

STATE OF MICHIGAN

IN THE 17th CIRCUIT COURT FOR THE COUNTY OF KENT

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

Plaintiffs,

Case No. 24-00658-CZ

vs

KRISTINA KARAMO,

Defendant.

EVIDENTIARY HEARING ON MOTION FOR PRELIMINARY INJUNCTION

VOLUME II OF III

BEFORE THE HONORABLE J. JOSEPH ROSSI, CIRCUIT COURT JUDGE

Grand Rapids, Michigan - Thursday, February 22, 2024

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Grand Rapids, Michigan

Thursday, February 22, 2024 - 9:05 a.m.

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: Very good. And, we are returning -- this is the Evidentiary Hearing pursuant to the Plaintiff's Application for a Preliminary Injunction.

Mr. Lauderbach, you may continue.

MR. LAUDERBACH: Actually, Your Honor, I believe we -- we were in the middle of the cross of Ms. DeLisle, who is here in the courtroom.

THE COURT: You're correct. So let's get Ms. DeLisle back on the stand. I'll re-swear Ms. DeLisle since it is a new day.

And, then I'll let Mr. Campbell continue with cross-examination.

MR. CAMPBELL: Thank you. Your Honor, I do want to acknowledge -- first of all, Donald Campbell on behalf of Kristina Karamo.

Also at the table with me is my partner, Daryle Houston, and I guess we should make the record in this, Judge. You know there's counsel -- co-counsel in this matter. I'm co-counsel with Dan Hartman. Mr. Hartman is here. You have granted the request that he be subject to the sequestration

1 order. He is on my witness list.

2 I -- and just so everybody is clear, if you see me
3 talking to Mr. Hartman, Judge, you acknowledge I'm allowed to
4 consult with him outside of this courtroom. I just can't tell
5 him what witnesses have said, and the other things that are
6 going on, effecting sequestration; correct?

7 THE COURT: Yes. That -- that is correct. You're
8 more than willing and able to consult with him on any legal
9 issue. And, for that matter, your synopsis of the facts, you
10 know, as they currently stand, right. You just can't repeat
11 verbatim any witness testimony from the courtroom.

12 So thank you for making that clear and I appreciate
13 everyone acknowledging the sequestration order. Of course,
14 you know, just for general knowledge, a sequestration order is
15 normally -- we call it the Rule, and attorneys normally invoke
16 the Rule at the start of any evidentiary procedure or trial.
17 And, that's so that witnesses aren't present in the courtroom
18 to hear what the prior witness said, and make their testimony
19 either the same or contrary to that.

20 There's a good reason for it and, after a witness
21 has testified, of course, the witness then can be present in
22 the courtroom -- it's an open courtroom and can listen to the
23 rest of the proceedings.

24 So that's the reason for sequestration. Mr. Hartman
25 has been listed as a potential material witness. Thus subject

1 to the sequestration rules.

2 There are different mechanics here for deciding, you
3 know, when someone has kind of a dual role as an attorney and
4 a potential -- potential witness. But because of the time
5 constraints, we haven't had time to brief or wade into those
6 in any depth. So Mr. Hartman's graciously agreed to obey the
7 sequestration rule.

8 I would mention to anyone else that's a potential
9 material witness, if you're in the courtroom, you're also
10 subject to sequestration and you should step outside during
11 witness testimony.

12 And, with that, I'll re-swear you, Ms. DeLisle.

13 If you'll raise your right hand?

14 Do you solemnly swear or affirm that your testimony
15 today will be the truth and nothing but the truth?

16 MS. DELISLE: I do.

17 THE COURT: Thank you. Please be seated.

18 And, Mr. Campbell?

19 MR. CAMPBELL: Thank you.

20 ANNE DELISLE

21 recalled on behalf of the Defendant, sworn by the Court,
22 testified as follows:

23 CROSS-EXAMINATION

24 BY MR. CAMPBELL:

25 Q You have, I believe, before you the two binders?

1 A Yes, sir.

2 Q And, you'll need those now. If you could pull out first the
3 binders with the numbers -- with the letters, that would be
4 the Defendant's binder. If you can turn to Exhibit A?

5 A (Witness complies).

6 Q You know there are motions for reconsideration; correct?

7 A I don't know what that means.

8 Q Okay. In -- under the bylaws are -- if a motion passes or
9 carries, is there an opportunity to reconsider that motion?

10 A I don't recall that being in the bylaws.

11 Q Thank you. Do you know if it's in Robert's Rules?

12 A I'm not an expert on Robert's Rules. I wouldn't know the
13 exact section on that.

14 Q Okay. Without knowing the exact section, you do know about
15 the availability of a reconsideration; correct?

16 A I've never been part of one.

17 Q You've never made a reconsideration; correct?

18 A I've never been part of one. I've -- I've -- I'm not familiar
19 with them.

20 Q You've not moved to have the Michigan GOP State Committee
21 reconsider its decision to remove you as District Chair on
22 January 13th, 2024; correct?

23 A I honestly don't know what you're talking about.

24 Q You do know that you -- there was a vote to remove you as the
25 District Chair on January 13th, 2024; correct?

1 A That was not my understanding.

2 Q What is your understanding -- well, what's -- did I hear you
3 testify yesterday that people are confused about your status?

4 A That would be true. But you also -- you also said that I
5 couldn't use the word "confused" in the court. You objected
6 to my use of the word, "confused."

7 Q So, ma'am --

8 A I'm not trying to be difficult. I'm just --

9 Q Maybe -- maybe you can do it without trying, but let's move
10 forward. The question I have for you is, has anybody ever
11 told you that you were removed as the -- as the District
12 Chair?

13 A I was not told I was removed as District Chair. I was told
14 there was a vote to remove me from the State Committee. There
15 is a distinction.

16 Q And, you were told that that vote was successful in terms of
17 the vote that was held; correct?

18 A Yes.

19 Q Okay. So you have never sought to reconsider that vote that
20 you learned about; correct?

21 A No. Because I did not believe the meeting on January 13th was
22 valid. Because Acting Chair Pego rescinded the Call to the
23 meeting.

24 Q And, when did that happen?

25 A I believe the email was sent on January 9th.

1 Q You believe that Chair Pego rescinded the January 13th meeting
2 on January 9th?

3 A Yes, sir.

4 Q The January 13th meeting considered a report from the Sub-
5 Committee of the Policy Committee? Correct?

6 A That is what I was told. I have not seen it.

7 Q You've not seen that report?

8 A No, sir.

9 Q Okay. If you go to -- well, let's do this first. You were
10 the District -- you, on January 6th, you were the District
11 Chair for the 8th District; correct?

12 A Correct.

13 Q You also on January 6th, served as the Secretary Pro Tem at
14 the January 6th meeting? Correct?

15 A Yes.

16 Q You agree with me that you cannot both act as -- you cannot be
17 a Secretary and be a District Chair; correct?

18 A I disagree with you.

19 Q Okay. You think you can be both persons?

20 A I can be a District Chair and I can fill in for an elected
21 officer without becoming an elected officer.

22 Q So let's go to Page 5 of Exhibit A. Let me know when you're
23 there.

24 A I am there.

25 Q You see under E, this is Article III; correct? You recognize

1 this as that? If not, you can turn to Page 3.

2 A Yes.

3 Q You see under (E) it colors -- it covers qualifications or
4 rights of regular members. Do you see that?

5 A I do.

6 Q And, there's various provisions within there. For example, if
7 you read three lines down, it says regular members shall have
8 the right to vote on all matters which come before the
9 Committee. Do you see that?

10 A Yes.

11 Q It says "except as otherwise provided in these bylaws." Do
12 you see that?

13 A I do.

14 Q And, we went over the word "except" yesterday extensively as
15 it appears in other rules here; correct? Do you remember
16 that?

17 A We -- we did discuss that. But I don't think we came to a
18 consensus.

19 Q Thank you. With regard to a couple of lines down from there,
20 there's a sentence that begins, failure of a regular member.
21 Do you see that?

22 A I do.

23 Q Failure of a regular member of the Committee to contribute to
24 a regularly -- to a regulated fund of the Committee, or on --
25 on or before April 2nd, shall result in an automatic

1 suspension of all rights and privileges of such regular member
2 until the contribution is made. Do you see that?

3 A I do.

4 Q And, then there's also a penalty provision of up to -- of
5 another \$50 or up to \$50, do you see that a couple lines down?

6 A I do.

7 Q Then it says no individual may serve as a regular member of
8 the Committee in more than one capacity. Do you see that?

9 A I do.

10 Q Okay. So you would agree that you cannot serve as a regular
11 member in more than one capacity; correct?

12 A Could you define what you mean by capacity?

13 Q These are not the bylaws of Donald Campbell, do you agree with
14 me?

15 A I do, sir.

16 Q Thank you. These are not the bylaws of --

17 A We just don't agree --

18 Q -- hold on. If I could --

19 A -- we also agreed that portion --

20 MR. CAMPBELL: If I may, Your Honor?

21 THE COURT: Yeah. You do have to respond,
22 Ms. DeLisle, to Mr. Campbell's questions. It is cross-
23 examination, so they're gonna be in general leading questions.
24 So wait till he gets the question out, then you can respond.

25 Mr. Lauderbach will have an opportunity to re-

1 examine you on a redirect afterwards to clarify.

2 THE WITNESS: Thank you, sir.

3 THE COURT: Thank you. You may proceed,
4 Mr. Campbell.

5 BY MR. CAMPBELL:

6 Q These are the bylaws of the Michigan GOP; correct?

7 A Yes, sir.

8 Q And, you are a member of the -- you claim that you are a
9 member of the Michigan GOP; correct?

10 A I am.

11 Q And, you claim that you are the 8th District Chair of the GOP;
12 correct?

13 A I am.

14 Q And, you claim that you've served some time as the Secretary
15 Pro Tem of the Michigan GOP; correct?

16 A Yes.

17 Q And, is it your testimony here today that you don't know what
18 the word capacity means in this rule?

19 A It is my understanding of the word capacity that if you're
20 referring to the fact of an elected officer, that I did not
21 serve in the capacity of an elected officer for the Committee.
22 The word Pro Tem means for the time, the temporary. And,
23 since the elected Secretary did not attend the meeting, I
24 served in her place for that time. But I was not the officer
25 for the position of Secretary in the sense of elected officer

1 that we see later on in the bylaws.

2 Q It's your testimony that you were not in the capacity of a
3 Secretary when you served as a Secretary Pro Tem?

4 A I served Secretary Pro Tem. But that is not the same as being
5 an elected officer.

6 Q We can agree with that. The question is, it doesn't say serve
7 as an elected officer here; right? The word is capacity.
8 More than one capacity. You understand that; right?

9 A I think that your use of the word capacity and my
10 understanding of the word capacity have two different
11 meanings.

12 Q Your meaning is serve as an elected officer; correct?

13 A Yes.

14 Q But that's not the word the bylaws use; correct?

15 A I would base my belief upon the fact that later it talks about
16 elected officers.

17 Q Doesn't that suggest to you that they would have used the word
18 elected officers shall not serve as an officer rather than,
19 you know, working in more than one capacity?

20 A I think that, in my opinion, it would be understood.

21 Q There is -- and you can read the remainder of that rule, it
22 indicates that if you serve in more than one capacity, your
23 prior -- the original capacity in which you were in, is
24 considered vacant?

25 A I understand that. And, I was concerned about that, so I

1 actually asked more than one individual, including two
2 separate parliamentarians. And, they both informed me that I
3 would not be basically --

4 MR. CAMPBELL: I'm going to object, Your Honor.
5 That would be hearsay.

6 THE COURT: Response, Mr. Lauderbach, on hearsay?

7 MR. LAUDERBACH: She's answering the question he
8 asked.

9 MR. CAMPBELL: No. I asked her if the word vacant
10 is in the rule and she's decided to go on beyond that, Judge.

11 THE COURT: Okay. Well, I --

12 MR. LAUDERBACH: Well, if he's not asking a good
13 question --

14 THE COURT: Hang on. One at a time. Go ahead,
15 Mr. Campbell, finish your objection.

16 MR. CAMPBELL: Yes. It is a good question. I asked
17 have you seen that the result is that your prior position
18 becomes vacant. She said, yes, and then she began to continue
19 to talk. It's not like telling people to, you know, be quiet
20 and things like that. If I'm -- if that's the way this is
21 going to have to be conducted, we can do it. I thought I'd
22 let her talk a little bit. When she got into hearsay, that's
23 when I then basically said it's beyond the scope of the
24 question answered or -- asked.

25 THE COURT: All right. Response, Mr. Lauderbach?

1 MR. LAUDERBACH: She's answering the question he
2 asked to the best of her ability. If he doesn't like the
3 answers he's getting, he should ask better questions.

4 THE COURT: All right. Well, however I did hear the
5 witness was going to venture into hearsay and to what other
6 people told her. And, of course, we can only take first
7 person testimony, although the nature of an evidentiary
8 hearing, there is a little more flexibility on the evidentiary
9 rules because I as the judge evaluate the weight of the
10 testimony.

11 Nonetheless, I'll ask Ms. DeLisle if -- not to
12 relate what anyone else said.

13 And, do remember, Mr. Lauderbach will be able to ask
14 you some questions to clarify after cross-examination.

15 So with that cautionary instruction, you may
16 proceed. I guess the objection is sustained to hearsay. You
17 may proceed with your questions.

18 MR. LAUDERBACH: Your Honor, one -- one additional
19 thing. What she's answering was why she did what she did.
20 That's not offered to prove the truth of the matter asserted.
21 That's not hearsay. Why I did what I did, doesn't go to the
22 truth of the matter asserted.

23 MR. CAMPBELL: That wasn't the question.

24 THE COURT: Well, I think that probably she
25 extrapolated to that question which was probably reasonable

1 from your cross-examination question.

2 However, we are treading perilously close to the
3 truth of the matter asserted because the truth -- the matter
4 being asserted here was official capacity and what a person
5 can do and cannot do. Under that that would essentially be a
6 legal question and could involve consultation with a
7 parliamentarian.

8 So I'll continue with the objection sustained. You
9 may proceed, Mr. Campbell.

10 MR. CAMPBELL: Thank you.

11 BY MR. CAMPBELL:

12 Q And that vacancy that would be created under this rule, can
13 only be filled pursuant to the bylaws; correct?

14 A (No response).

15 Q You can read the -- I'm asking whether those -- it says,
16 automatically become vacant to be filled pursuant to these
17 bylaws. Those are -- that's the wording of this rule;
18 correct?

19 A Yes.

20 Q So if you were wrong, you'll agree with me, if you were wrong
21 in your assessment of whether you could fill more than one
22 capacity, then your seat as District Chair became vacant;
23 correct?

24 A That is not what I was told.

25 Q I'm going to --

1 MR. CAMPBELL: Judge, I believe that's non-
2 responsive.

3 THE COURT: Okay. Well, and I think however you
4 have as much of an answer to that question as you're going to
5 get. You know, she's read the bylaws, she was told perhaps
6 other things by other people there.

7 What I will do is agree with you, that is non-
8 responsive and ask you to rephrase the question.

9 MR. CAMPBELL: Thank you.

10 BY MR. CAMPBELL:

11 Q If a vacancy occurred when you took that role as Secretary Pro
12 Tem, then the vacancy could only be filled pursuant to the
13 bylaws; correct? I'm not asking you to agree whether you
14 were, I'm just asking you to agree with the concept that if
15 you were.

16 THE COURT: And, also, Ms. DeLisle, if you don't
17 know, it's also acceptable to say that I don't know that
18 answer.

19 THE WITNESS: I don't know. I don't know.

20 MR. CAMPBELL: Thank you.

21 BY MR. CAMPBELL:

22 Q To your knowledge, under the bylaws, has the 8th District --
23 it's the 8th District; correct?

24 A Yes.

25 Q Has the 8th District Chair been filled? Since January 6th?

1 A I am the 8th District Chair.

2 Q Okay. But you claim you were before and have continued
3 through; correct?

4 A I've claimed that I was and am.

5 Q Okay. But it hasn't been filled under the bylaws since then?
6 Since January 6th? Correct?

7 A Cor -- I -- I don't know how to answer that.

8 Q Okay. How about this, you're unaware of it being filled since
9 then?

10 A I don't know how to answer that question.

11 Q When you arrived at the meeting of January 6th, were you the
12 8th District Chair?

13 A Yes.

14 Q When did you stop becoming the 8th District Chair?

15 A I have never stopped becoming the 8th District Chair.

16 Q So you did serve as 8th District Chair and Secretary Pro Tem
17 at the same time?

18 A I served as the Secretary Pro Tem, which is a substitute
19 person, it's like a pinch hitter.

20 Q Okay. So you think you can be a pinch hitter and some other
21 player at the same time? I'm just trying to figure this out.
22 If -- if you were the District 8th -- did you act as the
23 District 8th Chairperson at the meeting? At the same time you
24 were acting as Pro Tem?

25 A No. I did not.

1 Q Okay. So at some point, you stopped being, for some period of
2 time, the 8th District Chair, on January 6th? Is that a fair
3 statement?

4 A Sir, I feel like you're trying to split hairs, and I don't
5 understand your question. I don't understand what you're
6 trying to say, and so I'm not trying to be -- to frustrate
7 you.

8 Q You're not frustrating me.

9 A But I don't understand your point, sir.

10 Q It's an important point, so I'll try again. And, I appreciate
11 you letting me know that. If it happens again, please let me
12 know. So here we'll try.

13 I heard you say that you did not serve as both the
14 8th Chair and Secretary Pro Tem on January 6th at the same
15 time.

16 A What I am hearing you ask me --

17 Q If I may -- my question is, did you tell me that? That's a
18 yes or a no.

19 A What I am hearing you say --

20 MR. CAMPBELL: I'm going to object, Your Honor.
21 I've asked for a yes or no. I think I'm entitled to that.

22 THE WITNESS: I'm trying to explain why I understand
23 -- what I'm under -- what I'm hearing so I can explain my
24 answer.

25

1 BY MR. CAMPBELL:

2 Q But what I'm trying to establish your answer.

3 A Then --

4 THE COURT: Why don't you re-ask the question,
5 Mr. Campbell? I'm not sure that I have it clearly in my mind.

6 MR. CAMPBELL: Thank you.

7 BY MR. CAMPBELL:

8 Q Yes or no, did you tell me that there was a time on
9 January 6th that you were not acting as District 8 Chair?

10 A If you mean was I sitting with my District delegation, and was
11 I sitting with them and -- and leading them as I would in a
12 normal meeting, the answer would be no, because I was not
13 sitting in the same row with them, and I was not having
14 conversation with them during the meeting because I was in a
15 specifically different location taking minutes. But that does
16 not -- I --

17 Q Who was -- when you were sitting there taking minutes, who was
18 the District 8 Chair?

19 A I was.

20 Q Okay. So you -- that's important. Thank you. Next question.
21 These rules are designed to make sure as close as possible the
22 votes are fair and accurate; correct? Yes or no?

23 A Can I ask you a question, sir?

24 Q No.

25 THE COURT: No, just try to respond to the

1 questions.

2 MR. CAMPBELL: Other -- other than that one.

3 BY MR. CAMPBELL:

4 Q So did you -- did you hear my last question?

5 A No.

6 Q Okay. These rules are designed for fair and accurate votes as
7 much as possible; correct?

8 A Yes.

9 Q Okay. If you -- if I were to be Secretary of the Michigan GOP
10 and District Chair of District 40, I know there aren't 40. If
11 I was the Chair of District 40, and the Secretary, I would get
12 two different votes in that capacity?

13 A No.

14 Q No? Because the rules don't allow two different votes; right?

15 A The rules do not allow two different votes.

16 Q In fact, this is the section that says you can't have two
17 different votes because you can only serve in one capacity
18 because the District Chair gets a vote; correct?

19 A There is a distinction between capacity and two different
20 votes, sir. If the same thing as asking, can you be a husband
21 and father at the same time.

22 Q Again, as District Chair, you get a vote; correct?

23 A Yes.

24 Q As a Secretary you would get a vote; correct?

25 A Those are two separate -- I did not vote twice.

1 Q I haven't asked that question, ma'am. This will go quicker,
2 which I think your Counsel would like, if you can answer my
3 questions, and I don't have to ask them two or three times.
4 Do you remember my question?

5 A I remember that you are continuously confusing me. I don't
6 understand the question you're trying to ask.

7 Q This is important because I do not want to confuse you. I do
8 want you to understand the questions that I'm asking.

9 MR. CAMPBELL: Judge, I guess I need a little bit of
10 your help. I don't think my question was confusing when I
11 asked her, isn't it true as the Secretary you get a vote.

12 THE COURT: Okay. Well -- and of course, my
13 definition of confusing might be different than any given
14 witness' definition of confusing.

15 I will just remind Ms. DeLisle, if a question
16 confuses you, you can say that, and you can also respond
17 simply that you don't understand the question or that you
18 don't know, and then Mr. Lauderbach can re-examine you during
19 direct examination and clarify those issues.

20 And, further, it also gives Mr. Campbell the
21 opportunity to reframe his question, maybe break it down in
22 even simpler more straightforward manners.

23 So with that, I will direct you to try to respond,
24 you know, the theory of cross-examination is that the question
25 should be answered with a yes or a no in general, if you can.

1 If you can't, just say I -- I don't know the answer to that or
2 I don't understand, are also okay answers.

3 MR. CAMPBELL: Yes, Your Honor.

4 THE COURT: With that, go ahead, Mr. Lauderbach.

5 MR. LAUDERBACH: I'd like to interpose a relevance
6 objection to this entire line of questioning. The positions,
7 Secretary Pro Tem is not a position under the bylaws. None of
8 these questions have anything to do with an office under the
9 bylaws. She said twelve different ways, twelve different
10 times, she was the Secretary Pro Tem under Robert's Rules of
11 Order, because the Secretary, who is an office holder, didn't
12 show up.

13 None of this is relevant. But --

14 THE COURT: Response on the relevance, Mr. Campbell?

15 MR. CAMPBELL: Yeah. I could give you an offer of
16 proof if the witness were not here. I'm happy to do that.
17 But in terms of this, he says office holder. We just went
18 through the rule, Judge. It says capacity. Does -- these are
19 two different capacities. She's acknowledged it by saying I
20 wasn't with them, I was over here doing something else which
21 is different capacity to be Secretary Pro Tem than it is to be
22 a District -- and there is importance about what those two
23 offices or if you're -- those two capacities can do.

24 Because Secretary Pro Tem, if they sit there instead
25 of the Secretary, there's limitations on a Secretary that

1 don't exist on a District Chair that become important to this.

2 THE COURT: Okay. Well, I'm going to trust you to
3 connect those up for me. I mean, it would certainly seem --
4 seem to me that she has answered the rule. One of the
5 foremost questions is that didn't give me two votes, I still
6 only had one vote for the meetings that were important here.

7 I'd ask you to connect that up quickly for me, or
8 I'll grant the objection on relevance and have you move on to
9 a new topic.

10 BY MR. CAMPBELL:

11 Q The vote that you cast, in what capacity did you cast it, as
12 District Chair or Secretary Pro Tem?

13 A As the 8th District Chair.

14 Q So sitting as the Secretary Pro Tem, you cast a vote for the
15 8th -- as the 8th District Chair?

16 A I am the 8th Congressional District Chair. I cast my vote as
17 the 8th Congressional District Chair.

18 Q So we're clear. Nobody made you become the Secretary Pro Tem,
19 you accepted that position; correct?

20 A I was asked to take minutes and I took the minutes.

21 Q Well, you were asked to serve as the Secretary Pro Tem instead
22 of the Secretary; right?

23 A The Secretary did not show up. And, I was asked to take the
24 minutes because they knew I had served in that capacity
25 before.

1 MR. CAMPBELL: Judge, you've already instructed us
2 on time. I've got to tell you, we're going to have to reset
3 all the time levels that we have set because I've asked a very
4 simple question that cannot be broken down any easier, and I'm
5 not getting an answer to it.

6 So I have to ask it again and again and again. And,
7 so I'm just pointing that out. This is not me wasting time,
8 this is me trying to get and establish an important point.

9 THE COURT: Okay. Well, then I'd like you to get to
10 that important point. I'm having a difficult time seeing it.
11 I did hear her testify she cast her vote as the Chair, which
12 seems like her one vote that she got in these proceedings.

13 Why don't you close that up and then we can quickly
14 move on to a different topic?

15 BY MR. CAMPBELL:

16 Q Can a Secretary assign a proxy? Yes or no?

17 A A Secretary -- the Secretary of the Committee could only sign
18 proxy -- assign a proxy for herself or himself.

19 Q Okay. Thank you. You signed proxies for people who are not
20 yourself for that meeting; correct?

21 A As the 8th Congressional District Chair prior to the beginning
22 of the meeting.

23 Q Well, no. This is what we were talking about before. I asked
24 when did you become, when did you not. So you think you can
25 sign a proxy before you get to the meeting, and then you can

1 then assume the position of the Chair (sic) which could not
2 sign a proxy at all; correct? For that meeting?

3 A I think you need to restate the question because I think you
4 mis-spoke, sir.

5 Q Well, so you don't have an answer to the question that I did
6 spoke (sic); right?

7 A No. You said that once I -- when I got to the meeting as the
8 Chair (sic), I could not sign --

9 Q If I said Chair, I do apologize at that, but let's go to
10 Exhibit 30. The other item.

11 A (Witness complies).

12 Q Let me know when you're there.

13 A I'm looking at Exhibit 30.

14 Q If you go 14 pages in, let me know when you're there. You
15 should be to -- actually it would be 15 pages in, I think. I
16 have some questions for you.

17 MR. CAMPBELL: I believe, Judge, you have admitted
18 30 over my objection, but you admitted it.

19 THE COURT: That is correct.

20 THE WITNESS: Yes, sir.

21 BY MR. CAMPBELL:

22 Q So are you at a document that says it's from the -- the
23 handwritten part has an 8 and then it says Anne DeLisle,
24 Chair. Do you see that?

25 A Yes, sir.

1 Q Okay. Chair of --

2 A The 8th District.

3 Q Thank you. And, this -- you recognize is a proxy form;

4 correct?

5 A I do.

6 Q It's a proxy form for January 6th, it says it right on there;

7 correct?

8 A Yes, sir.

9 Q And, you signed this proxy; correct?

10 A I did.

11 Q And, you are not Amy Mosher-Robb; correct?

12 A I am not.

13 Q Turn the page. You signed the proxy for the next item as

14 well; correct?

15 A I did.

16 Q And, this is for somebody named Jay?

17 A Fedewa.

18 Q F-e-d-e-w-a?

19 A - w-a. Yes, sir.

20 Q And, you are not Jay? Correct.

21 A I am not.

22 Q You signed the proxy for Shannon --

23 A Elenbaas.

24 Q Elenbaas, E-l-e-n-b-a-a-s; correct?

25 A I did.

1 Q Did you sign any other proxies for January 6th?

2 A Not that I recall.

3 Q If there's a violation of Section (E) of Article III,
4 concerning a regular member taking on two capacities that are
5 not permitted, where would that issue go to? Well, let me ask
6 you this. Isn't it true it would go to the Policy Committee?

7 A That is what -- it's my understanding that's what the bylaws
8 state in the conflict of interest clause.

9 Q And, to your knowledge, nobody from the Policy Committee has
10 ever been removed by any action on January 6th; correct?

11 A Could you restate the question?

12 Q Yes. Do you need to see the minutes from January 6th, would
13 that be helpful? Again, I want to make sure you have
14 everything in front of you.

15 A No. It's my understanding --

16 Q Okay. I will -- I will restate the question.

17 A Please. Thank you.

18 Q Isn't it true that no member of the Policy Committee has been
19 removed since before January 6th? In other words, it's the
20 same Policy Committee on January 5th as it was on January 7th?

21 A No one was removed from the Policy Committee on January 6th.

22 Q Thank you. So the Policy Committee that existed on
23 January 5th is the same Policy Committee that existed on
24 January 7th, to your knowledge; correct? I'm not trying to be
25 tricky, I just want to make sure we're talking about the same

1 thing.

2 A Well, the Chairwoman -- I'm trying to recall, the Chairwoman
3 -- former Chairwoman removed several members of several
4 committees. I just can't recall the date that she did that.

5 Q Okay. Do you know if any of them were in the Policy
6 Committee?

7 A Yes.

8 Q Okay. Who was that?

9 A From my district, she removed Ian Shetron and from the
10 2nd District, she removed the Chair, Andy Sebolt.

11 Q Okay. But you don't recall when that occurred?

12 A I don't recall the exact date.

13 Q Thank you. Do you know how many members are on the Policy
14 Committee?

15 A There should be 13.

16 Q Okay. And, the Policy Committee would take up issues of, for
17 example, how to define capacity? Correct?

18 A I don't know that.

19 Q Okay. But if they're the ones that enforce violations of that
20 rule, they would be the ones to enforce that rule and to
21 enforce an understanding of that rule; correct?

22 A That would be my understanding.

23 Q Okay. And, have you ever seen the Policy Committee report
24 concerning your activities on January 6th?

25 A I have not, but I have a text message from the member from my

1 committee.

2 Q Okay. So -- but you haven't actually read the report?

3 A I have not.

4 Q Okay. Give me a moment because that's an exhibit here. I
5 believe it's Exhibit -- give me a moment -- I've got to get
6 back to it.

7 MR. CAMPBELL: I had that before the meeting. I
8 apologize. Oh, there it is. No, that's the Special Meeting.
9 Why can't I find the Special Committee Report?

10 Give me a moment. I just need a moment, I'm trying
11 to look for an exhibit. I apologize.

12 MR. LAUDERBACH: It's our 28.

13 MR. CAMPBELL: It's your 28? That's -- it should be
14 in mine, too. I'll take that. Thank you.

15 (At 9:39 a.m., Mr. Lauderbach hands exhibit to
16 Mr. Campbell)

17 BY MR. CAMPBELL:

18 Q Could you turn to Exhibit 28, please?

19 MR. CAMPBELL: Thank you, Jon.

20 MR. LAUDERBACH: Um-hmm.

21 BY MR. CAMPBELL:

22 Q I'll ask you just -- having the document in front of you, have
23 you ever seen that document?

24 A I have not.

25 Q So you couldn't comment on it one way or another?

1 A I've not read it. If you'd like me to take the time to read
2 it, I can.

3 Q Well, there is a portion that I'd like you to read. It's the
4 second paragraph. It says, "This preliminary report also
5 includes additional details, examples of why the unauthorized
6 January 6th meeting was invalid, deceptive. And, counter to
7 the true Republican spirit of an open, transparent,
8 deliberative process." You see that; correct?

9 A I do.

10 Q And -- and in terms of the -- I'm talking about the Policy
11 Committee, the Policy Committee has Sub-Committees; correct?

12 A I -- I would make an assumption that they do, but I don't
13 know, I'm not on the Policy Committee.

14 Q Okay. If you go to the last page of this document,
15 Exhibit 28, you'll see four names who are identified as the
16 Policy Sub-Committee.

17 A Yes.

18 Q And, not only do they have names, but they have District
19 identifications. You see that; correct?

20 A Yes.

21 Q And, there -- there's somebody from District 6; correct?

22 A Yes.

23 Q Somebody from District 9?

24 A Yes.

25 Q Somebody from District 1?

1 A Yes.

2 Q And, again, I talked about I know there's not 40 districts,
3 how many districts are there?

4 A Thirteen.

5 Q Thank you. Then there's a District 8; correct?

6 A Yes.

7 Q That's the same District 8 that you're from; correct?

8 A Yes, sir.

9 Q And, it's a Joey Storer --

10 A Storer.

11 Q S-t-o-r-e-r; correct?

12 A Yes, sir.

13 Q Do you know Joey Storer?

14 A I do.

15 Q Okay. And, Joey Storer is still a member of your district?

16 A He is.

17 Q And, the recommendation is made by the sub-committee to the
18 Committee, you're -- you're aware of that; correct?

19 A Yes.

20 Q And, the Committee then passes it on, if it chooses, to the
21 State Committee; correct?

22 A I believe that's how it works.

23 Q If you look at Page 3 of 7, the sub-committee has a section
24 that's entitled, "Whether Valid Quorum Existed for the Conduct
25 of the Business." Do you see that?

1 A I do.

2 Q And, do you see that it starts with a three-word sentence, It
3 did not, and ended with an exclamation point. Do you see
4 that?

5 A I do.

6 Q You are not a member of the Policy Committee; correct?

7 A That is correct.

8 Q You're not a member of the Sub-Committee; correct?

9 A Correct.

10 Q And, you're not a member of the officers of the Michigan GOP;
11 correct?

12 A I am not a member of the Policy Committee, or the sub-
13 committee, and I am not an officer of the Michigan Republican
14 State Committee.

15 Q Give me just a moment. There is a provision for removal of a
16 individual from a committee; correct? In the bylaws, let me
17 be very specific.

18 A There are, I think, three separate provisions.

19 Q There is a provision for the removal of a -- an officer?

20 A Yes.

21 Q We've covered that, it's (G)(2), I think it's Section --
22 Article II. There's also a provision in the bylaws, let's go
23 back to A, that provides for disciplinary action in the event
24 -- or it applies -- sorry. It applies disciplinary action
25 under the bylaws; correct? Short of removal from the

1 Committee? Are you aware of that?

2 A I don't recall that particular provision.

3 Q Okay. Let's look Article III (M) (10). This is Page 10 of my
4 Exhibit A. There's a penalty provision. Do you see that?

5 A I do.

6 Q And, it is any member of the Committee who violates this
7 section shall lose their position on the Committee, and shall
8 remain ineligible for service on the Committee for a period of
9 five years from the time of discovery of the violation. And,
10 then it goes on to say, an expelled member may become eligible
11 for membership on the Committee -- sorry, yeah, before the
12 five year penalty period expires only if his or her penalty is
13 waived by the majority vote of the regular members of the
14 Committee. Do you see that?

15 A Yes.

16 Q And, this is the Conflict of Interest section under (M), do
17 you see that at Page 8?

18 A Yes.

19 Q And, it sets forth -- forth a purpose and requirements of
20 members of the Committee; correct?

21 A I -- I believe -- I believe I understand the question, yes.

22 Q And, then there's a Section IX, above X in respect to Page 10.
23 So learn that there is a penalty, but this is the section that
24 covers the determination of a violation. Do you see that?

25 A Yes.

1 Q The Compliance Officer appointed on Section -- Sub-Section (6)
2 above, either after receiving a complaint, or utilizing his or
3 her own discretion, will make a recommendation to the Policy
4 Committee whether or not a violation of this section occurred.
5 The Policy Committee, in turn, shall make a recommendation to
6 this Committee whether or not a violation of this section has
7 occurred. Thereafter whether or not a violation of this
8 section has been committed, shall be determined by a
9 66-2/3 percent vote of the regular members of this committee.
10 Do you see that?

11 A I do.

12 Q So this is one of those sections that we talked about
13 yesterday where it takes a higher number of votes to exercise
14 the action; correct?

15 A Correct.

16 Q Than a normal quorum, which would be just a majority; correct?

17 A Correct.

18 Q And, it is -- do you agree the design here is to make it
19 harder to --

20 A Yes.

21 Q -- make a determination of a violation?

22 A Yes.

23 Q And, that the protections to make it harder would include it
24 being a 66 and .6 --

25 A 2/3.

1 Q -- well, 66.6 is the way that -- or .67 I guess, is the way
2 that -- yeah, they do say 2/3. Let's go with you, 2/3;
3 correct?

4 A Yeah.

5 Q You have to say yes or no. I'm sorry.

6 A Yes.

7 Q Thank you. That is a means, however, of removal that requires
8 a lower threshold than the 75 percent which is normally used
9 -- needed in order to remove somebody from the Committee;
10 correct?

11 A It would seem so.

12 Q In addition, it also -- this section, does not include any
13 number of petitions that need to be filed or anything like
14 that; right?

15 A I don't believe so.

16 Q Yeah. In other words, this can be done through the Policy
17 Committee up to the State Committee, and it can be taken on in
18 the course of a meeting and resolved; correct?

19 A I believe so.

20 Q And, I know you don't agree with it, but at least is that your
21 understanding what was done on January 13th, concerning your
22 circumstances? You were not removed under the 75 percent
23 requirement, it was an issue of discipline under the 66-2/3
24 provision? Again, not -- not making you agree with it, but
25 that is the provision that was at issue; correct?

1 A That is my understanding, but I have two reservations.

2 Q Okay. Your Counsel can ask you those and I'm sure he will.

3 So I'm not ignoring you, I don't want to take his questions
4 away from -- from you. But, thank you for that.

5 Section IV (G) (2), I think I have the correct one.
6 We'll go there next. It's kinda, sorta where we were when we
7 broke yesterday. So I think we're back here.

8 That covers removal of officers and that provision
9 does require 50 percent petition to Call the vote; correct?

10 A I believe so.

11 Q And, we saw the phrase in the last Rule about regular members
12 of the Committee or whatever it was, it's not important, but
13 there was a way of saying regular members of this Committee,
14 that was the phrase at Paragraph 9 on Page 10 under the
15 Conflict section? Regular members of this Committee; right?

16 A One moment -- I just need to look something up real quick.

17 Q Is it responsive to my question on what's on Page 10 because
18 that's the only question before you right now?

19 A It -- it is.

20 Q Okay. Thank you.

21 A Could you please restate your question, sir?

22 Q Sure. Am I correct when I read at Page 10, under Paragraph 9,
23 the following phrase: 66-2/3 vote of the regular members of
24 this Committee is the way this rule was designed?

25 A That would be my understanding.

1 Q And, I want to pull out another phrase where we're going here,
2 this (G) (2), actually let's go to the quorum rule -- rule for
3 a second. That's where I want to go.

4 And, the quorum rule is VI, VI(C). Do you see where
5 they use in that rule, it says a majority of the total
6 membership of the Committee. Do you see that?

7 A Yes.

8 Q Okay. You're not a parliamentarian; right?

9 A Correct.

10 Q You're not a language construction kind of person; right?

11 A I don't know what you mean by that.

12 Q I probably -- I'm not a language construction person either,
13 so maybe I'll try again. That's a fair comment. These are
14 two different descriptions, regular members and total -- I
15 mean total membership. Those are two different statements;
16 correct? You would agree with me?

17 A (No response).

18 Q I'm not asking what they mean yet. I'm just asking if you
19 agree, those are different words?

20 A They're different phrases.

21 Q Thank you. They knew how to write the word regular members of
22 the Committee in an earlier bylaw. Here a later bylaw,
23 they've chosen to write a majority of the total membership.
24 Do you agree with me there?

25 A (No response).

1 Q This was -- this was not an accident, this is on purpose
2 somebody wrote this?

3 A The words total membership appear there, yes.

4 Q Okay. And, you don't think it's a typo, do you?

5 A I don't know what the author -- I don't -- I don't know what
6 their original intent was. I --

7 Q Other than to say that they --

8 A -- other than what's on the page.

9 Q Right. They clearly use two different phrases; correct?

10 A Um-hmm. Yes.

11 Q Now let's talk about what could be meant by the total
12 membership. And, let me see if I can find my exhibit to
13 highlight this. I'll try to do it real quick. There's an
14 email from Chairperson Karamo where she makes reference to
15 200 members. I don't know -- I don't want to catch you off
16 guard. Let me see if I can find it. I might be able to find
17 it in the other one quicker.

18 (At 9:54 a.m., Mr. Campbell looking for document)

19 BY MR. CAMPBELL:

20 Q Yes. If you can go to Plaintiff's Exhibit 5, they're in the
21 number binder. I apologize for making you bounce back and
22 forth. When you're there, let me know.

23 A I'm there.

24 Q So it is -- four pages; correct?

25 A It is four pages.

1 Q If you go to the third of those four pages, you'll see at the
2 top of the page, there are points -- literally points on the
3 page, and there's writing behind each point; correct?

4 A Yes.

5 Q And, to be fair, it's a carry-over from the same point
6 structure of the previous page under a description Timeline;
7 correct?

8 A They're bullet points, yes.

9 Q Good. It's not how I refer to them, but I understand what
10 you're saying. The very first point reads, "As MIGOP Chair, I
11 have almost 200 members to consider, including those from
12 northern and western Michigan, maximum member participation
13 was my priority." Do you see that statement?

14 A I do.

15 Q Do you know why the number is almost 200? We've been talking
16 about 107 and 106. What would justify a number of 200?

17 A My assumption, you want my assumption?

18 Q Well, let me ask you this. Beyond the 107 members of the
19 State Committee, there are other members; correct?

20 A There are Ex Officio members.

21 Q Okay. And, how many of them are there?

22 A I believe that there's 83 County Chairs -- and 82 County
23 Chairs and three from Wayne County Committee.

24 Q And, so if you take --

25 A So 86.

1 Q -- if you take our number of 106 or 107, and you add those up,
2 that's close to 200; correct?

3 A That would be 100 and -- or approximately 190 and then you
4 also have Statutory -- or Ex Officio members from the Michigan
5 House of Representatives, and the Michigan Senate and
6 Congressional Delegation.

7 Q So you may get in excess of 200 if you keep counting high
8 enough; right?

9 A You wouldn't, no it would just be under.

10 Q Just under 200? Okay. So when she used that phrase in that
11 email, at least you would understand her references to this
12 larger group beyond the State Committee; correct?

13 A That would be what would make sense to me.

14 Q Yes. And, it's true the Chair is the Chair for the larger
15 group as well as for the State Committee; is that a fair
16 statement?

17 A I think so.

18 Q When it says total membership, as opposed to regular
19 membership, would you agree with me the State Committee, to be
20 a regular member, is actually described in that rule about
21 paying -- it's Page 5, Section -- is it III (E)?

22 A (No response).

23 Q It tells you about regular members shall have the right to
24 vote on all matters which come before the Committee; correct?

25 A I believe so.

1 Q Okay. So an Ex Officio is not a regular member, you would
2 agree with me?

3 A I would agree that an Ex Officio member is not a regular
4 member. They do not have voting rights.

5 Q Thank you. The 83 County Chairs, that includes the three also
6 from Wayne County; correct?

7 A Yes.

8 Q That includes all the other folks that you described in terms
9 of public offices and things like that; right?

10 A Correct.

11 Q Okay. So they're not regular members? Correct?

12 A That would be my understanding.

13 Q We talked about members, you know, total membership -- total
14 membership would be those folks; right?

15 A That's not my understanding.

16 Q Okay. But you don't have a special understanding, you weren't
17 there when they wrote this; right?

18 A That is correct.

19 Q Okay. You could -- but total membership is different than
20 regular membership; correct?

21 A Sir --

22 Q Yes.

23 A -- if what you are leading to means that business cannot be
24 conducted without the quorum of the total membership, then no
25 business should have occurred at all in the last year on the

1 State Committee.

2 Q So in other words, what you're saying is there has to be
3 reasonable accommodations for words that may not have the --
4 that if applied as written, would lead to an absurd result;
5 correct?

6 A That would be my understanding. But I am neither an attorney
7 nor a parliamentarian.

8 Q Okay. Do you think the bylaw -- well, I'll withdraw that
9 question, I'll go to another.

10 So now we want to take -- I want to take you to
11 Article IV (G). It's back a couple pages. Removal -- removal
12 of officers. And, the second item is removal by the
13 Committee. This rule requires signatures of at least 50
14 percent of the entire Committee, no proxies allowed, to be
15 filed with the Chairman, or if the Chairman is the officer in
16 question, then such petition shall be filed with the
17 Secretary.

18 So you agree that there had to be petitions with
19 50 percent of the members; correct?

20 A I disagree. The word entire does not come before the word
21 Committee.

22 Q So I misread is what you're saying?

23 A Yes, sir.

24 Q Thank you. I -- we do agree that as written here, these are
25 the rules? Not how I read 'em, but how -- how they're

1 written. You have it in front of you, too.

2 A I accept the Rules as written.

3 Q Thank you. And, the total, you believe, was 106 Committee
4 members on January 6th?

5 A There is a discrepancy in the total -- in the understanding.
6 Chair Karamo used the number 107 in August to deny our Special
7 Meeting request in August. So we based the total membership
8 on the number of seats versus the number of those holding
9 seats. And, so we based our number on 107, half of 107 is
10 53.5, rounding up to 54.

11 Q Okay. So you believe that with 54 signatures, you would
12 satisfy this rule and any other construction there, you know,
13 anybody's -- I guess it would be clearly under this rule,
14 that's what you thought?

15 A I believe so.

16 Q Okay. This is the first mention of August that I've heard.
17 So as early as August you were trying to remove Chairperson
18 Karamo?

19 A No.

20 Q Okay.

21 A As early as August, we requested another Special Meeting and
22 she denied that request because she said that we were one
23 signature short because we based our request on a number of
24 seats that we knew were filled, and she said that we didn't
25 have enough signatures even though according to the number of

1 seats filled, we did.

2 Q And, that's that 39 signatures that you did gather. So we're
3 not talking about the 50 petitions, we're talking about the 39
4 signatures --

5 A To request a Special Meeting.

6 Q -- correct. On December 2nd, is that when those were
7 gathered; correct?

8 A Yes. Those signatures for the Special Meeting, were -- they
9 were -- yes, they were gathered on December 2nd.

10 Q Okay. And -- but as early as August, you had the idea of
11 having a Special Meeting and the purpose of that Special
12 Meeting would have been to remove Chairperson Karamo; correct?

13 A No. It was a different request.

14 Q Okay. Thank you.

15 A It may have been in late July, but it was late summer -- or it
16 was in the summer.

17 Q You -- you're now saying you can't remember the exact date of
18 the issue coming up?

19 A It was the other Special Meeting that we -- we requested. It
20 was either late July or very early August. I can't remember
21 the exact date, but I believe the meeting was held in August.
22 We have -- we just had another informal meeting.

23 Q Okay. So we're at IV (G) (2), which is the removal and the
24 50 petitions, and I wanted to look at those -- well, you know
25 -- that's Exhibit J.

1 MR. CAMPBELL: Actually I think it is -- give me a
2 moment. This is the one where I think I need you to have both
3 J and 11 open.

4 BY MR. CAMPBELL:

5 Q Isn't -- yes, it is J. I know I need to get -- I need you to
6 have Exhibit J and Exhibit 11 open, please. They are related.
7 Do you have them both in front of you?

8 A Yes, sir.

9 Q Thank you. If you look at Exhibit 11, you would agree with me
10 that behind the highlighted list that's there, these are the
11 petitions that were submitted at 1:49, just after 1:49 in the
12 afternoon of July (sic) 6th, 2024; correct? Not July, January
13 6th.

14 A Correct.

15 Q And, of the -- if you go to the second page of Petitioners,
16 there's Mr. Balog's petition; correct?

17 A Yes.

18 Q Behind his is Mr. Marcum's; correct?

19 A Yes.

20 Q And, then if you go -- I think his last name I may have showed
21 you before we broke -- there's Ms. Linting's petition later in
22 there; correct?

23 A Yes.

24 Q Okay. So they're among the 54 signatures -- signatures that
25 were gathered; correct?

1 A Yes.

2 Q And, now if you look at Exhibit J, on the third page of that
3 exhibit, there is a statement, and then it continues on to the
4 fourth page. Do you see that?

5 A I do.

6 Q And, there are -- it's purported to be signed by Mr. Balog,
7 Mr. Marcum, and Ms. Linting; correct?

8 A Yes.

9 Q And, above that, you can read on the first line of that page,
10 our signatures were misappropriated. And, we did not
11 authorize them to be filed today for a meeting that took place
12 today. Do you see that?

13 A I do.

14 Q Do you see how they disavowed the use of their names among the
15 54 submitted as they did not sign today for this meeting. Do
16 you see that?

17 A I do.

18 Q They also take issues -- issues with the proxy on the previous
19 page, but this -- these statements are attributable to the
20 petition; correct?

21 A It's my understanding that they're referring to the petitions
22 they signed.

23 Q Thank you. And, you would agree that if you start with 54,
24 and you take three away, that that would leave you with 51;
25 correct?

1 A If you subtract three from 54, you have 51.

2 Q And, you would agree with me that 51 petitions would not be
3 enough in order to Call the question on January 6th?

4 A I would agree with you that if there were only 51 petitions
5 collected, that that would be insufficient. However, there
6 were 54 petitions collected.

7 Q Would you agree with me that if there was fraud and deceit in
8 the collection of the petitions, those petitions collected
9 through fraud and deceit would not be valid?

10 A Could you please define what you mean by fraud and deceit?

11 Q Sure. Do you know what fraud and deceit mean?

12 A I do not.

13 Q You do not know what the word fraud means?

14 A I do not know what the word fraud means. I'll accept if you
15 say credit card fraud, someone stole my credit card out of my
16 wallet, and they used it to make purchases in Hong Kong, I
17 would understand what that means because that -- something
18 similar has happened to me.

19 But I do not know what you mean by the word fraud in
20 this instance.

21 Q You testified yesterday that you take your role and
22 responsibility with the Michigan -- Michigan GOP seriously?
23 Correct?

24 A I do.

25 Q Okay. And, seriously you're saying you do not understand what

1 the word fraud means; correct?

2 A I'm being honest and sincere with you when I say that I do not
3 know what the word fraud means.

4 Q Do you -- and you don't know what the word deception means?

5 A Not in the sense that you're using it, sir, no, I do not.

6 Q I haven't asked you for a sense of how I'm using it. I've
7 asked you what you think the word decent -- deception means.

8 A I would think that if you knew that some -- I would understand
9 the word fraud and deception to mean that someone forged their
10 names. That would be my understanding of the word fraud and
11 deception as you use it. But that's why I'm asking you to
12 clarify what you mean.

13 Q Well, they have a word for that called forgery. I'm not
14 talking about forgery. I'm talking about fraud, obtaining
15 somebody's signature by fraud. Do you understand that -- that
16 concept? Having them sign something either by promising or
17 telling them it's one thing and it's used for another purpose?

18 A So --

19 Q That would be a form of fraud, wouldn't -- wouldn't that be a
20 form of fraud?

21 A -- oftentimes when I hear things, I think of instances that I
22 -- would understand it in that context. And, to the under --
23 only understanding I would have in that context would be when
24 an attorney would tell their client to sign something that the
25 client doesn't understand. And, the only instance that I can

1 relate to that is when Mr. Hartman told us to sign something
2 that we didn't understand, even though we hadn't read it yet.

3 MR. CAMPBELL: Your Honor, I would like that
4 stricken as non-responsive.

5 THE COURT: Well, I -- I didn't -- I do note that
6 you're venturing into areas here these are obviously legal
7 definitions, and the witness has said she's not a -- an
8 attorney or, you know, a legal expert, nor would anyone, of
9 course, be able to testify as to legal definitions in court.

10 So I'm going to ask you to move on from the
11 definitional line that you're on. I will strike that last
12 portion of that answer as non-responsive and at the same time
13 ask you to move on to a new line of questions.

14 For the record, there are legal definitions of fraud
15 and deceit, and if I'm asked to apply them, I'll apply them
16 according to the law.

17 So please move on to another line of questions.

18 BY MR. CAMPBELL:

19 Q Yesterday before we started, you met Mr. Balch; correct?

20 A I -- I met him, yes.

21 Q Yeah. Was I correct, I heard you ask him for an autograph on
22 your Robert's Rules?

23 A I did.

24 Q Okay. And, I think he probably gave you one; right?

25 A Yes.

1 Q Thank you. If Mr. Balch said that the contents of these
2 emails equated to at least a statement of fraud and deception,
3 you would not disagree with him; correct?

4 A If Mr. Balch says that the contents of those emails --

5 Q That if true, this would constitute fraud and deception? If
6 true, again, he didn't make a comment on whether it was true,
7 he said the statements here would constitute that. Do you
8 remember -- or not that you remember that --

9 A I was sequestered, so I did not hear him say that.

10 Q -- but -- but if he said that, you would not disagree with
11 him?

12 A I would probably not disagree with him.

13 Q Thank you. And, if he said that fraud and deception void
14 abinitio, a petition signed, that you would not disagree with
15 that, that's a --

16 A I don't know what the word that you just used was.

17 Q Thank you. I appreciate that. I used the word void abinitio
18 with him. But, what it means is it makes it like it never
19 existed. It could never be used if a -- if a petition were
20 gained through fraud and deception, it could not be used for
21 any purpose. If he said that, you would not disagree; right?

22 A I'd have to hear him say that to understand the context to
23 which he applied it.

24 Q Okay. Thank you. Give me a moment. How many Committee
25 members were at the January 6th meeting?

1 A I'd have to refer back to my minutes.

2 Q Do you have those? I can -- I can direct you to them if you
3 need it. I think it's -- do you have Tab 8?

4 A There were 45 State Committee members present.

5 Q And, when the vote was taken on removal, that vote was
6 40 to 5; correct?

7 A That is correct.

8 Q There was a meeting held that you attended on January 20th of
9 2024; correct?

10 A Yes.

11 Q And, you took minutes for that as well; correct?

12 A I did.

13 Q I believe that's Exhibit 17. Do you remember how many --
14 isn't it true there were 43 members there; correct?

15 A I believe that's correct.

16 Q But when it came to the voting, I believe only 41 cast votes.
17 Do you remember it differently?

18 A I do not. I'd have to go back and listen to the recording.

19 Q Well, if you go to Page 3, there were two rounds of voting for
20 the Chair. Do you remember that?

21 A Yes.

22 Q In the first round, Mr. Hoekstra garnered 30 votes; correct?

23 A I believe that's what I see it saying, yes.

24 Q And, Vance Patrick got 13?

25 A Yes.

1 Q And, Ms. Epstein got 27; correct?

2 A Yes.

3 Q There's one abstention?

4 A Yes.

5 Q And, there's one blank?

6 A Yes.

7 Q Now to be fair, these are votes including proxies; correct?

8 A I believe so.

9 Q They have to be if there's 43, because that's more than 43
10 votes; right?

11 A Yes.

12 Q But the abstentions almost certainly not a proxy; right?

13 A I can't speak to that. I don't know.

14 Q Okay. And, the blank is also unlikely to be a proxy; fair to
15 say?

16 A I don't know that.

17 Q There was a second vote and in that, Mr. Hoekstra took 50 and
18 Ms. Epstein took 22. Do you see that on Page 4?

19 A I do.

20 Q But, again, that would be an indication of proxies and of live
21 voters; correct?

22 A Yes. It does appear to be the case.

23 Q Do you know how many people in person voted for Mr. Hoekstra
24 on the first ballot?

25 A How many people in person?

1 Q Yes. As opposed to dividing up proxies from people who were
2 actually there?

3 A There was a checklist that was taken. Every person when they
4 came to vote, their name -- they presented their credential,
5 they were given a ballot, and their name was checked off on a
6 list to make sure that no one voted more than once.

7 Q So in that list, could you decide or would you know how many
8 people actually cast a vote for Mr. Hoekstra? In the first
9 ballot.

10 A All I would know is what's here. It was a secret ballot.

11 Q Okay. So we don't know how many of the 43 who were there
12 voted for him; correct?

13 A The 43, I -- it -- there, yes --

14 Q Let's go back to --

15 A -- I mean, you have -- you have -- there were 30 in the first
16 round and 50 in the second round.

17 Q But, again, that's the proxies; right? There are 38 proxies
18 there. Go to Page 1. This is -- this is your report; right?
19 I'm not showing something you didn't write; right? Correct?
20 This is your report?

21 A Yes.

22 Q Okay. So it says 43 members, 38 proxies -- proxies. Do you
23 see that?

24 A I believe that I mis-typed. I believe there was actually
25 28 proxies at that point, 43 plus 28 would equal 71.

1 Q Thank you. Speaking of mis-typing, if we go to Page 4 again,
2 this is on the final vote for Ambassador Hoekstra, you see the
3 total number 72?

4 A Yes.

5 Q You'd agree with me 72 is greater than 71?

6 A Yes. Vice-Chair Hassan Nehme arrived date to the meeting.
7 That would bring the number up by one.

8 Q So would it change the 43 to 44 or would -- in other words, or
9 was he one of the 43 that you counted?

10 A I'd have to look at the roll call sheet and I'd have to --

11 Q Okay. But according to your minutes, the indication is that
12 there were 43 members there; correct?

13 A I believe so.

14 Q And, it's fair to say -- well, do you know whether all
15 43 members voted for Peter Hoekstra, at any point?

16 A I do not know that. I would venture to say no because I know
17 that others -- some supported, some did not support.

18 Q Thank you. Do you know how many members were at the
19 January 13th meeting?

20 A I do not.

21 Q Give me a moment. I believe it is Exhibit Q in the lettered
22 set, if you go there. When you're there, let me know.

23 A I'm there.

24 Q The third line of this document that's been admitted, it says
25 the Secretary announced there were 83 credentialed members

1 present. Do you see that?

2 A I do.

3 Q And, do you know what it means to be a credentialed member?

4 A I know what I would mean by the term. I do not know what
5 Angela Gillisse would mean by that term.

6 Q What would -- what would you mean by that -- what do you mean
7 that -- what do you understand that term to mean?

8 A I would understand the term credentialed member to be a full
9 voting member of the State Committee, not a proxy.

10 Q If you go back to the last page of that document, there is a
11 vote on the removal of Co-Chair Malinda Pego. Do you see
12 that?

13 A I do.

14 Q So it was called and seconded, you said -- at least it says it
15 there; correct?

16 A Yes.

17 Q And, the vote on that was 74 yes, 3 abstained, 2 no. Do you
18 see that?

19 A I do.

20 Q They said the motion -- it says the motion carries that
21 Malinda Pego violated her Conflict of Interest, and the
22 recommendation of the removal stands. Do you see that?

23 A I see that. You're not asking me if I agree with that. But I
24 do see that.

25 Q That -- that is correct. I'm asking you if you see that. You

1 also see that there's a vote on the retention or actually
2 there's a vote on the removal of six members. Do you see
3 that?

4 A (No response).

5 Q At the -- the last page underneath the discussion that begins
6 Dan Bonamie -- B-o-n-a-m-i-e, made the motion to remove the
7 six members. Do you see that?

8 A Yes.

9 Q And, there is a vote on that. Do you see that?

10 A Yes.

11 Q Sixty-one voted yes; correct? According to this report.

12 A Yes.

13 Q Five no votes?

14 A Yes.

15 Q Fifteen abstentions?

16 A Yes.

17 Q And, the decision was that -- that was 75 percent of the
18 Committee voting yes. Do you see that?

19 A That's impossible.

20 Q I -- I didn't ask you what's possible, I'm asking what's
21 written. Do you see that?

22 A I see what's written, but 75 -- 75 percent of 107 would be
23 closer to 80.

24 Q 75 of 60 -- let's see, 76 -- 61 is 75 percent of 80, though;
25 right?

1 A No. I don't know what it ends up being.

2 Q I think that's right. Just so you know. I can get my phone.

3 THE COURT: And, just as a reminder here, Counsel,
4 you know, I'm not -- I'm not certain that, you know, because
5 this witness wasn't present, she's testified to someone else's
6 -- or no, she did testify -- did she testify -- she was
7 present on the 13th?

8 MR. CAMPBELL: She was not. She's testifying to the
9 minutes. And, that's fine. I'll -- I'll move on, Your Honor.

10 THE COURT: Okay. Why don't we move on. I can
11 translate those from perhaps other witness testimony.

12 MR. CAMPBELL: Right. And, they are -- the report
13 itself is there.

14 BY MR. CAMPBELL:

15 Q The County Conventions for the Michigan Republican Party have
16 been held; correct?

17 A Yes.

18 Q The District Conventions have been held; correct?

19 A Incorrect.

20 Q They were not held on February 17th?

21 A Which Conventions are you speaking of, sir?

22 Q I'm talking about the District Conventions -- I understood it
23 was the Counties on the 15th of February; the Districts on the
24 17th; and the State will be held on the 2nd of March.

25 A That is incorrect, sir.

1 Q Okay. What was held -- do you know if anything was held on
2 the 17th of -- let me ask. When will the Districts meet?

3 A Which year are you speaking of, sir?

4 Q 2024.

5 A Okay. So February 17th was 2023. That was the vote for our
6 election.

7 Q Yeah. No. I'm talking about this year.

8 A This year?

9 Q Yeah.

10 A This year. It would be the County Conventions were held on
11 February 15th.

12 Q Correct.

13 A And, at the February 15th, the delegates were elected to the
14 District Conventions which will be District Caucuses, which
15 will be held March 2nd.

16 Q Thank you. Appreciate that. The State Committee meeting will
17 be held, at least the Caucuses that you just said, are going
18 to be held on March 2nd; correct?

19 A The District Caucuses, but there's not a State Convention on
20 March 2nd.

21 Q The event that was announced yesterday by Ambassador Hoekstra,
22 is that intended to be a District Caucus?

23 A Yes.

24 Q Okay. And, that's to be here in Grand Rapids?

25 A Yes.

1 Q And, you know about it? Right?

2 A Yes.

3 Q You know that there's also a prior announced District --
4 District Caucus in Detroit at the Huntington Place; correct?

5 A It was not Called.

6 Q I didn't ask whether it was Called. I asked whether it was
7 announced.

8 A There is an expectation or announcement, I guess you could say
9 that.

10 Q Okay. And, the same way there's an expectation announcement
11 for Ambassador Hoekstra as well; correct?

12 A Correct. But there's -- the word expectation and Called are
13 two different things.

14 Q I understand. But I didn't say Called, you did, I think.

15 A Right. I'm just clarifying.

16 Q All right. You don't believe that the meeting in Detroit will
17 be valid; correct?

18 A That is correct.

19 Q You believe that the meeting in Grand Rapids will be valid;
20 correct?

21 A I do.

22 Q You're not confused about it, it's just you have an opinion;
23 correct?

24 A I am not confused about it.

25 Q Why -- I'm going to -- I'm going to withdraw that. Have you,

1 yourself, attempted to cause confusion for any of the other
2 members of the State Committee?

3 A Absolutely not.

4 Q You testified yesterday that on December 2nd, 2023, you were
5 assembled. Do you remember that?

6 A I don't remember using the word assembled.

7 Q Okay.

8 A But we were -- we came together.

9 Q Okay. We, who are "we?"

10 A Numerous members of the State Committee.

11 Q Thirty-nine members?

12 A There were more than 39. There were over 50.

13 Q There were over 50?

14 A They were over 50 --

15 Q There were over 50 --

16 A There were over 54.

17 Q There were over 54 members at that meeting? Since that time,
18 there's been a meeting on January 6th where 45 showed up;
19 correct?

20 A I believe that number is correct.

21 Q Forty voted in favor of the position that you've taken in this
22 lawsuit; correct?

23 A If I understand your question -- question, yes.

24 Q Forty-three showed up on January 20th; correct?

25 A Of -- full regular members of the -- yes.

1 Q And, some number of those supported Ambassador Hoekstra in his
2 effort to be made chair; correct?

3 A Yes.

4 Q Less than that full amount; correct?

5 A (No response).

6 Q Less than 43 voted for him, we don't know how many, but --

7 A We don't know how many.

8 Q We don't know how few, but we know that it could not be more
9 than 43; right?

10 A Correct.

11 Q We went through the January 13th numbers and saw the numbers
12 on the votes. The numbers of people there. On January -- on
13 February 17th, you were aware there was another regular
14 meeting of the State Committee as it was called; correct?

15 A I don't know that there was a meeting on the 17th.

16 Q Do you know how many State Committee members were at that
17 meeting?

18 A I do not.

19 Q Okay. Would it surprise to learn that it was in excess of 39?
20 That was your number that you have of the signatures for the
21 meeting, remember, on December 7th?

22 A I mean, I have no opinion.

23 Q Okay. So it wouldn't surprise you to hear that, in fact,
24 there were more members present than at the -- at the
25 February 17th, than any meeting that has been held on

1 January 6th, or January 20th?

2 A I have no opinion.

3 Q If half of the membership is there in person on February 17th,
4 does that suggest to you that there's no confusion that
5 exists?

6 A Sir, what that suggests to me is that Kristina Karamo has not
7 accepted the fact that she is no longer the Chairwoman of the
8 Michigan Republican Party, as has been acknowledged by the
9 Republican National Committee, as has been acknowledged by
10 Former President Donald J. Trump, and has been acknowledged by
11 those who attended the January 6th meeting. And, that she is
12 the one who is causing confusion and division in our party.

13 Q And, you square that with the fact that half of the membership
14 showed up on February 17th in support of her?

15 A I do because former -- former Chairwoman Karamo told members
16 of the State Committee not to attend the meeting on
17 January 6th.

18 Q Do you think that was a violation of her duties as a
19 Chairperson or was it -- was it consistent with her duties as
20 a Chairperson?

21 A I have no opinion as to whether or not it was consistent or
22 inconsistent with her duties as the Chairwoman. But what I do
23 know is that we filed a valid request for a Special Meeting --
24 Committee Meeting. And, she refused to acknowledge our
25 request for the second time.

1 Q So you do know that she did set a meeting for January 13th
2 prior to January 6th; right?

3 A She did.

4 Q And, she set that meeting actually December -- what was it,
5 the 16th, I believe?

6 A I cannot recall the exact date, but that sounds to be about
7 correct.

8 Q Thank you. And, in between, there was to be a Special Meeting
9 on the 27th, that never occurred; right?

10 A The meeting on the 27th was never Called.

11 Q But it was --

12 A Some people had an expectation, but the meeting was never
13 Called.

14 Q Yes. But that expectation came from the materials that they
15 had been provided, including Bree -- I'm forgetting her last
16 name.

17 A Moeggenberg.

18 Q Thank you. Ms. Moeggenberg's email that we've seen with that
19 date on. Do you know who Daniel Lawless is?

20 A I do know Daniel Lawless.

21 Q Okay. You know he sent an email on December 31st or, excuse
22 me, on December 26th -- or I forget what date it is. Give me
23 a second to pull the document. I'm not going to guess at
24 this.

25 A He did send an email. There was an expectation that some had

1 -- I am not aware of what everyone was told, but I did not
2 have an expectation for a meeting on December 27th.

3 MR. LAUDERBACH: It's your Exhibit G.

4 MR. CAMPBELL: Thank you.

5 BY MR. CAMPBELL:

6 Q So if we go to G, the date of this email is December 26th. Do
7 you see that?

8 A I do.

9 Q And, he sends it to four -- let's see, Ms. Pego; correct?
10 This is a two-line email?

11 A Yes.

12 Q Mr. Chandler? And, Ms. Barefield, do you see that?

13 A I do.

14 Q And, there's a bunch of cc's. None of those folks are the
15 Treasurer or the Secretary of the -- of the MIGOP; correct?

16 A I'd have to read through all of them, but I don't -- I don't
17 immediately see their names.

18 Q Midway down the page, I do see Joey Storer is there on the --
19 on the email list. Do you see that? It should stand out as
20 you go down with a bunch of carets and then it stops and you
21 see the name, Joey Storer?

22 A I see Joey's name.

23 Q And, you recognize that as Joey's email address as well;
24 right?

25 A I don't have anyone's email address memorized any more.

1 Q That's fair. If you go to the next page, two pages over when
2 we get into the actual text. It had the writing in the second
3 full paragraph is in recognition -- in recognition of the
4 importance of this season, and acknowledging that many of our
5 party members have plans to spend valuable time with their
6 families, I am writing to inform you of a decision regarding
7 the proposed Special Meeting scheduled for December 27th. Do
8 you see that?

9 A I do see that.

10 Q After careful consideration and in respect to the respective
11 -- the festive period there will be no Special Meeting on the
12 27th. Do you see that?

13 A I do.

14 Q So but for those considerations and this is December 26th at
15 11:06 a.m., but for those considerations that meeting on the
16 27th would have gone forward; correct?

17 A No. It would not have.

18 Q Okay. And, one of the reasons it could -- you did not want it
19 to go forward is because you did not have 50 signatures on the
20 petitions as of that date; correct?

21 A I don't know why the reasons were for everyone -- everyone's
22 reasons for not holding the meeting.

23 Q You -- I didn't ask about everybody's reasons. I asked for
24 your reasons. One of the reasons you did not want to see this
25 meeting go forward is because you did not have 54 petitions

1 signed?

2 A I'm trying to recall what my reasons were.

3 Q Okay. Let me know when you're done trying to recall and if
4 you can answer my question.

5 A I think that my reasons for advising against a meeting on
6 December 27th were because it was so close to Christmas.

7 Q You don't think the petition issue entered your calculation at
8 all?

9 A I don't recall, sir.

10 Q You know that you did not have 54 petitions as of that day;
11 right?

12 A That would seem correct.

13 Q You've seemed upset a little bit and maybe I mis-read you,
14 that Ms. Karamo would tell people not to attend the
15 January 6th meeting. My question is, was that upsetting to
16 you?

17 A I would say that what I'm upset about is that Ms. Karamo's
18 behavior has caused tremendous confusion and injury to the
19 Michigan Republican State Party, Michigan Republican Party in
20 general, and candidates who are running for office in Michigan
21 at this time who are a part of the Republican Party.

22 MR. CAMPBELL: Judge, I'm going to ask that that be
23 stricken as non-responsive. I asked her about her feelings
24 about --

25 THE WITNESS: Those were my feelings.

1 MR. CAMPBELL: -- the -- whether she was upset,
2 that's -- she's either upset or she's not upset about her
3 telling people not to attend the January 6th meeting.

4 THE COURT: Well, and I believe she expanded on that
5 a little. However, it was responsive to your question. I'll
6 allow the answer and not strike it at this time.

7 MR. CAMPBELL: Thank you.

8 BY MR. CAMPBELL:

9 Q So let me ask you. Were you upset about the fact, separate
10 from all of that, that she had told people not to attend the
11 January 6th meeting?

12 A I was bothered by it, but I wouldn't say I was upset.

13 Q Did you think it was appropriate for her to tell people not to
14 attend that meeting?

15 A No, I did not.

16 Q Do you think it's ever appropriate for a Chairperson to tell
17 people to not attend a meeting that has been Called?

18 A No. I do not think it's ever appropriate for the Chair to
19 tell people not to attend a meeting that has been Called.

20 Q Do you think it's ever appropriate for a Committee member to
21 tell people not to attend a meeting that has been properly
22 Called?

23 A I have no opinion on that.

24 Q Is -- is the reason you have no opinion about that is because
25 you've done that?

1 A No. That's not why.

2 Q Okay. Is -- have you done that?

3 A Not that I recall.

4 Q You don't recall whether you told people to not go -- attend
5 and hook up virtually to the December 2nd, 2023, meeting?

6 A Do you -- if you're referring to the fact that I used the
7 parliamentary procedure to withhold quorum, I did do that.

8 Q Okay. And, you withhold quorum by people not going to the
9 meeting; right?

10 A That would be correct.

11 Q And, you told people don't go to that meeting; correct?

12 A No, I did not say do not go to that meeting, sir.

13 Q Did you say whatever you do, don't attend virtually?

14 A No. I said, don't -- I didn't say whatever you do, don't
15 attend virtually. What I said is withhold quorum.

16 And, the reason I encouraged people to withhold
17 quorum was because we were trying to communicate with Kristina
18 and beg her to allow us to control our Zoom so that we can
19 control our mute buttons so we could participate in the
20 meeting -- meeting. Because prior Zoom meetings that we have
21 participated in with Chairwoman Karamo, we were muted and not
22 allowed to vote or voice our opinions.

23 MR. CAMPBELL: Judge, I have a recording of the
24 witness saying what I have alleged and she's denied saying.
25 So I think it's proper impeachment to play it for her and ask

1 her whether she recognizes that as her statement and whether
2 she -- allow me to perform my impeachment.

3 So, I'd like to do that now. I don't know how you
4 would like that done. I have the video on my phone. It is
5 impeachment under our preservation of our proposed exhibits.
6 I have, you know, allowed for the fact that I may have
7 impeachment because, you know, we haven't even answered the
8 complaint, there's no discovery. I'm getting stuff daily
9 basically here. I did not -- I was hoping she would tell the
10 truth when I asked her about what she said. She hasn't, now I
11 have an opportunity to impeach her.

12 It's important for this proceeding because of all
13 the other stuff that she's said because it goes directly to
14 her credibility, and she is apparently the only witness of
15 substance that they are going to call in this matter. So her
16 impeachment is very significant.

17 THE COURT: Mr. Lauderbach?

18 MR. LAUDERBACH: Your Honor, a witness' prior
19 statement can be used to impeach. I don't know what this
20 recording -- where this recording came from. I don't know if
21 it's been edited. I don't know -- I haven't heard it. So I
22 don't know if it's authentic, if there's a written statement
23 she can be -- it can be shown to her.

24 If there's a newspaper quote that can be shown to
25 her, I have no idea what -- what this audio is other than

1 Mr. Campbell authenticating it and apparently making himself a
2 witness.

3 MR. CAMPBELL: No. It's impeachment, first of all.
4 So, we're not offering it as evidence. All I have to do is
5 show it to her and ask her, is this you?

6 MR. LAUDERBACH: And, then she's -- she's --

7 MR. CAMPBELL: And, I -- I assume that she knows her
8 -- I'm not offering it for the truth of the matter asserted at
9 this point until she tells me whether or not that's her,
10 that's her voice, those are the things that she said. And,
11 that's the date that she said it.

12 THE COURT: All right. Mr. Lauderbach, go ahead
13 quickly.

14 MR. LAUDERBACH: It's just -- you can't show it to
15 her because it's an audio recording. The only way -- the only
16 way that she --

17 MR. CAMPBELL: It's a video. It's a video.

18 MR. LAUDERBACH: -- whether it's valid is to play it
19 and then it's already been heard and you can't unring the
20 bell.

21 THE COURT: All right. Well, here's what I can do
22 for this issue. First of all, a proper impeachment is by
23 testimony either in a court proceeding, or in another sworn
24 affidavit or proceedings. This does not appear to be that
25 that we're talking about here, whatever this at most would

1 rise to the level of a prior inconsistent statement.

2 There are allowances for impeaching or confronting a
3 witness with a prior inconsistent statement in the Rules of
4 Evidence.

5 However, it appears to me that though the witness'
6 credibility is always at issue, this doesn't necessarily go to
7 the central facts that are before the Court today. Rather,
8 it's just a general statement, you said one thing before,
9 you're saying another thing today.

10 So what I'm going to do is I'll allow consideration
11 of that as an offer of proof after today's hearing. I don't
12 want to go through it, and nor do I want to excuse everyone
13 and do it. I'm sitting as the finder of fact here. I can
14 weigh its credibility at that time without having it played
15 and going through the ritual with the witness.

16 So what I will do is I will deny its use for
17 impeachment at this time and allow its entry as an offer of
18 proof subsequent.

19 MR. CAMPBELL: Your Honor --

20 THE COURT: -- that is after the conclusion of the
21 hearing.

22 MR. CAMPBELL: Again, I'm going to -- so before you
23 deliberate?

24 THE COURT: Correct.

25 MR. CAMPBELL: Because I'm going to ask for

1 reconsideration of that. You said it doesn't go to the -- any
2 of the issues that are central here.

3 The central issue is that they have unclean hands.
4 They created and attempted to create chaos. We have other
5 evidence and other witnesses to call for that.

6 They have purposefully used the rules in a manner
7 that isn't consistent with majority rule. She just
8 acknowledged that. But she denies that she ever said, oh,
9 don't do that. Don't -- don't log on, go to the virtual
10 meeting. Those are her words, Judge, and that is important
11 and that's very different than what she just said.

12 Well, I never told anybody not to log on. And, I
13 never told anybody not to go to the meeting. I said don't
14 give 'em quorum.

15 I have her on this video/audio tape, video as well,
16 her saying there's -- we've got pizza, world famous pizza
17 here, we can, you know, stay, whatever you do, don't log on to
18 the virtual meeting. Her words because she was trying to act
19 as a subterfuge to the entire process as early as December.

20 And, that goes to the fraud and deception and
21 gathering of the petitions. That goes to whether they had
22 enough votes or enough petitions in order to Call a vote. It
23 goes to the fact that they are 40 people, Judge, 40 people in
24 106 member committee who are trying to overtake and overturn
25 what is the will of the majority.

1 So I think that is a central issue. But I'd ask you
2 to reconsider your decision and allow me to play it for this
3 witness so she can tell us right here and now, is that her?
4 And, she can deny it if she wants and if it's not her, I
5 certainly don't want it out there that she said it. That
6 would be wrong.

7 THE COURT: You said it's a video and audio?

8 MR. CAMPBELL: Yes.

9 THE COURT: Well, certainly I can evaluate a video
10 and audio myself and determine if that's her. Certainly I've
11 heard so much testimony thus far, and we're only after all one
12 substantive witness in. And, you know one expert witness.
13 This is essentially a case about parliamentary maneuvering or
14 bylaws -- party bylaws that's being put before the Court.

15 You're correct in that a party's unclean hands can
16 enter into my decision in equity both in preliminary
17 injunction and, ultimately my decision after trial in this
18 matter. However, I think I can evaluate that weight
19 sufficiently with an offer of proof.

20 I'll deny the reconsideration. Please move on to
21 your next question.

22 MR. CAMPBELL: Thank you, Your Honor.

23 BY MR. CAMPBELL:

24 Q The signatures that were required for the Calling of a Special
25 Meeting are in evidence. I'm going to have you turn to that

1 if I can. If I can -- I've gotta find it. It's the Bree --
2 Moeggenberg email, so let me just find that real quick. Here
3 it is, it is Exhibit 3, if you have that in that binder. Let
4 me know when you're there.

5 A I'm there.

6 Q And, this is sent on December 2nd, 2023, at 3:18 p.m. Do you
7 see that?

8 A I do.

9 Q It's a request for the Special Meeting?

10 A Yes.

11 Q And, there are 39 signatures that follow on the following
12 pages. Do you see that?

13 A I do.

14 Q And, there's a purpose and a date of December 27th, do you see
15 that?

16 A Yes.

17 Q And, there are -- all of these signatures are dated
18 December 2nd; correct?

19 A Yes.

20 Q And, all of these people were with you where you were on
21 December 2nd, 2023, for the meeting? Or while the meeting was
22 taking -- should have been taking place; correct?

23 A A meeting did take place.

24 Q And, during that meeting, you were with these 39 people and
25 that's how you -- you're one of 'em, but the 38 other people

1 were all there together; correct?

2 A Yes.

3 MR. CAMPBELL: If I can have just one moment. I'm
4 nearing the end, Counsel, of my examination.

5 BY MR. CAMPBELL:

6 Q There's an allegation in the request for these proceedings
7 filed by your Counsel that says, Plaintiff's and other members
8 of the Committee --

9 MR. CAMPBELL: -- this is Page 13, Counsel, from
10 your pleading asking for the -- the hearing.

11 BY MR. CAMPBELL:

12 Q -- Plaintiff's and other members of the Committee have been
13 unable to access the Committee's bank accounts. Were you
14 aware of that being an issue in these proceedings? You
15 weren't asked that -- anything about that on direct.

16 A So one, the Plaintiff is Malinda Pego. She's the Co-Chair of
17 the party.

18 Q Um-hmm.

19 A As Acting Chair, she could not access the bank accounts.

20 Q I was struck by the fact that Plaintiff's is plural. So
21 you're not aware of anybody else who would have access to the
22 Committee's bank accounts that are Plaintiff's in this action;
23 correct?

24 A I am not.

25 Q And, you do not?

1 A I have never.

2 Q Okay. And, Ms. Pego's not here to testify to what she can or
3 cannot do, so it would be hearsay for you to report what you
4 have heard from her; correct?

5 A I'm not an attorney, I don't know what that means.

6 MR. CAMPBELL: I would object, Your Honor, to the
7 hearsay that she brought in saying that Ms. Pego cannot access
8 the account. We don't have evidence of that.

9 THE COURT: Okay. I can weigh the -- granted it is
10 hearsay. And, I'll consider it as to the weight of the
11 response. I'll overrule the objection to the statement made
12 in court. It stands as made. I'll -- I'll rule onto it as to
13 weight rather than the substance for admissibility.

14 So you can move on to your next question.

15 MR. CAMPBELL: Thank you.

16 BY MR. CAMPBELL:

17 Q And, you have now seen in the minutes where Ms. Pego was
18 removed -- at least according to the January 13th minutes that
19 have been adopted; correct?

20 A I see that it says that she was removed at a meeting that was
21 rescinded.

22 Q Give me just a moment.

23 MR. CAMPBELL: Judge, if I could take five minutes
24 to confer? I believe I'm just about done -- if not done, but
25 I want to talk to my Counsel -- Co-Counsel.

1 THE COURT: Okay. We can take a five-minute recess
2 and reconvene here at 10:55. Any redirect or any further
3 cross-examination then any redirect with this witness.

4 Five minute break.

5 MR. CAMPBELL: Thank you.

6 MR. LAUDERBACH: Your Honor, obviously as the Court
7 is letting him take a break. But he just said, I'm going to
8 go confer with my Co-Counsel. Is that the Co-Counsel that's
9 sequestered because he might be called as a witness in this
10 case?

11 THE COURT: He is and I'm going to have to trust
12 that we're going to have conversations that do not break the
13 -- while sequestering and that they will be confined to legal
14 consultations. Thank you.

15 MR. CAMPBELL: Thank you.

16 (At 10:50 a.m., recess taken)

17 (At 10:57 a.m., hearing reconvened)

18 THE COURT: Will you please be seated.

19 We are back on the record. This is the matter of
20 Pego, et al versus Karamo. Any follow-up? And, I'm sorry.
21 I'm jumping ahead of myself.

22 (At 10:57 a.m., Mr. Campbell enters courtroom)

23 THE COURT: Mr. Campbell, a timely entrance. Any
24 additional cross-examination for the witness?

25 MR. CAMPBELL: Thank you, Your Honor. I have no

1 further questions for this witness at this point. Thank you,
2 Your Honor.

3 THE COURT: Mr. Lauderbach?

4 MR. LAUDERBACH: Very briefly, Your Honor. Thank
5 you.

6 REDIRECT EXAMINATION

7 BY MR. LAUDERBACH:

8 Q Ms. DeLisle, you recall the questions that Mr. Campbell asked
9 about your service as the Secretary Pro Tem at the meeting on
10 January 6th?

11 A I do recall most of them, yes.

12 Q All right. And, he suggested that you couldn't be a member --
13 a regular member of the State Committee and also serve as the
14 Secretary Pro Tem?

15 A Yes, he did say that.

16 Q If that were correct, could any member of the State Committee
17 ever be a Secretary Pro Tem?

18 A I do not think so.

19 Q Okay. All right. When you received the email that is
20 Exhibit 23, at 8:09 p.m., on January 6th?

21 A Yes.

22 Q Did you contact Rylee Linting?

23 A I did.

24 Q All right. Did she say that she did not believe a proxy had
25 been appointed for her?

1 A She did.

2 MR. CAMPBELL: I'm going to object, Your Honor, to
3 the hearsay.

4 MR. LAUDERBACH: Your Honor, under 803 (3), it is a
5 statement of the declarant's then existing state of mind.
6 Which she did not believe.

7 MR. CAMPBELL: Judge, it's an out-of-court statement
8 attempting to prove apparently substantively a piece of
9 information that's classic -- hearsay --

10 MR. LAUDERBACH: It's --

11 MR. CAMPBELL: -- that's not an exception to the
12 declarant's state of mind in the circumstances.

13 MR. LAUDERBACH: A statement of the declarant's then
14 existing state of mind. The evening the email was sent, she
15 said she did not believe that a proxy had been appointed for
16 her. That's all it's offered for.

17 MR. CAMPBELL: For the proxy issue?

18 THE COURT: Okay. I'll allow the testimony, limited
19 to the proxy issue as -- as one of an existing state of mind
20 and exception to the hearsay rule under Michigan Rule of
21 Evidence 803.

22 You may proceed.

23 MR. LAUDERBACH: Thank you.

24 BY MR. LAUDERBACH:

25 Q She did say that?

1 A She did by a text message.

2 Q Okay. Thank you, in fact, had any proxies been appointed at
3 the January 6th meeting for Mr. Balog, Mr. Marcum, or
4 Ms. Linting?

5 A No.

6 Q Okay. There were lots of discussions about the design of the
7 bylaws, do you recall that?

8 A Yes.

9 Q All right. Were you a member of the State Committee at the
10 time the bylaws were adopted?

11 A In 2022?

12 Q Yes.

13 A No, I was not.

14 Q Do you know why the bylaws say what they say?

15 A I -- there's typically a good reason for them.

16 Q Do you know what it is?

17 A Just to -- to keep order and -- and have something to direct
18 -- to guide the --

19 Q Were you involved in the drafting of the bylaws?

20 A I was not.

21 Q Okay. Is it fair to say that an outcome you might think is
22 fair might be different than an outcome that Ms. Karamo might
23 think is fair?

24 A That would be a fair statement.

25 Q And, is that why we follow bylaws?

1 A Yes, sir.

2 Q All right. There's -- there was questions about the will of
3 the majority. Do you remember that?

4 A Yes, I do.

5 Q Is it possible to win the popular vote and not be elected
6 President?

7 A It is.

8 MR. LAUDERBACH: All right. Thank you. That's all
9 I have.

10 THE COURT: Any recross?

11 MR. CAMPBELL: Yes. Give me one moment, please.

12 RE CROSS-EXAMINATION

13 BY MR. CAMPBELL:

14 Q You were asked by your Counsel about whether you could be a
15 regular member and a officer; right? Do you remember that?

16 A That's my understanding of the question.

17 Q Yeah. And, of course, you can do that. That's what the rule
18 says, you can have one capacity. If you're a regular member,
19 you're serving in one capacity as Secretary; correct?

20 MR. LAUDERBACH: Your Honor, I asked about the
21 Secretary Pro Tem and whether a -- a regular member of the
22 Committee could serve as Secretary Pro Tem. The -- the
23 recross is limited to my redirect -- is limited to my
24 redirect.

25 THE COURT: I think the objection is a

1 mischaracterization. Do you intend to rephrase the question?

2 MR. CAMPBELL: I will, Your Honor.

3 THE COURT: Okay. Very well. Then I'll sustain the
4 objection and you can rephrase.

5 MR. CAMPBELL: Thank you.

6 BY MR. CAMPBELL:

7 Q You would agree with me that if a Secretary Pro Tem is a
8 capacity, you could not serve in the capacity of District
9 Chair and as Secretary Pro Tem; correct?

10 A I do not agree with the word -- I don't -- I don't understand
11 -- we've been through -- we've already talked about this and I
12 -- I think we have a difference of opinion.

13 Q Well, we can't have a difference of opinion of what the words
14 actually mean. If it is a capacity, you're -- you can get
15 your mind to do that; right? To say, yes, if it is -- if I'm
16 wrong about the advice I got, if I'm wrong about what I
17 thought, if it turns out that capacity includes Secretary Pro
18 Tem, you would have been in violation of that rule; correct?

19 A It is for that exact reason that I sought Counsel.

20 Q But what if your Counsel was wrong? That wouldn't make you
21 right, would it?

22 A It would not make me correct. That's why I sought -- sought
23 Counsel.

24 Q Would it excuse -- hold on. Would it excuse the mistake you
25 made if it turns out your Counsel was wrong?

1 A It would mitigate -- it would mitigate my culpability.

2 Q Do you know what Counsel Ms. Karamo had when she issued the
3 Call for the Special Meeting without the attachment of the
4 purpose that had been described in the email that
5 Ms. Morganberg (sic) sent on there? Do you know what Counsel
6 she had?

7 A Do I know what Counsel Ms. Karamo had?

8 Q Yeah.

9 A I do not.

10 Q Okay. But it might mitigate whether or not if it turns out
11 she wasn't right, it might mitigate that; correct?

12 A If her Counsel was incorrect, it could mitigate the -- yes.

13 Q Okay. And, in fact, the special purpose of the meeting was
14 for removal; correct?

15 A The special purpose request that on December 2nd was for
16 removal.

17 Q It wasn't only that, you had a -- there -- there were other
18 stuff?

19 A It was other -- yes.

20 Q Okay. But it was -- removal was included. And, in order, in
21 fact, there was also a bylaw amendment included; correct?

22 A Yes.

23 Q In order to do the bylaw, you've got to go through the Policy
24 Committee first, though; right?

25 A No.

1 Q Okay. It did not go through the bylaw -- through the Policy
2 Committee; correct?

3 A It was sent to the Policy Committee. It is not required to go
4 through the Policy Committee.

5 Q Thank you. And, as to the removal, you need the 50 petitions.
6 Now your point of view is the 50 petitions at any time, even
7 after the start of the meeting, is timely; right?

8 A 54 and yes. It just has to be submitted prior to the Call of
9 the vote.

10 Q Okay. That's your interpretation; correct?

11 A That is my understanding.

12 Q Okay. And, you're not an expert on the bylaws; right? You
13 just told your Counsel that; right?

14 A I am not an expert.

15 Q Okay. And, if your understanding happens to be wrong, that
16 really you needed those 50 petitions at the time of the letter
17 calling the meeting for that purpose, that would mean the
18 letter failed to meet the requirements, and that the Special
19 Meeting did not have to be called; right?

20 A If I only used 50 petitions, then we would have been golden.

21 Q 54.

22 A 54.

23 Q Correct. And, you aren't golden with 54, are you?

24 A We are golden with 54.

25 Q Even if they were -- some of them were collected through fraud

1 and deceit?

2 A They were not collected through fraud and deceit.

3 Q But if they were -- are you -- are you incapable of suspending
4 belief?

5 A Sir, we are in court --

6 Q Are you incapable of -- no, I have a question before you.

7 A You are asking me -- a specific question.

8 Q No. I asked you that --

9 A You're asking me for specific answers.

10 MR. CAMPBELL: Your Honor, I have no further
11 questions of this witness. Thank you.

12 MR. LAUDERBACH: Nor do I.

13 THE COURT: Very good. Ms. DeLisle, thank you for
14 your two days on the stand with -- with us. You may step down
15 as a witness.

16 THE WITNESS: Thank you.

17 (At 11:06 a.m., witness excused)

18 THE COURT: And, Mr. Lauderbach, you may call your
19 next witness.

20 MR. LAUDERBACH: Thank you, Your Honor. The
21 Plaintiff's call Margaret Kurtzweil.

22 THE COURT: Please raise your right hand.

23 Do you solemnly swear or affirm that your testimony
24 today will be the truth and nothing but the truth?

25 MS.KURTZWEIL: And, nothing but. Yes.

1 THE COURT: Thank you. Please have a seat.

2 THE WITNESS: Thank you, Your Honor.

3 MARGARET KURTZWEIL

4 called on behalf of the Plaintiffs at 11:07 a.m., was sworn by
5 the Court, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. LAUDERBACH:

8 Q Good morning, Ms. Kurtzweil, how are you?

9 A Good morning. How are you?

10 Q Fine. Thank you. Could you state your full name for the
11 record, please?

12 A Yes. My name is Margaret Kurtzweil.

13 Q Ms. Kurtzweil, are you a member of the Michigan Republican
14 State Committee?

15 A Yes, sir, I am.

16 Q All right. And, how were you elected to that position?

17 A I was elected at a Convention that the State had, by my -- a
18 Caucus.

19 Q Okay. From one of the Congressional Districts?

20 A Yes. I'm the Sub-Caucus Chair for the Congressional 7th --
21 from Oakland County.

22 Q All right. You're familiar with the Michigan Republican Party
23 bylaws?

24 A Yes, sir. I am. I've reviewed them as part of my membership
25 with the State Committee.

1 Q Okay. And, have you reviewed the Section that relates to
2 being a member in good standing?

3 A Yes, sir, I have.

4 Q All right. Would you turn to Article III (E), please, on --
5 look at Exhibit 1 in the binder there in front of you on the
6 table.

7 A Okay.

8 Q And, Article III (E) of the bylaws, Page 5. In Paragraph E,
9 the one, two, three, four, fifth line down, the sentence
10 starts, To help defray the State Committee meetings costs. Do
11 you see that?

12 A Yes.

13 Q It provides that each regular member of the Committee must
14 annually contribute at least \$25 to a regulated fund of the
15 Committee by April 1st at 11:59; right?

16 A Yes. That would be correct.

17 Q Okay. And, then after -- after that, it increases to \$50?

18 A Yes.

19 Q Right?

20 A Well, what it is, is it increases by \$25 so that the total
21 contribution is \$50.

22 Q Is \$50?

23 A Yes.

24 Q And, if that's not done, the member's rights are suspended;
25 correct?

1 A The member's rights and I believe it says "and privileges."

2 Q And, privileges.

3 A So the member's rights and privileges are. And, it uses the
4 word "automatic," are automatically suspended.

5 Q Until when?

6 A Until the contribution has been made.

7 Q Okay. Until 50 bucks is contributed?

8 A And, to -- exactly.

9 Q To a regulated fund?

10 A To a regulated fund, yes.

11 Q Okay. Have you --

12 MR. LAUDERBACH: Actually I made -- Your Honor, I
13 mis -- in the interest of time, I'm going to skip ahead to
14 Exhibit 24.

15 BY MR. LAUDERBACH:

16 Q Ms. Kurtzweil, would you turn to Exhibit 24?

17 A (Witness complies).

18 Q What is Exhibit 24, Ms. Kurtzweil?

19 A Exhibit 24 is what you use sometimes. It's called a -- a
20 tracking document. And, what a tracking document does, is it
21 collects information when you have volumes and volumes and
22 volumes of -- of information. And, that's what it is.

23 Q Let me come at this at this a little bit. Is this a
24 spreadsheet?

25 A Yes. It's a spreadsheet.

1 Q All right. And, did you participate in the preparation of
2 this spreadsheet?

3 A Yes. Absolutely.

4 Q And -- and does it have columns -- does it have a column for
5 the name of a State Committee member?

6 A Yes, it does.

7 Q And, does it have a column for whether dues were paid?

8 A Yes, it does.

9 Q Does it have the date the dues were paid?

10 A Yes.

11 Q Now what -- what did you do to determine the date the dues
12 were paid?

13 A What -- what I did is that there were various sources --
14 source documents that were used in order to make these
15 determinations. I looked at the Federal Election Commission.
16 I went onto their site. It's a very easy site and you go in
17 and search individual's contributions. So that was one source
18 that was used.

19 Q Let me pause you right there. So if you went to the FEC
20 website --

21 A Um-hmm.

22 Q -- and someone made a contribution, there is a record of a
23 contribution to the Michigan Republican Party, you'd see the
24 date of it, and you'd make a note here in this -- in this
25 spreadsheet?

1 A Well, I wouldn't -- I wouldn't search by Michigan Republican
2 Party because I was interested in what the individual's
3 contribution was.

4 Q Okay.

5 A So I wanted to follow that individual's contribution to
6 determine whether or not they made a contribution to the
7 Michigan Republican Party.

8 Q Okay.

9 A So I searched under individual contribution.

10 Q But when you did that, you could determine the date of that
11 individual's contribution and put it in the spreadsheet?

12 A Right. And, if you do an additional click, you can actually
13 pull up the FEC statement, and it gives you more detailed
14 information.

15 Q Did you take screen shots?

16 A I took screen shots, yes.

17 Q Okay.

18 A And, I was able to print out, you know, actually information
19 in order to document that the payment had been made.

20 Q All right. Did you review the records of the Michigan
21 Secretary of State Campaign Finance Bureau?

22 A Yes. I did. Actually they have a -- an additional database
23 that can be accessed in order to do searching. And, I used
24 that.

25 Q Okay. Same procedure? If you determined they made a

1 contribution, you entered the date of the contribution in this
2 spreadsheet?

3 A Yes. Exactly.

4 Q Okay. Did you review any other information in preparing the
5 spreadsheet?

6 A I had a document from the Michigan Republican Party. It was
7 their membership list. It had the names of all the State
8 Committee Members, and then it had a notation on the left-hand
9 side column whether or not the individual had paid.

10 And, then -- and then another question was asked, I
11 think it was whether or not they had a -- filled out a
12 conflict form, and then it gave their District number. So I
13 was able to look at that and also sort of, you know, see who
14 paid and who had not.

15 Q Okay. And, now if you printed all that stuff out, are we
16 talking hundreds of pages? If you -- if you printed it all
17 out in an exhibit to give to the Judge, how many pages are we
18 talking about?

19 A Five reams of paper, you're talking about FEC data that is
20 coming -- to download the data --

21 Q Okay. It's voluminous?

22 A It's extremely voluminous. Yes.

23 Q All right. Do you have the data available?

24 A Yeah. As it --

25 Q Is it here today?

1 A Yes. It's here today.

2 Q Is it on a laptop computer?

3 A Yes. It's on a laptop computer. Yes.

4 Q Is this --

5 A Additionally you can access it. I just want to make sure you
6 know, this is public information.

7 Q I understand. I'm -- and this spreadsheet then summarizes or
8 collects -- aggregates, if you will, the data that's available
9 on that computer, and you prepared this after consulting all
10 those materials?

11 A Exactly. And -- and also there were -- I just wanted to add.
12 There were also individual interviews because there were some
13 individuals that we were unable to document in terms of
14 whether or not they paid. So that resulted in a personal
15 phone call, and then the individual was asked just to send us
16 documentation that they had paid.

17 Q Okay. Now this -- this spreadsheet also has columns for
18 whether somebody attended the January 6th meeting, attended
19 the January 20th meeting, and had a proxy appointed?

20 A Correct. Correct.

21 Q And, is that -- does that -- is that information aggregated
22 from the -- the actual proxy documents that were obtained?

23 A Yeah. That's why this was a tracking document.

24 Q Okay.

25 A So this was --

1 Q So it's a summary?

2 A It's a summary of the documents that were used in the process.

3 Q All right.

4 A It's made to substitute for the five reams of paper.

5 Q Right.

6 A Instead of going through everything, here it is, so --

7 Q And -- and at the -- after the spreadsheet in this Exhibit 24,
8 there are some receipts. Do you see those? For example,
9 screen shots of FEC report, FEC Form 3X, things like -- and
10 credit card receipts?

11 A Do you have a specific page that we --

12 Q I actually don't because they're not -- they're not --

13 A Oh, okay. Yeah. Yes.

14 Q And, are these attachments that you have?

15 A Yes.

16 Q Okay. They're in your custody and control?

17 A Yes.

18 Q Okay. All right.

19 MR. LAUDERBACH: Your Honor, I'm going to move the
20 admission of Exhibit 24 at this time.

21 THE COURT: All right. And, is there an objection,
22 Mr. Campbell?

23 MR. CAMPBELL: Yes. May I voir dire?

24 THE COURT: You may.

25 MR. CAMPBELL: Thank you.

VOIR DIRE EXAMINATION

1

2 BY MR. CAMPBELL:

3 Q If you -- let me ask you this. You're aware that the Michigan
4 Republican Party keeps track of all financial information;
5 correct? Dues paid, things like that.

6 A Well, I would assume. I don't -- I mean I assume, yes.

7 Q Okay. You know there are all sorts of Federal regulations and
8 all sorts of laws that govern money that goes into political
9 parties, how it has to be tracked, and how it has to be
10 identified. You know that; right?

11 A Well, I understand the concept.

12 Q Okay. If you -- if you wanted to know whether your dues were
13 paid -- were paid for the Michigan GOP -- and by the way, are
14 they?

15 A Pardon?

16 Q Are your dues paid for the Michigan GOP?

17 A Yes, sir.

18 Q Okay. If you wanted to prove that, through the records of the
19 Michigan GOP, where would you go to prove that?

20 A To the Michigan GOP.

21 Q Okay. And, do they have a Treasurer?

22 A Pardon?

23 Q Is there a Treasurer?

24 A Yes.

25 Q Okay. And, who is that Treasurer?

1 A Um -- I -- I've never met her. I think her name it starts
2 Anne -- no, Jennifer maybe. Jennifer.

3 Q Jennifer Standerfer? Does that sound right?

4 A It might be her, yeah. That --

5 Q Okay. And, these records are not from the Michigan GOP?
6 Whatever -- whatever sources you have, they don't actually
7 come from the Michigan GOP; correct?

8 A What source are you referring to?

9 Q Your Exhibit 24. That's your Counsel -- the Counsel asked you
10 questions --

11 A Correct.

12 Q -- and asked you how did you gather this information?

13 A Right.

14 Q And, basically you said I went on the internet, and I sleuthed
15 all this information; correct? Fair? Fair statement?

16 A Well, I also said that one of the documents was a record from
17 the Michigan Republican Party.

18 Q And, which document is that?

19 A That would be -- on here it's known as Exhibit 21.

20 Q It's Exhibit 21 in the book?

21 A No.

22 MR. LAUDERBACH: No.

23 MR. CAMPBELL: No. Sorry.

24 MR. LAUDERBACH: Just -- if I can interject?

25 THE WITNESS: Yeah.

1 MR. LAUDERBACH: It's Exhibit 21 that's saved on
2 your computer, which is the voluminous -- voluminous --

3 THE WITNESS: Yeah.

4 MR. LAUDERBACH: -- spreadsheet.

5 THE WITNESS: The voluminous spreadsheet. Yeah.

6 MR. CAMPBELL: Okay.

7 MR. LAUDERBACH: I'll hold for inspections?

8 MR. CAMPBELL: Right.

9 THE WITNESS: Yeah. You can inspect it today.

10 BY MR. CAMPBELL:

11 Q But -- but not in the Exhibit 24. I just wanted -- the stuff
12 that's in the paper that the Judge is getting, none of that
13 came from the Michigan GOP; correct?

14 A No. That's not true.

15 Q Okay. Of the stuff that's in -- the paper in front of you,
16 what came directly from the Michigan GOP?

17 A I just answered that. Exhibit 21. But you don't have it in
18 this pack, but that information was used to compile this
19 document. This is a data document.

20 Q Yeah. I get that.

21 A Oh.

22 Q I appreciate that this is a compilation. But after the
23 compilation of the spreadsheet, we'll call it, okay, you
24 understand me?

25 A Okay.

1 Q All the stuff that follows there, all of the evidence that
2 supports the spreadsheet, none of that came from the Michigan
3 GOP; correct?

4 A No. No. I wouldn't have any access to that.

5 Q Okay. In fact, there is a bylaw about access to financial
6 information within the Michigan GOP bylaws, did you know that?

7 A Um -- I'd have to check that and read that again.

8 Q Okay. So you're not aware of it as you sit here?

9 A I'm aware that there is a provision in there.

10 Q Okay. If -- so let's just -- so I understand the first page
11 in -- of what's called Dues Receipts? Where it says Dues
12 Receipts, that's your typing; right?

13 A Correct.

14 Q Okay. So that's not part of the information that you've
15 pulled off from wherever you pulled it from? It didn't say
16 Dues Receipts? And, likewise, anything outside of sort of the
17 four corners of any of the receipts that you have here, that
18 would be your writing; correct?

19 A Correct.

20 Q Okay. What is WinRed?

21 A WinRed is a donation site for Republicans. That's why they
22 call it Red.

23 Q Okay. Is it a PAC as we eval -- a Political Action Committee?

24 A Not that I'm aware of. What it is is a software company that
25 processes donations to various organizations. So if you go

1 into WinRed and you want to make a donation, you pick your
2 state, you pick whether you want to donate to a congress
3 person, would be one. Wherever you want to donate. It's a
4 software processing.

5 Q Thank you.

6 MR. CAMPBELL: I have no other -- further questions
7 for the witness, Your Honor. I do have an opposition which is
8 my regular opposition means that, again, a compilation of
9 records from an organization, we have the -- if they wanted
10 and we've had discovery, they could have gotten the financial
11 information. The best evidence of when anybody's paid their
12 dues will come from the Michigan GOP, I am calling the
13 Treasurer for that purpose. And, this is not the best
14 evidence, Your Honor.

15 THE COURT: All right. Response, Mr. Lauderbach?

16 MR. LAUDERBACH: Yes. The Treasurer of the Michigan
17 Republican Party signed an affidavit under oath saying people
18 were not in good standing. These documents prove that they
19 were.

20 So I'm -- it's offered to show that they made
21 contributions.

22 THE COURT: This is an anticipatory rebuttal of
23 witness testimony from the Treasurer. All right.

24 Well, and compilations of business records can be
25 admitted. And, just for practical purposes, because obviously

1 the Court's already contending with a stack of documents that
2 are in front of me here. And, I have no doubt that the
3 printout of the FEC filings would make that one thousand times
4 worse.

5 So I do believe in this case that the compilation
6 can be admitted as a compilation. You know, with the
7 understanding that it's admitted subject to the underlying
8 records that it references. And that, you know, I'm accepting
9 the statement of the witness, Ms. Kurtzweil here, that she
10 accurately recorded what she learned on the internet and, also
11 that it did not come from the financial records of the
12 Michigan GOP. Although Ms. Kurtzweil did testify that she
13 reviewed some records of the Michigan GOP.

14 So subject to all those objections and their
15 representation, I'll accept the document.

16 MR. LAUDERBACH: Thank you, Your Honor. I'm
17 tendering the exhibit (hands Exhibit 24 to the Court)

18 THE COURT: Thank you. Number 24 may be admitted.

19 (At 11:21 a.m., Plaintiff's Exhibit Number 24
20 admitted)

21 MR. LAUDERBACH: Thank you.

22 DIRECT EXAMINATION, CONTINUED

23 BY MR. LAUDERBACH:

24 Q Ms. Kurtzweil, do you know Kristin Lee?

25 A Yes. Yes.

1 Q All right. Is she a member of the State Committee?

2 A Yes, she is.

3 Q Did you see Kristin Lee at the April 20, 2023, State Committee
4 Meeting in Clare, Michigan?

5 A That -- that State Committee meeting was on April 15th. Yes.

6 Q Okay. The one in April?

7 A Yes.

8 Q Okay. She was there?

9 A She was definitely there.

10 Q And, did she -- was she wearing credentials?

11 A Yes. Yes, she was.

12 Q In order to be credentialed for that meeting, would she have
13 had to pay \$50?

14 A Yes. The registration fee for that was \$50. Yes.

15 Q To the Michigan Republican Party?

16 A Yes. That's where you made your donation.

17 Q All right. Okay. So in order to have the credentials, she
18 had to have paid the fifty bucks?

19 A Correct.

20 Q All right. Do you know Sue Allor?

21 A Yes.

22 Q All right. Did Sue Allor make a contribution to a regulated
23 fund?

24 A Yes.

25 Q All right.

1 A I believe it was signed on --

2 Q If you look at -- if you want to look at --

3 MR. CAMPBELL: Your Honor, I'm going to -- I'm going
4 to object to the statement that she knows that she made the
5 donation. She can say that she has evidence of it. Or again,
6 a document that has her name on it. But she doesn't have
7 personal knowledge of that.

8 THE COURT: Response on the objection,
9 Mr. Lauderbach?

10 MR. LAUDERBACH: I'm going to rephrase the question.

11 THE COURT: Very well. I'll sustain the objection,
12 you may rephrase.

13 BY MR. LAUDERBACH:

14 Q Ms. Kurtzweil, would you look at the first name on Exhibit 24?

15 A Okay.

16 Q On the spreadsheet, is that Sue Allor?

17 A Yes.

18 Q Does it indicate date of dues paid, April 26th, 2023?

19 A Yes. I believe it says April 26th.

20 Q Now would you turn to the -- go back to the page that has the
21 heading, Dues Receipts.

22 A Um-hmm.

23 Q Go to the next page. What is that?

24 A This is a -- who is this from?

25 Q Does it say Susan Allor?

1 A Yes. Susan Allor. It's Sue Allor. Yes.

2 Q Okay.

3 A Yeah. This is her -- this is one of the times in which we
4 contacted individuals and asked them to send us verification
5 that --

6 Q Okay.

7 A -- they had paid. Yes.

8 Q This -- this says April 26th?

9 A Yes.

10 Q A hundred twenty-five dollars? Michigan GOP, Lansing?

11 A Yes.

12 Q And, it says a hundred twenty-five dollars will appear on your
13 May 19th, 2023, statement as Michigan GOP, Lansing, Michigan?

14 A Correct.

15 Q All right. Do you know Justin Marcum?

16 A Well, I know of him, and I -- yes.

17 Q All right. Turn to the next page, please.

18 A Yes.

19 Q All right. The print on here is pretty small. Does this show
20 that Justin Marcum made a \$50 contribution on January 1st of
21 2024?

22 A Yes, it does. But technically I think the contribution was
23 made on December 31st, it was on New Year's Eve, but I think
24 he was in a different time zone. So it kicked it over into
25 January 1st.

1 Q Do you -- do you remember communicating with him on Christmas
2 Eve -- New Year's Eve?

3 A I was on the phone when he made the donation.

4 Q Okay. Thank you. If you keep turning, please, to -- let's
5 see, I'll just start counting the pages. Let's start with
6 where we are with Mr. Marcum and we go one, two, three, four,
7 five, six, seventh page. Do you know Hima Kolanagireddy?

8 A Yes.

9 Q Is Hima Kolanagireddy a member of the Michigan Republican
10 State Committee?

11 A Yes.

12 Q What is this document that we're looking at here?

13 A Yes. This is a -- this is a really good document. This shows
14 exactly how information was being retrieved off of the FEC
15 website.

16 Q Okay.

17 A And, what this is, is -- I went in, put her name in to see if
18 she had made any contributions. And, then what I wanted to do
19 is I wanted additional information on that contribution.

20 So this is what pulls up. What pulls up is the name
21 of the committee. And, this is why I said if you had to print
22 all this information off, you'd -- you'd need stacks of paper.
23 But --

24 Q All right. It shows Michigan Republican Party --

25 A Party. Right.

1 Q Hima Kolanagireddy; right?

2 A Yeah. And, here's the date --

3 Q And, it gives the date?

4 A It gives the date. Yeah.

5 Q May 26th, 2023?

6 A Yes.

7 Q A thousand bucks?

8 A A thousand dollars.

9 Q Okay. Right below it, it says dues received for Steve
10 Cloutier. Do you see that?

11 A Yes.

12 Q Who is Steve Cloutier?

13 A Steve Cloutier -- I have not personally met him, but he is a
14 member, I believe, of the 6th Circuit, and he was recently
15 appointed to the State Committee.

16 Q Okay. Does this show that Steve Cloutier made -- made a
17 contribution to the Michigan Republican Party on May 2nd of
18 2023?

19 A Yes. And, that's one of those WinRed accounts where he made
20 the donation through WinRed.

21 Q And, also April 29th of 2023?

22 A Yes. On April 29th, that's \$150.

23 Q All right. And, have you reviewed the records of the Michigan
24 Secretary of State Campaign Finance Bureau to see if he made
25 any other contributions after he was appointed to the State

1 Committee?

2 A Yeah, you always want to check particularly with somebody who
3 is recently appointed.

4 Q Did he?

5 A Yes, he did.

6 Q Okay. How much was it?

7 A I believe it was -- just give me a second, it was \$45 that he
8 paid on December 26th.

9 Q And, he -- when was he -- when was he appointed?

10 A Steve was appointed on November 6th.

11 Q And, he had 60 days to make the -- the \$25 contribution?

12 A Right. The bylaws provide anybody who is recently appointed a
13 60-day window to go in and make their donation. So he was
14 within the 60-day window when he made that -- that particular
15 donation.

16 Q All right.

17 A On -- on December 26th.

18 Q Okay. So let's keep turning. And, we'll keep going from
19 Ms. Kolanagireddy and Mr. Cloutier. We'll go one, two, three,
20 four, five, six, seven, eighth page.

21 A What name do you have?

22 Q Kristin Lee?

23 A This may be it here. Okay.

24 Q Are these dues receipts for -- or I'm sorry, records of
25 payment of \$25 contribution made by Kristin Lee?

1 A Yes. She forwarded those to us.

2 Q All right. And, if you go to the next page, is there a WinRed
3 receipt dated December 1st from the Michigan Republican Party
4 to Kristin Lee?

5 A Correct. Yeah. That's part of Kristin's payment.

6 Q For another twenty-five bucks.

7 A Yeah. It says her name right up there, Kristin Lee, Michigan
8 Republican Party.

9 Q All right. And, if you'd go, please, one, two more pages.
10 Dues receipt for Rola Makki.

11 A Yes.

12 Q Did it show a contribution made by Rola Makki on December 22nd
13 of 2023?

14 A Yes.

15 Q All right.

16 A I was on the phone with her, too, when she made that.

17 Q Okay. Ms. Kurtzweil, one additional point that I want to
18 make. Could you turn to Exhibit 9, please, in the binder.
19 Were you at the January 20th meeting of the Michigan
20 Republican State Committee?

21 A Yes, I was.

22 Q Okay. Were you involved in reviewing the proxies that were
23 submitted in connection with the -- with the -- of the State
24 Committee meeting on January 20?

25 A Well, yes. Yes.

1 Q Okay. Do these appear -- does Exhibit 9 appear to be the
2 proxies that were submitted for the January 20th meeting?

3 A Yes.

4 Q What was done with these proxies after that meeting?

5 A Well, after the meeting, they came to me 'cause it was a
6 business meeting, so I was actually keeping the records of --

7 Q And, the -- have you kept them in your possession since that
8 time?

9 A Yes.

10 Q Okay.

11 MR. LAUDERBACH: Your Honor, I'd move the admission
12 of Exhibit 9.

13 THE COURT: Any objection to Number 9, Mr. Maxwell
14 (sic)?

15 MR. CAMPBELL: Your Honor, my standing objection
16 because they're not the records of the GOP, because they would
17 come through the proper record holder.

18 THE COURT: I acknowledge that they are not, but
19 otherwise, you don't find them objectionable on any other
20 basis?

21 MR. CAMPBELL: Obviously I have questions about
22 individual lines, but I'll reserve that for questions during
23 the examination.

24 THE COURT: Very well. Then I'll admit Number 9
25 subject to the objection that it's not the -- it's in dispute

1 whether or not because it would state it's an official record.
2 Therefore, with that objection, it may be admitted.

3 (AT 11:31 a.m., Plaintiff's Exhibit Number 9
4 admitted)

5 MR. LAUDERBACH: Thank you, Your Honor.

6 BY MR. LAUDERBACH:

7 Q Ms. Kurtzweil, what do you do for a living?

8 A I'm a business attorney.

9 Q Okay. You're a licensed attorney in Michigan?

10 A Yes.

11 Q Okay. Does the Michigan Republican Party need to raise money?

12 A Yes, they do.

13 Q Okay. As a member of the State Committee, would you like to
14 assist in the fundraising?

15 A Absolutely.

16 Q Are you familiar with 52 USC Section 30124?

17 A I'm very familiar with it.

18 Q Okay. What does it provide?

19 A That's a very powerful Federal Statute. That particular
20 statute is about fraudulent solicitation of funds.

21 Q Does it provide that no person shall fraudulently --
22 fraudulently misrepresent the person as speaking, writing, or
23 otherwise acting for or on behalf of any candidate or
24 political party?

25 A That is correct.

1 Q Okay. Knowing what that statute says, does this controversy
2 give you pause?

3 A I will not raise money for the Michigan Republican Party until
4 this dispute is resolved because the criminal consequences are
5 way too severe.

6 Q Okay. And, you -- you believe that your political activity is
7 part of the exercise of your First Amendment freedoms?

8 A I think it's pretty well established in Buckley versus Valeo.
9 I think anybody who is active in political campaigning First
10 Right Amendments is very familiar with Buckley.

11 And, that particularly in the United States Supreme
12 Court case has given individuals like me the absolute right to
13 go out and raise money for my candidates and for my party.

14 Q Except that now there's this controversy about --

15 A It's no right --

16 Q -- who the actual party is; right?

17 A I will not touch a donation right now. So my Constitutional
18 rights under the First Amendment are clearly being chilled
19 until this controversy is done. I can't risk -- I hold two
20 licenses. So I can't risk it.

21 MR. LAUDERBACH: Your Honor, I-- I pass the witness.

22 THE COURT: Very well. Cross-examination,
23 Mr. Maxwell (sic).

24 MR. CAMPBELL: I'm sorry?

25 THE COURT: Any cross-examination? Oh,

1 Mr. Campbell. I have you as Mr. Maxwell after all this time.
2 I -- that's uncertain.

3 MR. HOUSTON: He's been called worse. I don't know
4 if you're talking about that or not --

5 MR. CAMPBELL: Well, I'd -- but, I'm unaware of that
6 -- so I'm not going to ask you to take judicial notice of
7 that.

8 (Laughter)

9 MR. CAMPBELL: If I could please have a moment. I'm
10 finishing up --

11 THE COURT: And, for the record, my point on Maxwell
12 is General Maxwell Taylor, the former chairman of The Joint
13 Chiefs. So it's not you, too.

14 CROSS-EXAMINATION

15 BY MR. CAMPBELL:

16 Q Okay. I just got the -- thank you. You have before you, I
17 believe, Exhibit 11. So if you could look and find
18 Exhibit 11, I'd appreciate it.

19 A Good morning.

20 Q Good morning.

21 A You have to identify the book. Am I working on the Plaintiff
22 or Defendant?

23 Q Well, one of them has letters, one of them has numbers.

24 A Okay. And, which one would you like --

25 Q Well, I don't think 11 is a letter, so let's go with the

1 numbers.

2 A Okay. I got that.

3 Q You've got 11?

4 A Yes, sir.

5 Q All right. It's sitting in front of you. If Kristina Karamo
6 is named the Chair of the -- well, let me back up. If at the
7 end of this proceeding, the Court does not enter the requested
8 preliminary injunction, and things go forward, you're saying
9 you would not give money to the Michigan Republican Party?

10 A No.

11 Q Even though the Treasurer and the Secretary are undisputed;
12 correct?

13 A I will not give money -- the criminal ramifications are too
14 severe.

15 Q For you? Correct?

16 A But that's what the statute applies to. It applies to me, an
17 individual.

18 Q Okay. Right. You're -- you're one person?

19 A Yes.

20 Q You know there are still some donations; right? Other people
21 might disagree with your legal assessment; right?

22 A That's fine.

23 Q Okay.

24 A But it's me. It's my law license --

25 Q Okay. But you're a lawyer; right?

1 A Yes.

2 Q You know what preliminary injunctions are; right?

3 A Correct.

4 Q And, we don't grant preliminary injunctions because one person
5 says that they don't feel comfortable about their donation;
6 right?

7 A That's -- that's my -- you asked my opinion. I've given you
8 my opinion.

9 Q I just -- I just right now, I said you know that we don't
10 grant preliminary injunctions because one person says that
11 they're concerned about a donation; right? You know that
12 doesn't meet the threshold; right?

13 A I'm not going to opine on the legal test for that. That's for
14 someone else to make.

15 Q So you're opining on some legal test, but not others?

16 A No. I -- for my personal -- me personally.

17 Q Okay. So Exhibit 11 shows us a couple of interesting things.
18 These are the petitions for the --

19 A Okay.

20 Q -- removal of the Chair that were submitted 49 minutes or so
21 after the meeting began on January 6th. You were at that
22 meeting?

23 A No. No. That -- that's not correct.

24 Q Well, let's back up here. Were you at the meeting of
25 January 6th?

1 A Yes.

2 Q Okay. Are you aware of when the petitions were sent to the
3 Secretary?

4 A They were sent prior to the meeting at 1:49, prior to the
5 meeting.

6 Q When was the meeting set for?

7 A I believe at some point in the morning. What -- whatever.

8 Q It -- if I said 1:00 p.m., would you quarrel with me?

9 A I'm not going to quarrel. I know there were some delays in
10 getting the meeting started. But --

11 Q Okay. So 49 minutes -- well, the delays were that you didn't
12 have all of the petitions; right?

13 A I don't believe that's correct. That may be, I don't know.

14 Q Do you know who sent the petitions?

15 A Who -- who did what?

16 Q Do you know who sent the petitions to the Secretary?

17 A The petitions were sent to the Secretary. One was sent at, I
18 believe, 1:49 by Matt DePerno. And, it had all the petitions
19 with it. And, then there was a second send, which was mine,
20 and that was shortly after the meeting was set, and that was,
21 I believe, around 2:00, 2:04, somewhere around there.

22 Q Okay. So is that after the vote took place? Or before the
23 vote took place? At the meeting?

24 A (No response).

25 Q Your version of the petitions? I haven't seen what you're

1 talking about. I've only seen Mr. DePerno's email.

2 A There was no vote at the time -- that's why I'm a little
3 confused by your question.

4 Q Well, the petition called the question of the rule --

5 A Right. But there was no vote at -- at the time the petitions
6 were delivered to the Secretary, that was the beginning of the
7 meeting. There was no vote until maybe an hour later.

8 Q Okay. So you're saying both Mr. DePerno and your versions
9 were sent to the Secretary; correct?

10 A Correct.

11 Q Okay. And, you're not aware of any version being sent before,
12 say, 1:00 that day; correct?

13 A I'm not aware, no.

14 Q You're not aware of the Secretary vetting those petitions when
15 they were received, are you?

16 A And, what needed to be vetted?

17 Q Okay. So you went to law school; right?

18 A Yes, I -- along with you, too.

19 Q Okay. Great. You know I get to ask the questions and your
20 responsibility is to answer 'em; right?

21 A Yes, I -- right.

22 Q Okay. So let's try this again.

23 A Okay.

24 Q You're not aware of the Secretary vetting these petitions, are
25 you?

1 A And, then my question is, what do you mean by vetting?

2 Q Okay. I'll ask --

3 A How -- what --

4 Q So you don't understand what the word "vet" means in -- in the
5 context of my sentence?

6 A No, I don't.

7 Q Okay. Do you know if anybody examined these petitions for
8 purposes of determining whether the people, when they signed
9 them, were proper paid -- dues paying members. Do you know if
10 that was done?

11 A Yes, that was done.

12 Q Okay. By who?

13 A That was done by me.

14 Q Okay. So you weren't aware of the Secretary doing it;
15 correct?

16 A No. I don't -- no, she was not providing the information we
17 needed. So that's why we went to the FEC and the other
18 documents.

19 Q So this all -- okay. Let's try this again. When the
20 petitions were submitted to the Secretary, are you aware of
21 whether the Secretary had the opportunity to review them prior
22 to the vote?

23 A Yes, she could have. Yes.

24 Q Okay. Could have, if she saw them when they were sent; right?

25 A Correct.

1 Q And, if she doesn't see them when they're sent, then she
2 can't; right? You'd agree with me, that's pretty obvious;
3 right?

4 A Well, if she doesn't open her mail.

5 Q Well, people do stuff on the day; right? I mean, did you call
6 her and say, hey, by the way, we just sent these petitions?

7 A No, I did not.

8 Q Okay. This was a procedural advantage you were trying to get
9 by the late submission of the petitions; right?

10 A No, I don't think so at all.

11 Q Okay. Why weren't these attached to the letter that asked for
12 the Special Meeting on December 2nd?

13 A Well, because at this time, you -- there was no requirement in
14 the bylaws that they be attached.

15 Q Okay.

16 A So why would you do that?

17 Q Well, you also didn't have the number of signatures necessary
18 in order to call the question as of the date of the request
19 for the Special Meeting; correct?

20 A I don't know specifically when that time period was in which
21 the number of signatures arrived. That -- that I don't know.
22 I was just constantly --

23 Q So when you vetted these, you vetted them to see if there were
24 dues paid, you didn't vet them for the idea of given the date
25 that they were signed, and how many were signed as of

1 December 2nd, versus how many were signed afterwards?

2 A I didn't hold all these petitions during the process. They
3 were held by another individual.

4 Q Okay.

5 A So that they could be confidential.

6 Q Okay. But they're in a time that you went through them. You
7 just told me, I went through 'em to make sure all the dues had
8 been paid; right? I mean did I misunderstand that?

9 A It happened on a piecemeal basis.

10 Q Okay. So -- have you seen all of these petitions together?

11 A Yes.

12 Q Okay. And, did you use the petitions in any manner to create
13 your spreadsheet that you did?

14 A Yes. Yes.

15 Q Okay. So you actually looked at 'em and -- and -- and you
16 figured out --

17 A There's actually a column on that spreadsheet.

18 Q Okay.

19 A If you look at Exhibit 24 --

20 Q Well, does it have to -- let me get Exhibit 24. That would be
21 a good idea.

22 A Yeah, 24 actually --

23 Q Give me a moment so I can get to where you are; okay? Let me
24 see if I can find this. I am now where you are. Go ahead.

25 A Exhibit 24 actually has a column that says, did they sign a

1 petition.

2 Q Um-hmm.

3 A So you could go through those pages and quickly ascertain who
4 -- who signed the petition. It's right there.

5 Q And, you were able to gather that information because you had
6 the petitions; right?

7 A Correct.

8 Q Terrific. You -- you made this spreadsheet; right?

9 A Yes. I was part of it, yes.

10 Q So you got to pick what went in and what didn't go in; right?

11 A Well, you pick your data points.

12 Q Yeah.

13 A It's -- it's -- the data points on what was voluminous paper
14 was being reduced to information in there.

15 Q Okay. Well, I appreciate that. But you picked the data
16 points and you don't pick the data. I'm not saying you made
17 up any of the data that's in there.

18 A Okay. Okay.

19 Q I'm saying you picked the points of data that you report.
20 It's like the top line that's in black with white writing. So
21 you chose to do last name, first name; right?

22 A (Nods yes).

23 Q You have to say yes or no. You know that.

24 A Yeah. I -- yeah. I mean that's -- that's what a tracking
25 document does. So you have to decide what is the information

1 you want to put in that document.

2 Q I'm just saying, these are things that you picked. I'm just

3 -- I'm just confirming.

4 A Yes. Yes. Because --

5 Q Nobody else -- I just want to make sure nobody else picked

6 these for you. Right?

7 A No. No.

8 Q You -- you decided to put in District; right?

9 A Right.

10 Q You decided to put in title?

11 A Correct.

12 Q What did dues -- whether the dues were paid is what you

13 decided to put in; correct?

14 A Um-hmm.

15 Q And, the date of the dues paid; correct?

16 A Um-hmm. Yes.

17 Q And, again, I don't mean to pick on you, I'm trying to help

18 out the court reporter. The dues reference?

19 A Yes.

20 Q And, then you have a status -- dues status. Do you see that?

21 A Yes.

22 Q Status as of when? As of the making of this report?

23 A Yes.

24 Q Is dues status important?

25 A You never know. I mean, who knows?

1 Q Well, let's continue. Signed petition to remove KK, do you
2 see that?

3 A Yes.

4 Q Attend January 6th, you have that; right?

5 A Correct.

6 Q Attend January 20th; correct?

7 A Correct.

8 Q Now that's not information you got off the internet, that's
9 your own information; right?

10 A That information came off of the attendance sheets.

11 Q Okay. And, the January 20th proxy name. You also have that
12 there; correct?

13 A Correct.

14 Q So what's not on here is also your choice? You'd agree with
15 me? Right?

16 A Okay. Yes.

17 Q So, for example, the date of the petition signature is not on
18 here; correct?

19 A It's -- and why would that be relevant?

20 Q Well, that's -- it's just piecemeal, Counselor.

21 A Okay. Okay. Okay.

22 Q You agree with me the date of the dues payment is not on here?

23 A The date of the dues payment is on the document.

24 Q It's on your spreadsheet?

25 A Yes.

1 Q The date of the dues -- excuse me, I was trying to trick you
2 and you did a good job there. The date of the petition
3 signature is not on there?

4 A Correct.

5 Q Okay. And, that's your election; right? You decided not to
6 have that as a column? Right?

7 A The date in which they signed the petition?

8 Q Correct.

9 A Correct.

10 Q And, also, you don't have a column for dues status as of the
11 date they by -- they signed the petition; correct?

12 A Correct.

13 Q Okay. So let's go to the bylaws for a moment. You're not a
14 bylaws expert by any means; right?

15 A Well, I guess we're going to find out, aren't we?

16 Q How much time have you got? Because if you answered yes to
17 that, we've got -- it's going to take awhile. If you answered
18 no, we can move on.

19 A Well, I'm trying to help you out. Okay?

20 Q That -- help I don't need.

21 A Okay.

22 Q I just want to know that you can read bylaws.

23 A Okay.

24 Q Am I correct -- I'm going to get my version. Do you have the

25 A -- the letter A?

1 A Okay.

2 Q Give me a minute here. Let's perfect this a little bit. So
3 I'm going to stop for a second, and go back to your 24, the
4 full -- and I'm going to need to direct you between Exhibit 11
5 and Exhibit 24. They're both in the same binder. If it's
6 easier, you can take 11 out and we'll work with 24. You'll
7 have to put 11 back in, though, that's the only rule that we
8 have.

9 A Where do you want me -- yeah, okay. I'll try to work from
10 memory.

11 Q Okay. Exhibit 11, the first page after the highlighted list
12 of names, so that would make it the fourth page of the
13 exhibit. You have a signed document by Sue Allor, and it is
14 dated November 20th of 2023. Do you see that?

15 A Okay.

16 Q And, when we look on your dues status sheet, we actually don't
17 know the dues status as of the date she signed the petition.
18 We would have to go back to what you have purported to be the
19 documentation that you've recovered either from the internet
20 or from individuals that would prove the dues status and then
21 we could, of course, extrapolate back to figure out the date;
22 right?

23 A (No response).

24 Q Am I -- am I correct on that?

25 A Partially. People make -- people make payments at different

1 times. So it's -- sometimes people made three or four
2 payments a year. So which date do you pick?

3 Q So let's go -- the first document says dues receipt, that's
4 plural, and it says dues receipt for Sue Allor. And, again,
5 that is you; correct?

6 A Correct.

7 Q I'm looking for the date on the first document underneath the
8 writing that you typed above, and I'm having trouble locating
9 it. I see there's a \$50 payment to something called Michigan
10 GOP. And, there's an identification of Michigan Republican
11 Party, and it's described it as a contribution of \$50.

12 A Was that made in November?

13 Q I'm looking for the date on this document. I don't see it.
14 I'm wondering if I'm missing it. So do you -- is there a date
15 there?

16 A Which document is that?

17 Q I'm sorry. I thought we were looking at the same page. Don't
18 go off memory.

19 A Okay.

20 Q So Exhibit 11, and go to the first -- sorry, this is
21 Exhibit 24.

22 A Yes. That's the one.

23 Q Year dues receipts is what you call it.

24 A Yes.

25 Q And, then you have dues plural receipt -- well, I guess, no,

1 maybe it's not plural. But anyway, dues receipt for Sue
2 Allor. And, it shows a -- it purports to show a \$50 payment,
3 but I can't find the time on here. I can't find a day, I
4 can't find a year. Do you have -- is there one here that I
5 have missed?

6 A Well, if we're looking at the same document --

7 Q Stop for a second. I want to make sure we're looking at the
8 same document. I'm going to walk over there and show you my
9 document, and you're going to show me yours.

10 A I'm looking at this --

11 Q If not (inaudible).

12 A Okay.

13 Q I think we're on the same page.

14 A You're -- you are correct, there's not a date on here.

15 Q Okay. So it's fair to say from your research and efforts --

16 A Um-hmm.

17 Q -- which has been considerable, you cannot tell me from this
18 document the date that Sue Allor paid her dues?

19 A That's not a true statement.

20 Q From this document that we're --

21 A From -- from that -- from that document.

22 Q -- from this page (indicates), you cannot?

23 A From that document, but you can't make that general conclusion
24 because she made another payment.

25 Q Okay. So this -- well, let me put it this way. This \$50

1 payment you have no idea what the date was?

2 A On that one.

3 Q Correct.

4 A That's why there's other documentation in there showing that
5 she made payments.

6 Q And, behind it is a document that unlike the first one that
7 says MIGOP, Michigan Republican Party, has the capital letter
8 A, and I think that's an asterisk, and it says Michigan GOP,
9 Lansing, with a dot, dot, dot afterwards. And, this document,
10 the second document, unlike the first -- the first is sleuthed
11 from the internet, fair -- is that a fair description?

12 A No. That actually came from Sue Allor.

13 Q So the first one came from Sue Allor?

14 A Yes. It came from her.

15 Q But she didn't tell you what date it was?

16 A This was -- well, this is what she gave me.

17 Q Okay.

18 A And, I didn't want to alter the document and put anything on
19 it that wasn't there.

20 Q No, no. Well, so then the next one had a date of April 26th
21 without a year; right? Although it makes a reference about
22 the charge appearing on a May 19th, 2023, statement. So we
23 can assume, or at least it's purported to be 2023; correct?

24 A Is it 2023, or did she make the payment on April 26th? Are we
25 looking at the document for 125?

1 Q I'm looking at the document for 125.

2 A That's --

3 Q This document is really -- it appears to be a cell phone
4 picture capture?

5 A Yes. But that --

6 Q But --

7 A -- that payment was April 26th. The notation of it is up in
8 the upper left-hand corner.

9 Q And, it does say A-p-r-i-l -- A-p-r 26. I agree with you.
10 That's April 26th. I'll agree with that.

11 And, but this is -- all it is, is a cell phone video
12 -- picture that she sent to you? Correct?

13 A Correct.

14 Q And, you have no corroboration beyond that; correct?

15 A Well, I spoke to her and she verified that she made that
16 payment.

17 Q When you spoke to her, you didn't ask her when she paid --
18 made the \$50 payment?

19 A Why? This -- this was -- this was the one I needed. Because
20 it had the date on it.

21 Q Okay. Then why do you have the other one?

22 A Well, why not?

23 Q Because I'm trying to figure out if you -- if this satisfies
24 you, why did you get extra?

25 A Because the first time it didn't have the -- the date

1 requirement that I needed. So I asked her for additional
2 documentation, and then she said, I have this and she pulled
3 it up.

4 Q Okay. Do you have any confirmation from the Treasurer of the
5 Michigan GOP that this \$125 payment, in fact, satisfied her
6 dues that were owing as of November 20th, 2023?

7 A No. Because I never spoke with the Treasurer.

8 Q Okay. Why not?

9 A I -- that I understand is that she was not being cooperative
10 in providing information. So I wasn't going to go down that
11 path.

12 Q You weren't going to make a phone call to the Treasurer
13 because somebody told you she wasn't being cooperative?

14 A Well, I heard that from Malinda Pego. I mean, her Co-Chair
15 wasn't able to get financial information.

16 Q Okay. You -- did you hear that before or after Malinda Pego
17 was removed on January 13th?

18 A Um -- oh, this would be before. Yes.

19 Q Okay. And, again, you're a lawyer, you decided you would not
20 call the Treasurer and check to see if Malinda was right, or
21 whether the Treasurer would answer your questions?

22 A It didn't matter because I was able to get the documentation
23 regardless of whether I spoke to her or not.

24 Q Now doesn't it matter a little bit on what the actual records
25 of the Michigan GOP show?

1 A Well I mean, well, it didn't have this in it. I'll tell you
2 that.

3 Q How do you know they didn't have that in it?

4 A I know they don't have that in there.

5 Q How do you know that?

6 A Because I've seen the membership list. It didn't have it in
7 it.

8 Q You've seen the membership list or you've seen the actual
9 evidence of who's paid dues and who hasn't?

10 A Yes. I told -- I said that earlier, yes.

11 Q I want to -- no, I think my question's a little bit different
12 here. And, I apologize if I was not more descriptive. So
13 let's try again. There are membership lists that are issued;
14 correct?

15 A Yes.

16 Q And, those membership lists will say whether some -- there
17 will be a list of who's in good standing; correct?

18 A Correct.

19 Q And, good standing matters; right?

20 A Yes.

21 Q It matters because you can't act like a regular member unless
22 you are in good standing?

23 A Well, you can't vote.

24 Q Well, let's go to the bylaws. Let's go to Exhibit A. I'd
25 like you to turn to -- it's Page 5, if you have numbered pages

1 of your -- as you should, Page 5, and this is Article III (E),
2 as in Edward. And, it's entitled, Qualification of Rights of
3 Regular Members. Do you see that?

4 A Correct.

5 Q And, there's a line -- three lines in, and halfway across the
6 page, begins, Regular members shall have the right to vote on
7 all matters which come before the Committee.

8 A Correct.

9 Q And, then farther down it says, Failure of a Regular Member of
10 the Committee to contribute to a regulated fund of the
11 Committee on or before April 2nd, shall result in automatic
12 suspension of all rights and privileges. You're aware of
13 that; right?

14 A Correct.

15 Q All rights and privileges?

16 A Correct.

17 Q Of such regular member until the contribution is made. Do you
18 see that?

19 A Right.

20 Q And, there's a further provision about a penalty, so if you --
21 or after April 2nd, it's going to cost more, and in order to
22 restore your rights and qualification as a regular member;
23 correct?

24 A Correct.

25 Q You just told me that a regular member couldn't vote, but it's

1 all rights and privileges that are suspended; correct?

2 A Right. Well, how are you -- my question is, how are you
3 defining all rights? We had the votes.

4 Q You have not placed an appearance as Counsel in this case;
5 correct?

6 A I get it.

7 Q You are a witness; correct?

8 A Correct.

9 Q That's not a problem. I'm just asking. I'm not bothered by
10 it. I've got to do what a lawyer does.

11 A You're doing a good job.

12 MR. CAMPBELL: Well, I should have no further
13 questions, Judge. But I'm going to go out on and --

14 THE COURT: I would close on that if I were you.

15 BY MR. CAMPBELL:

16 Q Okay. So it is a right and a privilege to sign a petition;
17 isn't it?

18 A I -- it depends on the use of that petition.

19 Q Let me ask you this. Matt DePerno is not a member of the
20 Michigan GOP State Committee; correct?

21 A Correct.

22 Q He sent an email with petitions. You're aware of that, we've
23 talked about it; right?

24 A Correct. Yes.

25 Q He didn't sign any of those petitions; right?

1 A No, he did not.

2 Q Had he signed one of those petitions, it would have been
3 invalid. You would agree with me; right?

4 A Correct.

5 Q Okay. And, the reason his signature, if it existed on that,
6 being invalid is because he's not a member; correct?

7 A Correct.

8 Q More importantly, even if you were a member, he'd have to be a
9 member in good standing in order to sign one of those
10 petitions; correct?

11 A I would disagree.

12 Q Okay. You would disagree with that, but I read you the rule
13 that says all rights and privileges, not some; correct?

14 A No, he didn't -- we disagree on that point.

15 Q Okay. I --

16 A But -- but --

17 Q -- hold on. We started with the fact that you're not a bylaws
18 expert; correct?

19 A Yes.

20 Q Again, if you want to become one, we can go. So the next
21 question I have for you is about Mr. Marcum's alleged receipt
22 that you have in your materials. That has -- that's another
23 cell phone picture. Right?

24 A Yes. Correct. He took it that night.

25 Q You'd agree with me, it's not a financial record, it's a

1 picture off a guy's cell phone?

2 A Right.

3 Q Okay. And, you don't have anything else from Mr. Marcum;

4 correct?

5 A I -- I don't believe there were any payments, no. That this

6 was his payment.

7 Q Okay. Well, you believed this was his payment?

8 A Yes.

9 Q But you're unaware of any other payments; correct?

10 A No. I'm not aware.

11 Q Okay. And, you trust that this is his payment on the -- on

12 the cell phone? You know Mr. Marcum; right?

13 A I don't know him personally. I spoke with him once or twice

14 on the phone.

15 Q And, did you ever say to him, hey, do you have anything better

16 than a picture off your cell phone?

17 A It was New Year's Eve and he was enjoying himself and --

18 Q Well, so are you saying you called and said, hey, buddy, pay

19 your dues?

20 A No, I said we haven't received your dues, but we just didn't

21 know what he was going to do. So -- so I called him and he as

22 at a party, he was with his friends and --

23 Q Wait a minute. You said we haven't received your dues?

24 A Yes.

25 Q Who's we?

1 A Well, I meant we had not received confirmation. Maybe I mis-
2 worded that a little bit. We had not received confirmation
3 that his dues had been paid -- with -- I hadn't seen it. And,
4 I was vetting these petitions.

5 Q In fact, his petition and that's part of Exhibit 11 that I
6 asked you to pull out or at least have available.

7 A Okay. Okay.

8 Q Do you have that in front of you? That's why they're both in
9 the same -- I do suggest you take 11 out of its placement.

10 A I'm looking at it.

11 Q Because we're going to go back and forth a couple of times.

12 A Okay.

13 Q Because Mr. Lauderbach went through several people with you,
14 and I'm going to go through the same folks.

15 A Okay.

16 Q You tell me when you're ready.

17 A Yeah, I'm ready.

18 Q Okay. Thank you. So the next on his petition and, again,
19 this is the petition for the removal in Exhibit 11, he signed
20 that on December 3rd, 2023.

21 A Okay.

22 Q If all rights and privileges were withdrawn from him as of
23 that date, and I understand you believe otherwise? But if
24 they were, and it included the right to sign a petition, you
25 agree with me that would make this -- this petition invalid?

1 A No. I would disagree.

2 Q Even if all rights and privileges were withdrawn and it
3 included signing petitions?

4 A I would disagree.

5 Q All right. The next item I'd like you to look at is where
6 Mr. Lauderbach had you go -- this is the receipt of H-i-m-a?

7 A Yes.

8 Q Kolan --

9 MR. LAUDERBACH: Kolanagireddy.

10 BY MR. CAMPBELL:

11 Q What he said. And, I mean no disrespect, I just -- prefer
12 to --

13 A Just refer to her as Hima. We'll know -- we'll know who
14 you're talking about, Hima.

15 Q Sema? Or Hima?

16 A Hima. Just call her Hima.

17 Q Thank you. I appreciate that. And, so I don't know if you
18 have that page in front of you, but it shows her due payment
19 -- dues payment as you've identified, she is also a petition
20 signer; correct?

21 A Correct.

22 Q Okay. Let's make sure I saw that one -- the last one in the
23 set, and she signed it on 1-6. She had made her payment of
24 \$1,000 on 5-26, and then you also note the dues receipt for
25 Mr. -- yeah, Cloutier?

1 A Cloutier. Yes.

2 Q We just checked that one. Oh, let's -- let me find her
3 petition. Just her petition was signed sometime after May 26
4 of 2023; right?

5 A Correct.

6 Q Okay. So the next one that I want to look at -- give me a
7 moment. Let's look at Ms. Lee's. Is there any chance you
8 could fundraise for a larger table for the Court so lawyers
9 can spread their stuff out any more?

10 A I am not fundraising right now (laughs).

11 Q All right. Here it is, Ms. Lee's. I don't know if you have
12 hers. It's the -- are your pages numbered? Mine are,
13 fortunately, but yours may not be. Mine is Page 21 within
14 this exhibit. If not, we're looking for the Kristin Lee.

15 A Those would have been made in December.

16 Q Well, let's talk about it. Are you ready?

17 A And, you're in Exhibit 11?

18 Q I am in Exhibit 24. Your exhibit.

19 A Okay. Got it. Okay.

20 Q And, when you have a Kristin Lee receipts in front of you, let
21 me know because then we're going to go into Exhibit 11 and
22 we're going to look at her petition.

23 A Okay.

24 Q Best if you have both documents in front of you.

25 A Yeah, I know what she signed. Yeah.

1 Q Okay. She signed the petition on December 19th; correct?

2 A Correct.

3 Q When we look at these receipts, you -- the first one on my
4 copy it's in blue. In your copy, it's probably black -- is it
5 colorized? Your copy?

6 A Yes. It's blue.

7 Q Oh, good. \$25 -- that's on December 23rd, 2023. Do you see
8 that?

9 A Correct.

10 Q And, that is paid to WinRed Michigan Repub. Do you see that?

11 A Correct.

12 Q And -- but you would agree with me December 23rd falls after
13 December 19th?

14 A Correct.

15 Q There's one next to it, which is in red, I don't see a date on
16 that. It appears to be one of those cell phone pictures;
17 correct?

18 A Correct.

19 Q You -- it's actually very similar to the one that we saw with
20 Ms. Allor that had no date. Do you agree with me that this
21 item does not appear to have a date either?

22 A I received this from Kristin, the -- the date --

23 Q Well, let me --

24 A Okay.

25 Q -- my question is, you'll just agree with me, there's no date

1 on there?

2 A Yeah, there's no date.

3 Q There is a time, we can tell that Ms. Lee really needs to
4 charge her phone more, at least more often. But we can't tell
5 what date this was done; right?

6 A That's okay. That's okay.

7 Q Then there is another page -- this one has a date on it of
8 12-1-23, and it has a reference of Michigan Republican Party
9 that appears to be is how it's on her phone. And, it shows
10 \$25?

11 A Well, her name is on it, so we know it's Kristin.

12 Q Yeah. I would agree with you it has her name. Again, it is a
13 phone picture of something that she says she got from the
14 Michigan Republican Party saying that there was a successful
15 \$25 donation; correct?

16 A Donation. Correct.

17 Q She -- if she was not paid by April 2nd of 2023, are you aware
18 how much her dues would be?

19 A \$50.

20 Q Thank you. And, she could not regain her status as a regular
21 member until the \$50 were paid; correct?

22 A That would be true, but she made a payment on April 15th of
23 2023. So she was paid.

24 Q In the materials that you have here for Kristin Lee, there are
25 three items that are identified. One of them is dated

1 December 23rd.

2 A Correct.

3 Q One of them is 2023. One is a phone screen shot of
4 December 1st, and one is undated?

5 A Correct.

6 Q So what you just said would be hearsay, at least compared to
7 the actual proofs that you have here about her payments?

8 A Well, part of the proofs are my personal testimony. She was
9 at the convention. She was --

10 Q Hold on --

11 A -- she was there, I saw her. She was credentialed. I saw the
12 credential on her neck.

13 Q She -- okay. Credentials can be issued in error; correct?

14 A Well, then they were issued by your Secretary, Angela.

15 Q Okay. Your Secretary, too; right?

16 A Well, at that time, yeah.

17 Q Who is your Secretary today?

18 A I, you know, I don't know. I really don't know.

19 Q Why do you think it's not Angela?

20 A I don't know. I just --

21 Q Wait, wait. So -- you must have a reason. You -- you knew
22 that she was the Secretary one day; right?

23 A One day, yeah.

24 Q And, then on another day you didn't know that? Right?

25 A I don't know if I don't know it, I just -- I don't know where

1 she's at on this issue. I don't get to --

2 Q Whoa, whoa, whoa. How does where you're at on an issue have

3 anything to do with what --

4 A I don't know.

5 Q -- with what your position that you have been elected and

6 appointed to at the Michigan GOP?

7 A Well --

8 Q Come on Counselor. You -- you don't want her to be your

9 Secretary? Right?

10 A -- I don't know what you -- well, she can.

11 Q Oh, she can?

12 A Yeah.

13 Q Well, then why isn't she?

14 A Well, I guess she is.

15 Q Well, why would you tell me she wasn't?

16 A I don't know.

17 Q Well, can I suggest some reasons to you?

18 A Well, you can.

19 Q Yeah, because you're biased.

20 A Well --

21 Q Is -- is that true?

22 A No, it's not.

23 Q Really?

24 A I've never met her.

25 Q Well, but you're biased because she thinks -- you think she

1 doesn't support Mr. Hoekstra -- excuse me, Ambassador
2 Hoekstra.

3 A I don't know if she does or not.

4 Q Does that make her suspicious to you because of that?

5 A I don't know. Time will tell. You've just got to let this
6 stuff evolve.

7 Q The next item that was gone through with your -- with Counsel,
8 is the -- the petition by Rylee Linting, R-y-l-e-e,
9 L-i-n-t-i-n-g. I want to go through that with you and I want
10 to take a look at her records.

11 Did you just say that that spreadsheet that you gave
12 us is a compilation of internet records, FEC information,
13 stuff people sent you on the phone, and what you talked to
14 them about?

15 A Plus -- plus --

16 Q Well, wait. Well, if there's more --

17 A Okay.

18 Q -- we'll get there more -- we'll get into it. But I want to
19 know, have I correctly identified all the stuff that's in
20 there?

21 A No.

22 Q I'm sorry. All the things that I've identified, am I correct
23 that they're in there?

24 A Yes.

25 Q So there's hearsay on the -- in that document? Right? You --

1 you'll see somebody with credentials, you don't think that's
2 hearsay?

3 A Well, I mean if you want to object to it, you object to it.
4 I mean, you just said --

5 Q Well, I've got to know it's in there first. I was told that
6 it was internet sleuthing.

7 A (No response).

8 Q Now it turns out it was internet sleuthing plus your personal
9 observations, plus --

10 A No.

11 Q -- folks you talked to; right?

12 A No. No. Kristin Lee is documented in here as making a
13 payment. She made a payment.

14 Q Okay.

15 A I just provided supplemental -- additional information which
16 you can choose to accept or reject.

17 Q But, the only payments that you're aware of Kristin -- that
18 you have presented on behalf of Kristy -- Kristin Lee, are the
19 documents that are attached in Exhibit 24, the two pages that
20 you and I have looked at; right?

21 A No.

22 Q You have other documentary proof of her payments? You said, I
23 submitted evidence of her payment. This would be the evidence
24 of her payment then, that you submitted; right?

25 A Right. But they're --

1 Q But you may -- you may have seen other things, but this is the
2 evidence you submitted?

3 A Oh, okay. Yes, I saw other things.

4 Q All right. I apologize if that was confusing.

5 A Yeah. That was very confusing.

6 Q Okay. So we're on the same page, so to speak, but the only
7 evidence of payment that you have submitted in Exhibit 24 --

8 A Got it.

9 Q Is those two pages; right?

10 A Yes. Yes. Okay.

11 Q So we were gonna go look --

12 A I think you wanted Rylee?

13 Q -- Mr. Linting, I thought was the next for me.

14 A Yeah. It's a -- it's a woman. It's Rylee.

15 Q I'm sorry. Yes.

16 A No, that's okay.

17 Q You've confused me.

18 A And, what exhibit are you in?

19 Q Well, I want to look first at the petition, and I want to look
20 at the date of the signing of the petition. You were a signer
21 -- just as we're looking -- getting our pages right here. You
22 were a signer of the December 2nd list of names of folks
23 calling for a Special Meeting; right?

24 A Correct.

25 Q You were with Ms. DeLisle on December 2nd, when you signed

1 that petition; correct?

2 A Yeah. It's -- I was in the same room.

3 Q Yeah. But it -- you were assembled with her; is that a
4 fair --

5 A Yeah. That would be fair.

6 Q And, it wasn't just you, it was at least you, her, and
7 37 others; right?

8 A I think there were 39, maybe.

9 Q Yeah. And, in fact, there's 39 signatures?

10 A Right.

11 Q Everybody there signed? Or if you know -- you may not know.

12 A No, I don't -- I don't think so.

13 Q Okay. So there may have been more than 39 people, but
14 39 signatures. Do you remember that was also the day of the
15 meeting for the State Committee?

16 A Yeah. This was the --

17 Q Again, my questions are very directed. Do you remember, yes
18 or no, the date of the Committee meeting? For a Committee
19 Meeting?

20 A Oh, you're talking about December 2nd?

21 Q Yes.

22 A Yes.

23 Q Okay. So we're focusing, yes, that was the date for a
24 meeting. You were there with at least 39 other State
25 Committee members; correct?

1 A Correct.

2 Q Pizza was provided; correct?

3 A Yes.

4 Q Where were you?

5 A I was at the meeting.

6 Q No, no. Where is it physically -- I'm sorry. Like if I had a
7 Google Map it, where would it be?

8 A Oh, Multi Lakes.

9 Q One more time?

10 A Multi Lakes.

11 Q What is Multi Lakes?

12 A It's a gun reservation -- conservation association.

13 Q Thank you. They have a large hall?

14 A Yes.

15 Q Large enough to hold at least 39 people?

16 A About 400. Yeah.

17 Q And, do you remember Ms. DeLisle saying whatever you do, we
18 have -- let me bring pizza, world famous pizza coming, and
19 whatever you do, don't log onto the virtual meeting?

20 A I don't recall her specifically saying that, but she may have
21 said it.

22 Q Okay.

23 A There was a lot going on and I was doing other things, so --

24 Q And, the reason for not going on to the virtual meeting was if
25 all 39, or even if a significant portion of the 39 went on,

1 that would provide a quorum to this meeting; correct, that was
2 being held?

3 A Yes.

4 Q An idea was to not have quorum established for that
5 December 2nd meeting; correct?

6 A I -- I don't -- I wouldn't answer that question because that's
7 -- that's not correct. The -- the issue was, as people were
8 being denied entry into the virtual meeting.

9 Q Were you denied entry into the virtual meeting?

10 A No. Because the link that they provided -- I didn't have
11 access to.

12 Q So -- I'm sorry. I asked whether you were denied and you
13 said, no. But you're saying you did not have access?

14 A I did not have access to the link. So I personally could not
15 have participated in that meeting. There were many of us that
16 couldn't. Because the link was a -- it wasn't a Zoom call, it
17 was on a different technology or technological platform. And,
18 that platform wasn't compatible with my software.

19 Q Okay.

20 A I couldn't log on.

21 Q And, so do you know how it works if one person logs on and
22 there are two people on the screen, is that possible that both
23 can then be there for virtual appearances? Do you have to log
24 on with your own ID to be recognized as a member?

25 A That's kind of how these conversation platforms work. So I --

1 I can only -- I don't know. I don't know this platform so I
2 don't know what the requirements would have been.

3 Q Okay. Let's go -- you've got me past Ms. Linting.

4 A Okay.

5 Q And, we're gonna go to Rola Makki.

6 A Okay.

7 Q Am I correct, Rola is a woman?

8 A Is -- is a woman, yes.

9 Q Thank you.

10 A Yes.

11 Q So let's -- if her petition is in Exhibit 11.

12 A Okay.

13 Q And, it is dated January 2nd of 2024. Okay?

14 A Okay.

15 Q Let's go to her receipt material. I'll let you find those,
16 it's near the back, second from the end actually.

17 A If I recall, her name is up at the top in white. Do you have
18 it in a black --

19 Q Yeah. It's a -- it's a picture from a phone?

20 A Yeah. Yeah. Black --

21 Q She is to be credited with the charging that she keeps on her
22 phone. You should note that for the record; right?

23 A (No response).

24 Q And, there is a -- a screen shot?

25 A Um-hmm.

1 Q And, that screen shot, if there's a date on here, I don't --
2 oh, there's a December 22, 2023. Do you see that?

3 A It's in very small print.

4 Q Yeah. Now I see it there.

5 A It's paid to the --

6 Q Yup. And -- and so that would have been -- would have been
7 before she signed the petition; correct?

8 A Correct.

9 Q Okay. I don't think there's anything else. I think -- this
10 will take care of my questions on this.

11 You have a dues receipt -- if you go to the next
12 page for Marian Sheridan. That one does not appear to have a
13 date. Do you know if Ms. Sheridan who -- Marian could be a --
14 like John Wayne, I guess could be a guy. Is it a guy or a
15 gal?

16 A For that -- it's a gal.

17 Q Thank you. Do you know if Ms. Sheridan was a signer of a
18 petition?

19 A Yes, she was.

20 Q Okay. And, that's why you have all of these in here, these
21 particular ones, was basically anybody who signed a petition,
22 you wanted to make sure to gather the information as to their
23 payment of their dues; right?

24 A Correct.

25 Q Okay. So I asked you who your Secretary was. We had that go

1 round. Who's your Treasurer?

2 A Um -- I guess it's Jennifer Standerfer. I'm not going to
3 argue with you, so I'm going to sort of bypass this --

4 Q Well, is -- is there an argument that she's not?

5 A I'd say no. It is what it is. When the dispute's resolved,
6 well, I guess we'll know.

7 Q Do you think that's going to be resolved in this lawsuit?

8 A I don't know. I -- I can't make that decision.

9 Q But is -- isn't that the goal that you understand from this
10 lawsuit, it's not just to replace Ms. Karamo, it's to replace
11 the entire elected --

12 A Well, it's whoever wants to come along and be cooperative and
13 work with whoever is the new chair.

14 Q And, if they don't do it on your rules, on your terms, they're
15 out?

16 A I don't know these people, so I -- I have no say, no input.

17 Q But does it matter whether you know 'em or not, if they don't
18 do it on your terms, in your way --

19 A It doesn't matter -- it doesn't matter what I think.

20 Q I've asked the question. There's no objection.

21 A And, I'm giving you the answer.

22 Q What do you think?

23 A It doesn't matter what I think.

24 Q No. That's not the issue. What do you think?

25 A I -- it doesn't matter, sir.

1 Q Where are you going to be on March 2nd, 2024?

2 A I'm going to be at the Amway Center in Grand Rapids.

3 Q And, if the Judge in this case rules that there will be no
4 preliminary injunction, that's been asked, before March 2nd,
5 2024, where are you going to be on March 2nd, 2024?

6 A I'll be in Grand Rapids.

7 MR. CAMPBELL: Thank you. I have no further
8 questions for this witness.

9 THE COURT: Mr. Lauderbach?

10 MR. LAUDERBACH: Just brief redirect, Your Honor, if
11 I can?

12 REDIRECT EXAMINATION

13 BY MR. LAUDERBACH:

14 Q Ms. Kurtzweil, Mr. Campbell asked you some questions about
15 sending the petitions to Ms. Gillisse, am I pronouncing that
16 correctly?

17 A I don't know. I really don't know.

18 Q On January 6th at 1:49 p.m., right?

19 A I -- no. The one point I made --

20 Q He asked you questions about that; right?

21 A Oh, 1:49 -- yes. Yes, he did.

22 Q All right. All right. Do you remember him asking you or
23 saying that well, she couldn't review them?

24 A Yes.

25 Q Okay. If she was there on January 6th, could she have

1 reviewed them?

2 A She -- absolutely.

3 Q She wasn't there, was she?

4 A No. She was not there.

5 Q Okay. Now, we've looked at some receipts of payments, that
6 show payments made to the Michigan Republican Party; correct?

7 A Correct.

8 Q And, the suggestion was, well, that if the Michigan Republican
9 Party said that they didn't receive 'em, how do we know they
10 were received? Right?

11 A Correct.

12 Q Okay. If a contributor is able to produce a receipt that
13 says, I made \$125 contribution, or a \$50 contribution to the
14 Michigan Republican Party on such and such date, and yet that
15 contribution doesn't show up on a legally required Campaign
16 Finance Report, would you conclude that the payment didn't get
17 made, or the contribution wasn't made, or would you conclude
18 that maybe the Treasurer didn't report it properly?

19 A I would conclude that the Treasurer was remiss in keeping the
20 records of the organization.

21 Q All right. Ms. Standerfer is a supporter of Ms. Karamo;
22 correct?

23 A I assume she is, yeah.

24 MR. LAUDERBACH: Thank you. That's all I have.

25 THE COURT: Additional cross, Mr. Campbell?

1 MR. CAMPBELL: Yeah.

2 RE-CROSS-EXAMINATION

3 BY MR. CAMPBELL:

4 Q I want to go back into --

5 MR. CAMPBELL: No. I'm actually good.

6 THE COURT: Thank you.

7 MR. CAMPBELL: Thank you.

8 THE COURT: Mr. Lauderbach?

9 MR. LAUDERBACH: Your Honor, we have no further
10 witnesses.

11 THE COURT: Very good. Thank you, Ms. Kurtzweil,
12 you may step down from the witness stand at this time.

13 THE WITNESS: Okay. Thank you, Your Honor.

14 (At 12:23 p.m., witness excused)

15 THE COURT: And, for purposes of today's hearing, I
16 hear that the Plaintiff has rested. And, I will invite
17 Mr. Campbell during, you know, we do have a good 35 minutes
18 here, to at least present or start presenting a witness.

19 MR. CAMPBELL: Well, Judge, I'm going to start by
20 asking permission to do a motion for dismissal -- involuntary
21 dismissal.

22 Well, I could do it under 2504(B)(2) if this were a
23 bench trial, you've made that reference before. There should
24 be no reason why I can't move at the close of their proofs for
25 dismissal to save time and effort, especially if it's not

1 needed. Given the testimony that's come in, given the lack of
2 testimony, Judge, on the four main issues that are at issue in
3 a preliminary injunction.

4 This is -- and that would be appropriate here. They
5 think -- I should be given this right before I have to put on
6 any evidence.

7 THE COURT: Okay.

8 MR. CAMPBELL: And, this Judge has been -- I should
9 -- Your -- Your Honor, you have looked at this in a way that
10 is not particularly overly draconian in terms of how you've
11 approached procedure on this matter. And, so I think it's a
12 fair request.

13 THE COURT: All right. Response, if anything,
14 Mr. Lauderbach, on the proprieties in acknowledging here as
15 well, Mr. Campbell's somewhat of a -- what I'm going to call a
16 tactical or a judgment call, and that I've informed everyone I
17 have limited time to hear this and that we are all aware that
18 -- and I'm aware that you're unavailable next week during the
19 only day that I have available. So your choice would be to
20 make a time and to make this motion, and have a response and
21 potentially a ruling from me potentially, I would take it
22 under advisement.

23 Mr. Lauderbach, any objection to that Motion to
24 Dismiss at this time?

25 MR. LAUDERBACH: Your Honor, he can ask you to

1 dismiss. I think that, first of all, you would have to view
2 the facts in the light most favorable to the non-moving party.
3 You just listened to -- listened to two days worth of proofs
4 where we've established that there was a -- a meeting that was
5 properly held on January 6th, where Kristina Karamo was
6 removed as the Chair of the Michigan Republican Party.

7 All of the facts, again, have to be judged in the
8 light most favorable to the non-moving party. So I'll defer
9 to the Court's discretion. If you want to entertain the
10 motion, I think it should be denied -- denied.

11 MR. CAMPBELL: Judge, he's wrong on that legal
12 point, 2.504(B)(2) says you don't take the facts in the light
13 most favorable. It's an Involuntary Dismissal Motion. It's
14 not a Motion for Summary Disposition or a Directed Verdict.
15 It's an Involuntary Dismissal.

16 You actually take the facts as they were presented.
17 The real question is, have they made enough to carry their
18 burden? They have not. And, so this case will be shorter if
19 I am allowed to make this Motion, and this Court rules on what
20 it has received in front of it.

21 THE COURT: All right. Very well. I don't see
22 anything in the Rule that prohibits making the Motion for
23 Involuntary Dismissal at this point.

24 As to the standard that I have to evaluate the
25 Motion for -- certainly, 2.504(B) --

1 MR. CAMPBELL: (B) (2), Your Honor.

2 THE COURT: Yeah, (B) (2) does not appear to give the
3 standard for a Directed Verdict, which is that concerning the
4 facts in the light most favorable to the non-moving party.

5 However, since it is a Motion to Dismiss, at the
6 close of proofs, I think with regard to the testimony I've
7 heard -- after all, this is a bench trial. I'm able to
8 evaluate the credibility of witnesses and exhibits that have
9 been presented before me.

10 I'll -- I'll grant the ability. Why don't we --
11 however, I do want to make sure, Mr. Lauderbach gets an
12 opportunity to respond to that.

13 So can you confine yourself on your argument to
14 fifteen minutes, and then I'll give Mr. Lauderbach fifteen
15 minutes as well?

16 MR. CAMPBELL: Yes, Your Honor. Will there be
17 testimony at that? I know you gave us a hard stop at 1:00.
18 That gets us there. I just want to advise my witnesses.

19 THE COURT: There will be no testimony or any other
20 proceedings on this matter past 1:00.

21 MR. CAMPBELL: Thank you, Your Honor.

22 THE COURT: So why don't you lead off with your
23 Motion?

24 MR. CAMPBELL: Oh, I thought you were going to --
25 may I have three minutes to tell my witnesses that they are

1 not going to --

2 THE COURT: I understand. You want to do a
3 logistical step? Yes. We'll stand in recess three minutes.
4 Resume at 11:30. Fifteen minutes per lawyer.

5 MR. CAMPBELL: Do you make everybody sit down while
6 I get out of here? Thank you.

7 THE COURT: Thank you.

8 (At 12:27 p.m., recess taken)

9 (At 12:31 p.m., hearing reconvened)

10 THE COURT: Thank you. Please be seated.

11 And, this is a continuation of the hearing on the
12 Preliminary Injunction in Pego, et al versus Karamo.

13 Mr. Campbell?

14 MR. CAMPBELL: Thank you, Your Honor. Your Honor,
15 they -- the Plaintiffs have come before you to ask for the
16 most extraordinary remedy that could be available in law.

17 And, they have come nowhere near meeting the well-
18 established conditions, precedents, the standards of the four
19 qualifications that are recognized under the Court Rule and
20 the case law.

21 They have come before you saying that justice must
22 require what "they" demand. They have come before you saying
23 that there is real, not speculative, injury.

24 There is imminent danger of an irreparable injury.

25 They have come nowhere near it.

1 And, again, the case law says that this irreparable
2 injury must be certain and great. The only evidence that
3 they've brought are two individuals, who at first pause over
4 recognizing the Secretary and Treasurer of their own party,
5 and then clearly show their partisanship in their testimony
6 that they happen to favor one person who claims to be the
7 Chairperson over another.

8 A classic internal political dispute. It is neither
9 certain for an irreparable injury. We know now that there's a
10 March 2nd meeting in Grand Rapids. We've known for some time
11 there's a March 2nd meeting in Detroit.

12 There's no injury. People can go to the meeting
13 they choose.

14 This is not unusual. You can even see in the case
15 law the Motions for Summary Disposition where different
16 conferences elect their delegates. Matters proceed, issues
17 resolve within parties.

18 THE COURT: You would agree it's less than ideal
19 from anyone's perspective that there are two conventions, one
20 of them then necessarily being their own convention, but that
21 the injury caused has happened before and thus it wouldn't be
22 irreparable, there are ways to decide these things even if we
23 did have two conventions.

24 MR. CAMPBELL: First of all, it's neither certain
25

1 nor great, Judge. So I -- this -- no, I don't agree that it's
2 less than.

3 THE COURT: Well --

4 MR. CAMPBELL: This is a political process. In a
5 perfect world, the family all -- would all meet under one
6 roof, break bread. It's not a perfect world, it doesn't need
7 to be.

8 And, certainly the answer isn't to go to court and
9 sit on one side, we -- the minority of interest -- folks who
10 haven't been able to get more than 40 votes at a meeting out
11 of 107, or 106, depending on how you define it.

12 They should not be the ones to command it, and this
13 Court, Your Honor, should not take a side. That's what you've
14 been asked to do is grant a Motion for Summary Disposition in
15 the form of a Motion for a Preliminary Injunction, which is
16 exactly the type of abuse that we've given you the case law
17 on, and it says you should not suffer or cause others to
18 suffer from.

19 THE COURT: What about the confusion that has been
20 argued here among the rank and file as it were, and even other
21 Committee members, and Committee members at least in my mind
22 not necessarily rank and file. These are the folks that
23 aren't calling the shots as to, you know, who's in charge.

24 MR. CAMPBELL: Judge, you've heard from two people.

25 THE COURT: Well, they -- know who's in charge?

1 MR. CAMPBELL: And, one of them -- one of them was
2 removed at a prior meeting, and I have checked the record to
3 see whether Ms. Kurtzweil was, but let's assume she wasn't.

4 So again, she didn't testify to confusion. She
5 knows where she's gonna go and what she's gonna do. She said
6 even if you deny, that she's still headed to Grand Rapids.

7 So the only thing -- the only purpose would be to
8 somehow force people who want to go, have been already on --
9 on March 17th -- sorry, February 17th, and on January 13th, at
10 meetings that they recognized to be the proper meetings.

11 Your -- the only thing they want you to do is tell
12 them to come to Grand Rapids. And, while --

13 THE COURT: You said March 17th. I think you mean
14 February the 17th. Okay.

15 MR. CAMPBELL: February. Thank you. And, again,
16 I'm pressed for time is part of that.

17 THE COURT: I understand.

18 MR. CAMPBELL: I'm sure the Grand Rapids Chambers of
19 Commerce would join that motion, but that's not what your role
20 is, and should not and cannot be here -- would not be
21 anywhere. So I do want to mention that Article V, Section
22 (1), the articles are in evidence.

23 They covered fundraising. That's done by the
24 finance chair, Judge. All this issue about fundraising, it's
25 the Finance Chair.

1 Again, who gets the money? It should be the
2 Treasurer. They can't create their own chaos. They can't not
3 give their money to the Treasurer, and then say, oh, the
4 Treasurer's not collecting the money. That's -- that cannot
5 be the basis and source of any relief.

6 The financial information, by the way, that could
7 have been gotten, Article VII, that, in fact, is the Budget
8 Standing Committee. That's not even the Treasurer that they
9 have to go through.

10 But they didn't do it. Why? Because they
11 themselves decided that they're lord over this for this
12 purpose, and they're not going to deal with anybody who
13 doesn't want them (inaudible), you will disenfranchise
14 53 members who were there on February 17th; 62 members who
15 were there on January 20th; all to appease what is now a
16 coalition of less than 40. We saw that in the vote for
17 Ambassador Hoekstra.

18 Really? That cannot be the dream and the hope of
19 the bylaws and whoever wrote the Michigan GOP bylaws.

20 In fact, they created bylaws that are clear that
21 say, three conditions for quorum. You have to have half the
22 membership, you have to -- or sorry, a majority. You have to
23 have proxies -- you can't have proxies, and you have -- you
24 can conduct all business.

25 There's an "except." Their expert even said, oh, I

1 hadn't thought of that when I said, doesn't that negate the
2 proxies? And, so he hadn't thought of it.

3 Secondly, he says well you only take out the phrase
4 before.

5 Here's the problem, Judge. And, he knows this, from
6 construction you know this. You don't have to be an expert,
7 but you know this from construction. Statutory and otherwise,
8 even those are -- these are bylaws. If you want to "except"
9 only the thing that was said right before, you write "except"
10 only.

11 The except covers all three of those items. It
12 covers 75 percent, you've got a majority. No proxies, and you
13 have, in fact, the -- the inability to conduct that special
14 business unless you meet those qualifications.

15 That except without an only afterwards, cannot be
16 right on his own definition. Cannot be right. That is a fair
17 reading. They don't prevail on the merits. They have no
18 injury that they can point to.

19 There is no irreparable harm.

20 THE COURT: Wait a minute. I want to back up just a
21 minute to the money question because it has been, at least
22 touched upon here. These Federal funds that I would presume
23 are coming in from the Republican National Committee saying
24 that Michigan, spend it as you want. They flow in and the
25 idea that those right now are -- well, certainly, you know,

1 Plaintiffs are saying that we don't have access, we don't know
2 where that money is. And, we can't direct it towards anyone.

3 You're saying that's being attended to, that is
4 accounted for and disbursed by the Treasurer?

5 MR. CAMPBELL: We need to step back here. I
6 understand they have a complaint that they filed and said
7 that. That's not evidence. Okay? And, the second part of
8 that is, who's "we?" We have one person who claims that she's
9 the District 8 Chair, and sometimes she sits as a Secretary
10 Pro Tem.

11 We have another person who is identified, I believe,
12 as a County member, maybe even a chair of her local county.
13 If I missed it, I apologize if she is that. But she's not on
14 any Budget Committee. She's not the Treasurer. They don't
15 have -- Judge, this is the reason for the Involuntary
16 Dismissal.

17 They haven't presented their proofs. They can't
18 point to their complaint, that's not evidence.

19 Look at the documents you have. There's nothing
20 about that 263,000 going in the wrong place. There's no
21 issue, there's no allegation. You would have heard it from
22 these witnesses.

23 You have two binders and it's not there. They don't
24 get a chance to try and make it in my case. They have failed
25 to meet their burden. And, so the answer is there are

1 restrictions and laws and there's a Treasurer who is gonna be
2 the Treasurer after you rule.

3 So this isn't the issue. There's a Budget Committee
4 that's gonna be the Budget Committee.

5 And, I just want to make one more point.

6 Ms. DeLisle was removed because of a Policy Sub-
7 Committee Report that was adopted by the Policy Committee, and
8 then by the Committee on January 13th.

9 And, one of her own District Members was on that
10 Sub-Committee that came up with that position.

11 That is far more strife and, again, in one last test
12 of 66-2/3, even if you take my definition of how you define
13 quorum, which is the only reasonable definition.

14 THE COURT: What about the testimony of the expert
15 that that meeting, in effect, runs roughshod over the notice
16 rules for Special Meetings. Ms. DeLisle didn't know she was
17 gonna be subject to removal at that meeting because it wasn't
18 in the agenda, and things of that nature that kind of grate
19 against me because of my awareness of the law's demand for
20 notice of proceedings.

21 MR. CAMPBELL: You need to, with all due respect,
22 get over it because the removal, he thought the removal was
23 due to IV(G), or Article -- or the Article (G) (2), the removal
24 of a committee member or removal of a -- yeah, removal of a
25 committee member.

1 What he didn't know, although I cross-examined him
2 on it, is it was because of the conflicts rules. Again, this
3 guy is supposed to know all the sorts of -- stuff about
4 bylaws, he didn't realize that she got removed under the
5 Conflict rules, which don't require any of those special
6 notices.

7 THE COURT: Do they require a Special Meeting?

8 MR. CAMPBELL: They don't require or prohibit a
9 Special Meeting.

10 THE COURT: Okay. They're just silent on that
11 issue?

12 MR. CAMPBELL: They are -- they are the regular
13 business that can be conducted, and was properly conducted on
14 the 13th. And, again, if this -- if you quarrel with that, it
15 doesn't change the fact that they have not made their burden
16 on proving their point.

17 Their case rests on the concept that they can
18 scheme, and try Ms. Karamo said it was a procedural maneuver
19 that she did. But they were scheming with a significant
20 minority. In other words, a low minority, it comes out to
21 about 37 percent when you figure their number of 40 and apply
22 it to the one of seven. That's what they're trying to take
23 over the Michigan GOP with, with their own thoughts and their
24 own ideas and their own readers.

25 They tried to do it by going after Ms. Karamo first,

1 who knows what they'll do afterwards with a ruling from this
2 Court.

3 But right now, they won't show up in a room with a
4 majority of the Republican Committee people. That's happened
5 twice. That happened on the 13th, that happened on the --
6 January -- that happened on the 17th of February.

7 Judge, this Court cannot be telling those
8 people who make up a majority of the Committee, you're wrong
9 because I'm persuaded that there's no chance to win this case
10 because that's what the level of proof they have to give, they
11 haven't come anywhere close.

12 Their own expert said, people can disagree with me.
13 Reasonable readings.

14 THE COURT: I don't probably have to say no chance
15 to win, I have to say unlikely to prevail on the merits, I
16 think, is my standard. Right? That -- that to fulfill that
17 prong number one of the test?

18 MR. CAMPBELL: I don't see any daylight between
19 those two statements, Judge, because I believe it is that
20 high. It is such a significant circumstance. And, I believe
21 the case law backs me up on that.

22 And, again, as we pled, and I know I'm coming close
23 to my time, as we pled, the standard is even if they could get
24 relief, you must go to the last status quo onto before the
25 problems. We've demonstrated to you that the problems

1 occurred and started in July of 2024 (sic).

2 And, so you thought you had to go before that. I
3 understand you -- they would argue it's all after Mr. -- or
4 sorry, Ambassador Hoekstra was done. In fact, you know that
5 that's not true because the reason for Ambassador Hoekstra's
6 meeting, at least the one on the 6th that led to his meeting
7 on the 20th, is -- is because of the upset.

8 And, already the dispute. The position taken that
9 those petitions needed to be done at the time of the report of
10 the -- of the meeting, of the Call of the Meeting, is also a
11 legitimate position to take because the -- it's a special
12 requirement. You've got to tell people while they're there.

13 You can't invite everybody because 39 people signed
14 a piece of paper to take a vote on something that takes
15 75 percent, you cannot invite those people just, hahaha, we
16 didn't really have enough petitions.

17 You have to wait. Once the petitions were
18 submitted, Chairman -- Chairperson Karamo actually issued the
19 Call on that issue for the 13th. That was the amendment. You
20 have that in your -- in your materials.

21 Chairman Karamo -- Chairperson, I apologize.
22 Chairperson Karamo has been willing and twice has appeared in
23 front of her Committee for a vote.

24 Ambassador Hoekstra can't, won't, and all he hopes
25 on is that you're going to grant the most extraordinary relief

1 possible on the thinnest of evidence, no way, no how.

2 Thank you.

3 THE COURT: Thank you. Mr. Lauderbach?

4 MR. LAUDERBACH: Thank you, Your Honor. First of
5 all, I note that the standard for Involuntary Dismissal of the
6 action is that when the Court sitting as finder of fact is
7 satisfied at the close of the Plaintiff -- Plaintiff's
8 evidence, that on the facts and the law, Plaintiff has shown
9 no right to relief. That cite is Samual D. Begola Services --
10 that's B-e-g-o-l-a, versus Wild Brothers, 210 Mich App report
11 636.

12 Judge, we don't elect candidates based -- based on
13 opinion polls. The bylaws of the Michigan Republican Party do
14 not set up a popularity contest. And, what you've heard today
15 is everybody loves Kristina Karamo.

16 What the bylaws do provide, is how you Call a
17 Meeting, how you hold a meeting, and what the quorum
18 requirement is.

19 And, if you don't like what's on the agenda, you
20 show up. So to remove the Chair, four things had to happen.

21 You had to have --

22 THE COURT: You protect your vote is with your feet.

23 MR. LAUDERBACH: Is that --

24 THE COURT: In relation to what's laid out by these
25 bylaws, because they place an absolute premium on, boy, if you

1 show up, and you're a member in good standing of the
2 Committee, then you can cast your vote.

3 So I -- I get where you're coming from on that.

4 I do have a question on one of these, and I did note
5 some testimony here as I think, you know, for example,
6 Mr. Marcum. I heard testimony today, you know, I've got some
7 evidence, but he paid his dues but on the last day of the
8 year.

9 An admirable wait to the last day of the year in
10 some other circumstances, but here it appears that he would
11 have signed up on his petition, you know, on December 3rd, as
12 supposedly I think there's a fair argument that says he knew,
13 or should have known that his dues weren't paid and that he
14 wasn't in good standing.

15 How do you square that with the argument that this
16 all passes, according to Hoyle or Robert's in this case?

17 MR. LAUDERBACH: Right. Because the petitions
18 weren't submitted until January 6th, and he was in good
19 standing when the petition was submitted for the removal of
20 Chair Karamo on January 6th.

21 Until they are submitted, it's not the exercise of a
22 right or privilege. The right or privilege is to petition for
23 the removal of the Chair by filing that with the Secretary
24 which happened at 1:49 p.m., on January 6th, 2024. And, he
25 was in good standing --

1 THE COURT: And, your argument is not when
2 Marcum signed it --

3 MR. LAUDERBACH: Exactly. Correct.

4 THE COURT: -- or rather it was submitted.

5 MR. LAUDERBACH: It's kind of like when I sign a
6 deed, if I put it in my desk drawer, I haven't conveyed the
7 title to my -- to my house. Once I deliver it, then it
8 becomes operative and I've conveyed title. I think the law
9 recognizes that merely signing that --

10 THE COURT: I wouldn't advise doing that.

11 MR. LAUDERBACH: Right. Exactly. That's why I
12 get -- right. Right. There are reasons we don't do that.

13 But there's no -- Judge, we've presented proofs, and
14 I want to point out -- I want to respond to something that
15 Counsel said. He said, well, you've only heard from two
16 witnesses. The evidence that comes in -- in a trial or a
17 hearing comes from the testimony of witnesses and exhibits.

18 You've got two binders full of exhibits that have
19 been received into evidence. And, the evidence shows that
20 there was a properly called -- well, there was a proper
21 request on December 2nd, to Chair Karamo, for a meeting that
22 she chose to not Call. She called a meeting on December 16th
23 for a different purpose.

24 The bylaws say you have to state a purpose.
25 Robert's Rules of Order say if you don't state the purpose,

1 you can't take up the business at the meeting.

2 THE COURT: What about the rule if she stated the
3 purpose, but it was much later. What if she then waits, you
4 know, on the eve of the meeting, as it were, says by the way,
5 we'll take up this question of my removal as appears to have
6 happened from the timeline at least as I have it in my head
7 right now.

8 MR. LAUDERBACH: She wasn't the Chair. She'd
9 already been removed.

10 THE COURT: She had no ability to notice -- she had
11 the ability to notice the meeting, but when she did that or
12 when she was acting in her official capacity, she failed to do
13 it with the express purpose of that Special Meeting.

14 MR. LAUDERBACH: Correct. And, yes, on January 6th
15 she had been removed. Anything she did after that date is of
16 no effect. She couldn't cancel a meeting.

17 THE COURT: What about the idea where --

18 MR. LAUDERBACH: Actually, I'm sorry, changed the
19 Call -- I'm sorry, changed the Call.

20 THE COURT: -- changed the Call for the meeting
21 because she was --

22 MR. LAUDERBACH: Right. Right. She couldn't cancel
23 it either, but she -- yeah.

24 THE COURT: I understand. Right. And -- and for
25 that matter, it doesn't sound like -- your expert even said

1 that, you know, the cancellation that was done subsequently
2 probably was invalid because there was a meeting called that
3 had an agenda or a set of --

4 MR. LAUDERBACH: Right. But it also said the only
5 -- the only business that could be taken up at the
6 January 13th meeting in the first place was what was in the
7 original call.

8 THE COURT: In -- in the initial call. Okay. I got
9 it. Now going back to the -- and I think a lot of the
10 questions here are swirling, as it were, around these
11 petitions. And, I think three of the petitions signed as
12 Mr. Balog, Marcum and the youth chair --

13 MR. LAUDERBACH: Linting?

14 THE COURT: -- yeah. So they allegedly recant, and
15 at least Mr. Campbell has advanced the argument today that
16 those recantations, and that that email they sent recanting
17 their signatures, amend -- and you know amount to fraud, thus
18 those signatures were void when given. And, they should
19 never, you know, they wouldn't be thus considered by any court
20 for any purpose.

21 What's your argument there?

22 MR. LAUDERBACH: My argument there is, first of all,
23 there was testimony this morning that Ms. Linting recanted the
24 recantation.

25 (Court laughs)

1 MR. LAUDERBACH: More importantly, look, this came
2 after the vote. And, it is not -- there's no evidence here of
3 fraud. It says we signed the petition for a meeting that was
4 to be scheduled on December 27th. Look at the petitions.
5 Where does it -- where does the word December even appear? It
6 says nothing about December 27th.

7 We were interested in having a vote to end the
8 strife and division. And, they may have been -- that might be
9 true, but they signed the petition that says, we want to vote
10 on the removal of Kristina Karamo as Chair of the Michigan
11 Republican Party.

12 They say we were -- we specifically instructed that
13 no proxy was to go to this meeting. There was no proxy
14 appointed for these three people.

15 So where's the fraud? I said don't appoint a proxy.
16 Fine, a proxy wasn't appointed for them.

17 I thought the meeting was on December 27th. Well,
18 when you signed the petition, it didn't say anything about
19 December 27th.

20 And, actually this December 27th meeting, go back to
21 the December 2nd request. They asked Chair Karamo to schedule
22 a meeting for December 27th. She refused.

23 In Exhibit 6, she says, you don't get to tell me
24 what time and place the meeting's gonna be. That's her
25 refusal. There was no meeting scheduled for December 27th

1 because she refused to Call it.

2 And, now the assertion is that there was fraud?
3 These people signed a petition saying I want to have a vote on
4 the removal of Chair Karamo. Are they -- they're now
5 retracting that? Who's lying to whom?

6 We relied on those petitions because they said I
7 want to have a vote on the removal of Kristina Karamo as the
8 Chair of the Michigan Republican Party, and that's exactly
9 what happened.

10 THE COURT: All right. And, then Mr. Lauderbach,
11 you know, since I have given you both a limited amount of time
12 here, why don't you address the issues of the emergency here,
13 the injury here, the idea that, Judge, you know what, you
14 could schedule this, I currently have a trial date for this
15 scheduled in June. Judge, you can just punt and deny the
16 Preliminary Injunction, leave the status quo in place and,
17 admittedly the status quo was a lot of uncertainty right now.
18 And, we'll go forward with two -- or as I think it is by
19 necessity, one will be a lump Committee, one will be a real
20 Committee, and we'll all proceed to trial in -- in June and
21 conveniently, Judge, you'll make an ingenious decision before
22 the National Convention in July. And, that will resolve all
23 of this.

24 Why isn't that true?

25 MR. LAUDERBACH: Well, on the hard question, Your

1 Honor, I don't have to say that the United States Supreme
2 Court already did it. The United States Supreme Court has
3 held that the loss -- the loss of First Amendment freedoms for
4 even minimal amounts of time, unquestionably constitutes
5 irreparable injury.

6 Elrod versus Burns, 427 U.S. 347, a 1976 decision,
7 interestingly in that case, the Supreme Court held that the
8 trial court abused its discretion in not granting a
9 Preliminary Injunction.

10 The 6th Circuit has recognized that the infringement
11 of First Amendment freedoms constitutes a per se irreparable
12 injury.

13 One case came out of Michigan. That's GV Lounge,
14 Incorporated versus Michigan Liquor Control Commission,
15 23 F.3d 1071, a 1994 case.

16 Also Dougherty versus City of Maryville, Eastern
17 District of Tennessee case, from 2009.

18 You've had testimony here that these -- the two
19 witnesses who testified are members of the State Committee.
20 They have an expectation that in the exercise of their First
21 Amendment freedoms, the bylaws of the State Party are going to
22 be followed.

23 They've done that. They have a right to expect that
24 others will.

25 THE COURT: Well, Ms. Karamo, in fact, has been --

1 for all appearances here -- now, I know your pleading said she
2 was expelled from all activities for five years. It looked a
3 little more narrow than what I saw in that she was expelled
4 from the Committee for five years. What -- I mean, that's
5 what I -- I think is in evidence right now is that she's off
6 the Committee --

7 MR. LAUDERBACH: No. From the bylaw provision, I
8 believe, is from the Michigan Party -- or Michigan Republican
9 Party for five years. And, that's -- that's what -- in the--
10 the Conflict of Interest section, Judge, I asked her on
11 direct, have you ever received any compensation from a
12 candidate for public office? No.

13 How in the world do they implement this Conflict of
14 Interest provision when on its face it only provides to
15 financial remuneration for candidates for public office.

16 THE COURT: So you're saying if she had a conflict
17 between acting as Secretary Pro Tem as it were, she testified
18 she did, and also the 8th District Chair, that's not that sort
19 of conflict?

20 MR. LAUDERBACH: And, how is it a Conflict of
21 Interest? It's simply not. They define -- the rules define
22 what a conflict is, just like the Code of Judicial Conduct
23 defines recusal. And, we have all kinds of standards.
24 Lawyers have standards for what's a conflict. These rules
25 have -- the bylaws have rules for what's a conflict.

1 She didn't have a conflict. And, she was removed as
2 a result and at a -- at an invalid meeting, which now as she's
3 testified, has created confusion in her own congressional
4 district caucus about is she the chair, isn't she the chair?
5 Is she on the State Committee? Isn't she? Where are we going
6 on March 2nd, where are all these things going to happen?
7 Who's going to get elected? What about a slate of candidates
8 from this convention versus that one?

9 Judge, how much more harm do we need to show you?

10 THE COURT: Okay. So your argument is -- right,
11 just the very core of the complaint. And, really drilling
12 down to the five individual Plaintiffs, even though they're
13 still participating with who they believe is the rightful
14 Chair, we have two groups here participating.

15 That that harm, as long as that situation continues
16 is, indeed, irreparable?

17 MR. LAUDERBACH: It -- it is. And, every day that
18 somebody's using the MIGOP.com or whatever the domain is,
19 every day that somebody's sending out emails saying who is the
20 Chair, and who isn't the Chair, and who's doing this and who's
21 doing that, that undermines the integrity of the Michigan
22 Republican Party. Because precinct delegates, donors, people
23 who are interested in the affairs of the Michigan Republican
24 Party are receiving those communications and they're saying,
25 well, wait a minute. Who -- who's who?

1 Who is the -- who is the Michigan Republican Party?

2 THE COURT: Well, a number of the National
3 Committee, which you know, you did submit their findings.
4 Those obviously don't have any legal persuasion in this Court.
5 Not that they're necessarily totally irrelevant, but you know,
6 they just say I think right at the outset, you know, we don't
7 have anything to say about Michigan law.

8 In this decision, is there any risk -- if either
9 party prevails here, Michigan sends a delegation to the
10 National Convention, and say even Judge Rossi's solution isn't
11 up to snuff for the RNC at that point.

12 And, they say, you know what Michigan? You know,
13 somehow that's going to diminish or negate the validity of
14 your delegates to the National Convention, i.e, we're not
15 going to give you -- we're not going to give you as many votes
16 as you ought to have based on your population. You're gonna
17 -- we're diminishing your role at this convention.

18 Is that a risk?

19 MR. LAUDERBACH: I -- I think it's a risk. I think
20 everything's on the table because there's so much uncertainty.
21 There -- the -- the additional harm -- yes, so that is
22 absolutely a risk.

23 There is also the harm that, as Ms. Kurtzweil
24 testified to, there's a Federal statute that makes it a crime
25 to falsely assert that you're acting on behalf of a political

1 party.

2 So somebody is making public statements about being
3 the Chair of a -- of a -- of a political party, and those
4 statements are incorrect. Somebody's wrong. There cannot be
5 two.

6 I think that's like from Star Wars or something.
7 Like there can only be one. I mean, it's, you know, but it
8 rings true here. There can only be --

9 THE COURT: I think the Outlander is the reference
10 there where he -- the guy said I take a sword. So, we're
11 trying to avoid that here.

12 MR. LAUDERBACH: There you go. My movie references
13 are off.

14 THE COURT: All right. Or the Highlander. I can't
15 even remember.

16 MR. LAUDERBACH; There you go. The Highlander,
17 that's right.

18 THE COURT: All right. Anything else,
19 Mr. Lauderbach?

20 MR. LAUDERBACH: Unless you have any questions,
21 Judge, no.

22 THE COURT: No. I'm grateful for you're staying
23 within the time deadline. I already am an hour late for my
24 meeting.

25 MR. CAMPBELL: May -- may I have brief rebuttal?

1 THE COURT: It's got to be real brief, like one
2 minute.

3 MR. CAMPBELL: Yeah.

4 THE COURT: Go.

5 MR. CAMPBELL: First of all, they can't come here
6 and complain about confusion when they're creating it.

7 Right? They can't say, hey, it's confusing because
8 we're telling everybody it's confusing. You have no evidence
9 of anybody being confused.

10 Even the two witnesses I asked, are you confused and
11 they said, no.

12 There is no evidence of confusion. All this stuff
13 about well, you can't have everybody calling MIGOP. Judge,
14 nobody's confused. And, there's no evidence of it with regard
15 to that.

16 Second of all, Section I is also a basis for the
17 conflict of interest. The capacity issue clearly and they
18 used the word, you know, they used the word capacity to be
19 broad, to keep you from being both Secretary and District
20 Chair. She violated that. And, then she wouldn't live up to
21 it and she wouldn't acknowledge it.

22 But most importantly --

23 THE COURT: The actual conflict provisions resolved
24 by the Committee don't say anything about boy, if you're out
25 of capacity when you're doing this, or you're not supposed to

1 be doing it unless there's money involved --

2 MR. CAMPBELL: Judge -- disagree. Compensation.
3 And, again, what's your compensation? She's clearly going to
4 be in with the new folks if they're able to pull off this
5 coup. That's exactly what --

6 THE COURT: So you think it goes beyond monetary
7 compensation?

8 MR. CAMPBELL: Correct. It's the word compensation.
9 It doesn't say money, it does -- it says compensation.

10 Marcum, again, if there's one bad petition, they
11 don't meet the necessary petitions.

12 We've given you the evidence of four or five of them
13 that are bad, and based on that, you cannot find that there's
14 a likelihood of prevailing because -- even if they think
15 there's a renunciation or renunciation, what a jury is gonna
16 find relative to this question is entirely up in the air.

17 And, they're asking you for an answer now about
18 who's the one. We're saying, no. It's a process and they're
19 gonna lose that process. When we get to do our discovery,
20 when we get to find all the videotapes of them screaming and
21 yelling at people, don't get on the -- on the meeting
22 virtually, all of that is going to come in our favor.

23 And, they want to rob us of that before we can get
24 it. That's what this action is. You cannot allow it.

25 Lastly, it's not that everybody loves Kristina

1 Karamo. And, few love her more than me maybe. It's that
2 everybody hates a hater. Excuse me, a cheater. Oh, man, I
3 had my line -- everybody hates a cheater. She has more
4 support now, more support than she had before December 2nd.
5 And, that's because the Committee Members have looked at
6 what's going on. That's why she has a majority show up to her
7 meetings. That's why she has more -- their side cannot even
8 dream of getting 53 people physically into any place.

9 So more than that, lastly, I guess my point is this.

10 This is not an action to make Ms. DeLisle the
11 District Chair or make everybody call her that.

12 This is an action to remove the legitimate
13 Chairperson of the GOP. You cannot and I'm sure you're not
14 confused by that. But nobody should be confused about that.
15 It doesn't have anything to do with the stuff she talked
16 about.

17 Thank you.

18 THE COURT: Okay. All right. Well, it's been well
19 argued, it's been well briefed. I do have volumes of
20 information here that I'm taking under consideration.

21 I do have this one hanging chad of an exhibit here.
22 It was the first three pages of 11. It looks to me like it's,
23 you know, sort of another compilation here of -- I believe it
24 was attached to the top of those petitions.

25 You know, my inclination is since it hasn't been

1 admitted, I would just say it's not admitted and I'm not gonna
2 -- I'll disregard it.

3 MR. LAUDERBACH: We don't need it.

4 THE COURT: Okay. Very good. I'll disregard the --
5 and this is, just to be clear, the first three pages of
6 proffered Number 11. It has some highlighted -- sheets that
7 look like that (indicating). I will not consider those as
8 part of 11.

9 I do have what's been proffered for an offer of
10 proof by Mr. Campbell a videotape of Ms. DeLisle and some
11 statements she allegedly made on video.

12 Again, I think I can evaluate that. I will review
13 that. If you can find a way to submit it to me in a timely
14 fashion.

15 MR. CAMPBELL: Yes, sir.

16 THE COURT: I would like to review that, so again I
17 get the full picture, you know, of what both parties are
18 trying to present.

19 I will say as a -- as a preliminary point to my
20 preliminary ruling, that this is unquestionably complex. You
21 know, on -- on one -- I always say when lawyers come in and
22 say, Judge, this is simple, I immediately think they're lying.
23 It's extremely complex and it would be hard to imagine a
24 controversy more complex than this because of the number one,
25 the involvement of the whole State of Michigan, we've got

1 people from District 1, which in my mind goes way up there to
2 Ironwood or Wakefield, or whatever that western half of the UP
3 is called, all the way down to other places I don't frequently
4 get to by Monroe and the lower corner of the state.

5 I mean, we're a huge state. That would be
6 extraordinarily challenging to get everyone in one place and
7 make any sort of decision. People are using emails and things
8 that, you know, are very strictly regulated under the Court
9 Rules. We only accept filings and, indeed, we won't accept an
10 email filing at this stage unless both parties agree to it.
11 And, are able to submit it in the -- the way required by the
12 Court. We're still working on that on a statewide level.

13 So I'll be the first to say none of this is
14 something that I would characterize as extremely
15 straightforward or easy. It requires a close reading.

16 So all that being said, I am going to take the
17 Motion to Dismiss under advisement.

18 I do intend to get a ruling and I'm going to try to
19 set that within the parameters of the time that I have
20 available, and also with the parameters that are requested.
21 You know, the nature of a Preliminary Injunction.

22 I will note that this wasn't, you know there is a --
23 a quicker hitting remedy that is the -- a request for a
24 temporary restrain -- an ex parte request for a temporary
25 restraining order. That doesn't even get both sides in front

1 of me all the time. But it triggers a very fast timeline to
2 do so.

3 I've been operating under an accelerated timeline,
4 recognizing that though that request was not made here, there
5 still is an urgency and, in fact, some of the damage --
6 irreparable damage that the Plaintiff's are required to prove
7 here is, Judge, you've got to get this decided because these
8 events are happening as we speak.

9 And, I still need to make a thorough evaluation in
10 my head of how much truth there is to that, or how much harm I
11 would do by delaying -- and there's no question, that in this
12 matter even if I issue a Preliminary Injunction on Tuesday,
13 the matter still is set for trial in the summer. And, we will
14 still conduct a trial after discovery and drill down deeper on
15 some of these same issues that I heard testimony on here in
16 court.

17 So I don't -- I don't want to under-estimate the
18 complexity of the matter.

19 What I will do -- I've already offered to Counsel
20 the sacrifice of my monthly Michigan Judge's Association
21 meeting where I am an executive committee member and chair --
22 Co-Chair of the Civil Committee.

23 Fortunately my -- my other co-chair, Judge Toia over
24 in Macomb County has said he'll take the reins next Tuesday.
25 So I do have Tuesday afternoon starting at noon, available for

1 any additional proofs that the parties intend to put on --
2 intend to place.

3 I think I'm going to let today suffice as a closing
4 argument. I'd like Counsel to notify me today is Thursday,
5 the 22nd, by close of business tomorrow on the 23rd, if they
6 intend to present any additional proofs on Tuesday afternoon
7 during that available time.

8 You don't have to. Just so you know, my -- my goal
9 would be and if I have the afternoon myself Tuesday, I may
10 have my thoughts together in sufficient time to rule from the
11 bench on this matter, which I would think I would do at
12 4:00 p.m. Tuesday.

13 You know, I could do it at the conclusion of proofs.
14 I could take some more proofs and do it. I can do it on the
15 proofs that are before me, I just need to spend some time with
16 the evidence and, of course, reviewing the multiple legal
17 sources cited by both sides.

18 So let me know by 5:00 p.m., tomorrow if you wish to
19 use any of that proofs time. I know you have a conflict with
20 the time, Mr. Campbell, and I understand.

21 MR. CAMPBELL: No, I -- I just want to make sure
22 we're clear. He closed his case. So we're already up here --

23 THE COURT: Yeah, I know. So --

24 (At 1:08 p.m., several people talking at once,
25 inaudible)

1 MR. CAMPBELL: So it's already up to you. Yeah. I
2 know -- I'll get you an answer as soon as I can.

3 THE COURT: That's a fair point.

4 MR. CAMPBELL: Lastly, our original exhibits are in
5 the witness folders, meaning the Defendant's side. So do you
6 want -- does the Court want to keep those -- those ones? You
7 have your own copy. I assume you'll keep those as the --

8 THE COURT: I do. I'll keep those as the file copy.
9 I think that's a great idea.

10 Anything, Mr. Lauderbach?

11 MR. LAUDERBACH: Yes, Your Honor. I closed my
12 proofs. This matter was originally scheduled on January 30th.
13 We had a pre-trial conference -- or a status conference when
14 the Court said, I've got two half days for you.

15 We budgeted the proofs that we presented. We
16 determined the witnesses that we would call, the evidence that
17 we would present based on the extraordinarily limited amount
18 of time that we had for proofs.

19 And, the Court was very gracious yesterday, and I'm
20 sorry that things pushed on the way they did. They've chosen
21 to cross-examine the way they've chosen to cross-examine.

22 I would have made different decisions had I known
23 that we were gonna, you know, continue into next week.

24 If I could know by the end of the day today, what
25 their plan is for Tuesday, I'd ask the Court to at least allow

1 me the opportunity after I consult with my clients, to call
2 perhaps one very short witness.

3 THE COURT: All right. And, what -- what are your
4 thoughts on that, Mr. Campbell?

5 MR. CAMPBELL: Absolutely not. He closed, he
6 closed. I -- we have folks -- we have folks who are scheming
7 and plotting --

8 THE COURT: As we speak --

9 MR. CAMPBELL: -- and -- and, again, these are the
10 rules, 2.504(B)(2) is in there. He knew when he closed his
11 proofs he was closing his proofs.

12 By the way, the fact that he needs to call somebody
13 more, add that to my evidence that he hasn't made his -- made
14 his required --

15 THE COURT: Well -- let me -- let me consult with
16 you, Mr. Campbell. Can you meet the deadline of making the
17 decision by 5:00 p.m. today? On next Tuesday specifically
18 after consultation, I assume with co-counsel and your clients?

19 MR. CAMPBELL: If you'll give me till 9:00 tomorrow
20 morning, I know I can do that. But it will be this evening
21 before I can talk to everybody.

22 THE COURT: Decide by 9:00 a.m., tomorrow morning,
23 that will work for me. That way I can know how to budget my
24 time over the weekend and on Tuesday. I appreciate the
25 arguments, and I just wanted to say for the folks, I know some

1 of you folks have amazingly stuck it out in the gallery here,
2 for the entirety of this hearing.

3 We've had some pretty dense testimony and, you know,
4 that the very fact that you're here and in court, and willing
5 to work this out without giving each other black eyes and
6 shouting matches and things like that, is a sign that, you
7 know, there is still a system that works here.

8 I'm gonna never -- I've been in the system myself
9 too long to say that it's a perfect system. However, I will
10 say that we have come to a system where we can have forcible
11 and persuasive arguments on both sides, and make reasonable
12 decisions.

13 I thank you for your patience in going through these
14 proceedings, and as we -- come to a decision in the matter.
15 Thank you.

16 MR. LAUDERBACH: Thank you, Your Honor.

17 (At 1:12 p.m., proceedings concluded)

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STATE OF MICHIGAN)
COUNTY OF KENT)

I certify that this transcript, consisting of 188 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 22, 2024.

Date: March 17, 2024

Barbara J. Ingram, CER-3509
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