

IN THE OHIO ELECTIONS COMMISSION

JAMES P. URLING,	:	
	:	
Complainant,	:	
	:	Case Nos.
vs.	:	2006 E 011
	:	2006 E 012
SCHMIDT FOR CONGRESS	:	
COMMITTEE, et al.,	:	
	:	
Respondents.	:	
	:	

Deposition of: JEANETTE SCHMIDT

Taken: By the Complainant
Pursuant to Subpoena

Date: April 20, 2006

Time: Commencing at 9:12 a.m.

Place: Squire, Sanders & Dempsey, LLP
Suite 3500
312 Walnut Street
150 East Fourth Street
Cincinnati, Ohio 45202

Before: David W. Moxley, RPR, CRR, CMRS
Notary Public - State of Ohio

COPY

1
 2 APPEARANCES:
 3
 4 On behalf of the Complainant:
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 6 (via telephone)
 7 and
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1 JEANETTE SCHMIDT
 2 of lawful age, a respondent herein, being first duly
 3 sworn as hereinafter certified, was examined and deposed
 4 as follows:
 5 CROSS-EXAMINATION
 6 BY MR. SABA:
 7 Q. Good morning. My name is Paul Saba. I
 8 don't know if we've met before. Could you please state
 9 your name for the record.
 10 A. **Jeanette Schmidt.**
 11 Q. And how are you currently employed?
 12 A. **U.S. Congress.**
 13 Q. What is your current elected position?
 14 A. **Congresswoman of the Second District.**
 15 Q. What is your affiliation with the Schmidt
 16 for Congress Committee?
 17 A. **It's my committee.**
 18 Q. And what involvement does your husband,
 19 Peter Schmidt, have with the committee?
 20 A. **He's our treasurer.**
 21 Q. Okay. Where did you go to college?
 22 A. **University of Cincinnati.**
 23 Q. And when did you graduate?
 24 A. **From political science in 1974.**
 25 Q. Is that a B.S. or a B.A.?

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1 A. **I'm not sure. I think it's a B.A., or is**
 2 **it a Bachelor of Science? I don't know. I would have**
 3 **to say I don't know.**
 4 Q. Okay. Neither do I. That's why I was
 5 asking. And that was correct, you obtained your degree
 6 in 1974, correct?
 7 A. **Yes.**
 8 Q. And then, after 1974, did you go back to
 9 school for any other education?
 10 A. **Yes.**
 11 Q. What did that consist of?
 12 A. **A variety of courses for secondary**
 13 **education.**
 14 Q. Where did you go --
 15 A. **And a master's, which I did not complete.**
 16 Q. Where did you go for the variety of
 17 classes? What --
 18 A. **The University of Cincinnati.**
 19 Q. Were they all at UC or were they anywhere
 20 else?
 21 A. **All at UC.**
 22 Q. And had you completed the requirements
 23 for a master's, what would that master's have been in?
 24 A. **Education.**
 25 Q. And when did you start pursuing, then,

1 the master's of education degree at UC?
 2 **A. I'm not sure.**
 3 Q. When did you stop attending the classes
 4 in pursuit of the master's?
 5 **A. I'm not sure.**
 6 Q. Do you know what years -- after 1974, do
 7 you know what years specifically you attended classes at
 8 UC?
 9 **A. I'm not sure.**
 10 Q. To your knowledge, did you attend any
 11 classes after 1986?
 12 **A. I'm not sure.**
 13 Q. Do you know how many credits you would
 14 have needed to obtain the master's in education?
 15 **A. No.**
 16 Q. Do you know how many you actually **X**
 17 completed?
 18 **A. No.** **X**
 19 Q. Besides the master's degree, which you
 20 did not obtain, have you obtained any other degrees
 21 besides the one in 1974?
 22 **A. No.**
 23 Q. And have you ever received a degree in **X**
 24 social studies?
 25 **A. I'm not sure.**

1 studies, but you have not yet completed all the
 2 necessary requirements for a degree in social studies,
 3 is that correct?
 4 **A. That's incorrect.**
 5 Q. What is incorrect about that?
 6 **A. I was never pursuing a degree in social
 7 studies.**
 8 Q. Okay. I'm sorry.
 9 MR. FINNEY: Folks, I'm going to need
 10 Mrs. Schmidt to speak up. I can't really hear
 11 her responses.
 12 MR. SABA: I'll put the phone a little
 13 closer to her.
 14 MR. TODD: We'll move it as close as we
 15 can, Chris.
 16 BY MR. SABA:
 17 Q. The degree that you were seeking was a
 18 master's in education, is that correct?
 19 **A. Yes.**
 20 Q. But you never actually completed all the
 21 necessary requirements for the master's, is that
 22 correct?
 23 **A. Yes.**
 24 Q. At any point in time, did you ever pursue
 25 a degree in social studies?

1 Q. What classes would you have taken that
 2 would make you unsure or make it a possibility that you
 3 would have obtained a degree in social studies?
 4 **A. I don't know.**
 5 Q. Well, I'm trying to understand as to why
 6 there may be uncertainty as to whether or not you've
 7 actually obtained a degree in social studies.
 8 **A. I obtained a degree in political science.**
 9 Q. I understand that. That was the 1974
 10 degree, correct?
 11 **A. Yes.**
 12 Q. Okay. I was asking about a degree in
 13 social studies.
 14 **A. I never received a degree in social
 15 studies. I thought the question was, was I pursuing a
 16 degree in social studies.**
 17 Q. No, no. I asked if you actually obtained
 18 a degree in social studies.
 19 **A. No.**
 20 Q. Okay. And just so I'm clear, then,
 21 you've never received any other degrees other than the
 22 1974 degree, is that correct?
 23 **A. Correct.**
 24 Q. And just so I'm clear, too, you have
 25 not -- you were in pursuit of a degree in social

1 **A. No.**
 2 Q. And if I understand your testimony
 3 correctly, too, you did not receive any degrees, then,
 4 in 1984, is that correct?
 5 **A. Correct.**
 6 Q. And you did not receive any degrees in
 7 1985, correct?
 8 **A. Correct.**
 9 Q. And you did not receive any degrees in
 10 1986, is that correct?
 11 **A. Correct.**
 12 Q. You completed some coursework in 1986 at
 13 UC, is that correct?
 14 **A. Yes.**
 15 Q. That was in pursuit of the master's
 16 degree, is that right?
 17 **A. I'm not sure.**
 18 Q. During 1986, the coursework you did
 19 complete, do you know what classes and coursework you
 20 actually completed?
 21 **A. No.**
 22 Q. Do you know how many classes you
 23 attended?
 24 **A. No.**
 25 Q. Have you ever had a teaching certificate?

1 A. **Yes.**
 2 Q. When was that?
 3 A. **I'm not sure.**
 4 Q. Did you ever teach?
 5 A. **Yes.**
 6 Q. Where did you teach?
 7 A. **Withdraw.**
 8 Q. Did you teach anywhere other than
 9 Withdraw?
 10 A. **I was doing my education courses that I**
 11 **taught at Withdraw.**
 12 Q. Was that, while you were pursuing the
 13 teaching certificate, you had to do some teaching
 14 classes, is that correct --
 15 A. **Yes.**
 16 Q. -- as part of the requirements to obtain
 17 the certificate?
 18 A. **Yes.**
 19 Q. Subsequent to obtaining the certificate,
 20 did you teach anywhere?
 21 A. **Yes.**
 22 Q. Where was that?
 23 A. **St. Elizabeth and Seton.**
 24 MR. FINNEY: Paul, I didn't hear that
 25 response. What was that response?

1 BY MR. SABA:
 2 Q. Other than St. Elizabeth and the classes
 3 of morality that you taught there, did you teach
 4 anywhere else?
 5 A. **Yes.**
 6 Q. Where was that?
 7 A. **Oh, I don't remember. It was when I was**
 8 **pursuing my teaching certificate.**
 9 Q. The teaching certificate you had, was
 10 that a provisional license or did you actually have the
 11 teaching certificate?
 12 A. **I don't understand. I don't know the**
 13 **difference, so I can't answer the question.**
 14 Q. When you completed your coursework, then
 15 you also had to do certain hours of teaching, isn't that
 16 correct?
 17 A. **I don't know.**
 18 Q. What is your understanding of the
 19 certificate that you had?
 20 A. **I don't have any understanding of the**
 21 **certificate that I have. I don't understand your**
 22 **question.**
 23 Q. Are you aware of the fact that there are
 24 different teaching certificates?
 25 A. **No.**

1 MR. TODD: St. Elizabeth and Seton.
 2 BY MR. SABA:
 3 Q. You mean Seton High School, is that
 4 correct?
 5 A. **No.**
 6 Q. It's different than Seton High School?
 7 A. **Yes.**
 8 Q. Was that a high school, or what classes
 9 were you teaching there?
 10 A. **I was teaching a class on morality.**
 11 Q. And what grades were you teaching, ma'am?
 12 A. **Seventh, eighth, and high school. It was**
 13 **more of a Sunday school format, but it wasn't taught on**
 14 **Sundays.**
 15 Q. Was it Monday through Friday?
 16 A. **No. One day a week.**
 17 Q. What day of the week was that?
 18 A. **I don't remember.**
 19 Q. Do you remember what year that was that
 20 you were doing the teaching?
 21 A. **I did it for about three years in the**
 22 **late '80s.**
 23 MR. FINNEY: Paul, could you pick up real
 24 quick?
 25 (Off the record.)

1 Q. Your teaching certificate was in
 2 secondary education, is that correct?
 3 A. **Yes.**
 4 Q. And that would enable you to teach
 5 classes from seventh through high school, is that right?
 6 A. **Yes.**
 7 Q. And before you were able to obtain that
 8 certificate, you had to teach, I think you indicated, at
 9 Withdraw, correct?
 10 A. **And other schools.**
 11 Q. What other schools, other than Withdraw,
 12 besides St. Elizabeth, that you already told me about,
 13 did you have to teach at?
 14 A. **I'm not sure.**
 15 Q. When did you complete the teaching at
 16 Withdraw?
 17 A. **I'm not sure.**
 18 Q. Was it during 1986?
 19 A. **I'm not sure.**
 20 Q. And other than teaching at Withdraw, where
 21 else did you have to teach, I'm sorry, to get your
 22 certificate?
 23 A. **I don't remember.**
 24 Q. What subjects did you teach at Withdraw?
 25 A. **I taught five classes. I don't remember**

1 **all the subjects.**

2 Q. Do you remember the age groups that you
3 were teaching?

4 **A. Yes.**

5 Q. What were those?

6 **A. Freshmen and seniors are the two groups I
7 remember.**

8 Q. And the other school that you can't
9 remember, or schools that you can't remember, do you
10 remember the subjects that you were teaching at those
11 schools, besides St. Elizabeth?

12 **A. No.**

13 Q. You no longer have a license in secondary
14 ed, is that correct?

15 **A. Correct.**

16 Q. When did it lapse?

17 **A. I don't know.**

18 Q. Did it, in fact, lapse, or was it that
19 you didn't actually obtain all the requirements for the
20 actual certificate? Do you know which one that is?

21 **A. No.**

22 Q. Did you ever receive an actual piece of
23 paper that said you have obtained the certificate for
24 teaching?

25 **A. I don't know.**

1 Q. Sure. Let me ask you this: When you

2 went to announce, on April the 11th, that you were going
3 to be running for Congress, was your committee already
4 formed at that point?

5 **A. Committee in what sense?**

6 Q. Did you have a committee to elect you to
7 Congress?

8 **A. Yes.**

9 Q. Did you have any other committees?

10 **A. No.**

11 Q. That would be the only committee that I'm
12 referring to.

13 **A. At the time, we had to, for FEC purposes,
14 form a committee to receive funds.**

15 Q. If materials would have been handed out
16 to the press at your announcement, would you have looked
17 over those materials?

18 **A. No.**

19 Q. Who would have?

20 **A. I don't know.**

21 Q. And did you ever maintain a copy of any
22 of those materials if any were handed out?

23 **A. No.**

24 Q. If any materials were actually handed out
25 to the press, do you know who would have created the

1 Q. Do you know the last year that you taught
2 any classes?

3 **A. No.**

4 Q. Do you remember when you announced you
5 were going to be running for Congress?

6 **A. Yes.**

7 Q. When was that?

8 **A. April 11th, 2005.**

9 Q. And where did you announce you were going
10 to run?

11 **A. Montgomery Inn in Cincinnati, in
12 Montgomery.**

13 Q. And when you made your announcement, did
14 you or someone on your behalf, or the committee to elect
15 you, distribute any informational material, biographical
16 information, regarding you to the media?

17 **A. I don't remember.**

18 Q. Who would have been in charge of doing
19 that on behalf of your committee, if it occurred?

20 **A. I don't remember.**

21 Q. Who was running your -- who was in charge
22 of your committee at that point in time?

23 **A. You have to explain the answer -- or the
24 question more, because I don't -- I don't know how to
25 answer that. Rephrase the question, please.**

1 material?

2 **A. No.**

3 Q. And before you announced you were going
4 to be running for Congress, you already had some
5 biographical information from previous campaigns, from
6 previous elected positions, is that correct?

7 **A. Yes.**

8 Q. Do you have any reason to believe that
9 the information that would have been handed out, if any,
10 when you announced for Congress was going to be
11 different than the previous biographical information you
12 had with previous campaigns?

13 **A. That's a question you can't answer.**

14 Q. Why can't you answer it?

15 **A. I can't answer the question.**

16 Q. Well, before you announced that you were
17 going to be running for Congress, did you go back and
18 update or review your biographical information?

19 **A. No.**

20 Q. And you're not aware of anyone on your
21 behalf updating your biographical information before you
22 would have announced for Congress, then, are you?

23 **A. No.**

24 Q. So if any biographical information would
25 have been handed out at the announcement, it would have

1 been the same biographical information that you
2 distributed in the past, correct?

3 **A. I'm not going to answer yes or no to an
4 assumption.**

5 Q. Did you appoint anyone on your behalf to
6 review any material that would be distributed to the
7 media?

8 **A. No.**

9 Q. To your knowledge, did anyone fill that
10 role and make sure that the material that would have
11 been distributed out on your behalf was going to be
12 accurate or correct?

13 **A. Did I appoint anyone?**

14 Q. To your knowledge, did anyone fill that
15 role and make sure that the information that was going
16 to be distributed to the media would be accurate and
17 correct?

18 **A. No, not a specific person, no.**

19 Q. Is that the type of thing that your
20 husband would have done?

21 **A. You would have to ask him.**

22 Q. And so you never, then, assigned anyone
23 to do any fact-checking to make sure that the
24 information that your campaign was distributing to the
25 media would have been accurate or correct, is that

1 the 2005 campaign?

2 **A. No.**

3 Q. And if any would have been distributed,
4 do you know who on behalf of your campaign would have
5 done that?

6 **A. No.**

7 Q. Do you have a Web site?

8 **A. Yes.**

9 Q. What is the address of the Web site? Is
10 it www.jeanschmidt.com?

11 **A. Okay. That's it.**

12 Q. Sorry. I didn't mean that to be a trick
13 question. Other than that Web site, ma'am, do you have
14 any other Web addresses?

15 **A. No.**

16 Q. What's the first time you actually had a
17 Web site?

18 **A. I don't know.**

19 Q. It was for some previous campaign, is
20 that correct?

21 **A. Yes.**

22 Q. Do you remember, did you create the Web
23 site when you were running for any elected positions
24 within the state of Ohio, running for the state house?

25 **A. That I created?**

1 right?

2 **A. Correct.**

3 Q. Do you remember what TV or media were
4 actually present when you announced on the 11th of
5 April?

6 **A. No.**

7 Q. Did you talk to any of the press before,
8 during, or after that announcement?

9 **A. Probably.**

10 Q. Do you remember which of the press you
11 spoke to? Do you remember if it was TV or newspaper?

12 **A. No.**

13 Q. Do you remember if there were any TV
14 channels that were present there?

15 **A. No.**

16 Q. And during the 2005 campaign for
17 Congress, did you or someone on your behalf, or on
18 behalf of the committee, issue any PAC packets or
19 informational material to PACs?

20 **A. Did I? No.**

21 Q. What about someone on your behalf or on
22 behalf of the committee?

23 **A. I don't know.**

24 Q. Are you aware of any information being
25 prepared that would be distributed to any PACs during

1 Q. Or have it created. I'm sorry.

2 **A. Yes. I didn't create it.**

3 Q. Someone on your behalf?

4 **A. (Nodding head.)**

5 Q. Do you remember what race you would have
6 been running for when you had the Web site created?

7 **A. No.**

8 Q. When you first had the Web site created,
9 did you review the material on the Web site to make sure
10 it was accurate?

11 **A. No.**

12 Q. Do you know where any of the
13 informational material on the Web site was obtained when
14 it was first created?

15 **A. Do I know where it was obtained?**

16 Q. Uh-huh.

17 **A. No.**

18 Q. And when you first created your Web site
19 at that time, it included biographical information about
20 yourself, isn't that correct?

21 MR. TODD: If you know.

22 **A. I don't know.**

23 **BY MR. SABA:**

24 Q. Did anyone on your behalf review the
25 material on your Web site, when it was first created, to

1 make sure it was accurate or correct?
 2 **A. I don't know.**
 3 Q. To your knowledge, at any point in time
 4 that you've had the Web site, has anyone gone through
 5 the Web site to make sure that the information on it was
 6 accurate or correct?
 7 **A. I don't know.**
 8 Q. Let me ask you, what was your involvement
 9 in initially creating the Web site?
 10 **A. None -- well, except -- none.**
 11 Q. Do you know who would have been involved
 12 in that process?
 13 **A. Not really.**
 14 Q. At any point in time, have you ever read
 15 through all the material on your Web site?
 16 **A. No.**
 17 Q. So you've never reviewed your Web site to
 18 make sure that the information on it was accurate or
 19 correct, is that right?
 20 **A. Correct.**
 21 Q. And you don't know if anyone has ever
 22 done that, is that right?
 23 **A. That's a difficult question to answer,**
 24 **because when you mean anyone, there's 200 million people**
 25 **in the United States.**

1 **A. I guess I am.**
 2 Q. So, why are you doing that?
 3 **A. I don't know.**
 4 Q. Well, if you don't know, ma'am, who
 5 would?
 6 **A. I don't know.**
 7 Q. You don't know who would even know why
 8 you would have a Web site?
 9 **A. It's a personal question. You know, at**
 10 **this point, I don't know why I would even want a Web**
 11 **site.**
 12 Q. So are you saying you're going to take it
 13 down?
 14 **A. I don't know.**
 15 Q. What would you need to know to make that
 16 determination?
 17 **A. I don't know.**
 18 Q. Do you even know what you use the Web
 19 site for?
 20 **A. I don't use the Web site.**
 21 Q. Do you know what your campaign uses it
 22 for?
 23 **A. Well, a campaign isn't a person, so I**
 24 **don't think a campaign can use a Web site.**
 25 Q. What about your committee?

1 Q. Anyone on behalf of your committee or
 2 someone at your direction that you directed to go
 3 through the material to make sure that the information
 4 contained on the Web site was accurate or correct?
 5 **A. Did I direct anyone? No.**
 6 Q. Why not?
 7 **A. I don't know.**
 8 Q. What do you use your Web site for?
 9 **A. I don't use my Web site.**
 10 Q. Why do you have it?
 11 **A. Good question.**
 12 Q. Do you have an understanding as to why
 13 you may have a Web site?
 14 **A. At this point, I think it's a good**
 15 **question. I don't have an answer why I would have it at**
 16 **this point.**
 17 Q. Well, at some point in time, you decided
 18 you were going to pay some money to create a Web site,
 19 isn't that right?
 20 **A. Yes.**
 21 Q. And you're currently paying money to
 22 maintain a Web site, isn't that right?
 23 **A. I guess I am.**
 24 Q. You're paying money to host a Web site,
 25 is that right?

1 **A. You would have to ask them.**
 2 Q. Do you know how many visitors you had
 3 actually to your Web site within the last year?
 4 **A. No.**
 5 Q. Do you track that information?
 6 **A. No.**
 7 Q. Maybe not you personally. Do you know if
 8 anyone on your behalf tracks that information?
 9 **A. I don't know.**
 10 Q. Do you receive any campaign contributions
 11 on your Web site?
 12 **A. I don't know.**
 13 Q. You're aware of the fact that your Web
 14 site is actually set up to receive campaign
 15 contributions, aren't you?
 16 **A. No.**
 17 Q. When is the last time you actually looked
 18 at your Web site?
 19 **A. I have no idea.**
 20 Q. Within the last 30 days?
 21 **A. No.**
 22 Q. Who's responsible, on behalf of the
 23 committee, to oversee the Web site?
 24 **A. No one in particular.**
 25 Q. Who decides what information is going to

1 go on the Web site?
 2 **A. Not me.**
 3 Q. And if you don't, who does?
 4 **A. I can't answer that.**
 5 Q. Who could answer that question?
 6 **A. Whoever is putting information on the Web**
 7 **site.**
 8 Q. Who on behalf of the committee actually
 9 has the authority to tell the Web master what
 10 information to put on the Web site?
 11 **A. I never thought about that. I don't**
 12 **know.**
 13 Q. Well, is it more than one individual?
 14 **A. I can't answer it.**
 15 Q. Why can't you answer it?
 16 **A. Because I don't pay attention to the Web**
 17 **site.**
 18 Q. Why not?
 19 **A. I'm not interested.**
 20 Q. You don't think your Web site is
 21 interesting or you're not interested in what's on the
 22 Web site?
 23 **A. I'm not interested in Web sites in**
 24 **general.**
 25 Q. So then who, on behalf of the committee,

1 Q. Do you know who would have been?
 2 **A. No.**
 3 Q. Other than changing the name of the Web
 4 site from "Jean Schmidt" to "Jean Schmidt for Congress,"
 5 are you aware of any other changes that were made to the
 6 Web site --
 7 **A. No.**
 8 Q. -- after you announced it?
 9 **A. No.**
 10 Q. And as we sit here today, you don't know
 11 who would have approved the change from "Jean Schmidt"
 12 to "Jean Schmidt for Congress," is that right?
 13 **A. Correct.**
 14 Q. And before you announced that you were
 15 going to be running for Congress, you already had
 16 biographical information on your Web site, isn't that
 17 right?
 18 **A. I don't know.**
 19 Q. And you have no reason to believe it
 20 wasn't there either, do you? You are aware of the fact
 21 that you currently today do have biographical
 22 information on your Web site about yourself, isn't that
 23 right?
 24 **A. Do I know it today?**
 25 Q. Yes.

1 would be interested in the Web site, what information is
 2 on the Web site?
 3 **A. You'll have to ask the committee.**
 4 Q. And prior to announcing that you were
 5 going to be running for Congress, did you review the Web
 6 site at all to make sure everything on there was
 7 accurate?
 8 **A. No.**
 9 Q. And when you announced that you were
 10 going to be running for Congress, did you make any
 11 changes to the Web site?
 12 **A. No.**
 13 Q. At some point in time it went from the
 14 "Jean Schmidt" Web site to "Jean Schmidt for Congress,"
 15 is that right?
 16 **A. Sure. Yeah, I'm sure it did.**
 17 Q. And, obviously, the change from
 18 "Jean Schmidt" to "Jean Schmidt for Congress" would have
 19 occurred at or near the time when you would have
 20 announced you were going to be running, isn't that
 21 correct?
 22 **A. You could assume that.**
 23 Q. Who would have been in charge to make
 24 sure that that change was done?
 25 **A. Not me.**

1 **A. If you say it's there. I don't look at**
 2 **the Web site. I don't know what's on it.**
 3 Q. And you would agree, wouldn't you, that
 4 biographical information regarding a candidate is
 5 important information that the voters would like to
 6 know, wouldn't you?
 7 **A. I think any information about a candidate**
 8 **is important that people want to know.**
 9 Q. Okay. I'm not sure if I asked this one
 10 or not. I'm not trying to be redundant, but other than
 11 the change of the name from "Jean Schmidt" to
 12 "Jean Schmidt for Congress," if information was changed
 13 on the Web site, do you know who would have made those
 14 changes?
 15 **A. No.**
 16 MR. SABA: Could we take a short break?
 17 MR. TODD: Absolutely.
 18 THE WITNESS: I'm on a time frame, so I
 19 would like to get this finished up this morning.
 20 MR. SABA: We will.
 21 THE WITNESS: I've got, like, 15 minutes
 22 left.
 23 MR. TODD: And here's the situation:
 24 Representative Schmidt has an appointment, and I
 25 think we can break. And can you come back later

1 in the morning for a little bit of time?
 2 THE WITNESS: Briefly, because I have
 3 appointments this afternoon.
 4 MR. TODD: So if we could do it that way.
 5 Right now, she's got something she's got to do.
 6 THE WITNESS: So if you could hold off on
 7 your break and get this finished, that would be
 8 great.
 9 MR. SABA: How much time do you have?
 10 THE WITNESS: 15 minutes.
 11 MR. TODD: As I mentioned, we can come
 12 back a little bit later in the morning, but she
 13 definitely has an appointment that she has to
 14 keep at 10:00.
 15 MR. FINNEY: All right. Well, Bill, I'll
 16 point out to you that I made clients available
 17 without time limits to you. And Mr. Urling, who
 18 was not privy to the information relative to
 19 this point, other than what's set forth in the
 20 affidavit, his deposition went on for an hour
 21 and 15 minutes or an hour and a half.
 22 Ms. Schmidt has quite a bit of probative
 23 information that we need to get to. You
 24 promised to produce her this morning. You did
 25 not tell us, particularly at the beginning of

1 today would work.
 2 MR. TODD: That's right.
 3 MR. FINNEY: You were the one that
 4 suggested today would work, and now you're
 5 making her unavailable. But rather than get
 6 bogged down in this, we'll talk about that
 7 later. Let's go ahead and try to finish the
 8 deposition. Keep going, Paul.
 9 MR. SABA: All right. We'll keep going.
 10 (Deposition Exhibit A was marked for
 11 identification.)
 12 BY MR. SABA:
 13 Q. Okay. You've been handed Exhibit A. Can
 14 you identify that document?
 15 A. No.
 16 Q. Do you know if this is, in fact,
 17 information that was displayed on your Web site during
 18 April of 2005 through August 2005?
 19 A. I didn't know that.
 20 Q. And during that same time period, you had
 21 some biographical and educational information on your
 22 Web site from August -- I'm sorry, from April of 2005
 23 through August of 2005. Isn't that correct?
 24 A. Yes. There's information on there.
 25 Q. Okay. And, for example, if we look down

1 the deposition, of any particular time limits.
 2 And now, with 15 minutes left, you tell us that
 3 you're going to truncate the amount of time we
 4 have to ask her questions.
 5 MR. TODD: Mr. Finney --
 6 MR. FINNEY: The point --
 7 MR. TODD: Go ahead. Please complete
 8 what you want to say.
 9 MR. FINNEY: So we'll proceed, but this
 10 is not in accordance with the spirit of what you
 11 had promised me. And I expect that you need to
 12 figure out a way to fulfill your obligations in
 13 this matter.
 14 MR. TODD: I think we are trying to,
 15 Mr. Finney, by allowing Congresswoman Schmidt to
 16 complete this appointment, which is in
 17 connection with her official duties, and then
 18 come back for additional questioning after this
 19 appointment. But this was something that is,
 20 again, required by her duties, and we need to
 21 accommodate that. And that's the only thing
 22 we're suggesting at this point.
 23 MR. FINNEY: Well, you told me she was
 24 unavailable all last week to have her deposition
 25 taken. You were the one that suggested that

1 at the "Bachelor's Degree in Social Studies, Secondary
 2 Education, University of Cincinnati"?
 3 A. That would be incorrect.
 4 Q. And what specifically about that
 5 statement is incorrect?
 6 A. It should say that I have a teaching
 7 certificate in secondary education.
 8 Q. Well, in fact, actually, even that
 9 statement would be incorrect? Shouldn't it say, in
 10 fact, that you had a teaching certificate at one point
 11 in time, but it's not current? Right? You no longer
 12 have the certificate anymore, right? It has lapsed?
 13 A. It has lapsed.
 14 Q. So, to some extent, it --
 15 A. I received a teaching certificate.
 16 MR. TODD: Well put.
 17 BY MR. SABA:
 18 Q. How is it that the information about the
 19 bachelor's degree in social studies made it onto your
 20 Web site at that time?
 21 A. I don't know.
 22 Q. And the incorrect information, the
 23 "Bachelor's Degree in Social Studies, Secondary
 24 Education," do you know if that was obtained from any
 25 previous biographical information that you had

1 distributed out from other campaigns?
 2 **A. I don't know.**
 3 Q. When was the information corrected,
 4 second -- I'm sorry, the "Bachelor's Degree in Social
 5 Studies, Secondary Education, University of Cincinnati,"
 6 when was that corrected?
 7 **A. Last summer.**
 8 Q. And who was involved in correcting it?
 9 **A. I don't know who made the correction.**
 10 Q. How is it that you learned that you had
 11 inaccurate information on your Web site that needed to
 12 be corrected?
 13 **A. It came to me through my campaign.**
 14 Q. What actually came to you?
 15 **A. I was notified that there was some**
 16 **inaccuracy regarding my teacher's certificate that I**
 17 **received, on the Web site. And I asked that it be**
 18 **corrected.**
 19 Q. Who did you ask that it be corrected?
 20 **A. My campaign manager.**
 21 Q. Who was that?
 22 **A. Joe Braun.**
 23 Q. And when it was brought to your attention
 24 that you had the incorrect information regarding your
 25 bachelor's degree in secondary -- I'm sorry, social

1 **A. I asked him to do it. And he said he did**
 2 **it.**
 3 Q. Do you know what he did to correct the
 4 information?
 5 **A. No.**
 6 MR. FINNEY: Paul, might I suggest that
 7 we move on to the issue about the endorsements
 8 from Chabot, Tancredo and the Research Council
 9 with the few minutes that Ms. Schmidt deems to
 10 grant to us that we have left?
 11 MR. SABA: Sure.
 12 BY MR. SABA:
 13 Q. Okay. In addition to the educational
 14 information that was also on your Web site, you also had
 15 some -- listed some endorsements on the Web site, is
 16 that correct?
 17 **A. More than likely.**
 18 Q. And at one point in time, you were
 19 listing on your Web site that you had an endorsement
 20 from Tom Tancredo on your Web site, is that right? And
 21 it is, in fact, true that Mr. Tancredo never, in fact,
 22 endorsed you, isn't that right?
 23 **A. Mr. Tancredo gave me his support.**
 24 Q. But he never gave you an endorsement,
 25 isn't that correct?

1 studies, secondary education, University of Cincinnati,
 2 did you actually go and look at the Web site during that
 3 time?
 4 **A. No.**
 5 Q. That was, of course, during the campaign
 6 that you were running for Congress during the time frame
 7 of April of 2005 and before August the 2nd of 2005,
 8 correct?
 9 **A. That I found out about it?**
 10 Q. Yes, ma'am.
 11 **A. Yes.**
 12 Q. And then made sure it was changed, is
 13 that right?
 14 **A. Exactly. As soon as I was notified, I**
 15 **asked that it be changed.**
 16 Q. After learning that you had the incorrect
 17 information on your Web site, what did you do to ensure
 18 that the information that you were going to put on the
 19 Web site with regard to your teaching certificate would
 20 be accurate?
 21 **A. I asked my campaign manager to handle it.**
 22 Q. And what did you do to ensure that your
 23 campaign manager would make sure that the information
 24 they were going to then put on the Web site would be
 25 accurate?

1 **A. He gave me his support.**
 2 Q. But at no point in time did he
 3 specifically come out and say, I'm going to endorse you,
 4 did he, Ms. Schmidt?
 5 **A. He gave me his support.**
 6 MR. FINNEY: I object. I would ask that
 7 the witness answer the question.
 8 MR. TODD: Mr. Finney, I have been
 9 relatively quiet, as can you tell. And I would
 10 suggest that only one lawyer is permitted to ask
 11 questions. And for you to object to a question
 12 that your partner just asked my witness is a
 13 little unusual, shall we say. And --
 14 MR. FINNEY: Well, let's get the Ohio
 15 Elections Commission on the phone and see if
 16 they will have Ms. Schmidt answer the question
 17 since they are available to us.
 18 BY MR. SABA:
 19 Q. Well, it's a simple yes or no. He never,
 20 in fact, endorsed you, did he?
 21 **A. Mr. Tancredo gave me his support.**
 22 Q. But he never said, Jean Schmidt, I'm
 23 going to endorse you for Congress, did he?
 24 **A. Mr. Tancredo gave me his support.**
 25 Q. I understand your rehearsed answer,

1 ma'am, but it's a yes or no question, simply yes or no.

2 **A. I don't know.**

3 Q. Why wouldn't you know if you put his
4 information on the Web site that, in fact, indicates
5 that he was endorsing you?

6 **A. Mr. Tancredo and I met.**

7 Q. Uh-huh.

8 **A. During that meeting, I walked away
9 believing that his support was also an endorsement.**

10 Q. And then, at some point in time, you put
11 the endorsement on your Web site. And then,
12 subsequently, you took the endorsement off your Web
13 site, isn't that correct?

14 **A. I assume that happened.**

15 Q. Why did you take it off?

16 **A. I didn't take it off the Web site.**

17 Q. It's no longer on your Web site.

18 **A. But I didn't take it off.**

19 Q. You had someone else take it off, isn't
20 that correct?

21 **A. Someone else must have taken it off, yes.**

22 Q. Someone on your campaign became aware of
23 the fact that there was inaccurate information on your
24 Web site with regard to the endorsement from
25 Mr. Tancredo, isn't that right?

1 **A. It was removed, yes.**

2 Q. Because there was no point in calling him
3 up. You learned before that time that, in fact, he had
4 never endorsed you and the information was inaccurate,
5 isn't that correct?

6 **A. I can't answer that question.**

7 Q. Let's talk about Steve Chabot. You never
8 actually got Steve Chabot's endorsement either, did you?

9 **A. Yes.**

10 Q. Mr. Chabot specifically said, I'm going
11 to endorse you for Congress?

12 **A. I think if you look at the paper, he said
13 he endorsed both of us.**

14 Q. What paper, ma'am?

15 **A. I believe it was in The Enquirer.**

16 Q. You actually have a copy of this article
17 where Mr. Chabot says he's endorsing you?

18 **A. On me, no.**

19 Q. I'm sorry. What?

20 **A. No. I don't have a copy, no.**

21 Q. But you believe in some article,
22 Mr. Chabot actually expressly stated, unequivocally,
23 that he was endorsing Jean Schmidt?

24 MR. TODD: Let me just add for the record
25 that one of the exhibits, the complaint from

1 **A. It looks that way.**

2 Q. And as a result, then, of having
3 inaccurate information of the endorsement from
4 Mr. Tancredo on your Web site, that endorsement was
5 then -- or the information that indicated that you had
6 been endorsed by Tancredo had been removed off the Web
7 site, is that right?

8 MR. TODD: Could you read back the
9 question? It was a compound question. I'm
10 confused as to what the real question was.

11 (The record was read.)

12 MR. TODD: Do you understand that
13 question? Would you mind rephrasing that,
14 Mr. Saba?

15 MR. SABA: Sure.

16 BY MR. SABA:

17 Q. At some point in time, you learned that
18 you had inaccurate information on your Web site with
19 regard to an endorsement from Tom Tancredo, correct?

20 **A. I learned that there was a confusion.**

21 Q. Did you call up Tancredo and say, I
22 thought you gave me your endorsement?

23 **A. I didn't call him up, no.**

24 Q. So you just removed the endorsement
25 language off your Web site, correct?

1 this matter that your firm filed, that article
2 is attached as an exhibit to the complaint in
3 which Representative Chabot does say he endorsed
4 both Representative Schmidt and Mr. McEwen. And
5 he further said that he was not going to require
6 that Representative Schmidt remove the
7 endorsement from her Web site.

8 MR. FINNEY: Paul, just so we're clear,
9 they are continuing to misrepresent the article.
10 I would refer to the article itself.

11 Congressman Chabot says that he doesn't endorse
12 either one of them, that he generally supports
13 both of them, and didn't expect anybody to
14 change their Web site or anything like that.
15 But he did not -- he expressly said he did not
16 endorse Ms. Schmidt.

17 And you can refer specifically to the
18 article if there's any question. But the
19 question really is -- this is for Paul -- what
20 conversations did she have with Representative
21 Chabot, and did he say that he endorsed her, yes
22 or no.

23 MR. TODD: Well, answer the question,
24 Paul.

25 MR. SABA: We were getting there.

1 MR. FINNEY: Actually, Bill, I would like
 2 to have a conversation with Paul in private, but
 3 because you moved the deposition to your office,
 4 and your phone system doesn't allow us to have
 5 conversations with him that don't appear on the
 6 record, I'm not able to do that.
 7 MR. SABA: Well, I was going to get to
 8 that. I'm aware of the article, and I'm aware
 9 of what it doesn't say in there about anything
 10 about endorsements.
 11 BY MR. SABA:
 12 Q. But, specifically, what did you and
 13 Mr. Chabot discuss about his endorsement?
 14 A. **I met with Mr. Chabot. I asked him for**
 15 **his support and his endorsement. I walked away**
 16 **believing I had both.**
 17 Q. Why?
 18 A. **Because when I asked him, I believed the**
 19 **answer said, I had both.**
 20 Q. I understand what you believe, and I'm
 21 trying to understand as to why that belief may have been
 22 reasonable or based on accurate information. During
 23 that conversation, ma'am, he never actually came out and
 24 said that he was endorsing you, did he?
 25 A. **Yes.**

1 MR. TODD: She's not asking questions.
 2 You are.
 3 MR. SABA: I understand. I'm just
 4 responding to your objection.
 5 MR. TODD: Okay.
 6 BY MR. SABA:
 7 Q. So, you believe the article, then, that
 8 your counsel has actually referred to, which, in fact,
 9 expressly states that he did not endorse you, is an
 10 inaccurate statement, isn't that right?
 11 MR. TODD: I would appreciate it if you
 12 would, instead of asking us all to speculate on
 13 the exact text of that article, Mr. Saba, if you
 14 would, since you have it in front of you,
 15 provide it to the witness.
 16 MR. SABA: Sure.
 17 MR. TODD: Thank you.
 18 BY MR. SABA:
 19 Q. While I'm grabbing that, let me ask you
 20 about the Family Research Council. You never actually
 21 got their endorsement, is that correct?
 22 MR. TODD: You can answer if you know.
 23 A. **I don't know.**
 24 BY MR. SABA:
 25 Q. It's on your Web site as being listed as

1 Q. What did he say specifically?
 2 A. **He said he endorsed me.**
 3 Q. So it's your testimony today, under oath,
 4 that Chabot actually said, Jean Schmidt, I'm going to
 5 endorse you for Congress?
 6 A. **I specifically asked Mr. Chabot if he**
 7 **would endorse and support me. And he said yes. I am**
 8 **under oath. I must tell the truth.**
 9 Q. Okay. And, specifically, did he say, I'm
 10 going to endorse you?
 11 A. **I specifically asked the question, I**
 12 **would like your support and your endorsement. And he**
 13 **said yes.**
 14 Q. I understand the compound question. I'm
 15 asking specifically with regard to the endorsement.
 16 MR. TODD: At this point, I'm going to
 17 suggest that this question has been asked and
 18 answered about three times.
 19 MR. SABA: No. I was asking if he
 20 expressly stated he would endorse Jean Schmidt.
 21 MR. TODD: And Congresswoman Schmidt has
 22 said, at least three times, he said expressly
 23 that.
 24 MR. SABA: I think it was in response to
 25 a compound question as opposed --

1 one of your endorsements, isn't that correct?
 2 A. **I don't know.**
 3 MR. SABA: Did we already mark this one?
 4 MR. TODD: No. I think we only marked an
 5 A.
 6 MR. SABA: Okay.
 7 (Off the stenographic record.)
 8 (Deposition Exhibits B and C were marked
 9 for identification.)
 10 BY MR. SABA:
 11 Q. Okay, ma'am, you've been handed what's
 12 been marked, in front of you, as Exhibits B and C. Do
 13 you recognize those documents?
 14 A. **Yes.**
 15 Q. B is an excerpt of your Web site, is that
 16 correct?
 17 A. **B is?**
 18 Q. Yes, ma'am.
 19 A. **Was this on my Web site?**
 20 Q. Let me ask you this one: What did you
 21 use B for?
 22 THE WITNESS: Was it on my Web site?
 23 MR. TODD: I don't know.
 24 A. **I don't know.**
 25

1 BY MR. SABA:
 2 Q. Let's look at C.
 3 A. Okay.
 4 Q. C. That was on your Web site, is that
 5 correct?
 6 A. I don't know.
 7 Q. You've had endorsements listed on your
 8 Web site, is that right?
 9 A. I guess.
 10 Q. And you see, about the third, fourth one
 11 down there, you're indicating there that Mr. Chabot has,
 12 in fact, given you his endorsement, is that right?
 13 A. Yes. It's on here.
 14 Q. All right. Let's turn to the second page
 15 of Exhibit B, please. I'm sorry, C.
 16 A. Okay.
 17 Q. You're also indicating on there that
 18 you've got the endorsement of the Family Research
 19 Council?
 20 MR. TODD: I'll object to that
 21 characterization.
 22 BY MR. SABA:
 23 Q. Isn't that correct, ma'am?
 24 A. It's incorrect. I don't think it -- I
 25 don't understand why that's there.

1 Q. It's your Web site, ma'am. That's what
 2 I'm trying to understand. It's underneath the
 3 "Endorsements" caption. You've got a check mark in it
 4 just like you did all the other endorsements.
 5 A. I don't know how it got there.
 6 Q. So you're saying that is incorrect
 7 information, you never actually received the endorsement
 8 of the Family Research Council?
 9 MR. TODD: I'll object to the
 10 characterization because it does not say that
 11 it's an endorsement.
 12 BY MR. SABA:
 13 Q. At any point in time, did you ever
 14 receive the endorsement of the Family Research Council?
 15 A. I don't know.
 16 Q. Well, did you ever check with them to see
 17 if you could get their endorsement, ma'am?
 18 A. I don't know.
 19 MR. FINNEY: Paul, before we lose
 20 Mrs. Schmidt, can you call me on your cell phone
 21 real quick?
 22 MR. SABA: Yes.
 23 (Off the record.)
 24 (Deposition Exhibit D was marked for
 25 identification.)

1 BY MR. SABA:
 2 Q. Okay. You've just been handed what's
 3 marked as Exhibit D. And within that document, there's
 4 a reference, there's a statement from Gary Lindgren. Do
 5 you know that individual?
 6 A. Yes.
 7 Q. Have you ever spoken to Mr. Lindgren
 8 about the alleged endorsement from Steve Chabot?
 9 A. No.
 10 Q. You are aware of the fact that
 11 Mr. Lindgren says that Mr. Chabot was never asked for an
 12 endorsement from you for the race in 2005, isn't that
 13 correct?
 14 A. You're asking me if I -- what was the
 15 question?
 16 Q. Mr. Lindgren expressly states here, in
 17 Exhibit D, that Chabot was not asked for an endorsement
 18 by anyone in the race between yourself and McEwen?
 19 MR. TODD: Mr. Saba, could you just make
 20 it clear here that what you're referring to in
 21 Exhibit D is a Web blog that someone has posted
 22 on the Web, and that is not a statement by
 23 Mr. Lindgren. It is a report of a statement
 24 that Mr. Lindgren may have made. Correct?
 25 MR. SABA: That's your commentary. I

1 don't know if that's correct or incorrect.
 2 MR. TODD: Well, that's not anything --
 3 that's not a statement by Mr. Lindgren.
 4 MR. SABA: Yes, but here's what we don't
 5 know, and here's what I want to ask Ms. Schmidt
 6 again.
 7 BY MR. SABA:
 8 Q. What specifically did Mr. Chabot say to
 9 you that you obtained his endorsement?
 10 A. I specifically asked him for his support
 11 and his endorsement. And he said yes.
 12 Q. But he never said you had his
 13 endorsement?
 14 MR. TODD: At this point, since we've
 15 been over this ground, I am going to object.
 16 We've been over it and over it, and you've
 17 gotten the same answer each time. And I don't
 18 know that arguing with the witness about the
 19 answer -- I know you don't like it, but that is
 20 her answer.
 21 BY MR. SABA:
 22 Q. What else did he say, other than yes?
 23 A. That was it.
 24 Q. That was the end of the conversation?
 25 A. Yes.

1 Q. How long did it last?
 2 A. **Two minutes.**
 3 Q. And why did you believe you had both, the
 4 endorsement and the support?
 5 A. **I asked a simple question.**
 6 MR. FINNEY: Paul, move on to the next
 7 area.
 8 BY MR. SABA:
 9 Q. And what about specifically Tom Tancredo?
 10 What specifically did he say to you about the
 11 endorsement?
 12 A. **I met with Mr. Tancredo. He was upset**
 13 **that his name had been inadvertently used by someone**
 14 **else in a manner that he didn't approve. In the**
 15 **conversation, he assured me that I had his support and,**
 16 **I believed, his endorsement.**
 17 Q. And then at some point you subsequently
 18 learned you, in fact, didn't have his endorsement,
 19 although you may have had his support, correct?
 20 A. **Correct.**
 21 MR. FINNEY: And what did he specifically
 22 say?
 23 MR. TODD: Are you giving that to --
 24 MR. SABA: That's what I was going to ask
 25 next.

1 BY MR. SABA:
 2 Q. That's what I want to know. What did he
 3 tell you?
 4 A. **We had a much longer conversation. In**
 5 **all honesty, I don't specifically remember the actual**
 6 **questions that were asked.**
 7 Q. Well, besides the questions that were
 8 asked, what did you discuss?
 9 A. **A lot of things.**
 10 Q. Well, I'm only focusing really on the
 11 endorsement. What did you discuss with regard to the
 12 endorsement?
 13 A. **Mr. Tancredo was very upset that his name**
 14 **was used by someone else in a manner that he did not**
 15 **approve of.**
 16 Q. Who is that someone else? You mean
 17 someone else like your Web site or your committee?
 18 A. **No. No.**
 19 MR. TODD: Paul, call me again.
 20 (A recess was taken from 10:21 to 10:22.)
 21 MR. TODD: Are we back on?
 22 MR. SABA: Yes.
 23 BY MR. SABA:
 24 Q. All right. What specifically, then, did
 25 Mr. Tom Tancredo say to you that led to you believe you

1 had his endorsement? An endorsement, not support,
 2 endorsement.
 3 A. **Someone on my campaign gave me**
 4 **information which I believe, but I'm not sure, came from**
 5 **my opponent's Web site, but I don't know where they got**
 6 **the information, that insinuated that Mr. Tancredo was**
 7 **supporting my opponent.**
 8 **I went to meet with Mr. Tancredo.**
 9 **Mr. Tancredo was very angry that his name had been used**
 10 **in that manner. We talked for a very long time. In**
 11 **fact, he even requested for his assistant to come in and**
 12 **find ways to remove his name from any reference to my**
 13 **opponent.**
 14 **When I left, I believed I had both, his**
 15 **support and his endorsement. But, because it was a much**
 16 **longer meeting, I don't specifically remember the**
 17 **questions that were asked.**
 18 Q. Again, I just want to know, either you do
 19 or don't remember, but what specifically Tancredo said
 20 to you that would have led you to believe you had his
 21 endorsement?
 22 A. **I'm telling you what happened and giving**
 23 **you the answer.**
 24 Q. I understand that. And either you
 25 remember or you don't remember. I'm just asking.

1 A. **It was a long conversation.**
 2 Q. I understand that, ma'am. And you've
 3 told me you don't remember the questions you may have
 4 asked him, but I'm asking expressly what he told you.
 5 A. **I walked away believing I had both, his**
 6 **support and the endorsement.**
 7 Q. I understand that. You told me that.
 8 MR. TODD: Let her finish, please.
 9 BY MR. SABA:
 10 Q. My question is: What did he say to you?
 11 And either you don't remember or you do. And if you do,
 12 tell me what he said.
 13 A. **I don't remember specifically what he**
 14 **said. It was a long conversation.**
 15 Q. And even though you met with him as a
 16 result of -- apparently it was McEwen who allegedly
 17 misused his name, you didn't do anything after that
 18 meeting to ensure what you put on your Web site was, in
 19 fact, accurately correct, did you?
 20 A. **I didn't put it on my Web site.**
 21 Q. Someone put it on your behalf, isn't that
 22 right?
 23 A. **Somebody put it on the Web site.**
 24 Q. And then, subsequent to that meeting, and
 25 subsequent to having it put on the Web site, you had to

1 then remove the endorsement from Tancredo off of your
 2 Web site, isn't that right?
 3 **A. When I found out it was incorrect, it was**
 4 **removed.**
 5 Q. And you had a conversation with Tancredo
 6 about the fact that it was on there and had to be
 7 removed, isn't that right?
 8 **A. I didn't have a conversation with him**
 9 **specifically regarding the removal. It came to my**
 10 **office. When I was notified that he wanted it removed,**
 11 **it was removed.**
 12 Q. Let's talk about the Family Research
 13 Council.
 14 **A. Sure.**
 15 Q. What, if anything, did anyone from the
 16 Family Research Council say to you that led you to
 17 believe that you had their endorsement?
 18 MR. TODD: Answer.
 19 **A. I never talked to the Family Research**
 20 **Council.**
 21 **BY MR. SABA:**
 22 Q. So you did nothing to actually check to
 23 see if you had their endorsement, isn't that right?
 24 **A. I don't know how it got on the Web page.**
 25 Q. And it's a correct statement, too, that

1 you never obtained the endorsement from the Family
 2 Research Council, isn't that right?
 3 MR. TODD: If you know.
 4 **A. I don't know whether I received one or**
 5 **not. I don't know whether they endorse or not.**
 6 **BY MR. SABA:**
 7 Q. And just so I'm clear, too, you never
 8 actually got the endorsement of Tancredo, did you?
 9 **A. When Mr. Tancredo wanted the endorsement**
 10 **removed, I asked for it to be removed.**
 11 Q. Who would have been in charge of putting
 12 the endorsement on your Web site during the campaign?
 13 **A. No one specifically.**
 14 Q. And you have no explanation as to how the
 15 alleged endorsement from the Family Research Council
 16 actually made it on your Web site, do you?
 17 **A. No idea.**
 18 Q. And as we sit here today, you have really
 19 no basis as to why you would have believed you had the
 20 endorsement of the Family Research Council, is that
 21 right?
 22 MR. TODD: Can you answer that question?
 23 **A. No. I can't answer that question.**
 24 **BY MR. SABA:**
 25 Q. Did you subsequently then have to remove

1 the endorsement from the Family Research Council off of
 2 your Web site?
 3 **A. I don't know how it got on, and I don't**
 4 **know where it is now.**
 5 Q. And you don't know if it was removed?
 6 **A. I don't know.**
 7 MR. TODD: And when we're talking about
 8 what you're referring to as an endorsement,
 9 Mr. Saba, we're talking about that one paragraph
 10 that refers to the Family Research Council, is
 11 that correct, in which it says that
 12 Representative Schmidt supports the interests of
 13 the Family Research Council, correct? That's
 14 the statement you're referring to?
 15 MR. SABA: It's the check mark just like
 16 all the others, right underneath the
 17 "Endorsements" column, yes.
 18 MR. TODD: And it says that
 19 Representative Jean Schmidt supported the
 20 interests of the FRC, correct?
 21 MR. SABA: It's on her Web page right
 22 underneath the endorsements section.
 23 MR. TODD: But that's the one we're
 24 talking about, right?
 25 MR. SABA: That's right.

1 MR. TODD: Okay.
 2 MR. SABA: That's right.
 3 **BY MR. SABA:**
 4 Q. And when those endorsements were going on
 5 and the information was going on on your Web site, you
 6 did nothing to check or verify the accuracy of that
 7 information, isn't that correct?
 8 **A. Correct.**
 9 Q. And you don't know if anyone on behalf of
 10 your committee actually verified the accuracy of the
 11 information that was going on your Web site during the
 12 April 2005 through August 2005 campaign, do you?
 13 **A. What was the question?**
 14 MR. TODD: Can you read it back? It was
 15 a little hard to understand.
 16 **BY MR. SABA:**
 17 Q. During April 2005 --
 18 MR. TODD: No. Please --
 19 MR. SABA: I'll strike it and --
 20 MR. TODD: No. I think you did a decent
 21 job of asking it, but it was a little quick. So
 22 can you read it back?
 23 (The record was read.)
 24 **A. No, I didn't know of anybody**
 25 **specifically.**

1 **BY MR. SABA:**
 2 Q. And subsequent to the time period of
 3 putting the alleged endorsement from Steve Chabot on
 4 your Web site, did you have any conversations with
 5 Mr. Chabot about the statement that he had endorsed you
 6 on your Web site?
 7 **A. What was the question?**
 8 MR. TODD: Why don't you read it back.
 9 MR. SABA: I can reask it.
 10 MR. TODD: Go ahead and read it back.
 11 Again, I think it was just a matter of, you
 12 asked it fairly quickly, and I think it was a
 13 good question.
 14 (The record was read.)
 15 **A. I had one conversation with Mr. Chabot**
 16 **regarding the endorsement.**
 17 MR. TODD: The one you've already
 18 testified to?
 19 THE WITNESS: Yes.
 20 **BY MR. SABA:**
 21 Q. So you had no conversations with him
 22 subsequent to that time period about his endorsement?
 23 **A. About his endorsement?**
 24 Q. Yes.
 25 **A. No. I mean, we had conversations, yeah,**

1 conversations with anyone from Mr. Chabot's
 2 staff about the issue after the endorsement
 3 controversy arose?
 4 MR. SABA: I was going there.
 5 THE WITNESS: I can't answer that. I
 6 don't know.
 7 MR. TODD: And you're answering
 8 Mr. Finney's question, correct?
 9 THE WITNESS: Yes.
 10 **BY MR. SABA:**
 11 Q. You're not aware that the conversations
 12 actually occurred, is what you're saying?
 13 **A. Correct.**
 14 Q. And you're not aware of any issue arising
 15 with Chabot about the endorsement after you put it on
 16 your Web site, is that right?
 17 MR. TODD: You mean before his complaint
 18 was filed by your client?
 19 MR. SABA: Correct.
 20 **A. No. I don't know the time frame, so I**
 21 **can't answer that. I really can't.**
 22 **(Deposition Exhibit E was marked for**
 23 **identification.)**
 24 **BY MR. SABA:**
 25 Q. Okay. You've been handed what's been

1 **but not about that.**
 2 Q. And were you ever confronted by anyone
 3 from Mr. Chabot, or anyone on his behalf, about the fact
 4 that your Web site had incorrectly stated that he had
 5 endorsed you?
 6 **A. Did I personally have any contact? No.**
 7 Q. What about someone on behalf of your
 8 committee?
 9 **A. I'm sure someone -- I don't know. I**
 10 **can't answer. They didn't talk to me. Chabot's**
 11 **committee did not talk to me.**
 12 Q. Well, not you personally. I'm talking
 13 about someone involved with your committee.
 14 **A. I can't answer that question. They**
 15 **didn't talk to me.**
 16 Q. I'm just asking if you're aware of it,
 17 ma'am, as opposed to specifically directing
 18 conversations to you, whether you have knowledge if
 19 someone on behalf of Chabot or his campaign or his
 20 committee spoke to someone on your behalf.
 21 **A. I don't have firsthand knowledge, no.**
 22 MR. FINNEY: Paul, I would probe that
 23 further. You didn't ask if she had firsthand
 24 knowledge.
 25 Did anyone from your staff have

1 marked as Exhibit E. Have you had an opportunity to
 2 review it?
 3 **A. Yes.**
 4 Q. This is obviously an article from The
 5 Cincinnati Enquirer, and there's a specific quote in
 6 here from Gary Lindgren. And he specifically states as
 7 quoted, "We have not been asked for an endorsement by
 8 anyone in that race."
 9 **A. I never asked Mr. Lindgren. I asked**
 10 **Mr. Chabot.**
 11 Q. And further down, he says here, too, that
 12 "Generally, Steve does not endorse in local primary
 13 elections."
 14 **A. I can't answer for Mr. Lindgren.**
 15 Q. And you're not aware of any of these
 16 statements occurring at or around the March 2005 time
 17 frame where Mr. Chabot, or someone on his behalf, is
 18 saying that they have not been asked for your
 19 endorsement, and that Mr. Chabot does not generally
 20 endorse anyone?
 21 **A. I never talked with Mr. Lindgren.**
 22 Q. I didn't ask if you specifically spoke to
 23 Lindgren. I asked if you were aware of it.
 24 **A. Aware of -- only when it's in print.**
 25 Q. Okay. So you became aware of it around

1 this time. What did do you?
 2 **A. I would imagine that we changed the Web**
 3 **site at that time when we became aware of it. I know we**
 4 **changed the Web site. I don't know when it was changed.**
 5 **We became aware of it and we changed it.**
 6 Q. So at some point, you became aware of the
 7 fact that your Web site had incorrectly listed Chabot as
 8 endorsing you, and as a result you then had to change
 9 the Web site, correct?
 10 MR. TODD: If you know.
 11 **A. I can't answer that.**
 12 **BY MR. SABA:**
 13 Q. Well, you just told me you changed the
 14 Web site. I'm asking --
 15 **A. But you're assuming a specific date, and**
 16 **I don't know the specific date. So I'm not going to**
 17 **answer.**
 18 Q. Ma'am, I didn't ask about a specific
 19 date. I asked about whether the fact you became aware
 20 that the Web site had to be changed because you had
 21 incorrectly stated Chabot had endorsed you when, in
 22 fact, he had not.
 23 **A. Mr. Chabot had given me his support and**
 24 **his endorsement.**
 25 Q. Although in the article, it expressly

1 the way?
 2 THE WITNESS: There's an individual
 3 coming into town from the State Department, that
 4 I have to go meet.
 5 MR. SABA: And how long is that meeting
 6 going to last? And when are you going to be
 7 able to come back?
 8 THE WITNESS: I'm not sure, sir.
 9 MR. TODD: We'll keep you advised.
 10 THE WITNESS: We'll keep you advised.
 11 You've got two minutes. Can we wrap this up in
 12 two minutes?
 13 MR. SABA: No.
 14 THE WITNESS: Okay.
 15 MR. SABA: I'm trying to be polite and
 16 accommodate the schedules. I'm asking when we
 17 can finish up later today or tomorrow. When are
 18 you going to be able to finish up?
 19 THE WITNESS: I'm not sure.
 20 MR. TODD: Well, I think we've covered
 21 everything that's relevant, so we'll talk to you
 22 about that.
 23 MR. SABA: Oh, we're not done.
 24 MR. TODD: Well, we'll talk to you about
 25 that.

1 states here that Chabot says he didn't endorse you.
 2 **A. Mr. Lindgren says Mr. Chabot didn't**
 3 **endorse me.**
 4 MR. TODD: Thirdhand hearsay in this
 5 article.
 6 BY MR. SABA:
 7 Q. I understand that. But you understand
 8 what Mr. Lindgren's role is there to Chabot, don't you?
 9 **A. Sure.**
 10 MR. TODD: No, I have no idea.
 11 MR. SABA: I'm asking her.
 12 BY MR. SABA:
 13 Q. You just said "Sure," right?
 14 **A. He's his chief of staff.**
 15 Q. Okay.
 16 MR. TODD: I'm a little surprised his
 17 chief of staff is so involved in the campaign.
 18 THE WITNESS: Well, anyway, you've got
 19 about two more minutes. I'm going to have to
 20 go.
 21 MR. SABA: And when will you be able to
 22 come back?
 23 THE WITNESS: I'm not sure. I have an
 24 official duty.
 25 MR. SABA: What is the official duty, by

1 MR. SABA: Well, if you want to get
 2 the -- if you want to move for a protective
 3 order, then why don't you get the Elections
 4 Commission on the phone.
 5 MR. TODD: All right. We're going to,
 6 but the Congresswoman has to leave.
 7 THE WITNESS: I've got to go. Thank you.
 8 (The witness left the conference room.)
 9 MR. SABA: Well, I'll let you know that
 10 we object to that, because I don't understand
 11 what the official duty is when you told us she
 12 was going to be made available.
 13 MR. TODD: Well, I'm not going to get
 14 into an argument about it with you. I refuse to
 15 do that. The reality is that, as a sitting
 16 member of Congress, she does have some
 17 responsibilities other than campaigning.
 18 And one would hope that her primary
 19 interest is fulfilling those responsibilities
 20 and not being worried about a campaign, or a
 21 very important case to you, I guess, but she
 22 does have official responsibilities. And we
 23 would hope, all of us, that that would be her
 24 primary responsibility.
 25 MR. SABA: And as a result of that, I'm

1 not sitting here complaining that she has walked
2 out in the middle of this deposition, you know,
3 terminating it, but I have asked --

4 MR. TODD: We're not terminating it.

5 MR. SABA: Fine. When will she be
6 available to come back?

7 MR. TODD: We'll find out.

8 MR. SABA: Why don't you know now?

9 MR. TODD: Because I don't know how long
10 this meeting is going to last.

11 MR. SABA: Why wouldn't she know? She's
12 got a schedule --

13 MR. TODD: She didn't share it with me,
14 Mr. Saba, because it is not in her best interest
15 to share certain official responsibilities with
16 anyone who is not privileged to know. I have --

17 MR. FINNEY: Hold on. Paul, let's wrap
18 that up. I mean, Bill, you will let us know if
19 and when you're going to make Ms. Schmidt
20 available to finish her deposition, correct?

21 MR. TODD: Well, assuming that there's
22 any need for any further questioning, Chris. I
23 mean, you all may disagree with me on this, but
24 I think you've asked and answered everything
25 that pertains to the allegations in the two

1 complaints.

2 MR. FINNEY: Well, I'm going to go over
3 that with Paul, but at least our position right
4 now is that we would like to reconvene the
5 deposition.

6 MR. TODD: And I am certainly open to
7 that, Chris. I am not saying that that is
8 not -- that we're terminating the deposition.
9 But, you know, I apologize that she had to go,
10 but she told me last night that this matter came
11 up with the State Department. I have no idea
12 what it is.

13 MR. FINNEY: Okay. I was not aware it
14 was last minute. Then, I appreciate that.

15
16
17 ---
18 DEPOSITION ADJOURNED AT 10:40 A.M.
19 ---
20
21
22
23
24
25

1 CERTIFICATE

2 State of Ohio :
3 : SS

4 County of Butler :

5 I, David W. Moxley, RPR, CRR, CMRS, the
6 undersigned, a duly commissioned notary public within
7 and for the State of Ohio, do hereby certify that before
8 the giving of her aforesaid deposition, JEANETTE SCHMIDT
9 was by me first duly sworn to depose the truth, the
10 whole truth and nothing but the truth; that the
11 foregoing is the deposition given at said time and place
12 by JEANETTE SCHMIDT; that said deposition was taken in
13 all respects pursuant to stipulations of counsel; that I
14 am neither a relative of nor employee of any of their
15 parties or their counsel, and have no interest whatever
16 in the result of the action; that I am not, nor is the
17 court reporting firm with which I am affiliated under a
18 contract as defined in Civil Rule 28 (D).

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and official seal of office at Hamilton, Ohio, on
21 this 24th day of April, 2006.
22

23 My commission expires: David W. Moxley, RPR, CRR, CMRS
24 March 11, 2008. Notary Public - State of Ohio
25

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