

STATE OF MICHIGAN
WASHTENAW COUNTY CIRCUIT COURT

COMERICA BANK

23-000557-CB

Plaintiff

JUDGE TIMOTHY P. CONNORS

v

LIBERTARIAN PARTY OF MICHIGAN
EXECUTIVE COMMITTEE, INC.,
JOSEPH BRUNGARDT, ANDREW
CHADDERDON, MICHAEL SALIBA
and ANGELA THORNTON aka ANGELA
CANNY

Defendants

STANCATO TRAGGE WELLS PLLC
Henry Stancato (P29538)
For Comerica Bank
PO Box 270
Grosse Ile, MI 48138-0270
(248) 731-4500
hstancato@stwlawfirm.com

COMPLAINT

There is no previous action between the parties arising out of the events and transactions alleged in the complaint.

JURISDICTION, PARTIES AND VENUE

1. This action constitutes a business or commercial dispute within the meaning of MCL 600.8031(c)(iii) because LPMEC is a nonprofit organization, and the claims arise out of that party's organizational structure, governance, or finances.
2. This is an action for interpleader relief under MCR 3.603 or, alternatively, for declaratory relief under MCR 2.605.

3. Comerica Bank, as stakeholder, seeks to interplead \$38,233.30 belonging, on information and belief, its former deposit customer, Libertarian Party of Michigan Executive Committee, Inc. (“LPMEC”). Comerica seeks this relief because a dispute among the individual defendants concerning which of them is legally authorized to take receipt of funds and instruments belonging to the corporate defendant leaves Comerica open to the risk of multiple liability.
4. Comerica Bank is a Texas corporation qualified to conduct banking operations in Michigan that operates several banking branches in Washtenaw County.
5. LPMEC is a Michigan non-profit corporation with a registered office in Oakland County, Michigan.
6. Joseph “Joe” Brungardt is an individual who resides, on information and belief, in Macomb County, Michigan
7. Andrew Chadderdon is an individual who resides, on information and belief, in Wayne County, Michigan.
8. Michael “Mike” Saliba is an individual who resides, on information and belief, in Macomb County, Michigan.
9. Angela Thornton, also known as Angela Canny, is an individual who resides, on information and belief, in Genesee County, Michigan.
10. Venue is properly laid in Washtenaw County because the cause of action arose, in part, at a Comerica branch in Washtenaw County as described below.

FACTUAL ALLEGATIONS

11. Before March 22, 2023, LPMEC was a deposit customer of Comerica Bank with respect to five deposit accounts.

12. On or about February 13, 2023, Joe Brungardt was the sole signer of record for LPMEC deposit account xxx6457. At that time, Comerica's books and records reflected that Joe Brungardt was the LPMEC president.
13. On that date, Joe Brungardt signed documentation at Comerica branch 68 adding Mike Saliba and Angela Thornton as additional signers on account xxxx6457.
14. On or about February 22, 2023, Andrew Chadderdon appeared at a different Comerica branch (219) in Washtenaw County asserting that he, rather than Mr. Brundgardt, was the duly elected LPMEC president and seeking to substitute himself in place of the signers of record on account xxxx6457..
15. Comerica staff informed Mr. Chadderdon that it would not process his request without certification by the LPMEC treasurer as to his status as president.
16. At that time, publicly available information through the State of Michigan Department of Licensing and Regulatory Affairs Corporations Online Filing System ("LARA") indicated that the LPMEC treasurer was Joseph Ziemba.
17. On or about February 23, 2023, Joseph Ziemba certified to Comerica that Andrew Chadderdon was the LPMEC president. This certification was consistent with the publicly available information through LARA at the time which identified Mr. Chadderdon as LPMEC president.
18. Accordingly, Comerica processed Mr. Chadderdon's request to be substituted as signer for LPMEC on all five of that corporation's deposit accounts as well as a change of address for the deposit customer. Then Mr. Chadderdon closed two existing deposit accounts to open two new successor deposit accounts in the name of LPMEC.

19. On or about March 9, 2023, Mike Saliba appeared at Comerica branch 68 to complain about having been removed as an account signer for LPMEC.
20. On the same date, an attorney named Nick Curcio transmitted a letter purporting to act as attorney for LPMEC and asserting on behalf of LPMEC that Andrew Chadderdon was not a LPMEC officer and that some of the LARA filings for LPMEC were fraudulent.
21. On March 10, 2023, Mike Saliba returned to Comerica branch 68 with newly filed LARA documentation that contradicted, in large part, the previously filed LARA materials that Comerica reviewed when processing Andrew Chadderdon’s claim to be LPMEC president.
22. In reaction to this controversy, Comerica unsuccessfully attempted to reach Daniel Ziembra to determine whether he, in his capacity as LPEMC secretary, would certify the materials now being presented by Nick Curcio as proof that LPEMC had removed Andrew Chadderdon as president.
23. When this effort proved unsuccessful, Comerica decided to exercise its contractual right to terminate its deposit relationship with LPEMC.
24. To execute its decision terminating the deposit relationship with LPEMC, Comerica issued cashier’s checks as follows representing the closing balances for each of the four deposit accounts with positive balances (Account xxx9283 was at zero balance at this time):

Account No	Cashier’s Check No	Amount
xxx6457	001684797	\$21,839.69
xxx6465	001684795	7,476.75
xxx6440	001684796	7,989.47
xxx4602	001684794	927.39
	Total:	\$38,233.30

25. On or about March 22, 2023, Comerica mailed the cashier's checks to 30005 Malvern St. Westland, Michigan which was the address of record on Comerica's books at that time for LPEMC. On information and belief, this is an address at which Andrew Chadderdon receives mail.
26. On information and belief, defendants Brungardt, Saliba and Thornton contest whether delivery of the cashier's checks to the address provided by Chadderdon constitutes payment by Comerica of its debt to LPEMC.
27. As of this date, none of the cashier's checks had been presented to Comerica for payment.

COUNT I-INTERPLEADER

28. As a matter of law, a deposit relationship between a bank and its depositor is a debtor creditor relationship in which the bank is indebted to its depositor for the amount of the deposit balance.
29. Comerica does not contest that it is indebted to LPEMC in the amount of \$38,233.30.
30. Termination of Comerica's deposit relationship with LPEMC requires, therefore, that Comerica discharge its debt by payment of this deposit balance to LPEMC.
31. The competing, mutually exclusive claims by the individual defendants make it impossible for Comerica to identify which of them is authorized to endorse and negotiate instruments payable to the order of LPEMC.
32. If Comerica unilaterally refuses to honor the any of the cashier's checks, then Comerica incurs the risk of liability for expenses, interest and consequential damages under UCC 3-411; MCL 440.3411(2)

33. Comerica, on the other hand, has no independent means for assessing the reliability of representations of the individual defendants who challenge Mr. Chadderdon's authority to take possession of the cashier's checks on behalf of LPEMC.
34. There is no mechanism available, therefore, for LPEMC to make a facially valid declaration of loss and claim under UCC 3-312; MCL 440.3312.
35. Without judicial relief, Comerica is unable to protect itself from the risk of multiple liability.
36. Accordingly, Comerica seeks interpleader relief under MCR 3.603 and proposes to interplead an amount equal to LPEMC's aggregate closing deposit balance less whatever amount this Court may award under MCR 3.603(E) as reimbursement for stakeholder expenses and fees.
37. In order to preserve the possibility for complete relief while this court considers the merits of the individual defendants' competing claims, an order restraining negotiation and payment on the cashier's checks is appropriate under UCC 3-602; MCL 440.3602(5)(a).

COUNT II DECLARATORY RELIEF

38. Alternatively, Comerica seeks declaratory relief under MCR 2.605.
39. Comerica has become involuntarily entangled in an actual controversy among the individual defendants concerning which of them is authorized to function as an LPEMC officer.
40. This court otherwise has jurisdiction over this dispute on the basis of its power to grant interpleader and other equitable relief.

41. Comerica seeks a declaratory judgment that identifies who is entitled to take custody LPEMC's deposit balance from Comerica Bank.

WHEREFORE, Comerica Bank ask for the following relief:

A. Interpleader relief:

- a. An order enjoining Comerica from paying, and all of the defendants from endorsing or negotiating, the cashier's checks issued by Comerica payable to the order of LPEMC. (Check Nos 001684794, 001684795, 001684796 and 001684797)
- b. As award under MCR 3.603(E) of Comerica's actual costs as stakeholder.
- c. An order requiring Comerica to deposit with the Clerk of this Court the difference between the interpleader stake (i.e., \$38,233.30) and the MCR 3.603(E) award.
- d. An order dismissing Comerica Bank with prejudice upon completion of its obligation to tender the interpleader stake to the Clerk of this Court.

B. Declaratory judgment:

- a. As an alternative to interpleader relief, an adjudication of the controversy among the individual defendants that identifies which parties to whom Comerica Bank may deliver the aggregate deposit balance owned by Comerica to LPEMC.

Date: April 24, 2023

Stancato Tragge Wells PLLC
/s/ Henry Stancato (P29538)
Attorneys for Comerica Bank
PO Box 270
Grosse Ile, MI 48138-0270
(248) 731-4500
hstancato@stwlawfirm.com

STATE OF MICHIGAN JUDICIAL DISTRICT WASHTENAW JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NO. 23-000557-CB JUDGE TIMOTHY P. CONNORS
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Court address 101 E Huron, Ann Arbor, Michigan 48104	Court telephone no. (734) 222-3077
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Plaintiff's name, address, and telephone no. Comerica Bank

v

Defendant's name, address, and telephone no. Libertarian Party of Michigan Executive Committee, Inc. 2615 Hyland Ferndale, MI 48220 Vicki Hall, Res Agent

Plaintiff's attorney, bar no., address, and telephone no. Henry Stancato Stancato Tragge Wells, PLLC PO Box 270 Grosse Ile, MI 48138-0270 (248) 731-4500 Ext 1

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

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
 - MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
 - There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in this court, _____ Court, where it was given case number _____ and assigned to Judge _____
- The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
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4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date* 07-26-2023	Court clerk /s/ Kim Plumb April 27, 2023	
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PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

I served personally by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:

I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.

I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
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Signature

Name (type or print)

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Plaintiff's name, address, and telephone no.
Comerica Bank

Defendant's name, address, and telephone no.
Joseph Brungardt
4140 181/2 Mile Rd
Sterling Heights, MI 48314

v

Plaintiff's attorney, bar no., address, and telephone no.
Henry Stancato
Stancato Tragge Wells, PLLC
PO Box 270
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Plaintiff's name, address, and telephone no.
Comerica Bank

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Defendant's name, address, and telephone no.
Michael Saliba
16231 Scenic
Clinton Twp, MI 48038

Plaintiff's attorney, bar no., address, and telephone no.
Henry Stancato
Stancato Tragge Wells, PLLC
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Comerica Bank

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Defendant's name, address, and telephone no.
Angela Thornton aka Angela Canny
15223 Ripple Dr
Linden, MI 48451

Plaintiff's attorney, bar no., address, and telephone no.
Henry Stancato
Stancato Tragge Wells, PLLC
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