

Cynthia Callendar Gordon, Bar No. 4095  
8625 W Sahara Ave  
Las Vegas Nevada 89117  
Telephone: 702-501-7600  
Facsimile: 702-255-7043

John F. Head, *pro hac vice*  
Email: [jfhead@headlawyers.com](mailto:jfhead@headlawyers.com)  
Head & Associates, P.C.  
4155 East Jewell Avenue, Suite 500  
Denver, Colorado 80222  
Telephone: 303-623-6000  
Facsimile: 303-623-4211

*Attorneys for Vitale & Associates, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**VITALE & ASSOCIATES, LLC, a**  
Colorado limited liability company;

Plaintiff,

v.

**SUE LOWDEN, and;**  
**SUE LOWDEN FOR US SENATE**

Case No. 2:12-cv-01400-JCM-VCF

**AMENDED AFFIDAVIT OF ROBERT  
UITHOVEN IN OPPOSITION TO  
MOTION FOR SUMMARY JUDGMENT**

ROBERT UITHOVEN, being first duly sworn, doth depose and say that:

1. I own 100% of J3 Strategies, LLC and have personal knowledge of the matters hereinafter stated. The business of J3 Strategies is to provide political and public affairs consulting.
2. J3 Strategies had a written contract to serve as the lead campaign consultant, managing several aspects of the campaign as outlined in the contract. Sue Lowden signed it personally. A copy of the contract bearing her signature is attached hereto as Exhibit A.

3. I have never heard of the Nevada Unincorporated Nonprofit Associations Act prior to being presented this affidavit and I never heard that the Sue Lowden for US Senate was independent of Sue Lowden.

4. Other than a campaign plan and a budget, both of which were modified from time to time, I am not aware of any organizational documents for the Lowden campaign, guiding principles, lines of authority, outline of any structure for decision making, and minutes of meetings that were kept. If they do exist, I am not aware of them. Sue Lowden made all of the decisions except those that she delegated to me to make on her behalf. She reported to no one, I reported to her and everyone else in the campaign, at the senior level, reported to me and/or Sue Lowden.

5. I did not have the authority to hire consultants, such as Vitale & Associates, without first obtaining approval from Sue Lowden. As far as I know and can recall, no one other than Sue Lowden made decisions for the campaign. Sue Lowden made the decision to hire Vitale & Associates as the campaign pollster based upon my recommendation. She authorized me to communicate to Vitale that his firm was hired as the pollster.

6. There were three polls done by Vitale & Associates for the campaign (July 2009, January 2010 and April 2010) plus tracking polls. Each one of the polls, and the cost for such, was reviewed by me with Sue Lowden prior to authorization being given to Vitale for such polls to be conducted. She was briefed on the results of each of the polls.


7. All the polling results and related services were delivered on time and at the pre-determined price. Either Sue Lowden approved each and every poll and the expenditure of money on the polling, or she gave me the authority to give approval. All of the polling that was done was of professional quality and, as it turned out, accurately gauged the attitude of Republicans toward Sue Lowden. All of the invoices issued by Vitale & Associates were approved by campaign staff who had the authority to do so.

8. I had numerous discussions with Sue Lowden regarding funding of the campaign expenses. Repeatedly, she stated that whatever it took in personal funds to win would be available. On one occasion, it was reported that one of her opponents was spending personal money on his campaign. In the ensuing discussion with her and her husband, Paul, regarding this report, they both stated that they he could not outspend them. I recall one occasion when Sue Lowden expressed to me that she would not spend any more personal money in regards to a media buy for a television ad our media firm had just produced.

Further affiant sayeth naught.

STATE OF NEVADA                    )  
  ) ss  
COUNTY OF WASHOE                )


The undersigned, being duly sworn, states that the facts set forth above are true.

  
\_\_\_\_\_  
Robert Uithoven

SUBSCRIBED and sworn to before me this 25 day of April, 2014 by Robert Uithoven.

WITNESS my hand and official seal. My commission expires on May 7, 2017.

SEAL

  
\_\_\_\_\_  
Notary Public

