

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ERIC O'KEEFE, and
WISCONSIN CLUB FOR GROWTH, INC.,

Plaintiffs,

v.

Case No. 2:14-cv-00139-RTR

FRANCIS SCHMITZ, in his official and
personal capacities,
JOHN CHISHOLM, in his official and
personal capacities,
BRUCE LANDGRAF, in his official and
personal capacities,
DAVID ROBLES, in his official and
personal capacities,
DEAN NICKEL, in his official and
personal capacities,
GREGORY PETERSON, in his official
capacity,

Defendant.

DECLARATION OF FRANCIS SCHMITZ

Pursuant to 28 U.S.C. § 1746, I, FRANCIS D. SCHMITZ, hereby declare:

1. I am an attorney licensed in the State of Wisconsin.
2. I am a Defendant in the above-captioned lawsuit.
3. I make the following declaration based upon my personal knowledge.
4. Since my appointment as a special prosecutor in the John Doe proceedings which are the basis for the plaintiffs' lawsuit, I have reviewed and filed numerous pleadings with the John Doe judge, the Wisconsin Court of Appeals and the Wisconsin Supreme Court.
5. To the best of my recollection, affidavits filed in connection with the initiation of the John Doe proceedings and seeking various information through subpoenas and search

warrants has not been previously provided to any of the parties involved in challenging the John Doe proceedings. The Wisconsin Club for Growth is one of those parties and Eric O'Keefe acts as a director of that organization.

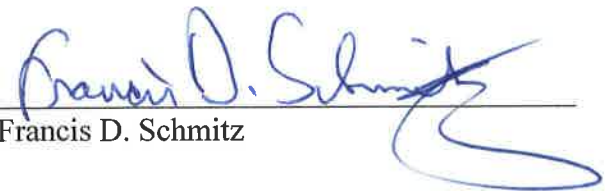
6. While previously filed pleadings have included references to information contained in those affidavits, the actual content of the affidavits and attached exhibits are being released to the Wisconsin Club for Growth for the first time in this civil proceeding.

7. While I realize that these materials may well become public in this proceeding, I believe that the release of these materials at this time to other individuals, whether or not those individuals are involved in the John Doe proceedings, could harm that investigation in the future.

8. Accordingly, I am requesting that a protective order be issued which bars plaintiff's O'Keefe and the Wisconsin Club for Growth, individually or through the Baker and Hostetler Law Firm, from releasing any of the unredacted pleadings, declarations, affidavits and accompanying exhibits or documents filed in this case, or the contents thereof, to any of the parties involved in challenging the John Doe investigation, their counsel or any other person. The Graves Law firm of Kansas City, Missouri, which separately represents the Wisconsin Club for Growth in the John Doe criminal proceedings would specifically be prohibited from receiving this information.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2014.


Francis D. Schmitz