS (number and street)

410 First Street SE

Suite 200

Check if different
than previously
reported. (ACC)

Washington

DC

20003

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00540203

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:

☐ April 15
Quarterly Report (Q1)☐ July 15
Quarterly Report (Q2)☐ October 15
Quarterly Report (Q3)☐ January 31
Year-End Report (YE)☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)☐ Termination Report
(TER)(b) Monthly
Report
Due On:☒ Feb 20 (M2)☐ May 20 (M5)☐ Aug 20 (M8)☐ Nov 20 (M11)
(Non-Election
Year Only)☐ Mar 20 (M3)☐ Jun 20 (M6)☐ Sep 20 (M9)☐ Dec 20 (M12)
(Non-Election
Year Only)☐ Apr 20 (M4)☐ Jul 20 (M7)☐ Oct 20 (M10)☐ Jan 31 (YE)

(c) 12-Day

PRE-Election

Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

in the
State of

M M / D D / Y Y Y Y Y Y

(d) 30-Day

POST-Election

Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

in the
State of

M M / D D / Y Y Y Y Y Y

5. Covering Period

M M / D D / Y Y Y Y Y Y
01 / 01 / 2022M M / D D / Y Y Y Y Y Y
01 / 01 / 2022M M / D D / Y Y Y Y Y Y
01 / 01 / 2022

through

M M / D D / Y Y Y Y Y Y
01 / 01 / 2022M M / D D / Y Y Y Y Y Y
01 / 01 / 2022M M / D D / Y Y Y Y Y Y
01 / 01 / 2022I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.
Chamberlain, Sarah, . ,

Type or Print Name of Treasurer

Signature of Treasurer

Chamberlain, Sarah, . ,

[Electronically Filed]

Date

M M / D D / Y Y Y Y Y Y
02 / 10 / 2022M M / D D / Y Y Y Y Y Y
02 / 10 / 2022M M / D D / Y Y Y Y Y Y
02 / 10 / 2022

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office
Use
Only**FEC FORM 3X**
Rev. 05/2016

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

Defending Main Street SuperPAC Inc.

Report Covering the Period:

From:

MM / DD / YYYY
01 / 01 / 2022

To:

MM / DD / YYYY
01 / 31 / 2022

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, <input type="text" value="2022"/>		<input type="text" value="929397.60"/>
(b) Cash on Hand at Beginning of Reporting Period.....	<input type="text" value="929397.60"/>	
(c) Total Receipts (from Line 19)	<input type="text" value="250060.17"/>	<input type="text" value="250060.17"/>
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	<input type="text" value="1179457.77"/>	<input type="text" value="1179457.77"/>
7. Total Disbursements (from Line 31)	<input type="text" value="81654.98"/>	<input type="text" value="81654.98"/>
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	<input type="text" value="1097802.79"/>	<input type="text" value="1097802.79"/>
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	<input type="text" value="0.00"/>	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	<input type="text" value="0.00"/>	



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:Federal Election Commission
999 E Street, NW
Washington, DC 20463Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

Defending Main Street SuperPAC Inc.

Report Covering the Period:

From:

M M / D D / Y Y Y Y Y Y
01 / 01 / 2022

To:

M M / D D / Y Y Y Y Y Y
01 / 31 / 2022
I. Receipts
COLUMN A
Total This Period
COLUMN B
Calendar Year-to-Date

11. Contributions (other than loans) From:

(a) Individuals/Persons Other

Than Political Committees

(i) Itemized (use Schedule A).....

0.00

0.00

(ii) Unitemized.....

0.00

0.00

(iii) TOTAL (add
Lines 11(a)(i) and (ii)).....▶

0.00

0.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees
(such as PACs).....

250000.00

250000.00

(d) Total Contributions (add Lines
11(a)(iii), (b), and (c)) (Carry
Totals to Line 33, page 5).....▶

250000.00

250000.00

12. Transfers From Affiliated/Other
Party Committees.....

0.00

0.00

13. All Loans Received.....

0.00

0.00

14. Loan Repayments Received.....

0.00

0.00

15. Offsets To Operating Expenditures
(Refunds, Rebates, etc.)
(Carry Totals to Line 37, page 5).....

0.00

0.00

16. Refunds of Contributions Made
to Federal Candidates and Other
Political Committees.....

0.00

0.00

17. Other Federal Receipts
(Dividends, Interest, etc.).....

60.17

60.17

18. Transfers from Non-Federal and Levin Funds

(a) Non-Federal Account

(from Schedule H3).....

0.00

0.00

(b) Levin Funds (from Schedule H5).....

0.00

0.00

(c) Total Transfers (add 18(a) and 18(b))..

0.00

0.00

19. Total Receipts (add Lines 11(d),
12, 13, 14, 15, 16, 17, and 18(c)).....▶

250060.17

250060.17

20. Total Federal Receipts
(subtract Line 18(c) from Line 19).....▶

250060.17

250060.17

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share.....	0.00	0.00
(b) Other Federal Operating Expenditures	6500.00	6500.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	6500.00	6500.00
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditures (use Schedule E)	75154.98	75154.98
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	81654.98	81654.98
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	81654.98	81654.98

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	250000.00	250000.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	250000.00	250000.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	6500.00	6500.00
37. Offsets to Operating Expenditures (from Line 15, page 3).....	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	6500.00	6500.00

SCHEDULE A (FEC Form 3X)
ITEMIZED RECEIPTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

FOR LINE NUMBER: PAGE 6 OF 8

(check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input checked="" type="checkbox"/> 11c	<input type="checkbox"/> 12	<input type="checkbox"/> 13	<input type="checkbox"/> 14	<input type="checkbox"/> 15	<input type="checkbox"/> 16	<input type="checkbox"/> 17
------------------------------	------------------------------	-----------------------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Defending Main Street SuperPAC Inc.

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name

A. LIUNA Building America

Mailing Address 905 16th Street, NW

City
WashingtonState
DCZip Code
20006FEC ID number of contributing
federal political committee.

C C00568964

Name of Employer (for Individual)

Occupation (for Individual)

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

250000.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
0	1		2	6		2	0	2	2

Transaction ID : SA11C.5948

Amount of Each Receipt this Period

250000.00

☐ Memo Item

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name

B.

Mailing Address

City

State

Zip Code

FEC ID number of contributing
federal political committee.

C

Name of Employer (for Individual)

Occupation (for Individual)

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y

Amount of Each Receipt this Period

☐ Memo Item

Full Name of Individual (Last, First, Middle Initial) or Full Organization Name

C.

Mailing Address

City

State

Zip Code

FEC ID number of contributing
federal political committee.

C

Name of Employer (for Individual)

Occupation (for Individual)

Receipt For:

☐ Primary ☐ General
☐ Other (specify) ▼

Aggregate Year-to-Date ▼

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y

Amount of Each Receipt this Period

☐ Memo Item

SUBTOTAL of Receipts This Page (optional).....▶

250000.00

TOTAL This Period (last page this line number only).....▶

250000.00

Image# 202202109491617606

SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS

 Use separate schedule(s)
 for each category of the
 Detailed Summary Page

 FOR LINE NUMBER:
 (check only one)

PAGE 7 OF 8

<input checked="" type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Defending Main Street SuperPAC Inc.

Full Name (Last, First, Middle Initial)

A. Lilly & Company

Date of Disbursement

M	M	M	D	D	D	Y	Y	Y	Y	Y	Y
0	1		1	7		2	0	2	2		

Mailing Address 1005 Congress Avenue
Suite 400City
AustinState
TXZip Code
76701Purpose of Disbursement
Fundraising Consulting

Candidate Name

Category/
Type

FEC Identification Number

C

Transaction ID : SB21B.5951

Amount of Each Disbursement this Period

6500.00

☐ Memo Item

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For:

☐ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Full Name (Last, First, Middle Initial)

B.

Date of Disbursement

M	M	M	D	D	D	Y	Y	Y	Y	Y	Y

Mailing Address

City

State

Zip Code

Purpose of Disbursement

Candidate Name

Category/
Type

FEC Identification Number

C

Amount of Each Disbursement this Period

☐ Memo Item

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For:

☐ Primary ☐ General
☐ Other (specify) ▼

State:

District:

Full Name (Last, First, Middle Initial)

C.

Date of Disbursement

M	M	M	D	D	D	Y	Y	Y	Y	Y	Y

Mailing Address

City

State

Zip Code

Purpose of Disbursement

Candidate Name

Category/
Type

FEC Identification Number

C

Amount of Each Disbursement this Period

☐ Memo Item

Office Sought:

☐ House
☐ Senate
☐ President

Disbursement For:

☐ Primary ☐ General
☐ Other (specify) ▼

State:

District:

SUBTOTAL of Disbursements This Page (optional).....▶

TOTAL This Period (last page this line number only).....▶

6500.00

6500.00

SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES

 PAGE 8 OF 8
 FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) Defending Main Street SuperPAC Inc.	FEC IDENTIFICATION NUMBER ▼ <div style="border: 1px solid black; padding: 2px; display: inline-block;"> C C00540203 </div>
---------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------

 Check if ☐ 24-hour report ☐ 48-hour report New report Amends report filed on

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

Full Name of Payee Big Dog Strategies, LLC <input type="checkbox"/> Memo Item			Date of Public Distribution/Dissemination <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> </div>	
Mailing Address PO Box 217			Amount <div style="border: 1px solid black; padding: 2px; text-align: right;">25087.44</div>	
City Clarence Center	State NY	Zip Code 14032	Transaction ID : SE.5934 Date of Disbursement or Obligation <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> </div>	
Purpose of Expenditure Mailings		Category/Type <div style="border: 1px solid black; padding: 2px; width: 50px;"></div>	<div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div>	

Name of Federal Candidate: Moody, Alex, . .		<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	Office Sought: <input checked="" type="checkbox"/> House District: 02 <input type="checkbox"/> President <input type="checkbox"/> Senate State: WV	
Calendar Year-To-Date Per Election for Office Sought		<div style="border: 1px solid black; padding: 2px; text-align: right;">25087.44</div>	Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶	

Full Name of Payee Big Dog Strategies, LLC <input type="checkbox"/> Memo Item			Date of Public Distribution/Dissemination <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> </div>	
Mailing Address PO Box 217			Amount <div style="border: 1px solid black; padding: 2px; text-align: right;">50067.54</div>	
City Clarence Center	State NY	Zip Code 14032	Transaction ID : SE.5939 Date of Disbursement or Obligation <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> <div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div> </div>	
Purpose of Expenditure Mailings		Category/Type <div style="border: 1px solid black; padding: 2px; width: 50px;"></div>	<div style="border: 1px solid black; padding: 2px;">M M / D D / Y Y Y Y Y Y</div>	

Name of Federal Candidate: Moody, Alex, . .		<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	Office Sought: <input checked="" type="checkbox"/> House District: 02 <input type="checkbox"/> President <input type="checkbox"/> Senate State: WV	
Calendar Year-To-Date Per Election for Office Sought		<div style="border: 1px solid black; padding: 2px; text-align: right;">75154.98</div>	Disbursement For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▶	

(a) SUBTOTAL of Itemized Independent Expenditures	▶	<div style="border: 1px solid black; padding: 2px; text-align: right;">75154.98</div>
(b) SUBTOTAL of Unitemized Independent Expenditures	▶	<div style="border: 1px solid black; padding: 2px; text-align: right;"></div>
(c) TOTAL Independent Expenditures	▶	<div style="border: 1px solid black; padding: 2px; text-align: right;">75154.98</div>

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Chamberlain, Sarah, . .

[Electronically Filed]

Date

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

M M / D D / Y Y Y Y Y Y

Signature

ATTACHMENT 5

C&A | CHALMERS & ADAMS LLC

Litigation & Political Law

PHONE: 412-200-0842
FAX: 412-235-5001
EMAIL: zwallen@chalmersadams.com

301 SOUTH HILLS VILLAGE DRIVE
SUITE LL200-420
PITTSBURGH, PA 15241

February 3, 2022

VIA E-MAIL AND CERTIFIED MAIL

Sarah Chamberlain
Treasurer
Defending Main Street Super PAC Inc.
410 First Street SE, Suite 200
Washington, DC 20003

Re: CEASE AND DESIST DEMAND—Defending Main Street Super
PAC Advertisement

Dear Ms. Chamberlain:

As counsel for Congressman Alex Mooney and his campaign committee, Mooney for Congress 2022, we write to demand that Defending Main Street Super PAC, Inc. (“you”) immediately cease and desist from engaging in the tort of false light invasion of privacy against, and making defamatory statements about, my clients as you are presently doing in your print media campaign. We are prepared to exercise all legal remedies to stop the distribution of these false and defamatory advertisements.

At their most egregious, you have doctored a photo of Congressman Mooney to create the false light impression that Congressman Mooney has been arrested or charged with a crime; something that is categorically false. Your fabricated image is both defamatory *per se* and constitutes clearcut false light invasion of privacy.¹

The United States Supreme Court has held that the distribution of a “mugshot” “imput[es] criminal behavior . . . [and] is generally considered defamatory *per se*, and actionable without proof of special damages.” *Paul v. Davis*, 424 U.S. 693, 697 (1976); *see also Colcord v.*

¹ Both of these torts have been applied by West Virginia courts against defendants in the political context. *See, e.g., Pritt v. Republican Nat. Comm.*, 557 S.E.2d 853 (W. Va. 2001); *Bell v. Nat’l Republican Cong. Comm.*, 187 F. Supp. 2d 605, 617 (S.D.W. Va. 2002).

Defending Main Street Super PAC Inc.
 February 3, 2022
 Page 2

Gazette Pub. Co., 145 S.E. 751, 753 (W. Va. 1928) (“Any printed or written publication imputing to another a crime . . . is actionable per se, without proof of special damages.”).

The depiction of Congressman Mooney also constitutes the tort of false light invasion of privacy. By depicting Congressman Mooney in a false light before the public, your advertisement is an actionable invasion of privacy under West Virginia law. Syl. Pt. 12, *Crump v. Beckley Newspapers, Inc.*, 320 S.E.2d 70, 74 (W.Va. 1983).²

Through your advertisement, you have committed false light invasion of privacy against Congressman Mooney, since your advertisement: 1) gave publicity to a matter concerning Congressman Mooney that places the Congressman before the public in a false light, (2) the publicity was widespread as a mass mailing, (3) the matter of the publicity was false, (4) the false light in which Congressman Mooney was placed would be highly offensive to a reasonable person, and (5) you had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which Congressman Mooney would be placed (i.e., actual malice). See *Taylor v. West Virginia Dep’t of Health & Human Res.*, 788 S.E.2d 295, 315-316 (W. Va. 2016) (citing Restatement (Second) of Torts § 652E (1977); *Crump*, 320 S.E.2d at 87-88).

Here, all of those criteria are readily met by your recklessly false depiction of Congressman Mooney. First, by inventing a mugshot of Congressman Mooney, the Congressman was depicted in a false light wholly inconsistent with his stellar record of public service. Second, the publication was widespread, as demonstrated by your 48-hour report to the Federal Election Commission dated January 27, 2022, noting that your committee spent \$50,067.54 for a mailing opposing “Alex Moody” [*sic*]. Third, the depiction was plainly false given that it was fabricated by your committee. Fourth, the depiction of Congressman Mooney as a criminal is highly offensive and defamatory *per se*. Finally, you had knowledge that this depiction was false since **you** created it.

Accordingly, we demand that you immediately cease and desist from this unlawful depiction of Congressman Mooney.

In addition, your advertisements make a number of defamatory statements about Congressman Mooney that only serve to underscore your reckless disregard for the truth in this matter.

As an example, your advertisements repeatedly allege that Congressman Mooney is “under federal investigation”, which wrongly implies some sort of law enforcement investigation. As your cited materials show, Congressman Mooney is simply the subject of a

² In another mailer, you have used a photo of a staff member from Congressman Mooney’s legislative office in the place of Congressman Mooney. We also expressly demand that you cease and desist from depicting this private individual in your materials.

Defending Main Street Super PAC Inc.
February 3, 2022
Page 3

partisan committee inquiry of the Democrat-controlled U.S. House of Representatives. Once again, this imputation of criminal conduct constitutes defamation and false light invasion of privacy.

Your advertisements also make demonstrably false statements about Congressman Mooney's residency and ties to the State of West Virginia. As you are well aware, Congressman Mooney is in his **fourth** term representing West Virginia's Second Congressional District, where he resides and is raising his children.

Your advertisements also falsely state that Congressman Mooney left "the Maryland State Senate to run for office in three different states. . ." This statement demonstrably misstates Congressman Mooney's biography and timeline by conflating a college-age run by Congressman Mooney that occurred decades ago with current day events.

These patently false statements when combined with your fabricated "mugshot" of Congressman Mooney constitute clearcut defamation and false light invasion of privacy under West Virginia law and represent a substantial and immediate harm to the campaign and to Congressman Mooney. Accordingly, my clients demand that you **immediately** cease and desist from distributing the advertisements in question, and from making any other defamatory statements about, or depictions of, Congressman Mooney.

Furthermore, pursuant to Rule 34 of the Federal Rules of Civil Procedure, we hereby notify you, along with your principals, employees, and agents (including but not limited to all advertising vendors, contractors, and those engaged in raising money, with and without compensation, for your organization), to preserve all electronically stored information, copies and backup, along with any paper files which you, or your principals, employees, or agents, maintain relevant to this dispute.

My clients expressly reserve the right to seek in discovery electronic data in your custody and control that is relevant to this action, including without limitation emails and other information contained on your computer systems and any electronic storage systems. My clients consider this electronic data and paper files to be valuable and irreplaceable sources of discoverable information in this matter. Accordingly, my clients, hereby place you, along with your principals, employees, and agents (including but not limited to all advertising vendors, contractors, and those engaged in raising money, with and without compensation, for your organization), on notice to preserve all documents regarding Congressman Mooney and to not allow the deletion of any electronic communications, such as emails, relating to Congressman Mooney.

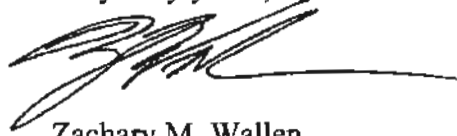
Defending Main Street Super PAC Inc.

February 3, 2022

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Mooney for Congress 2022 and Congressman Mooney reserve all legal rights and remedies available to cease the distribution of these advertisements, and any similar false claims or depictions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ZM Wallen', with a long horizontal flourish extending to the right.

Zachary M. Wallen