

STATE OF MICHIGAN

IN THE 17TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF KENT

MALINDA PEGO, ALI HOSSEIN,  
HASSAN NEHME, ANN DELISLE,  
JESSICA BAREFIELD, NORM SHINKLE  
and WARREN CARPENTER,

Plaintiffs,

vs

Case No. 24-00658-CZ

KRISTINA KARAMO,

Defendant.

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EVIDENTIARY HEARING ON MOTION FOR PRELIMINARY INJUNCTION

VOLUME I OF III

BEFORE THE HONORABLE J. JOSEPH ROSSI, CIRCUIT COURT JUDGE

Grand Rapids, Michigan - Wednesday, February 21, 2024

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Grand Rapids, Michigan

Wednesday, February 21, 2024 - 9:00 a.m.

THE CLERK: -- the Honorable J. Joseph Rossi,  
presiding.

THE COURT: Thank you. Please be seated.

THE CLERK: We are here in the Matter of Malinda Pego versus Kristina Karamo, Case Number 24-00658-CZ.

THE COURT: And, today the matter before the Court is the Evidentiary Hearing on Plaintiff's Motion for Preliminary Injunction.

Gentlemen, my intention is to dispense with any sort of opening statement. I feel like I know the general parameters of what the dispute is about here. And, move immediately to the proofs.

So Mr. Lauderbach?

MR. LAUDERBACH: Thank you, Your Honor.

MR. CAMPBELL: If I may briefly?

THE COURT: Yeah. Go -- certainly, go ahead, Mr. Campbell.

MR. CAMPBELL: Thank you. Donald Campbell on behalf of Kristina Karamo. Daryle Houston is also here with me, Your Honor.

THE COURT: Very good. Welcome, Mr. Houston.

MR. HOUSTON: Thank you, Your Honor.

MR. CAMPBELL: I would ask for sequestration of

1 witnesses.

2 THE COURT: Very good. And, any objection to that,  
3 Mr. Lauderbach?

4 MR. LAUDERBACH: No objection.

5 THE COURT: All right. Then if -- since these are  
6 primarily your witnesses, if we could have them sequestered  
7 during the testimony of the other witnesses, that would be  
8 appropriate.

9 MR. LAUDERBACH: We will do so. Thank you, Your  
10 Honor. Before I call my first witness, we did prepare a  
11 binder for the Court with the exhibits that we've agreed to.  
12 At Mr. Campbell's request, I've removed from the binder the  
13 exhibits that he objects to. So that the Court won't see the  
14 exhibits until you rule on admissibility.

15 THE COURT: So the sooner the better in my opinion  
16 with regard to binders, Mr. Lauderbach.

17 MR. LAUDERBACH: If I may approach?

18 THE COURT: You may.

19 MR. LAUDERBACH: Very good, Your Honor. Thank you.

20 THE COURT: Thank you.

21 (At 9:02 a.m., Mr. Lauderbach hands binder to Court)

22 MR. LAUDERBACH: Unless the Court has any other  
23 housekeeping matters, I'll call Anne DeLisle to the stand.

24 THE COURT: Very well.

25 MR. LAUDERBACH: Oh, she didn't need to be

1 sequestered. I'll be right back.

2 (At 9:02 a.m., Mr. Lauderbach retrieves witness)

3 MR. LAUDERBACH: Your Honor, does the Court swear  
4 her or does the clerk?

5 THE COURT: I'll swear her in at the stand. Thank  
6 you.

7 Please raise your right hand.

8 Do you solemnly swear or affirm that your testimony  
9 today will be the truth, and nothing but the truth?

10 MS. DELISLE: I do.

11 THE COURT: Thank you. You may have a seat.

12 ANNE DELISLE

13 called on behalf of the Plaintiff, was sworn by the Court at  
14 9:03 a.m., testified as follows:

15 DIRECT EXAMINATION

16 BY MR. LAUDERBACH:

17 Q Good morning, Anne, how are you?

18 A I'm good. How are you?

19 Q Wonderful. Thank you. Could you state your name for the  
20 Court, please?

21 A Anne DeLisle.

22 Q You're one of the Plaintiffs in this case?

23 A Yes, sir.

24 Q Are you a member of the Michigan Republican State Committee?

25 A Yes, sir.

1 Q In what capacity?

2 A I'm a -- the 8th Congressional District Chair.

3 Q All right. Are you familiar with the bylaws of the Michigan  
4 Republican Party?

5 A Yes, sir.

6 Q All right. There's a binder on the desk in front of you.  
7 Could you open that to Tab Number 1, please?

8 A (Witness complies).

9 Q Are you familiar -- can you identify Tab Number 1, please?

10 A These are the bylaws of the Michigan Republican State  
11 Committee as amended December 3rd, 2022.

12 Q All right.

13 MR. LAUDERBACH: And, Your Honor, I believe there's  
14 no objection to the admission of -- and I'm sorry, these are  
15 -- wrong binder.

16 Any objection?

17 MR. CAMPBELL: No objection to Plaintiff's Proposed  
18 Exhibit Number 1, Your Honor.

19 THE COURT: Thank you very much. It may be  
20 admitted. You may proceed.

21 (At 9:04 a.m., Plaintiff's Exhibit Number 1  
22 admitted)

23 MR. LAUDERBACH: Thank you.

24 BY MR. LAUDERBACH:

25 Q And, Ms. DeLisle, have you had occasion in your service on the

1 Michigan Republican State Committee to refer to these bylaws  
2 in the course of your duties?

3 A Yes, I have.

4 Q All right. Would you turn to Article II (B) on Page 3,  
5 please?

6 A (Witness complies).

7 Q What are the purposes of the Michigan Republican State  
8 Committee?

9 A According to Article II, Section B, the purpose of the  
10 committee shall be to direct, manage, and supervise the  
11 affairs and business of the Republican Party in Michigan.  
12 This shall include, but shall not necessarily be limited to  
13 work for the election of nominees of the Republican Party of  
14 Michigan, and work in close cooperation with other Republican  
15 State District and County organizations.

16 Q All right. And, does Article II(C) speak to the -- the  
17 purpose of adopting bylaws?

18 A It does. It says --

19 Q What is that, please?

20 A -- to adopt bylaws by which the Committee shall be governed.

21 Q All right. Thank you. Can the bylaws be amended?

22 A Yes.

23 Q All right. How so?

24 A There's a process that's set forth in the bylaws in how to --  
25 how to amend them.

1 Q Could you turn to Article XV, please, on Page 25? What are  
2 the requirements to amend the bylaws?

3 A In order to amend the bylaws, you have to have a submission in  
4 writing, all proposed amendments be filed and shall be first  
5 submitted in writing to the Policy Committee.

6 Second, notification of committee members. Each  
7 member of the Committee shall be notified in writing of the  
8 context of any proposed amendment at least 30 days before the  
9 date on which such proposed amendment is to be voted on.

10 And, third, the vote required to amend bylaws, no  
11 amendment shall pass until it has received a 66-2/3 percent  
12 favorable vote of the Committee present and voting, provided  
13 there is a quorum present and such favorable 66-2/3 percent  
14 vote must be made in person by such members and not by proxy.

15 Q All right. Does Article XV say that the Policy Committee has  
16 to necessarily do anything?

17 A No. It just has to have --

18 Q The proposed change needs to be submitted?

19 A -- to be submitted. Yes.

20 Q Okay. Thank you. Could you turn to Exhibit 3, please?

21 A (Witness complies).

22 MR. LAUDERBACH: And, Your Honor, I'm going to  
23 indicate for the record while Ms. DeLisle is getting to -- to  
24 Exhibit 3, we put the binder together last week before  
25 Mr. Campbell and I exchanged exhibits. I've pulled some out



1 so there are going to be -- we may skip some numbers, but it's  
2 because we're not going to be offering that exhibit. So --

3 THE COURT: Okay. Good. And, the odd numbering of  
4 exhibits will keep me on my toes. Thank you, Mr. Lauderbach.

5 MR. LAUDERBACH: All right. Good.

6 All right. And, I also believe Exhibit 3 is  
7 stipulated?

8 MR. CAMPBELL: That's correct, Your Honor. I have  
9 no objection to Exhibit 3.

10 THE COURT: Very well. Thank you. It may be  
11 admitted. You may proceed, Mr. Lauderbach.

12 (At 9:07 a.m., Plaintiff's Exhibit Number 3  
13 admitted)

14 BY MR. LAUDERBACH:

15 Q Ms. DeLisle, did you -- is Exhibit 3 a December 2, 2023, email  
16 from Bree Moeggenberg?

17 A It is.

18 Q All right. What is Ms. -- what is being communicated by  
19 Ms. Moeggenberg in this email?

20 A The subject is a Special Meeting Request, and it's a Request  
21 for a Special Meeting.

22 Q All right. Who did -- who was this sent to?

23 A It was sent to former Chairwoman, Kristina Karamo.

24 Q Who is cc'd on it?

25 A The entire State Committee.

1 Q All right. Is there an attachment to this -- if you turn to  
2 Page 3 of the document. Do you see the heading attached is  
3 the written request?

4 A Yes.

5 Q All right. What is this, please?

6 A It says -- so first it quotes Article IV, Section (B) of the  
7 bylaws. It says attached is the Written Request supported by  
8 at least one-third of the members of the Committee for a  
9 Special Meeting per Article VI, Section (B) of the -- of our  
10 bylaws.

11 Special meetings -- Special Meetings of the  
12 Committee may be called by the Chairman when the business of  
13 the Committee requires the same, or the Chairman shall call a  
14 Special Meeting of the Committee on written request of one-  
15 third of the members of the Committee; jointly or severally,  
16 within 15 days after such written request has been filed with  
17 the chairman, upon failure to do so, any such member can give  
18 notice five days before such meeting. Notices of Special  
19 Meetings shall state the purpose of such meeting.

20 Q All right.

21 A And, then it goes on to request a meeting.

22 Q Does this document state the purpose for the meeting that was  
23 being requested?

24 A It does. It says -- it does give an agenda and it says the  
25 agenda to include transparency, accountability, unity,

1 proposed bylaw amendment, review and possible removal of  
2 Kristina Karamo, Dan Hartman, Robert Owens, and Jim Copas.

3 Q All right. As of December 2nd of 2023, what was the total  
4 membership of the Michigan Republican State Committee?

5 A There's 107 members total, but there was one seat that was  
6 vacant, so it was 106 total members.

7 Q All right. What's one-third of 106?

8 A Um -- I believe it's -- 35 -- 35 and a fraction, 35-1/3.

9 Q 35 and a fraction is --

10 A So that would be 36 people?

11 A Um-hmm.

12 Q All right. Could you turn to the next page of the Exhibit,  
13 please?

14 A (Witness complies).

15 Q What is this document? Can you explain to the Court what this  
16 is?

17 A Yes. So this was the -- this was the Petition where --  
18 wherein the State Committee members -- this is what we signed  
19 requesting the Special Meeting. So it -- it has the -- almost  
20 the duplicate language of the -- the email, and it states  
21 that, you know, the bylaw and it says the purpose of this in-  
22 person meeting shall include date, time, location, agenda to  
23 include and -- and then it has the -- the signatures of 39 of  
24 the State Committee members.

25 Q All right. Do you know what it takes to be a member in good

1 standing under the bylaws?

2 A Um -- if my recollection is correct, to be a member in good  
3 standing, you have to be elected to the State Committee, and  
4 you have to be a dues paying member.

5 Q What's a dues paying member?

6 A You have to have made a contribution to the party. If it's  
7 within the first like two months of your tenure on the State  
8 Committee, it's a \$25 donation. And, if it's after that, it's  
9 a \$50 donation.

10 Q All right. Let's -- let's go back to Exhibit 1. Let's just  
11 go right to the provision. On Page 5 of Exhibit 1, do you see  
12 Paragraph E? Paragraph E.

13 A It says the qualifications and rights of regular members, each  
14 regular member of the committee shall be a registered voter in  
15 Michigan. In the case of District Members, a resident of the  
16 congressional district such member represents. Regular  
17 members shall have the right to vote on all matters which come  
18 before the Committee except as otherwise provided in the  
19 bylaws.

20 To help defray State Committee Meetings costs, each  
21 regular member of the Committee must annually contribute at  
22 least \$25 to a regulated fund of the Committee by April 1st at  
23 11:59 p.m.

24 Q All right.

25 A Beginning on April 2nd, the fee increases to at least \$50.

1 Failure of a regular member of the Committee to contribute to  
2 a regulated fund of the Committee before -- on or before  
3 April 2nd, shall result in automatic suspension of all rights  
4 and privileges of such regular member until the contribution  
5 is made.

6 Q All right.

7 A Do you wish me to continue?

8 Q No. As of December 2nd, were all 39 of these people that  
9 signed the request in good standing?

10 A I think there was a couple who had not paid -- made a  
11 contribution yet. But I think everyone --

12 Q Was it two?

13 A I believe so.

14 Q Okay. So 37 of the 39 were in good standing?

15 A Yes.

16 Q All right. Is 37 more than 36?

17 A Yes.

18 Q All right. Do you know if -- well, strike that. Did  
19 Ms. Karamo acknowledge receipt of this email?

20 A She did.

21 Q All right. Would you turn to Exhibit 5, please?

22 A (Witness complies).

23 MR. LAUDERBACH: Your Honor, I believe Exhibit 5 is  
24 -- the admission of 5 is stipulated?

25 MR. CAMPBELL: That's correct, Your Honor. No

1 objection.

2 THE COURT: Very well. It may be admitted. You may  
3 proceed.

4 (At 9:12 a.m., Plaintiff's Exhibit 5 admitted)

5 BY MR. LAUDENBACH:

6 Q All right. What is this document, Ms. DeLisle?

7 A This is an email from Kristina Karamo dated Tuesday,  
8 December 5th, and the subject line is Important State  
9 Committee Update and Special Meeting Request.

10 Q All right. Would you turn to Page 4 of the exhibit, please?

11 A (Witness complies).

12 Q Do you see the heading that says, on Page 4, do you see where  
13 it says Regarding Special Meetings?

14 A Yes.

15 Q Does Ms. Karamo acknowledge the provision in the bylaws for  
16 the calling of the Special Meeting?

17 A Yes.

18 Q All right. Does she acknowledge that notices of Special  
19 Meetings shall state the purpose of such meetings? At the end  
20 of that paragraph?

21 A Yes.

22 Q All right.

23 A It's the -- the last sentence says Notices of Special Meetings  
24 shall state the purpose of such meetings.

25 Q All right. In this document, does she express a belief about

1 the validity of the Request for the Special Meeting?

2 A She did.

3 Q What is that belief?

4 A She did not believe that the request was valid.

5 Q Did she cite the reasons she didn't think it was valid?

6 A She did.

7 Q And, what were those?

8 A So she gave five facts. She said the Chairman called the  
9 meeting within 15 days. The members have no authority to  
10 dictate the time and place of the meeting unless the Chairman  
11 fails to call the meeting within 15 days.

12 Number 2, individuals cannot declare that the admin  
13 vice chair or anyone else chairs the meeting, nor can they  
14 declare the 8th District Chair nor anyone else be the  
15 secretary.

16 Number 3, these individuals cannot put a bylaw  
17 change on the agenda as MIGOP bylaws state the process of  
18 amending bylaws. These individuals must first submit their  
19 request to change to the Policy Committee.

20 If it passes the Policy Committee, it will be sent  
21 to members 30 days before voting on the proposed bylaw  
22 amendment.

23 Number 4, additionally, they have the authority to  
24 call a meeting to remove any member if the requirement to  
25 remove the member has been satisfied which they have not --

1           which they have yet to do.

2                       Number 5, these individuals are functionally  
3           attempting to use the bylaw provision for a Special Meeting,  
4           and turn it into a trial by asserting claims of authority that  
5           the bylaws do not afford them.

6   Q       Okay. Do the bylaws say that they can't be amended at a  
7           Special Meeting?

8   A       No.

9   Q       Okay. She refers to a requirement or the requirement to  
10          remove a member. Do you know what she's referring to?

11   A       There is a requirement to remove an officer, and that is that  
12          a petition has to be signed by half of the State Committee  
13          Membership.

14   Q       Does that have to be submitted to someone?

15   A       If it's any -- any officer other than the Chairman, must be  
16          submitted to the Chairman. If it's a -- if it's the Chairman  
17          who is the officer in question to be removed, then those  
18          petitions are submitted to the Secretary.

19   Q       All right. Since Ms. Karamo was the subject of the removal,  
20          the petition would need to be submitted to the Secretary?  
21          Correct?

22   A       Correct.

23   Q       All right. Who was the Secretary at this time?

24   A       Angela Gillisse is the Secretary.

25   Q       All right. Does -- do the bylaws say that that petition has



1 to be submitted before the meeting is called?

2 A No. They do not.

3 Q All right. Let's turn back to Exhibit 1, the bylaws, Page 12,  
4 please.

5 A (Witness complies).

6 Q Article IV, Section (G). Do you see (G)(2) in the middle of  
7 the page?

8 A Yes.

9 Q The middle of that paragraph, it says, provided further that  
10 in order -- could you read the remainder of that sentence,  
11 please?

12 A Provided further that in order to bring the question before  
13 the Committee as to the removal of an officer, a petition  
14 requesting that such a vote be taken, bearing the signatures  
15 of at least 50 percent of the entire Committee, no proxies  
16 allowed, shall be filed with the Chairman, or if the Chairman  
17 is the officer in question, then such petition shall be filed  
18 with the Secretary.

19 Q Okay. That's all it says, filed with the Secretary?

20 A Yes.

21 Q All right. Would you also turn please now to Page 24 of the  
22 bylaws.

23 A (Witness complies).

24 Q See the heading, Article XIV, Parliamentary Authority?

25 A Yes.

1 Q What does that say?

2 A Robert's Rules of Order, Newly Revised, shall govern the  
3 conduct of all meetings of the Committee and its standing  
4 Committees, except as provided in these bylaws or by law.

5 Q Do you have a copy of Robert's Rules of Order?

6 A Yes, I do.

7 MR. LAUDERBACH: Your Honor, we have a copy for the  
8 Court. I believe Mr. -- we've provided a copy to  
9 Mr. Campbell. Did you print out all 1,100 pages of that?

10 MR. CAMPBELL: I told you that wouldn't happen.  
11 Judge, I believe it's 1,300 pages that I've stipulated to.  
12 But I have a copy and you can see on my desk, if you can see  
13 any part of my desk left after. I have no -- we've discussed  
14 this. We have no interest in marking the Robert's Rules of  
15 Order as an exhibit.

16 I'm okay with the Court looking at references that  
17 are made by this witness or others. If at some point the  
18 Court believes a portion or even the entire thing needs to be  
19 marked, I'm okay with that, too. But if the Court's okay with  
20 this somehow -- somehow a little bit unusual evidentiary  
21 treatment --

22 THE COURT: I am grateful for a provision of a copy  
23 so that I can reference it. Thank you.

24 MR. CAMPBELL: Thank you.

25 THE COURT: No one got a Cliff Notes of these?

1 (At 9:18 a.m., laughter in the courtroom)

2 THE COURT: Okay.

3 MR. CAMPBELL: Not yet. Not yet.

4 THE COURT: Very well.

5 BY MR. LAUDERBACH:

6 Q Ms. DeLisle, would you turn to Section 3:21 of Robert's Rules  
7 of Order?

8 A (Witness complies). Yes.

9 Q Do you see the heading, Means by Which Business is Brought  
10 Before the Assembly?

11 A Yes.

12 Q All right. What does 3:21 say?

13 A Motions. Businesses Brought Before an Assembly by the Motion  
14 of a Member. A Motion may itself bring its subject to the  
15 assembly's attention or the motion may follow upon the  
16 presentation of a report or other communication.

17 Q All right. Would you then turn to Section 9:13?

18 A (Witness complies). Special Meetings?

19 Q Yes.

20 A A Special Meeting or called meeting is a separate session of  
21 the society held at a time different from that of any regular  
22 meeting, and convened only to consider one or more items of  
23 business specified in the call of meetings. Notice of the  
24 time, place, and purpose of the meeting clearly and  
25 specifically describing the subject matter of the motions or

1 items of business to be brought up, must be sent to all  
2 members a reasonable number of days in advance. The reason  
3 for Special Meetings is to deal with matters that may arise  
4 between regular meetings, and that require attention by a  
5 society before the regular meeting. Or to dedicate an entire  
6 session to one or more particular matters.

7 As in the case of a regular meeting, the session of  
8 a Special Meeting in an ordinary society is normally concluded  
9 in a single meeting unless the assembly has a Special Meeting  
10 scheduled an adjourned meeting.

11 Q All right. So a Special Meeting can be convened only to  
12 consider one or more items of business specified in the Call  
13 for the Meeting?

14 A Yes.

15 Q All right. Would you turn to 9 -- 9:15, please?

16 A (Witness complies).

17 Q And, just read that first sentence.

18 A The only business that can be transacted at a Special Meeting  
19 is that which has been specified in the call of the meeting.

20 Q All right. Would you turn to Exhibit 6, please?

21 A (Witness complies).

22 MR. LAUDERBACH: Any objection to 6?

23 MR. CAMPBELL: No objection to 6, Your Honor.

24 THE COURT: Very well. It may be admitted. You may  
25 proceed, Mr. Lauderbach.

1 (At 9:20 a.m., Plaintiff's Exhibit Number 6  
2 admitted)

3 BY MR. LAUDERBACH:

4 Q Is -- is Exhibit 6, Ms. Karamo's Notice of a Special Meeting?

5 A It appears so, yes.

6 Q All right. Is it the Notice of a Special Meeting requested on  
7 December 2nd?

8 A It is not.

9 Q Okay. Why not?

10 A Um -- so on the email from December 16th, the email states,  
11 you know, we look forward to our Special State Committee  
12 Meeting on January 13th at 10:00 a.m. But when you turn to  
13 the agenda --

14 Q Which is the third page of the exhibit?

15 A On the third -- yes, the third page of the exhibit. None of  
16 the agenda items are the agenda items that were requested in  
17 the Special Meeting request of December 2nd.

18 Q All right. And, you can't transact business at a Special  
19 Meeting that isn't in the call for the meeting; correct?

20 A That is correct.

21 Q So was this the only -- as far as you know, was this the only  
22 effort that Ms. Karamo made to call a Special Meeting between  
23 December 2 and December 17th?

24 A Yes.

25 Q All right. So did she call a Special Meeting as requested by

1 the members within 15 days after their request on December  
2 2nd?

3 A She did not call the meeting that was requested by the members  
4 on December 2nd.

5 Q All right. So what did those members do?

6 A So what we did was then we called our own meeting on  
7 January 31st (sic), for January 6th.

8 Q Okay. You said you called a meeting on January 31st -- did  
9 you mean --

10 A I'm sorry. December -- December 31st, 2023, for January 6th,  
11 2024. Thank you.

12 Q All right. Would you turn to Exhibit 7, please?

13 A (Witness complies).

14 MR. LAUDERBACH: Your Honor, I believe Exhibit 7 is  
15 stipulated.

16 MR. CAMPBELL: That's correct, Your Honor. No  
17 objection to Exhibit 7.

18 THE COURT: Very well. It may be admitted. You may  
19 proceed.

20 (At 9:22 a.m., Plaintiff's Exhibit Number 7  
21 admitted)

22 BY MR. LAUDERBACH:

23 Q All right. Ms. DeLisle, would you explain to the Court what  
24 this document is, please?

25 A So this is an email -- a forwarded email from Bree Moeggenberg

1 which was sent on Sunday, December 31st, 2023. And, the  
2 subject is Called a Special Meeting of the State Committee.  
3 And, this -- and this email -- the State Committee members who  
4 requested the meeting on December 2nd were calling a Special  
5 Meeting for January 6th.

6 Q Does this notice of meeting include the items that were  
7 included in the December 2nd request?

8 A Yes, it does.

9 Q Does this actually attach a Proposed Agenda for the meeting?

10 A Yes. On Page 3 of the exhibit, there is a agenda -- a Special  
11 Meeting Agenda which includes the exact agenda items that were  
12 requested on December 2nd.

13 Q All right. Is Agenda Item Number 12 Review and Possible  
14 Removal of Chairwoman Kristina Karamo?

15 A Yes, it is.

16 Q All right. Did you attend the meeting on January 6th?

17 A Yes, I did.

18 Q All right. Would you go back to Exhibit 1, please. Go to  
19 Page 15. Under Article VI(C), what's the requirement for a  
20 quorum?

21 A Quorum, a majority of the total membership of the committee  
22 present in person or by proxy shall constitute a quorum to  
23 transact all business of the committee except where the action  
24 of the committee requires a larger number of members  
25 especially set forth in these bylaws.

1 Q All right. And, as of January 6th, how many members were on  
2 the State Committee?

3 A 106.

4 Q All right. So a majority would be 54?

5 A Correct.

6 Q All right. Either in person or by proxy?

7 A Correct.

8 Q All right. Who took the minutes of the January 6th meeting?

9 A I did.

10 Q All right. Was Ms. Gillisse there?

11 A She did not attend.

12 Q Okay. Do you know if she got the notice?

13 A She did.

14 Q Would you turn to Exhibit 8, please?

15 A (Witness complies).

16 Q Actually let's -- let's do this. Let's go to -- let's go back  
17 to Robert's. Were you appointed as the Secretary for the  
18 meeting on January 6th?

19 A I did serve as the Secretary on January 6th.

20 Q Okay. All right. Would you turn to 47:34 of Robert's Rules,  
21 please?

22 A Which --

23 Q 47:34.

24 A In the absence of the Secretary, a Secretary Pro Tem must be  
25 elected. The corresponding financial or executive secretary



1 in organizations having such officers is not an automatic  
2 replacement. If under reports of officers in the order of  
3 business correspondence of an official character is to be  
4 read, it is normally read by the Recording Secretary and not  
5 by the Corresponding Secretary.

6 Q All right. So because Ms. Gillisse was not there, you were  
7 appointed as the Secretary for the meeting?

8 A Correct.

9 Q And, did you take notes of the meeting?

10 A I did.

11 Q And, did you type those up into a document that you believe  
12 are the minutes of that meeting?

13 A Yes, I did.

14 MR. LAUDERBACH: All right. Your Honor, I believe  
15 there's an objection to Exhibit Number 8, so that's not been  
16 included in your binder. I believe a sufficient foundation  
17 has been laid for the document that I obtained from  
18 Ms. DeLisle that she says are the minutes of the January 6th  
19 meeting.

20 THE COURT: Very well. Response, Mr. Campbell?

21 MR. CAMPBELL: Your Honor, yes, may I voir dire?

22 THE COURT: You may.

23 VOIR DIRE EXAMINATION

24 BY MR. CAMPBELL:

25 Q Okay. You have that exhibit in front of you; correct?

1 A I do.

2 Q And, you typed that exhibit?

3 A I did.

4 Q Had you ever served as a Secretary Pro Tem previously to a  
5 meeting of the Michigan Republican Party?

6 A Not at the Michigan Republican Party.

7 Q Okay. And, so this was the first time you ever did that?

8 A Yes.

9 Q At whose suggestion did you do that?

10 A Um -- I was asked by several individuals.

11 Q Okay. Who are those individuals?

12 A I was asked by Bree Moeggenberg, who called the meeting. I  
13 was asked also by Co-Chair Malinda Pego. And, a few -- I  
14 can't remember everyone off the top of my head, but there were  
15 several members who said, you served as the Secretary in other  
16 capacities, would you mind taking minutes for this meeting?

17 Q Are you aware of any reason why as the District Chair you  
18 cannot serve as a Secretary for the Michigan GOP?

19 A There is no reason why as the District Chair that I cannot  
20 serve as a Secretary Pro Tem for the Michigan Republican State  
21 Committee.

22 Q You could not serve as a Secretary; correct?

23 A I cannot be elected as a Secretary.

24 Q Okay. And, the way you serve as a Secretary is to be elected  
25 and then approved; correct? Or appointed and then approved.

1           There's -- in the election; correct?

2   A        I do not understand the question.

3   Q        Okay.  What do you mean when you say you could not be elected?

4   A        So elected means serving as an officer of the State Committee.

5   Q        Okay.  So you were not an officer of the State Committee when

6           you served as the Secretary Pro Tem; correct?

7   A        I was not an officer of the State Committee.

8   Q        Thank you.  There is a Secretary of the State of Michigan GOP;

9           correct?

10  A        Yes.

11  Q        And, what is her name?

12  A        Angela Gillisse.

13  Q        And, she has been, for all you know, the Secretary since she

14           was elected to that position until today; correct?

15  A        Correct.

16  Q        Do you know if the minutes you prepared were ever given to

17           her?

18  A        I do not know that.

19  Q        Okay.  You never gave those minutes to Secretary Gillisse;

20           correct?

21  A        I do not recall.

22  Q        Okay.  You know that the minutes have to be approved at some

23           point at a later meeting; correct?

24  A        I believe so.

25  Q        Okay.  You would agree that's not an official record of the

1 Michigan GOP because that would be in the possession of the  
2 Secretary of the Michigan GOP; correct?

3 A I do not know.

4 MR. CAMPBELL: Okay. Your Honor, I would object to  
5 the entry of this exhibit. It is nothing more than her  
6 recorded recollection. She actually said she can't remember  
7 anything -- it may be used to refresh her recollection as to  
8 what happened at that meeting, but it is not a proper document  
9 for admission.

10 THE COURT: All right. Thank you, Mr. Campbell. I  
11 did have a couple questions, Ms. DeLisle. You said you've  
12 served as Secretary of other organizations. What  
13 organizations would those be?

14 THE WITNESS: I've served as Secretary of the  
15 Genesee County Republican Party. And, I've served as  
16 Secretary of various committees in my -- in my church,  
17 including the parish council.

18 THE COURT: As such, have you prepared minutes of  
19 meetings in those jobs?

20 THE WITNESS: Yes, sir, I have.

21 THE COURT: Okay. And, when you've had those  
22 minutes of those meetings, they have been submitted and  
23 approved at a subsequent meeting?

24 THE WITNESS: Uh -- yes, sir.

25 THE COURT: Okay. And, did you prepare these

1 minutes in more or less the same way as you did on the church  
2 -- church council or as the Genesee Republican Party  
3 Secretary?

4 THE WITNESS: Yes, sir.

5 THE COURT: Okay. Any further questions before I  
6 rule on admission, Mr. Lauderbach?

7 MR. LAUDERBACH: I have none.

8 THE COURT: All right. Well, I do think the  
9 objection here goes to the -- I guess the official status of  
10 these records. However, I view it as an objection for my  
11 consideration primarily to the weight of the evidence, in that  
12 you know, that it's possible because these haven't been  
13 approved subsequently, which I suppose we'll get to here, but  
14 they would be minutes but just as recorded, but not as finally  
15 approved and, perhaps as Mr. Campbell seems to be arguing, not  
16 a part of the official record of the Michigan Republican  
17 Party.

18 However, I do believe that those considerations go  
19 to the weight that I should accord to the evidence, rather  
20 than the admissibility of the evidence. I do believe because  
21 of Ms. DeLisle's prior service as Secretaries, that she  
22 certainly appears to be capable of recording minutes, and I  
23 can consider those minutes in light of their deficiencies as  
24 potentially an official record.

25 So subject to the objection, which is acknowledged

1 at this time, they may be admitted. You may proceed,  
2 Mr. Lauderbach.

3 (At 9:31 a.m., Plaintiff's Exhibit Number 8  
4 admitted)

5 MR. LAUDERBACH: Thank you, Your Honor. Can I  
6 approach with Exhibit 8?

7 THE COURT: You may.

8 (At 9:31 a.m., Mr. Lauderbach hands Exhibit 8 to the  
9 Court)

10 DIRECT EXAMINATION, CONTINUED

11 BY MR. LAUDERBACH:

12 Q Ms. DeLisle, how many members of the State Committee attended  
13 in person on January 6th?

14 A There were 45 members of the State Committee present.

15 Q And, were there any proxies?

16 A Yes, sir, there were. There were 26 proxies.

17 Q Would you turn back to the bylaws and go to Page 15,  
18 Article VI(D), please?

19 A (Witness complies). Proxy voting?

20 Q Yes. Would you read that paragraph?

21 A Those -- those authorized to vote may vote in person or by  
22 proxy at any meeting of the Committee, provided that such  
23 person shall be allowed to cast only one vote on each item of  
24 business transacted. Any person voting a proxy of a District  
25 member, must be a qualified elector from that member's

1 congressional district. Any person voting a proxy of any  
2 other regular member must be a qualified elector of the State  
3 of Michigan.

4 Q Anything in Article VI(D) that requires Ms. Gillisse to verify  
5 the proxies?

6 A No, sir.

7 Q Would you turn to Page 7, Article III(i), please?

8 A (Witness complies).

9 Q The heading, When a District Member has not provided a proxy.

10 A When a District member has not provided a proxy. If a  
11 District member is not present for a particular meeting and  
12 has not provided for a proxy, the District Chairman or in his  
13 absence, the remaining members present of the absent member's  
14 congressional district may select a registered voter from  
15 their congressional district to fill the vacancy for that  
16 meeting only. If the absent member should subsequently appear  
17 during the course of the meeting, said regular member shall  
18 regain full voting rights.

19 Q Okay. So first of all, I guess if you don't want someone to  
20 be appointed as a proxy for you, you could show up for the  
21 meeting; right?

22 A Yes, sir.

23 Q Okay. Would you turn to Exhibit 30, please?

24 A (Witness complies).

25 Q Were the proxy forms collected in writing on -- written proxy

1 forms collected on January 6th?

2 A Several were collected on January 6th. But at least one I  
3 know, if not more, were sent ahead of time and collected ahead  
4 of time.

5 Q Okay. But after or before the time of the January 6th meeting  
6 started, the --

7 A All of the proxy forms were collected.

8 Q All right. Did you put your eyeballs on them on that day?

9 A Yes, sir, I did.

10 Q All right. Is Exhibit 30 the proxy forms for the January 6th  
11 meeting?

12 A Yes, sir.

13 Q All right.

14 MR. LAUDERBACH: Your Honor, I've got -- I believe  
15 Mr. Campbell objects to 30. I've got a copy for the Court. I  
16 don't know if he wants to voir dire or make argument.

17 MR. CAMPBELL: I can make the argument, again, Your  
18 Honor. These are not items that are kept in the ordinary  
19 course or even kept on the records of the Michigan GOP, at  
20 least I don't think this witness can say that they are.

21 She can't authenticate these documents other than  
22 say I received these, but to call them official proxy forms  
23 and everything else, is what I object to.

24 If the Court's going to say, hey, what did you see?  
25 She can testify to that. I don't know why you need the exact



1 forms. If the forms themselves become critical to this, we  
2 can talk about it. I don't believe there's going to be much  
3 discussion about what's on the form.

4 There will be discussion about what dates some of  
5 those forms are dated. But that's stuff that she can refresh  
6 her memory. Thinner binders are better than thicker binders,  
7 Your Honor. I'll remind you as somebody once said that.

8 THE COURT: All right. I couldn't agree -- I  
9 couldn't agree with you more, Mr. Campbell.

10 Response, Mr. Lauderbach?

11 MR. LAUDERBACH: Well, thin binders are great, but  
12 it's my burden to put on evidence. And, I've got to get the  
13 exhibit admitted and I've asked the witness, are these the  
14 documents that you saw tendered as proxies on January 6th and  
15 she said, yes. So I believe that they're admissible.

16 You know, if Mr. Campbell has questions that go to  
17 the weight and sufficiency of the evidence, regarding the date  
18 these were signed, that's fine. He can cross-examine her.

19 THE COURT: Okay. And -- and I -- I see this as  
20 primarily an objection to the authenticity of -- of these  
21 documents. We don't have the signer's present. Of course,  
22 the contents of the documents would be hearsay in the absence  
23 of the evidence that they are kept in the course of the  
24 business affairs or an official business record, which I  
25 haven't heard yet.

1 In the case of the proxies, because they do form  
2 this official purpose, I'm going to require more foundation.  
3 I'll uphold the objection at this time.

4 You may proceed, Mr. Lauderbach.

5 MR. LAUDERBACH: All right. Thank you.

6 BY MR. LAUDERBACH:

7 Q Ms. DeLisle, after the January 6th meeting, what happened to  
8 these documents?

9 A I took them home with me.

10 Q Okay. So you -- you had them in your custody?

11 A Yes. I saw most all of them signed, and I've had them in my  
12 custody since.

13 Q All right. And, do you know the congressional district chairs  
14 who obtained and provided these proxies?

15 A I do.

16 Q All right. Do you have any reason to believe that anybody in  
17 here is not a registered elector in the State of Michigan?

18 A I do not.

19 Q All right. You -- do you believe that the outcome of the  
20 January 6th meeting was the removal of Ms. Karamo as Chair of  
21 the Michigan Republican Party? Correct?

22 A I do.

23 Q All right. And, because you believe that, you have kept these  
24 documents in the ordinary course of the business of what you  
25 believe is the Michigan Republican Party upon removal of

1 Ms. Karamo?

2 MR. CAMPBELL: I'm going to object to the leading  
3 nature of the question, Your Honor.

4 THE COURT: Response on leading, Mr. Lauderbach?

5 MR. LAUDERBACH: I'm just laying the foundation for  
6 the document, Your Honor.

7 THE COURT: Okay. I do think that the leading  
8 question is appropriate for the -- the establishment of a  
9 foundation. I'll overrule the objection. You may proceed.

10 MR. LAUDERBACH: Your Honor, I believe I've laid the  
11 foundation that these documents have been in Ms. DeLisle's  
12 possession until -- since January 6th; that they are the proxy  
13 forms that were submitted by registered electors of the State  
14 of Michigan in connection with the voting that took place on  
15 January 6th.

16 The ultimate question in this case is who's, you  
17 know, who is the Michigan Republican Party? So to say that --  
18 well, you hadn't laid a foundation that these are kept in the  
19 ordinary course of business of the Michigan Republican Party,  
20 that's why we're here. If there is a dispute, she has kept  
21 them in the ordinary course of the efforts that have been  
22 undertaken to remove Ms. Karamo and bring the matter before  
23 this Court.

24 So I move the admission of Exhibit 8.

25 MR. CAMPBELL: If I may?

1 THE COURT: Response, Mr. Campbell?

2 MR. CAMPBELL: Yes. Judge, everybody agrees who the  
3 Secretary is. Everybody who -- agrees who the Treasurer is.

4 There is a Michigan Republican Party, there's one  
5 Michigan Republican Party. There aren't two.

6 There's a dispute as to who is in the Chair from the  
7 other side. There's no dispute that the Secretary and  
8 Treasurer will testify that Kristina Karamo is the properly  
9 elected and the properly serving Chair of the Michigan  
10 Republican Party.

11 The mere fact that they dispute that doesn't make  
12 them record keepers of the Michigan Republican Party.

13 She's, in fact, said in essence, she doesn't have  
14 the authority to be a record keeper of the Party because of  
15 her position as the District Chair. She could not serve in  
16 any of those offices that would constitute record keepers for  
17 this -- for the Michigan GOP.

18 THE COURT: A question, Mr. Campbell. By your read  
19 of the bylaws, does the proxy need to be in writing at all?

20 MR. CAMPBELL: I haven't looked at that issue, Your  
21 Honor.

22 THE COURT: Or Mr. Lauderbach?

23 MR. LAUDERBACH: Well, let's look at the bylaws.

24 THE COURT: The two versions you pointed out at (2)  
25 do provide for the provision of a proxy. However, I don't see

1 anywhere in here that requires a proxy to be in writing.

2 MR. LAUDERBACH: I think we've certainly exceeded  
3 the minimum standard and performed the best practice of  
4 keeping written documents to evidence the proxy. But, no it's  
5 not required under the bylaws.

6 THE COURT: Okay. Well, given the fact that I don't  
7 see any bylaws requirement the proxies be in writing, then  
8 really what these are being submitted is as evidence that --  
9 at least a facially valid proxy was submitted and that  
10 Ms. DeLisle, though admittedly acting as a Pro Tem Secretary,  
11 not as the Secretary of the Michigan Republican Party,  
12 received those and was able to ascertain validity.

13 Thus again, I think here the objection goes to the  
14 weight of these. Certainly further examination on the  
15 validity of these proxies might be appropriate; however, I  
16 think that the admission of the proxy forms themselves as, you  
17 know, perhaps the best evidence we have available of who gave  
18 a proxy is appropriate.

19 So I'll overrule the objection at this time, the  
20 proper foundation having been laid. They may be admitted.

21 MR. LAUDERBACH: Thank you, Your Honor. If I could  
22 approach, I'll enter Exhibit 30.

23 THE COURT: Thank you.

24 MR. LAUDERBACH: Thank you.

25 (At 9:40 a.m., Plaintiff's Exhibit 30 admitted)

1 BY MR. LAUDERBACH:

2 Q Ms. DeLisle, I believe you said a few minutes ago that there  
3 were 26 proxies?

4 A I -- I believe so. I -- I can't --

5 Q 45?

6 A -- I can't remember the exact number at this -- at this  
7 moment, but --

8 Q All right. Why don't we go back to Exhibit 8?

9 A (Witness complies).

10 Q Your notes reflect 45 state committee members, 26 proxies for  
11 a total of 71?

12 A Correct.

13 Q All right. Do you believe a quorum was present for the  
14 meeting on January 6th?

15 A Yes.

16 Q At that meeting, was a vote taken or was it -- well, was a  
17 motion made to remove Kristina Karamo as Chair of the Michigan  
18 Republican Party?

19 A Yes, sir.

20 Q All right. Was it seconded?

21 A Yes.

22 Q The motion's dated?

23 A Yes.

24 Q Was the question called and voted upon?

25 A Yes.

1 Q All right. And, what was the outcome of that vote?

2 A Kristina Karamo was removed as Chair of the Michigan  
3 Republican Party.

4 Q All right. How many people voted in favor of the removal?

5 A I believe it was 40 to 5.

6 Q Okay. And, to be clear, did -- did -- were the only people  
7 that voted those who intend -- attended in person?

8 A Yes.

9 Q Okay. So proxies were not used in the vote to remove  
10 Ms. Karamo?

11 A No. Proxies were not used. Correct.

12 Q All right. Would you turn to Exhibit 11, please?

13 A (Witness complies).

14 Q Could you identify this document for the Court, please?

15 A This is the first three pages are the members of the State  
16 Committee as of January 6th. And, it lists the members by  
17 District Committee -- or by District -- by District. And,  
18 then it has a date, and that was the date that each signed a  
19 petition to remove Kristina Karamo as an officer and Chair of  
20 the Michigan Republican State Committee.

21 Q All right. Did you see these documents before the January 6th  
22 meeting started?

23 A I did see them.

24 Q All right. Did you see these documents being counted?

25 A I did.

1 Q Who was doing that?

2 A Um -- there were two attorneys as well as Co-Chair Malinda  
3 Pego.

4 Q All right. Do these documents appear to be in the condition  
5 that they were in when you saw them on January 6th?

6 A Yes.

7 Q All right. Where have these documents been since January 6th?

8 A Um -- it's my understanding these were taken by -- by the --  
9 by an attorney.

10 Q So -- someone's physically been in possession of these since  
11 January 6th?

12 A Yes.

13 Q You saw them being counted on January 6th?

14 A I did.

15 Q You -- do you know if these were submitted to the Secretary of  
16 the Michigan Republican Party?

17 A They were.

18 Q Okay. When?

19 A So the question was asked after the meeting started by Dan  
20 Hartman, he asked -- he raised the point of -- point of order  
21 or point of information, and he said that the documents that  
22 the requisite petitions had not been submitted.

23 And, Co-Chair Pego said, yes, they have, and that  
24 they were submitted to Angela Gillisse and to Kristina and  
25 copied to herself, Malinda Pego, and they were sent at



1 1:49 p.m.

2 Q All right.

3 MR. LAUDERBACH: Your Honor, I'd move the admission  
4 of Exhibit 11, the petitions for the removal of Chair Karamo.

5 THE COURT: THE COURT: And, is it -- to clarify a  
6 little bit here, Mr. Lauderbach, is this the checklist, the  
7 kind of checking in these petitions, or the actual underlying  
8 petition?

9 MR. LAUDERBACH: It's a combined exhibit that has  
10 the checklist on the first three pages with each of the  
11 petitions then behind it.

12 THE COURT: All right. Response, Mr. Campbell?

13 MR. CAMPBELL: I have the same objection in terms of  
14 the state of the records and what they are purported to be.

15 I do want to ask the witness a question or two, if I  
16 may?

17 THE COURT: You may.

18 MR. CAMPBELL: Thank you.

19 VOIR DIRE EXAMINATION

20 BY MR. CAMPBELL:

21 Q Are you aware of any of the -- do you know who emailed the  
22 signed statements as you described at 1:49?

23 A Who emailed them?

24 Q Yes.

25 A It's my understanding that Matt DePerno emailed them.

1 Q Matt De -- DePerno is not a State Committee member; is that  
2 correct?

3 A That is correct.

4 Q And, he mailed the -- emailed them on January 6th; correct?

5 A Yes.

6 Q And, that was the date of the meeting; correct?

7 A Yes.

8 Q And, you would have been the person to check those signatures  
9 as well and verification?

10 A No. That was not my job.

11 Q Okay. You did no credentialing for that? Correct?

12 A No.

13 Q Did you do any credentialing for the people who were there at  
14 the meeting?

15 A Can you define what you mean by credentialing?

16 Q Okay. As a person who has served as a Secretary and claims to  
17 have been serving as a Secretary Pro Tem, do you not know what  
18 a credential is?

19 A I do know what a credential is. I just want to make sure I  
20 understand your use of the word credential.

21 Q What do you understand the word credential to be?

22 A That's what I'm asking you, sir.

23 Q Yeah, but --

24 MR. CAMPBELL: -- pardon me, Judge, I believe in law  
25 school I learned I get to ask the questions.

1 THE COURT: I think that's correct. I think she's  
2 asking for a restatement or a clarification of the question.  
3 I'll allow you to rephrase it, Mr. Campbell.

4 MR. CAMPBELL: Thank you.

5 BY MR. CAMPBELL:

6 Q Do you know what credentialing is, as a Secretary at the  
7 Michigan Republican Party?

8 A I do.

9 Q Okay. What is it?

10 A So when you check in for a meeting, they verify that you are  
11 the person that you say you are.

12 Q Okay. Who does that?

13 A A volunteer.

14 Q Okay. Is it overseen by anybody?

15 A I've never seen anyone oversee that process.

16 Q Did you oversee the process in any way, shape, or form on  
17 January 6th?

18 A I did not.

19 Q Okay. If you wanted to know who did that job on January 6th,  
20 who would it be?

21 A Are you -- may I ask a question?

22 Q Yes.

23 A Are you asking about those who came to the meet -- meeting?

24 Q I'm ask --

25 A Or are you asking about those who submitted forms?

1 Q Thank you. Is there any credentialing done for those who  
2 submitted forms?

3 A I would say, yes.

4 Q Okay. What credentialing is done for them?

5 A Direct phone calls and emails were made to those who signed  
6 the petitions. And, there were people who called directly to  
7 the numbers that were known to them that -- as an example, I  
8 would call and say, is this you know, Jon -- Jon Lauderbach?  
9 This is Ann DeLisle. I'm a member of the State Committee as  
10 are you. You know, this is what's going on. Would you like  
11 to sign the petition? There was typically a lengthy  
12 conversation.

13 But it was known to both who the other was. And,  
14 the one who was being asked to sign the petition was sent a  
15 PDF or a DocuSign, and then the State Committee member made  
16 the decision as to whether or not they would sign the  
17 DocuSign or sign in their own hand and submit a PDF.

18 Q What you've described to me, I understand is solicitation, not  
19 credentialing. There was an active effort to seek out certain  
20 signatures for the petition; correct?

21 A Could you ask the question again, please?

22 MR. CAMPBELL: I'd request that it be re-read if  
23 that's possible?

24 THE COURT: We'd have to replay it because this is  
25 an electronic courtroom. Why don't you just restate it as

1 best you can recall?

2 MR. CAMPBELL: As best as I can recall. Somebody  
3 recorded it probably here.

4 BY MR. CAMPBELL:

5 Q There was a -- an effort that you're aware of to solicit  
6 signatures for the petition; correct?

7 A I don't know that I would say solicit. I don't know that I  
8 would use that word, but there were definitely many  
9 conversations. If I could --

10 Q My --

11 A -- clarify, sir?

12 Q Yes, please.

13 A So in a -- in a political group or a political party, any time  
14 that you are asking a question, you typically whip the vote.  
15 And, so that's a very normal thing in a political group.

16 Q You've looked at the signatures on the petition; correct?

17 A Yes.

18 Q In the Proposed Exhibit. You've also -- you're aware of the  
19 signatures that were necessary in order to call the Special  
20 Meeting, that you say took place on January 6th; correct?

21 A Yes. The signatures that were reflected on -- are you  
22 referring to the December 2nd signatures?

23 Q Yes -- well, yes, I am as a matter of fact. Yes, so you're  
24 aware of that; right?

25 A Yes.

1 Q Do you know how many signatures were on the petitions as of  
2 the date of the original Special Meeting? Because that wasn't  
3 December 31st or it wasn't January 6th, it was December 27th;  
4 correct?

5 A There was no meeting called for December 27th.

6 Q So you're saying there was never an expectation for a meeting  
7 on December 27th?

8 A It's my understanding of the word expectation and called in  
9 the sense of calling a meeting are two separate things, sir.

10 Q Okay. But you're aware that there was a plan for a meeting on  
11 December 27th; correct?

12 A I --

13 MR. LAUDERBACH: Your Honor, are we still voir  
14 diring on Exhibit 30?

15 THE WITNESS: -- it that was -- I think that was --

16 THE COURT: Let me get the answer. Well, I want to  
17 hear a response on the question first. How is this related or  
18 relevant to the admission of Number 30?

19 MR. CAMPBELL: So, where I'm going to, Judge, you  
20 can do a comparison because you already have at least one of  
21 those exhibits in front of you. There's signatures for the  
22 meeting to take place, and then there are, of course,  
23 signatures for the removal.

24 And, what you're going to find is that the  
25 signatures for the removal don't line up with the signatures

1 for the meeting to take place. And, in fact, even from the  
2 original date of the meeting on the 27th, we haven't  
3 stipulated to exhibits, I believe, on that, that I can give  
4 you. They didn't have enough signatures so they're moving  
5 things along. What I want to say is that these things don't  
6 -- don't line up. They should have had the signatures that  
7 they needed in order to call the Special Meeting and they  
8 didn't do that.

9 So -- but she had testified -- that's more cross-  
10 examination, so I acknowledge that.

11 THE COURT: Okay. All right. Yeah, I think we got  
12 a little bit afield of where we should be on the admission of  
13 the exhibit here. I'll steer back to you, Mr. Lauderbach, on  
14 admission.

15 MR. LAUDERBACH: Your Honor, I'm going to move the  
16 admission of Exhibit 11.

17 THE COURT: All right. And, 11 as I understand it,  
18 is a checklist of original documents received. Some of them  
19 in PDF form, some of them in a DocuSign format, which the  
20 Supreme Court has allowed us to, you know, utilize as a  
21 verified electronic signature at least for court filings. I'm  
22 not sure how that would hold up under the bylaws.

23 However, and the cover document appears to be a  
24 checklist -- Mr. Lauderbach, are you submitting that as  
25 substantive proof that all of these are valid, or are you just

1 giving me a list so I can make that determination after cross-  
2 examination and additional evidence?

3 MR. LAUDERBACH: I'm submitting the petitions as  
4 substantive evidence that the petitions were collected before  
5 the meeting began. The checklist -- there will be testimony  
6 from another witness about the due diligence process that was  
7 employed to verify the signatures and -- and verify good  
8 standing of everybody that signed. And, that's what the  
9 checklist is for. It's combined into an exhibit.

10 So for that purpose, you could wait until the next  
11 witness to determine the -- the admissibility of the  
12 checklist. But the petitions themselves, the witness has  
13 testified that these were submitted before the meeting, and  
14 tendered to the Secretary in a meeting.

15 THE COURT: Okay. In other words, these are  
16 documents that to some degree the Court could look at and say,  
17 well, they speak for themselves. It has a signature or a  
18 DocuSign signature on it, and thus make a determination of the  
19 validity just as the witness said, that she did. I believe  
20 again the objection here goes to weight rather than  
21 admissibility.

22 And, because it's a bench trial, you know, I do  
23 believe I'm able to cut through some of the more confusing  
24 evidentiary rules here, and weigh those accurately.

25 So with regard to the petitions only, and I haven't



1 heard enough about the checklist and its verification yet, but  
2 the petitions I will allow the admission of at this time as  
3 the -- is it Number 30?

4 MR. LAUDERBACH: Thank you, Your Honor. And, I may  
5 have mis-spoken. I think I called it 30, but --

6 THE COURT: Yeah. I've got already a 30 in front of  
7 me. So this is 11?

8 MR. LAUDERBACH: Right -- this is 11.

9 THE COURT: Just don't start using roman numerals,  
10 Mr. Lauderbach. Thank you.

11 (At 9:55 a.m., Mr. Lauderbach hands Exhibit 11 to  
12 the Court)

13 (At 9:55 a.m., Plaintiff's Exhibit Number 11  
14 admitted)

15 MR. LAUDERBACH: Thank you, Your Honor.

16 THE COURT: And, I think I may have the checklist  
17 here which we're not going to admit yet as maybe the cover of  
18 this thing that -- it looks to me like a checklist.

19 MR. LAUDERBACH: Correct. Right.

20 THE COURT: What I am going to do is I will set that  
21 aside as it's not yet admitted.

22 MR. LAUDERBACH: Okay.

23 THE COURT: Just to remember for my own purposes  
24 that it's not, but I will mark the remainder -- Wendy, could  
25 you mark that as 11 for me, please? Plaintiff's 11.

1 (At 9:55 a.m., Plaintiff's Number 11 marked)

2 MR. LAUDERBACH: Your Honor, Mr. Campbell provided  
3 me with his proposed exhibits to which I do not object. And,  
4 in his Exhibit S, there is an email that I'd like to show the  
5 witness because Exhibit S is a huge exhibit.

6 MR. CAMPBELL: You actually objected to it, but I  
7 have no objection -- do you withdraw your objection? And, I  
8 think it's --

9 MR. LAUDERBACH: No. I didn't object to it.

10 (At 9:56 a.m., Mr. Lauderbach conferring with  
11 Mr. Campbell)

12 THE COURT: All right. Since Mr. Lauderbach is  
13 carrying the exhibit up to the witness, and he withdraws his  
14 objection to --

15 MR. LAUDERBACH: We're trying to find an email in  
16 the actual half-inch thick exhibit.

17 THE COURT: I understand and I know when preparing  
18 for a matter like this, keeping those exhibits straight and  
19 what's been discussed and hasn't, is a project in and of  
20 itself. It's why we have so many attorneys sitting at counsel  
21 table. So, with that, you may proceed, Mr. Lauderbach.

22 MR. LAUDERBACH: Thank you. And, we're just trying  
23 to locate the witness copy of -- the email from Mr. DePerno.

24 THE COURT: While you're doing that, I'll take a  
25 moment to explain what I meant by electronic courtrooms. Of

1 course, in -- when I started practicing law, the court  
2 reporters sat up here and transcribed every word said by a  
3 witness or by the judge in shorthand. And, thus, they were  
4 able to recite a question, for example, if asked something  
5 along that. It was a moment-by-moment transcript of what  
6 occurred in the courtroom.

7 Since the last 20 years or so, we've adopted, at  
8 least in Kent County, electronic courtrooms. They're  
9 monitored. You can see the cameras and microphones both at  
10 the bench here, counsel table, the witness stand, and also in  
11 the jury box so when we impanel a jury. So that we keep an  
12 electronic and video record of everything said in the  
13 courtroom, which then can be transcribed.

14 And, then that transcribed record becomes the  
15 official record of these proceedings for review at the  
16 Michigan Court of Appeals.

17 So -- and the court rules do allow for either  
18 electronic transcription and Wendy White, my judicial clerk  
19 who is present today, is a certified electronic  
20 transcriptionist, as is Lisa Baird and many others in the  
21 courthouse so that we can create a transcript of the  
22 proceedings within a timely manner. And, that's what we  
23 provide to the Court of Appeals so that they can tell me if I  
24 made any errors in my decision-making.

25 Just for everyone's information on how it all works.

1 With that, you may continue, Mr. Lauderbach.

2 MR. LAUDERBACH: Thank you, Your Honor.

3 DIRECT EXAMINATION, CONTINUED

4 BY MR. LAUDERBACH:

5 Q Ms. DeLisle, I'm just showing you what is the Defendant's  
6 Exhibit binder. Do you see that email that I marked with a  
7 sticker?

8 A I do.

9 Q What is that?

10 A It's an email from Matthew DePerno, the subject line is  
11 signatures. It's dated January 6th, 2024, at 1:49:26 p.m.  
12 It is addressed to Kristina Karamo, Secretary Angela Gillisse,  
13 and Malinda Pego, Co-Chair.

14 Q All right. Sent to the Secretary of the Michigan Republican  
15 Party at 1:49 p.m.?

16 A Yes, sir.

17 Q All right. What time did the meeting start?

18 A 1:59 p.m.

19 Q All right. Let's go back to the petitions that we just got  
20 admitted as Exhibit 11. Did these documents anywhere say  
21 anything about December 27th?

22 A No, sir.

23 Q Did these documents say I only consent to the use of this  
24 petition on December 27th?

25 A No, they do not.

1 Q And, at the top, does it say petition requesting that a vote  
2 be taken to remove Kristina Karamo as an officer of the  
3 Michigan Republican State Committee?

4 A It does.

5 Q All right. Thank you. If we go back to Exhibit 8. I just  
6 want to confirm one thing. The vote that you said -- agenda  
7 Item 12 was taken off, and Ms. Karamo was voted out as Chair  
8 of the Michigan Republican Party; correct?

9 A Yes.

10 Q Forty people voted in favor of that motion?

11 A Yes, sir.

12 Q And, only those in person voted?

13 A Correct.

14 Q Okay. It says at the bottom of Page 4 that Kristin Lee  
15 appointed a proxy and left the meeting?

16 A Yes. At 8:24.

17 Q Had she already voted at the time she left the meeting?

18 A Yes, sir.

19 Q All right. Thank you. So 40 people voted in favor of this,  
20 what was the margin by which it passed?

21 A 88.89 percent.

22 Q Thank you. What happens under the Michigan Republican Party  
23 bylaws when the Chair is removed?

24 A According to the bylaws, if the Chair is removed, then the Co-  
25 Chair becomes the Acting Chair.

1 Q Would you also turn back to the bylaws Article IV, Section  
2 (G) (4)?

3 A (Witness complies).

4 Q What does it say about the removed Chair's eligibility to be  
5 elected again? Under IV, (G) (4).

6 A Selection of successor. In the event of the removal of an  
7 officer, a successor -- a successor shall be selected at the  
8 next meeting of the Committee, which meeting shall be in part  
9 called for that purpose. Upon removal, an officer shall not  
10 be eligible to become a member of this Committee for the  
11 remainder of the term of office for which such officer was  
12 removed.

13 Q Okay. And, Ms. Karamo was elected in February of 2023?

14 A Correct.

15 Q For a term to end when?

16 A February, 2025.

17 Q All right. Who was the Co-Chair as of January 6th?

18 A Malinda Pego.

19 Q And, Ms. Pego is one of the Plaintiffs in this case?

20 A Yes, sir.

21 Q All right. Would you turn to Exhibit 23, please?

22 MR. LAUDERBACH: Your Honor, I believe this is a  
23 stipulated exhibit so you should have 23.

24 MR. CAMPBELL: No objection, Your Honor.

25 THE COURT: Very well. It may be admitted. You may

1 proceed.

2 (At 10:03 a.m., Plaintiff's Exhibit 23 admitted)

3 BY MR. LAUDERBACH:

4 Q Ms. DeLisle, this is an email dated January 6th at 8:09 p.m.;  
5 correct?

6 A Yes. The original email, yes.

7 Q All right. Were you copied on this email?

8 A I believe so. I'm just searching for my name. Yes.

9 Q Okay. What time did the meeting end on January 6th?

10 A Um -- I believe somewhere around 4:00 p.m. I can't remember  
11 the exact time, but it was mid to late afternoon.

12 Q Before 8:09 p.m.?

13 A Yes.

14 Q All right. Were you back at home when you got this email?

15 A I believe so.

16 Q Yeah. Okay. All right. This email is sent by --

17 A The email on January 6th was sent by Geyer Balog.

18 Q And, it also has at the bottom, even though I believe  
19 Mr. Geyer -- Mr. Balog sent it, it also has Justin Marcum and  
20 Rylee Linting's name at the bottom?

21 A It does.

22 Q All right. Is -- and in this email, they claim that they  
23 signed the petition for a meeting that was to be scheduled on  
24 December 27th. Do you see that?

25 A Yes.

1 Q And, again, we've already talked about the fact that the  
2 petitions don't say that, do they?

3 A No. The petitions do not say that.

4 Q All right. And, it says we were only interested in having a  
5 vote to end strife and division. Do you see that?

6 A Yes.

7 Q All right. And, the petition's say at the top, Petition to  
8 Remove Kristina Karamo as Chair?

9 A Yes, sir.

10 Q All right. Is this email the first time that you became aware  
11 that someone was saying, I signed the petition, but I don't  
12 want it to count?

13 A Um -- yes.

14 Q Okay. Would you go to Exhibit 12, please?

15 A (Witness complies).

16 Q After the meeting on -- before we get to the exhibit. After  
17 the meeting on January 6th, did Ms. Karamo acknowledge her  
18 removal?

19 A No.

20 Q Has she at any time, to your knowledge, acknowledged that she  
21 was removed?

22 A No.

23 Q All right. All right. Looking at Exhibit 12 --

24 MR. LAUDERBACH: -- Your Honor, I believe there's no  
25 objection to the admission of Exhibit 12.



1 THE COURT: Is that correct, Mr. Maxwell (sic)?

2 MR. CAMPBELL: Your Honor, there is no objection --  
3 objection to the admission of Exhibit 12.

4 THE COURT: 12 may be admitted. You may proceed,  
5 Mr. Lauderbach.

6 (At 10:05 a.m., Plaintiff's Exhibit 12 admitted)

7 BY MR. LAUDERBACH:

8 Q All right. Ms. DeLisle, what's being communicated in the  
9 email that's Exhibit 12?

10 A The subject line is Notice of January 13th meeting  
11 cancellation from Malinda Pego.

12 Q All right. And, Malinda Pego at the time was the Acting Chair  
13 of the Michigan Republican Party?

14 A Yes, sir.

15 Q All right. On the second page, does it also refer to the  
16 appointment of Standing Committee Chairs?

17 A Yes, it does.

18 Q Who was appointed to chair the Policy Committee?

19 A Andy Sebolt.

20 Q All right. And, this was as of January 8th, 2:55 p.m.?

21 A Yes.

22 Q All right. And, would you turn to Exhibit 13, please?

23 A (Witness complies).

24 MR. LAUDERBACH: Your Honor, I believe there's no  
25 objection to 13.

1 MR. CAMPBELL: That's correct, Your Honor. No  
2 objection.

3 THE COURT: Very well. It may be admitted. You may  
4 proceed.

5 (At 10:06 a.m., Plaintiff's Exhibit 13 admitted)

6 BY MR. LAUDERBACH:

7 Q Ms. DeLisle, if you look at Exhibit 13, do you see the  
8 paragraph at the bottom that says are you -- or I'm sorry, as  
9 you are aware?

10 A Yes.

11 Q Is this an email from Kristina Karamo dated January 9th at  
12 12:13 p.m.?

13 A Yes. It's from Kristina at MIGOP.org.

14 Q All right. So she's using the email account of the Michigan  
15 Republican Party on January 9th?

16 A Yes.

17 Q All right. She says -- would you read the sentence that  
18 starts, as you are aware?

19 A As you are aware, at 1:49 p.m. on Saturday, January 6th,  
20 54 signatures were sent to the Secretary for individuals who  
21 wanted to discuss and vote whether I should remain Chair.

22 Q Okay. The next sentence starts with, Our Secretary needed to  
23 validate the signatures. Do you see that?

24 A Yes.

25 Q Is there any requirement under the bylaws that the Secretary

1 validate those signatures?

2 A No, there is not.

3 Q All right. She acknowledges receiving the 1:49 email; right?

4 A Yes, sir.

5 Q All right. At the top of Page -- well, strike that. Oh, at  
6 the top of Page 2, the paragraph starts, With that. Would you  
7 read that for the Court, please?

8 A With that, the Secretary will add to the agenda by Article IV  
9 of MIGOP bylaws, and vote as to whether or not I will remain  
10 Chair of the Michigan Republican Party at a Special State  
11 Committee Meeting on Saturday, January 13th.

12 Q Is this the first time that Ms. Karamo had indicated an  
13 intention to have a vote on her removal at the January 13th  
14 meeting?

15 A That is correct.

16 Q It is the first time?

17 A That's the first time that I saw.

18 Q All right. Let's go back to her January 16th email,  
19 Exhibit 6, please.

20 A (Witness complies).

21 Q This is the notice of the January 13th meeting?

22 A Yes.

23 Q And, the last page is the agenda?

24 A Yes.

25 Q And, to be clear, it does not say anything about the removal

1 of the Chair of the Michigan Republican Party?

2 A No, it does not.

3 Q All right. Thank you. Would you turn to Exhibit 14, please.

4 A (Witness complies).

5 Q What is this?

6 A This is an email from [Secretary@MIGOP.org](mailto:Secretary@MIGOP.org) dated Thursday,  
7 January 11th at 12:08 p.m., the subject is Updated MRP call to  
8 Special Meeting.

9 Q All right. She says Chair Karamo has issued an updated Call,  
10 do you see that?

11 A Yes.

12 Q Is there an updated Call that's purportedly attached to this  
13 document?

14 A Yes, there is.

15 Q All right. Does that appear to correspond to what Ms. Karamo  
16 said about the Secretary adding the agenda item to the Special  
17 Meeting for the 13th?

18 A It -- it does.

19 Q Okay. Do you believe that the January 13th meeting was  
20 actually held?

21 A There was a meeting held on January 13th.

22 Q All right. How do you know that?

23 A Um -- so by several different ways. I -- I know some  
24 individuals who personally attended. I was not able to attend  
25 because I had a District event that day, but there was a Zoom

1 link and I did view a portion of the -- of the meeting through  
2 the Zoom link.

3 Q Okay. Did you become aware after January 13th, that at that  
4 meeting, you were -- and I'm using air quotes here, "removed  
5 from the Michigan Republican State Committee"?

6 A I was told that.

7 Q All right. By whom?

8 A I had various people call or text me or email me and say, hey,  
9 did you know you just got removed?

10 Q Okay. Have you seen minutes of the meeting on January 13th?

11 A I did see -- I did see some notes.

12 Q Okay. Do you -- was the justification for your removal an  
13 alleged conflict of interest?

14 A Yes.

15 Q And, have you read the section in the bylaws on conflict of  
16 interest?

17 A I have.

18 Q Have you ever received any compensation from a candidate for  
19 public office?

20 A I have never.

21 Q All right. If you had, what would the bylaws require you to  
22 do?

23 A The bylaws would require me that I disclose the conflict of  
24 interest or the receipt. So first off, it has to be over  
25 \$500. So at that point, that I have to notify the Compliance

1 Officer within 30 to 90 days, that I have a conflict of  
2 interest.

3 Q And, what would the Compliance Officer then do under the  
4 bylaws?

5 A I don't recall without --

6 Q Well, let's go back and look at Article III (M).

7 A (Witness complies).

8 Q If you go to III (M) (9) on Page 10.

9 A Determination of Violation.

10 Q What does the Compliance Officer do with the --

11 A Okay. The -- the Compliance Officer appointed in  
12 sub-section 6 above, either after receiving a complaint or  
13 utilizing his or her own discretion, will make a  
14 recommendation to the Policy Committee whether or not a  
15 violation of this section has occurred.

16 The Policy Committee in turn shall make a  
17 recommendation to this Committee whether or not a violation of  
18 this section has occurred. Thereafter whether or not a  
19 violation of this section has been committed, shall be  
20 determined by a 66-2/3 percent vote of the regular members of  
21 this Committee.

22 Q Okay. You never received any compensation from a candidate  
23 for public office?

24 A No, sir.

25 Q Was there any disclosure that you were required to make under

1 the bylaws that you didn't make?

2 A No. Because I did not have a conflict of interest.

3 Q Was there ever a complaint to your knowledge to the Compliance  
4 Officer?

5 A Not that I'm aware of.

6 Q At any time prior to January 13th, were you aware that anyone  
7 suggested that you had a conflict of interest?

8 A No, sir.

9 Q All right. And, turning back to Exhibit 6.

10 A (Witness complies).

11 Q The agenda for the -- in the notice of the January 13th  
12 meeting. Does it say remove Anne DeLisle because of her  
13 conflict of interest?

14 A No, sir.

15 Q Did the updated "agenda's" on the 9th or the 11th talk about  
16 removing Anne -- Anne DeLisle because of an alleged conflict  
17 of interest?

18 A I did not see that on the agendas.

19 MR. LAUDERBACH: Your Honor, I may be close to done  
20 if you can just give me a minute to kind of go through some of  
21 my notes here.

22 THE COURT: You may do so.

23 MR. LAUDERBACH: Done with this witness, by the way.  
24 I didn't mean done, done. But --

25 THE COURT: I didn't ever anticipate that,

1 Mr. Lauderbach.

2 (At 10:14 a.m., Mr. Lauderbach going through notes)

3 BY MR. LAUDERBACH:

4 Q Oh, would you turn to Exhibit 16, please.

5 MR. CAMPBELL: Was that 16, Counsel?

6 MR. LAUDERBACH: 16.

7 MR. CAMPBELL: Thank you.

8 MR. LAUDERBACH: And, I believe this is a -- a  
9 stipulated exhibit, Your Honor.

10 THE COURT: Okay. And, you know, just to backtrack.

11 MR. LAUDERBACH: Oh, I'm sorry. It's -- it's not  
12 stipulated.

13 THE COURT: Okay. That's 16, not stipulated. Did  
14 you admit 14?

15 MR. LAUDERBACH: I believe 14 was not objected to.

16 THE COURT: I know we heard testimony --

17 MR. CAMPBELL: There is no objection to 14. I don't  
18 know that he moved for it. There is no objection.

19 THE COURT: Okay. Just in case we didn't previously  
20 admit it, it may be admitted without objection at this time.  
21 You may proceed, Counsel.

22 (At 10:15 a.m., Plaintiff's Exhibit Number 14  
23 admitted)

24 MR. LAUDERBACH: Thank you, Your Honor.

25



1 BY MR. LAUDERBACH:

2 Q Ms. DeLisle, what is Exhibit 16, please?

3 A This is a email -- a forwarded email from Malinda Pego, Acting  
4 Chair, dated Thursday, January 11th, and the subject is called  
5 Special Meeting for election of MRP officers, Chair and  
6 General Counsel.

7 Q Okay. Did you receive this email?

8 A I did.

9 Q All right. Do you have any reason to think that this is not a  
10 -- an email from Malinda Pego for the stated purposes?

11 A I have no reason to believe that.

12 MR. LAUDERBACH: All right. Your Honor, I'd move  
13 the admission of Exhibit 16.

14 THE COURT: Any objection Exhibit 16, Mr. Campbell?

15 MR. CAMPBELL: May I briefly Voir dire?

16 THE COURT: You may.

17 VOIR DIRE EXAMINATION

18 BY MR. CAMPBELL:

19 Q You indicated that there was a vote regarding your removal on  
20 January 13th; you learned of that; correct?

21 A I learned of that.

22 Q Was there a vote concerning Ms. Pego also? That you learned?

23 A I have been informed of that.

24 Q And, it was for removal, also; correct?

25 A That is what I've been told.

1 Q If that's effective, that's an if, if that's effective, this  
2 would not be a Michigan GOP proper communication; correct?

3 A If that is effective.

4 Q Thank you.

5 MR. CAMPBELL: With that, Your Honor, I think we  
6 should hold to the end of the proofs for admission. Fully, I  
7 understand if you want it to be published to you in your  
8 consideration will be in light of that. Thank you.

9 THE COURT: You know, I think the fact that we need  
10 further proofs does indicate that the objection goes primarily  
11 to the weight and the legitimacy of the email. However, I do  
12 think that the witness can authenticate it because she -- that  
13 she actually received the email, that it is what it purports  
14 to be, that is an email -- I'm not ruling on the  
15 qualifications, of course, of the sender at this time. But  
16 simply that Ms. DeLisle actually received it and can  
17 authenticate it.

18 I will admit it at this time subject to further  
19 cross-examination on its weight.

20 MR. LAUDERBACH: Thank you, Your Honor.

21 (At 10:16 a.m., Plaintiff's Exhibit Number 16  
22 admitted)

23 MR. LAUDERBACH: Thank you, Your Honor.

24

25

DIRECT EXAMINATION, CONTINUED

BY MR. LAUDERBACH:

Q And, before we get into this exhibit, Ms. DeLisle, let's go back to Exhibit 6. The notice of the January 13th meeting.

A (Witness complies).

Q Does it say anything about the removal of Malinda Pego as Co-Chair?

A No, sir.

Q All right. And, Robert's Rules of Order, which are applicable to the Michigan Republican Party, say that you can't take up a matter at a Special Meeting that's not provided for in the notice of the meeting; correct?

A Correct.

Q All right. Thank you. Did you attend the meeting that was called by Malinda Pego on January 20th?

A I did.

Q All right. Thank you.

MR. LAUDERBACH: Your Honor, can I have like a five-minute break to confer with my co-counsel?

THE COURT: Yeah. I think that would be appropriate at this time. Let's take a five-minute break. We'll stand in recess at 10:25 --

MR. CAMPBELL: If -- if I may, Your Honor?

THE COURT: Yeah. Go ahead.

MR. CAMPBELL: I'll probably ask for slightly longer

1 before I begin -- so we may take a -- like a --

2 THE COURT: We'll take a ten-minute break. I'll be  
3 that generous today. And, at 10:30, we'll reconvene with  
4 Ms. DeLisle.

5 MR. LAUDERBACH: I'm not done -- I'm not passing the  
6 witness yet. I just wanted to be clear about that.

7 MR. CAMPBELL: You're getting close, though; right?

8 THE COURT: Very good. See you at 10:30.

9 MR. LAUDERBACH: Thank you.

10 (At 10:18 a.m., break taken)

11 (At 10:31 a.m., hearing reconvened)

12 THE CLERK: All rise, please.

13 THE COURT: Thank you. Please be seated. We are  
14 back on the record at this time in the case of Pego, et al  
15 versus Karamo.

16 Mr. Lauderbach, you may proceed.

17 MR. LAUDERBACH: Thank you, Your Honor.

18 BY MR. LAUDERBACH:

19 Q Ms. DeLisle, you attended the January 20th meeting?

20 A I did.

21 Q All right. Did you take minutes?

22 A I did.

23 Q All right. Did you function at that meeting much the same way  
24 you functioned at the January 20th meeting?

25 A I did. Right.

1 MR. LAUDERBACH: All right. Your Honor,  
2 understanding that Mr. Campbell may have an objection to  
3 Exhibit 17, he may want to voir dire -- we have -- that's not  
4 in your binder yet. It is the minutes that were taken in the  
5 same fashion as the -- the January 6th meeting.

6 THE COURT: Mr. Campbell?

7 MR. CAMPBELL: I have the same objections, Your  
8 Honor.

9 THE COURT: All right. And, to clarify, you weren't  
10 -- at the time of the January 20th meeting, you weren't acting  
11 as -- well, did you have an official office in your mind that  
12 had transpired at that time?

13 THE WITNESS: If I understand your correction -- or  
14 you question correctly, I was just serving as Secretary Pro  
15 Tem again. Angela Gillisse is still the elected Secretary,  
16 but she did not attend the meeting. So I served as Secretary  
17 Pro Tem.

18 THE COURT: And, who appointed you as the Secretary  
19 Pro Tem?

20 THE WITNESS: Um -- so prior to the meeting, Co-  
21 Chair Pego -- acting Chair Pego, asked me to serve again.  
22 And, the -- the night before, she asked me if I would do it  
23 again, and I said that I would, and then there was a motion  
24 made on the floor to -- to appoint me as Secretary Pro Tem,  
25 and the State Committee members elected me -- or, you know,

1 not elected me, but selected me, appointed me to serve as  
2 Secretary Pro Tem.

3 THE COURT: Okay. And, these are the notes that you  
4 took in that capacity?

5 THE WITNESS: Yes, sir.

6 THE COURT: And, have they been, as far as you know,  
7 adopted, certified by a subsequent meeting of the Committee?

8 THE WITNESS: They have not because we have not had  
9 another called State Committee meeting to do so.

10 THE COURT: Okay. All right. Any further  
11 questions, Mr. Lauderbach?

12 MR. LAUDERBACH: No, Your Honor. They're offered  
13 for the same purposes -- to the same extent as the minutes of  
14 the January 6th meeting, recognizing that they haven't yet  
15 been -- been adopted. But they reflect the contemporaneous  
16 notes taken by Ms. DeLisle at the time of the -- the time of  
17 the meeting.

18 THE COURT: All right. Mr. Campbell?

19 MR. CAMPBELL: In addition to being an admission of  
20 essentially a recorded recollection, without proper  
21 foundation, which I've already made. The issue of Ms. Pego's  
22 ability to appoint her as the person given, at least as you've  
23 heard, testimony of her removal on January 13th, as well as  
24 the removal, in fact, of the witness.

25 So with all those things there, I'd ask that it only

1 be admitted at least at this point, temporarily, until the  
2 full evidence is in, and I can be allowed to renew my motion.

3 THE COURT: You know, certainly I understand the  
4 objection and, again, I think that just by the nature of these  
5 proceedings, the objection here, is -- well, this is an  
6 official document or it's not. Official documents, of course,  
7 are routinely admitted under business records or official  
8 records exception to hearsay. And, are self-authenticating to  
9 some degree by the court rules.

10 However, these are minutes that were taken more or  
11 less in the same manner as an official document would be. But  
12 the Court is aware that at the very core of the dispute here  
13 is a dispute over whether or not Ms. Pego and -- and thereby  
14 Ms. DeLisle acting as the Secretary Pro Tem were in official  
15 positions and able to take official minutes of party meetings  
16 at that point.

17 So subject to that objection, which I will maintain  
18 goes to the weight to be accorded the exhibit, not necessarily  
19 its admissibility, I will allow the admission of the exhibit  
20 at this time.

21 MR. LAUDERBACH: Thank you, Your Honor. If I can  
22 approach, I'll present this.

23 THE COURT: You may. Thank you.

24 (At 10:35 a.m., Plaintiff's Exhibit Number 17

25 admitted)

1 BY MR. LAUDERBACH:

2 Q Ms. DeLisle, looking at Exhibit 17, the top third of the page,  
3 what happened at 10 -- 10:55 a.m.?

4 A At 10:55 a.m., a motion was made by Dan Lawles, and seconded  
5 by Bill Rauwerdink to appoint Ann DeLisle as Secretary Pro  
6 Tem. There was no discussion. A voice vote was taken and the  
7 vote was unanimous.

8 Q All right. Was there a quorum present for this meeting?

9 A Yes, sir.

10 Q All right. Was a motion made to elect a new Chair of the  
11 Michigan Republican Party?

12 A Yes, sir.

13 Q Who did that? Was the motion seconded, presented to the  
14 Committee and voted upon?

15 A It was. And, it was --

16 Q I'm sorry.

17 A -- I'm just looking for -- here it is. Okay. So each of the  
18 candidates completed a candidate form, and the candidates  
19 presented themselves and we voted.

20 Q Who was elected?

21 A Pete Hoekstra, Ambassador Hoekstra.

22 Q Thank you. Ms. DeLisle, as the 8th Congressional District  
23 Chair, do you have a role in the upcoming Congressional  
24 caucuses on March 2nd?

25 A I do.



1 Q And, what is that, please?

2 A So as the Chair, I work with the counties and the delegates  
3 who are elected to go to the District Caucus. I run the  
4 District Caucus. And then I turn in, you know, the District  
5 Caucuses select the National Delegates that will go to the  
6 National Convention. So conduct that and then turn those  
7 results over to the lawful State Party.

8 Q Okay. As we sit here today, Ms. Karamo still believes she's  
9 the Chair of the Michigan Republican Party?

10 A She does.

11 Q Or asserts that?

12 A Yes.

13 Q As we sit here, Ambassador Hoekstra believes that he was  
14 properly elected as the Chair on January 20th?

15 A Correct.

16 Q Okay. So is it -- there's a disagreement?

17 A Yes.

18 Q How is that affecting you?

19 A There's tremendous confusion across the State. And, it does  
20 not just affect the --

21 MR. CAMPBELL: I'm going to object, Your Honor, to  
22 the response about what's going on in the State. That's  
23 hearsay. The question was to you, I admit that's not hearsay.  
24 But I think already the response is far afield from the  
25 question.

1 THE COURT: All right. I agree with the objection,  
2 Mr. Campbell. You're getting into a bit of a narrative answer  
3 there, Ms. DeLisle. If you would restrict your answer to the  
4 impact on yourself rather than what others have shared with  
5 you.

6 You may proceed with your answer.

7 THE WITNESS: Yes, sir. So there is confusion  
8 expressed to myself --

9 MR. CAMPBELL: Objection, Your Honor. Again, same  
10 basis.

11 THE COURT: Yeah. I guess the proper or at least  
12 the question as I understood it from Mr. Lauderbach is, were  
13 you, yourself confused by the situation.

14 THE WITNESS: I myself am not confused, Your Honor.

15 THE COURT: Okay. And, that's because I anticipate  
16 you believe the proper steps have been taken, and you are  
17 recognizing as you just testified, that Ambassador Hoekstra is  
18 the Chair of the Republican Party and the Committee at this  
19 time. Thus it hasn't been confusing to you, that confusion  
20 has been your experience in working with others?

21 THE WITNESS: Correct.

22 THE COURT: Okay. Well, I think that's about the  
23 extent of the confusion testimony we're going to get from  
24 Ms. DeLisle, unless you have another question, Mr. Lauderbach?

25 MR. LAUDERBACH: I do.

1 BY MR. LAUDERBACH:

2 Q How many members are there on the 8th Congressional District  
3 Committee?

4 A Um -- for State Committee or District Committee?

5 Q On the 8th District Committee?

6 A So there's 25 members. And, that's comprised of four  
7 officers, six State Committee members, plus myself, and  
8 15 District Committee members.

9 Q And, as part of your role as the Chair of the 8th  
10 Congressional District Committee, do you routinely interact or  
11 liaison with the Chairs of the County Republican Parties in --  
12 that are covered by the 8th District?

13 A I do.

14 Q And, what are those counties?

15 A Um -- Bay, Genesee, Midland, and Saginaw and -- we have a  
16 small portion of Tuscola, but there's no precinct delegates in  
17 Tuscola in that precinct.

18 Q All right. Has the disagreement between Ms. Karamo and  
19 Ambassador Hoekstra or the -- the respective camps, if you  
20 will, disrupted your ability to effectively carry on the role  
21 of 8th Congressional District Chair?

22 A Yes.

23 Q How?

24 A So three of the counties, Bay, Genesee and Midland communicate  
25 with me and acknowledge me as the District Chair. Saginaw

1 County does not.

2 Q They don't even recognize your election as 8th Congressional  
3 District Chair?

4 A No longer.

5 Q Okay. Is your involvement in the political process important  
6 to you?

7 A Yes.

8 Q You take it seriously?

9 A I do.

10 Q Do you enjoy it?

11 A Most times.

12 Q (Laughs). Are you enjoying being here today?

13 A (No response).

14 Q That's not a fair question. But in part in your view is your  
15 engagement in the political process is very important; fair?

16 A It is very important to me.

17 Q All right. Do you take your obligations under the bylaws of  
18 the Michigan Republican Party seriously?

19 A I do.

20 Q All right. Do you expect others to follow the bylaws?

21 A I do.

22 Q Do you believe that it's important for members of the  
23 organization to follow the bylaws to be respectful of the  
24 interests and -- and rights of others?

25 A I do.

1 Q How does the failure to follow -- strike that. Do you still  
2 receive emails from Ms. Karamo?

3 A I receive emails from Ms. Karamo that she sends out to  
4 Precinct Delegates and Republicans in general. She no longer  
5 sends me emails that are addressed to the State Committee.

6 Q Okay. Do they -- do the emails that you receive come from an  
7 email account or a domain, if you will, of the Michigan  
8 Republican Party?

9 A Yes.

10 Q Does she identify herself as the Chair in those  
11 communications?

12 A She does.

13 Q Okay. Do you believe that that undermines the work of the  
14 actual Michigan Republican Party?

15 A I do.

16 Q Okay. Do you believe that you have a right to be on the State  
17 Central Committee?

18 A I do.

19 Q To attend meetings called by the Chair of the Michigan  
20 Republican Party?

21 A Yes.

22 Q To not have competing meetings called by someone else?

23 A Yes.

24 Q All right. Do you believe there can only be one Michigan  
25 Republican Party?

1 A Yes.

2 Q All right.

3 MR. LAUDERBACH: Your Honor, we have one -- I want  
4 to do some housekeeping on the exhibits. Except as to the  
5 Exhibits that Mr. Campbell objected to, we have an agreement  
6 on Exhibit 1; 2 I've withdrawn; 3; there is no 4; 5; 6; 7; 8;  
7 9 -- I'm sorry, not 9; 11 subject to the Court's ruling; 12 --

8 MR. CAMPBELL: If -- if I may, Counsel?

9 MR. LAUDERBACH: Yeah.

10 MR. CAMPBELL: I believe you've given the book  
11 already in front of the Judge, he might be better off to read  
12 the numbers that are in his book, and I'll stipulate to those.  
13 I mean --

14 MR. LAUDERBACH: Yeah. My point is there are some  
15 exhibits that I have not called -- we might call this witness  
16 or another witness to testify to because she can't stipulate  
17 to them. So I just want to make sure that they're all in.

18 MR. CAMPBELL: In fact, I -- if the Judge himself,  
19 whether you want to make a record of the numbers that are in  
20 your book, those are the ones I have agreed to and I  
21 appreciate Counsel's efforts pre-hearing to go over that and  
22 have this part of the thing go so smoothly.

23 THE COURT: Believe me, I appreciate it as well  
24 because, you know, it's a chore to keep track of which ones  
25 are formally admitted. My recollection and record -- notes up

1 here at the bench are the same as Mr. Lauderbach's for now.  
2 Why don't you finish up your list, Mr. Lauderbach, and I'll  
3 tell you if it disagrees.

4 MR. LAUDERBACH: All right. Where did I leave off?

5 THE COURT: You know, in fact, Mr. Lauderbach, we  
6 don't even have to do this necessarily, particularly with  
7 regard to the stipulated exhibits with this witness. We can  
8 just do that in a sidebar at some point as well.

9 MR. LAUDERBACH: Perfect. There is one remaining  
10 exhibit that I'd like to -- to lay a foundation for.

11 BY MR. LAUDERBACH:

12 Q And that's Exhibit 34. If you could turn to Exhibit 34,  
13 please. Are you aware that the controversy between Ms. Karamo  
14 and Mr. Hoekstra -- Ambassador Hoekstra was presented to the  
15 Republican National Committee?

16 A I am.

17 Q And, you -- are you aware that the Republican National  
18 Committee made a decision in that dispute on or about  
19 February 14th?

20 A I am.

21 Q What is Exhibit 34, please?

22 A Exhibit 34 --

23 MR. CAMPBELL: I'm going to object, Your Honor,  
24 because 34 is a document that she cannot authenticate. It's  
25 not relevant and this is the wrong witness to even try and

1 bring it in.

2 THE COURT: Response, Mr. Lauderbach?

3 BY MR. LAUDERBACH:

4 Q How did you receive this document?

5 A It was emailed to me.

6 Q By whom?

7 A I'm trying to recall. There were several people who emailed  
8 it. The first -- the first email I received is actually a  
9 text message, and it was a news story from the New York Times,  
10 announcing that the RNC had made this decision, had issued  
11 this document.

12 Q All right. And, this document was sent to you thereafter?

13 A Yes.

14 Q All right. Do you have any reason to believe that this is not  
15 the decision of the Republican National Committee?

16 A I do not.

17 MR. LAUDERBACH: All right. Your Honor, this is  
18 being offered for a limited purpose -- I'm not offering it to  
19 prove what the decision was. There's going to be later  
20 testimony about the effect of people misrepresenting their  
21 affiliation with a political party. That is all -- that is  
22 the only purpose for which this is being offered. It's up to  
23 the Court to make the decision about this lawsuit.

24 And, again, I'm not offering -- I'm not going to  
25 argue that the RNC decision is binding on this Court. I am



1 through other witnesses going to ask them about the impact of  
2 a Federal Criminal Statute on falsely asserting that you're  
3 affiliated with a political party.

4 So that's the only reason for which this exhibit is  
5 offered.

6 THE COURT: I see. It sounds like it is, however, a  
7 matter that we should take up with a subsequent witness. I  
8 don't think that Ms. DeLisle is going to be able to  
9 authenticate that for you or lay the proper foundation.

10 So I'll uphold the objection and deny the admission  
11 of 34 at this time.

12 MR. LAUDERBACH: Okay. That's all I have. Thank  
13 you.

14 Cross-examination, Mr. Campbell?

15 MR. CAMPBELL: Thank you.

16 CROSS-EXAMINATION

17 BY MR. CAMPBELL:

18 Q I'm going to start where Counsel just sort of ended. Have you  
19 had any conversations with Mr. Lauderbach about violations of  
20 a Federal Statute because you're claiming to be a member of a  
21 committee that you were removed from?

22 MR. LAUDERBACH: Objection, privilege. He just  
23 asked her if she's talked to her lawyer. That's -- that --  
24 first of all -- law school (inaudible - someone coughs) --  
25 concerns about privilege.

1 MR. CAMPBELL: If there's an objection, I'll move  
2 on. But I can ask a question, Judge.

3 THE COURT: All right. I think that's an objection  
4 on privilege.

5 MR. LAUDERBACH: It sure is.

6 THE COURT: Is there any -- well, and I guess a fair  
7 question here is, Ms. DeLisle, as far as you're concerned for  
8 purposes of today, is Mr. Lauderbach your attorney for  
9 purposes of this hearing?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. All right then. I do believe  
12 that inquiring into any conversation between the two would be  
13 privileged. I will uphold the objection subject to any  
14 further foundation you're able to establish on the matter,  
15 Mr. Campbell.

16 Just as a note before you continue, Mr. Campbell, I  
17 do note that several people have cell phones in the courtroom.  
18 I do permit the possession of cell phones in the courtroom,  
19 and also non-disruptive use if you're responding to a text or  
20 something of that nature of cell phones in the courtroom.

21 One thing, however, that's not permitted is the  
22 recording of the proceedings by any means. Our local rule  
23 says that the only way that these proceedings are to be  
24 recorded is by our electronic courtroom system that I  
25 described to you earlier.

1                   So I would please ask that if anyone in the gallery  
2                   refrain from recording these proceedings so as we don't have  
3                   two competing records is the simple reasoning behind that.

4                   So with that, you may continue, Mr. Campbell.

5                   MR. CAMPBELL: Thank you.

6 BY MR. CAMPBELL:

7 Q               Ms. DeLisle, do you have a set of the exhibits that are marked  
8               before you by me -- the Plaintiff's (sic) exhibits, they begin  
9               with letters, A, B, C, D.

10 A              Yes. This is that binder.

11 Q              Okay. We're going to start with that binder. We'll end up  
12              coming back to Mr. Lauderbach's at some point. But let's  
13              start with that, if you don't mind.

14                   MR. CAMPBELL: And, Judge, I believe you have the  
15              Judge's copy of my exhibits?

16                   THE COURT: I only have this one binder up here at  
17              this moment, in front of me, Mr. Campbell.

18                   MR. CAMPBELL: Give me a moment.

19                   THE COURT: I'll be glad to receive yours or a  
20              stack, however you have them organized.

21                   MR. CAMPBELL: Am I correct, Counsel, D is the only  
22              one that you objected to?

23                   (At 10:49 a.m., discussion between Mr. Lauderbach  
24              and Mr. Campbell)

25                   MR. CAMPBELL: Thank you. May I approach?

1 THE COURT: You may.

2 MR. CAMPBELL: Thank you, Your Honor.

3 THE COURT: And, thank you.

4 (At 10:49 a.m., Mr. Campbell hands documents to  
5 Court)

6 BY MR. CAMPBELL:

7 Q I'd like you to turn to Exhibit B in your binder.

8 A Is that B as in boy?

9 Q B as in boy, yes. Let me know when you're there.

10 A Yes, sir.

11 Q This is -- do you recognize this as the bylaws that were in  
12 effect in December of 2023? Correct?

13 A Um --

14 MR. LAUDERBACH: Your Honor, I think that the bylaws  
15 are A.

16 MR. CAMPBELL: Okay. I apologize.

17 THE WITNESS: So these are the bylaws that went into  
18 effect and as amended December 3rd, 2022.

19 BY MR. CAMPBELL:

20 Q And, for the record, this is a binder that you have, it has A  
21 through X as exhibits; correct?

22 A Yes, sir.

23 MR. CAMPBELL: Thank you. Judge, I would move for  
24 admission, Plaintiff's (sic) Proposed Exhibits A through X.  
25 I believe there's a stipulation.

1 MR. LAUDERBACH: No objection to A through X.

2 THE COURT: A through X may be admitted. You may  
3 proceed.

4 MR. CAMPBELL: Thank you.

5 (Defendant's Exhibits A through X admitted)

6 BY MR. CAMPBELL:

7 Q I'd like you to turn to Page 15 of the bylaws. When you're  
8 there, please let me know.

9 A Okay.

10 Q You should have before you a page that begins, Article VI with  
11 the Roman Numeral VI; correct?

12 A Yes.

13 Q Meetings, correct?

14 A Yes.

15 Q If you go to Section C, as in Cat --

16 A Yes.

17 Q -- you'll see that there's a section that says quorum;  
18 correct?

19 A Yes.

20 Q And, it says a majority of the total membership of a committee  
21 present in person or by proxy shall constitute a quorum. Do  
22 you see that?

23 A Yes.

24 Q Let's break that down. That doesn't mean a majority of the  
25 folks who show up. That means a majority of the total

1 membership; correct?

2 A That first phrase means -- that would be what I understand  
3 that to mean, the first phrase.

4 Q Correct. And, so you were asked on direct examination how  
5 many members are there of the Michigan Republican Party;  
6 correct?

7 A Yes.

8 Q Let's go back to December of 2023 for that because we know  
9 there's been different meetings and different folks removed  
10 for different purposes at different times since then; correct?

11 A Yes.

12 Q Thank you. So in December of 2023, you would agree with me  
13 that there were 107 possible members of the Michigan  
14 Republican Party? Correct?

15 A Yes.

16 Q And, you would agree with me there was one seat that was  
17 vacant?

18 A Yes.

19 Q And, that would leave us with 106?

20 A Yes.

21 Q I'm not going to make you do the math. I'll believe you and  
22 if you disagree with me, let me know. 54 is a majority of  
23 106; correct?

24 A Yes.

25 Q You understand 53 would be even, an even split of 106; right?

1 But a majority of the total membership, at least in December  
2 of 2023 would be 54; correct?

3 A I believe so.

4 Q Yeah. It's a bare majority, but that would be a majority;  
5 correct?

6 A I think so.

7 Q Do you need a moment just to do the math in your head? I  
8 don't want you to think that you're being misled of what a  
9 majority is of 106.

10 A I got it.

11 Q Okay. It -- double 54 would be 108; right? There's no way to  
12 get to 107 except through halves and as you pointed out to  
13 your counsel, there are no halves or thirds of people; right?

14 A Right.

15 Q Okay. So we're agreed 54 is the majority of the total  
16 membership to make a quorum for a meeting; correct?

17 A Yes.

18 Q And, it says, present in person or by proxy. Correct?

19 A Yes.

20 Q And, you know what a proxy is; correct?

21 A Yes.

22 Q It's the same as it always has been in the Republican Party  
23 since you've been going to meetings; correct?

24 A Yes.

25 Q It says shall constitute a quorum to transact all the business

1 of the committee. Do you see that?

2 A Yes.

3 Q You understand that to mean in a regular meeting, if you have  
4 quorum which would have been 54 in December of 2023, you can  
5 conduct regular business of the GOP; correct?

6 A Yes.

7 Q And, what would you need of a vote to conduct the regular  
8 business of the GOP at such a meeting? It would be a majority  
9 of the 54; correct? Or is it a majority of those present as  
10 opposed to proxies?

11 A Well, the -- the bylaws states that the total membership -- a  
12 majority of the total membership is made present in person or  
13 by proxy, shall constitute a quorum to transact all business  
14 except where the action is made that requires a larger number.  
15 But -- so if I understand your question, a quorum means 54.

16 Q By -- in person or by proxy; correct?

17 A Correct.

18 Q Is there any limit to the number of proxies a person can  
19 bring?

20 A Yes.

21 Q What is that limit?

22 A So you cannot appoint a proxy for a District Chair. And, you  
23 also cannot appoint a proxy for an RNC member, a RNC National  
24 Committee man or committee woman. Nor can you promote --  
25 promote or nor can you -- anyone appoint proxy other than --



1 so let me rephrase. The only people who can serve, who can  
2 appoint their own proxy, are a District Chair or a Vice Chair,  
3 Co-Chair officer, et cetera. So somebody else cannot appoint  
4 that proxy.

5 A District Chair or other members of the  
6 Congressional District can appoint proxies from their  
7 Congressional District by --

8 Q Is that a cannot or a can?

9 A Can.

10 Q Thank you.

11 A Up to six.

12 Q Okay. So let me ask it this way. What's the most -- the  
13 highest number of proxies that you're aware of a member to be  
14 able to bring to a meeting?

15 A If it's the District Chair, 6. If it's a State Committee  
16 member, themselves plus 5.

17 Q Okay. And, if I'm just a regular committee member, how many  
18 can I bring?

19 A 5.

20 Q So I've asked you questions all the way up to where it says,  
21 constitute a quorum to transact all business of the committee,  
22 and then it says except; right?

23 A Um-hmm. Yes.

24 Q And, there it says -- it talks about where the committee --  
25 where the action of the committee requires a larger number of

1 members as specially set forth in these bylaws. Do you  
2 understand that?

3 A Yes.

4 Q So you understand that there are some larger numbers for votes  
5 beyond 50 percent for a majority; correct?

6 A Yes. Yes.

7 Q And, by the way, would it be a 50 percent vote or would it be  
8 a majority vote?

9 A It depends on the vote.

10 Q Okay. And, you understand, do you know how many articles  
11 there are that have more than 50 percent noted as the vote  
12 necessary?

13 A I can't give you an exact number, but I know there are at  
14 least two.

15 Q If I told you there were five, you'd have no reason to  
16 disagree with me; correct?

17 A I would want to look at the bylaws to make sure.

18 Q Okay. You are aware of numbers that are greater in the -- in  
19 terms of  $66\frac{2}{3}$ ; right?

20 A Yes.

21 Q So that would be greater; correct?

22 A Yes.

23 Q And, so where it talks about requires a larger number of  
24 members, you understand that's what it's referring to is those  
25 bylaws as they exist, that have  $66\frac{2}{3}$ , nobody has the vote

1 necessary; correct?

2 A I --

3 MR. LAUDERBACH: Your Honor, I'm going to object  
4 because I -- I want to make sure we're clear on the wording  
5 because some say 66-2/3 of the members of the committee. Some  
6 say present and voting. I just want to make sure that the  
7 record is clean on what provisions were talking about.

8 THE COURT: All right. The objection is to the form  
9 of the question. Response, Mr. Campbell?

10 By MR. CAMPBELL:

11 Q If it wasn't clear, let me make it clear. I'm just saying  
12 66-2/3 is greater than 50.

13 A Yes.

14 Q Okay. And, 75 is greater than 66-2/3; right?

15 A Yes.

16 Q Okay. And, those bylaws that you're aware of, they're -- they  
17 have this special, you know, they are specially set forth as  
18 requiring a larger number of members; correct?

19 A Yes.

20 Q Thank you. So do you know what the "except" in that -- you  
21 have it right in front of you, do you know what that applies  
22 to? That's a yes or no question.

23 A Could you rephrase the question, please?

24 Q Yeah. Well, let me ask you this. Do you agree with me that  
25 where it says except, what it is saying is instead of a simple

1 majority, you must have the percentage, whether it be 66-2/3  
2 or 75 percent, necessary to make quorum? Is that your  
3 understanding of how this provision is written?

4 A No.

5 Q You understand that you can have a regular quorum of a  
6 majority despite the language here about except where the  
7 action of the committee requires a larger number of members as  
8 specially set forth in the -- in these bylaws?

9 A If I may?

10 Q Well, my question is, it's a yes or no. Do you agree with me  
11 or do you not?

12 A I don't understand.

13 Q Okay. I'll try again. What -- do you agree with me that if  
14 the majority as set forth in (C) here, for all matters except  
15 some, it cannot be the rule for those that are excepted. Do  
16 you agree with that?

17 A Sir, if I could? I would like to see it -- what you are  
18 talking about explain -- like what you're specifically  
19 referring to? And, that would make it easier for me to answer  
20 the question.

21 Q How long have you been with the Michigan GOP?

22 A I was elected in February of 2023.

23 Q How long have you been a District Chair?

24 A Since February of 2023.

25 Q You know as part of the dispute going on between Chairperson

1 Karamo and Peter Hoek -- Hoekstra, this -- how this is defined  
2 is important; correct?

3 A Yes, sir.

4 Q You've looked at it; right?

5 A Yes, sir.

6 Q You have in your mind how this is defined; correct?

7 A Not necessarily.

8 Q Okay. So even despite all that, you haven't been able to  
9 figure out yourself what this means?

10 A That's not what I meant.

11 Q Okay. What did you mean?

12 A What I meant was I know that you have a specific example that  
13 you're trying to ask me about, and it would be easier for me  
14 to answer the question if you told me what it was exactly that  
15 you were asking me about.

16 MR. CAMPBELL: Judge, I think I do need your help  
17 and direction to the witness to please answer the questions  
18 that are asked.

19 THE WITNESS: I'm not trying to avoid --

20 MR. CAMPBELL: Not the ones that are not asked.

21 THE COURT: Yes. Ma'am, I think -- however, I do  
22 think the -- these are complicated questions and  
23 interpretation that you're asking, Mr. Campbell. So I think  
24 what I'll direct you to do is rephrase the question at this  
25 time, and the witness shall respond, if you know the answer.

1 If you don't understand the question, just say you don't  
2 understand the question.

3 THE WITNESS: All right. Thank you, sir.

4 BY MR. CAMPBELL:

5 Q You agree with me that quorum can be established in a regular  
6 meeting, on a regular issue, through a majority of the total  
7 membership being either present or being able to present  
8 proxies; correct?

9 A Yes. In a normal meeting.

10 Q There are issues that are identified within the bylaws that  
11 require something more than that; correct?

12 A Yes.

13 Q Those are done by design; correct?

14 A Yes.

15 Q They have levels of design that is -- that makes it harder,  
16 not easier, in order to do those actions. You would agree  
17 with me; right?

18 A Yes.

19 Q And, in fact, of those that are designed in the bylaws, the  
20 hardest thing to do is to remove an officer or a member;  
21 correct?

22 A In my recollection of the bylaws, yes.

23 Q You know it takes 75 percent of some vote, we'll talk about  
24 what that is, but 75 percent is the percentage placed in that  
25 provision, if you need to look at it, it's III (G) (2), I

1 believe is where you can find that.

2 A Yes.

3 Q Okay. This is the bylaw, Article III (G) (2), that on  
4 January 6th the effort was done to remove Chairperson Karamo;  
5 correct?

6 A Yes.

7 Q And, you were aware of the 75 percent that appears twice in  
8 that rule; correct?

9 A Yes.

10 Q So let's go back to quorum. The quorum that you used on  
11 January 6th would have been both members present and proxies;  
12 correct?

13 A Yes. For a quorum.

14 Q And, the -- you claim to have 40 -- was it 46 souls that were  
15 there -- actually there or 45?

16 A There were more than 45 present for the meeting.

17 Q Do you have before you -- let's find where they are in my set.  
18 I want to go to your -- actually they're not there. This is  
19 where we have to go Counsel's exhibits --

20 (At 11:04 a.m., discussion between Mr. Campbell and  
21 Mr. Lauderbach)

22 BY MR. CAMPBELL:

23 Q How many state committee members were present?

24 A There were 45.

25 Q Okay. So there's 45. And, then you recall that there were

1 proxies and we have some evidence of proxies that were  
2 submitted; correct?

3 A Yes.

4 Q Do you remember what that number was? Was it 26, that would  
5 make it 71?

6 A I believe it was 26, the total number was 71.

7 Q Yeah. So we get to 71. So you would have had between persons  
8 present and proxies, 71; correct?

9 A Yes.

10 Q Now the except language suggests that something different is  
11 necessary when you have one of those rare actions that require  
12 a larger number of members; correct?

13 A If I understand the question, yes.

14 Q Okay. And, in fact, are there two things that are erased by  
15 the except? The first being that it's a simple majority of  
16 the membership? That's what's being excepted out of this  
17 rule; correct?

18 A It is my recollection that in the bylaws in this instances  
19 where a larger majority is required, each of those instances  
20 has a different language used for the number of State  
21 Committee members present.

22 Q So your belief is this quorum rule and it's the only rule  
23 entitled "quorum," is not the quorum rule for where -- for  
24 these other matters?

25 A If I understand your question, I -- I don't -- I don't know.



1 I -- I -- I don't know. I want to be -- I want to be careful  
2 in how I answer. I don't want to -- I want to answer your  
3 question truthfully.

4 Q Thanks. That's all I can ask.

5 A I think so.

6 Q So the other thing that is excepted is the concept that  
7 proxies will qualify for a quorum. Do you see that?

8 A Yes. Yes.

9 Q And, so what is excepted from a normal quorum, in a special  
10 case, is it has to be people, members of the committee, not  
11 proxies when you come for those special questions. Do you  
12 understand me?

13 A I believe so, yes.

14 Q And, am I accurate to say that's what this rule means, is that  
15 on the special question in order to make quorum, you need to  
16 have a -- whatever that quorum is, whether it's 75 percent or  
17 it's a majority, it has to be no proxies?

18 A I don't believe that's correct.

19 Q Okay. But you agree with me that if something is excepted as  
20 noted in this paragraph, those are the two things that jump  
21 out as the most obvious? That being that a majority is no  
22 longer the rule, and that the proxy is no longer the rule; do  
23 you see that?

24 A There's very specific language used in the instances that  
25 require a larger -- a different percentage. So with -- it's

1 -- there's very specific language used in those areas.

2 Q So let's look at that. Let's go back to (G)(2). There is no  
3 language, there's no word quorum in (G)(2). You know what I'm  
4 talking about Article III (G)(2) when I say (G)(2)? Correct?

5 A Yes, sir.

6 Q Thank you. You agree with me the word quorum does not exist?

7 A The word quorum does not exist, but there is other language  
8 indicative of a quorum already having been achieved.

9 Q Okay. What it does say is voting must be made in person by  
10 such members and not by proxy. Do you see that?

11 A It says, any officer may be removed as an officer or member of  
12 this committee by committee --

13 MR. CAMPBELL: And, may -- Your Honor, that's non-  
14 responsive.

15 THE WITNESS: No.

16 MR. CAMPBELL: I didn't ask her to read the entire  
17 paragraph. I just asked her if what I said is part of it.

18 THE COURT: I apologize. I have been looking at  
19 (K)(2) here, which is removal of members. I've got to get to  
20 the right page here.

21 THE WITNESS: It's on Page 12.

22 MR. CAMPBELL: It is on Page 12, Judge.

23 THE COURT: Page 12. All right. Thank you. Okay.  
24 And, could you restate the question, Mr. Campbell?

25 MR. CAMPBELL: Yes. I asked her to confirm that it

1 does say the following words, "that the vote must be made in  
2 person by such members and not by proxy". That that is one of  
3 the phrases contained within this rule.

4 THE COURT: All right. And, your response,  
5 Ms. DeLisle.

6 THE WITNESS: It does say, by the committee upon  
7 75 percent vote of the committee present and voting at any  
8 meeting of the committee.

9 MR. CAMPBELL: I don't think I asked you if it has  
10 the word quorum. It actually does have the word quorum --  
11 correct?

12 THE WITNESS: Provided there -- there is -- provided  
13 there is a quorum present.

14 BY MR. CAMPBELL:

15 Q But it doesn't define quorum present there; correct?

16 A I believe that it refers to the quorum being a majority of the  
17 committee present. That is my understanding.

18 Q Well, we started by agreeing that a majority of the total  
19 membership of the committee present in person or by proxy  
20 shall constitute a quorum. Meant the whole committee, you've  
21 got to have at least the majority?

22 A So that would be 54.

23 Q Correct. And, here you're saying that the -- the same  
24 definition of quorum, which would be 54, to go forward;  
25 correct?

1 A Can I explain how I understand this to read?

2 Q I'm just wondering, is your number 54 or is it a different  
3 number when we're talking about (G) (2)?

4 A Provided there was a quorum present means at least 54.

5 Q Okay. In fact, that definition, however, does not take into  
6 consideration the except language in Article VI (C)? In other  
7 words, you're implying the exact same quorum that the -- that  
8 the rule says doesn't apply where the action of the Committee  
9 requires a larger number of members? You do understand that's  
10 what's happened here?

11 A Mr. Campbell --

12 Q Yes?

13 A -- this is what I meant earlier when I said that there's  
14 specific -- you have to look at the specific instances because  
15 there are other references in the bylaws that's very specific  
16 language. And, so there are other places where quorum -- the  
17 54 quorum is not mentioned. But here it is.

18 So there are other instances where it's very  
19 specific that it means the entire State Committee assembled,  
20 meaning all 107 or 106, however many positions are filled.  
21 Whereas here it's specifically mentioning quorum. So it's  
22 talking about quorum present, and then 75 percent of the State  
23 Committee members present of the 54.

24 Q I get that. But none of that takes into account the except  
25 language; right? Because it does except that first definition

1 of quorum and replaces it; right? There's two definitions of  
2 quorum. Let me ask you this. Are there two definitions of  
3 quorum in VI(G) or is there one definition of quorum? Is it  
4 always 54, or under Article VI(C), can it be 54 and then  
5 exceptions when it comes to the larger number of members?

6 A There can be exceptions. But, again, it is very specific  
7 language in those bylaws -- bylaw sections.

8 Q But there is no specific language in (G)(2) that you would  
9 rely on to set up the word quorum; right?

10 A Correct. I -- in this instance, in (G)(2) --

11 Q Um-hmm.

12 A -- provided there is quorum present, means you have at least  
13 54 members of the State Committee present, not by proxy. So  
14 -- no, let me back up.

15 Provided there is quorum present. And, such  
16 75 percent vote must be made in person by such members, not by  
17 proxy. So you have the 54, and then you need 75 percent of  
18 the 54 for the threshold to achieve the vote.

19 Q So as you would construct the design here, the quorum is no  
20 different for the 75 and the 2/3 voting that's going to go on?  
21 The only thing that's different is the number of people who  
22 vote for or against the particular proposal? In those special  
23 circumstances? Right?

24 A Can you rephrase your question?

25 Q Yes. What I'm trying to get to here is, you're saying it's

1 the same quorum, I can use proxies and I only have to get to  
2 54 in order to take these special votes of 66-2/3 and  
3 75 percent?

4 A Depending on the language of the bylaw that you're looking at.

5 Q So this is the one I'm looking -- looking at is (G)(2), you're  
6 saying that's all that's required is that you have --

7 A And --

8 Q -- a quorum with proxies, and that you then have 75 percent of  
9 those who are there?

10 A You have a quorum present, State Committee plus proxy, and  
11 then 75 percent vote of the State Committee members who are  
12 present and voting -- voting.

13 Q Okay. You would agree that that's not very much protection  
14 for those special votes when you compare it to the other  
15 definitions offered, which is to say that the except takes you  
16 out of the majority and requires you to get 75 percent? That  
17 would be hard, really -- let me withdraw the question.

18 MR. LAUDERBACH: Your Honor, if I -- that's so  
19 compound, I can't follow it.

20 MR. CAMPBELL: I'll withdraw that.

21 THE COURT: The question is withdrawn. You may  
22 rephrase.

23 BY MR. CAMPBELL:

24 Q It would be harder to get 75 percent of the Committee to be  
25 there either in-person or proxy than it is to get 50 percent

1 or 50 percent plus one, correct?

2 A If I understand the question, it's hard to get 75 percent  
3 there than it is to get 50 percent there.

4 Q Correct.

5 A I would say that that would be -- yes, that would -- I don't  
6 think we've ever had 75 percent of full membership at any  
7 meeting.

8 Q Thank you. And, so this would be harder to remove somebody  
9 under 75 percent having to be there, versus 50 percent plus  
10 one being there; right? As a design feature, that makes  
11 sense?

12 A It would be harder -- the question is, it would be harder to  
13 remove somebody if you had to have 75 percent of the full  
14 Committee present and voting.

15 Q Yes.

16 A If that's what the bylaw stated, that would make it harder.  
17 Yes.

18 Q Thank you. Likewise, if you had to be there in person, versus  
19 being able to use a proxy, it would be harder to get at the 50  
20 percent plus one; right?

21 A Can you rephrase the question or can you restate the question?  
22 I'm sorry, sir.

23 Q Sure.

24 A I'm trying to -- I'm trying to be --

25 Q You look like you're trying. Are there any issues? So it

1 would be harder if you were trying to remove an officer, to  
2 get 54 people to a meeting than it would be to get X number  
3 plus proxies in order to equal 54?

4 A I -- I would -- I guess.

5 Q For example, you didn't get 54 people to January 6th; right?  
6 You didn't get 54 State Committee members?

7 A There were several who were out of town.

8 Q I didn't ask why, I'm just asking you to acknowledge that you  
9 didn't get 54; right?

10 A Yes. I acknowledge that.

11 Q Did you want 54?

12 A Yes.

13 Q Did you try to get 54?

14 A Yes.

15 Q And, you couldn't get 54? Despite your best efforts; right?

16 A Um -- 54 could not -- 54, yes, that would be -- I guess that  
17 would be accurate

18 Q Thank you. And, that is consistent with the design of making  
19 it harder to vote out con -- both members and officers at  
20 75 percent; right?

21 A Except, yes and no.

22 Q Okay.

23 A No in the sense of that's why it says in (G) (2) that quorum is  
24 present and we know that quorum means State Committee members  
25 and proxy.



1 Q But we did say that creating that at the 75 percent -- that's  
2 the highest voting percentage that's anywhere in these rules;  
3 right?

4 A Yes. I actually asked that question myself as to why that  
5 was.

6 Q Okay. And, it's the hardest percentage to meet, no matter how  
7 you're defining your percentages, 75 percent is harder to meet  
8 than any other percentage that's listed in these rules; right?

9 A Yes.

10 Q And, you folks did it with 40 votes; right?

11 A Yes.

12 Q Okay. So if the except eliminates the proxy, if that's what's  
13 being eliminated in that paragraph, VI(C), it's gonna --  
14 because the except has to be eliminating something. If that's  
15 what it's eliminating, you would agree with me that that would  
16 require all in-person members to be counted towards quorum?

17 A No.

18 Q Hmm -- even if we eliminate the proxy from the quorum  
19 definition for those special votes, you would not agree with  
20 me?

21 A I do not agree that that is the case in -- on Page 12 in  
22 (G) (2), I forget the section, Article -- Article IV, Section  
23 (G) (2).

24 Q No. Let's refocus on Page 15. And Article VI (C). That's  
25 the operative phrase. Do you see the word except there;

1 right?

2 A Yes.

3 Q You know the concept that there are no new -- wait a minute, I  
4 think the word is nugatory words, there are no words that are  
5 meaningless, that are placed in contracts or bylaws or things  
6 like that. Do you understand that concept?

7 A I understand that words have meanings, that's why I'm trying  
8 to very careful in how I respond to you.

9 Q Thank you. As I am in trying to form my questions. So the  
10 word except is in the rule VI (C). You -- it's there; right?

11 A Yes.

12 Q I'm suggesting to you that one of the things excepted is the  
13 proxy. In other words, it's Committee members present and  
14 proxy except where the action of the Committee requires a  
15 larger number. I mean, that's -- you understand the concept I  
16 just described; right?

17 A Correct.

18 Q And, that's -- I didn't make up any of those words, those  
19 words are all in this rule; right?

20 A Correct.

21 Q So I want you to apply it as if that's what the rule meant was  
22 to exclude the proxies. I'm not saying you agree with me, I'm  
23 just trying to make sure we can agree on one point. That is  
24 absent proxies, you did not have a majority of the total  
25 membership of the Committee on January 6th; correct?

1 A Absent proxies, we did not.

2 Q Thank you. Absent proxies you did not have 75 percent of the  
3 Committee if it's -- the issue is majority of the word being  
4 changed, you didn't have 75 percent of members actually  
5 present in order to make quorum -- it's not just -- you're not  
6 buying this necessarily, but you understand the concept;  
7 right?

8 A I understand the concept, but that is not what this bylaw  
9 states.

10 Q Yeah. Well, again, all the words I've used are in there, you  
11 read it differently, though; right?

12 A I understand it differently.

13 Q And, I've asked you before and I'll ask it again, what's  
14 excepted in -- if we shouldn't have to go outside of VI(C) to  
15 answer that. What is excepted if it's not the proxy and a  
16 majority?

17 A Can I give you an example?

18 Q Let me ask you first. Are you able to answer me without an  
19 example?

20 A No.

21 Q Thank you. I'll let your Counsel ask for the example. Thank  
22 you. Let's -- see if there's anything left on this. I don't  
23 believe I do.

24 So let's -- you said that Ms. Gillisse, the  
25 Secretary of the Michigan GOP, got notice of something. I --

1 I don't know what it was and I don't know if you remember.  
2 And, your Counsel asked you if you sent her something, and you  
3 said, yes, you gave her notice of it. I don't know if it was  
4 the minutes, or it was the notice for the hearing on the 20th.  
5 Or the meeting on the 20th. Do you know if she got either of  
6 those from you?

7 A She did not receive them from me.

8 Q Okay. So when you testified that Ms. Gillisse got notice of  
9 something, you were relying on something you either read or  
10 somebody -- or something you saw or something somebody told  
11 you; correct?

12 A Not necessarily.

13 Q So if you didn't see it, nobody told you, you didn't hear it,  
14 well is there -- I'll ask you just about the means upon which  
15 you would have received information that isn't something  
16 called by any of those realms?

17 A There's two things I would base my answer on. The first one  
18 is that there's a State Committee email list. And, all  
19 members of State Committees should be on that email list.

20 The second is that Ms. Gillisse responded and  
21 forwarded communication from the Chair which would have  
22 indicated that she was aware.

23 Q Okay. And, that's what you would base your answer when you  
24 said she got notice?

25 A Yes.

1 Q Is notice to the Secretary important for meetings?

2 A Not notice to the Secretary.

3 Q Okay. The Secretary is responsible for issuing notices,  
4 though; right?

5 A It depends upon the situation.

6 Q Prior to this situation in December and January of 2023, were  
7 you aware of any non-secretary issuing a notice for a meeting  
8 of the Michigan GOP?

9 A Not to my recollection.

10 Q Do you think custom and practice is important for how  
11 organization -- the organization of the Michigan GOP works?

12 A Yes.

13 Q Do you think it fills holes where bylaws are and even --  
14 Robert's Rules which are adopted into the bylaws, may not  
15 address them, and custom and practice is something that you  
16 can refer to and rely upon?

17 A At times.

18 Q Let's go to Exhibit 11. This again is going to be in a  
19 different book. And, I apologize for that, I just have my  
20 version marked here. And, I'm going to have you also at the  
21 same time review both books. It's gonna be handy. If you can  
22 go to Exhibit J.

23 A (Witness complies).

24 Q And, let's start with Exhibit J. This is the email that is  
25 identified as having been signed electronically, if you will,

1 by Mr. Balog, and Mr. Marcum, and Mr. Linting, I'm sorry.

2 It's a Ms. Linting. I apologize.

3 A Rylee is a female.

4 Q Rylee is -- thank you. So we're on the same page in that  
5 that's the document you're looking at; right?

6 A That's -- yes.

7 Q And, you see in there that the time of this email is  
8 January 6th, 8:09 and some seconds, p.m.? Correct?

9 A Yes.

10 Q Your meeting would have been over by then?

11 A By several hours.

12 Q When was it set for? Your call -- do you remember what time  
13 it was supposed to start?

14 A It was supposed to start at 1:00 p.m.

15 Q It didn't start at 1:00 p.m., did it?

16 A No.

17 Q Was it held up specifically so that the email that came at  
18 1:59 would be received -- or 1:49 would be received?

19 A No.

20 Q So let's go to the page where it says State Committee and  
21 begins the narrative within the email.

22 A Okay.

23 Q Do you see the use of the word, "we?"

24 A Yes.

25 Q That further affirms that it's -- the three of them; correct?

1 A That would be my understanding.

2 Q And, what they say and I'll read portions of it, "We signed  
3 the petition for a meeting that was to be scheduled for  
4 December 27th." Do you see that?

5 A Yes.

6 Q Was there a meeting to be scheduled on December 27th?

7 A There was a meeting discussed and December 27th was a  
8 possibility for the date.

9 Q Were people promised in the effort to secure the signatures  
10 necessary for the petitions that were provided on January 6th  
11 at 1:49 p.m.? Were they told that there would be a meeting on  
12 December 27th?

13 A There was discussion on a meeting on December 27th. The  
14 meeting was never called. There was no promise.

15 Q You used a term on direct examination whipping the vote.

16 A Um-hmm.

17 Q That's your term; correct?

18 A Yes.

19 Q What does that mean?

20 A It means that when you are trying to achieve an end, right?  
21 So let's just say, vote yes, vote no. So you talk to people  
22 and you want -- if your side wants yes, then you talk to other  
23 members of the Committee and say this is why I'm voting yes  
24 and this is why I think you should vote yes.

25 Q Sometimes you just want people to sign petitions so you can

1 have a vote, and it's not a vote yes, or a vote no; correct?

2 A I never used that language.

3 Q Okay. At the next line, they say, "We are only interested in  
4 having a vote to end the strife and division." Do you see  
5 that?

6 A I do.

7 Q And, you're saying that you don't know who told them there  
8 would be a meeting on December 27th?

9 A That would be correct.

10 Q The next line on the -- on the next page, excuse me, let's  
11 stay on the same page. This is what the three write, "This  
12 meeting was called an illegitimate meeting according to the  
13 State Committee Chair, and we intend to be at the meeting she  
14 has called for January 13, where we expect debate and vote on  
15 the issues at hand." Do you see that?

16 A I do.

17 Q This meeting is referring to January 6th, the same date as the  
18 email; correct?

19 A I believe so.

20 Q Going on to the "We," so this is not something else, but their  
21 own belief, "We specifically instructed that no proxy was to  
22 go to this meeting. However, we have been informed proxies  
23 for some of us were used against our will to establish  
24 quorum." Do you see that?

25 A I do.



1 Q So let's talk about the vetting that went -- took place on the  
2 proxies that were received at 11 -- they're not a part of the  
3 petition; right? When were the proxies provided? It was at  
4 the vote?

5 A No. It was not at the vote.

6 Q Okay. When were the proxies provided?

7 A Before the start of the meeting.

8 Q And, were those vetted? Were they -- were they credentialed?

9 A Those who were proxies were known to members of their  
10 Districts. Or their District Chair.

11 Q Robert's Rules of Order do not -- do not put form over  
12 substance. You would agree with me; right?

13 A I don't understand the question.

14 Q Okay. I'll ask it this way. If somebody's using rules in a  
15 deceptive manner, they can be called out for that? And, even  
16 though they might be using the rule right, that deception  
17 could, in fact, cause their use of the rule to be wrong?

18 A I don't know of anyone who was attempting to be deceptive.

19 Q That was not my question, with all due respect.

20 MR. LAUDERBACH: Your Honor, I'm going to object.  
21 If there's a question about what Robert's Rules of Order  
22 provide about deceptive, this, that, or the other thing, let's  
23 go to Robert's Rules of Order because right now we're just  
24 getting into hypothetical questions and --

25 THE COURT: All right. The objection is to the form

1 of the question. Your response, Mr. Campbell?

2 MR. CAMPBELL: This is about as basic as you get in  
3 her understanding of Robert's Rules, and either they allow  
4 that or they don't. I don't need to go into the deep dive of  
5 Robert's Rules with her, but they have an expert that they're  
6 at least going to attempt to call. I'll spend some time with  
7 him on that. I just want to know her understanding. Can  
8 somebody act in a deceptive manner and get away with it, if in  
9 fact, that purpose was to be deceitful.

10 THE COURT: Okay. And, I think that does call for  
11 an opinion testimony. I don't think she's qualified as an  
12 expert in a statutory or bylaw interpretation. So I'll  
13 sustain the objection.

14 Please move on to your next question.

15 MR. CAMPBELL: Thank you.

16 BY MR. CAMPBELL:

17 Q If you, as the Secretary Pro Tem, became aware of a proxy  
18 where somebody had said, hey, that was gotten from me by  
19 deception. What would you do?

20 A So it's not up to the Secretary to make that determination.

21 Q Okay.

22 A So that would not have come before me.

23 Q But as the Secretary Pro Tem, if you learned of it, what would  
24 you do? In other words, you're sitting there as Secretary Pro  
25 Tem and somebody tells you hey, those proxies are fake. Do

1           you do nothing because it's not your job, or do you do  
2           something?

3   A       So if I could refer to the bylaws on this?

4   Q       If that would be helpful. Yes. The -- go to Exhibit --

5   A       On Page 7 --

6   Q       Um-hmm.

7   A       Letter I --

8   Q       Give me a moment, I'm going to turn to that page. Exhibit --  
9           Exhibit A in your Page 7. Got it.

10   A       When a District member has not provided a proxy, if a District  
11           member is not present for a particular meeting and has not  
12           provided for a proxy, the District Chairman or in his absence,  
13           the remaining members present for the absent member's  
14           Congressional District, may select a registered voter from the  
15           Congressional District to fill the vacancy for that meeting  
16           only. If the absent member should subsequently appear during  
17           the course of the meeting, said regular member shall redeem  
18           full voting right.

19                       So to your question, sir, if the only way that a  
20           proxy would become known to be illegitimate would be if that  
21           proxy was not from the Congressional District, or was not a  
22           voting member. But if they are a resident of the voting -- of  
23           the Congressional District, and a State Committee member is  
24           not present, and has not provided a proxy, then they would be  
25           allowed to serve as a proxy.

1 Q So if the proxy was given under the promise that there's going  
2 to be a meeting on December 27th, and then there is no meeting  
3 on December 27th, is that proxy good?

4 A I am not aware of any such proxies being appointed.

5 Q Well, right here on Exhibit J, we have three people saying  
6 that they were only interested in having a vote on -- strife  
7 and division, they were told that there was going to be a  
8 meeting on December 27th, and they go on to say, we  
9 specifically instructed that no proxy was to go to this  
10 meeting. Meaning January 6th?

11 So if they gave a proxy to go to December 27th, does  
12 that proxy survive till January 6th?

13 A So I am not aware of any of the three appointing their own  
14 proxy for December 27th.

15 Q Do you have any records from that meeting that will show  
16 whether or not their proxies were counted among the 20 -- I  
17 forget the number. Give me a moment, 26 proxies that the --  
18 you say were there?

19 A I could look back at the proxy forms. But I do have a text  
20 message between myself and Ms. Linting. And, I informed her  
21 that no proxy was appointed for her.

22 Q You informed her of that after doing -- checking and looking  
23 for it?

24 A I did after I saw this email.

25 Q Okay. But you did not check for the other two?

1 A I do not recall doing so.

2 Q Are those records, those proxy records something that have  
3 been admitted here or are they somewhere else?

4 A Uh -- you'd have to ask Mr. Lauderbach. I believe that they  
5 were admitted, but I can't remember.

6 MR. LAUDERBACH: Your Honor, what's in evidence is  
7 in evidence. I'm looking at Exhibit 30, which are the proxies  
8 for January 6th. And, if Mr. Campbell has a question about  
9 Exhibit 30, he's welcome to ask it.

10 MR. CAMPBELL: Thank you.

11 BY MR. CAMPBELL:

12 Q Will you turn to Exhibit 30? Well, let's do this just so we  
13 can get it out of the way, and you're ready for this. I'm  
14 going to take you back to Exhibit 11. I want to make sure we  
15 cover this on this issue.

16 A So --

17 Q So your Plaintiff's 11 is where I want to start. Is that  
18 where you are?

19 A Um -- 11?

20 Q Thank you. Just to set this up. In Exhibit J, there is  
21 discussions about signing a petition, and then there's  
22 discussions about a proxy. Those are two different things;  
23 correct?

24 A Correct.

25 Q The petition refers to calling for the Special Meeting and the

1 removal; correct?

2 A The petition refers to -- a petition requesting that a vote be  
3 taken to remove Kristina Karamo as an officer of the Michigan  
4 Republican State Committee.

5 Q Thank you. And, then --

6 A And, it says, "If by completing this petition and providing  
7 your signature, you are requesting the vote to be taken to  
8 remove Kristina Karamo. This petition is not a vote or ballot  
9 for removal."

10 Q Correct. And, then there are proxies which would be votes  
11 cast as you've construed it, for the quorum on January 6th;  
12 correct?

13 A They wouldn't be votes cast, but they would be individuals  
14 standing in place to establish quorum.

15 Q They would satisfy? They'd be used to satisfy your definition  
16 of quorum; correct?

17 A Yes.

18 Q Thank you. So in the petitions, I just want to look at them.  
19 If you go -- the pages are not numbered, but right after the  
20 list of people that are highlighted --

21 A Um-hmm.

22 Q -- if you go two pages --

23 A Yes.

24 Q There's Mr. Balog's petition. Do you see that?

25 A Yes.

1 Q Identified himself as District 1; correct?

2 A Yes.

3 Q And, he dates that petition; correct?

4 A Yes, he did.

5 Q And, you have no reason to doubt the date on that petition;  
6 correct?

7 A It seems to be in his own hand.

8 Q So and that date is November 28th, 2023; correct?

9 A November 28th, 2023. Yes.

10 Q And, in fact, if you go back a page, you see November 20th,  
11 2023, for a Ms. Allor, A-l-l-o-r?

12 A Yes.

13 Q Correct?

14 A Yes.

15 Q If you go forward a page, you end up with Mr. Marcum, who is  
16 one of the other signatories to the email; correct?

17 A Yes.

18 Q And, Mr. Marcum also identifies a date of -- he actually  
19 writes the date on the District, and he writes the date on the  
20 date line; correct?

21 A Yes.

22 Q And, that is December 3rd, 2023?

23 A Yes.

24 Q By this time, the Call for the Special Meeting had already  
25 been issued; correct?

1 A No.

2 Q It was not issued? I'm sorry. The request for the Special  
3 Meeting had been filed with the Chair on December 2nd;  
4 correct?

5 A The request had been filed.

6 Q On December 2nd?

7 A On December 2nd.

8 Q And, December 2nd was the date for a meeting of the -- a  
9 regular meeting of the Michigan Republican Party? Correct?

10 A Yes.

11 Q And, that meeting began; correct? Were you there?

12 A I was.

13 Q Okay. Were you there virtually?

14 A I was --

15 Q That's kind of a trick question because I think everyone was  
16 there virtually.

17 A Yeah. We -- we tried -- yes. It -- I was assembled.

18 Q Is that different than being somewhere virtually?

19 A I was listening to the meeting through Zoom.

20 Q Okay. In fact, there was no in-person place to meet for that  
21 meeting on December 2nd; correct?

22 A There had been, but it was -- the venue canceled.

23 Q In fact, it canceled because there were concerns about the  
24 safety and security because of some things that were going on.  
25 There had been a, I think, a Democratic Caucus or something



1 that had been threatened and everybody thought, hey, let's be  
2 safe?

3 A That's not what the pastor told me.

4 Q Okay. It began with a quorum; correct?

5 A They never achieved quorum.

6 Q So it's not that they achieved it, the people withdraw, they  
7 never achieved quorum, that's your -- your statement?

8 A They never achieved quorum.

9 Q If I wanted to know whether quorum was made on December 2nd,  
10 and there's somebody official that I could talk to, who would  
11 I talk to?

12 A You would probably speak to Angela Gillisse.

13 Q Angela?

14 A Gillisse.

15 Q Gillisse; right? Because she is the Secretary?

16 A She took -- she took roll call that day.

17 Q Yeah. And, she's the -- she's the Secretary?

18 A And, she's -- she's the duly elected Secretary.

19 Q Yeah. Thank you. So I want you to go backward to a number of  
20 pages. So we'll just go through a couple here and just check  
21 the dates again on the signatures. There's Randall Guppy,  
22 G-u-p-p-y, Sr., that's 10-23; correct?

23 A Yes.

24 Q Do you see Bree's in there early, Bree Meganburg (sic)?

25 A Moeggenberg.

1 Q Moeggenberg. Thanks. Her -- her -- go off her signature?  
2 Then she was 10-1; correct?

3 A Yes, I believe so.

4 Q You have Stephanie, we'll just say R, so we don't have to go  
5 over to the court reporter.

6 A Rectenwal.

7 Q That's 10-24; right?

8 A Yes.

9 Q So there's a whole lot -- do you know how many of these  
10 petitions had been gathered as of December 2nd, 2023?

11 A I do not. I'd have to go through and -- and count them.

12 Q You have no reason to dispute me if I've gone through and  
13 counted them and I came up with 33?

14 A I would say that would probably be accurate.

15 Q You understand that that's not enough to call the question? It  
16 would have to be more than 33; correct?

17 A Correct. To call the question at a meeting.

18 Q Right. And, it's your belief that those petitions do not have  
19 to be signed before the request for the Special Meeting is  
20 made; correct?

21 A The petitions do not have to be signed when the meeting is  
22 called or requested.

23 Q I'm going to show you because it might be easier to walk over  
24 than have you find it in the batch, but you can look for it in  
25 the batch. This -- this is the -- thing -- Rylee Linting.

1 (At 11:45 a.m., Mr. Campbell hands document to the  
2 witness)

3 BY MR. CAMPBELL:

4 Q This is a page within your docket, that's Ms. Linting's  
5 petition; correct?

6 A Yes. Yes.

7 Q And, Ms. Linting's petition is dated also like the others;  
8 correct?

9 A Yes.

10 Q And, like the others, it has a different date to itself;  
11 correct?

12 A Yes. December 21st.

13 Q Yeah. So that's December 21st. And, you remember Exhibit J,  
14 the allegation is, or the statement is that they were told  
15 about a meeting that happened on December 27th; correct?

16 A There was no meeting that happened on December 27th.

17 Q I get that. But you agree with me, December 23rd, is pretty  
18 darn close to December 27th?

19 A They are close in proximity.

20 Q Thank you.

21 MR. CAMPBELL: May I approach just to take this  
22 back?

23 THE WITNESS: Um-hmm.

24 (At 11:46 a.m., Mr. Campbell speaks to

25 Mr. Lauderbach)

1 MR. CAMPBELL: Your Honor, Counsel and I have had a  
2 chance to talk. Can we do a sidebar?

3 THE COURT: You may. Come on up.

4 MR. CAMPBELL: Thank you.

5 (At 11:46 a.m., sidebar held)

6 THE COURT: Certainly it's within the Court's  
7 discretion to control the order of witness testimony. We do  
8 have an expert witness who has been proposed for testimony  
9 today, but not yet admitted as an expert.

10 So at this time, Ms. DeLisle, I'm going to have you  
11 step down from the witness stand.

12 However, you're not excused. You should remain  
13 available, though you are sequestered, so you're going to have  
14 to step outside the courtroom. As I understand there are more  
15 cross-examination questions, but as a matter of scheduling and  
16 convenience to get the expert witness out of the way and,  
17 also, respecting, you know, that I am -- my schedule is  
18 driving some of this. I've got some 20 criminal defendants  
19 needing to be sentenced starting at 1:30 this afternoon. So  
20 I've told Counsel we're only available until 1:00 both today  
21 and tomorrow.

22 Therefore, let's take a five-minute recess. You may  
23 step down, Ms. DeLisle. You do have to remain sequestered and  
24 we'll resume in five minutes with the proposed expert.

25 MR. LAUDERBACH: Thank you, Your Honor.

1 THE COURT: Recess for five.

2 (At 11:49 a.m., recess taken)

3 (At 11:53 a.m., hearing reconvened)

4 THE COURT: You may be seated. We are back on the  
5 record in Pego, et al versus Kristina Karamo.

6 We are now going to hear from a proposed expert  
7 witness, Mr. Lauderbach?

8 MR. LAUDERBACH: Thank you, Your Honor. The  
9 Plaintiff's call Thomas J. Balch to the stand.

10 THE COURT: Mr. Balch, do you solemnly swear or  
11 affirm that your testimony today will be the truth and nothing  
12 but the truth?

13 MR. BALCH: I do.

14 THE COURT: Thank you. Please have a seat.

15 THOMAS J. BALCH

16 called on behalf of the Plaintiff at 11:54 a.m., was sworn by  
17 the Court, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. LAUDERBACH:

20 Q Mr. Balch, could you give the Court your full name, please?

21 A Thomas Joseph Balch.

22 Q And, what's your educational background?

23 A I graduated from Wiggins College in Massachusetts.

24 MR. CAMPBELL: Counsel, I may be able to short  
25 circuit this a little bit. For what purpose is he being

1 offered as an expert?

2 MR. LAUDERBACH: He's being offered as an expert on  
3 parliamentary procedure and Robert's Rules of Order.

4 THE COURT: Okay.

5 MR. CAMPBELL: With that, Your Honor, there's no  
6 question that the man's CV says he's a professional  
7 parliamentarian. I had to call my college roommate who  
8 studies Ancient Greek and Latin to tell me he's now the second  
9 coolest person I've ever met. But that aside, I do not doubt  
10 that he's a expert in parliamentarian stuff.

11 I object because it's to quote counsel, this is  
12 about bylaws, bylaws, bylaws.

13 I understand Robert's Rules comes into bylaws. But  
14 it does not take place, and I do expect what his testimony is  
15 actually going to be offered about, is Provision VI(C),  
16 III(G) (2) bylaw -- bylaws. Not Robert's Rules.

17 And, so there is no help that a parliamentarian even  
18 one as great as Mr. Balch, could provide on you interpreting  
19 bylaws which are different than Robert's Rules. You probably  
20 need an expert to get through the 1,300 pages.

21 But bylaws, Judge, as you said, that's what you do  
22 for dinner most days. And, this is stuff that they --

23 THE COURT: You know my family doesn't obey any  
24 bylaws that I would set down. So I --

25 MR. CAMPBELL: I appreciate that, Your Honor. And,

1 I -- in all candor, if he wants to talk about parliamentary  
2 procedure and Robert's Order -- Robert's Rules, that's fine.

3 But he should not be allowed to talk as an expert  
4 about bylaws.

5 THE COURT: All right. Response on the distinction  
6 between Robert's Rules of Order and the bylaws?

7 MR. LAUDERBACH: Your Honor, we just had 30 minutes  
8 of mental gymnastics with Ms. DeLisle about what does a quorum  
9 mean, and what's the voting requirement, and what -- what does  
10 the exception clause mean.

11 There are rules of construction that a  
12 parliamentarian relies on in resolving ambiguities or  
13 suggested ambiguities in bylaws. Some of those rules of  
14 construction come from Robert's Rules of Order.

15 There are rules that pertain to notices of meetings,  
16 voting requirements, how you construe what might be an  
17 allegation that the quorum requirement is higher than a  
18 majority in-person or by proxy.

19 And, this gentleman has 30 years of experience as a  
20 parliamentarian resolving those disputes in part in reliance  
21 on the book that he held right, which is Robert's Rules of  
22 Order, Twelfth Edition, which you are holding in your hand.

23 THE COURT: Okay.

24 MR. LAUDERBACH: So --

25 THE COURT: And, I do note for the record that

1 Mr. Balch's name is on the front of the book, I congratulate  
2 you on that, Mr. Balch, it's a great -- great accomplishment  
3 and to your credit. At this time, I'll admit Mr. Balch for  
4 the purposes of Robert's Rules of Order.

5 I am going to hold off on his admission as a  
6 parliamentarian because I really am not very familiar with  
7 what a parliamentarian is or does. My recollection is they  
8 have a parliament over in London, but that we have a Congress  
9 here, and so I'm not certain on the role of a parliamentarian  
10 in my own mind yet. But certainly he can be admitted insofar  
11 as he's going to testify about Robert's Rules.

12 MR. CAMPBELL: I would also say we have the  
13 Funkadelic's, it's better than a parliament.

14 MR. LAUDERBACH: Okay. And, I assume, Your Honor,  
15 from that, I can voir dire on the question of parliamentary  
16 procedure and his experience in the --

17 THE COURT: Yes. Go ahead if you wish to admit on  
18 parliamentary procedures.

19 MR. LAUDERBACH: Thank you. Mr. Balch --

20 MR. CAMPBELL: Well, I -- I do stipulate that he's  
21 an expert on parliamentary procedure if that helps?

22 MR. LAUDERBACH: Well, is it in or not? I mean --

23 THE COURT: Okay. Very well. Then he may be  
24 admitted at this time as an expert on both Robert's Rules of  
25 Order and Parliamentary Procedure.



1                   You may proceed, Mr. Lauderbach.

2                   MR. LAUDERBACH: Thank you.

3                   THE COURT: And, you did mention some of his  
4                   qualifications. Do you have a CV with you, Mr. --

5                   MR. LAUDERBACH: I do. That is one of the exhibits  
6                   that was not previously stipulated to. I would like to  
7                   present Exhibit 32, which is Mr. Balch's resume.

8                   MR. CAMPBELL: In light of the Court's ruling, I now  
9                   have no objection.

10                  THE COURT: Very well. The resume may be admitted.  
11                  Do you have it numbered for me, Mr. Lauderbach?

12                  MR. LAUDERBACH: Thirty-two.

13                  THE COURT: It will be Plaintiff's Number 32. Thank  
14                  you.

15                  (At 11:59 a.m., Plaintiff's Exhibit Number 32  
16                  admitted)

17                  MR. LAUDERBACH: Do you object to his report?

18                  MR. CAMPBELL: Yeah.

19                  MR. LAUDERBACH: All right.

20 BY MR. LAUDERBACH:

21 Q       Mr. Balch, how did you become --

22                  MR. CAMPBELL: Hold on. Give me that. Go ahead.  
23                  You can put it in. Save some time.

24                  MR. LAUDERBACH: Put it in? Okay. Okay.

25                  Your Honor, with Counsel's stipulation, I'm going to

1 offer Plaintiff's Exhibit 33, which is Mr. Balch's Report in  
2 this matter. If I can offer it to the Court?

3 THE COURT: Very good. Response, Mr. Campbell?

4 MR. CAMPBELL: The record should only note it's  
5 given begrudgingly.

6 THE COURT: Very well. Then the -- begrudgingly,  
7 the report may be admitted.

8 (At 11:59 a.m., Plaintiff's Exhibit Number 33  
9 admitted)

10 MR. LAUDERBACH: Thank you. And, Your Honor, we've  
11 prepared some demonstratives from documents that are already  
12 in evidence. We've got a laptop hooked up. If Ms. Boothroyd  
13 would be allowed to -- to sit and run the computer?

14 THE COURT: It's certainly okay with me. And, more  
15 power to Ms. Boothroyd.

16 BY MR. LAUDERBACH:

17 Q Mr. Balch, how did you become involved in this case?

18 A I was contacted by you and initially we agreed that I would  
19 serve as a consultant so that I could provide an independent  
20 judgment about the parliamentary issues in the case based on  
21 the materials that you shared with me.

22 I then reported back to you upon my views, which in  
23 some measure supported your positions, and in some measure  
24 disagreed with them, and you ultimately decided that you would  
25 then go ahead to contract with me to serve as an expert

1 witness.

2 Q What materials did you review in that assessment?

3 A I reviewed the Plaintiff's Verified Complaint and all of the  
4 extensive exhibits. I reviewed the briefs by both the  
5 Plaintiff and the Defendant, regarding the Motion for  
6 Parliament -- Preliminary Injunction.

7 I reviewed the report of the Policy Sub-Committee on  
8 bylaw violations.

9 I reviewed the Draft Minutes of both the January 6th  
10 and January 13th Special Meetings.

11 And, of course, I reviewed portions of Robert's  
12 Rules of Order, Newly Revised, since it is the parliamentary  
13 authority adopted by the bylaws in Article XV with respect to  
14 how they -- how the provisions that applied to the issues in  
15 the case.

16 Q Thank you. Did you review the December 2nd, 2023, request for  
17 a Special Meeting?

18 A I did.

19 Q Do you -- do you believe, in your opinion, that that request  
20 was valid?

21 A The answer is that the request validly requested a Special  
22 Meeting for the purposes that it set forth. There's a  
23 reservation about some of those purposes.

24 Q Okay.

25 A There were two aspects of it that were not proper. One aspect

1 is that the -- as you can see projected on the screen, the  
2 request for a Special Meeting attempted to actually schedule  
3 the meeting, setting the location and the time.

4           However, it's very clear from the language of the  
5 bylaws regarding Special Meetings, that when there is a Call  
6 for a Special Meeting -- I should say a request for a Special  
7 Meeting by one-third of the members, then it is the Chairman,  
8 the sitting -- sitting Chairman who has the authority to  
9 actually call the meeting. And, it only if she fails to call  
10 the meeting as requested by the special members within  
11 15 days, that it then becomes possible and appropriate for a  
12 member to actually call -- issue a call for that meeting.

13           Secondly, the request purported to designate a -- a  
14 Chairman, a Secretary, and a Parliamentarian. Well, the --  
15 there's nothing in the bylaws that authorizes those requesting  
16 a Special Meeting to displace the authority of the sitting  
17 Chairman to preside over meetings including such a Special  
18 Meeting. All the similar -- similar analysis applies to the  
19 Secretary.

20           And, with regard to Parliamentarian, the adopted  
21 parliamentary authority states that the President and -- and  
22 in this organization, Chairman is equivalent to the role of  
23 President. Has the ability to choose the parliamentarian that  
24 she considers appropriate.

25           So with respect to those aspects, those portions of

1 the Special -- the Special Meeting request were invalid.

2 I should say that this is assuming the accuracy of  
3 the facts that there was a sufficient number of members  
4 signing the -- the request to constitute one-third of the  
5 committee.

6 Q Okay. So while some components of that request may not have  
7 been in accordance with the proper -- with the bylaws or  
8 Robert's Rules, the request for a Special Meeting was?

9 A The request for the Special Meeting was, as were the  
10 provisions stating the purpose of the Special Meeting.

11 Q Okay. Was there actually a meeting scheduled for  
12 December 27th?

13 A No. Because that was not a valid designation. There was no  
14 authority of those members to set that meeting. So there was  
15 never a meeting appropriately called or scheduled for the time  
16 that was -- or -- or location that was specified in the  
17 request.

18 Q Okay. And, in the Plaintiff's Exhibit binder that's on your  
19 -- on the table in front of you. Could you look at Exhibit 6?

20 A Yes, I have that before me.

21 Q That is the December 16th request?

22 A Yes.

23 Q I'm sorry, December 16th --

24 A 16, 2023, yes.

25 Q All right. Did then Chair Karamo's issuance on December 16th

1 of a Call for a Special Meeting fulfill her responsibility as  
2 requested by the members on December 2nd?

3 A It did not. Now to be clear, it was itself a valid Call of a  
4 Special Meeting because under the bylaws, there are an  
5 authority of both the presiding -- of both the Chairman and  
6 one quarter of the members can -- have independent authority  
7 to call a Special Meeting.

8 But here is the critical point. This Call, the --  
9 the agenda that was attached to the Chairman's Call, did not  
10 include the purposes that were specified in the request of the  
11 members. It -- she had full authority to add additional  
12 purposes because she had independent authority to call a  
13 Special Meeting.

14 But here is the reason why under Robert's Rules of  
15 Order, as applied to the bylaws, that she was required to  
16 include those purposes. And, to understand that, it's  
17 important to understand the distinction between Regular  
18 Meetings and Special Meetings.

19 So a Regular Meeting -- at a Regular Meeting, any  
20 business that can appropriately come before an organization,  
21 can be the subject of a motion at that meeting.

22 But a Special Meeting is different. And, not only  
23 as specified in the bylaws, but as more complete -- concretely  
24 set forth in Robert's Rules of Order, a Special Meeting can  
25 deal only with those items of business. Those motions or

1 items of business that are clearly and specifically set forth  
2 in the notice.

3 Now the concept behind that, the reason why that's  
4 in Robert's Rules is because the idea is that while members  
5 are expected essentially to attend Regular Meetings as part of  
6 their regular membership, if a Special Meeting is called, they  
7 basically have the right to decide whether they consider what  
8 that Special Meeting is going to deal with was of sufficient  
9 importance to them that they want to make the extra added  
10 effort to attend.

11 And, so essentially one -- one of the things that  
12 Robert's Rules of Order has as part of it, is principles of  
13 interpretation that Robert's Rules says that as a matter of  
14 parliamentary procedure, obviously, can't speak to what the  
15 law is or legal interpretation. But as a matter of  
16 parliamentary procedure, how do you interpret bylaws and other  
17 rules.

18 And, one of those principles, one of those  
19 statements is that there is a presumption that nothing is  
20 placed in the bylaws without some reason for it.

21 So we ask -- have to ask, what would be the reason  
22 why the bylaws would put in -- include the ability to request  
23 a Special Meeting, provide for a Special Meeting, not only for  
24 the Chairman, but also for a specified number of members.

25 And, which incidentally that's in the recommended

1 language for bylaws in Robert's Rules of Order when it talks  
2 about Special Meetings.

3 Well, why would you provide for that? Well, the  
4 most obvious reason is to provide for the possibility that an  
5 adequate number of members might want to hold a Special  
6 Meeting for a purpose that the Chairman doesn't agree with.

7 For example, a proposal to remove her. And, so the  
8 whole concept there is, why do the bylaws give that  
9 independent ability in order to have essentially a check and  
10 balance on the Chairman in the ability of this specified  
11 number of members to bring about that meeting.

12 Now, if we think about it for a moment, because in  
13 order to be valid, anything done at a Special Meeting has to  
14 accord with the noticed items of business in the Call.

15 If we were to interpret the bylaws provision as  
16 allowing the Chair to in calling the Special Meeting  
17 purportedly in response for a request to not include the  
18 purposes, in effect it would make meaningless the ability of  
19 that specified group of members to Call the Special -- to  
20 request and bring about the Special Meeting.

21 Now there's another principle of interpretation in  
22 Robert's Rules which is that when a bylaw provision that's  
23 susceptible of two interpretations, and one of those  
24 interpretations conflicts with or renders absurd another bylaw  
25 provision, and the other interpretation does not, then the



1           latter must be taken as the true meaning.

2                   And, so as I would apply that to this particular  
3 instance, I would say that the portion of the bylaw that  
4 authorizes these members -- a certain number of members to  
5 Call the Special Meeting, would be rendered absurd if the  
6 Chair is responding to that by calling the meeting for  
7 completely different purposes and not including those purposes  
8 would basically render that absurd. It would render it  
9 meaningless.

10                   And, therefore, the other interpretation which is  
11 that in order to respond appropriately to the request, you  
12 have to include the purposes specified in the request, must be  
13 taken as the true meaning.

14                   And -- and to be precise, then just to clarify that,  
15 if one looks at the agenda that's attached in -- in this  
16 special exhibit, it plainly does not include the purposes that  
17 were set forth in the request by the members.

18 Q           In completing your analysis, did you review the report of --  
19 the document that has the heading, Report and Findings of the  
20 Policy Sub-Committee?

21 A           I -- I did.

22 Q           Would you turn to Exhibit 28 in your book, please?

23 A           Yes, I have that.

24 Q           Is that the document that you reviewed?

25 A           Yes, it is.

1 Q All right. Do you believe that -- well, does that document  
2 assert that Ms. Karamo met the obligation to call the Special  
3 Meeting within 15 days?

4 A Well, what it -- what it asserts is it says that -- and I'm  
5 looking on Page 2 of 7, that it -- it quotes Wikipedia for  
6 saying that the definition of a Call is essentially an  
7 invitation. And, that -- that it asserts that because the  
8 Call by the Chairman constituted an invitation to a Special  
9 Meeting, that therefore she fully fulfilled her requirement.

10 My response to that is that the bylaws do not adopt  
11 Wikipedia as the parliamentary authority. They adopt Robert's  
12 Rules of Order and we rebutted the parliamentary authority.

13 And, that document specifically does say, as I  
14 indicated, that the Call of the Special Meeting has to clearly  
15 and specifically describe the subject matter of the items of  
16 business -- or the motions or other items of business to be  
17 considered, and that any business transacted at the meeting  
18 that doesn't fall within that notice is invalid.

19 So the analysis, I -- that I gave previously, I  
20 believe with respect is -- is more accurate than that in the  
21 -- the report of the Policy Sub-Committee.

22 Q Upon Ms. Karamo's failure to call the Special Meeting within  
23 15 days, did the members have the right under the bylaws to  
24 Call the Meeting?

25 A Yes. If under the bylaws, it's clear that if the Chairman

1 fails to call the meeting that is requested by the members,  
2 then one of the members who is -- was among those who  
3 submitted that request, can proceed to Call the meeting with  
4 at least five days notice.

5 So because of the conclusions that her Call did not,  
6 in fact, respond appropriately; did not, in fact, Call the  
7 Special Meeting requested by the members, including those  
8 purposes, that was then a valid action for the member to take.

9 Q Thank you. Would you turn to Exhibit 7 in the book, please?

10 A (Witness complies).

11 Q Do you recognize Exhibit 7 as the December 31st, 2023, Special  
12 Meeting notice issued by Bree Moeggenberg?

13 A I do.

14 Q All right. Do you believe that this properly called a Special  
15 Meeting for the purposes set forth in the December 2nd  
16 request?

17 A The answer is yes and no, okay?

18 Q Tell the Court why yes and why no.

19 A Well, the -- the answer is certainly it did Call for a meeting  
20 at a specific time and place that was more than five days from  
21 the time of the Call.

22 Now if we look at the language of the Special  
23 Meeting agenda, which in effect was setting forth the --  
24 purporting to provide the notice.

25 If we look at -- at Items 1 through 4 and 13, those

1 are essentially procedural aspects -- and you don't really  
2 need to provide substantive notice of, you know, an  
3 invitation, prayer, pledge of allegiance, dealing with that  
4 sort of thing. So that's really not at issue.

5 If one looks at Number 8, Proposed Bylaw Amendments,  
6 there is a description of two bylaw amendments, and it  
7 purports that those bylaw amendments were, in fact, attached,  
8 clearly that part of it provides clear and specific notice to  
9 anyone that those particular bylaw amendments would be  
10 considered at the meeting. So that meets the criteria.

11 Items 9 through 12 refer to review and possible  
12 removal of four named individuals. And, again, that portion  
13 is clear and specific. Particularly with regard to removal.  
14 If it says that you're going to potentially remove particular  
15 individuals, everyone would be under, I think, clear notice --  
16 specific notice that that -- those issues would be considered  
17 at the meeting.

18 However, if we look at Items 5 through 7, issues of  
19 transparency, issues of accountability, and issue of unity,  
20 those are extremely a general statement proposes subjects.  
21 Someone just looking at, oh, there will be issues of  
22 transparency coming up, or issues of unity, would really have  
23 no way of knowing what particular motions would be brought up  
24 under those provisions.

25 So in my opinion, those three items are not

1 providing clear and specific notice. And, consequently, any  
2 motions adopted at the meeting scheduled for January 6th, that  
3 were or purported to come under those categories, would not be  
4 validly adopted.

5 Q But Item 12 is clear and specific, review and possible removal  
6 of Chairwoman Kristina Karamo; correct?

7 A That is correct.

8 Q All right. Let's shift gears to the January 6th, 2024,  
9 meeting itself. Do you believe that was validly held?

10 A It was based upon -- if one assumes the accuracy of the Draft  
11 Minutes of that meeting, the answer is that it was validly  
12 held. Obviously there are a lot of elements to that, but yes.  
13 Yes.

14 Q Do you know who presided actually -- if you'd turn to  
15 Exhibit 8, please? Does that document state who presided and  
16 who served as Secretary for the meeting?

17 A Yes. It says that Co-Chair Malinda Pego presided. And, it --  
18 way down in the meeting, it says that -- and I'm trying to get  
19 her name, Angela -- I'm sorry I --

20 Q Ann DeLisle?

21 A Correct. Was elected Secretary Pro Tem.

22 Q Now normally the Chair would preside -- even at a Special  
23 Meeting, the Chair would preside; right?

24 A That -- that is correct.

25 Q And, the Secretary would be the Secretary?

1 A That is correct.

2 Q What happens if the Chair and the Secretary don't show up?

3 A Well, in the case of the Chairman not showing up, the bylaws  
4 specifically say that when -- and when describing the Co-  
5 Chairman's authority, that in the absence of the Co-Chair --  
6 the Chairman, excuse me, the Co-Chairman shall have like power  
7 to the Chairman. So that power certainly includes the  
8 authority to preside.

9 Now with regard to Secretary, we have to turn to  
10 Robert's Rules of Order.

11 Now with regard to Secretary, we have to turn to  
12 Robert's Rules of Order. And, as you can see displayed upon  
13 the screen, Section 47, Paragraph 34, it says that in the  
14 absence of the Secretary, a Secretary Pro Tem must be elected.

15 So based upon again, the Draft Minutes, however  
16 belatedly such a Secretary was, in fact, elected.

17 Q Okay. What does Pro Tem mean?

18 A Temporary. It means that the person essentially is serving  
19 just for that meeting.

20 Q All right. And, when you say belatedly, what do you mean?

21 A Well, ideally what should have happened is that certainly  
22 after the opening ceremonies, the very first item should have  
23 been the election of a Secretary Pro Tem.

24 If one goes to Page 2, while they're in the midst of  
25 dealing with the proposed Bylaw amendment, it says the Co-

1 Chair realized that the Secretary Pro Tem had not been voted  
2 on, and there was a motion to appoint and Delisle was  
3 Secretary Pro Tem, and it records that that motion passed.

4 Q Okay. So it should have been done at the front end of the  
5 meeting, and it didn't happen as soon as --

6 A Ideally it should have. That -- that is correct. However, I  
7 would still say that it was valid. Essentially what does the  
8 Secretary do, you know, apart from doing things like reading  
9 things out when directed to do so, or assisting the Chair in  
10 counting. The primary purpose is to take minutes and  
11 presumably that could -- could be done despite the fact that  
12 she wasn't validly elected at the very beginning.

13 Q Okay. Would you go back to Exhibit 28, please.

14 MR. LAUDERBACH: Sorry I got you flipping all over  
15 the place, Your Honor.

16 BY MR. LAUDERBACH:

17 Q You've reviewed that -- what that --

18 A The heading is the head -- the heading of the Policy Sub-  
19 Committee on bylaw violations. Yes.

20 Q Right. It asserts that the proxies were not valid because  
21 they were not sent to the Secretary. Do you see that?

22 A Yes.

23 Q Okay. Do you believe that's accurate?

24 A I do not. And, this requires a little bit of detailed  
25 analysis. So the -- the first thing we have to understand is

1        what does -- do the bylaws say and equally important, what do  
2        they not say about proxies. And, then apply certain  
3        principles and interpretation.

4                Now the -- the first thing that I just want to -- to  
5        say because I think it's important to be clear about this, is  
6        that the use of the term proxy is a little different, I  
7        believe, than the common understanding of the term proxy.

8                I think most people when they think of proxy, you  
9        think about a situation where there's a -- let's say a  
10        shareholder meeting in a business corporation. And, you know,  
11        there may be one person, maybe the Secretary who has pieces of  
12        paper from the -- to poll those shares and pass a series of  
13        votes. There can be thousands of votes. One person casting  
14        all those votes.

15                And, even in a non-profit organization, it's not  
16        uncommon to have provisions that say that a particular member  
17        can hold, let's say a certain number of proxies and  
18        essentially then cast two or three votes.

19                That is not what is authorized with regard to the --  
20        the State Committee here. In fact, it -- in terms of what  
21        people -- the way that people generally think of the term, I  
22        think the term proxy here is really closer to being what you  
23        might call an alternate compared to a delegate, as we might  
24        see in a convention.

25                And, the reason I say that is because the provisions



1 of the bylaws specifically say that no person, no one person  
2 can cast more than one vote.

3 So what do the bylaws say about proxies? Well,  
4 essentially -- and you can see this placed up on -- on the  
5 lower part, it basically says that individuals can vote in  
6 person or by proxy at any -- any meeting, provided that they  
7 are allowed to cast only one vote.

8 Now, there are other sections that deal specifically  
9 with two distinct authorities here. One is proxies so-called  
10 for individuals who are part of the District delegations --  
11 Congressional District Delegations. And, the other applies to  
12 what happens when you are a member who is not from there. So  
13 that's the officers, Chairman; Co-Chairman; Sixth Vice-  
14 Chairman; Secretary/Treasurer; General Counsel; Chair of the  
15 Finance Committee; Head -- President of the Republican Women's  
16 Federation; and a Representative of the County Chair.

17 For those individuals, not -- as opposed to the  
18 Delegate -- those from the Delegation, if one of them is not  
19 going to be present, that person may choose to select an  
20 individual who's a registered voter anywhere in the State of  
21 Michigan. And, then that person can attend the meeting and  
22 essentially as I say in the same way that you might have an  
23 alternate replacing a delegate, vote at that meeting, as a  
24 "proxy."

25 Now if we're talking about the delegations -- I'm

1 calling them delegations even though that's not the term, but  
2 basically for each of the 13 Congressional Districts, there  
3 are -- there's a District Chairman who is elected; and that  
4 District Chairman automatically is one of the seven  
5 individuals who are on the committee from that district. And,  
6 the other six are elected.

7 So we have seven what they call regular members  
8 elected.

9 Now what the provisions say on this is that just  
10 like for the officers, if one of the members of -- from that  
11 delegation of a district, isn't going to be present, that  
12 person can designate someone. In this case, it would have to  
13 be somebody from the Congressional District, a registered  
14 voter from the Congressional District, to take that person's  
15 place.

16 But then there's a little twist. And, the little  
17 twist is that if at the meeting, the full delegation is not  
18 present, either in person or by proxy, then the District  
19 Chairman, if the District Chairman is present, can essentially  
20 fill out the meeting by designating other individuals, again,  
21 from that Congressional District.

22 And, in the absence of the District Chair, then a  
23 majority of the members from that delegation can do that.

24 So the important point here is that's what the  
25 bylaws say that grants the rights to designate proxies.

1           That's what they said.

2                       Here's what they don't say.  They don't have  
3           language that says that the Secretary has to be provided these  
4           proxies and validate them.  So if one looks at the language  
5           and the duties of the officers, the duty of the Secretary was  
6           projected up at the top there.  It lists a variety of duties.  
7           It says or perform such other duties as the bylaws provide and  
8           that this Committee shall time-to-time require.

9                       So in the absence of some specifically adopted  
10          provision, that is no statement to that effect.

11                      Now, there is only one place in the bylaws where  
12          there's a specific reference to having to provide proxies to a  
13          particular person.  And, that relates -- you can see it's the  
14          second thing, Article VI (F), when a meeting is being held by  
15          conference, telephone, or similar communications equipment,  
16          then the last sentence says, if any person chooses to vote by  
17          proxy at a meeting held pursuant to this section, written  
18          authorization to vote by proxy must be received by the State  
19          Chairman prior to the commencement of such a meeting.

20                      So in --

21                      THE COURT:  I'm going to just pause you, Mr. Balch.  
22          Because it goes to a question I asked earlier.  It looks to me  
23          like those earlier proxy powers don't even require a written  
24          proxy?

25                      THE WITNESS:  That is correct.

1 THE COURT: So I could say, you're my proxy and the  
2 representative could sally forth to the meeting and assuming  
3 that I'm qualified and they're from the right District, that  
4 person could be my proxy and say so at the meeting without any  
5 additional proof required?

6 THE WITNESS: There's nothing in the bylaws that  
7 specifically requires that it be written proof.

8 THE COURT: Okay.

9 THE WITNESS: And here, I think is the critical  
10 point.

11 When the bylaws provide a specific right as they do  
12 here, you can't by some lower ranking rule -- lower ranking  
13 rule, or custom, impose additional limitations on that right.

14 So to give an analogy, let's suppose the bylaws say  
15 that to be eligible for a particular -- to be elected to a  
16 particular position, you have to fill requirements A, B, and  
17 C. You have to be a member for a certain period of time.

18 That means that if you fill those requirements  
19 specified in the bylaws, you're eligible to be elected.

20 The Board of Directors can't say, well, in addition,  
21 you have to also fulfill A, B, and C.

22 The only way that can occur is through an amendment  
23 of the bylaws.

24 So the -- the notion that there is an imposition of  
25 this additional limitation, or this additional requirement

1 that's not set forth in the bylaws that would, in effect,  
2 limit the ability to exercise the proxy rights as set forth in  
3 the bylaws, is not justified and is not permitted.

4 So the bottom line is, that that is the reason that  
5 I respectfully disagree with the conclusion of the Policy Sub-  
6 Committee on bylaw violations that in order for the proxies to  
7 be valid, they had to be submitted to the Secretary and  
8 validated by the Secretary.

9 BY MR. LAUDERBACH:

10 Q Mr. Balch, if I'm a member of an organization or society, I  
11 believe is the term that Robert's uses. If I'm a member of  
12 the society and I don't want someone to be appointed as my  
13 proxy, what should I do?

14 A You should name a proxy yourself. Well, you should either --

15 Q Or go to the meeting?

16 A -- you could either show up -- right. You either go to the  
17 meeting or you name a proxy yourself. That is correct.

18 Q Okay. All right.

19 A And -- and that's essentially, those are your options. And,  
20 of course, in particular, if you don't want the District  
21 Chairman to be able to name somebody in your place, the  
22 solution is either go there, show up, or name somebody else.

23 Q Okay. Based on your review of the materials and your  
24 analysis, was a quorum present at the January 6th meeting?

25 A Well, again, assuming the factual accuracy of the Draft

1 Minutes, the answer would be yes.

2 Q All right.

3 A Now there are, you know, disputes about what is a requirement  
4 of a quorum, which I guess we'll get into.

5 Q All right. Well, it's been asserted here that the proxies  
6 can't be counted to constitute a quorum. Do you agree with  
7 that?

8 A Well, the -- the language of the bylaws about defining a  
9 quorum is quite specific. That -- that is a majority of the  
10 total membership of the Committee present in-person or by  
11 proxy shall constitute a quorum.

12 Q All right. This has an exception clause; right?

13 A It -- it does.

14 Q All right. And, have you analyzed the application of the  
15 exception clause?

16 A I -- I have.

17 THE WITNESS: Your Honor, may I request permission  
18 to approach the screen in order to be able to -- more clearly  
19 able to sort out, point out the particular relevance?

20 THE COURT: You may have permission, Mr. Balch.

21 THE WITNESS: Thank you, Your Honor. So I apologize  
22 in advance because this analysis is a little complex.

23 So here is the point. This is the key provision, by  
24 a majority of the total membership of the Committee present in  
25 person or by proxy, shall constitute a quorum -- now this is

1 important -- to transact all business of the Committee.

2 And, then we -- Your Honor --

3 THE COURT: Well, that's because that thing  
4 overheats every now and then and has to take a few minutes to  
5 cool down its light bulb. So you're not the first person  
6 that's happened to, if that's any real --

7 THE WITNESS: I'm -- I'm glad to hear that I'm not  
8 responsible.

9 THE COURT: No, no.

10 (At 12:33 p.m., laughter in the courtroom)

11 MR. CAMPBELL: I'll stipulate to an Act of God.

12 THE WITNESS: Well, while we're waiting for that to  
13 go up, I'll do my best to try to describe it without the  
14 language up here.

15 THE COURT: Sure.

16 THE WITNESS: So the critical question here is, what  
17 left -- what provision, what portion of the first part of that  
18 bylaw does the exception apply to?

19 Does it modify the word quorum, that's one  
20 interpretation. Or does it modify the phrase, transact all  
21 business?

22 Now when a bylaw is ambiguous as alternative  
23 possible interpretations, one of the principles of  
24 interpretation per my elementary teacher in the adoptive  
25 Parliamentary Order is that it should be read in harmony with

1 the other bylaws.

2 So what we need to look at is other bylaws that  
3 require a super majority. And, I'll ask that the next part be  
4 brought up. So there -- there are five provisions in the  
5 bylaws that in one way or another could be said to constitute  
6 a super majority.

7 And, of course, the most directly relevant one is  
8 the one that's at the top, Article IV (G) (2), but in many --  
9 in many ways four of the five are similar. And, there are  
10 four out of the five are similar in a couple of ways.

11 So the first thing that we would look at, is if we  
12 would flip just for a moment back to the other bylaw  
13 provision. Okay. It says except where the action of the  
14 Committee requires a larger number of members as "specially  
15 set forth in these boxes."

16 So, now if we flip back again, in each of these  
17 places it says, in the red here, provided there is a quorum  
18 present. Provided there is a quorum present. Provided there  
19 is a quorum present.

20 Here's where you would expect that if you're going  
21 to specially set forth a different quorum, it would be  
22 presented, it would be provided. And, in fact, there is  
23 another bylaw provision dealing with Standing Committees,  
24 forming Standing Committees, where they know how to do that,  
25 and it specifically says after saying that Standing



1 Committees, that's a quorum, here's a majority of the  
2 membership, whether in person or by proxy, provided, however,  
3 that a quorum be present in a Budget Committee meeting to  
4 consist of not less than 2/5 of the membership of that  
5 committee in person before anybody can make this -- make a  
6 transaction.

7 So in the bylaws there that specially sets forth  
8 what the quorum is.

9 Okay. So now let's go back to that list of the  
10 other bylaws now.

11 MR. LAUDERBACH: We can't.

12 THE WITNESS: Okay. So now we have to ask is, if  
13 it's not specially set forth, the quorum is not specially set  
14 forth, if we're going to proceed upon the -- if we're going to  
15 sort of test out the hypotheses that that exception clause  
16 modifies the word, ought, we have to ask ourselves, how can we  
17 figure out what the form would, in fact, be in these other  
18 circumstances.

19 Now leaving aside this -- this fifth item here, we  
20 have to look at where the claim by the Policy Committee. And,  
21 the claim by the Policy Committee is that because the language  
22 states any officer may be removed if an officer or a member of  
23 this Committee, by the Committee upon a 75 percent vote of the  
24 Committee present and voting. That means, ah-ha, the quorum  
25 must be 75 percent of the Committee must be present.

1           Now here is the point that we have to really be  
2 clear about. That is, the word present and voting are what  
3 you might call a term of art in parliamentary procedure.

4           Whenever you're talking about making a determination  
5 about what vote is required, you have to look at two things.  
6 You have to look at the proportion and you have to look at the  
7 base to which that proportion applies.

8           So here, for example, we have a 75 percent, that's  
9 the proportion. The question is, to what base does that  
10 apply? And, the answer is all of the Committee present and  
11 voting, okay? And, it's later a point to say that while we're  
12 doing that, we can only be with those who are "present," we  
13 can't deal with the proxies or alternates, we can't include  
14 them.

15           So what does present and voting mean? Well,  
16 Robert's Rules of Order specifically defines that as an  
17 equivalent to the number of votes cast.

18           So what it really means is -- it doesn't mean that  
19 this number of members must be present. It means that the  
20 base is those who fulfill both of two conditions. That they  
21 are both present and that they are voting. In other words,  
22 they're not abstaining.

23           Now Robert's Rules of Order has a very specific  
24 example of the difference of what you say if you're using  
25 different basis. Okay?

1           So if we just look even at this same provision,  
2           there is a place where there is a different base.  If we look  
3           at the orange language here, when we're talking about what  
4           the petition is requiring, it says there is signatures of at  
5           least 50 percent, that's the proportion.  Of what base?  Of  
6           the entire Committee, no proxies allowed.

7           So to illustrate this, if I may, Your Honor, just  
8           give an illustration using that whiteboard over there?

9           THE COURT:  Yeah.  Go ahead, Mr. Balch.  That's  
10          exactly what that's for.

11          THE WITNESS:  Okay.  So -- so Robert's Rules of  
12          Order actually gives, in order to try to clarify what the  
13          different bases mean, and the terminology used, it actually  
14          gives examples of particular numbers.

15          And, I'm going to change those numbers just a little  
16          bit to make them more -- more easily --

17          MR. CAMPBELL:  Your Honor, I'm not objecting because  
18          the cameras can't see it.  I'm just objecting because I can't  
19          see it.

20          THE COURT:  I understand.  I'm very confident that  
21          our good associate, Ms. Boothroyd is going to get it in  
22          exactly the right spot for everyone.  Perfect.

23          MR. CAMPBELL:  Thank you.

24          THE WITNESS:  So let's suppose that we have an  
25          organization that has 100 members.

1 THE COURT: Well, why don't we tilt that a little  
2 more flat so even the folks sitting in the gallery can see it  
3 here? All right.

4 THE WITNESS: That okay?

5 THE COURT: Perfect.

6 THE WITNESS: Okay. One hundred members. And, at a  
7 particular meeting, let's suppose 60 of them are present at  
8 the meeting. And, let's suppose that for some particular  
9 motion, 50 of them vote. Okay? So there are 50 voting.

10 Now, what -- so all I want to say is these are  
11 examples of different bases. And, what I went on to say is a  
12 majority of those present and voting, that is to say a  
13 majority of 50 would be 26. But if the requirement was that  
14 it had to be a majority of those present since there are 60  
15 present, that majority would be 31.

16 And, if it has to be a majority of the entire  
17 membership, which is 100, it would now be 51.

18 So the critical point is Robert's Rules of Order  
19 says that the default provision, unless you specify something  
20 else, is the number present and voting, which is again  
21 equivalent to the number of votes cast.

22 So why is that relevant, particularly in terms of  
23 analyzing the claim of the -- or the argument by the  
24 distinguished members of the Parliamentary Sub-Committee that  
25 the forum hasn't changed to 75 percent.

1 Well, the critical point here is this. All we can  
2 devine from the language of the bylaws Article IV,  
3 Section (G) (2) and, similarly to the other three that have  
4 parallel language, is that if a quorum is present, then in  
5 order to remove somebody, you need to have 75 percent of those  
6 present and voting at that meeting.

7 Now what does that mean? It could mean that you  
8 could have a quorum present, meaning a majority of those  
9 present in person and by proxy. But the number of those  
10 legitimately present and voting excluding proxies, would be a  
11 lesser number, and 75 percent of that could be, indeed, a  
12 lesser number.

13 So -- so to give it sort of an extreme example,  
14 which would never occur in practice. If you had a quorum  
15 present, if you had a majority of the members present, but  
16 only three people voted or excuse me, if four people voted,  
17 and three of those people voted to remove and one voted  
18 against, you would have a 75 percent vote. The -- the  
19 requirement would be met. And, that would not be a larger  
20 number than the number that's required for quorum. It could  
21 be a smaller number than the number that's required.

22 So the -- the difficulty then is you really can't,  
23 looking at this language, define logically what other quorum  
24 might be required. Other than a majority of those present.

25 So on the other hand, let's consider the other

1 alternative interpretation which is -- if we go back quickly  
2 to the provision that the exception clause modifies the word  
3 "transact" all business. Now what would that mean?

4 What that would mean is the general rule is as long  
5 as you have a quorum constituting a majority of the total  
6 membership present in person or by proxy, you can do anything.  
7 Why? There may be some things that you can't do. Some  
8 particular business you can't do. Why? Because in some cases  
9 the action of the Committee may require a larger number of  
10 members as specially set forth in these bylaws.

11 Now let's go back to this -- the full --

12 And, if we look at the removal -- there is a  
13 condition precedent to being able to remove. And, that  
14 condition precedent is, there has to be a petition requesting  
15 the vote be taken bearing the signatures of at least  
16 50 percent of the entire Committee with no proxies allowed.

17 Now that requirement could easily be a larger number  
18 than the number of 75 percent are voting, or the number of  
19 members present and voting.

20 So in other words, here's a situation in which you  
21 can read these bylaw provisions together with the quorum  
22 requirement in a way that -- that makes sense, okay?

23 So, again, I think I mentioned this before, one of  
24 the principles of interpretation, for parliamentary procedure  
25 interpreting bylaws under Robert's Rules is when you have two

1 -- when a bylaw provision is susceptible of two possible  
2 interpretations, and one of them conflicts with or renders  
3 absurd another bylaw provision, and the other interpretation  
4 does not, the latter must be taken as the true meaning.

5 My analysis is that because interpreting the  
6 exception clause is modifying quorum would render absurd, at  
7 least these four top provisions because you couldn't figure  
8 out what the quorum is.

9 So a supposedly different quorum is.

10 But on the other hand, if you interpret it as the  
11 exception clause is modify and transact all business, and you  
12 can look at this and say, ah-ha, there are some circumstances  
13 in which a larger number, even though a quorum is present, is  
14 not adequate to remove a member unless you also have this  
15 larger number, mainly the petition bearing the signatures of  
16 at least 50 percent in the -- (inaudible).

17 So bottom line in my interpretation, the better  
18 interpretation, if you want to move back to the -- this is  
19 that the exception modifies the language transact all  
20 business. It doesn't modify the term quorum, the consequence  
21 of that is that in order to remove a member, or to do any of  
22 those other things that are listed in those four other  
23 provisions, the quorum is -- first of all, the majority of the  
24 total membership of the Committee present in person and by  
25 proxy, but of course, that alone doesn't necessarily allow you

1 to remove a member because there's this other number that  
2 could be a larger number required. And, that concludes that  
3 particular --

4 BY MR. LAUDERBACH:

5 Q Thank you, Mr. Balch. You may move back and take your seat.

6 A Thank you.

7 Q So a quorum was present?

8 A Again -- again, assuming the accuracy of the Draft Minutes,  
9 that would be my conclusion.

10 Q Thank you. In your opinion, was the proposal to remove  
11 Ms. Karamo as Chair properly brought before the Committee?

12 A The -- the answer is yes and this does require some analysis.

13 Q Okay. Please go ahead.

14 A So now we're dealing with this requirement actually which goes  
15 back to the -- the language that we've -- when looking --  
16 there it is (points at whiteboard). It's under a different  
17 part -- it's the same information.

18 And, what does it say? It says that -- what we've  
19 just been talking about, the condition precedent to being able  
20 to remove, consider the motion to remove, is that a petition  
21 requesting such a vote be taken bearing the signatures of at  
22 least 50 percent of the -- of a Committee, is required "in  
23 order to bring the question before the Committee."

24 Now I'm aware that one of the arguments put forth by  
25 the Policy Sub-Committee is that well, doesn't this mean --



1 wasn't it necessary that these petitions were provided, let's  
2 say at the time that the meeting was called?

3 And, we have to look at this in two points.

4 First of all, the requirement that there be notice  
5 simply requires that there be enough information so members  
6 can decide whether to attend or not.

7 In fact, there's language in Robert's Rules of Order  
8 that specifically says that you don't even have to give the  
9 exact language of the motion as long as the -- the purport is  
10 clear.

11 The second point is that we know that the bylaws --  
12 can you pose a timing requirement out when they want it. So,  
13 for example, in Article XV, in order to adopt the bylaw  
14 amendment, there's a requirement that the bylaw amendment text  
15 must be provided to all members 30 days in advance.

16 The only language, however, in this provision is  
17 that it must be filed "in order to bring it before the  
18 Committee."

19 So the question is, what does it mean in order to  
20 bring it before the Committee? And, this is where we need to  
21 resort to Robert's Rules of Order.

22 Again, the adoptive parliamentary authority.

23 And, Robert's is very specific in this point. It  
24 has a sub-section that is titled as you can see up there  
25 (pointing to whiteboard), how a motion is brought before the

1 assembly.

2 And -- and I'll -- it basically says there are three  
3 steps. A member makes the motion; another member seconds the  
4 motion; and then the Chair states the question.

5 And, it's very clear in IV (3) that the making or  
6 the seconding in and of itself places it before the assembly.  
7 Only the Chair can do that by the third step stating the  
8 question.

9 So the issue is, were the petitions provided before  
10 that occurred? Before it was brought before the assembly by  
11 being moved, seconded and stated by the Chair?

12 And, of course, that's a factual question.

13 Equally it's a factual question whether there were  
14 an adequate number of -- of the members to constitute  
15 50 percent of the Committee at the time.

16 So -- so my response is that if it is factually  
17 accurate that the petitions were filed as required with the  
18 Secretary, prior to the removal being stated by the Chair,  
19 then that question was -- was valid. That those petitions  
20 were accurate.

21 Now the Policy Sub-Committee does make statements  
22 about when they were provided. And, if that -- if the Policy  
23 Committee's factual statements are correct, then it would  
24 appear that it was, in fact, in time.

25 Not -- now a conclusion, but a matter of fact.

1 They're saying essentially that it was sent at a particular  
2 period of time before the meeting was called to order. And,  
3 if that's correct, then obviously that was before the question  
4 was actually brought before the Committee.

5 Q Mr. Balch, I'm going to -- I'm going to move it along a little  
6 bit because I -- I think the -- I know the Court has other  
7 matters and we want to make sure Mr. Campbell has adequate  
8 time for cross. After a matter is voted upon --

9 A Yes?

10 Q -- can some -- can a petitioner revoke their petition?

11 A Well, I think that the best analogy in Robert's Rules of  
12 Order, it doesn't have language that specifically refers to  
13 "petitions" in this context. But essentially what this is  
14 doing in my interpretation, is it's -- it's making a motion to  
15 remove, but there's a requirement that instead of just one  
16 person being able to do that, you have to have essentially a  
17 number of makers -- a certain number of makers.

18 Now what Robert's Rules of Order says is that up  
19 until a motion is stated by the Chair, it is the property of  
20 the maker of the motion. And, up until that point, the maker  
21 has the unilateral right to withdraw that motion.

22 So in other words, up until the time that this is  
23 stated by the Chair, if any of the members, any of the  
24 individuals who had submitted and signed these petitions,  
25 chose to withdraw that signature, then that withdrawal would

1 be effective.

2           However, Robert's Rules goes on to say and it's not  
3 here, that after a motion has been stated by the Chair, it  
4 belongs to the meeting as a whole, it belongs to the assembly.

5           And, the maker must request the assembly's  
6 permission to withdraw the motion. So it has been represented  
7 to me by Counsel, that the -- the recanting as it was called  
8 by three members, was sent after the meeting adjourned. I  
9 have, of course, what's factually accurate or not, is not for  
10 me to say.

11           If that's factually -- factually accurate -- then  
12 that would, of course, be after it was stated and actually  
13 since the meeting had adjourned, it would be too late even to  
14 ask for permission of the assembly to withdraw.

15 Q All right. Based on your review of these materials and the --  
16 the evidentiary matters here, do you believe that Kristina  
17 Karamo was properly removed as Chair of the Michigan  
18 Republican Party on January 6th, 2024?

19 A Again -- again, assuming the accuracy of the Draft -- the  
20 Draft Minutes -- Draft Minutes of that meeting, yes, that is  
21 correct.

22           MR. LAUDERBACH: All right. Your Honor, I have no  
23 -- I'm going to pass the witness at this time. I know the  
24 Court's pressed for time and --

25           THE COURT: Yeah, and I suppose well, we'll start

1 seeing criminal defendants for sentencing and their attorneys  
2 filtering in before 1:30 because 1:30 is the official start  
3 time for that, if we start a few minutes late, it's not the  
4 end of the world. But I certainly want to give Mr. Campbell  
5 enough time or at least some time to cross-examine.

6 Mr. Campbell?

7 MR. CAMPBELL: Thank you. If you can turn off the  
8 overhead before other divine agents start to intervene?

9 (At 12:55 p.m., overhead turned off)

10 CROSS-EXAMINATION

11 BY MR. CAMPBELL:

12 Q What I'd like you to have before you is Exhibit A in the  
13 Plaintiff's (sic) book, we'll start there.

14 A A -- I have numbered exhibits. You say --

15 Q You should have letters.

16 THE COURT: Look at -- around to your right there,  
17 Mr. Balch, there's a --

18 THE WITNESS: Yes, sir.

19 BY MR. CAMPBELL:

20 Q All right. We'll start with -- first of you, you talked about  
21 an Article VII, then you said, hey, they know how to put in  
22 numbers about votes if they really want to. Do you remember  
23 that?

24 A In any of the Standing Committees. Yes.

25 Q Yeah.

1 A Yes, sir.

2 Q And, the number they had to put in there about quorum, it's  
3 not a larger number, it was a smaller number?

4 A That is correct.

5 Q In other words, if that had to do with creating quorum for a  
6 smaller instance and that's not addressed at all in  
7 Article VI, Section (C); correct?

8 A Article VI, Section (C), certainly did not refer to this  
9 provision. The reason that I had cited it was simply to say  
10 that -- that elsewhere in the bylaws it's possible to set  
11 forth a different quorum, specially and specifically.

12 Q Well, except you have a place in your opinion where you say,  
13 hey, you say something here, and then you say something  
14 different over here, we've got to take the first time you said  
15 it; right?

16 A I'm sorry. I'm not sure if I understood that.

17 Q Sure. Let me try again. You have an opinion -- let me find  
18 it within your opinion, give me a few seconds to try to --  
19 give me a second. That's not it. Somewhere I have your  
20 opinion here, I just --

21 A Do you mean a report?

22 Q A report, yeah. Tell you what --

23 A Let me grab it.

24 Q -- you were -- you -- in fact, you just talked about it. You  
25 said, hey, wait a minute, up in the earlier portions of the

1 bylaws, there were statements that seem to run into the --  
2 into a different statement than the quorum section. And, you  
3 said, well, because they said this first, we have to take  
4 that. Do you remember that? If it would make one version to  
5 be found to be --

6 A So -- so are you saying -- well, I think what I had said and I  
7 hope I'm understanding your question, was that if there are  
8 two possible interpretations, the first interpretation and the  
9 second interpretation, and -- and one of those  
10 interpretations, whether it was first or second, it renders  
11 another bylaw in conflict or absurd.

12 Q Right.

13 A And, the other one doesn't. But you have to take the other  
14 one. Is that what you're referring to?

15 Q Yes. So where they get defined quorums --

16 A Yes.

17 Q -- and then they say something completely different, you would  
18 agree with me that Section VII is a completely different --  
19 different definition than Section VI (C)?

20 A In -- as it was a quorum, absolutely, yes.

21 Q So they said something different, those are not -- what --  
22 what was your word that they were --

23 A In harmony?

24 Q -- they're not in harmony. In other words, if a quorum is  
25 this with the only exception being stated within that rule,

1 here's an exception outside that rule that exists within the  
2 bylaws; right?

3 A Well, there's a -- there's a principle of interpretation in  
4 Robert's that says that a general rule is always of less  
5 authority than a specific rule and yields to. So if you have  
6 a general statement that the quorum is a majority of the  
7 entire membership, and then you have in another part of the  
8 bylaws a specific statement that for this particular  
9 circumstance, the quorum is different, then for that specific  
10 circumstance would prevail in that particular context.

11 Q You would agree with me there's also the concept that no words  
12 are nugatory within a bylaw; right? There's no pointless  
13 words that are written in there?

14 A Right. That is correct.

15 Q So, for example, in your example you just gave me, you said  
16 well if it says this is what a quorum is, and then it says it  
17 over here, so that is not what we have; right? We have  
18 somebody saying this is a quorum, except in this circumstance;  
19 right?

20 A Well, that -- that -- that goes --

21 Q Well, just so we're clear, we have a rule with an expressed  
22 exception.

23 A The question is whether the exception applies to the quorum or  
24 applies to transact all business. That's the issue.

25 Q Well, it's -- well, so let's talk about that because it's not



1 just about the quorum, it's just -- the exception could be the  
2 majority of the total membership; right? Because it begins a  
3 quorum -- a majority of the total membership, and then it says  
4 except where the actually -- again, I'm skipping the words  
5 just to highlight it, it says the Committee present, in  
6 person, or by proxy shall constitute a quorum except where the  
7 action of the Committee requires larger number of members as  
8 specially set forth in the bylaws. Right?

9 A That -- that's the reading of the -- the bylaw, yes.

10 Q You're giving an example of where it talks about fewer  
11 members.

12 A Yes. That's --

13 Q That's Article VII?

14 A Correct.

15 Q What's an example where it requires more members?

16 A Where the quorum requires more members?

17 Q Yes. A -- a larger quorum than merely a majority.

18 A Right. Well, by my interpretation there -- there is no --  
19 well, there is -- potentially there is one. And, that is that  
20 a fifth item that I -- that was projected up on the screen,  
21 where it talks about a require -- in order to vote, you have  
22 to have a majority of the members of the Committee.

23 If that's interpreted to say a majority of the  
24 entire membership, then because in order to adopt something,  
25 you have to have a majority of the entire membership, in

1 effect in practice that would be a larger -- a larger quorum  
2 before -- because if they weren't present, then you couldn't  
3 obviously do that.

4 So there is that one example, I believe.

5 Q Do you think that example requires a larger number of members?

6 A I -- and in the -- so -- so there is one requirement that's  
7 ambiguous, but I didn't really focus on, which is whether the  
8 language, a vote of the members, is the same thing as a vote  
9 of the entire membership. But it is a plausible  
10 interpretation, but that's if. And, if that is -- if that is  
11 the correct interpretation of that, then it would, in fact, be  
12 requiring a larger number of members.

13 Q So it's a plausible interpretation that in -- if you have it  
14 in front of you, Section VI (C), the exception is the  
15 majority? In other words, quorums are majorities, except in  
16 actions where the Committee requires a larger number? That's  
17 plausible; right?

18 A Okay. So I -- if I understand what you're saying, if we  
19 looked of those five items, those five different provisions,  
20 just at that fifth provision, then yes, it would be plausible.  
21 But the problem that I have is that we have to construe it  
22 with -- in harmony with all of the other provisions, and then  
23 with the other four provisions it -- it doesn't make sense.

24 But I do concede that if we just look at that  
25 provision, you could interpret that as consistent with saying

1 that the exception modifies the word quorum.

2 Q Okay. We're going to come back to the other sections. I want  
3 to focus on what this says here in quorum. It says there's an  
4 exception. You've argued that the exception is on the  
5 transaction of the type of business; right?

6 A That that's the better interpretation, yes.

7 Q Correct. It is a plausible interpretation, that they meant to  
8 increase the numbers to create a quorum, that's plausible;  
9 right?

10 A What I would say is, if you just look at the language of that  
11 bylaw provision, yes, it definitely is plausible.

12 Q Thank you.

13 A The problem with it is that if you -- when you then try to  
14 apply it to the other by --

15 Q That's not a problem in all situations because I'll give you  
16 some other plausibility's. But let's go further here.  
17 Another plausible interpretation is that what they meant to  
18 except were proxies? So when you read this, it says a  
19 majority of the total membership of the Committee present, in  
20 person, or by proxy, shall constitute a quorum. Now that --  
21 when it says a majority of the total membership, it means  
22 those folks who are the total membership, not just those  
23 present and voting; right? When you read this sentence?

24 A So -- I'm sorry?

25 Q It says a majority of the total membership of the Committee

1 present, in person, or by proxy, shall constitute a quorum.

2 A Right.

3 Q So they're saying that it's not just the majority of people  
4 who are there? Or there by proxy -- it's the whole Committee  
5 that we're looking for to determine the majority that creates  
6 this quorum; right? That's -- that's the purpose of this?

7 A Well, I -- I think I'll respectfully disagree.

8 Q You don't think the quorum is drawn off of the full number of  
9 the membership?

10 A Oh, I'm sorry. Then I misunderstood. A majority of the total  
11 membership, yes.

12 Q Okay.

13 A And present, in person, or by proxy. I think what I was  
14 trying to respond to is that if I understood you correctly,  
15 you were suggesting that the exception clause is an exception  
16 to that you can include the proxies in the quorum. Did I  
17 misunderstand that?

18 Q Well, we're gonna get back to that. But right now, you agree  
19 with me that the statement here, a majority of the total  
20 membership of the Committee present, in person, or by proxy,  
21 refers to the total Committee, and then a separate group of  
22 people who are actually present either in person or proxy?

23 A It refers to the entire member -- the entire voting membership  
24 of the Committee.

25 Q Right.

1 A Yes. And, a -- and that's -- that's the denominator, yes.

2 Q Okay. And, then it goes on to say we're gonna count people  
3 who are present, and by proxy; correct?

4 A Correct.

5 Q So it's two different concepts, although it's one conjunctive  
6 clause?

7 A Fair enough.

8 Q And, the except could apply, as I've suggested, to the concept  
9 that it's a majority and not something bigger; right? That --  
10 that's the first one, we've already been through that where  
11 you said it's plausible?

12 A Right.

13 Q Except for the concerns you had?

14 A Um-hmm.

15 Q The second part, though, is in fact, it's referring to the  
16 proxy. In other words, you can use proxies for a lot of  
17 stuff?

18 A Um-hmm.

19 Q Except where we put higher percentages as being required for  
20 vote purposes? Is that a plausible reading as well?

21 A I -- I --

22 Q Just on --

23 A I -- you know, it's an interesting reading. So -- so I guess  
24 the difficulty is that the -- the -- the difficulty is how do  
25 you determine that that refers specifically to -- that the

1 exception is to by proxy?

2 In other words, what -- what is it in that language  
3 that indicates that the alternative, essentially, is I -- if  
4 that's what you're suggesting, that in these other  
5 circumstances where there's a larger number of members, then  
6 what the quorum is a majority of the total membership of the  
7 Committee present, in person. If I understand that's what  
8 you're suggesting?

9 Q I believe you do. So am I correct, Robert's Rules is not  
10 designed to create form to somehow obfuscate substance? In  
11 other words, it's meant to facilitate the rule of the majority  
12 in a parliamentary circumstance?

13 A Well, it balances the rule of the majority with the rights of  
14 the minority and a variety of other things. But -- but does  
15 -- does parliamentary procedure, is the purpose of it to  
16 facilitate a -- the procedure in a way that is appropriate and  
17 fair? Yes. Certainly.

18 Q Deception and fraud are anathema to the rules -- Robert's  
19 Rules; right?

20 A Deception and fraud are matters that can be subject to  
21 disciplinary procedures under Robert's Rules. That's correct.  
22 What Robert's Rules does not speak to is the substantive  
23 determination of what constitutes deception or fraud because  
24 that's a substantive matter.

25 Q In fact, that's what you need committees for if you're in an

1 organization with bylaws to help to determine where the claim  
2 is that the rules have been misused, deception and fraud were  
3 used in order to at least have the form of an official meeting  
4 where it wasn't really one; right?

5 A Well, the reference in Robert's is, in the comments in  
6 disciplinary proceedings, but, yes, initially you would have  
7 an investigating committee which would then if -- if we're  
8 under the chapter on discipline, lead to a vote to create a  
9 set of charges and specifications, and provide notice of the  
10 individual who is charged of a -- essentially a trial to be  
11 conducted.

12 And, then at that trial, there would be an  
13 opportunity for the managers on behalf of the claim that  
14 there's been fraud, to present witnesses and make argument and  
15 an opportunity for the -- those accused to make -- provide  
16 witnesses and make arguments.

17 And, then they -- after that procedure, there would  
18 be a vote to determine by the body whether or not they  
19 determined that fraud, as you phrase it, or one of the other  
20 things that would by -- the disciplinary procedures would be  
21 followed.

22 Q Is that required or is that recommended?

23 A Well, it is the default requirement whenever there is a  
24 disciplinary procedure that occurs outside a specific meeting.  
25 So in other words, what Robert's Rules says is if -- during a

1 meeting --

2 Q Pardon me, if I may? I think you've answered my question. My  
3 last question is if the bylaws conflict with Robert's Rules,  
4 bylaws prevail; correct?

5 A Certainly.

6 Q So we're back into this concept -- so let's look at the larger  
7 scheme. You've talked about hey, you've got to look at all  
8 these rules in conjunction; right?

9 A Um-hmm.

10 Q You can't just pick a couple. But you're aware, because I've  
11 read your report, that there are five provisions that have  
12 numbers greater than a simple majority; correct?

13 A Correct.

14 Q And, you understand that that's what they meant when they  
15 said, a number -- a larger number of members, in other words,  
16 referring back to the majority earlier in that same paragraph?

17 A That's, I think the logical interpretation.

18 Q And, that they're referring really to the fact that they know  
19 because they've already written those five paragraphs, that  
20 some of -- or I think actually -- yeah, all five of those were  
21 written earlier in the rules than the quorum paragraph; right?

22 A Um --

23 Q In other words, they're under Article III, not under Articles  
24 VIII or IX?

25 A Well, normally when you have a bylaw adopted, I don't myself



1 know the history of whether these were amendments adopted at  
2 various points. But normally if you have a bylaw -- bylaws,  
3 you attempt to interpret it as a unitary body. You don't  
4 necessarily prioritize something that's earlier or with  
5 something that's later, you look at them all together. You  
6 attempt to harmonize all portions of them.

7 Q But didn't -- but earlier you said you take the earlier or the  
8 later one or whatever. But, okay. So now we've got a  
9 question here about the construct of the bylaws themselves.  
10 Fair to say that in constructing those provisions that have  
11 numbers greater than a simple majority.

12 A Um-hmm.

13 Q The purpose was to make it harder to achieve that action than  
14 it would be with a simple majority. It's a pretty simple  
15 concept.

16 A Yes.

17 Q Okay.

18 A And -- and -- in addition the fact that you exclude proxies  
19 also has that effect.

20 Q Right. So there are mechanisms that the writers of the bylaws  
21 and the users of the bylaws have to recognize or can use in  
22 running an organization; right? You mentioned, for example,  
23 they pick some rules that were subject to the 66-2/3; right?

24 A Yes.

25 Q They -- they met, hey, you've got to be serious about to try

1 to change that. Fair statement?

2 A Yes, that's a fair statement.

3 Q 75 percent is basically saying you'd better be darn sure.

4 I don't want to get hit by anything related to that; so I'm  
5 going to use darn. Darn sure; is that fair?

6 A Fair enough. Yes.

7 Q In fact, it's the highest percentage that is existing in these  
8 bylaws of somebody having to do something in terms of an  
9 action; right?

10 A I believe that is correct.

11 Q That's evidence that they wanted to make it the hardest thing  
12 to do; fair?

13 A Yes. Although one has to understand in the context of exactly  
14 how it's applied in a particular case. In other words,  
15 exactly in the context of what the requirements are in order  
16 to do it.

17 Q But -- sure. But the goal was not to make it easier, it was  
18 to make it harder; right?

19 A It -- it was to make it especially difficult, yes.

20 Q In fact, we have an example of them trying to make it easier  
21 in Article VII where they reduced the quorum; right?

22 A Easier in one sense that -- that it's a lower point. Harder  
23 in the other sense, the proxies are not counted.

24 Q So -- and let's talk about that. It is harder in an  
25 organization like the Michigan GOP, you're aware, to get

1 people there, live, in person, or however it is that they can  
2 appear and actually vote, as opposed to using proxies; right?

3 A It -- that's why they have proxies, certainly, yes.

4 Q Right. And, not only is it harder to do it, and it would have  
5 been -- is it easier to get proxies, if you will, but here  
6 even if you applied the quorum and said, the quorum cannot be  
7 subject to proxies because that would be a fair reading if  
8 the except language here applies to, you can use proxies  
9 except in these actions that require a larger number of  
10 members? Right?

11 A Well, I don't think I can --

12 Q It's just that concept of if you apply except to proxies, you  
13 could not then use proxies; right?

14 A Well, well -- if you apply it to that, yes.

15 Q Yes. Okay.

16 A I'm not sure that I'm convinced that it logically is --

17 Q We get that. But at least --

18 A -- that that's what it does. But, yes, if you presume that,  
19 that would be correct. Yes.

20 Q -- and it's at least -- it's at -- and it's at least plausible  
21 that that's what the except could be referring to?

22 A I think the problem I have with that is --

23 Q Well, the question is, is it plausible that -- a yes or no and  
24 then if you say, no, you might have a problem. If you say  
25 yes, we have a problem, we can really move on.

1 A Um-hmm. Fair -- fair -- fair enough. I will say it's a  
2 possible interpretation, is that fair?

3 Q I'll take it and we'll move on. So if that's true, I don't  
4 want to make you do math in your head --

5 A Um-hmm.

6 Q -- but how many members present would be needed for the  
7 Special Meeting on January 6th, 2024?

8 A Well, if that were the case --

9 Q Yeah.

10 A -- this will give you what you're looking for without numbers,  
11 not enough is the answer.

12 Q You acknowledge that. So the next issue is if, in fact,  
13 except and that modifies majority, and so now we're talking  
14 about it's not a simple majority 54, but now we need the  
15 75 percent of the total membership? In other words, the  
16 except takes out the word majority, puts in 75 percent,  
17 drawing it from that's the number that's the larger number of  
18 members, that's what's in the rule. We're going to put it in  
19 here.

20 A Um-hmm.

21 Q Then that would require, even with proxies, do you know how  
22 many votes that would require in order to hit the 75 percent?

23 A Now --

24 Q If there -- if there were -- what was our number, 71?

25 MR. HOUSTON: Um-hmm. Yeah.

1 BY MR. CAMPBELL:

2 Q I have to -- I'm not going to make you do the math --

3 A So taking as given that we -- that in my interpretation that  
4 is not an accurate interpretation of it. If your point is,  
5 if we accept that that is an accurate interpretation, would  
6 there have been a -- a quorum, and the answer obviously is no.

7 Q Yeah. If my math is correct, 40 votes is 56 percent of 71,  
8 which they're claiming was the quorum. You -- you don't  
9 disagree with that math?

10 A No. I -- I, again, having the reservation, I've given the  
11 reasons why I think that's not correct. But if we -- but on  
12 the premise that that's correct, then clearly the math is not  
13 there.

14 Q If, in fact, you say okay, instead of the word majority  
15 because that's the exception, we're creating an exception.  
16 We're going to go to that larger number and that larger number  
17 is 75 in that rule; 66-2/3 in other rules. If you plug in  
18 75 percent of the total membership present, in person and by  
19 proxy -- we'll leave the and by proxy in it, why is that not a  
20 cogent reading consistent with both (G) (2) in Article III, and  
21 Article VI (C)?

22 A The reason it's not a cogent reasoning -- cogent reading is  
23 because it misunderstands the words present and voting. As I  
24 tried to explain.

25 In other words, the description in both of the

1 removal provisions, the one that relates to members, and the  
2 one that relates to officers, refers to 75 of the -- the vote  
3 that's required as being 75 percent of the members present and  
4 voting. Making clear that proxies are not included.

5 So as I tried to explain, that can't appropriately  
6 be interpreted as saying that 75 percent of the members of the  
7 Committee must be present.

8 Q Well, it can if we said by virtue of replacing the word  
9 majority with the number 75 percent? Right? I -- and in  
10 other words, the except --

11 A Well, you're asking --

12 Q -- the exception -- majority means 50 percent plus 1; right?

13 A Well, not technically. It means more than -- more than half,  
14 which it's probably not very relevant here, when you have  
15 fractional voting plus one, would not be accurate. But, yes.

16 Q We don't have fractional voting. So it's 50 plus 1 if there's  
17 a hundred? Correct?

18 A (No response).

19 Q It would be 54 if you had 106 members?

20 A There are -- without getting into a lot of mathematics here.

21 Q No, I've asked the question, 54 out of 106 would be a  
22 majority; right?

23 A I believe that's correct. Yes.

24 Q 54 out of 107 would be a majority; correct?

25 A Yes.

1 Q And, so this word majority is a number. It's a percentage  
2 however you want to express it. When you replace that because  
3 this is the exception under (G)(2), with 75 percent, then  
4 there is no incongruity between VI (C) and (G) (2)? They read  
5 the same, that you need 75 percent with or without proxy, to  
6 make your quorum. And, then in order to vote, you need  
7 75 percent of those who are there, present and voting.

8 A Well, again, if we accept that I'm -- my interpretation is  
9 wrong, and that your interpretation is correct, that in fact,  
10 75 percent fits, then does it follow that there was not a  
11 quorum? Yes, it does. But, again, I've explained why I  
12 disagree with that interpretation.

13 Q But these rules work with that one understanding. You have  
14 tried to change the word quorum. I am suggesting to you that  
15 you've misidentified the word to be replaced. The word is  
16 majority and it may even be proxy. Those are the words that  
17 are excepted out. You've picked this all business to be  
18 transacted. But there's no offense in my instruction if by  
19 putting 75 percent and whether or not I leave in the concept  
20 of proxy; right? It works.

21 A My --

22 Q Just as well as your examples.

23 A -- your examples --

24 Q It works coming out with a different result, but it works the  
25 same.

1 A Well, it only works if there is, in fact, justification for  
2 putting in the 75 percent. But if -- if there's justification  
3 for putting in the 75 percent which I've tried to argue why  
4 that's not the (inaudible) -- then does your logic follow?  
5 Yes, it does.

6 Q You would agree with me, reasonable people could differ with  
7 your logic on that issue; correct?

8 A Well, obviously a whole variety of people disagree. But --

9 Q But if --

10 A -- whether that is reasonable or not will be for the Judge to  
11 determine.

12 Q And, a jury might be examples of people who could reasonably  
13 disagree; right?

14 A Well, you know, when we use the term reasonably, let's put it  
15 this way. Obviously there's disagreement. I've tried to  
16 explain why I think in applying the principles and  
17 interpretation under Robert's Rules of Order, why a certain  
18 interpretation makes sense, and the other interpretation  
19 doesn't make sense.

20 And, I obviously am convinced that's the most  
21 reasonable interpretation.

22 Q But you do allow that others may come to other  
23 interpretations; right?

24 A Obviously others have so I have to allow --

25 Q Thank you. Rule of parliamentary. The rule is advisory; is



1 that a fair -- fair statement?

2 A Yes. That is absolutely correct.

3 Q You have no authority?

4 A That's correct.

5 Q And, so even when you're there at the GOP meeting, you can  
6 advise the Chair; correct?

7 A That is correct.

8 Q And, the Chair -- the Chair --

9 A And, the -- the Chair will make a decision.

10 Q -- the Chair can reject it?

11 A The Chair makes its decision -- the Chair has the authority to  
12 -- if the Chair disregards the parliamentarian's advice, the  
13 Chair has that authority.

14 Now, Robert's does go on to say that if a Chair  
15 regularly and habitually disregards the parliamentarian's  
16 advice, the parliamentarian may have an ethical obligation at  
17 the end of that particular arrangement to cease advising. But  
18 it is absolutely the case that in a meeting, it is the  
19 presiding officer subject to appeal that has the authority to  
20 rule. And, the parliamentarian gives advice that is not  
21 binding.

22 Q If the parliamentarian says to the Chair, do X, the Chair says  
23 that sounds right, I'm going to do X. The Committee can  
24 overrule the Chair; correct?

25 A Through -- through an appeal process. That is correct.

1 Q Okay. And, so it is the final word of what happens belongs to  
2 the Committee; fair statement?

3 A Procedurally, that is correct.

4 Q Would you agree with this statement, when there is serious  
5 division, it is in human nature that each side will attempt to  
6 construe any ambiguity in the rules in such a way as to foster  
7 its substantive objectives?

8 A I certainly would agree with it. It sounds like something I  
9 myself have written, though. I'm not going to claim it.

10 Q I was going to say, unless you plagiarized Henry N. Robert,  
11 III, of Robert's Rules. I'm going to give him credit. I  
12 think he was first.

13 A All right.

14 Q How about this, the ideal is that the rule applicable to a  
15 contentious subject are so clear that the contending sides  
16 cannot plausibly differently interpret them to their own  
17 advantage. That is the ideal; right?

18 A That is, indeed, the ideal. It's what we -- that's one of the  
19 reasons why we strive in writing Robert's Rules of Order to do  
20 something that approaches as close as possible to covering  
21 every situation. I like to analyze it to the method of the  
22 concept of an absence, so we keep trying to get closer and  
23 closer, but we're never going to completely reach it. But  
24 that's one of the reasons that it's so many pages to put a lot  
25 of people off.

1 Q My first quote from Mr. Robert's and they were both from  
2 Mr. Robert's, give him his credit, talked about construing  
3 ambiguities in rules. Right?

4 A Yes.

5 Q And, there's a difference between construing an ambiguity and  
6 engaging in deception and fraud; correct?

7 A One would certainly hope so.

8 Q Yeah. Well, do you recognize that there is a difference?

9 A Well, I -- I -- is there a difference between properly  
10 construing an ambiguity and being engaged in fraud or  
11 deception, yes.

12 Q Okay. Thank you. You would agree with me that the Robert's  
13 Rules of Order are not legislative in their character?

14 A Well, that's certainly not legislative in the sense that they  
15 have the role of a statute, if that's what you mean by  
16 legislative in their character.

17 Q Who wrote the Introduction to the current Robert's Rules?

18 A Well, the Introduction -- so the -- the quick answer to that  
19 is obviously the original language came from General Robert.  
20 It's been modified over the years. There was a major re-  
21 writing in 1970's that Henry M. Robert, III, and William Evans  
22 and Sarah Corbin Robert did probably much of the language  
23 comes from the three of them. It has been tweaked over the  
24 years with additional revisions, via the members of the  
25 authorship team by a majority vote.

1 Q That's a short answer; right? Okay. I believe I read this in  
2 the Introduction. These rules are prepared to meet partially  
3 the wants needed in deliberative assemblies that are not  
4 legislative in their character. You would not disagree with  
5 that?

6 A Okay. Now I'm understanding what your point is. What that's  
7 really referring to is that when Henry Robert developed his  
8 Rules, they were devised -- devised for "ordinary assemblies."

9 Q Um-hmm.

10 A And, in that way, they're in some way differed from the Rules  
11 of the House of Representatives which he used as his basic  
12 model. But, yes, it is true that most legislative assemblies  
13 use, for example, Mason's Manual, or they have their own sets  
14 -- sets of rules. Whether you have a State Legislature or a  
15 Congress, that is correct.

16 Q And, they weren't 1,300 pages when he wrote the first draft;  
17 right?

18 A He wrote 176 pages.

19 Q Thank you. The current runs somewhere in excess of about  
20 1,000 pages; correct?

21 A No. I think it's closer to 600 or so.

22 Q Okay. And -- and am I correct, if there's so many problems  
23 with it, they're already working on a new version?

24 A Well, I'd like to phrase that a little bit differently than  
25 that.

1 Q There is a new version expected out in 2030; correct?

2 A That is correct.

3 Q Thank you. And, you are working on that? Correct?

4 A Yes, sir.

5 Q This is, I believe, from Article X, Section 58, if you may  
6 remember it. There's a statement, "The great purpose" --

7 A Oh, you're talking about the book?

8 Q Yes. The book. If you -- and we have a copy if you need it.

9 (At 1:28 p.m., the Court hands book to witness)

10 THE WITNESS: Thank you, Your Honor.

11 BY MR. CAMPBELL:

12 Q I don't know if we need it for my purposes, Your Honor, but  
13 we're going to talk about that --

14 A Yeah. Do you have the -- do you have the page number by any  
15 chance, just to get quickly or the section number? There's --  
16 you said with --

17 Q Article X, Section 58.

18 A So X:58?

19 Q I think that's it. Can I read to you what's here because you  
20 may not need it. I mean, strike --

21 A Okay. Then I -- I --

22 Q -- there's a quote. That great --

23 A 10:58. I -- yeah, this isn't 10:58, it's 10:57, if you -- are  
24 you sure you got it right?

25 Q No, I am not. But let me read this quote and see if you

1 agree. "The great purpose of all rules and forums is to sub-  
2 serve the will of the assembly," sub-serve meaning make it  
3 subservient itself to --

4 A Um-hmm.

5 Q -- "to the will of the assembly rather than to restrain it to  
6 facilitate and not to obstruct the expression of their  
7 deliberative sense."

8 A Yes.

9 Q Very well. Okay. Thank you. Let's talk about the articles,  
10 which are Exhibit A. Again, I believe there's Article V, Duty  
11 of Officers?

12 A Yes.

13 Q There's a Duty for the Secretary? Can you see that?

14 A I do.

15 Q There's a provision in there that says the Secretary shall  
16 give notice to the membership of all meetings by sending same  
17 to the post office address of the member recorded by the  
18 Committee?

19 A I think that has to be read together with the language on  
20 notice in the bylaws. And, that notice does specifically say  
21 that all notices can be sent by email. So I think what one  
22 has to construe this together with that is to say that, in  
23 fact, it is possible to send notice by email, not just by  
24 sending it to the post office address.

25 Q So these provisions oftentimes need to be both considered in

1 the modern world, if you will, and in circumstances as well as  
2 other bylaws that are there; right?

3 A Well, and that's probably the basis for the language on  
4 notice, that's specific to notice also in the bylaws.

5 Q You said there's no Section 58, is there a Section 59 in  
6 Article X, talking about secretaries?

7 A I'm sorry.

8 Q Or in --

9 A We're back in -- we're now in Robert's --

10 Q We're now back in Robert's, yeah.

11 A Okay. Okay. I'm sorry, give it to me again.

12 Q I have Article X, Section 59. It has the statement that in  
13 addition to the above duties, when there is only one  
14 Secretary, and it speaks about the Secretary's duties. And, I  
15 have that as Section 59, and it's part of it, it's not the  
16 whole thing.

17 A Yeah. I do -- you do have the 12th -- the 12th Edition? I  
18 just --

19 Q I may be off and so --

20 A -- yeah. I -- the duties of the Secretary are found in the  
21 section on officers, surprisingly enough. Which is  
22 Section 47.

23 Q Okay. But there is a -- and are you aware of the concept that  
24 when there is only one Secretary, it is the Secretary's duty  
25 to send out proper notices of all Called meetings?

1 A I think, again, the principle of an interpretation is that  
2 when there is a general statement, it's always of less  
3 authority than a specific statement. So it is true that it's  
4 the Secretary's duty to send out these.

5 But there is an express exception in the Section on  
6 Special Meetings which allows, under very specific  
7 circumstances, a member of the group that was requesting a  
8 Special Meeting to send out the notice. So that specific  
9 provision in those specific circumstances prevails over the  
10 general authority of the Secretary.

11 Q Are you aware of the fact that the special notice came out not  
12 from the Secretary, but from another source, whether that  
13 affected the turn out for the meeting on January 6th, 2024?

14 A Well, you're asking me am I aware of a factual issue of an  
15 affect on the turn out and the answer is I -- I have no idea.

16 Q Okay.

17 A I only can really respond to what -- what the bylaws provide,  
18 but I -- I would have to speculate on what you just said.

19 Q If it was designed, in fact, to be sent in a manner that would  
20 lead to confusion, that would be one of those principles that  
21 are inconsistent with what Robert's Rules is trying to do;  
22 right? We're not --

23 A Well, I mean, again --

24 Q -- to creating circumstances where people won't show up at  
25 meetings --



1 A -- if you say if the bylaw that authorizes a member to send  
2 out the notice in a circumstance when the Chairman has failed  
3 to do so, when she's required to do so, is, you know, designed  
4 to be confusing, is that good or bad?

5 I -- I think the direct answer to the question is  
6 members obviously can have their opinions about how good or  
7 bad or justified particular provisions of the bylaws are.  
8 And, based on those views, they can seek to amend the bylaws.  
9 But it doesn't change the fact that the bylaws, as they are  
10 currently written, specifically provide that in that context,  
11 and obviously they're directing an issue here, they're  
12 designed to cover the ability when the Chairman is not in  
13 sympathy with the desires of this group of members, and fails  
14 to send out an appropriate notice, what's the remedy? And, it  
15 creates a remedy that allows the member to send it out.

16 That's what the bylaw says. If one thinks that  
17 that's unfair or wrong or confusing, one could offer -- adopt  
18 an amendment for the bylaws to be changed.

19 Q Thank you. Give me just a moment here. Are you aware in the  
20 bylaws of a basis for removal that is separate and apart from  
21 Article III (G) (2) for a member or for a -- a -- an officer?

22 A So independent of the two provisions that deal with removal of  
23 members and removal of things -- well, there is a provision, I  
24 believe, that says that when a -- I believe it's an officer  
25 fails to support a Republican candidate, the Chairman has the

1 authority to remove that member, I believe. I may be mistaken  
2 slightly.

3 Q Any others?

4 A Um -- no. Well, there are provisions in the context of the  
5 conflict of interest where if someone has been determined not  
6 to provide this, and there's this process by which you go  
7 through in which there -- they can be -- their rights can be  
8 suspended as a member. There are provisions that deal with if  
9 you are a member and you have not made the requisite financial  
10 contribution to regulated funds, then your rights are  
11 suspended as well. On -- on to, you know, there's a deadline  
12 to do that.

13 Q Are you aware of any removals that occurred on the  
14 January 13th meeting that were not on the agenda?

15 A That -- that were not listed meaning in the -- in the notice?  
16 My -- my -- yes. There are a number of removals stated in the  
17 Draft Minutes of that meeting, yes.

18 Q Do you know the purpose or basis for those removals?

19 A I believe that some of them were based on the conflict of  
20 interest provision, if I remember correctly. And, there was  
21 -- certainly there was a purported removal of the Co-Chairman,  
22 which I -- I have to say I would probably need to look  
23 carefully again at the minutes to see the -- the exact  
24 proceedings. But I am aware that there were a number of -- of  
25 removals for various reasons, even though as I have opined,

1 they were not within the proper notice for that Special  
2 Meeting.

3 Q So you believe there needed to be a special notice to remove  
4 them under the conflict of interest provision?

5 A There needed to be a special notice for anything done at a  
6 Special Meeting, which would include that.

7 Q Do you know what whipping the vote means?

8 A Well, it is a -- it is not a term in Robert's Rules of Order.  
9 Independently of that, my understanding is that it usually is  
10 a situation in which there is an effort to encourage members  
11 to vote for or against something.

12 Q If false statements are made in the process of obtaining  
13 signatures for purposes of the removal of either the petition  
14 or the proxy, those proxies and those petitions would not be  
15 valid if they were illegally, fraudulently, or deceptively  
16 gathered; correct?

17 A Well, I would state it this way. Clearly if, in fact, a  
18 particular -- let's say signed petition was fraudulent, then  
19 it would not be valid. Robert's Rules of Order does not  
20 itself speak to the content of what constitutes fraud or not.

21 Now, I suppose that would be, you know, for a legal  
22 determination or some -- or some other determination.

23 The -- the issue of -- let me phrase it this way.  
24 What Robert's Rules of Orders speaks to is the process that's  
25 followed in dealing with an allegation of fraud. It does not

1       itself get into, for example, the question of if somebody  
2       makes a statement that is wrong or false, does that in and of  
3       itself constitute invalidating fraud or not. That's just --  
4       that's regarded as a substantive issue as opposed to a  
5       procedural issue.

6   Q    And, that issue would be handled by the organization through  
7       its processes and the bylaws; correct?

8   A    The answer it could be, yes.

9   Q    And, are you aware of the Special Committee's report regarding  
10       issues on fraud and deception in the setting of and the  
11       conduct of the January 6th --

12  A    If you're referring to the Policy Sub-Committee Report?

13  Q    Yes.

14  A    I'm aware of that report, yes.

15  Q    And, were you aware that that report was presented at the  
16       January 13th and approved upon January 13th both by the Policy  
17       Committee and by the State Committee?

18  A    I believe based on the Draft Minutes of that, that that is --  
19       that is accurate. Again, you've heard my analysis that says  
20       that those matters were not properly before that Special  
21       Meeting because they weren't clearly and specifically noticed.

22  Q    You've also said that if there's fraud and deception, that's  
23       not anything you've taken into consideration in any of your  
24       expert opinions; correct?

25  A    Correct.

1 Q You haven't even considered it; fair statement?

2 A The -- that is correct. Yes.

3 Q Thank you.

4 A Again, it's not within the ambit of my expert witness  
5 testimony.

6 Q Thank you. You know that the January 13th -- you would agree  
7 with me the January 13th meeting was never withdrawn?

8 A I'm sorry, withdrawn?

9 Q Yeah. The January 13th meeting was properly called and it was  
10 properly --

11 A Yeah. It was properly called and, for example, I don't know  
12 whether I had been asked to say this, the motion that was  
13 adopted at the January 6th meeting, or the motions to cancel  
14 or to rescind, independently of the fact that they were not  
15 within the notice, would -- would have been invalid even if  
16 they were within the notice because the provisions of the  
17 bylaws explicitly give unilateral authority to the Chairman to  
18 Call a Special Meeting.

19 So the members would not have the right that they  
20 could try to deny a quorum, they could move to adjourn when it  
21 shows up, but they don't have the right to cancel a Special  
22 Meeting validly called by the Chairman.

23 Q And, so it was never canceled or withdrawn; correct?

24 A That it was never -- I believe so, yes.

25 Q Do you know what credentialing is?

1 A Well, I served for a period of time as Chair of the  
2 Credentialing Commission of the -- a National Association of  
3 Parliamentarians. So I hope I have some familiarity with the  
4 concept.

5 Q Do you know how the January 6th Committee Meeting that they  
6 allege took place was credentialed?

7 A Oh, I'm sorry. That's a different context. I was thinking  
8 credentialing somebody as an expert or something of that sort.

9 Q Okay. Got it.

10 A So -- so I'm sorry. If you don't mind going back to the  
11 question again? I'm --

12 Q Yes. Do you know how the credentials for those who either  
13 appeared or whose proxies were presented on January 6th, how  
14 that was done?

15 A I have no independent knowledge of that, not.

16 Q And, it's played no part in your opinions that you've given  
17 today; correct?

18 A That's correct.

19 Q I did want to show you Exhibit J, if you have that?

20 A I do.

21 (At 1:43 p.m., Mr. Campbell confers with  
22 Mr. Lauderbach)

23 BY MR. CAMPBELL:

24 Q If you have Exhibit J?

25 A Yes.

1 Q Give me a second -- and I might have the wrong exhibit, so  
2 give me a second. No. That's the right exhibit. Okay? If  
3 you go in, first of all, there's an indication on the first  
4 page that the email comes from Mr. Geyer, G-e-y-e-r? Do you  
5 see that? Under "Begin forwarded messages"?

6 A Oh, I see it. I'm sorry. I was looking at the other -- above  
7 it. Yes.

8 Q Yeah. And, the line above that is Misappropriated Signatures?

9 A Yes, I do see that. Yes.

10 Q Yeah. And, so if you go two pages over, you get to the body  
11 of the message. Do you see that?

12 A I do.

13 Q Flip one more page and you're gonna see three people whose  
14 names are already in this record, and those are the three  
15 people I want you to assume who signed this --

16 A Yes.

17 Q -- and are the "we" for purposes of this document, okay?

18 A Yes.

19 Q First of all, have you ever seen this document?

20 A I have not previously seen this document. I gather there was  
21 a reference to the recanting in the Policy Committee or Sub-  
22 Committee Report. So I had seen that. But this is the first  
23 time I've seen this particular document.

24 Q And, do me a favor. Will you read it? It's not long. Let me  
25 know when you're done.

1 MR. CAMPBELL: Your Honor, while he does that, if I  
2 may for a moment?

3 THE COURT: You may.

4 MR. CAMPBELL: I've talked to Counsel. I believe  
5 this is my last area inquiry unless the witness helps us out  
6 something really good. Then I'd ask for five minutes just to  
7 collect my thoughts and make sure I'm done with him before I  
8 say that I'm done with him. If that's fair?

9 THE COURT: Why don't you do that right now while  
10 he's reading the letter? Collect your thoughts because I've  
11 got people waiting for sentencing a little bit later. Sorry  
12 to put you on the fast collection train.

13 MR. CAMPBELL: Yeah. Not a problem, Judge. Give me  
14 a moment.

15 (At 1:45 p.m., Mr. Campbell conferring with others)

16 THE WITNESS: I think I can save you some quick time  
17 because I think you'll like my answer.

18 MR. CAMPBELL:

19 Q Yes.

20 A This made -- this made certain factual allegations to the  
21 effect that the signatures were fraudulently, shall we say,  
22 obtained?

23 Q Yes.

24 A And, my -- my quick response to that is that if, in fact, it  
25 were to be concluded that the signatures were fraudulently



1           obtained -- so to take an extreme example if it was shown that  
2           they were forged, then obviously they would not be valid and  
3           that would invalidate the removal.

4                       Whether or not the specific allegations are true,  
5           whether or not they, in fact, rise to the level of fraud so as  
6           to say that these things should be disregarded is outside my  
7           ambit.

8   Q       Okay. You express no opinion on that?

9   A       That's correct.

10 Q       Thank you. Let's go to Exhibit 11. Let's go to the same  
11       field, because --

12 A       So, 11 is back in the other --

13 Q       Yes. There's a reference to both petitions and proxies in  
14       that email that you saw, Exhibit J, which is probably still  
15       open. If you need to refer to it. Do you see the words, they  
16       address both their signatures on a petition and on a proxy --

17 A       I see the signatures are misappropriated and we don't  
18       authorize them to be filed; is that what you're referring to?

19 Q       Well, they use the words both proxies and petitions that they  
20       were concerned about.

21 A       We signed the petitions, blah-blah-blah, specifically instruct  
22       that no proxy was to go to this meeting. However, we have  
23       been informed proxies for some of us were used against our  
24       will to establish quorum.

25 Q       So we have both issues -- and by the way, under your --

1 proxies can be verbally given? Potentially; right?

2 A I believe that's correct.

3 Q They can be verbally withdrawn? Right?

4 A That is correct. Now I will just raise an -- an issue here  
5 based on this. Is that if the point is that -- and I don't  
6 know what -- what this particular context to be, so I don't  
7 know -- what -- these are indicated to -- well, one of them is  
8 the Youth Vice Chair, and the other two are from -- are  
9 District delegates.

10 So with regard to the District delegates, as I  
11 indicated before, they really don't have the option of saying  
12 no proxy can be chosen for me. They have the option of  
13 showing up, they have the option of naming their own proxy.  
14 But if they're not there and there are seats that aren't  
15 filled, whatever you think of this being a good rule or not,  
16 in the bylaws it specifically says that then the District  
17 Chair can fill them or in the absence of the District Chair,  
18 the majority can fill them.

19 Now, with respect to the Youth Vice Chair, the Youth  
20 Vice Chair is someone who has the authority either to give a  
21 proxy or not to give a proxy. So from a procedural point, of  
22 course, I'm not opining on what the actual accuracy that is --  
23 I'm just saying procedurally if, indeed, the Youth Vice Chair  
24 had identified a proxy and withdrew that proxy in a timely  
25 fashion, the Youth Vice Chair would have the authority to do

1 that, procedurally.

2 Q With regard to -- so we're -- Exhibit 11, and if you go past  
3 the highlighted pages, you come to a copy of a petition with  
4 the name of Sue Allor. Do you see that?

5 A I do.

6 Q And, then if you go another page, you get to Mr. Balog's name.  
7 You may recognize that from Exhibit J?

8 A Yes.

9 Q You see that? So this is his petition and signed on  
10 November 28th, 2023; correct?

11 A Correct.

12 Q Assuming it's accurate and you know that the request for the  
13 Special Meeting was made on December 2nd, 2023 by Ms. Bree --

14 A Yeah. Well, the request was made by -- by multiple people. I  
15 think you're referring to the Call which was on December 31st?

16 Q No, I'm not. I'm referring to the request for the Special  
17 Meeting that prompted Chairperson Karamo to pick a date.

18 A Okay. Yes. But I think you said that that was by one  
19 particular person, I was just trying to --

20 Q Well, it's her email that -- that you looked at.

21 A Okay. Well, there was -- there were multiple people that --

22 Q Right. And, that -- so here's my question.

23 A Um-hmm.

24 Q If you go to the next page, it should be Justin Marcum, by the  
25 way, another person who's identified on the email, do you see

1 that?

2 A Yes.

3 Q He signed his petition after the request for the Special  
4 Meeting was put in place on December 2nd; correct?

5 A Um-hmm. Sorry. On December 3rd, yes. I see that.

6 Q You'd agree with me, December 3rd comes after December 2nd?

7 A Yes.

8 Q You needed to have 50 signatures to call the question on this  
9 issue; right?

10 A To -- to allow it to be brought before the body, yes.

11 Q Okay. And, by the way, I'll show it to you, it's just easier.  
12 Ms. Linting's petition -- Exhibit -- would you agree with me,  
13 that's dated December 21st?

14 A That is correct. I think we might be able to save a little  
15 time if I understand correctly what you're getting to --

16 Q Well, I -- I think -- I think best to let me proceed to the  
17 question.

18 A All right. All right.

19 Q In an answer format, if you don't mind. So what I'm getting  
20 to is, isn't it true that Chairperson Karamo had no duty to  
21 list an agenda item that had not yet come to fruition because  
22 these petitions, they didn't have the sufficient signatures to  
23 make that Special Meeting agenda item? Separate and apart  
24 from the Call, because she issued the Call. The question is  
25 whether or not she needed to put it into an agenda item.

1 A And -- and my answer is, I -- I do disagree with that for --  
2 for two reasons. Number one, as I had testified earlier, the  
3 relevant time -- the -- the time requirement for providing the  
4 petition is, in order to be brought before the body, and that  
5 is at some time before it is moved, seconded, and stated by  
6 the Chair.

7 There isn't a requirement in the bylaws that it --  
8 that the actual petitions have to be provided prior to the  
9 request for Special -- the Special Meeting, or for -- prior to  
10 the notice. The only requirement is that the notice be clear  
11 and specific about what is going to be considered. And, I  
12 believe as I testified earlier, the book specifically says  
13 that the exact language of the motion does not have to be  
14 provided, just essentially the -- the purport --

15 So I -- I respectfully disagree that the -- the fact  
16 that these were not fully put together, the petition was not  
17 fully put together at the time of the request for the Special  
18 Meeting, or the time of the notice means that it invalidates  
19 the petition. As long as the petition was submitted before it  
20 was brought to the -- it was actually brought before the body  
21 and of this before it was moved, seconded, and stated at the  
22 Special Meeting itself.

23 Q When you were asked questions about being able to withdraw or  
24 the viability of a proxy, you equated it to motions.

25 A That's correct.

1 Q Meaning there is no rule that covers it; correct?

2 A I'm sorry?

3 Q There's nothing that answers the question about whether the  
4 proxy survives or doesn't survive for -- if they were told,  
5 hey, this proxy's going to be used on December 27th, and then  
6 they later use it on January 6th, there's no rule in Robert's  
7 Rules that says how you handle that? You have to go to a  
8 different rule in order to find what you think is an  
9 accommodation? Correct?

10 A So -- so the -- the -- there are two separate issues here, if  
11 I may? One issue is whether or not the -- shall we say the --  
12 the claim that the signatures were gotten on the basis they  
13 would only be used at a particular meeting constitutes  
14 sufficient fraud to invalidate it is a substantive matter that  
15 is outside my ambit.

16 On -- on the face of it, the petitions do not state  
17 a particular meeting. So speaking procedurally, in looking at  
18 it on the face of it, in the absence of a determination that  
19 it was in some way fraudulently induced, there's no reason why  
20 it couldn't be applied at any given meeting.

21 The separate issue is when you say there's no rule  
22 in terms of applying the analysis of withdrawal, I think the  
23 -- the question is when you have this petition, what -- what  
24 is it in its nature? So in any event if, in fact, so -- so  
25 let's distinguish between an allegation coming after the

1 meeting that it was fraudulently brought about, which if it  
2 was substantiated, I would say it legitimately could  
3 invalidate it.

4 And, an effort to say essentially I changed my mind  
5 and I don't want this to be applied, having that apply after  
6 the meeting, I think from simple logic to say that you can  
7 just sort of go back retroactively and say, no, the best way  
8 to analyze -- analyze that is by thinking of it in the context  
9 of (inaudible) motion.

10 Q In the first scenario you gave me, it would not just be  
11 invalid, it would be void abinitio because there was never a  
12 legitimate -- again, we're talking about the fraud and the  
13 deception.

14 A Yes.

15 Q To gain either the proxy or the petition signature, it would  
16 be invalid?

17 A That is correct. If it is judged that, in fact, it was  
18 sufficiently fraudulent that as to invalidate it, by  
19 definition, then it would not be valid and it would then not  
20 be adequate to bring about the removal.

21 Q And, you read in Exhibit J, the email, that the petitions were  
22 gained on the promise of December 27th? Right?

23 A Did I read that? The answer is, yes, I read it. If I were to  
24 opine on whether that constitutes fraud or not, the answer is  
25 no, I didn't opine on that. Again, I said that that's out --

1 really outside my ambit, whether that rises to the level of  
2 something to -- to --

3 Q Okay. If that were to be fraud and deception, then --

4 A Then it would invalidate it, yes.

5 Q It would invalidate it abinitio.

6 A Yes. That is correct.

7 Q Thank you. Notices, Page 15 of Article VI, this is Exhibit A.  
8 Sorry about that, sir. It just reminded me of something as we  
9 were talking. The Special Meetings that you refer to?

10 A Yes. Yes, sir.

11 Q It says notices of Special Meetings shall state the purpose of  
12 such meetings; correct?

13 A Yes. That's correct.

14 Q There has to be about -- we talked about how within 15 days  
15 written requests have to be filed with the Chairperson. The  
16 Chairperson shall Call a Special Meeting on the request of  
17 one-third of the members. Do you see that?

18 A I do.

19 Q The idea that it has to be on the agenda, does it come from  
20 this rule or a different rule? The purpose.

21 A It -- it comes from this rule. Notice of the Special Meeting  
22 shall state the purpose of such meetings. And, the further  
23 elaboration of that under Robert's Rules, which says that the  
24 purpose has to be clear and specific and so forth.

25 Q There's no timing element in that rule, is there?



1 A A timing element in terms of --

2 Q There's a timing element about a notice for five days, but  
3 there is no -- a notice can come late and it can be a  
4 supplemental notice? You're aware of Chairperson Karamo  
5 issuing that in January before the 13th meeting; right?

6 A Well, okay. So two different -- two distinct issues here.

7 Q Yeah.

8 A That there is a timing requirement with regard to responding  
9 to the -- the request by the members, which is that the notice  
10 must be called -- a Call and a notice are the same thing, must  
11 be called within 15 days.

12 So with respect to responding to the Special  
13 Meeting, yes, there was a requirement that in that the purpose  
14 had to be brought.

15 With regard to Chairman Karamo's authority to call,  
16 in effect, her own Special Meeting, there is not a specific  
17 time requirement, that is correct. And, could she in theory  
18 while Chair, change the -- the -- the purposes as long as  
19 there was the default in Robert's Rules if it's not -- they're  
20 not specific if it isn't "reasonable notice," the answer is  
21 yes.

22 The critical question is was she validly removed?  
23 If she was validly removed, then she was no longer Chair.  
24 Therefore, she had no authority to change the original  
25 purposes of that Special Meeting that she validly called when

1 she was Chair.

2 Q If the change was valid, then was it sufficient to satisfy the  
3 conditions necessarily that -- that amended notice?

4 A Very clearly and specifically?

5 Q Yeah.

6 A In order to answer that question, can you refer me to that --  
7 her updated Call?

8 Q Yes. Exhibit P as in Paul.

9 A Okay. So my response to that would be, again, on the  
10 assumption that you have stated which, of course, disagrees  
11 with the interpretation -- but based on that assumption,  
12 Parts 1 through 4 -- so I guess the Judge has not seen this,  
13 but --

14 THE WITNESS: -- do you have this, Your Honor? Are  
15 you --

16 THE COURT: I do.

17 THE WITNESS: Okay. So if you look at 1 through 4,  
18 those are prayer, pledge of allegiance, call to order, roll  
19 call, and adjournment. Those are not substantive issues, they  
20 are perfectly appropriate. The -- the vote for removal of  
21 Chair Karamo under Article IV, would be clearly specific  
22 enough.

23 BY MR. CAMPBELL:

24 Q Thank you.

25 A The other provisions, however, so the Policy Committee Report,

1 receiving the Policy Committee Report, these things that are  
2 listed as reports, giving the reports would be specific  
3 enough. What would not be specific enough would be motions to  
4 be adopted with relation to those reports.

5 That a political representation, I would say again,  
6 is too generic and too specific -- too unspecific in order to  
7 give adequate notice.

8 August convention rules, unless something was  
9 attached or appended to indicate what the proposed rules were,  
10 at least giving their purport, I would say that was not  
11 adequate.

12 Kalamazoo Party Recognition, that might be adequate  
13 depending upon if what it's saying is we're going to recognize  
14 -- I don't know the -- I think the -- one would need to know a  
15 little bit more of what the context for that. Simply saying  
16 we are recognizing the Kalamazoo Party -- Kalamazoo Party,  
17 then it's probably specific enough. If there's something more  
18 complicated about, you know, a dispute among who represents  
19 them or something, it might not be specific enough.

20 Q Thank you. In case any of my kids want to become a  
21 professional parliamentarian, what is your hourly rate?

22 A My rate -- hourly rate is \$300.

23 Q Thank you. How much have you invoiced to Mr. Lauderbach and  
24 his firm, if anything?

25 A So far, I have invoiced for my role as a consultant, and it

1 was \$300 times 6.23, it was two thousand something. I think  
2 it's in my report, but I can't remember quite offhand.

3 Q As long as this cross goes, the more it's (laughs) -- so with  
4 regard to how much today would you say through your  
5 anticipated involvement in this matter which should be minutes  
6 away -- well, he's got to recross -- redirect, but --

7 A Well, for -- my -- my charge for this meeting is \$2,100 if my  
8 testimony is four hours or less, and \$3,100 if it goes beyond  
9 four hours.

10 Q Thank you. You talked about consultation. When did you first  
11 consult with Mr. Lauderbach?

12 A Let's see. It was -- I'm not sure I can remember the exact  
13 date although I could figure it out. But it was in the course  
14 of last week, I believe.

15 Q Okay. Not before that? Not in December of 2023?

16 A No.

17 Q Do you know who Warren Carpenter is?

18 A I must -- the name rings a bell, but I can't bring it  
19 precisely to mind without further information.

20 Q Okay. Do you know who David Deshaw is?

21 A Yes. David Deshaw was the Convention Chair for the February  
22 18th convention. I served him as parliamentarian trainer.

23 Q In what year?

24 A 2023.

25 Q Thank you. And, what's -- did you talk to David Deshaw about

1 any of these events here in Michigan involving the Michigan  
2 GOP in -- from September 2023, to today?

3 A No.

4 Q Thank you.

5 MR. CAMPBELL: I have no further questions.  
6 Appreciate it.

7 THE COURT: All right. We've got a --  
8 Mr. Lauderbach.

9 MR. LAUDERBACH: Yeah, I know.

10 THE COURT: I think the last point, we're going to  
11 have to cut -- I'm going to leave it to your discretion, of  
12 course. If you want to recall Mr. Balch tomorrow?

13 MR. LAUDERBACH: I don't. I have no redirect, but I  
14 -- the only thing I want to clarify -- and thank you, I thank  
15 all the other litigants who are waiting for their important  
16 matters as well.

17 THE COURT: And, my staff who is starved through the  
18 lunch --

19 MR. LAUDERBACH: Yes.

20 THE COURT: They're trained for that.

21 MR. LAUDERBACH: The only thing I have -- I believe  
22 that all of the facts on which Mr. Balch's opinions relied are  
23 already in evidence. I just want to confirm that with  
24 opposing counsel before we put him on a plane to head back to  
25 Virginia.

1 MR. CAMPBELL: I don't know if that sounds like a  
2 trap.

3 MR. LAUDERBACH: I'm trying to avoid a trap is all.

4 THE COURT: Well, I don't think he's -- I think he's  
5 studiously avoided testifying to any factual issues that were  
6 not in evidence.

7 MR. CAMPBELL: Yes.

8 THE COURT: That's been presented before the Court.  
9 I think that's probably fair to say, don't you agree,  
10 Mr. Campbell?

11 MR. CAMPBELL: I like the way you put it, Judge.

12 THE COURT: All right. Very good. No traps  
13 intentional or otherwise here. Thank you for your testimony,  
14 Mr. Balch.

15 THE WITNESS: Thank you, Your Honor. Thank you for  
16 lending me your Robert's.

17 THE COURT: Safe -- safe travels back -- I may hold  
18 onto it myself because even the Michigan Judges Association  
19 could probably use a review of Robert's Rules of Order.

20 MR. LAUDERBACH: Would you like mine? You're like  
21 my -- if they want to pay 300 bucks an hour, I know that  
22 they're --

23 THE COURT: Thank you, sir. You may step down.  
24 This matter is concluded. I'll begin my sentences in five  
25 minutes. Thank you.

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THE WITNESS: Thank you.

(At 2:05 p.m., witness excused)

MR. CAMPBELL: Thank you, Your Honor. We'll be back  
at 9:00 a.m., tomorrow, Your Honor?

THE COURT: 9:00 a.m., tomorrow morning.

MR. CAMPBELL: Thank you.

(At 2:05 p.m., proceedings concluded)

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STATE OF MICHIGAN )  
COUNTY OF KENT )

I certify that this transcript, consisting of 216 pages,  
is a complete, true, and correct transcript, to the best of my  
ability, of the proceedings and testimony taken in this case on  
Monday, February 21, 2024.

Date: March 15, 2024

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