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8  
9 **UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 \_\_\_\_\_ )  
11 SINDEELOU THOMSON, )

12 Plaintiff, )

13 )  
14 v. )

15 JOHN T. DOOLITTLE, )

16 Defendant. )  
17 \_\_\_\_\_ )

Case No. 2:07-CV-01623-LEW-  
GGH

**STATEMENT OF  
UNDISPUTED FACTS**

DATE: September 21, 2007  
TIME: 10:00 A.M.  
CTRM: 9

Hon. Ronald S.W. Lew

18 The defendant, in support of his motion for summary judgment filed herewith, submit  
19 that the following material facts are undisputed:

20 1. Plaintiff SindeeLou Thomson is a constituent of defendant John T. Doolittle, U.S.  
21 Representative for the 4th congressional district of California. Complaint at 2.

22 3. On May 25, 2007 Congressman Doolittle's office sent out an official e-mail  
23 newsletter entitled "Doolittle Amendment Passes House: Ends Mortgages for Illegal Aliens"  
24 (the "Doolittle E-mail"). Declaration of Dan Blankenburg (Aug. 15, 2007) at ¶ 4 ("Blankenburg  
25 Declaration") and Exhibit 1.  
26

1 4. Prior to the release of the Doolittle E-mail on May 25, 2007, Congressman Doolittle's  
2 staff assistant, Candace Dodge, communicated with Jack Dail, Staff Director of the House  
3 Commission on Congressional Mailing Standards ("Franking Commission"), to obtain a  
4 Franking Commission advisory opinion that the Doolittle E-mail complied with franking content  
5 regulations. The Franking Commission gave its preliminary approval on May 24, 2007.  
6 Blankenburg Declaration ¶ 5, Exhibits 2, 3.

7 6. The software that Congressman Doolittle's office uses to track the history of official  
8 e-mails sent from the office to constituents reflects that Congressman Doolittle's office sent the  
9 Doolittle Email to the addresses [sindeelouthomson@netscape.net](mailto:sindeelouthomson@netscape.net) and  
10 [rthomson916@earthlink.net](mailto:rthomson916@earthlink.net) on May 25, 2007. Both those addresses are registered in the  
11 tracking software to Ronald Thomson, 1033 S. Bluff Dr., Roseville, CA 95678-1141.  
12 The tracking software also reflects that on March 13, 2006, someone affirmatively opted to  
13 receive e-mails from the Congressman's office at the [rthomson916@earthlink.net](mailto:rthomson916@earthlink.net) address, and  
14 that on June 6, 2007, someone affirmatively opted not to receive e-mails from the  
15 Congressman's office at the [sindeelouthomson@netscape.net](mailto:sindeelouthomson@netscape.net) address. No emails were sent by  
16 Congressman Doolittle's office to the address [sindeelouthomson@netscape.net](mailto:sindeelouthomson@netscape.net) after June 6,  
17 2007. Blankenburg Declaration at ¶ 6.

18 7. On August 10, 2007, both the [sindeelouthomson@netscape.net](mailto:sindeelouthomson@netscape.net) and the  
19 [rthomson916@earthlink.net](mailto:rthomson916@earthlink.net) e-mail addresses were removed from the Congressman's e-mail list.  
20 Blankenburg Declaration at ¶ 7.

21  
22 Respectfully submitted,

23 GERALDINE R. GENNET  
24 General Counsel  
25 KERRY W. KIRCHER  
26 Deputy General Counsel

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/s/ Christine Davenport  
CHRISTINE DAVENPORT  
Assistant Counsel

Counsel for Defendant John T. Doolittle

August 15, 2007

1 **CERTIFICATE OF SERVICE**

2 I certify that on August 15, 2007, I served one copy of the foregoing Statement of  
3 Undisputed Facts, by first-class mail, on:

4 SindeeLou Thomson  
5 P.O. Box 1495  
6 Roseville, CA 95678

7 SindeeLou Thomson  
8 1033 South Bluff Drive  
9 Roseville, CA 95678

10 Bari Nejadpour, Esq.  
11 The Law Offices of F. Bari Nejadour & Associates  
12 3540 Wilshire Blvd. Suite 715  
13 Los Angeles, CA 90010

14 /s/ Christine Davenport  
15 CHRISTINE DAVENPORT  
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