

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN

MARY BUZUMA, DAVID CANNY,
BRIAN ELLISON, ANGELA THORNTON,
JOSEPH BRUNGARDT, DANA CARVER,
DONNA GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

v

Case No. 24-9042-CZ

ANDREW CHADDERDON, DANIEL
ZIEMBA, ANDREW EVANS, JOSHUA
JONGEMA, and CONNOR NEPOMUCENO,

Defendants.

A TRUE COPY

MAY 22 2024

Karen L. Brewster
CLERK REGISTER CHEBOYGAN CO.

ORDER GRANTING EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER

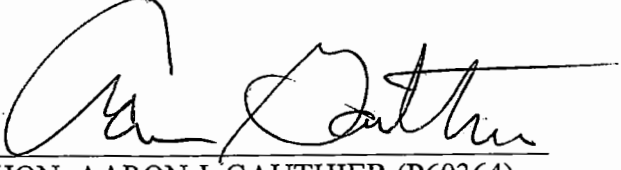
This matter comes before the Court on plaintiffs' *Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction*. Having reviewed the motion and supporting materials, and taking judicial notice of the previously filed related case of *Saliba v Chadderdon*, Cheboygan Circuit Case No. 24-9034-CZ, the Court pursuant to MCR 3.310(B) hereby GRANTS plaintiffs' motion for a temporary restraining order (TRO), finding and ordering as follows:

- A. The decision of the Judicial Committee of the Libertarian Party of Michigan, issued on or about May 18, 2024, purporting to invalidate the election of 27 delegates to the 2024 Libertarian Party National Convention was rendered outside of the scope of the proper authority of the Judicial Committee and was not based on any plausible reading of the bylaws of the Libertarian Party of Michigan.
- B. Plaintiffs have demonstrated that immediate and irreparable injury will result if immediate relief is not granted, in that absent the issuance of a TRO, they will be denied the opportunity to serve as delegates to the national convention, despite being elected to so serve.

- C. Plaintiffs have also demonstrated that the delay required to effect notice will result in immediate and irreparable injury, given that the decision of the Judicial Committee was made and released on a timetable that would, absent the issuance of a TRO, prevent meaningful judicial review.
- D. Accordingly, IT IS ORDERED that defendant Ziemba shall, within 1 hour of receipt of this order and no later than 10:00 a.m. on Thursday, May 23, 2024, re-submit the names and addresses of the individuals listed on Exhibit C to the complaint in this case to the national convention credential committee, thereby re-certifying that the individuals on the list are the official delegates and alternate delegates of the Libertarian Party of Michigan.
- E. IT IS FURTHER ORDERED that, once defendant Ziemba re-submits the original list as required above, the defendants are prohibited from submitting any other document to the national convention credential committee that purposes to overturn, invalidate, or modify that submission until a hearing can be set and conducted on the issue of whether a preliminary injunction should issue.
- F. IT IS FURTHER ORDERED that, given the timing of the credentialing process for the national convention this upcoming weekend, there is insufficient time to schedule a show cause hearing for the issuance of a preliminary injunction, and because such a hearing therefore would be moot, none will be scheduled by this Court.
- G. IT IS FURTHER ORDERED that upon the filing of an answer by all defendants, the matter will be set for a scheduling conference in the ordinary course of the Court's docket, as the issue of declaratory relief regarding the authority of and judicial review of the decision of the Judicial Committee remains a live case and controversy.
- H. IT IS FURTHER ORDERED that any violations of this order shall be punishable as contempt of Court.

IT IS SO ORDERED.

DATE & TIME: 5-22-2024
10:56 a.m.


HON. AARON J. GAUTHIER (P60364)

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY		SUMMONS	CASE NO. 24-9042-CZ
Court address 870 S. Main Street, Cheboygan, MI 49721		Court telephone no. (231) 627-8818	
Plaintiff's name, address, and telephone no. Mary Buzuma 714 S Beacon Blvd, Apt 76 Grand Haven, MI 49417		Defendant's name, address, and telephone no. Andrew Chadderdon 30005 Malvern Street Westland, MI 48184	
Plaintiff's attorney, bar no., address, and telephone no. C. Nicholas Curcio (P78540) 16905 Birchview Drive Nunica, MI 49448 616-430-2201		FILED BY: <i>RP</i> MAY 22 2024 CHEBOYGAN COUNTY CLERK	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

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Civil Case

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The action: ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

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Issue date 5-22-24	Expiration date* 8-20-24	Court clerk <i>Renee Peltier, Dep Clerk</i>
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PROOF OF SERVICE

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Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
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Name (type or print)

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Date and time

Signature on behalf of _____

Name (type or print)

Approved, SCAO

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STATE OF MICHIGAN JUDICIAL DISTRICT 53rd JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 24-9042-C2
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Court address

870 S. Main Street, Cheboygan, MI 49721

Court telephone no.

(231) 627-8818

Plaintiff's name, address, and telephone no.

 Mary Buzuma
 714 S Beacon Blvd, Apt 76
 Grand Haven, MI 49417

Defendant's name, address, and telephone no.

 Connor Nepomuceno
 3174 Oak Grove Road
 North Branch, MI 48461

v

FILED BY: *W*

Plaintiff's attorney, bar no., address, and telephone no.

 C. Nicholas Curcio (P78540)
 16905 Birchview Drive
 Nunica, MI 49448
 616-430-2201

MAY 12 2024

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MC 01 (3/23) **SUMMONS**

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

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Signature _____ on behalf of _____

Name (type or print) _____

Approved, SCAO

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STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 24-9042-CZ
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870 S. Main Street, Cheboygan, MI 49721

Court telephone no.
(231) 627-8818

Plaintiff's name, address, and telephone no.

 Mary Buzuma
 714 S Beacon Blvd, Apt 76
 Grand Haven, MI 49417

Defendant's name, address, and telephone no.

 Daniel Ziemba
 1457 S Sheldon Rd., Apt 1
 Plymouth, MI 48170

v

FILED BY: *RP*

MAY 22 2024

Plaintiff's attorney, bar no., address, and telephone no.

 C. Nicholas Curcio (P78540)
 16905 Birchview Drive
 Nunica, MI 49448
 616-430-2201

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STATE OF MICHIGAN		SUMMONS	CASE NO. 24-9042-CZ
53rd	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY		

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Mary Buzuma
714 S Beacon Blvd, Apt 76
Grand Haven, MI 49417

Defendant's name, address, and telephone no.

Joshua Jongema
320 Superior St.
L'Anse, MI 49946

v

FILED BY: *JP*

MAY 12 2024

Plaintiff's attorney, bar no., address, and telephone no.

C. Nicholas Curcio (P78540)
16905 Birchview Drive
Nunica, MI 49448
616-430-2201

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STATE OF MICHIGAN JUDICIAL DISTRICT 53rd JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 24-9042-LZ
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 714 S Beacon Blvd, Apt 76
 Grand Haven, MI 49417

Defendant's name, address, and telephone no.

Andrew Evans
 7770 Galbraith Rd.
 Cheboygan, MI 49721

v

FILED BY:



MAY 22 2024

Plaintiff's attorney, bar no., address, and telephone no.

C. Nicholas Curcio (P78540)
 16905 Birchview Drive
 Nunica, MI 49448
 616-430-2201

CHEBOYGAN COUNTY CLERK

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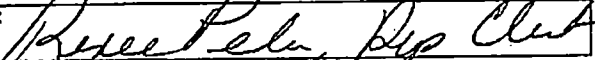
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IN THE 53rd CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN**

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BRÜNGARDT, DANA CARVER, DONNA
GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

Hon. Aaron Gauthier

Case No. 24- 9042 -CZ

v.

ANDREW CHADDERDON, DANIEL
ZIEMBA, ANDREW EVANS, JOSHUA
JONGEMA, and CONNOR NEPOMUCENO,

Defendants,

FILED BY: JP

C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201
ncurcio@curciofirm.com
Attorney for Plaintiffs

MAY 22 2024

CHEBOYGAN COUNTY CLERK

A TRUE COPY

MAY 22 2024

EMERGENCY VERIFIED COMPLAINT

Karen L. Brewster
CLERK REGISTER CHEBOYGAN CO.

Plaintiffs state as follows for their verified complaint against defendants Andrew

Chadderdon, Daniel Ziemba, Andrew Evans, Joshua Jongema, and Connor Nepomuceno.

Parties, Jurisdiction, and Venue

1. Plaintiffs are members of the Libertarian Party of Michigan ("LPM") who have been elected to serve as delegates to the 2024 Libertarian Party National Convention in Washington D.C. A list of the plaintiffs' names and addresses is attached as **Exhibit A** to this complaint.

2. Defendant Andrew Chadderdon is a citizen and resident of Wayne County, Michigan, who purports to be the chair of the LPM executive committee and who is recognized by the Libertarian National Committee ("LNC") as such.

3. Defendant Daniel Ziemba is a citizen and resident of Wayne County, Michigan, who purports to be the secretary of the LPM executive committee and who is recognized by the LNC as such.

4. Defendant Andrew Evans is a citizen and resident of Cheboygan County, Michigan, who at all times relevant to this complaint purported to serve on a body within the LPM known as the judicial committee. Defendants Joshua Jongema and Connor Nepomuceno are citizens and residents of Baraga County and Oakland County, Michigan, respectfully, and also purport to serve on the LPM judicial committee.

5. This is a lawsuit to compel the defendants to honor the results of the convention held on March 9, 2024, in Flint Michigan, which defendants and their supporters themselves called. In particular, the suit seeks to invalidate actions taken by the defendants to interfere with the plaintiffs right to serve as national-convention delegates based on meritless claims of procedural error at the March 9 convention. It also seeks injunctive relief to require defendant Ziemba to re-certify to the national convention's credentials committee that they were properly elected as delegates.

6. This Court has personal jurisdiction over the defendants pursuant to MCL 600.701.

7. This Court has jurisdiction over the subject matter of this action pursuant to MCL 600.605.

8. Venue is proper in Cheboygan County pursuant to MCL 600.1621 because defendant Andrew Evans resides in Cheboygan County.

9. This case is justiciable because: (1) its resolution calls upon the Court to decide matters arising under the LPM bylaws; (2) courts regularly deal with cases involving compliance with bylaws of private associations; and (3) failure to comply with the LPM bylaws constitutes a breach of contract. See, e.g., *Pego v Karamo*, unpublished order of the Kent County Circuit Court, entered on February 20, 2024 (Docket No. 24-00658-CZ) (finding that a governance dispute within the Michigan Republican Party was justiciable because it turned on interpretation of the party's bylaws); *Hillsdale County Republican Executive Committee v Wisely*, unpublished opinion and order of the Hillsdale County Circuit Court entered on October 5, 2023 (Docket No. 22-00688-CZ) (finding same with respect to county-level Republican Party); see also *Conlin v Upton*, 313 Mich App 243, 255; 881 NW2d 511 (2015) (explaining that bylaws “constitute a binding contractual agreement between [an entity] and its members.”)

General Allegations

Background of Governance Dispute

10. The Libertarian Party of Michigan has been in disarray since at least July 2022, when the party held a candidate-nominating convention in Holland, Michigan.

11. During that convention, a two-thirds supermajority of the delegates voted to remove Mr. Chadderdon from his position as acting chair of the LPM executive committee through a vote of no confidence. The motion in support of the vote of no confidence stated, among other things, that Mr. Chadderdon “consistently used the Bylaws and *Robert's Rules [of Order]* as a weapon against those who oppose him.”

12. Following the convention, Mr. Chadderdon appealed his removal to the LPM judicial committee. The judicial committee is a body that exists within the LPM to decide cases involving alleged violations of the LPM bylaws. At the time it received and acted on Mr.

Chadderdon's appeal, it was made up of defendant Nepomuceno and two of Mr. Chadderdon's other political allies.

13. In his appeal, Mr. Chadderdon argued that the convention was a "special meeting" for purposes of *Robert's Rules* and, as a result, business could only be conducted if it was specifically referenced in the written document calling the convention. He further argued that because the motion to remove him as chair was not referenced in the call to convention, it was legally void.

14. This position was inconsistent with the fact that candidate-nominating conventions are held at specified intervals as provided in the LPM bylaws (thereby making them "regular meetings" for purposes of *Robert's Rules*) and with the fact that the party has throughout its history always treated them as regular meetings.

15. Despite these facts, the judicial committee ruled in favor of Mr. Chadderdon and issued an opinion stating that the LPM executive committee "shall be reverted to its composition as of July 8th," the day before the convention took place.

16. Mr. Chadderdon's efforts to cling to power — aided by the judicial committee's opinion — caused a schism within the party.

17. A majority of the active members in the party, including the plaintiffs, believe that the judicial committee's opinion was wrong on the merits and that the judicial committee lacks the power to order self-executing remedies that overrule decisions made by convention delegates. In their view, the decisions of the judicial committee are merely recommendations to be reported back to the assembly for consideration. See *Robert's Rules of Order, Newly Revised* (12th ed.) § 50:4.

18. For these reasons, the individuals who constituted the LPM executive committee following the July 2022 convention declined to vacate their seats. For ease of reference, the board that consists of these individuals and their successors is referred to in the remainder of this

complaint as the “Saliba board,” after its chair Michael Saliba. Mr. Saliba and numerous other plaintiffs in this lawsuit are members of that board.

19. Mr. Chadderdon, for his part, formed a separate board that purports to be the legitimate LPM executive committee. For ease of reference, that board is referred to in the remainder of this complaint as the “Chadderdon board.” Mr. Ziemba serves as the secretary of the Chadderdon board.

20. For the past two years, the Saliba board and the Chadderdon board have largely operated separately from one another. They have conducted their own meetings, engaged in their own fundraising, and held separate conventions in 2023. At the 2023 conventions, each faction of the party adopted changes to the party’s bylaws.

21. Various members of the two boards have also been embroiled in litigation against one another in two pending lawsuits. One of those lawsuits is an interpleader action in Washtenaw County Circuit Court relating to control of the party’s bank accounts. The other is a federal trademark suit filed by the LNC against members of the Saliba board. Neither lawsuit relates to the specific topics that are the subject of this complaint.

Nomination to the March 9, 2024 Convention

22. In an effort to reunify the party, supporters of the Saliba board decided to — under protest and without conceding the legitimacy of the Chadderdon board — attend the national-delegate-selection convention that the Chadderdon board scheduled for March 9, 2024, in Flint, Michigan.

23. To do so, they sought to be credentialed as convention delegates through official channels recognized by the Chadderdon board, *i.e.*, through nomination by local affiliate parties.

24. This effort was successful. Many supporters of the Saliba board were nominated as state-convention delegates by local affiliate parties that are officially chartered by the Chadderdon board.

25. Consistent with his actions over the past several years, Mr. Chadderdon recognized that these nominations posed a threat to his political power, so he began distorting and weaponizing the party's bylaws in an attempt to thwart them.

Relevant LPM Bylaw Provisions

26. As described above, the two separate factions of the party adopted their own amendments to the LPM bylaws during their respective conventions in 2023. For sake of this litigation only, the plaintiffs accept the version of the bylaws adopted at a convention conducted by the Chadderdon board in July 2023 as the relevant version. A copy of that document is attached as **Exhibit B** to this complaint, and all references to the "LPM bylaws" in this complaint refer to that document.

27. The LPM bylaws provide rules for the governance of the party, including matters such as the credentialing of delegates to state conventions, the election of delegates to the Libertarian Party national convention, and the roles and responsibilities of the various the officers and committees within the party.

28. Article II, section 1 of the LPM bylaws provides: "The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the 'Executive Committee.'"

29. Article II, section 6 defines the duties of the secretary as follows: "The secretary shall be the recording officer of the Party, and be responsible for ensuring that member-accessible archives are preserved. Excepting the Party newsletter or press releases, the secretary shall be responsible for all regular communications within the Party and between the Party and

outside individuals, groups, and organizations.” This provision has been historically interpreted as vesting the secretary with the responsibility of submitting to the national Libertarian Party’s credentials committee a list of the names and addresses of all delegates and alternates chosen by the LPM as delegates to the Libertarian Party National Convention.

30. Article IV provides for the establishment of local affiliate parties, which must be chartered by the executive committee in order to be formally recognized. Article IV, section II provides: “An affiliate may elect in its discretion to adopt affiliate bylaws that organize the affiliate and the county(ies) and district(s) comprising its affiliate region” Notably, nothing in the LPM bylaws regulates the content of local-affiliate bylaws. To the contrary, Article IV, section 4 provides: “The autonomy of the affiliate Parties shall not be abridged by the Executive Committee, or any other committee of the Party, except as provided herein.”

31. Article VI, section 4 provides for the selection of delegates to LPM conventions in part by providing: “The Executive Committee shall allocate delegates to all state conventions to be selected by each affiliate region in proportion and according to the number of votes cast within the affiliate region for the Party’s most recent candidate for secretary of state.” Subsection 2 of that section further provides the general contours of the process by which affiliate parties are to select their delegates, stating: “The Executive Committee shall issue a call to each state convention to all affiliates no later than 60 days prior to the scheduled date of the state convention, which call shall specify the date and location of the state convention and the number of delegates each affiliate is entitled to select and send to the state convention. . . . [E]ach affiliate may select the date for its respective convention(s), so long as that date is at least 7 days prior to the state convention.”

32. Article VI, section 4, subsection 4 provides the process by which local affiliate parties seek to credential their selected delegates, thereby vesting the power to credential

delegates in a standing committee known as the "Credentials Committee." It provides in its entirety: "Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPMI Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention."

33. Article IV, section 8 provides: "A person must be a current member of the Libertarian Party of Michigan in order to serve as a delegate to a state convention." Article VIII, section 1 provides: "Membership shall be granted to any person who affirms the Statement of Principles and whose LPMI dues are current." Nothing in the LPMI bylaws authorizes any committee or other officer of the party to suspend memberships as a disciplinary measure.

34. Article VII, section 2 governs the election of delegates to the Libertarian Party National Convention. It provides in pertinent part: "Delegates to the National Convention shall be elected at a national delegate selection convention by nominations from the floor. Delegates may be appointed by the Executive Committee if the allotted quota is not met."

35. Article V establishes and defines the jurisdiction of a "Judicial Committee," providing: "The judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. . . . The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions."

36. Notably, the LPM bylaws do not create a "trial committee" or vest any powers in such a committee.

Challenges to the Seating of State-Convention Delegates

37. Prior to the convention, Mr. Chadderdon submitted two seating challenges to the LPM credentials committee.

38. The first challenge pertained to all 11 proposed delegates submitted to the credentials committee by the Libertarians of Macomb County ("LMC"), which is a local affiliate officially chartered by the Chadderdon board.

39. Mr. Chadderdon argued that the 11 proposed delegates should not be seated due to an alleged defect in the notice for the local convention at which the LMC elected them. In particular, the credentials committee was presented with information showing that the LMC sent a notice containing the date, time, and location of the convention, but that the convention was later moved to a different location because the original venue cancelled the reservation. Information was presented indicating that the LMC communicated the venue change to its members once the new location was known. Mr. Chadderdon argued that the defect in the notice violated *Robert's Rules*, which is adopted by reference in the LMC local bylaws.

40. Representatives of the LMC opposed this challenge, arguing that: (1) the notice provided was sufficient under the LMC's procedural rules; and (2) any challenge to the lack of notice can only be made at the local-affiliate level by a member of the local affiliate, not at a credentials-committee meeting by a member of a different affiliate.

41. The credentials committee, which consists solely of individuals appointed by the Chadderdon board, declined to act on Mr. Chadderdon's challenge, thereby effectively denying it. The credentials committee included all 11 members of the LMC delegation in its credentials report as qualified delegates.

42. The second challenge pertained to 4 individuals — Michael Saliba, Joe Brungardt,¹ Dave Canny, and Angela Thornton — whose memberships had purportedly been suspended due to their support for and participation on the Saliba board. As background, sometime in the summer of 2023, the Chadderdon board purported to form a “trial committee” to determine if any disciplinary action should be taken against Mr. Saliba, Mr. Brungardt, Mr. Canny, or Ms. Thornton. The committee conducted hearings and then rendered decisions that purported to suspend each of them for various numbers of years. In a report included in the packet for the March 9 convention, the trial committee stated: “The convention body may vote to decrease the penalty established by the Trial Committee by a motion to rescind or amend the aforementioned disciplinary action.” Mr. Chadderdon argued that because of the suspensions, the individuals in question were not members of the party and were ineligible to serve as delegates.

43. After entertaining this challenge, the credentials committee determined that Mr. Saliba, Mr. Brungardt, Mr. Canny, and Ms. Thornton could be seated as delegates at the convention if the convention assembly voted to reject their suspensions.

44. Later, at the beginning of the convention itself, Mr. Chadderdon moved to amend the credentials report to omit the LMC delegation based on the alleged improper notice given for the LMC convention. That motion was defeated by majority vote of the convention assembly. In the words of the convention chair, who is a member of the Chadderdon board, the vote in opposition to the motion was “overwhelming.”

45. The convention assembly later voted to reject the purported suspensions of Mr. Saliba, Mr. Brungardt, Mr. Canny, and Ms. Thornton. The convention chair then requested

¹ Notably, Mr. Saliba and Mr. Brungardt were elected as delegates by the LMC, so Mr. Chadderdon effectively challenged their seating on two separate grounds.

that the credentials report be updated to include the four members as qualified delegates, consistent with the credentials committee's previous determination on that issue.

46. At that point, Mr. Chadderdon raised a point of order and asserted that amending the credential committee's report would require a seven-eighths vote of the convention assembly. The convention chair sustained the point of order, reading article VI, paragraph 4.4 of the LPM bylaws to mean that any amendment to the credentials report that adds delegates requires a seven-eighths vote. A delegate appealed that ruling from the floor, arguing that the chair's interpretation was inconsistent with the plain text of that provision. In particular, the delegate asserted that the bylaws only require a seven-eighths vote in situations where (unlike here) the names and addresses of the proposed delegates were not sent to the credentials committee in advance of the convention. The convention chair posed the question to the convention assembly, which determined by a vote of 58 to 32 that the seven-eighths voting threshold did not apply.

47. Accordingly, Mr. Saliba, Mr. Brungardt, Mr. Canny, or Ms. Thornton were seated as delegates based on the previous vote to restore their rights as party members.

Election of National-Convention Delegates

48. After the squabbles regarding the composition of the assembly were resolved, the delegates went about the business on the convention agenda, including the selection of delegates to the national convention.

49. The assembly elected 33 delegates and 41 alternate delegates to the national convention. The full slate of delegates, as well as the vote totals for each delegate and alternate delegates, is attached as **Exhibit C** to this complaint and is referred in the remainder of this complaint as the "Elected Delegate List." Notably, Mr. Chadderdon is included in the delegate slate as the 34th delegate pursuant to Article III, section 4 of the bylaws, which provides "For

purposes of Party representation at all National Libertarian Party conventions, the chair shall be a Michigan delegate and shall serve as head of the Michigan delegation.”

50. Upon information and belief, nearly all 33 of the elected delegates to the national convention support the Saliba board over the Chadderdon board.

Initial Lawsuit

51. After the convention, Mr. Chadderdon and Mr. Ziemba made statements suggesting that they intended to submit an alternate slate of delegates to the national Libertarian Party credentials committee.

52. Based on those statements, some of the plaintiffs in this case and several other individuals filed suit in this Court seeking a declaration that they were rightfully elected as national-convention delegates, and further seeking injunctive relief requiring defendant Ziemba submit the Elected Delegate List as he is required to do under the LPM bylaws. That case was docketed as Case No. 24-9034-CZ.

53. Shortly after the case was filed, Mr. Ziemba sent the Elected Delegate List to the national Libertarian Party credentials committee, but stated in his transmission email: “Please note that this list does not take into account the results of any of a number of pending Judicial Committee appeals which resulted from several motions made during the Convention in clear contravention of LPMI Bylaws.”

54. Because of Mr. Ziemba’s reservation, the plaintiffs continued to litigate the case. They moved for summary disposition on their claims and sought an injunction prohibiting Mr. Ziemba from modifying the submitted list based on a decision from the judicial committee. Among other things, the plaintiffs argued that the judicial committee lacked jurisdiction to consider a challenge involving the seating of the LMC delegation at the March convention, since

the challenge that Mr. Chadderdon submitted to the credentials committee was based entirely on the LMC's local affiliate bylaws, rather the LPM bylaws.

55. In their response to the motion, the defendants indicated that there was a single appeal pending before the judicial committee that pertained to the election of national-convention delegates. That appeal, which had been filed by Jonathan Jacobs, sought to invalidate the election of 5 of the 34 national-convention delegates on the theory that they would not have been elected but for the votes of the 4 members who were purportedly suspended prior to the March 9 convention. In particular, Mr. Jacobs argued that a seven-eighths vote was required to seat those members, echoing the argument that the convention assembly had considered and rejected.

56. In an order dated April 17, 2024, this Court denied the plaintiffs' motion for summary disposition and granted summary disposition for the defendants instead. The Court found that the action was not ripe for review because the judicial committee had not yet ruled on Mr. Jacobs's appeal or on any other matter that affected the plaintiffs' status as national-convention delegates.

Judicial Committee Decision

57. Following the Court's decision in the prior case, the judicial committee stalled. Even though Mr. Jacobs's appeal was relatively limited in scope and involved issues that had been discussed at length both during the convention and during the course of the prior lawsuit, the judicial committee declined to issue an opinion for over a month.

58. On Saturday, March 18, defendant Ziemba sent a cryptic email to LPM members indicating that the LPM's delegation to the national committee would consist of only 7 individuals, namely, defendant Chadderdon and the top 6 vote recipients from the elections held

at the March convention. The email indicated that this was based on a yet-to-be-released decision of the judicial committee.

59. Upon information and belief, around the same time as his email to LPM members, Mr. Ziemba also emailed the National Convention credentials committee and submitted a new delegate list that included only the 7 individuals described in the paragraph above, thereby substituting it for the Elected Delegate List. Plaintiffs believe this action to be in direct violation of the LPM bylaws, which provide that the LPM's delegates to the national-convention are to be those individuals elected at a candidate-nominating convention.

60. Two days later, on Monday, March 20, the judicial committee issued a 2-to-1 opinion in the Jacobs appeal, with defendant Evans in dissent. The majority opinion, which is joined by defendants Jongema and Nepomuceno, purports to invalidate the election of 27 national-convention delegates. In doing so, it addresses not only the issue raised by Mr. Jacobs's appeal (whether the 4 suspended members were properly seated at the March convention), but also the separate issue of whether the members of the LMC delegation were properly seated. It (remarkably) concludes that all of these members were improperly seated, that all votes they took at the convention must be discarded, and that any matter that could have potentially been affected by their votes is void.

61. With respect to the issue of whether the judicial committee has jurisdiction to review a challenge based on local affiliate bylaws, the majority opinion proclaims — without any support — that: “By rights, an affiliate is not entitled to a delegation which it has elected in violation of its bylaws.” This proposition is made up out of how whole cloth. As described above, under Article IV, section II of the LPM bylaws, it is discretionary for affiliates to even have bylaws. Further, Article VI, section 4 addresses the local affiliates' entitlement to send delegates

to state conventions, and it says nothing to even remotely suggest that affiliate delegations can be excluded based on alleged procedural errors in local conventions.

62. Accordingly, the plaintiffs believe that the majority opinion is demonstrably unlawful under the terms of the LPM bylaws and patently irrational in its reasoning. Accordingly, it is not entitled to judicial deference, despite the fact that the LPM has empowered the judicial committee to decide certain intraparty disputes. See *Nielsen v. Kezer*, 232 Conn 65, 79; 652 A2d 1013 (1995).

63. Plaintiffs further contend that immediate action by this Court is needed in order to provide an adequate remedy for the defendants' misconduct. The National Convention credentials committee is scheduled to conduct its final meeting at 11:00 a.m. on Thursday, March 24, 2024, to prepare its credentials report for the national convention. If Mr. Ziembra re-submits the Elected Delegate List to the credentials committee before (or perhaps even during) that meeting, the credentials committee will be obligated to include their names as delegates on the official credentials report that is submitted to the convention assembly the following morning. If Mr. Ziembra does not re-submit the Elected Delegate List by that time, their names will be omitted from the credentials report and they will only be able to be seated as delegates if a motion is made and approved by a seven-eighths vote of the convention assembly.

**Count I – Declaratory Judgment
(All Defendants)**

64. Plaintiffs incorporate herein by reference the allegations above.

65. Under MCR 2.605, in a case of actual controversy within its jurisdiction, this Court may declare the rights and other legal relations of an interested party seeking declaratory judgement, regardless of whether other relief is or could be sought or granted.

66. There is an actual controversy within this Court's jurisdiction on all the matters described above, including: (1) whether Mr. Ziemba is authorized under the LPM bylaws to submit a slate of delegates to the national Libertarian Party credentials committee that differs from the Elected Delegate List; (2) whether the 11 members of the LMC delegation, Mr. Canny, and Ms. Thornton were properly seated as delegates at the March LPM convention; (3) whether the LPM judicial committee has jurisdiction to hear challenges to the seating of delegates to an LPM convention based on alleged violations of local affiliate bylaws, as opposed to the LPM bylaws; and (4) whether the judicial committee's reasoning regarding the substantive issues it addressed are so arbitrary and irrational as to constitute a breach of the judicial committee members duties under the bylaws, rendering the decision null and void.

Count II – Breach of Contract
(Defendants Ziemba, Jongema, and Nepomuceno)

67. Plaintiffs incorporate herein by reference the allegations above.

68. As noted above, bylaws constitute a binding contractual agreement between the organization and its members.

69. Defendants Jongema and Nepomuceno have breached the LPM bylaws by issuing an opinion that blatantly exceeds the scope of the judicial committee's jurisdiction and purports to overturn actions taken by a convention assembly based on patently irrational interpretations of straight-forward bylaws provisions.

70. Further, defendant Ziemba has breached his duties under the LPM bylaws by relying on the judicial committee's facially flawed decision as a basis to submit the slate of delegates to the national Libertarian Party credentials committee other than the Elected Delegate List.

71. If these breaches are not promptly remedied, the plaintiffs stand to suffer irreparable injury by being deprived of their rightful seats as delegates to the national convention, which convenes in just two days from the date of this filing.

WHEREFORE, the plaintiffs respectfully request that this Court promptly enter a judgment in their favor that:

A. Declares that the decision rendered by defendants Jongema and Nepomuceno on or about May 18, 2024, that purports to invalidate the election of 27 delegates to the 2024 Libertarian Party National Convention lacks any plausible basis in the bylaws of the Libertarian Party of Michigan (LPM) and is therefore null and void.

B. Orders defendant Ziemba to, no later than 10:00 a.m. on Thursday, May 23, re-submit the Elected Delegate List to the National Convention credentials committee, thereby recertifying that that individuals on the list are the official delegates and alternate delegates of the LPM.

C. Enjoins the defendants from submitting any other document to the National Convention credentials committee that purports to overturn, invalidate, or modify the re-submission of the Elected Delegate List.

D. Enjoins the defendants from taking any other action to: (1) overturn the seating of the plaintiffs or any of the other individuals on the Elected Delegate List as delegates to the Libertarian Party National Convention while this suit remains pending, or (2) invalidate any votes those individuals may take while attending the Libertarian Party National Convention on the grounds that they were improperly seated.

E. Grants such other declaratory or injunctive relief as this Court deems necessary and proper to resolve the dispute described in this complaint.

Respectfully submitted,

CURCIO LAW FIRM PLC

Dated: May 22, 2024

By: /s/ C. Nicholas Curcio
C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448

I, Mary Buzuma, declare under the penalties of perjury that this verified complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Mary Buzuma
Mary Buzuma

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\} \text{SS}$$

COUNTY OF QTTAWA

This verified complaint was acknowledged before me on 21st, 2024, by Mary Buzuma.

Lee Galt

Acting in Ottawa County

My commission expires: April 13th, 2032

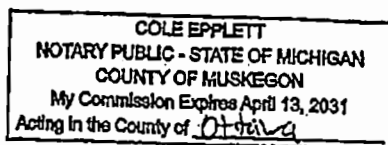


Exhibit A

David Canny 15223
Ripple Dr.
Linden, MI 48451

Mary Buzuma
714 S Beacon Blvd, Apt 76 Grand
Haven, MI 49417

Brian Ellison
15006 Woodpine Drive
Monroe, MI 48161

Angela Thornton 15223
Ripple Dr.
Linden MI 48451

Rafael Wolf
1418 Elkerton Avenue
Kalamazoo, MI 49048

Joseph Brungardt
1811 Eastport Drive
Troy, MI 48083

Dana Carver
11278 S. Black River Road
Onaway, MI 49765

Donna Gundle-Krieg
6075 Cedar River Road
Mancelona, MI 49659

Exhibit B



Bylaws

(as amended in convention July 15, 2023)

I. NAME

The name of this organization shall be the "Libertarian Party of Michigan," hereinafter referred to as the "Party" or "LPMI".

II. PURPOSE

The purpose of this organization is to further the principles of individual liberty as expressed in the Statement of Principles of the National Libertarian Party by nominating and working to elect candidates for political office and by entering into political information activities and affiliating with the National Libertarian Party.

III. OFFICERS

1. The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the "Executive Committee." These are the same individuals who shall serve as the directors of the "Libertarian Party of Michigan Executive Committee, Inc." None of these offices shall be combined. All of these officers shall be elected to a two-year term at a regular convention of the Party by the attending delegates (as to the Congressional district representatives, those delegates from the respective districts) and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention.
2. At each regular convention, following the selection of those officers of the Executive Committee elected at large, the delegates from each Congressional district shall caucus to select one person residing in that district to serve as the Congressional district representative for that district.
3. The Executive Committee shall comprise the state central committee of the Party within the meaning of state law, notwithstanding any contrary provision of state law calling for a larger state central committee, different officers, or a different procedure for selection of officers or members of the Executive Committee.
4. The chair shall preside at all meetings of the Executive Committee and at all conventions. The chair shall be the chief executive officer of the Party. In the absence of directives from the Executive Committee, the chair shall have the authority to speak for, and to generally manage the affairs of, the Party. Said authority

- includes the appointment of a Newsletter Director to ensure the timely publication of the "Michigan Libertarian." For purposes of Party representation at all National Libertarian Party conventions, the chair shall be a Michigan delegate and shall serve as head of the Michigan delegation.
5. The first vice chair shall act as assistant to the chair and shall perform the duties of the chair in his or her absence. The first vice chair shall also act as "affiliates director" helping affiliates organize, forming new affiliates, helping student groups organize and forming new student groups. The first vice chair shall also be responsible for organizing seminars to make certain that affiliate officers have the information necessary to work effectively with the LPMI and shall organize unaffiliated region caucuses.
 6. The second vice chair shall act as assistant to the chair, and in the absence of the chair and first vice chair, shall perform the duties of the chair. The second vice chair shall also act as "political director", recruiting candidates for public office and helping them organize their campaigns. The second vice chair shall also be responsible for organizing seminars to make certain that candidates have the information necessary to qualify and run effectively for public office.
 7. The secretary shall be the recording officer of the Party, and be responsible for ensuring that member-accessible archives are preserved. Excepting the Party newsletter or press releases, the secretary shall be responsible for all regular communications within the Party and between the Party and outside individuals, groups, and organizations.
 8. The treasurer shall receive, expend, and account for the funds of the Party under the supervision and direction of the Executive Committee.
 9. The members of the Executive Committee shall meet in such times and places as they shall determine and shall govern all the affairs of the Party. A majority shall rule at meetings of the Executive Committee except for resolutions, which shall require a two-thirds vote of those present, or as otherwise required by these bylaws.
 10. A member of the Executive Committee who fails to perform his or her fiduciary duties may be removed from the Executive Committee and replaced by a two-thirds vote at a regular meeting of the Executive Committee or a majority vote at convention following a motion for a vote of no confidence. All Executive Committee members must be notified of the intent to remove at least 14 days prior to the meeting.
 11. If a board position becomes vacant, except in the office of chair, the LEC shall appoint someone to fill it. In the event of a vacancy of the chair, vice chairs shall be elevated and vacancies shall remain at the lowest office(s). The term of each will be until the next convention having sufficient notice for adding the election to its agenda. Officers elected to fill a vacancy shall serve until the next regular convention. Election of congressional district representatives shall be done by a congressional district caucus. Appointments of a congressional district representative must be of a person residing in that district.
 12. If a member of the Executive Committee misses three consecutive regular meetings of the Executive Committee, their position on the Executive Committee shall be automatically vacated.

13. All officers of the Party must be current members of the Party. An officer whose membership lapses must renew at the next meeting after written notice or be removed at that meeting.
14. There shall be a standing legislative committee to monitor, report on, and advocate for legislation on behalf of the Libertarian Party.
15. All officers of the Party shall be elected and serve without regard to biological sex, gender, race, ethnicity, creed, age, religion, sexual orientation, national origin, ancestry, marital status, physical appearance, or economic status.
16. Members of a standing or special committee (except for the Judicial Committee or any committee related to disciplinary action) may be appointed by the Executive Committee, a committee chair, or the LPMI Chair. Only voting members of the LPMI shall be eligible for appointment as members of a standing committee. The Executive Committee may fix a maximum size to any committee (except for the Judicial Committee or any committee related to disciplinary action).
17. Resignations must be delivered in writing. They shall be considered accepted immediately upon delivery to the secretary or chair, or at a meeting of the Executive Committee.

IV. LOCAL PARTY ORGANIZATIONS

1. Party members may form organizations entitled to be known as the "Libertarian Party" of their respective areas, subject to this Article.
2. The Executive Committee shall charter affiliate parties, each of which shall cover one or more counties of the state, hereinafter referred to as an "affiliate region", from those organizations requesting such status. A copy of the petitioning organization's proposed operating rules shall be submitted with the petition. No organization shall be so chartered which does not ratify the Statement of Principles of the Party or whose operating rules do not comply with these bylaws. The Executive Committee can arbitrate disputes between affiliates.
3. During years in which the Libertarian Party of Michigan is primary qualified, each affiliate party shall oversee the county and district conventions for those counties and districts within its affiliate region in accordance with state law (MCL 168.592, 168.594, 168.595, 168.599, 168.600, 168.601, and 168.602); except that:
 1. If an affiliate region covers more than one county or district:
 1. the affiliate may hold a combined convention for all counties and districts within the affiliate region at the same place(s) and/or via a synchronous electronic meeting;
 2. State convention delegates and alternates selected by the affiliate need not be apportioned to the individual counties or districts or their political subdivisions, but may be selected at large from all the counties and districts comprising the affiliate region, or at the affiliate's option, from LPMI members residing anywhere in Michigan; and
 3. the affiliate may hold a combined convention for the election of a single affiliate executive committee, in lieu of separate executive committees for each county or district.

2. An affiliate may elect in its discretion to adopt affiliate bylaws that organize the affiliate and the county(ies) and district(s) comprising its affiliate region in a manner different from the provisions of MCL 168.599 and 168.600. If the affiliate does so, then the officers and committees of the affiliate and the county(ies) and district(s) comprising its affiliate region shall be organized and selected in accordance with the affiliate's bylaws.
3. For so long as the Party qualifies to elect precinct delegates at primary elections to county party conventions under state law, the affiliate shall be required to accept precinct delegates so selected as delegates to its county and district conventions, but if the Party ever no longer qualifies to elect precinct delegates at primary elections, then the affiliate may set its own rules for qualifying delegates to its county and district conventions.
4. For purposes of this Article IV, Section 3, and Article VI, Section 4, below, any counties and districts in the State not organized as part of an affiliate region will together be deemed designated as one or more affiliate regions and overseen by the Executive Committee.
4. The autonomy of the affiliate Parties shall not be abridged by the Executive Committee, or any other committee of the Party, except as provided herein.
5. The Executive Committee shall have the authority to suspend affiliate party status from any organization by a two-thirds vote. Such suspension is subject to written appeal within thirty days of notification. Failure to appeal shall be construed as an act of secession by the affiliate party. The Executive Committee shall not suspend any affiliate party within a period of three months prior to a state Party convention.
6. The appeal of the affiliate party is to be directed to the Judicial Committee of the Party. Written arguments shall be sent to the Judicial Committee by representatives of the Executive Committee urging revocation and by representatives of the affiliate party opposing revocation. The Judicial Committee shall rule to either revoke the charter of the affiliate party or to reinstate the charter within thirty days of receiving the arguments and no later than thirty days prior to a State Party convention. Should the Judicial Committee fail to rule timely, the affiliate party shall be automatically reinstated with all rights and privileges pertaining thereto. The affiliate party may appeal the ruling of the Judiciary Committee to the Judicial Committee of the National Libertarian Party following the above procedure.

V. JUDICIAL COMMITTEE

1. The Judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. All of these committee members shall be elected to a two-year term at a regular convention of the Party by the attending delegates and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention. No member of the Executive Committee may be a member of the Judicial Committee.
2. The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.

VI. CONVENTIONS

1. During years in which a Libertarian Party primary occurs, the Party shall hold a fall state convention after the date of the primary and not less than 60 days before the general November election in accordance with state law (MCL 168.591). During even-numbered years in which a Libertarian Party primary election is not required by state law, the Party shall hold a candidate nominating convention after the filing deadline for candidates to appear on Michigan's primary ballot and before the date of the primary. During odd-numbered years, the Party shall hold a regular state convention between April 1 and July 31, performing such business as required herein.
2. The Party shall also hold a state convention no later than six weeks prior to the scheduled first day of the Libertarian Party National Convention, hereinafter referred to as a "national delegate selection convention". The national delegate selection convention shall be for the purpose of selecting national convention delegates. The national delegate selection convention may also endorse any candidates for Secretary of State, Attorney General and Supreme Court to be formally nominated at the fall state convention in the same year. Votes for endorsement of candidates shall be made in the same manner as for nomination of candidates set forth in Article VII of these bylaws.
3. The Party shall hold a special convention upon the call of the Executive Committee or when petitions are submitted by 30% of the current membership, specifying the purpose for the special convention. In the event a valid petition is submitted by members to the Executive Committee, the Executive Committee must issue the call to convention within 28 days. Unless two-thirds of the Executive Committee objects, the Executive Committee shall inform members of the subject of the petition, and with the circulator's consent, the contact information of the circulator.
4. The Executive Committee shall allocate delegates to all state conventions to be selected by each affiliate region in proportion and according to the number of votes cast within the affiliate region for the Party's most recent candidate for secretary of state (MCL 168.593 and 168.598). Delegates to the national delegate selection convention shall be allocated using the same method. An affiliate region may also select a number of alternates no greater than the number of delegates allocated to it.
 1. The number of delegates to be seated at state conventions shall be calculated as 25% of the state members whose dues have been paid to the Libertarian Party of Michigan as of December 31st of the year prior to the state convention. There shall be a minimum of 175 seats available, though actual numbers may slightly vary due to numbers rounding up at the 0.5 interval.
 2. The Executive Committee shall issue a call to each state convention to all affiliates no later than 60 days prior to the scheduled date of the state convention, which call shall specify the date and location of the state convention and the number of delegates each affiliate is entitled to select and send to the state convention. Notwithstanding any provision of state law requiring the Executive Committee to set a single date for counties and districts to hold conventions for the selection of delegates, each affiliate may select the date for its respective convention(s), so long as that date is at least 7 days prior to the state convention.

3. Prior to each state convention, the Executive Committee shall hold an unaffiliated region caucus for the purpose of selecting delegates for the state convention, from areas of Michigan that are not represented by any affiliate regions. The caucuses shall be held for each unaffiliated region, and may be done by electronic meeting. Each unaffiliated region shall be allotted delegates in the same manner as affiliates, and shall be based on the counties that comprise the unaffiliated region as designated by the Executive Committee. Only members who reside in an unaffiliated region may vote for the delegate selections for that region.
4. Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPMI Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention.
5. The Executive Committee shall notify every Libertarian Party of Michigan and Michigan resident National Libertarian Party member, whose dues were current within 3 years, of the convention date, time and location no less than 30 days prior to the convention. Notification shall be made by at least one of the acceptable modalities for which contact information has been made available by the member. Acceptable modalities shall include email, phone, and United States Postal Service.
5. A majority shall rule at the convention except for the platform and resolutions of the Party which shall require a two-thirds vote of those present, or as otherwise required by these bylaws.
6. The Executive Committee shall have supervision and management of all conventions.
7. The officers of each convention shall be the officers of the Party.
8. A person must be a current member of the Libertarian Party of Michigan in order to serve as a delegate to a state convention. A person who has never been a member of the Libertarian Party of Michigan must become a member at least 30 days prior to a State convention, unless that person was a member of the National Libertarian Party at least 30 days prior to a State Convention, and becomes a dues paying member of the state party, before being allowed to vote at that convention.
9. Members in good standing who were duly elected as delegates shall not be denied delegate status at the business sessions of a convention. Additional charges may be charged to cover other materials available at the convention.

VII. NOMINATION OF CANDIDATES

1. Nomination of candidates for public office shall be made in accordance with state law, via primary, district caucus or state convention as necessary. No candidate may be nominated for an office for which he/she is legally ineligible to serve.
2. Delegates to the National Convention shall be elected at a national delegate selection convention by nominations from the floor. Delegates may be appointed by the Executive Committee if the allotted quota is

not met. Rules governing delegate procedures shall be determined by action of the Convention or, in the absence of directives from the Convention, by the Executive Committee. Those provisions of state law governing the selection of national convention delegates shall not apply to the Party's selection of national convention delegates, and no national convention delegate shall be bound by law to vote for a particular candidate.

3. The Party's nominee for each office shall be chosen by a majority vote of the delegates in attendance at the time of voting. If no candidate has a majority, the candidate with the least number of votes shall be struck from the next vote until one candidate receives a majority.
4. All votes for candidates for public or Party office shall always include "None of the Above."
5. Votes cast for "None of the Above" in voting on the Party's nominees for public office or the Party officers shall be considered valid. Should a majority of the votes be cast for "None of the Above" in voting for a public office, no candidate shall be nominated for that office. Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for the term of office. If a delegate votes for "None of the Above" in a race in which more than one candidate is elected, they may not vote for an additional candidate.

VIII. MEMBERSHIP

1. Membership shall be granted to any person who affirms the Statement of Principles and whose LPMI dues are current.
2. The party may offer life memberships which shall convey the same rights and privileges as any annual member whose dues are current. All previously issued life memberships shall be honored in the same manner.

IX. ELECTRONIC MEETINGS AND PROCEDURES

1. Asynchronous voting procedure, such as via email ballot, are strictly prohibited for official business of any recognized body of the Party, including the executive committee, unless there is an agreement to do asynchronous voting in a unanimous motion at a synchronous meeting. This does not prohibit other synchronous forms of communication and voting, such as conference call or videoconferencing, to be used for official business.
2. The Libertarian Party of Michigan may hold electronic meetings for official party business of any recognized body of the State Party, including the Libertarian Executive Committee as well as any committees created by the Libertarian Executive Committee, unless specifically prohibited from doing so during their creation. Any official party business conducted via electronic means shall comply with Electronic Meetings section of the most current edition of Robert's Rules of Order, Newly Revised.

X. FISCAL YEAR

The fiscal year of the Party shall end December 31.

XI. LEGAL AND PARLIAMENTARY AUTHORITY

1. The Libertarian Party of Michigan, in the exercise of its constitutional rights of free association and speech, as affirmed by the US Supreme Court ruling in *Eu, et al., vs. San Francisco Democratic Committee, State Central Committee of the Libertarian Party of California, et al.*, reserves the right to accept or decline the application of Michigan statutory provisions, which appear to govern its affairs. The incorporation of statutory provisions in these bylaws is voluntary and is subject to the foregoing reservation. Any violations of statutory provisions by these bylaws are deliberate and will take precedence over such statutory provisions.
2. Robert's Rules of Order Newly Revised shall be the parliamentary authority for all matters of procedure not specifically covered by the bylaws or convention rules of the Party.

XII. AMENDMENTS

1. These bylaws may be amended by a two-thirds vote of the delegates present at a convention occurring in an odd-numbered year only.
2. In the event of a change in Michigan Law which substantially changes the meaning of these bylaws, the Executive Committee may schedule a special convention which shall only pertain to the bylaws amendments needed to address the effect of the aforementioned legal change. On even years this will require a two-thirds vote of the Executive Committee.

XIII. USE OF PARTY RESOURCES

The Party does not support, condone, or give candidates of other political parties access to mailing lists, contact information, or administrative access to online social media accounts of the Libertarian Party of Michigan for use with their campaign nor give these to any person not authorized by the Party.

XIV. EFFECT

These bylaws shall take effect immediately upon adoption.

Previous bylaws may be viewed in the Historical Archives.

Like Peace Prosperity And Freedom?

Join Us

The Libertarian Party is committed to America's heritage of freedom, individual liberty and personal responsibility, free market economy of sound money and prosperity, a foreign policy of non-interference, peace and free trade.



Libertarian Party of Michigan 110102 511 Kory Ln. MI 48066 Phone 888-1111 After paid for each regular funds by the Libertarian Party of Michigan Executive Committee. In 2023 the Libertarian Party of Michigan Not authorized by any committee

Rank	Delegate Name	Votes
1	Andrew Chadderdon	∞
2	Scotty Boman	70
3	Bill Hall	61
4	Claranna Gelineau	60
5	Emily Salvette	59
6	Mike Saliba	59
7	Greg Stempfle	59
8	Vicki Hall	57
9	Andrew Hall	56
10	James Hudler	56
11	Joe Brungardt	55
12	Jim Fulner	54
13	Mary Buzuma	54
14	Andrew Duke	53
15	Jay Gillotte	53
16	Donna Gundle-Krieg	53
17	Bill Gelineau	53
18	Griffin Hall	52
19	Justin Miramonti	52
20	Jami Van Alstine	52
21	William Gelineau	52
22	Diane Szabla	51
23	Dana Carver	51
24	Lawrence Johnson	50
25	Angela Thornton	50
26	Donna Gelineau	50
27	Mark King	49
28	Dave Canny	49
29	Brian Ellison	49
30	Stephanie Dunn	48
31	Forrest Dunn	47
32	Leonard Schwartz	46
33	Randy Szabla	46
34	Rafael Wolf	46

Rank	Alternate Name	Votes
35	Draw Canny (alternates from here down)	44
36	Aaron Miranov	42
37	Leah Dailey	41
38	Brandon Warzybok	41
39	Frederick Horndt	40
40	Ryan Brennan	40
41	Alice Freeborn-Hall	38
42	Daniel Ziemba	37
43	Michelle Gregoire	37
44	Keith Bilby	36
45	Shaun Collins	36
46	Avi Rachlin	36
47	Summer Powers	36
48	Trevor Step	36
49	Jeff Pittel	35
50	Josh Jongema	35
51	Michael Yonak	35
52	Cathy Hicks	35
53	Ryan Roberts	35
54	Dominic Thelen	34
55	Greg Black	34
56	Shelby Black	33
57	Rick Thelen	33
58	Kelly Hartman	32
59	Andrew Ranta	32
60	Jerome Schwab	31
61	Daniel Woike	30
62	Benedict Thelen	30
63	Ryan Henry	30
64	Lawrence Ludlow	27
65	Wayne Shannon	26
66	Jerome Thelen	26
67	Carl Ball	25
68	Collin Fitzgerald	24
69	Tommie Lee	22
70	Loel Gnadl	18
71	Bruce Jacquays	17
72	Andrew Gale	17
73	Timothy Teagan	15
74	Max Riekse	14
75	Greg Whittaker	11
76	NOTA	1
... 84	TBD	0

**STATE OF MICHIGAN
IN THE 53rd CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN**

MARY BUZUMA, DAVID CANNY, BRIAN
ELLISON, ANGELA THORNTON, JOSEPH
BRUNGARDT, DANA CARVER, DONNA
GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

v.

ANDREW CHADDERDON, DANIEL
ZIEMBA, ANDREW EVANS, JOSHUA
JONGEMA, and CONNOR NEPOMUCENO,

Defendants,

Hon. Aaron J. Cantor

Case No. 24- 9042 -CZ

**REQUEST FOR DECISION BY
CLOSE OF BUSINESS ON
WEDNESDAY, MAY 22, 2024**

FILED BY:

C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201
ncurcio@curciofirm.com
Attorney for Plaintiffs

MAY 22 2024

A TRUE COPY
CHEBOYGAN COUNTY CLERK
MAY 22 2024

**EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER
SHOW CAUSE ORDER, AND PRELIMINARY INJUNCTION**

The plaintiffs respectfully move ex parte for this Court to issue a temporary restraining order pursuant to MCR 3.310(B), to preserve their rights as elected delegates to the Libertarian Party National Convention pending a show-cause hearing on whether a preliminary injunction should issue. This motion further requests a preliminary injunction and asks the court to issue an order to show cause as to why such a preliminary injunction should not issue. In support of their motion, defendants rely on the facts and arguments detailed in the accompanying brief.

Consistent with MCR 3.310(B)(2), undersigned counsel for the plaintiffs certifies that he emailed a copy of this motion, the supporting brief, and the complaint in this case to each of the

5 defendants on the morning of Wednesday, May 22, contemporaneously with filing them with this Court, to provide notice of this motion. Further, the defendants are aware of the arguments asserted herein because they were recently served by first-class mail with a similar motion filed in the related case of *Saliba v Chadderdon*, Case No. 24-9034-CZ.

WHEREFORE, the plaintiffs respectfully request that this Court:

A. Issue a temporary restraining order: (1) directing defendant Ziemba to, no later than 10:00 a.m. on Thursday, May 23, re-submit the Elected Delegate List (attached as Exhibit C to the complaint) to the National Convention credentials committee, thereby re-certifying that that individuals on the list are the official delegates and alternate delegates of the LPM; and (2) prohibiting the defendants from submitting any other document to the National Convention credentials committee that purports to overturn, invalidate, or modify the re-submission of the Elected Delegate List until a hearing can be set and conducted on the issue of whether a preliminary injunction should issue. A proposed order to this effect is attached for the Court's convenience as **Exhibit 1** to the accompanying brief in support.¹

B. Order the defendants to show cause why a preliminary injunction should not issue.

C. After a hearing conducted pursuant to the above-requested order to show cause, issue a preliminary injunction prohibiting the defendants from taking any other action to: (1) overturn the seating of the plaintiffs or any of the other individuals on the Elected Delegate

¹ If this Court were to determine that the plaintiffs are likely to succeed on their claims only as they relate to the portion of the judicial committee's decision for which the committee clearly lacked jurisdiction (*i.e.*, the portion regarding the seating of the 11 delegates to the March convention nominated by the Libertarians of Macomb), the Court could issue a narrower restraining order that requires Mr. Ziemba to submit a list that includes only the delegates numbered 1 through 29 on the Elected Delegate List. This would leave the judicial committee's decision with respect to the suspended-delegate challenge in place. An alternative order to this effect is attached for the Court's convenience as **Exhibit 2** to the brief in support.

List as delegates to the Libertarian Party National Convention while this suit remains pending, or
(2) invalidate any votes those individuals may take while attending the Libertarian Party National Convention on the grounds that they were improperly seated.

D. Upon final hearing in this cause, issue a permanent injunction prohibiting the defendants from taking any of the actions listed in paragraph C above, and issuing a declaration that the decision of the judicial committee rendered on or about May 18, 2024 regarding the election of national-convention delegates is legally null and void.

Respectfully submitted,

CURCIO LAW FIRM PLC

Dated: May 20, 2024

By: /s/ C. Nicholas Curcio
C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201

**STATE OF MICHIGAN
IN THE 53rd CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN**

MARY BUZUMA, DAVID CANNY, BRIAN
ELLISON, ANGELA THORNTON, JOSEPH
BRUNGARDT, DANA CARVER, DONNA
GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

v.

ANDREW CHADDERDON, DANIEL
ZIEMBA, ANDREW EVANS, JOSHUA
JONGEMA, and CONNOR NEPOMUCENO,

Defendants,

Hon. Aaron J. Gauthier

Case No. 24- 9042 -CZ

**REQUEST FOR DECISION BY
CLOSE OF BUSINESS ON
WEDNESDAY, MAY 22, 2024**

C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201
ncurcio@curciofirm.com
Attorney for Plaintiffs

**BRIEF IN SUPPORT OF EMERGENCY EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

INTRODUCTION

This case, like several other cases now pending in both state and federal court, arises from defendant Andrew Chadderdon's attempts to retain control of a political party that no longer supports him. In a series of conventions held by the Libertarian Party of Michigan (LPM), large majorities of the party's members have expressed disagreement with Mr. Chadderdon's leadership and voted to displace him. Rather than accepting the wishes of the membership, Mr. Chadderdon has attempted to thwart the membership by any means possible, most often by distorting and weaponizing the party's bylaws for his own benefit.²

The particular issue in this case pertains to the election of delegates to represent LPM at the 2024 Libertarian National Convention. Pursuant to the LPM bylaws, the LPM membership recently elected a slate of 33 national-convention delegates who largely oppose Mr. Chadderdon. Consistent with his behavior over the past few years, Mr. Chadderdon manufactured claims of procedural irregularity pertaining to the elections and turned to his political allies on the LPM judicial committee to have the elections invalidated. Two of the three members on the judicial committee obliged, issuing a sweeping ruling just days before the convention that — if left standing — would deprive the plaintiffs of their right to serve as national-convention delegates.

The judicial committee's lacks any arguable basis in the LPM bylaws. Among other errors, the judicial committee blatantly exceeded its own jurisdiction by ruling on a challenge that was based solely on the bylaws of a local affiliate, as opposed to the LPM bylaws. Further, it employed patently irrational logic to impose a seven-eighths supermajority voting threshold on

² The plaintiffs reserve the right to argue in other forums that Mr. Chadderdon is not the rightful chair of the LPM, that Mr. Ziemba is not the rightful secretary, and that the other three defendants are not the rightful members of the judicial committee. In fact, several of the plaintiffs are currently making such arguments in other cases. So as not to unduly complicate this matter, the plaintiffs have elected not to pursue those arguments here. Because the LNC supports the Chadderdon board over the Saliba board, it is anticipated that the national credentials committee will only accept the delegate list if it is submitted by Mr. Ziemba.

the convention assembly in a circumstance where the bylaws clearly required a simple majority vote. For these reasons, and because the plaintiffs will suffer irreparable harm in the absence of immediate injunctive relief, the plaintiffs respectfully request that this Court issue a temporary restraining order in the form provided in the attached **Exhibit 1**, or, more conservatively, the attached **Exhibit 2**.

STATEMENT OF FACTS

The relevant facts are fully stated in the plaintiffs' verified emergency complaint and the exhibits to this brief, which are fully incorporated herein.

ARGUMENT

1. Legal Standards

A. Temporary Restraining Orders (TRO)

MCR 3.310(B) provides that a temporary restraining order may be granted where it appears that "immediate and irreparable injury, loss or damage will result to the applicant from the delay required to effect notice." The court rules allow a court to grant a TRO ex parte pending a hearing on a party's motion for a preliminary injunction or a show cause hearing if:

- (a) it clearly appears from specific facts shown by affidavit or verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant from the delay required to effect notice or the risk that notice will itself precipitate adverse action before an order can be issued;
- (b) the applicant's attorney certifies to the court in writing the efforts, if any, that have been made to give the notice and the reasons supporting the claim that notice should not be required; and
- (c) a permanent record or memorandum is made of any nonwritten evidence, or other representations made in support of the application.

The grant or denial of injunctive relief, including that sought by an ex parte TRO, is discretionary. See *Bratton v. DAIIE*, 120 Mich App 73, 79; 327 NW2d 369 (1982); *In re Esquire Products Intern, Inc.*, 136 Mich App 492, 357 NW2d 77 (1984). The object of a preliminary

injunctive relief "is to preserve the status quo," which refers to is "the last actual, peaceable, noncontested status which preceded the pending controversy." *Bratton*, 120 Mich App at 79.

B. Preliminary Injunctions

A court may grant a preliminary injunction following a hearing. MCR 3.310(A). The object of a preliminary injunction is to preserve the status quo before final judgment. Courts have fashioned a four-factor test to be applied to requests for injunctive relief. Those four factors are:

- (1) the strength of the applicant's demonstration that the applicant is likely to prevail on the merits;
- (2) demonstration that the applicant will suffer irreparable injury if a preliminary injunction is not granted;
- (3) whether harm to the applicant in the absence of a stay outweighs harm to the opposing party if a stay is granted; and
- (4) the harm to the public interest if the injunction issues.

Michigan State Employees Ass'n v Dep't of Mental Health, 421 Mich 152, 157-158 (1984).

2. The four-factor test requires that a TRO and preliminary injunction be issued here.

A. There is a substantial likelihood that plaintiffs will prevail on the merits.

In the related case of *Saliba v Chadderdon*, Case No. 24-9034-CZ, this Court rightly recognized that the judiciary has a limited role in adjudicating internal disputes within a political party. That role, however, is not nonexistent. As the Connecticut Supreme Court has put it: the judiciary has "narrowly circumscribed" authority to review the decisions of political party officials and may overturn those decisions where they are "either demonstrably unlawful or patently irrational." See *Nielsen v. Kezer*, 232 Conn 65, 79; 652 A2d 1013 (1995).

While this standard sets a high bar, the egregious facts of this case put it over the top. The decision issued by the judicial committee on Mr. Jacobs's appeal, which is attached as **Exhibit 3** to this brief, is so completely devoid of support in the LPM bylaws that it represents a pure power-grab by the judicial committee's members and constitutes a breach of contract. See *Conlin*

v Upton, 313 Mich App 243, 255; 881 NW2d 511 (2015) (explaining that bylaws “constitute a binding contractual agreement between [an entity] and its members”).

Perhaps the most egregious flaw in the decision is the way in which the judicial committee expanded the scope of the appeal that had been presented to it in order to reach a question that is clearly outside its jurisdiction. The LPM bylaws provide in relevant part that the judicial committee is empowered to “decide cases involving alleged violations of these bylaws or resolutions.” LPM Bylaws, art. V (emphasis added). Mr. Chadderdon’s objection to the LMC delegation to the March convention was not based on “these bylaws” (*i.e.*, the LPM bylaws), but rather on *Robert’s Rules’s* “reasonable notice” requirement, as incorporated by reference in the LMC’s local affiliate bylaws. See Ex. 4 (LMC Challenge) (citing the LMC bylaws and *Robert’s Rules* as the sole bases for the challenge). Accordingly, it is not an issue that the judicial committee can decide under any circumstance.

To side-step this obvious obstacle to the ends it wished to achieve, the majority opinion issued by defendants Jongema and Nepomuceno engages in pure sophistry. It begins by quoting a provision in *Robert’s Rules of Order* that discusses the duties of a convention credentials committee when presented with a submission of “delegates chosen by a local unit that is not entitled to representation or has chosen delegates in excess of its entitlement.” JC Op at 4 (citing *RONR* 59:21). The defendants then proclaim — without any support — that: “By rights, an affiliate is not entitled to a delegation which it has elected in violation of its bylaws.” *Id.*

This proposition is made up out of whole cloth. Under Article IV, section II of the LPM bylaws provides complete discretion to the local affiliates as to whether to even adopt bylaws, stating in pertinent part that an “an affiliate *may* elect in its discretion to adopt affiliate bylaws.” Article VI, section 4, in turn, addresses the entitlement of a local affiliate to send delegates to state conventions. Under its terms, all the local affiliates that are officially recognized by the LPM

executive committee are entitled to at least some representation at state conventions. The specific number of delegates that each affiliate receives is assigned by the executive committee “in proportion and according to the number of votes cast within the affiliate region for the Party’s most recent candidate for secretary of state.” Nothing in Article VI, section 4 — nor anywhere else in the LPM bylaws — indicates or even remotely suggest that affiliate delegations can be excluded based on alleged procedural errors in local conventions. The judicial committee’s unsupported declaration to the contrary is clearly erroneous and not entitled to judicial deference. Allowing the judicial committee to blatantly disregard its own jurisdictional boundaries would deprive the plaintiffs of the contractual protections they should enjoy as members of the Libertarian Party.

In addition to the jurisdictional error, the judicial committee further erred in determining that a seven-eighths vote was required under Article VI, section 4.4, to amend the credentials report to include the 4 members who were allegedly suspended. That section reads in pertinent part:

Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPMI Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention. [LPM Bylaws, art. VI, ¶ 4.4.].

The judicial committee’s position is foreclosed by the plain text of the last sentence, which indicates that a seven-eighths vote is only required when the names and addresses of the proposed delegates are submitted for the first time during the convention. That was not the case here. The credentials report indicated that various affiliate parties nominated Mr. Saliba, Mr. Brungardt, Mr. Canny, and Ms. Thornton to serve as delegates at the convention and timely submitted their names and addresses. The credentials committee determined to mark them as

ineligible on the convention report due to the question as to their eligibility (consistent with *Robert's Rules*, § 59:21), and the convention assembly overrode that determination by rejecting their suspensions. The paragraph quoted above cannot be plausibly read to require a seven-eighths vote in this circumstance, and therefore only a majority vote was required. See LPM Bylaws, art. VI, ¶ 4.5. (“A majority shall rule at the convention except for the platform and resolutions of the Party which shall require a two-thirds vote of those present, or as otherwise required by these bylaws.”). The judicial committee’s holding that “ambiguity exists in the final sentence,” and that is therefore free to interpret it to require a seven-eighths vote to seat suspended members even when their names and addresses were submitted to the credentials committee prior to the convention, is completely unsupported by the text of the bylaws. Accordingly, the plaintiffs are very likely to prevail in showing that the judicial committee’s decision is “demonstrably unlawful or patently irrational”, and that it should therefore be deemed null and void. See *Nielsen v. Kezer*, 232 Conn 65, 79; 652 A2d 1013 (1995). Such a showing would mean that defendant Ziemba, in his purported role as LPM secretary, is contractually obligated to re-submit the Elected Delegate List to the national credentials committee, as he originally did following the March 9 convention.

B. A danger exists that the plaintiffs will suffer irreparable injury if an injunction is not issued.

As described in paragraph 64 of the verified complaint, immediate action by this Court is needed in order to provide an adequate remedy for the defendants’ misconduct. The National Convention credentials committee is scheduled to conduct its final meeting at 11:00 a.m. on Thursday, March 24, 2024, to prepare its credentials report for the national convention. If Mr. Ziemba re-submits the Elected Delegate List to the credentials committee before (or perhaps even during) that meeting, the credentials committee will be obligated to include their names as

delegates on the official credentials report that is submitted to the convention assembly the following morning. If Mr. Ziemba does not re-submit the Elected Delegate List by that time, their names will be omitted from the credentials report and they will only be able to be seated as delegates if a motion is made and approved by a seven-eighths vote of the convention assembly. Accordingly, their ability to participate as delegates to the National Committee — the role that they were expressly elected for by the members of the LPM — hangs in the balance. If they are excluded from the national-convention assembly, they will have wasted valuable time and resources traveling to Washington D.C. for the convention and will be unable to vote on crucial party matters such as the party's candidates for federal office and the composition of the party's national governing body (the current members of which have, incidentally, exacerbated the governance dispute within the LPM by suing some of the plaintiffs and other party members for trademark infringement based on their use of the name "Libertarian Party").

C. The plaintiffs will suffer greater harm in the absence of injunctive relief than the defendants will suffer if a temporary restraining order is issued.

The object of a temporary restraining order or a preliminary injunction is to preserve the status quo pending adjudication of the dispute. *Fancy v Egrin*, 177 Mich App 714,719; 442 NW2d 765 (1989). The status quo is the "last actual, peaceable, noncontested status which preceded the pending controversy. *Id.* Here, the fact that Mr. Ziemba submitted the Elected Delegate List in mid-March and did not retract it until over two months later, on or about May 18, indicates that the inclusion of the plaintiffs in the LPM's delegation to the National Convention is the last actual, peaceable, noncontested status. The defendants could have easily created a new status quo by ruling more quickly on the Jacobs appeal and submitting the updated delegate list well in advance of the convention.

Instead, the circumstances strongly suggest that the defendants intentionally delayed releasing the opinion for the specific purpose of evading judicial review. This Court's April 17 order in *Saliba v. Chadderdon* indicated that the decision on the Jacob's appeal was potentially reviewable, and this Court's comments during the April 17 hearing suggested that the Court may disagree with the substantive challenges that Mr. Chadderdon raised during the March convention. Further, the issues presented in the Jacob's appeal were fairly limited in scope and had already been thoroughly discussed during the March convention and during the course of the litigation in *Saliba v. Chadderdon*. Accordingly, to the extent the defendants would be harmed by the issuance of temporary restraining order, any such harm is largely of their own making and could have been avoided if they had acted more expeditiously.³

As a separate matter, it is worth noting that the temporary restraining order that the plaintiffs are seeking does not necessarily guarantee that the convention assembly will accept them as delegates. Mr. Chadderdon will be in attendance as a convention delegate and will be able to challenge their seating from the convention floor, raising the same objections that were presented to the judicial committee. If the convention assembly agrees with those objections, the plaintiffs and other elected delegates can be excluded from the delegation. In other words, the defendants will be entitled to one more "bite at the apple" even if a TRO is issued.

D. The public interest will not be harmed if the preliminary injunction is issued.

Lastly, the public interest will not be harmed if the TRO is issued. If anything, it would be harmful to the public interest to allow the defendants and/or the boards on which they serve to

³ Specifically, if the judicial committee's decision had been released earlier, there would have been sufficient time for a preliminary injunction hearing prior to the start of the National Convention.

continue suppressing the majority of party members who oppose them — through the use of fallacious procedural arguments — thereby eroding trust in institutions and the rule of law.

CONCLUSION

For the above reasons, plaintiffs request that this Court grant a temporary restraining order in the form attached as Exhibit 1, or, alternatively, Exhibit 2, and issue an order to show cause to the defendants.

Respectfully submitted,

CURCIO LAW FIRM PLC

Dated: May 22, 2024

By: /s/ C. Nicholas Curcio
C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201

Exhibit 1

**STATE OF MICHIGAN
IN THE 53rd CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN**

MARY BUZUMA, DAVID CANNY, BRIAN
ELLISON, ANGELA THORNTON, JOSEPH
BRUNGARDT, DANA CARVER, DONNA
GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

Hon. Aaron J Gauthier

Case No. 24- 9042 -CZ

v.

ANDREW CHADDERDON, DANIEL
ZIEMBA, ANDREW EVANS, JOSHUA
JONGEMA, and CONNOR NEPOMUCENO,

Defendants,

C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201
ncurcio@curciofirm.com

Attorney for Plaintiffs

**ORDER GRANTING EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER IN FULL**

This matter comes before the Court on plaintiffs' *Emergency Ex Parte Motion For Temporary Restraining Order, Show Cause Order, And Preliminary Injunction*. Having reviewed the motion and supporting briefs, the present motion is GRANTED for the reasons stated therein.

IT IS HEREBY ORDERED AND DECLARED THAT:

A. The decision rendered by defendants Jongema and Nepomuceno on or about May 18, 2024, that purports to invalidate the election of 27 delegates to the 2024 Libertarian Party National Convention lacks any plausible basis in the bylaws of the Libertarian Party of Michigan (LPM).

B. Defendant Ziemba shall, within 1 hour of the receipt of this order and no later than 10:00 a.m. on Thursday, May 23, re-submit the names and addresses of the individuals listed on Exhibit C to the complaint in this case to the national-convention credentials committee, thereby re-certifying that that individuals on the list are the official delegates and alternate delegates of the LPM.

C. Once Mr. Ziemba re-submits the original list as required above, the defendants are prohibited from submitting any other document to the national-convention credentials committee that purports to overturn, invalidate, or modify that submission until a hearing can be set and conducted on the issue of whether a preliminary injunction should issue.

D. Violations of this order shall be punishable as contempt of Court.

IT IS SO ORDERED.

Dated: May 22, 2024

Aaron J. Gauthier, Circuit Court Judge

Exhibit 2

**STATE OF MICHIGAN
IN THE 53rd CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN**

MARY BUZUMA, DAVID CANNY, BRIAN
ELLISON, ANGELA THORNTON, JOSEPH
BRÜNGARDT, DANA CARVER, DONNA
GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

Hon. Aaron J. Gauthier

Case No. 24- 9042 -CZ

v.

ANDREW CHADDERDON, DANIEL
ZIEMBA, ANDREW EVANS, JOSHUA
JONGEMA, and CONNOR NEPOMUCENO,

Defendants,

C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, Michigan 49448
(616) 430-2201
ncurcio@curciofirm.com

Attorney for Plaintiffs

**ORDER GRANTING EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER IN FULL WITH TO RESPECT TO LMC DELEGATION CHALLENGE
ONLY**

This matter comes before the Court on plaintiffs' *Emergency Ex Parte Motion For Temporary Restraining Order, Show Cause Order, And Preliminary Injunction*. Having reviewed the motion and supporting briefs, the present motion is GRANTED IN PART for the reasons stated therein, the Court being sufficiently satisfied that the defendants are likely to prevail on the merits at least with respect to the portion of the judicial committee decision that addresses defendant Chadderdon's challenge to the votes cast by the delegation sent by the Libertarians of Macomb (LMC) to the Libertarian Party of Michigan's March convention.

IT IS HEREBY ORDERED AND DECLARED THAT:

A. The decision rendered by defendants Jongema and Nepomuceno on or about May 18, 2024, that purports to invalidate the election of 27 delegates to the 2024 Libertarian Party National Convention lacks any plausible basis in the bylaws of the LPM at least to the extent described above.

B. Defendant Ziemba shall, within 1 hour of the receipt of this order and no later than 10:00 a.m. on Thursday, May 23, re-submit the names numbered and addresses of the individuals listed on delegates 8 through 28 on Exhibit C to the complaint in this case to the national-convention credentials committee, thereby re-certifying that those individuals are the official delegates of the LPM.

C. Once Mr. Ziemba re-submits the original list as required above, the defendants are prohibited from submitting any other document to the national-convention credentials committee that purports to overturn, invalidate, or modify that submission until a hearing can be set and conducted on the issue of whether a preliminary injunction should issue.

D. Violations of this order shall be punishable as contempt of Court.

IT IS SO ORDERED.

Dated: May 22, 2024

Aaron J. Gauthier, Circuit Court Judge

Exhibit 3

LPMI JC Majority Opinion on the Miramonti Appeal

May 16, 2024

Appeals and Submissions

All appeals, submissions, evidence, etc. related to the Miramonti Appeal are available to the public on Google Drive [here](#).

On March 22, 2024, Justin Miramonti appealed to the Libertarian Party of Michigan (LPMI) Judicial Committee (JC) alleging that the ruling of the LPMI Chair, Andrew Chadderdon, during the March 10th meeting of the LPMI Executive Committee (ExCom) was invalid. Chadderdon had ruled at that meeting that at the March 9th LPMI convention, the elections of District 8 and 10 representatives were invalid, due to the votes of members in those caucuses whose delegate status was invalid.

On March 24, 2024, Jonathan Jacobs appealed to the JC alleging that four members at the March 9th convention, who were suspended, were improperly seated as delegates and should have been held to the standard of the 7/8ths vote.

Early May 9th, 2024, Andrew Chadderdon submitted to the JC [here](#) and [here](#), alleging that the LPMI Credentials Committee for the March 9th convention did not fulfill their responsibilities as described in RoNR, which include finding the Macomb delegation invalid due to their failure to abide by their own bylaws and give notice. The Macomb bylaws adopt RoNR which requires notice to include the location in a reasonable timescale. Further, he asserted that the four suspended members were improperly seated given that the 7/8ths rule applied to their being seated after the Credentials Report was adopted.

There are two distinct matters which these events circle around; The suspension of 4 delegates and their adoption into the credentials report, and the validity of the Macomb delegation. Each is affected by distinct bylaws and procedures and will thus be addressed separately. First, we shall consider the Macomb delegation.

Authorities of the JC and CC

The JC has broad authority under the LPMI Bylaws:

V-2: *"The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions."*

However, another Bylaw seems to give broad protection to the autonomy of the local affiliates:

IV-4: *"The autonomy of the affiliate Parties shall not be abridged by the Executive Committee, or any other committee of the Party, except as provided herein."*

There are numerous exceptions which will be described below but now is a good moment to review why this rule exists: Clearly, Libertarians believe in decentralization, and don't want to impede smaller, local, and more homogenized collectives from organizing effectively within

their scope of activity. However the state party as a broader umbrella has various functions, procedures, and interests within its own scope that impose upon the affiliates certain requirements (with emphasis added):

IV-2: *"The Executive Committee shall charter affiliate parties, each of which shall cover one or more counties of the state, hereinafter referred to as an "affiliate region", from those organizations requesting such status. A copy of the petitioning organization's proposed operating rules shall be submitted with the petition. No organization shall be so chartered which does not ratify the Statement of Principles of the Party or whose operating rules do not comply with these bylaws. The Executive Committee can arbitrate disputes between affiliates."*

IV-3-2: *"An affiliate may elect in its discretion to adopt affiliate bylaws that organize the affiliate and the county(ies) and district(s) comprising its affiliate region in a manner different from the provisions of MCL 168.599 and 168.600. If the affiliate does so, then the officers and committees of the affiliate and the county(ies) and district(s) comprising its affiliate region shall be organized and selected in accordance with the affiliate's bylaws."*

IV-3-3: *"For so long as the Party qualifies to elect precinct delegates at primary elections to county party conventions under state law, the affiliate shall be required to accept precinct delegates so selected as delegates to its county and district conventions, but if the Party ever no longer qualifies to elect precinct delegates at primary elections, then the affiliate may set its own rules for qualifying delegates to its county and district conventions."*

RONR provides some insights on the interpretation of these rules (See RoNR 12th Edition online [here](#)):

56:68-4 *"If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited. There is a presumption that nothing has been placed in the bylaws without some reason for it. There can be no valid reason for authorizing certain things to be done that can clearly be done without the authorization of the bylaws. unless the intent is to specify the things of the same class that may be done, all others being prohibited."*

As the judicial authority of the LPMI, it is within the purview of the JC to interpret for what reason these rules exist. Compelling the affiliates to create and submit their bylaws as a precondition to their affiliation, requiring those rules to be in-line with the state party's Bylaws, ensuring they are organized in accordance to their bylaws, specifically enumerating that the affiliates may set their own rules, are rules the JC appears to have the power to enforce, unambiguously. Bylaw V-2 indicates that the JC may interdict on matters in which an affiliate neglects its bylaws in its conduct with regard to the state party's business, one of the most rigid procedures of which is its conventions.

The authority and duties of the LPMI Credentials Committee are lacking definition and detail in the LPMI Bylaws. The words *Credentials Committee* are only found in one Bylaw, 6-4.4:

"Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPMI Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention."

This Bylaw does not define any duty or authority of the CC, but LPMI Bylaws explicitly adopt Robert's Rules of Order 12th Edition (RoNR) in Bylaw 11-2:

"Robert's Rules of Order Newly Revised shall be the parliamentary authority for all matters of procedure not specifically covered by the bylaws or convention rules of the Party."

RoNR defines the duties and authority of the CC in 59:14 through 59:26. (These citations are lengthy and not quoted here. Please refer to the online edition above, or the Chadderdon submission which quotes the essential elements).

As RoNR 59:14 states, the CC is tasked with duties that it *"must"* perform, in stages, before and during a convention. After the CC receives forms with names of persons given by each affiliate, it is tasked with determining the eligibility of each person. Then it must create a list of those who are eligible to register. Then at convention, the CC facilitates registration of those delegates, beginning with *"submission."* The CC gives its first report including a registration roll, of those entitled to register who have done so up until that point. Then the CC is tasked with recording changes to the registration rolls including when delegates leave, are replaced by alternatives, or in the event of any *"additional"* delegates.

While the past practices of the credentials committee may have been a rubber stamping and collection of the delegate lists that were given them, the messy situation created by the lawlessness of certain affiliates and actors necessitates that the CC follows the procedures defined in RONR.

The Macomb Delegation

There is a question of whether the CC has the duty or the authority to declare members ineligible to be delegates if they were improperly elected by affiliates in violation of affiliate bylaws. The testimonies of Ms. Dailey and Mr. Fulner (at the state convention admitting such) have not been contested in any way. It is indisputable that the Macomb affiliate did not send any reasonable notice of their convention, violating the provisions in RONR which the Libertarians of Macomb County adopt.

RoNR 59:21 brings up the matter of contested delegates:

"Cases of contested seats in a delegation will seldom arise except in political conventions. In the rare event of a contest between two delegates or groups of

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"Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPMI Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention."

An ambiguity exists in the final sentence, in the case of suspended members whose names were previously received by the CC, and the JC discussed whether the four suspended members should have been required to resubmit their names for registration as additional delegates. The intention of the creation of the 7/8ths vote was considered, and it did not address the specific scenario of suspended members having their punishment reduced at a convention, but other Bylaws and RoNR sections apply specifically.

A noticed item of business for this convention was the consideration of the trial report of the 4 members. In the executive session, the body voted to reject the trial report that had suspended the members. RONR has further insight into this process:

63:37- "Under this procedure, the assembly can decline to impose any penalty, notwithstanding the trial committee's recommendation; or it can reduce the recommended penalty; but it cannot increase the penalty. The assembly cannot impose a penalty if the trial committee has found the accused not guilty."

Rejecting the report is reducing the penalty, or commuting the sentence. This action does not exonerate the members in question, or ex post facto make their previous submissions to the credentials committee valid.

According to RoNR the only lists kept by the CC at the point of the start of convention was that having eligible members on it, and that of registered delegates. The initial credentials report adopted at the start of the convention excluded the four. To amend the report later with the four included would literally mean adding additional delegates. Also, the process of registration begins with the step of submission, as stated in RoNR 59:14.5. Thus it was decided that the 7/8ths vote must apply. Acting convention Chair Bill Gelineau appropriately ruled on the floor that the 7/8ths vote must apply, and the convention body did not have authority to violate that Bylaw with a vote.

A further question was considered, of whether suspended members could be treated the same as delegates arriving late, and members who pay their dues on the day of convention, and so LPMI Bylaw 6-9 was discussed which says:

"Members in good standing who were duly elected as delegates shall not be denied delegate status at the business sessions of a convention..."

Two of three JC members agreed that members with unpaid dues and those arriving late are those who shall not be denied delegate status, but that suspended members were not members in good standing and the 7/8ths rule should apply to them.

There is a distinction between actions of the JC which invalidate acts of members, and acts of members which were not valid and therefore constitute a continuing violation.

RoNR 23:6: "The only exceptions to the requirement that a point of order must be made promptly at the time of the breach arise in connection with breaches that are of a continuing nature, whereby the action taken in violation of the rules is null and void. In such cases, a point of order can be made at any time during the continuance of the breach—that is, at any time that the action has continuing force and effect—regardless of how much time has elapsed. Instances of this kind occur when:

- *a) a main motion has been adopted that conflicts with the bylaws (or constitution) of the organization or assembly,*
- *b) a main motion has been adopted that conflicts with a main motion previously adopted and still in force, unless the subsequently adopted motion was adopted by the vote required to rescind or amend the previously adopted motion,*
- *c) any action has been taken in violation of applicable procedural rules prescribed by federal, state, or local law,*
- *d) any action has been taken in violation of a fundamental principle of parliamentary law (25:9), or*
- *e) any action has been taken in violation of a rule protecting absentees, a rule in the bylaws protecting the secrecy of the members' votes (as on a ballot vote), or a rule protecting a basic right of an individual member"*

Notice for an affiliate convention, as well as certain votes by delegates at convention, certainly do constitute continuing violations of a rule protecting absentees, LPMI Bylaws, a fundamental principle of parliamentary law, and Macomb's bylaws. As such, votes by the JC in ruling on these matters are a statement that such actions were always null and void.

The JC Decision

On Wednesday, May 15 JC members deliberated, and voted. The JC does not grant Justin Miramonti's requested remedies regarding actions taken in the March 10th meeting. The board asserted that District 8 and 10 representatives were not elected validly under the Bylaws, and refused to recognize them as voting members of the board. That ruling was challenged in the Miramonti Appeal, and for reasoning stated above the JC finds those elections were conducted invalidly. So, Dave Canny and Michael Yanok were not duly elected, and this exonerates the actions taken by the board to not recognize their elections.

The JC also voted that several matters pertaining to the LPMI's March 9th Delegate Selection Convention constituted violations of the LPMI bylaws:

- 1) That the LPMI affiliate in Macomb County violated its own bylaws in regards to two matters. First, sending notice to its own members; That their notice willfully excluded the

location of their meeting, violating the provisions of Robert's Rules of Order (RONR) which their body adapts into their bylaws. Second, that their secretary did not include in their list of delegates (elected at said unnoticed convention) the name and address of a member in good standing whose name was nominated and voted upon to their list to the LPMI Credentials Committee.

- 2) That the LPMI Credentials Committee (CC) was made aware of these grave deficiencies and did not act upon them, in so doing violating the requirements upon the CC as defined in RONR 59:14 and 21. The LPMI adopts RONR per our bylaws in Article XI, Section 2, and is otherwise silent on the requirements and duties of the CC. Per RONR's rules, where the bylaws are silent, RONR are in effect our Bylaws. Therefore, these requirements must be followed.
- 3) That 4 delegates were added to the credentials report by a simple majority instead of a 7/8ths vote as required in LPMI Bylaws Article VI, Section 4, Subsection 4. These names were excluded from the report as adopted at the start of the convention, and then added later as described, in violation of said bylaw.
- The delegates at the March 9th convention, despite having been made aware of the previous violations, approved a credentials report with the Macomb delegation included. That act presented a continuing violation, which is now remedied by granting all of the requests of Andrew Chadderdon and Jonathan Jacobs, which are as follows:
 - Jonathan Jacobs requested the remedies of declaring that the four suspended members were ineligible to vote at the March 9 convention, removing those delegates to the national convention ranked #30-34 and placing them on the alternate list unranked, and removing all rankings for the alternate delegate list.
 - Andrew Chadderdon requested the remedies of granting the Jacobs remedies, and also the remedies Jacobs asked of the national LP Credentials Committee, to invalidate the entire Macomb delegation.

Signed,

Joshua Jongema

Connor Nepomuceno

LPMI Judicial Committee Members