

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: 10/6/2021

Petitioner: Caryn Ann Harlos

Subject: Appeal of the LNC motion of 9/5/2021 to suspend and remove Petitioner as LNC Secretary, as per Article 6, Section 7 of the Bylaws.

Interested Parties: Members of the LNC, Joe Bishop-Henchman, as he is alluded to in the in the initial complaint against the Petitioner.

Relief requested: Voiding of suspension motion and reinstatement as LNC Secretary.

Committee Jurisdiction: Article 8, Section 2, subsection b, regarding suspension of officers, and Article 8, Section 2, subsection d, regarding voiding of National Committee decisions.

Appearing on Behalf of Petitioner: DL Cummings

PETITIONER'S NOTICE OF OBJECTION TO REQUEST FOR LNC TO PROVIDE ADDITIONAL SPECIFITTY TO EVIDENCE AND REQUEST FOR EMERGENCY RULING

Petitioner hereby files her Notice of Objection to Request of Judicial Committee for LNC to provide Additional Evidence and respectfully requests an emergency ruling prior to final hearing based on the following arguments.

The Judicial Committee is not a body of first jurisdiction but one of appellate review in which the burden of proof has shifted to the Petitioner to prove her case for relief. The LNC has already had its opportunity to present its original charges and conducted a vote based upon the evidence as it stood at the time of the meeting on September 5, 2021. It is completely improper to allow the LNC to introduce new specificity to its charges at this point. The rightness or wrongness of its decision must be reviewed in the form in which it was argued and voted on. At any point prior to the vote, the LNC had the full power to amend, or postpone the vote until further amendment, the presentation of its evidence. Petitioner argued before the LNC at the time of the meeting that the evidence was deficient based on lack of specificity, and the LNC chose to discount that argument and proceed with a vote.

It is completely prejudicial to the Petitioner to allow the LNC a second bite at the apple because the Judicial Committee finds its detail lacking and such detail is crucial for the LNC to prove that they suspended the Petitioner with proper cause. If that is the case, the Petitioner has proven her case and should be given the relief requested. Petitioner argued the motion based upon the facts as then presented and the membership was

given the justification for the suspension of their duly elected Secretary based upon the evidence as presented. All power was in the hands of the LNC to present the best case it could at the time of the suspension for what it acknowledged was a soberly serious action. It made its decision and must live with the decision made. Further, it is completely impossible – after the passage of time and the filing of Petitioner’s arguments – for the LNC to objectively recreate, with perfect accuracy, the mindset of all those who voted in favour as to what timestamps they considered in making their individual decisions. It would be *post hoc* at best.

If the LNC wishes to attempt to suspend the Petitioner with this additional information, it can always move to rescind the prior vote, and then resubmit with the proper documentation for consideration at the December meeting. It does not need the Judicial Committee’s consent to make such a decision, and that is the only remedy it has if it now regrets the lack in its own evidence. The Judicial Committee should not be granting any advantage to the LNC other than that of the lesser burden of proof granted to it by the Bylaws.

The Petitioner therefore respectfully requests an emergency ruling on the issue of the LNC being permitted to cure any defects in the evidence presented at the suspension motion of the LNC Secretary heard and decided on September 5, 2021, and would urge the Judicial Committee to decide that the evidence stands as it existed at the time of the suspension.