

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

KALAMAZOO COUNTY REPUBLICAN
COMMITTEE and KELLY SACKETT in her
capacity as KGOP Chair

Case No. 2024-0026-CZ

Plaintiffs

v.

RODNEY HALCOMB; KERRY LYNN
ELIEFF; EMILY CRAWFORD; ROBYN
MAXON; KRISTINA KARAMO; DANIEL J.
HARTMAN; JAMES M. COPAS; and
SECRETARY OF STATE JOCELYN
BENSON;

HON. CURTIS J. BELL

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**PLAINTIFFS' SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION FOR AN EX
PARTE TEMPORARY RESTRAINING ORDER, SHOW CAUSE ORDER, AND
PRELIMINARY INJUNCTION**

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Plaintiffs seek a temporary and permanent injunction against Defendants to prevent them from conducting a county convention of delegates on February 15, 2024 or recognizing Halcomb, Elieff, Crawford, or Maxon or any group called "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates" as the official KGOP.

I. FACTS

1. February 15, 2024 county conventions

Pursuant to MCL 168.611(1) and the "MIGOP Rules for Delegates and Alternates to the 2024 Spring Michigan Republican County and District Conventions" the Michigan Republican Party ("MIGOP") is required to hold a convention prior to the Michigan primary for the purpose of electing 44 delegates and 44 alternates. This convention will take place on March 2, 2024 at Huntington Place, 1 Washington Blvd, Detroit, MI 48226. In addition, all counties must hold a county convention on February 15, 2024 to elect their county representatives to attend the state convention. The process is the following:

- a) February 15, 2024: All 83 counties must hold a county convention to elect delegates to attend the district caucuses.
- b) March 2, 2024: they district caucus will be held at Huntington Place, 1 Washington Blvd, Detroit, MI 48226 to select the 44 delegates and 44 alternates.
- c) July 15, 2024 – July 18, 2024: the state delegates will caucus in Milwaukee at the 2022 Republican National Convention. At this convention, the delegates of the United States Republican Party will select the party's nominee for president and vice president in the 2024 United States presidential election.

2. Issues in this case

The Defendants are trying to hijack the process and steal the delegate slots. The KALAMAZOO COUNTY REPUBLICAN COMMITTEE ("KGOP") is a county political committee non-profit formed pursuant to state law on January 1, 1977 after the enactment of

MCL 169.211 (1976, Act 388, Imd. Eff. Dec. 30, 1976) and was assigned committee ID#001353 for campaign contribution and expenditure filings. The most recent amended statement of organization ("SO") is attached as [Exhibit 1, *Statement of Organization*]. The KGOP has its own tax identification number (EIN #38-2444112). It has a sizeable portfolio of donors who have supported the party for many years. Its office is located at 5250 Lovers Lane, Suite LL110, Portage, Michigan 49002. It has a lease. It has a landlord. It holds fundraising events and weekly meetings with members, party activists, speakers, and donors. It files its own campaign finance report [Exhibit 2]. Plaintiff KELLY SACKETT ("Sackett") is the duly elected Chair of the KGOP executive committee. She is also an ex-officio member of the Michigan Republican Party. On or about January 1, 1977, pursuant to MCL 169.211(6), the Michigan Republican Party, as the state central committee officially designated KGOP as the political party committee for Kalamazoo County. [Exhibit 3].

In the early months of 2023, a group of Kalamazoo County delegates and members of the KGOP were either removed from the KGOP or voluntarily quit. They started their own club which they initially called "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates." They did not file a new SO with the Michigan Bureau of Elections ("BOE"). Instead, they decided to assume the identity of KGOP. They started to call themselves the "New KGOP." [Exhibit 4]. They emailed Kalamazoo County delegates and members of the KGOP claiming to be the KGOP. They asked the MIGOP to recognize them as the KGOP. They asked the BOE to transfer the SO to them. Their theory is that once they have the SO, they could then take over the KGOP office and bank account. This was also done to harass the Real KGOP and hurt fundraising efforts. They adopted the theory that this Court's Opinion and Order, *supra*,

meant that calling themselves the KGOP amounted to an "intra party dispute" and they could do as they pleased, even if they broke the law or violated the bylaws.

This issue in this case is relatively straightforward: Whether a group people can "take over" a private organization by simply declaring themselves to be that organization.

- (1) If the group of people are former delegates and former members.

The answer is NO. This is not an "intra-party dispute." Rather, such actions constitute identify theft, fraud, tortious interference with business relationships, obstruction of justice, and conspiracy.

- (2) The group of people are current delegates and current members.

The answer is NO. This is not an "intra-party dispute." Rather, such actions constitute a breach of contract.

Under either analysis, the answer will always be **NO**. This is not an intra-party dispute. The court has jurisdiction to hear this case. The temporary restraining order must enter to prevent the Defendants and their club from holding a fake and illegal convention on February 15, 2024.

Several additional county committees have filed an *Amicus Curiae* brief in this matter [Exhibit 5]. They understand the importance of this issue.¹ Affidavits signed by Kelly Sackett, James Charles Coss, Nicole Sabel, and Roger McMillan regarding the continuing damages are also attached [Exhibit 6].

3. The Beginning; Election of Executive Committee and Officers

Michigan Law² defines the rules to elect a county executive committee of each respective party (Republican, Democrat, etc.) every second year after 1966. The Michigan Law further

¹ Filed by Oakland County Republican Party with statement of concurrence by Washtenaw County Republican Executive Committee, Macomb County Republican Executive Committee, Gladwin County Republican Executive Committee, Genessee County Republican Executive Committee, Livingston County Republican Executive Committee, and Jackson County Republican Executive Committee.

² MCL 168.599(1)

defines the rules for the county executive committee to elect the officers of the executive committee within 30 days after the fall county convention and that the officers of the county committee, which include a chairperson, a vice chairperson, a secretary and a treasurer, shall serve for a period of two (2) years³.

The KGOP Bylaws as amended on February 9, 2015 [Exhibit 7, *MIGOP Bylaws #1*] echo this requirement and state: "The precinct delegates to the Fall County Convention shall convene at the call of the Party Chairperson within twenty (20) days following the November election for the purpose of selecting the Elected Members of the Executive Committee." *Id.* at Article III(4)(A). The KGOP Bylaws #1 were later amended on September 11, 2023 [Exhibit 8, *KGOP Bylaws #2*] and state: "A county convention shall be held within twenty (20) days after the November general election in even-numbered years to elect the non-candidate members of the KGOP Executive Committee." *Id.* at Section 6.2. The bylaws of the Michigan Republican Party (the "MIGOP") [Exhibit 9, *MIGOP Bylaws*] similarly state that delegates of each county shall meet within 30 days following the November election to select their executive committee. *Id.* at Article III(B).

On November 28, 2022, the KGOP executive committee was elected at a county convention [Exhibit 10]. On December 12, 2022, the executive committee met and elected Sackett as Chair, Charley Coss as Vice Chair, Kathleen Olmstead as Secretary, and Ronald Austin as Treasurer [Exhibit 11]. Therefore, the KGOP properly elected its executive committee shortly after the November 2022 election and then the executive committee properly elected its current officers. This statement is uncontested.

³ MCL. 168.599(3)

4. Republican Party Organizational structure

The Michigan Republican State Committee (the "MIGOP") is the governing body of the Republican Party in Michigan. The governance of the MIGOP and the duties of its members and officers is defined by its bylaws (the "MIGOP Bylaws") [Ex 9]. The MIGOP does not have an office, but instead rents a UPS box at 3450 Alpine Ave., NW, Box 206, Grand Rapids, Michigan. The present "state central committee" of the MIGOP (the "Committee") was constituted on February 23, 2023. Article II of the MIGOP Bylaws identifies the Committee as the governing body of the MIGOP. Article III, Sec. (B)(8) states that "the Chairman of each county executive committee during his/her term of office" shall be an "ex-officio member" of the MIGOP.

There are four (4) Political organizations in Kalamazoo County registered with the Michigan Secretary of State Office. These organizations are:

- Kalamazoo County Libertarian Party
- Kalamazoo County Democratic Party
- Kalamazoo County US Taxpayers Party of Michigan
- Kalamazoo County Republican Committee

The group of individuals led by Rodney Halcomb, et. al., have no valid non-profit organization listed on the IRS website⁴, nor on the Michigan Secretary of State Campaign Finance Committee Search website⁵. As such, it not a properly structured organization to be considered a County Party Organization.

Further, the MIGOP Bylaws provide for autonomy of district and county committees, such as KGOP, including but not limited to the following:

ARTICLE II – Purpose

The purpose of this Committee shall be as follows: . . . (B)(2) work in close cooperation with other Republican state, district and county organizations.

⁴ <https://apps.irs.gov/app/eos/>

⁵ <https://cfrsearch.nictusa.com/>

ARTICLE XIII – County Executive Committees and Optional County Party Committee

A. Number. There are as many as eighty-two (82) county executive committees and four (4) congressional district portion committees in the State of Michigan. The county executive committee of each county shall adopt its own bylaws and rules of procedure.

ARTICLE XI – Organization of the Michigan Republican Party

B. Non-Affiliation of Political Party Committees. Although the Committee works in cooperation with congressional district and county party organizations, the Committee is not "affiliated" with the congressional district and county party organizations so that any contributions made by these political party committees shall be presumed to be made by one political committee under the Federal Election Campaign Act, 2 USC § 431 et seq., and corresponding regulations or under the Michigan Campaign Finance Act, MCL 169.201 et seq. No provision in these Bylaws shall be interpreted to allow any political party committee to control any other political party committee so that any contributions made by these political party committees shall be presumed to be made by one political committee under the Federal Election Campaign Act, 2 USC § 431 et seq., and corresponding regulations or under the Michigan Campaign Finance Act, MCL 169.201 et seq.

The MIGOP Bylaws are clear and provide for autonomy of county committees. The county committees shall adopt their own bylaws and rules of procedure. The MIGOP is specifically not affiliated with the county committee. The MIGOP shall not assert control over any county committee. Likewise, the county parties are not under the control of MIGOP. As stated in Article II, the MIGOP is required to cooperate with county organizations, not work against them.

5. MIGOP cannot intervene in county disputes

This court has asked about MIGOP intervention. Put simply, it is not permitted. First, there are no conflict resolution provisions in the MIGOP bylaws.⁶ Second, if MIGOP asserted control over any county of district committee, it would bust the FEC/State contribution limits, resulting in significant fines. MIGOP has not set up a centralized monitoring system to ensure

⁶ The former Karamo administration attempted to pass a "conflict resolution package" of bylaw amendments last fall but they were overwhelmingly rejected by the state committee.

that all contributions made and received by all county committees, district committees, and MIGOP are collectively within the limits. Such authoritarian control over county parties means that MIGOP would be required to report all contributions made to all county committees. This would prove to be both illegal and a logistical nightmare.

6. Fake Splinter Group forms after infighting within the KGOP

The KGOP has operated peacefully for decades⁷ until recently when a rogue group of delegates infiltrators led by Sabrina Pritchett-Evans⁸ and Kim Harris, started to engage in anarchist type behavior. This rogue group decided it was their mission to "burn down the party." They engaged in disruptive behavior such as (1) secretly recording meetings in violation of published KGOP rules and procedures and posting those videos on social media and (2) disrupting meetings to such a degree that business could not be conducted and police were called to remove them from the premises.

On March 1, 2023, the KGOP executive committee voted to censure four (4) delegates and members who were and had engaged in disruptive activities. These were Sabrina Pritchett-Evans, Kim Harris, Veronica Pero, and William Bennett. They started preaching that their main goal was to get rid of RINOs⁹, rather than help get Republican's elected [Exhibit 13]. On March 29, 2023, Pritchett-Evans and Harris filed a lawsuit.¹⁰ On or about April 6, 2023, the executive

⁷ Some historians say that KGOP is the oldest standing Republican County committee in the State of Michigan. It predates the formation of the Jackson County committee. As of today, KGOP has had 125 Lincoln Day Dinners. See [Exhibit 12, Matt Hauser Opinion] which describes these legal issues and history of the KGOP

⁸ Sabrina Pritchett-Evans ran against Kelly Sackett for the position of KGOP Chair on December 12, 2022. Sabrina Pritchett-Evans lost.

⁹ "Republican in Name Only," a disparaging term used by the Fake Splinter Group to isolate and divide Republicans.

¹⁰ *Sabrina Pritchett-Evans and Kimberly Harris v Republican Party of Kalamazoo, State of Michigan (KGOP), Kalamazoo Grand Old Party Executive Committee (KGOPEC), and*

committee removed 17 delegates from the KGOP. These removed delegates included Defendant Elieff, Sabrina Pritchett-Evans and Kim Harris [Exhibit 14]. On August 10, 2023, this Court issued an opinion [Exhibit 15] dismissing three of the four counts stating that the actions of the KGOP executive committee were not justiciable because they amounted to intra-party disputes. [*Id.*] In essence, the KGOP is an independent, private political organization that has the right to govern itself, control its membership, and establish its rules and procedures. [*Id.*] However, the court stated it could have heard claims related to breach of contract, but the plaintiffs in that case did not bring a breach of contract claim.

On November 17, 2023, the KGOP executive committee met and voted to remove 51 people from membership within the KGOP pursuant to Section 4.3, which states that "[a]ny member may be removed from the KGOP for any reason by three-fifths (3/5) vote of the Executive Committee members present at a regularly scheduled Executive Committee meeting or at a Special Meeting. These members were removed for failure to pay dues and participate. They were given the opportunity to appeal (none of them did) and they can reapply pursuant to Section 4.1 (none of them have) [Exhibit 16].

BREACH OF CONTRACT

7. Fake Splinter Group calls a convention in September 2023

This case involves claims of breach of contract of the KGOP Bylaws #1 [Ex 7] later amended on September 11, 2023 [Ex 8] and the bylaws of the MIGOP [Ex 9]. The governance of the KGOP and MIGOP and the duties of their members and officers are defined by their bylaws. Bylaws are a contract among the members of the committee. They are not "suggestions" that can be disregarded at the convenience of any member or officer. See e.g. *El-Khalil v Oakwood*

(AKA) *Kalamazoo County Republican Committee (KGOPEC)*, and *Kelly Sackett*, Case No. 2023-0169-CZ, Kalamazoo County Circuit Court.

Healthcare, Inc., 504 Mich 152; 934 NW2d 665 (2019) ("Plaintiff asserts that the denial of his privileges was in breach of the bylaws . . . [p]laintiff's assertion is legally sufficient for his breach-of-contract claim to survive MCR 2.116(C)(8)." *Id.* at 166. See also *Conlin v Upton*, 313 Mich App 243, 255; 881 NW2d 511 (2015) (bylaws "constitute a binding contractual agreement between [an] [entity] and its members"). See also *Kauffman v Chicago Corp*, 187 Mich App 284, 287; 466 NW2d 726 (1991) (stating that "those constitutions, rules, and bylaws of the entity at issue "constitute[d] a contract by all members" of the entity "with each other and with the [entity] itself").

Article III, Sec. 4(A) of the KGOP Bylaws #1 states that the executive committee shall be elected at a convention within 20 days after the November election. Only the Chair is permitted to called a convention. Article III, Sec. 8(A) and (B) of the KGOP Bylaws #1 state that the officers shall be elected at an executive committee meeting within 30 days following the county convention. If there is any doubt, MCL 168.622 states that "[t]he county conventions of each political party shall be held at the time and place that the county committee of each political party, through its chairperson, designates." Delegates, members, non-delegates, or non-members are not permitted to call a county convention for any reason, even if a large majority so desire.

Nevertheless, on August 17, 2023, the Fake Splinter Gorup, through Defendant Elieff ignored these principles and issued an "Official Call to Special Convention of the Kalamazoo County Delegates" for September 15, 2023 [Exhibit 17]. As of August 17, 2023, Defendant Elieff was not a delegate. This Fake Call to September Convention was a fraud on the delegates and constitutes mail and wire fraud, tortious interference, election fraud, fraud, and conspiracy.

On September 11, 2023, the KGOP amended its bylaws [Ex 8]. On September 16, 2023, the Fake Splinter Group fraudulently convinced delegates to attend their meeting through

deceptive means, including sending a video through email (wire) and telling delegates to attend [Exhibit 18].¹¹ Pursuant to Section 5.1 of the KGOP Bylaws #2, only the Chair can call a convention and conduct county conventions." Pursuant to Section 5.3 of the KGOP Bylaws #2, only the KGOP can publish the convention rules. They must be published 2 months prior to any county convention. No convention rules were published 2 months prior to September 15, 2023. Pursuant to Section 5.3 of the KGOP Bylaws #2, no member shall give a proxy for representation at a county convention.

On September 18, 2023, Defendant Rod Halcomb sent an email with minutes from the Fake Convention stating that "a total of 73 precinct delegates attended" and that they voted "to replace the current Kalamazoo County Republican Executive Committee." [Exhibit 19]. He signed the email as "Rod Halcomb, Chair Kalamazoo County Republican Executive Committee." KGOP Bylaws #2 and MIGOP Bylaws do not discuss quorum for a convention. Therefore, Section 3.3 of the KGOP Bylaws #2 applies and *Robert's Rules of Order Newly Revised* ("RONR") govern. RONR 40:2(3) states that "[i]n any other deliberative assembly with enrolled membership whose bylaws do not specify a quorum, the quorum is a majority of all the members." On September 15, 2023, the KGOP had 157 delegates. Pursuant to RONR 40:2(3), quorum is 79. The Fake September Convention did not have quorum had could not conduct business.

**IDENTITY THEFT, FRAUD, OBSTRUCTION OF JUSTICE, TORTIOUS
INTERFERENCE, and MISAPPROPRIATION**

8. Fake Splinter Group impersonates KGOP and steals likeness and image

Following the September 15, 2023 illegal and fake convention, Defendant Halcomb continued to send emails to delegates stating he was the KGOP Chair [Ex 4]. Between

¹¹ <https://rumble.com/v3i8m78-tyranny-unmasked-in-kalamazoo-mi.html>

September 15, 2023 and present, Defendant Halcomb sent no less than 12 emails across the wires to defraud delegates and misappropriate the name and likeness of KGOP, which interfered with recruitment and fundraising. [*Id.*]. Defendant Halcomb also petitioned Defendant Kristian Karamo (as the Chairman of the MIGOP) to recognize his group of anarchist-minded people as the "official" KGOP executive committee.

9. Defendants Kristina Karamo, Daniel Hartman, and Jim Copas removed from their positions with MIGOP and fired

At a special meeting of the MIGOP state Committee on January 6, 2023, Karamo and Hartman were removed from their respective position by votes of over 95% of those members present and voting. Copas was also fired [Exhibit 20]. However, Karamo, Hartman, and Copas have refused to vacate their positions. Instead, they have engaged in a war of deceit by sending mass emails and engaging in a social media campaign to declare they are still in charge of MIGOP. See also complaint in *Pego et al v Karamo*, Case No. 2024-00658-CZ, Kent County Circuit Court [Exhibit 21].

10. Fake Splinter Group calls another convention for February 15, 2024

On January 11, 2024, the KGOP properly and timely issued the official "Call to Convention" for February 15, 2024, along with the convention rules and a cease-and-desist letter [Exhibit 22]. However, presumably to create confusion and election fraud, the Fake Splinter Group sent a competing unauthorized and illegal "Call to Convention" for February 15, 2024 [Exhibit 23]. This obviously competes with the Official Call to Convention sent by the KGOP.

The Fake Call to February Convention was sent to all KGOP delegates and will confuse and disenfranchise their vote. Some delegates will unknowingly attend the Fake Convention and some delegates will correctly attend the Real KGOP Convention. Then there will be competing

slates of delegates; one will be an illegal fake slate out of the Fake Convention and the other will be the proper slate from the Real KGOP Convention.

11. Karamo, Hartman, and Copas recognize Fake Splinter Group and the real KGOP

After being fired, Karamo, Hartman, and Copas held a meeting on January 13, 2024 and violated the MIGOP Bylaws and "recognized" the Fake Splinter Group as the KGOP [Exhibit 24]. On January 14, 2024, Halcomb sent an email stating that his Fake Splinter Group was now the KGOP [Exhibit 25]. "I am pleased to inform you that January 13, 2024, marked a momentous occasion for our county delegates. The Michigan State Republican Party Central Committee, in a decisive vote, officially recognized the newly elected executive committee, which assumed office on September 15, 2023, as the legitimate executive committee of Kalamazoo County." Halcomb had no authority to steal the identity of KGOP. His previously called "convention" was a fraud. Karamo had no authority to recognize the Fake Splinter Group as the KGOP because she had been removed from her position the week before.

12. Hartman and Copas Break the Law by Contacting the Secretary of State; This is Election Interference and is Tampering with which Delegates are Sent to the National Convention

On January 16, 2024, Hartman and Copas sent a letter to the Secretary of State stating that MIGOP had "recognized" the Fake Splinter Group as the real KGOP. This letter was copied to 22 Kalamazoo precincts [Exhibit 26]. This letter is election fraudulent because Karamo, Hartman, and Copas had been previously removed and terminated from their positions.

13. Halcomb Obstructs Justice and Attempts to Steal Bank Account by Demanding Access to KGOP Financial Records

On January 16, 2023, Defendant Halcomb sent a message to Sackett demanding access to the KGOP's private access code to change financial records and access the bank account of KGOP [Exhibit 27].

II. LEGAL ARGUMENT

A. GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION WILL PRESERVE THE STATUS QUO AND PROTECT THE PLAINTIFFS FROM THE IRREPARABLE HARM OF THE FAKE SPLINTER GROUP CONDUCTING A FRAUDULENT COMPETING CONVENTION.

MCR 3.310(B) allows a Court to enter an *ex-parte* temporary restraining order upon a showing that irreparably injury, loss, or damage will result from the delay required to effect notice or that the risk that notice itself will precipitate adverse action before an order can be issued. Plaintiffs, through their Complaint, have established considerable irregularities and illegalities and breaches of contract by the Fake Splinter Group, Karamo, Hartman, and Copas. If the Defendants are allowed to hold a fake and competing convention on February 15, 2024, delegate will be confused and disenfranchised. Some delegates will attend the fake convention and then have no vote. Two slates of electors will be sent to MIGOP for certification. This will affect the slate of electors sent to the Republican National Convention. The Court must immediately hear this case before any evidence can be destroyed.

An *ex-parte* temporary restraining order preserves the "status quo pending a final hearing regarding the parties' rights." *Alliance for the Mentally Ill of Mich. V Dep't of Community Health*, 231 Mich App 647, 655-656, 588 NW2d 133 (1998). The standard for granting a motion for temporary restraining order and preliminary injunction are the same. The moving party "bears the burden of proving that the traditional four elements favor the issuance of a preliminary injunction." *Detroit Fire Fighters Ass'n IAFF Local 344 v Detroit*, 482 Mich 18, 34, 753 NW2d 579 (2008). Plaintiffs must establish: "(1) the likelihood that the party seeking the injunction will prevail on the merits, (2) the danger that the party seeking the injunction will suffer irreparable harm if the injunction is not issued, (3) the risk that the party seeking the injunction would be harmed more by the absence of an injunction than the opposing party would be by the granting

of the relief, and (4) the harm to the public interest if the injunction is issued." *Hammel v Speaker of House of Representatives*, 297 Mich App 641, 647-648; 825 NW2d 616 (2012).

1. Plaintiffs are likely to succeed on the merits.

a. Breach of contract. Plaintiffs will easily prove that the Individual Defendants have violated the bylaws. Only the KGOP Chair can call a convention. It is that simple. Therefore, the September 2023 convention called by the Fake Splinter Group was not valid. It was illegal. The results are null and void. Even if it was legal, the meeting did not have quorum. Rather than follow the bylaws, the Fake Splinter Group, through Defendant Elieff its fake "Call to Convention" [Ex 17]. As of August 17, 2023, Defendant Elieff was not a delegate. At this fake convention, the Fake Splinter Group claims that they voted out the KGOP executive committee and officers. Then they petitioned for Karamo, Hartman, and Copas to recognize them to steal the delegates from Kalamazoo that want to go to the Milwaukee convention.

b. Identity theft, fraud, tortious interference, obstruction of justice, and misappropriation. A group of random people who are not members of an organization cannot randomly and falsely "call" a convention and convene at a local restaurant and claim to vote out the leadership of a group they are not a part of. That is not a real thing. If that was permissible, then any group of random people could do the same to Planned Parenthood, Right to Life, the American Red Cross, the NRA, Doctors Without Borders, or the Democratic Party. Chaos would ensue. But that's why we have laws in live in a civilized society. Indeed, in every other instance where radicals tried this tactic it would be considered identity theft, criminal and civil fraud, misappropriation of likeness, tortious interference with business, and in this case, election fraud.

To make matters worse, this same Fake Splinter Group has now sent out a fake call to convention for February 15, 2024. They have no authority to call a convention. Only the county party chairman can call a convention. But the plan is clear: if they can hold a fake convention,

they can confuse some delegates to show up at their convention (or clearly just convene with their salutes). Then they can push their chosen delegates through to the district caucuses and then onto the RNC convention in Milwaukee. This is a fraud and an obvious attempt to steal delegate slots.

Karamo, Hartman, and Copas were fired and removed from their positions on January 6, 2024. See [Ex 20]. Therefore, they had no authority to "recognize" the Fake Splinter Group as the official KGOP on January 13, 2024. Their actions constituted a fraud. Likewise, Karamo, Hartman, and Copas had no authority to send a letter to the Secretary of State demanding that it change its records. This was election fraud and obstruction of justice.

But they did not stop there. On January 13, 2024, Karamo, Hartman, and Copas engaged in more fraud when they claim to have "recognized" the Fake Splinter Group as the official KGOP and then sent a letter to the Secretary of State, Bureau of Elections ("BOE") [Ex 26]. This is a serious fraudulent act because Karamo, Hartman, and Copas were all terminated, fired, and removed from their positions on January 6, 2024.¹² However, they refuse to vacate the office, denying the vote to remove them, and acting in a false capacity.

2. Plaintiffs will suffer irreparable harm if a preliminary injunction is not issued.

Plaintiff faces a real and imminent danger of irreparable harm if injunctive relief is not granted. Irreparable injury is a "noncompensable injury for which there is no legal measurement of damages or for which damages cannot be determined with a sufficient degree of certainty." *Thermatool Corp v Borzym*, 227 Mich App 366 (Mich Ct App 1998). Irreparable harm is established if the risk of harm rises above "mere apprehension" and no "adequate legal remedy is

¹² <https://www.cbsnews.com/detroit/news/michigan-gop-chair-karamo-was-properly-removed-from-position-national-republican-party-says/>

available." *Pontiac Fire Fighters Union Local 376 v City of Pontiac*, 482 Mich. 1, 8-9; 753 NW2d 595 (2008).

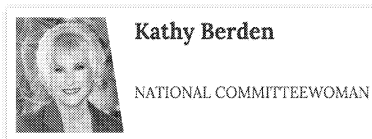
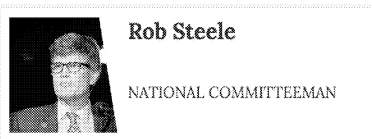
The "loss of a constitutional right constitutes irreparable harm which cannot be adequately remedied by an action at law." *Garner v Mich State Univ*, 185 Mich App 750, 764, 462 NW2d 832 (1990). Defendants' actions of calling a fake convention regarding the election of delegate to attend the Republican National Convention violates Plaintiffs' fundamental right to vote and right to the equal protection of the law. This fake convention will affect all delegates in Kalamazoo.

Here, despite the removal of Karamo, Hartman, and Copas removal, they refuse to relinquish control of the MIGOP and have instead acted contrary to the bylaws by "recognizing" the Fake Splinter Group. Each day this continues, and the Fake Splinter Group can tell delegates they are the real KGOP holding a fake convention, the more damage is done regarding fundraising and preparing for fast approaching major events this election year such as the imminent county Republican conventions and the Michigan Republican State Convention. If the Individual Defendants are not enjoined, they will continue to impede the operations of the KGOP. Moreover, allowing their actions to continue denies the delegate their right to attend a proper convention and vote for their choice of national delegates. The Fake Splinter Group continues to made damaging statements about their fake authority and about the KGOP, including telling people not to donate to KGOP. See [\[Exhibit 28\]](#).

On January 24, 2024, The RNC Counsel's Office issued a letter stating "[t]he RNC Counsel's Office has reviewed the MIGOP Bylaws, meeting minutes, and other materials provided by both sides in this dispute. Based upon its initial review, it appears to the Counsel's Office that Ms. Karamo was properly removed in accordance with the MIGOP Bylaws on

January 6." [Exhibit 29]. Therefore, the RNC has refused to credential Karamo at this week's RNC meeting. The RNC has also removed Karamo from its website, recognizing she has been terminated.

MICHIGAN



The BOE is also presumably aware of this fraudulent activity and has sent a notice to all precincts in Kalamazoo County stating that Kelly Sackett is still the KGOP chair in charge of the county convention [Exhibit 30]. Nevertheless, the fake call to convention still exists and the Defendants continue to tell delegates to go to their fake convention.

Notwithstanding the letter from the BOE, Sabrina Pritchett-Evans decided to publish a letter on social media that she presumably sent to the BOE essentially accusing the BOE of criminal activity [Exhibit 31]. This is the type of misinformation that is creating chaos in the delegate class and prevents people from discerning that the convention called by Kelly Sackett is the proper, legal convention. If delegates show up to the fake convention, they will not be credentialed at the district caucus and have no chance to go to the Milwaukee convention. They will be disenfranchised.

Each day this fraud continues, the Fake Splinter Group can tell delegates they are the real KGOP holding a fake convention, the more damage is done regarding fundraising and preparing for fast approaching major events this election year such as the imminent county Republican conventions and the Michigan Republican State district caucuses. If these Defendants are not enjoined, they will continue to impede the operations of the KGOP. Moreover, allowing their

actions to continue denies the delegate their right to attend a proper convention and vote for their choice of national delegates.

3. **Plaintiffs will suffer immediate and irreparable harm if a preliminary injunction and temporary restraining order is not issued, which outweighs any potential burden on Defendants.**

If injunctive relief is not granted, Plaintiffs and delegate they represent will sustain the sting of the loss of their constitutional freedoms. Without a preliminary injunction, Plaintiffs are unable to conduct a proper convention on February 15, 2024, but will instead be forced to compete against a fake convention meant only to disrupt and cause confusion. Indeed, the Fake Splinter Group is continuing to message to delegates that they are the real KGOP and Karamo, Hartman, and Copas are acting after they were terminated, including sending fraudulent letters and documents to the Secretary of State.

Irreparable harm is established if the risk of harm rises above "mere apprehension" and no "adequate legal remedy is available." *Pontiac Fire Fighters*, 482 Mich at 8-9. The harm to Plaintiffs is very real and is already occurring. The Individual Defendants' actions have called into question the legitimacy of the electoral process for the KGOP by breaching the bylaws. The Fake Splinter Group has taken divisive and improper actions and created confusion amongst delegates and voters.

The present controversy is already causing, and will continue to cause, confusion among delegates, members of the MIGOP, and members of the RNC regarding the correct organization authorized to conduct the county convention, to supervise the transmission of the results of the voting to the MIGOP and RNC. With an election cycle rapidly approaching, Plaintiffs require swift judicial intervention for KGOP to move forward. The Court must act now. The Defendants will suffer little, if any harm, if the injunction is issued. The Fake Splinter Group has clearly

violated the bylaws and has no authority to call a convention. Karamo, Hartman, and Copas have been terminated and fired.

Deprivation of a constitutional right is greater than any speculated harm. This Court has the authority to issue a restraining order and injunction if (1) it is satisfied that the Plaintiffs will suffer irreparable injury if the order is not issued and (2) there is no adequate remedy of law. *In re Dissolution of Esquire*, 136 Mich App 492, 495 (1984), *vacated on other grounds*, 422 Mich 929 (1985), *reinstated*, 145 Mich App 106 (1985). In addition, the factors set forth above in *Pharmaceutical Research* are clearly defined.

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

The public interest also weighs in favor of Plaintiffs. "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy." *Purcell v Gonzalez*, 549 US 1, 6 (2006). It is not in the public interest to allow Defendants' actions to continue. Permitting the Individual Defendants to continue in this course of conduct would flout the very idea of democracy and the rule of law. Moreover, not enjoining the Defendants could erode trust in our political systems. The public interest would only benefit from the issuance of a preliminary injunction and, therefore, this Court should grant Plaintiffs' motion.

B. JURISDICTION

Defendants raise the issue that this Court does not have jurisdiction because of *Heitmanis v Austin*, 899 F.2d 521 (6th Cir. 1990), which this Court is very familiar. Defendants have incorrectly interpreted this Court's opinion in *Pritchett-Evans et al v KGOP, et al*,¹³ to mean that every dispute within a political party is "intra-party" and not justiciable. They have concluded,

¹³ *Pritchett-Evans v Republican Party of Kalamazoo, et al*, Case No. 2023-0169-CZ, Kalamazoo County Circuit Court (Hon. Curtis J. Bell, Aug. 10, 2023) (finding that the court did not have jurisdiction to decide the dispute where the plaintiffs did not specifically plead a violation of the organization's bylaws.)

therefore, that violates of bylaws are completely permissible and not subject to judicial review. This interpretation is wildly inaccurate. To the contrary, the heart of this case is at least 15 breaches of the KGOP bylaws. In the alternative, this case is about identity theft, fraud, tortious interference, and misappropriation. This case is justiciable because (1) its resolution calls upon the Court to decide whether the actions described herein complied with the bylaws or breached the bylaws or whether additional torts occurred and (2) courts regularly deal with cases involving compliance with bylaws of private associations. This case is justiciable because (1) its resolution calls upon the Court to decide whether the actions described herein complied with the bylaws or breached the bylaws; (2) courts regularly deal with cases involving compliance with bylaws of private associations.¹⁴

III. CONCLUSION and RELIEF REQUESTED

All four factors for granting an *ex-parte* Temporary Restraining Order and Preliminary Injunction weigh in Plaintiffs' favor. For all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court grant motion, and enter the accompanying proposed order [Exhibit 32], and grant such other relief that is appropriate.

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: February 9, 2024

/s/ Matthew S. DePerno

Matthew S. DePerno (P52622)

Attorney for Plaintiffs

¹⁴ See *Hillsdale County Republican Executive Committee v Daren Wisely, et al*, Case No. 2022-688-CZ, Hillsdale County Circuit Court (Hon. Michael R. Olsaver, Oct. 5, 2023). See also *Pritchett-Evans v Republican Party of Kalamazoo, et al*, Case No. 2023-0169-CZ, Kalamazoo County Circuit Court (Hon. Curtis J. Bell, Aug. 10, 2023) (finding that the court did not have jurisdiction to decide the dispute where the plaintiffs did not specifically plead a violation of the organization's bylaws.)