

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

Hon. Judith E. Levy

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, the Libertarian National Committee, Inc. ("LNC"), respectfully moves for a Preliminary Injunction under Federal Rule of Civil Procedure 65(a), preventing Defendants Mike Saliba, Rafael Wolf, Greg Stempfle, Angela Thornton-Canny, Jami Van Alstine, Mary Buzuma, Dave Canny and Joseph Brungardt (collectively "Defendants") from unlawfully and without authorization, individually and/or jointly, using the LNC's federally registered trademark "Libertarian Party" Exhibit 2.

Without such an order, Defendants will continue willfully and maliciously infringing on the LNC's mark, diluting the LNC's mark, and misleading the public through false advertising and through claims, presumptions, or insinuations of affiliation with the Plaintiff, to the detriment of Plaintiff. Defendants will continue to use Plaintiff's trademark to conduct fraudulent solicitation of political donations, making misrepresentations to the FEC and the State of Michigan

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claiming the status of being the authorized state committee of the LNC and entitled to use its trademark in a corporate name, engaging in unfair competition with the LNC's authorized affiliate and user of its trademarks, and causing irreparable harm to the LNC.

This Motion is supported by the accompanying memorandum in support and the Declarations of Mr. Chadderdon and Ms. Harlos, as well as Exhibits 1 - 40 submitted herewith.

Plaintiff Requests Oral Argument.

June 15, 2023

Respectfully Submitted,

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COMMITTEE, INC.**

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that undersigned counsel for Plaintiff has had several exchanges and a conversation with counsel for all Defendants, Mr. Nick Curcio regarding the Preliminary Injunction Motion. Mr. Curcio indicated that Defendants were agreeable to discontinue use of the Libertarian Party Torch Eagle Logo but would not agree to discontinue their use of the “Libertarian Party” Trademark. Thus resolution of issues remain for determination by the Court. After consultation, undersigned does not foresee resolution to these issue without this Motion.

Respectfully Submitted:

/s/ Joseph J. Zito
Joseph J. Zito

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the forgoing Motion for Preliminary Injunction and accompanying Declarations, and Exhibits were filed on June 15, 2023 with the United States District Court for the Eastern District of Michigan through the CM/ECF system, and that all counsel of record were served by the CM/ECF System. In addition, Counsel has served Mr. Curcio by e-mail as follows:

Nick Curcio
ncurcio@curciofirm.com

Respectfully Submitted:

/s/ Joseph J. Zito
Joseph J. Zito

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**PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION**

CONCISE STATEMENT OF THE ISSUES PRESENTED

The issue before the Court is Trademark infringement.

Plaintiff, LNC, Inc., is the owner of a number of Federally registered trademarks, including: "Libertarian Party" Reg. No. 2,423,459 and the Libertarian Torch-Eagle Logo, Reg. No. 6,037,046:

LIBERTARIAN PARTY



Properly chartered affiliates are licensed to use the LNC's federally registered trademarks. Defendants are not recognized as chartered affiliates and are not licensed. However, Defendants have, without permission and without license, infringed LNC's federally registered trademarks as a group publicly Plaintiff's registered marks. Defendants have used "Libertarian Party of MI" and "Libertarian Party of Michigan" and the logo and "michiganlp.net" which is confusingly similar to "michiganlp.org".



Defendant's infringement has monetary, political and reputational harm to the LNC, the Libertarian Party and the LPM. The infringing use has also caused dilution and disparagement of the Plaintiff's marks and the good will associated therewith and public confusion.

Plaintiff seeks the Court's intervention to curtail further infringement.

CONTROLLING AUTHORITY FOR RELIEF SOUGHT

Trademark infringement (under 15 U.S.C. §1114(a))

False designation or origin (under 15 U.S.C. §1125(a)).

Park 'N Fly, Inc. v. Dollar Park & Fly, Inc., 469 U.S. 189, 196 (1985)

Sixth Circuit cases on preliminary injunction, (1) likelihood of success on the merits; (2) irreparable injury; (3) substantial harm to others; and (4) the public interest

Graveline v. Johnson, 747 F. App'x 408, 412 (6th Cir. 2018)

Bays v. City of Fairborn, 668 F.3d 814, 818–19 (6th Cir. 2012)).

U.S. v. Edward Rose Sons, 384 F.3d 258, 261 (6th Cir. 2004).

Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp., 511 F.3d 535, 542 (6th Cir. 2007)

PGP, LLC v. TPPI, LLC, 734 F. App'x 330, 332 (6th Cir. 2018).

Wynn Oil Co. v. Am. Way Serv. Corp., 943 F.2d 595, 608 (6th Cir. 1991)

Lexmark Int'l, Inc. v. Static Control Components, Inc., 387 F.3d 522, 532–33 (6th Cir. 2004))

Hensley Mfg. v. ProPride, Inc., 579 F.3d 603, 609 (6th Cir. 2009)

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I. INTRODUCTION

Plaintiff, LNC, Inc., is the National Committee of the Libertarian Party as defined by 52 U.S.C. §30101(14) and manages the business of the Libertarian Party throughout the United States at the national level which includes chartering state-level organizations. [Exhibit 5]. As part of its management of the Party, Plaintiff has registered a number of trademarks with the USPTO that are associated and identified with its national and local political activities and affiliations. Plaintiff's Trademarks include the federally registered trademark rights to "Libertarian Party" Reg. No. 2,423,459 and Logo Reg. No. 6,037,046:

[Exhibit 2]

[Exhibit 3]

LIBERTARIAN PARTY



The "Libertarian Party" mark has been in use in commerce at least since January of 1972 and has been granted incontestable status by the USPTO through meeting the requirements of 15 USC §1065. The "Libertarian Party" mark is incontestable (35 USC 1115) and famous (35 USC 1125). The "Libertarian Logo" mark has been in use in commerce at least since 2015.

Properly chartered affiliates are licensed to use the LNC's federally registered trademarks. In 1972, the LNC chartered the Libertarian Party of Michigan (LPM), as an affiliate of the Libertarian Party. The LPM is licensed to use the "Libertarian Party" and "Libertarian Logo" marks, Defendants are not licensed.

The governing arm of the LPM is the Libertarian Party of Michigan Executive Committee, Inc. ("LPMEC"). The directors of the LPMEC are defined in their Articles of Incorporation and Corporate Bylaws and are recognized as an affiliate by the Plaintiff, LNC. [see Exhibit 1, Articles of Incorporation and Bylaws of LPMEC,] The LPM has a legitimate LPMEC that is recognized and authorized by the LNC to use Plaintiff's Trademarks.

Defendants, who are not the LPM and are not the LPMEC, as recognized by Plaintiff, the LNC, are not authorized nor licensed to use the LNC's registered trademarks. However, Defendants have, without permission and without license, beginning in January 2023, willfully adopted, used and infringed one or both of the LNC's federally registered trademarks as a group improperly holding themselves out to the public using the registered trademarks of Plaintiff.

Defendants have used the registered marks and marks that are confusingly similar in commerce, including holding themselves out as "Libertarian Party of

MI" (see exhibit 10) and "Libertarian Party of Michigan" [exhibits 11, 16 and 25]

Libertarian Party of Michigan

Libertarian Party of Michigan: CALL TO CONVENTION

Libertarian Party of Michigan <noreply@michiganlp.org>
Reply-To: r.8.38.b5f76b2546ef8678@michiganlp.net

Mike Saliba,
In the role of Chair,
Libertarian Party of Michigan

and the logo



Defendants have also attempted to cause and have caused confusion by registration of "michiganlp.net" to be confusingly similar to "michiganlp.org" [Exhibit 13].

Defendant's infringement has caused harm and damage to the LNC, including monetary harm, political harm and reputational harm to the LNC, the Libertarian Party and the LPM. [Chadderdon Declaration EX39] The infringing use of the registered marks of Plaintiff have also caused dilution and disparagement of the Plaintiff's federally registered trademarks and the good will

associated therewith. [Chadderdon Declaration EX39] Defendants have used the LNC's federally registered marks to, among other things, solicit funds and to illegitimately suggest their activities and organization are affiliated with the Plaintiff without the Plaintiff's consent. [Chadderdon Declaration EX39]

Prior to the filing of this action, Plaintiff and the LPM sent several cease and desist letters to Defendants (Exhibits 6 and 8). Defendants refused to respect Plaintiff's registered marks, thus necessitating this action. [Exhibits 7 and 9] Subsequent to the filing of this action, Defendants have continued to refuse to discontinue their infringing use of the "Libertarian Party" (LP) mark. Defendants have recently stopped their use of the Libertarian Torch-Eagle Logo and have stipulated to no further use.

Because of the on-going and irreparable harm caused by the continued infringement by Defendants, and given the rapidly approaching vitally important period for the nomination of national, Federal and state candidates, raising campaign funds and generating national awareness, a preliminary injunction is necessary to preserve the integrity of the candidate and delegate nomination process and is in the vital public interest of preserving confidence in the electoral process and to avoid public election confusion.

Defendants are willfully and maliciously infringing on the LNC's mark,

diluting the LNC's marks, misleading the public through false advertising and claims, presumptions, or insinuations of affiliation with the Plaintiff, misleading and fraudulent solicitation of political donations, making misrepresentations to the FEC and the State of Michigan claiming the status of being the authorized state committee of the LNC and entitled to use its trademark in a corporate name, engaging in unfair competition with the LNC's authorized affiliate and user of its trademarks, and causing irreparable harm to the LNC.

II. ARGUMENT SUMMARY

This is a straightforward case of trademark infringement (under 15 U.S.C. §1114(a)) and false designation (under 15 U.S.C. §1125(a)). Plaintiff's marks are registered, with one mark incontestable and famous. Defendants use the identical marks, on the identical goods and services, with the specific intent of confusing the public and claiming/insinuating direct affiliation with the Plaintiff. Defendants are not authorized nor licensed to use Plaintiff's marks and have no claim to such authorization. There are no facts in dispute regarding any license to use either trademark and no facts in dispute regarding the use of the trademarks by Defendants. Thus a preliminary injunction is appropriate because, as Plaintiff will demonstrate herein, there is a high likelihood, if not certainty that Plaintiff will

prevail and the balance of all factors is in favor of Plaintiff.

In the sixth Circuit, when considering a motion for a preliminary injunction, the Court considers: “(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent the injunction; (3) whether the injunction would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of an injunction.” *Graveline v. Johnson*, 747 F. App’x 408, 412 (6th Cir. 2018) (quoting *Bays v. City of Fairborn*, 668 F.3d 814, 818–19 (6th Cir. 2012)). also *U.S. v. Edward Rose Sons*, 384 F.3d 258, 261 (6th Cir. 2004). Also see *Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp.*, 511 F.3d 535, 542 (6th Cir. 2007) “factors to be balanced” not required.

All of the factors favor Plaintiff.

(1) Plaintiff has a strong likelihood of success. Plaintiff’s two registered trademarks, one of which is incontestable, are directly copied. There is no issue as to confusion nor as to similarity.

(2) Plaintiff will suffer irreparable harm, voters will be confused and lost, possibly forever, votes will be lost, fund-raising vitally necessary for the party has been and will continue to be misdirected, none of which will be recoverable and voter trust and confidence, not only in the LNP but in politics may be forever

eroded.

(3) The injunction will cause no harm to others, and will in fact confer a benefit by providing voters with greater knowledge by requiring Defendants to distinguish themselves from the Libertarian National Party instead of attempting confusion by the pretense of being licensed by and affiliated with the LNP.

(4) The public interest would clearly be served by an injunction that enforces truth and avoids confusion in political advertising.

III. ARGUMENT

A. Success on the Merits

Plaintiff's Trademark "LIBERTARIAN PARTY" is incontestable, as defined by section 32(b) of the Lanham Act 15 USC §1115(b) which provides that:

To the extent that the right to use the registered mark has become incontestable under section 1065 of this title, the registration shall be conclusive evidence of the validity of the registered mark and of the registration of the mark, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce.

The US Supreme Court has established that incontestable status is important to the issue of injunctions:

. . . § 33(b)'s declaration that the registrant has an "exclusive right" to use the mark indicates that incontestable status may be used to enjoin infringement by others. A conclusion that such infringement cannot be enjoined renders meaningless the "exclusive right" recognized by the statute. Moreover, the language in three of the defenses enumerated in § 33(b) clearly contemplates the use of incontestability in infringement actions by plaintiffs. See §§

33(b)(4)-(6), 15 U.S.C. §§ 1115(b)(4)-(6)." *Park 'N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 196 (1985)

In the trademark context, establishing a strong likelihood of success on the merits is “often decisive” in determining that a preliminary injunction is warranted. *PGP, LLC v. TPII, LLC*, 734 F. App’x 330, 332 (6th Cir. 2018). This is because “[i]f the movant is likely to succeed on an infringement claim, irreparable injury is ordinarily presumed, and the public interest will usually favor injunctive relief.” *Id.* (citing *Wynn Oil Co. v. Am. Way Serv. Corp.*, 943 F.2d 595, 608 (6th Cir. 1991) and *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 387 F.3d 522, 532–33 (6th Cir. 2004)). To show that they are likely to succeed on the merits of their infringement and unfair competition claims, Plaintiffs need establish only that: (1) they own the two federally registered trademarks at issue; (2) Defendants are using the marks in commerce; and (3) Defendants’ use of the marks is likely to cause confusion. *Hensley Mfg. v. ProPride, Inc.*, 579 F.3d 603, 609 (6th Cir. 2009) (citing 15 U.S.C. § 1114(1)). See *Victory Lane Quick Oil Change, Inc. v. Darwich*, 799 F. Supp.2d 730, 735 (E.D. Mich. 2011) (“Under the Lanham Act . . . we use the same test to decide whether there has been trademark infringement, unfair competition, or false designation of origin”). Here, it is undisputed that Plaintiff LNC owns the "Libertarian Party" and "Libertarian Logo" marks, and undisputed that the "Libertarian Party" mark is incontestable.

Defendants have used both the "Libertarian Party" and "Libertarian Logo" and are not licensed by Plaintiff to use these marks. Defendants continue to use Plaintiff's Libertarian Party mark in commerce. Confusion is certain, as both Plaintiff and Defendants offer the same services in the same channel of trade. Concerning the final element of likelihood of confusion, the Sixth Circuit has held that "proof of continued, unauthorized use of an original trademark by one whose license to use the trademark has been terminated is sufficient to establish 'likelihood of confusion.'" *U.S. Structures, Inc. v. J.P. Structures, Inc.*, 130 F.3d 1185, 1190 (6th Cir. 1997). Because Defendants are using Plaintiff's "LP" trademark without permission and thereby creating a likelihood of confusion, Plaintiffs have established a likelihood of success on the merits of their trademark and unfair competition claims.

B. Irreparable Injury to Plaintiffs Absent the Injunction

The Court must examine whether the Plaintiffs will suffer irreparable injury without the injunction. *Tenke Corp.*, 511 F.3d at 550. The Sixth Circuit has specifically held that "[i]n trademark infringement cases, a likelihood of confusion or possible risk to the requesting party's reputation satisfies the irreparable injury requirement." *Lucky's Detroit, LLC v. Double L, Inc.*, 533 F. App'x 553, 555 (6th Cir. 2013) (citing *Wynn Oil Co.*, 943 F.2d at 608). See *Ford Motor Co. v. Lloyd*

Design Corp., 22 F. App'x 464, 469 (6th Cir. 2001) (“[W]here a plaintiff makes a strong showing of likelihood of confusion, irreparable harm follows as a matter of course.”). The reasoning is that irreparable injury stems both from the potential difficulty plaintiff will have in proving damages, and also from “the impairment of intangible values.” *Darwich*, 799 F. Supp. 2d at 736 (citing *Wynn Oil*, 943 F.2d at 608). The Sixth Circuit has also acknowledged that “[a] loss of customer goodwill often amounts to irreparable injury.” *Basicomputer Corp. v. Scott*, 973 F.2d 507, 511 (6th Cir. 1992).

It is inevitable that Defendants’ use of "Libertarian Party" will cause confusion and cause voters, members, potential members and donors to be confused as to the association of Defendants with Plaintiff. Defendants' political positions, political rhetoric and political platforms will be confused and attributed to Plaintiff to the significant and permanent detriment of Plaintiff.

Plaintiff will suffer irreparable harm, voters, members, potential members and donors will be confused and lost, possibly forever, votes will be lost, fund-raising vitally necessary for the party has been and will continue to be misdirected, none of which will be recoverable and voter trust and confidence, not only in the LNP but in politics may be forever eroded.

C. Substantial Harm to Others

The third factor for the Court to consider is whether issuing an injunction would cause substantial harm to others. *Tumblebus Inc. v. Cramer*, 399 F.3d 754, 769 (6th Cir. 2005). In this case, Defendants will not suffer harm if they are compelled to properly identify themselves as an organization that is not affiliated with the Libertarian National Party. Defendants can present their opinions in the free and open market of ideas and ideals, without confusing voters as to the origin and association of those opinions.

The injunction will cause no harm to others, and will in fact confer a benefit by providing voters with greater knowledge, by requiring Defendants to distinguish themselves from the Libertarian National Party instead of attempting confusion by the pretense of being licensed by and affiliated with the LNP. A local chapter of a national organization "cannot complain when they lose the private privileges incident to affiliation," *U.S. Jaycees v. Phila. Jaycees*, 639 F.2d 134, 146. (3d Cir. 1981).

The Defendants are certainly free to start a new organization and solicit funds following the rules for political parties, political action committees, and corporations in the state of Michigan and/or to affiliate with a different national organization using designations other than the LNC's trademarks.

D. Public interest served by the injunction

The final factor to evaluate in deciding a motion for preliminary injunction is “whether the public interest would be served by the issuance of the injunction.” *Tumblebus*, 399 F.3d at 760. As an initial matter, there is a public interest in “preventing consumer confusion and deception in the marketplace and protecting the trademark holder’s property interest in the mark.” *Lorillard Tobacco Co. v. Amouri’s Grand Foods, Inc.*, 453 F.3d 377, 383 (6th Cir. 2006) (citation omitted). Further, as specifically noted by another court in his district, “[t]he public interest is especially served by issuing a preliminary injunction against a former franchisee as a licensee’s status increases the probability of consumer confusion.” *Little Caesar Enterprises, Inc. v. R-J-L Foods, Inc.*, 796 F. Supp. 1026, 1036 (E.D. Mich. 1992) (Edmunds, J.) (quoting *Church of Scientology Int’l v. Elmira Mission of the Church of Scientology*, 794 F.2d 38, (2d Cir. 1986)). This reasoning has been extended from franchises to political parties and their affiliated or former affiliated state organizations. see also *Republican National Committee v. Canegata et. al.*, No. 3:22-cv-0037 (V.I., St. Thomas and St. John Div.) relying on *U.S. Jaycees v. Phila. Jaycees*, 639 F.2d 134, 142-43 (3d Cir. 1981), to extend the reasoning of *Little Caesar* and *Opticians Ass’n of Am. v. Indep. Opticians of Am.*, 920 F.2d 187, 195 (3d Cir. 1990) to political parties. “When a “splinter group [of the GOP] continue[s] to use” the trademarks that it no longer has permission to use, such a

“concurrent use of the ... marks by both parties” constitutes infringement by the splinter group.” [See Preliminary Injunction granted, Exhibit 31]

Because Defendants were previously associated with Plaintiff and because they actively, and improperly, hold themselves out as currently associated with Plaintiff, there is a substantial likelihood that consumers (voters, members, potential members, and donors) will be confused. The public interest would be served by a preliminary injunction that enforces truth and avoids confusion in political advertising.

E. All Factors Weight in Favor of an Injunction

Examined together, or examined individually, all four factors weigh strongly in favor of granting Plaintiff's motion for a preliminary injunction.

IV. THE FACTS SUPPORT A PRELIMINARY INJUNCTION

A. Likelihood of Success on the Merits

1. The LNC Owns Valid and Legally Protectable Marks

The LNC owns several federally registered trademarks [Comp ¶¶13, 17-18] as follows: “Libertarian Party” Reg. No. 2,423,459 was registered on January 23, 2001, and has been in use in commerce at least since January of 1972. This mark is incontestable under 15 U.S.C. §1065. [see Exhibit 7] and the “Libertarian” logo Reg. No. 6,037,046 was registered on April 21, 2020, has been in use in commerce

at least since 2015. [see Exhibit 8]

a. The LNC does not recognize the Defendants as legitimate affiliate officeholders entitled to use its marks.

Political parties have a First Amendment right “to organize with like-minded citizens in support of common political goals.” *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 215 (1986). This constitutional right encompasses “a political party’s decisions about the identity of, and the process for electing, its leaders.” *Eu v. S.F. Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 229 (1989).

b. Defendants use the LNC's trademarks without authorization and in violation of Federal law.

Defendants would have the right to use the LNC’s trademarks “only by affiliation with” the LNC. *U.S. Jaycees*, 639 F.2d at 142-43.

As detailed throughout the LNC's complaint and supporting exhibits, and as supported herein by Declarations, the Defendants have continued to willfully use the LNC's trademarks even after receiving multiple cease and desist letters [Comp ¶¶22-23][Exhibits 6, 8, 21, 24, 36][See Chadderdon EX39 and Harlos EX40 Declarations] including misleading the public through false advertising and claims, presumptions, or insinuations of affiliation with the Plaintiff, misleading and fraudulent solicitation of political donations, making misrepresentations to the

FEC and the State of Michigan claiming the status of being the authorized state committee of the LNC and entitled to use its trademark in a corporate name, and engaging in unfair competition with the LNC's authorized affiliate and user of its trademarks. [Exhibits 7, 9, 10, 11, 13, 14, 16, 20, 23, 25, 33, 34, 35, 37, 38] See Chadderdon and Harlos Declarations EX39 and EX40]

Defendants continue to send out monthly communications to the membership of the LNC's legitimate affiliate claiming their status and disparaging the legitimacy of their annual convention which is set for July 2023. [see Chadderdon Declaration EX39] The recognized affiliate's website is www.michiganlp.org. Defendants have registered and are using the intentionally confusing sites www.michiganlp.net and www.michlp.org. The use of these websites is also causing confusion with the proper licensee of Plaintiff's marks and is thus harming Plaintiff's marks and should be enjoined.

2. Likelihood of Confusion

The Lanham Act prohibits, without consent of the registrant, "the use in commerce [of] any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any good or services on or in connection with which such use is likely to cause confusion, or to cause mistake or to deceive." 15 U.S.C.

§1114(1)(a).

In resolving claims for trademark infringement, the critical issue is whether "the simultaneous use of two trademarks is likely to cause confusion." *Lopes v. International Rubber Distributors, Inc.*, 309 F. Supp. 2d 972, 981-982 (N.D. Ohio 2004) quoting *Jet, Inc. v. Sewage Aeration Systems*, 165 F.3d 419, 421 (6th Cir. 1999). "This 'likelihood of confusion' test involves the application of the following facts: (1) strength of the plaintiff's mark, (2) relatedness of the good or services, (3) similarity of the marks, (4) evidence of actual confusion, (5) marketing channels used, (6) likely degree of purchaser care, (7) the defendant's intent in selecting its mark, and (8) likelihood of expansion of the product lines." *Lopes, supra.* at 982 quoting *Frisch's Restaurants, Inc. v. Elby's Big Boy of Steubenville, Inc.*, 670 F. 2d 642, 648 (6th Cir. 1982). "These factors 'imply no mathematical precision, and a plaintiff need not show that all, or even most, of the factors listed are present in any particular case to be successful.'" *Lopes, supra.* at 982 quoting *Wynn Oil Co. v. Thomas*, 839 F.2d 1183, 1183 (6th Cir. 1988). "The ultimate questions remains whether relevant consumers are 'likely to believe that the products or services offered by the parties are affiliated in some way.'" *Lopes, supra.* at 982 quoting *Daddy's Junky Music Stores v. Big Daddy's Family Music Center*, 109 F. 3d 275, 280 (6th Cir. 1997). The LNC's evidence in its Complaint

and herein readily satisfies all of these elements.

a. Degree of Similarity

The marks used by Defendants are identical to the registered marks, and identical in every way to the marks used by the recognized state affiliate of the LNC. “Very little analysis is needed” where the infringer uses the identical mark and there is a “concurrent use of the ... marks by both parties.” *Opticians Ass’n*, 920 F.2d at 195. That’s because “there is great likelihood of confusion when an infringer uses the exact trademark.” *U.S. Jaycees*, 639 F.2d at 142. This is even more important in this instant case as there is an existing authorized geographical affiliate using the exact same name with the LNC's trademark of "Libertarian Party." Further, like the instant case, there was an affiliation relationship, and the dispute was initially caused by an ideological split in the Jaycees' organization.

In both of these cases, the Third Circuit reversed the district court to the extent it failed to grant a preliminary injunction for the mark-holder, *Opticians Ass’n*, 920 F.2d at 198, or because the district court failed to grant “a broad injunction” to afford the mark-holder the “broad protection” to which it was “entitled,” *U.S. Jaycees*, 639 F.2d at 143.

In December 2022, the LNC recognized the LPM/LPMEC chaired by Andrew Chadderdon as its official Michigan affiliate entitled to use its marks

[*supra.*, Comp ¶¶14, 22-23]. Yet, Defendants continue to use the LNC’s marks—the identical marks—to continue operating as a splinter group disassociated from the LNC and in soliciting funds from donors from all over the nation.

Lastly, proof of continued, unauthorized use of an original trademark by a party whose license to use the trademark has been terminated is sufficient to establish “likelihood of confusion.” *U.S. Structures, Inc. v. J.P. Structures, Inc.*, 130 F.3d 1185, 1190 (6th Cir. 1997). Where a defendant continues to hold themselves out as having some affiliation with a plaintiff – by continued use of a trademarked name after termination of the affiliation – they are using plaintiff’s marks without permission and thereby creating a likelihood of confusion. *Little Caesar Enters. v. Miramar Quick Serv. Rest. Corp.*, No. 2:18-cv-10767, 2019 U.S. Dist. LEXIS 117942 at *14 (E.D. Mich. July 16, 2019).

b. Evidence of Actual Confusion

Although evidence of actual confusion is not required, it is "the best evidence of the likelihood of confusion." *Servpro Intellectual Prop., Inc. v. Blanton*, 651 F. Supp. 3d 710, 724 (W.D. Ky 2020) quoting *Wynn Oil Co. v. Thomas*, 839 F.2d 1183, 1188 (6th Cir. 1988). The legitimately recognized Michigan affiliate has received numerous written and verbal inquiries indicating actual confusion in addition to widespread confusion and questions on social

media. [see Declaration of Caryn Ann Harlos EX40 at ¶39 and Declaration of Andrew Chadderdon EX39 at ¶14(e) referencing Exhibit 34 for samples of email inquiries to the recognized affiliate indicating confusion.] Further, even attendees at Defendants' illegitimate Lansing convention on April 1, 2023, evidenced confusion [see Declaration of Andrew Chadderdon EX39 at ¶3(i) and 14 referencing transcript of Convention video YouTube video at <https://youtu.be/p1TkFtLwyNg> beginning about timestamp 1:20]

First speaker: "I just want clarification. I got an email, I can't remember who signed it. I apologize. It clearly says that the National Organization does not recognize the, us in here. Is that true or just propaganda? Cause I am confused on this issue. So where are we? Meeting Chair: "Andrew (Chadderdon) is the chair of the board that they recognized. So I don't think they have made a position that all of the member who are here are no longer members of the Libertarian Party of Michigan."

c. Strength of the Marks

Federal registration of a trademark is prima facie evidence of the mark's validity and of the registrant's exclusive ownership of and right to use the mark. *Wigs for Kids, Inc. v. Wigs 4 Kids of Mich., Inc.*, No. 17-11471, 2017 U.S. Dist. LEXIS 209946 at *10 (E.D. Mich. Dec. 21, 2017) [citing 15 U.S.C. § 1057(b)].

The LNC's "Libertarian Party" trademark has attained incontestability status. An incontestable mark is statutorily entitled to "be conclusive evidence of the validity of the registered mark" 15 USC 1115(b). An incontestable "mark must be

considered strong and worthy of full protection." Lopes, *supra.* at 982 quoting *Wynn Oil Co., supra.* at 600.

Further, the LNC's "Libertarian Party" mark is a "famous mark" as defined by 35 USC 1125(c)(2) because "it is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner." "Libertarian Party" has become famous and acquired secondary meaning through fact that the Party has ran Presidential candidates for the past fifty years and actively runs candidates in multiple elections throughout the entire United States and spends significant amounts of resources on national, statewide and local political advertising. [Harlos Declaration EX40] The "Libertarian Party" mark is valid and enforceable. In the minds of the public, the primary significance of Libertarian Party identifies the source, product and service of the Libertarian Party. *Inwood Labs. v. Ives Labs.*, 456 U.S. 844, n. 11 (1982).

As a "famous" mark, "Libertarian Party" "shall be entitled to an injunction against another person who, . . . commences use of a mark or trade name in commerce that is likely to cause dilution by blurring or dilution by tarnishment of the famous mark, regardless of the presence or absence of actual or likely confusion, of competition, or of actual economic injury." 15 USC 1125(C)(1)

The LNC's "torch eagle" mark is distinctive and the copied use by

Defendants is exact.

d. Intent of the Defendants

All the evidence presented in the LNC's complaint and supporting exhibits shows a definite intent to use the LNC's mark including maliciousness and bad faith [Comp ¶30]. see: Exhibit 35, a flyer originally produced by the recognized Michigan affiliate which was then taken in its entirety by the Defendants with only the QR code swapped out to direct to an unauthorized website, and Exhibit 36, email dated May 24, 2023 in which Defendant Saliba actively tells members to disregard the upcoming legitimate convention by the LNC's recognized Michigan affiliate. In *Lopes, supra.* at 983, it is noted that a "suggestion of intentional copying support[s] an inference that [defendant] intended to confuse.... and bolsters the Court's finding that [plaintiff] is substantially likely to prevail on the merits of his trademark infringement claim."

In this matter, the Defendants also intentionally confused voters with the intent to redirect web traffic by registering and using a website "michiganlp.net" that bears the same name and a very similar design to the recognized affiliates "michiganlp.org" [Comp ¶27][Exhibit 13].

B. The LNC Will Suffer Irreparable Harm

In infringement actions, the general rule is that "an irreparable injury

ordinary follows when a likelihood of confusion or possible risk to reputation appears." *Lopes, supra.* at 983 quoting *Wynn Oil Co., supra.* at 608. To the extent that the LNC has already shown a likelihood of success, it is entitled to a presumption that it will suffer irreparable harm absent an injunction. *Id.*

Defendants' soliciting funds from donors using the LNC's marks as evidenced in the LNC's Complaint will irreparably harm the LNC's reputation among and relationships with donors as well as trust that their data will not be used by unauthorized entities, and once wounded, these harms cannot be adequately restored through monetary compensation [Comp ¶¶34, 36, 39][Chadderdon EX 39 and Harlo Declarations EX 40]. The LNC's good name and reputation is presently being tarnished by Defendants' actions drawing attention to this controversy [see Exhibit 37, article dated May 8, 2023, appearing on the front page of the print edition of *The Detroit News*, and also note that Defendant Saliba appeared on *The Robert Ficano Show* on May 14, 2023, see Declaration of Andrew Chadderdon EX39 at ¶3(q).

This Court's issuance of injunctive relief is the only way to prevent further harm to the LNC's good name and reputation.

C. Substantial Harm to Defendants

Defendants will not suffer harm if they are compelled to properly identify

themselves as an organization that is not affiliated with the Libertarian National Party. Defendants can present their opinions in the free and open market of ideas and ideals. Being enjoined from confusing voters as to the origin and association of those opinions will cause no harm.

D. Public Interest

The public interest warrants granting relief to the LNC. “Public interest ... in a trademark case ... is most often a synonym for the right of the public not to be deceived or confused.” *Opticians Ass’n*, 920 F.2d at 197; *accord Kos Pharmaceuticals, Inc. v. Andrx Corp.*, 369 F.3d 700, 730 (3rd Cir. 2004), “The most basic public interest at stake in all Lanham Act cases [is] the interest in prevention of confusion, particularly as it affects the public interest in truth and accuracy.” “Where a likelihood of confusion arises out of the concurrent use of a trademark, the infringer’s use damages the public interest.” *S&R Corp. v. Jiffy Lube Intern., Inc*, 968 F.2d 371, 379 (3rd Cir. 1992).

The likelihood of confusion and actual confusion is definite here because Defendants are knowingly and unlawfully using the LNC’s actual marks and those of its recognized Michigan affiliate and purposefully generating such confusion. This kind of confusion is especially not in the public’s interest; as just one example, federal law already makes it a crime to make false representations in

solicitations for political donations. 18 U.S.C. §1341; 52 U.S.C. §30124. The activities of Defendant Thornton-Canny are already the subject of an FEC complaint filed by the LNC for her fraudulent identification of herself as treasurer of the recognized state committee of the NLP [Comp ¶26]. Further, with all the current attention on elections and election integrity, confusion in the identity of political parties is particularly chaotic to the public interest. In this matter, “an injunction would eliminate confusion generated by [Defendants’] infringement.” *Opticians Ass’n*, 920 F.2d at 198.

V. CONCLUSION

For the foregoing reasons, the Court should grant the LNC’s motion for a preliminary injunction to stop Defendants use of Plaintiff’s registered trademarks, award fees for the cost and legal fees necessary for this motion, and grant any and all other relief to which Plaintiff may show itself to be entitled.

June 15, 2023

Respectfully Submitted,

/s/ Joseph J. Zito
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**ATTORNEYS FOR PLAINTIFF
LIBERTARIAN NATIONAL
COMMITTEE, INC.**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

JURY TRIAL DEMANDED

DECLARATION OF ANDREW CHADDERDON

Under 28 U.S.C. §1746, I, Andrew Chadderdon, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.
2. I am the Chair for the Libertarian Party of Michigan and the President of the Libertarian Party of Michigan Executive Committee, Inc.
3. In these roles I have personally witnessed and seen the effects of the actions of the Defendants that will continue and worsen if not enjoined.

Specifically, the Defendants, individually or collectively have:

- a) Through their actions and this resulting controversy have turned away many active members and donors who previously had been engaged for years.
- b) Solicited political and legal defense donations using the Party's name and branding.
- c) Taken our private membership data in violation of signed NDAs for communications causing a lack of trust and an unwillingness for new persons to sign-up for communications and membership.
- d) Impersonated through "email spoofing" our domain and informational email address.
- e) Regularly sent "responses" to our official communications disparaging our legitimacy, instructing members to ignore our communications, and sending out completely contradictory information, all while claiming their communications are the official responses of the Party.
- f) Spread frivolous claims that our actions, rather than their own, are jeopardizing the Party's ballot access and ability to run candidates.
- g) Forced the calling of a special convention that none of the Defendants attended and also attempted to have the venue contract cancelled with claims that the signers were not authorized to do so.
- h) Advertised and held illegitimate meetings claiming they were official meetings of the Party.

- i) Purported to change the Party Bylaws at an illegitimate convention thereby confusing the membership as to the actual rules of the Party and their rights and the validity of their convention in relation to the special convention called by the recognized affiliate on the same date.
- j) Inflicted reputational damage by misleading communications to nationally prominent figures such as Presidential hopeful Jacob Hornberger.
- k) Forced the wasting of Party funds and resources in legal costs and fees and well as filing fees with Michigan in our attempts to correct the corporate records.
- l) Filed false paperwork with Michigan Department of Licensing and Regulatory Affairs, Michigan Bureau of Elections, and the FEC.
- m) Refused to properly turn over the bank account assets leading to the effective freezing of over \$38,000.00 in assets and harassed the bank to the point where it felt compelled to file an interpleader action.
- n) Refused to turn over the Party's passwords and logins to needed resources.
- o) Refused to turn over Party assets including the Post Office Box, phone number, PayPal account, and Amazon services account.
- p) Refused to turn over the Party's EIN which is preventing the Party from opening a new bank account and fundraising.

- q) Defamed various board and Party members with the press including a front page article in the Detroit News and interview on local radio show (Robert Ficano Show) causing both myself and the Party reputational damage and embarrassment.
- r) Filed a false take-down complaint with the Party's domain name provider.
- s) Impersonated the Party on social media.
- t) Instigated the blocking of members from being selected as delegates to the special convention.
- u) Attempted to hijack the digital assets of the Libertarian Party of Wayne County (a Party sub-affiliate) and using a deceptive domain for that sub-affiliate to redirect to their false website.

4. Exhibit 15 attached hereto is a true and accurate copy of an announcement distributed by Plaintiff in an effort to correct the confusion caused by Defendants' misinformation campaign and unauthorized use of Plaintiff's trademarks.

5. Exhibit 16 attached hereto is a true and accurate copy of the March 3, 2023, e-mail Call to Convention from the unrecognized Libertarian Party of Michigan including the email spoofing.

6. Exhibit 20 attached hereto is a true and accurate copy of a collection of social media posts of some of the Defendants along with a photograph of one of

their supporters disrupting a legitimate meeting indicating that they will not comply with the cease and desist letters from Plaintiff.

7. Exhibit 21 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of Genesee County Chaired by Defendant Canny demanding a cease and desist or be disaffiliated from the recognized affiliate.

8. Exhibit 24 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of West Michigan chaired by Defendant Buzuma demanding a rescission of its failure to recognize the legitimate affiliate or be disaffiliated.

9. Exhibit 28 attached hereto is a true and accurate copy of Meeting Minutes Libertarian Party of Michigan Libertarian Executive Committee Meeting by Zoom 25 January 2023, demonstrating that the majority of the Defendants accepted the Chairmanship of Andrew Chadderdon without objection and that Defendant Brundardt agreed to add Mr. Chadderdon as a signatory to the Libertarian Party of Michigan bank account.

10. Exhibit 29 attached hereto is a true and accurate copy of a January 30, 2023, e-mail from Daniel Ziembra, the Secretary of the recognized affiliate, to the Libertarian Party of Michigan local affiliate chairs, announcing a special

convention which was properly called and authorized via a petition of the membership.

11. Exhibit 30 attached hereto is a true and accurate copy of a January 31 e-mail from Defendant Brungardt announcing a call to convention for the illegitimate Libertarian Party of Michigan on the same date as the legitimate special convention with no authority to do so.

12. Exhibit 36 attached hereto is a true and accurate copy of a mass distribution e-mail from Defendant Saliba, representing his group to be the Libertarian Party of Michigan and using the “Libertarian Party” trademark.

13. Exhibit 34 attached hereto are true and accurate copies of some email inquiries received indicating actual confusion on the part of Libertarian Party of Michigan membership.

14. Exhibit 36 is a true and accurate copy of an email sent by Defendant Saliba to the membership of the Libertarian Party of Michigan instructing them to ignore the recognized affiliate and its upcoming convention.

15. Exhibit 38 attached hereto is a true and accurate copy of an email sent by Defendant Van Alstine planning a new membership card which will confuse members into thinking they are members of the legitimate Michigan Libertarian Party affiliate.

Executed on 6/1/23.



Andrew Chadderton, LPM/LPMEC Chair

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

JURY TRIAL DEMANDED

DECLARATION OF CARYN ANN HARLOS

Under 28 U.S.C. §1746, I, Caryn Ann Harlos, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.

2. I am the National Secretary for the Libertarian National Committee, Inc., a Registered Parliamentarian with the National Association of Parliamentarians, and a Certified Paralegal with the National Association of Legal Assistants.

3. As part of my duties as LNC Secretary, I have to regularly interface with affiliate boards and officers to request information on their conventions,

bylaws, and answer member questions. Additionally, I have to provide accurate information on biennial convention procedures, delegate allocations, and entitlements to committee appointments as well as assist in regional formations.

4. With the upcoming 2024 biennial convention, it is essential that I have clarity on the persons entitled to receive the above information and communicate to me accurate information representing their state affiliates and their memberships.

5. Any confusion on the part of membership or myself as to the proper representatives entitled to hold themselves out as representatives of the official affiliate entitled to claim affiliation by using the LNC's trademarks will make the performance of my fiduciary duties to the LNC at best extraordinarily difficult and more time consuming as a volunteer.

6. I have personally witnessed widespread confusion regarding the identity of the Michigan affiliate caused by the unauthorized use of the LNC's trademarks and the damaging of the LNC's reputation and effectiveness.

7. I have reviewed the Complaint and Motion for Temporary Restraining Order and/or Preliminary Injunction against the Defendants. To the best of my knowledge, the allegations contained therein are true.

8. "Libertarian Party" has become famous and acquired secondary meaning through fact that the Party has ran Presidential candidates for the past fifty

years and actively runs candidates in multiple elections throughout the entire United States and spends significant amounts of resources on national, statewide and local political advertising.

9. Exhibit 1 attached hereto is a true and accurate copy of The Articles of Incorporation and the Bylaws of the Libertarian Party of Michigan as filed with the Michigan Licensing and Regulatory Agency.

10. Exhibit 2 attached hereto is a true and accurate copy of the “Libertarian Party” trademark registration, showing the section 15 incontestability designation.

11. Exhibit 3 attached hereto is a true and accurate copy of the “Libertarian Logo” trademark registration.

12. Exhibit 4 attached hereto is a true and accurate copy of the first page of the Libertarian Party web site.

13. Exhibit 5 attached hereto is a true and accurate copy of the Libertarian National Party Bylaws.

14. Exhibit 6 attached hereto is a true and accurate copy of a cease and desist letter sent to Defendant Brungardt on February 15, 2023.

15. Exhibit 7 attached hereto is a true and accurate copy of a February 15, 2023, e-mail from Scotty Boman, a board member of the illegitimate affiliate, in response to the notice letter of February 15, 2023.

16. Exhibit 8 attached hereto is a true and accurate copy of a February 16, 2023, cease and desist letter from Plaintiff to Defendant Brundgardt.

17. Exhibit 9 attached hereto is a true and accurate copy of Mr. Warzybok's February 17, 2023, response to Plaintiff's February 16, 2023 cease and desist letter.

18. Exhibit 10 attached hereto is a true and accurate copy from the Michigan Department of Elections demonstrating the unauthorized use of Plaintiff's registered trademarks by Defendants.

19. Exhibit 11 attached hereto are a true and accurate copies of Statements of Organization filed by Defendants with the Federal Election Commission demonstrating the unauthorized use of Plaintiff's registered trademarks by Defendant Thornton-Canny.

20. Exhibit 12 attached hereto is a true and accurate copy of a letter from the Federal Election Commission, dated November 17, 2016, recognizing the correct Libertarian Party of Michigan as a state committee of a national party.

21. Exhibit 13 attached hereto is a true and accurate copy of a record obtained from WhoIs.net demonstrating the February 3, 2023, registration of the domain name "michiganlp.net" by Defendants so as to be confusing similar to the registered domain name "michiganlp.org" used by the recognized Michigan State affiliate of Plaintiff.

22. Exhibit 14 attached hereto is a true and accurate copy of a document obtained from the records of the Michigan Licensing and Regulatory Agency demonstrating the illegitimate claim of transfer of chairmanship to Defendants and unauthorized use of the Plaintiff's trademark as a corporate name

23. Exhibit 17 attached hereto is a true and accurate copy of the Twitter account page of the Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan (with an additional website of michlp.org which redirects to the illegitimate website of michiganlp.net) and a true and accurate copy of the Defendants' Facebook page demonstrating Defendants' intentional confusion.

24. Exhibit 18 attached hereto is a true and accurate copy of the front page of michiganlp.net containing the Bylaws of the organization headed by the Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan.

25. Exhibit 19 attached hereto is a true and accurate copy of the membership solicitation page on michiganlp.net.

26. Exhibit 21 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of Genesee County Chaired by Defendant Canny demanding a cease and desist or be disaffiliated from the recognized affiliate.

27. Exhibit 22 attached hereto is a true and accurate copy of the header of the Facebook page of the Libertarian Party of Genesee County.

28. Exhibit 23 attached hereto is a true and accurate copy of a donor solicitation page on michiganlp.net ran through the Libertarian Party of Genesee County

29. Exhibit 25 attached hereto is a true and accurate copy of the front page of the website of the Libertarian Party of West Michigan.

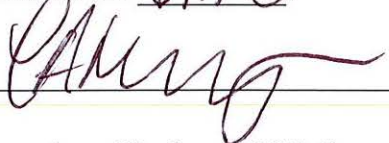
30. Exhibit 26 attached hereto is a true and accurate copy of the Bylaws of the Libertarian Party of Michigan as amended June 26, 2021.

31. Exhibit 27 attached hereto is a true and accurate copy of the decision of the Judicial Committee of the Libertarian Party of Michigan issued December 19, 2022.

32. Exhibit 35 attached hereto is a true and accurate copy of a flier copied by Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan and altered by substitution of Defendants QR code for the Plaintiff's QR code so as to misdirect voters, members, and donors.

33. Exhibit 37 attached hereto is a true and accurate copy of an article appearing in The Detroit News on May 8, 2023.

Executed on 6/11/23.



Caryn Ann Harlos, LNC Secretary

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

Hon. Judith E. Levy

PROPOSED ORDER FOR PRELIMINARY INJUNCTION

UPON CONSIDERATION of Plaintiff, the Libertarian National Committee, Inc.'s Motion for a Preliminary Injunction, and having considered the briefs and arguments of all parties, it is HEREBY:

ORDERED that Plaintiff's Motion is GRANTED,

ORDERED that a Preliminary Injunction is ISSUED, hereby ENJOINING Defendants and their representatives, officers, directors, agents, servants, employees, successors, assignees, and those controlled by or acting in concert with them collectively and individually from using the LNC's federally registered trademarks "Libertarian Party" Reg No. 2,423,459 and "Libertarian Logo" Reg. No. 6,037,046 and/or any confusingly similar marks in any manner whatsoever, including in the name of any political organization, in any registrations with the Federal Election Commission and any State Election Commission, in any corporate registration, web sites and the like. Defendants are further enjoined from use of the confusing URLs michlp.org and michiganlp.net.

Honorable Judith E. Levy
United States District Judge

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

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40	Declaration of Caryn Ann Harlos

Michigan Department of Consumer and Industry Services

Filing Endorsement

***This is to Certify that the ARTICLES OF INCORPORATION - NONPROFIT
for
LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.***

ID NUMBER: 792439

***received by facsimile transmission on January 19, 2005 is hereby endorsed filed on
January 19, 2005 by the Administrator. The document is effective on the date filed,
unless a subsequent effective date within 90 days after received date is stated in the
document.***



***In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 19th day
of January, 2005.***

, Director

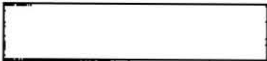
EXHIBIT 1

Bureau of Commercial Services

BCS/CD-502 (Rev. 08/01)

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES																				
Date Received	(FOR BUREAU USE ONLY)																			
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.																			
<table border="1" style="width: 100%;"> <tr> <td colspan="3">Name</td> </tr> <tr> <td colspan="3">William W. Hall</td> </tr> <tr> <td colspan="3">Address</td> </tr> <tr> <td colspan="3">Warner Norcross & Judd LLP, 111 Lyon Street NW, Suite 900</td> </tr> <tr> <td>City</td> <td>State</td> <td>Zip Code</td> </tr> <tr> <td>Grand Rapids</td> <td>MI</td> <td>49503</td> </tr> </table>			Name			William W. Hall			Address			Warner Norcross & Judd LLP, 111 Lyon Street NW, Suite 900			City	State	Zip Code	Grand Rapids	MI	49503
Name																				
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Address																				
Warner Norcross & Judd LLP, 111 Lyon Street NW, Suite 900																				
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ARTICLES OF INCORPORATION
For use by Domestic Nonprofit Corporations
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

OF

LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

These Articles of Incorporation are signed by the Incorporator for the purpose of forming a nonprofit corporation pursuant to the provisions of Act 162 of the Public Acts of 1982, as follows:

ARTICLE I

The name of the corporation is:

LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

ARTICLE II

The purpose or purposes for which the corporation is organized are:

(a) To serve as the governing body and operational arm of the Libertarian Party of Michigan ("LPM"), the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan;

(b) To serve as the "Executive Committee" of the LPM, as described in the Bylaws of the LPM, and to continue to carry on all functions presently exercised by or in the future delegated to the Executive Committee by the LPM, including, without limitation, the exercise of control and management of all the affairs, properties and funds of the LPM;

(c) To engage in political action, within the meaning of Section 527 of the Internal Revenue Code;

(d) To act as a "political committee" within the meaning of the Michigan Campaign Finance Act and the Federal Election Campaign Act, as they may be amended from time to time;

(e) To borrow money and issue evidences of indebtedness in furtherance of any and all of the purposes of the business of the corporation, and to secure the same by mortgage, pledge or other lien on the corporation's property;

(f) To contribute funds to (i) the political committees of candidates, (ii) political party committees, (iii) political committees supporting or opposing Constitutional amendments, legislative initiatives, legislative referenda and other ballot questions, and/or (iv) other political committees;

(g) To make independent or coordinated expenditures (i) in support of candidates, (ii) in opposition to candidates, (iii) in support of Constitutional amendments, legislative initiatives, legislative referenda and other ballot questions, (iv) in opposition to Constitutional amendments, legislative initiatives, legislative referenda and other ballot questions, and/or (v) in support of other political activities;

(h) To lobby public officials;

(i) To engage in educational, advertising and promotional activities;

(j) To petition for Constitutional amendments, legislative initiatives, legislative referenda and other ballot questions;

(k) To solicit, collect, receive and administer funds;

(l) To contract for the purchase of goods and services;

(m) To rent and maintain office space;

(n) To hire and fire employees;

(o) To sell, convey and dispose of any property and invest and reinvest the property held;

(p) To deal with and distribute the Committee's income and assets in such manner as in the Committee's judgment will best promote its purposes; and

(q) In general, to enter into any kind of activity, to make and perform any contract and to exercise all powers necessary, incidental or convenient to the administration, management, maintenance, repair, replacement and operation of the LPM and to the accomplishment of any of the purposes of the LPM not forbidden, and with all powers conferred upon nonprofit corporations by the laws of the State of Michigan.

Notwithstanding any other provision of these Articles, the corporation shall not carry on any activities: (A) that would violate the Statement of Principles of the national Libertarian Party, as they now exist or may in the future be amended; (B) not permitted to be carried on by an organization exempt from federal income taxation under Section 527 of the Internal Revenue Code and other related legislation and regulations as they now exist or may in the future be amended; or (C) that would disqualify the corporation from its intended status as a political committee formed for the sole purpose of limiting liability within the meaning of 11 C.F.R. Section 114.12(a) and Rule 169.39b(3) of the Michigan Administrative Code.

ARTICLE III

This corporation is organized upon a nonstock basis.

The amount of assets which this corporation possesses is: Real Property - None;
Personal Property - None.

This corporation is to be financed under the following general plan: solicitation of contributions.

ARTICLE IV

This corporation is organized on a directorship basis.

ARTICLE V

The address of the initial registered office is:

111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487

The name of the initial resident agent at the registered office is:

William W. Hall

ARTICLE VI

The name and address of the Incorporator are:

William W. Hall
Warner Norcross & Judd LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487

ARTICLE VII

The term of this corporation shall be perpetual.

ARTICLE VIII

When a compromise or arrangement or a plan of reorganization of this corporation is proposed between this corporation and its creditors or any class of them or between this corporation and its members, or any class of them, a court of equity jurisdiction within the state, on application of this corporation or of a creditor, or member of the corporation, or an application of a receiver appointed for the corporation, may order a meeting of the creditors or class of creditors or of the members or class of members to be affected by the proposed compromise or arrangement or reorganization, to be summoned in such manner as the court directs. If a majority in number representing seventy-five percent (75%) in value of the creditors or class of creditors, or of the members or class of members to be affected by the proposed compromise or arrangement or a reorganization, agree to a compromise or arrangement or a reorganization of this corporation as a consequence of the compromise or arrangement, the compromise or arrangement and the organization, if sanctioned by the court to which the application has been made, shall be binding on all the creditors or class of creditors, or on all of the members or class of members and also on this corporation.

ARTICLE IX

A contract or other transaction between this corporation and one or more of its directors or officers, or between this corporation and another corporation, firm or association of any type or kind, in which one or more of this corporation's directors or officers are directors or officers, or are otherwise interested, is not void or voidable solely because of such common directorship, officership or interest, or solely because such directors are present at the meeting of the board or committee thereof which authorizes or approves the contract or transaction, or

solely because their votes are counted for such purpose if:

- (a) The contract or other transaction is fair and reasonable to this corporation when it is authorized, approved or ratified; or
- (b) The material facts as to the director's or officer's relationship or interest and as to the contract or transaction are disclosed or known to the board or committee, and the board or committee authorizes, approves or ratifies the contract or transaction by a vote sufficient for the purpose without counting the vote of any common or interested director; or
- (c) The material facts as to the director's or officer's relationship or interest as to the contract or transaction are disclosed or known to the members, and they authorize, approve or ratify the contract or transaction.

ARTICLE X

A volunteer director of the corporation shall not be personally liable to the corporation or its directors or members for monetary damages for a breach of the director's fiduciary duty, except that a volunteer director's liability is not limited for any of the following:

- (a) a breach of the director's duty of loyalty to the corporation or its directors or members;
- (b) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;
- (c) a violation of Section 551(1) of the Michigan Nonprofit Corporation Act, which section relates to the making of unauthorized dividends or distributions;
- (d) a transaction from which the director derived an improper personal benefit; and
- (e) an act or omission that is grossly negligent.

The corporation shall assume all liability to any person other than the corporation or its directors or members for all acts or omissions of a volunteer director incurred in the good faith performance of the volunteer director's duties as such.

If, after the adoption of this Article, the Michigan Nonprofit Corporation Act is amended to further eliminate or limit the liability of a volunteer director or director, then a volunteer director of the corporation (in addition to the circumstances in which a director is not personally liable as set forth in the preceding paragraph) shall, to the fullest extent permitted by the Michigan Nonprofit Corporation Act, not be liable to the corporation or its directors or members, as so amended. No amendment to or alteration, modification, or repeal of this Article

shall increase the liability or alleged liability of any volunteer director of the corporation for or with respect to any acts or omissions of such director occurring prior to such amendment, alteration, modification, or repeal.

ARTICLE XI

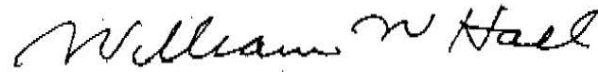
The corporation may assume the liability for all acts or omissions of a nondirector volunteer if all of the following are met:

- (a) the volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority;
- (b) the volunteer was acting in good faith;
- (c) the volunteer's conduct did not amount to gross negligence or willful and wanton misconduct;
- (d) the volunteer's conduct was not an intentional tort; and
- (e) the volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in section 3135 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being section 500.3135 of the Michigan Compiled Laws.

ARTICLE XII

These Articles of Incorporation may be amended, altered, changed or repealed only by the affirmative vote of a majority of the Board of Directors of the corporation.

I, the Incorporator of this corporation, sign these Articles of Incorporation on JANUARY 13, 2005.



William W. Hall

**Preparer's name and business
address and telephone number:**

William W. Hall
Warner Norcross & Judd LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487
(616) 752-2143

**Name of person or organization
submitting fees:**

Warner Norcross & Judd LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487
(616) 752-2000
1028662-2

BYLAWS
OF
LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

ARTICLE I

Purpose

The purpose for which the corporation is formed is to serve as the governing body and operational arm of the Libertarian Party of Michigan ("**LPM**"), the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan. More specifically, the corporation shall serve as the "Executive Committee" of the LPM, as described in the Bylaws of the LPM, as they may be amended from time to time ("**LPM Bylaws**"), and continue to carry on all functions presently exercised by or in the future delegated to the Executive Committee by the LPM, including, without limitation, the exercise of control and management of all the affairs, properties and funds of the LPM.

ARTICLE II

LPM Bylaws

The LPM Bylaws are incorporated by reference in these Bylaws. In the event of any conflict between the LPM Bylaws and these Bylaws, the LPM Bylaws shall take precedence.

ARTICLE III

Board of Directors

Section 1. Election and Term of Office. The incorporator has designated the existing Executive Committee (as defined in the LPM Bylaws) of the LPM as the initial board of directors. In the future, the directors shall be the members of Executive Committee, and thus shall be selected as provided in the LPM Bylaws.

Section 2. Resignation and Removal. A director may resign by written notice to the corporation Secretary. A director may be removed only as provided in the LPM Bylaws for the removal of a member of the Executive Committee.

Section 3. Vacancies. Directors then in office may fill a vacancy only as provided in the LPM Bylaws for replacing a member of the Executive Committee.

Section 4. New Directors. The corporation Secretary shall provide each new director with current copies of the Articles of Incorporation, bylaws, and other pertinent information regarding the organization and operation of the corporation.

Section 5. Powers. The board manages the corporation's business and may exercise all the corporation's powers.

Section 6. Committees of Directors. The board may appoint committees of directors.

Section 7. Compensation-Related Limitations on Directors. Directors shall serve without compensation.

ARTICLE IV

Directors' Meetings

Section 1. Meetings. Each regular meeting of the board shall be held at the time and place the board specifies at its regular meeting immediately preceding. No notice of such meeting to the directors is necessary. A board meeting may be held at a different time and place with the consent of a majority of the directors upon notice to all directors who did not consent.

Section 2. Special Meetings. The Chair, or a majority of the board, may call a special meeting of the board at any time upon notice to all directors.

Section 3. Notice of Meetings. Notice of a meeting or special meeting shall state the time, place, and purposes of the meeting and must be given to each director by one of the following methods:

(a) by mailing a written notice of such meeting to such address as the director designates from time to time or, in the absence of designation, to the last known address of the director at least 5 business days before the date set for such meeting;

(b) by personally delivering a written notice of such meeting to the director at least 2 business days in advance of such meeting;

(c) by orally notifying the director of such meeting at least 2 business days in advance, either personally or by telephone; or

(d) by transmitting notice of such meeting to the director at least 2 business days in advance:

(i) by fax to the director's last known office or home or to such other location as the director designates from time to time, or

(ii) by electronic mail message to the director's last known electronic mail address or to such other electronic mail address as the director designates from time to time,

except that, if the transmitted notice is returned as undeliverable, a different permitted method of notification must be used.

Section 4. Waiver of Notice of Meetings. A director's attendance at a meeting waives notice to the director of the meeting, except where the director attends the meeting for the express purpose of objecting to the transacting of any business because the meeting is not lawfully called or convened. A director may waive in writing any right to notice before or after a meeting.

Section 5. Quorum. A majority of the directors constitutes a quorum for the transaction of business. The act of a majority of those directors present at any meeting at which there is a quorum is the act of the board, except as provided by law, the Articles of Incorporation, or these bylaws.

Section 6. Voting Rights. Each director present in person at a board meeting is entitled to one vote.

Section 7. Conduct of Meetings. Directors' meetings shall generally follow accepted rules of parliamentary procedure. The presiding official has authority over matters of procedure and may adopt any other form of procedure suited to the business being conducted.

Section 8. Action Without a Meeting. Unless otherwise provided by the Articles of Incorporation, any action may be taken without a meeting, prior notice, or vote if all directors consent to the action in writing.

Section 9. Electronic Participation in Meeting. A director or a member of a committee may participate in a meeting by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Such participation in a meeting constitutes presence in person at the meeting.

ARTICLE V

Officers

Section 1. Selection and Duties. The officers of the corporation shall consist of those selected as provided in the LPM Bylaws, and perform those duties set forth in the LPM Bylaws. In addition, the board may appoint Assistant Treasurer(s), to the extent it deems such assistants necessary for the purpose of overseeing campaign finance reporting for separate campaign funds maintained by the corporation.

Section 2. Term, Removal, and Vacancies. An officer shall hold office for the term specified in the LPM Bylaws, or until the officer's death, resignation, or removal as provided in the LPM Bylaws. An officer may resign by written notice to the corporation Secretary. The resignation is effective upon its receipt by the corporation or at a later date specified in the notice.

ARTICLE VI

FINANCE

Section 1. Handling. The finances of the corporation shall be handled in accordance with the provisions of the Act and Law, and to the extent not inconsistent with the Act and Law, generally accepted accounting principles, consistently applied.

Section 2. Fiscal Year. The fiscal year of the corporation shall be an annual period commencing on such date as may be initially determined by the board. The commencement date of the fiscal year shall be subject to change by the board for accounting reasons or other good cause.

Section 3. Depository. The funds of the corporation shall be deposited in such bank as may be designated by the board and shall be withdrawn only upon the check or order of such officers, employees or agents as are designated by resolution of the board from time to time.

ARTICLE VII

Indemnification

Section 1. Scope of Indemnity. The corporation shall indemnify its directors and officers against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred by them in connection with any actions or suits brought or threatened against them, including actions by or in the right of the corporation, by reason of the fact that such person was serving as a director or officer of the corporation, to the fullest extent permitted by the Michigan Nonprofit Corporation Act. The corporation may indemnify persons who are not directors or officers to the extent authorized by resolution of the board of directors or by contractual agreement authorized by the board of directors. A change in the Michigan Nonprofit Corporation Act, the Articles of Incorporation, or these bylaws that reduces the scope of indemnification shall not apply to any action or omission that occurs before the change.

Section 2. Authorization of Indemnification. Unless ordered by a court or otherwise provided by law, the corporation shall indemnify a person only upon determination that the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the corporation's best interests. Such determination shall be made (1) by majority vote of a quorum of the board consisting of directors who were not parties to the action or suit, (2) if a quorum of disinterested directors is not obtainable, by a majority vote of a committee of directors

who were not parties to the action and consisting of not less than two disinterested directors, or (3) by independent legal counsel in a written opinion.

Section 3. Insurance. The corporation may purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, nondirector volunteer, or agent of this corporation or is or was serving at the corporation's request in any other enterprise against any liability incurred in such capacity.

ARTICLE VIII

Dedication of Assets

Section 1. Use of Funds. The corporation's funds and property shall be used exclusively for the corporation's purposes set forth in the Articles of Incorporation. No part of the income or assets of the corporation shall inure to the benefit of any individual or director.

Section 2. Dissolution and Liquidation. If the corporation's purposes fail or if the corporation ceases to be approved as a political organization under Section 527 of the federal Internal Revenue Code, and any such defect is not cured by appropriate amendment, or in the event of voluntary dissolution, then all of the corporation's assets and accumulated income shall be distributed to the LPM, or if such organization does not then exist, to such other organizations as the directors (or in default of designation by the directors, the Circuit Court for the County of Kent, Michigan) designate as best accomplishing the purposes for which the corporation was formed. An organization receiving such distribution must be qualified as a political organization under Section 527 or as tax-exempt under Section 501(c)(3) or (4) of the federal Internal Revenue Code or the corresponding provisions of any subsequent federal tax laws. The corporation shall be dissolved after all its property has been so distributed.

ARTICLE IX

Amendments

The board may amend or repeal these Bylaws by vote of a majority of directors entitled to vote at any regular or special meeting.

ARTICLE X

COMPLIANCE

These Bylaws are set forth to comply with the requirements of the Michigan Campaign Finance Act and the Federal Election Campaign Act. In case any of these Bylaws conflict with the provisions of those laws, or any other applicable law or regulation, the provisions of those laws and the other applicable law or regulation shall be controlling.

I certify that the foregoing bylaws constitute all of the bylaws of this corporation current as of the date entered below.

Dated: _____, 2005

Thomas Quinn
Secretary

1040780-2



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LIBERTARIAN PARTY

Word Mark **LIBERTARIAN PARTY**

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: NEWSPAPERS, BROCHURES, PAMPHLETS AND BOOKLETS CONCERNING POLITICAL ISSUES. FIRST USE: 19720100. FIRST USE IN COMMERCE: 19720100

IC 042. US 100 101. G & S: POLITICAL PARTY SERVICES, NAMELY, PROMOTING THE INTERESTS OF A POLITICAL PARTY. FIRST USE: 19720100. FIRST USE IN COMMERCE: 19720100

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75937476

Filing Date March 7, 2000

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 10, 2000

Registration Number 2423459

Registration Date January 23, 2001

Owner (REGISTRANT) Libertarian National Committee, Inc. NON-PROFIT CORPORATION D.C. 1444 Duke Street Alexandria VIRGINIA 223143403

Attorney of Record R. Scott Keller

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Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20200805.

Renewal 2ND RENEWAL 20200805

EXHIBIT 2

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Word Mark	LIBERTARIAN
Goods and Services	IC 035. US 100 101 102. G & S: Political party services, namely, promoting the interests of a political organization. FIRST USE: 20150000. FIRST USE IN COMMERCE: 20150000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	13.01.02 - Blow torch ; Propane torches ; Torches ; Welding torch
Serial Number	88630634
Filing Date	September 25, 2019
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 4, 2020
Registration Number	6037046
Registration Date	April 21, 2020
Owner	(REGISTRANT) Libertarian National Committee, Inc. non-profit corporation D.C. 1444 Duke Street Alexandria VIRGINIA 22314
Attorney of Record	R. Scott Keller
Prior Registrations	2423459
Description of Mark	The color(s) black, gold and white is/are claimed as a feature of the mark. The mark consists of the word "LIBERTARIAN" in black with a depiction of a black torch with the head and wing of an eagle as the flame with the wing and outline of the head in gold and the remainder of the head in white.
Type of Mark	SERVICE MARK

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LIBERTARIAN PARTY ▾

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TODAY!**

Get Started Now!

Together, we are the Libertarian Party.

The Libertarian Party (**LP**) is your representative in American politics. It is the only political party that respects you as a unique and responsible individual.

Our slogan is that we are "The Party of Principle" because we stand firmly on our principles.

Libertarians strongly oppose any government interference in your personal, family, and business decisions. Essentially, we believe all Americans should be free to live their lives and pursue their interests as they see fit as long as they do no harm to another.

LIBERTARIAN PARTY

BYLAWS, CONVENTION SPECIAL RULES, AND JUDICIAL COMMITTEE RULES OF APPELLATE PROCEDURE



**ADOPTED IN CONVENTION JULY 2020, ORLANDO, FLORIDA AND VIA ZOOM
WITH STYLE CORRECTIONS ADOPTED SEPTEMBER 12, 2020**

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Bylaws of the Libertarian Party

ARTICLE 1: NAME

These articles shall govern the association known as the "Libertarian Party," hereinafter referred to as the "Party."

ARTICLE 2: PURPOSES

The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by:

1. functioning as a libertarian political entity separate and distinct from all other political parties or movements;
2. electing Libertarians to public office to move public policy in a libertarian direction;
3. chartering affiliate parties throughout the United States and promoting their growth and activities;
4. nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and
5. entering into public information activities.

ARTICLE 3: STATEMENT OF PRINCIPLES AND PLATFORM

1. The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a regular convention.
2. The Party platform shall include, but not be limited to, the Statement of Principles and the implementation of those principles in the form of planks.
3. The current platform shall serve as the basis of all future platforms. The existing platform may be amended only at regular conventions. A platform plank may be deleted by majority vote. New planks or amendments to existing planks require a 2/3 vote.

ARTICLE 4: MEMBERSHIP

1. Members of the Party shall be those persons who have certified in writing that they oppose the initiation of force to achieve political or social goals.
2. The National Committee may offer life memberships and must honor all prior and future life memberships.
3. The National Committee may create other levels of membership and shall determine the contribution or dues levels for such memberships.
4. "Sustaining members" are members of the Party who:
 - a. During the prior 12 months have donated, or have had donated on their behalf, an amount of at least \$25; or
 - b. Are Life members.

ARTICLE 5: AFFILIATE PARTIES

1. No person, group, or organization may use the name "Libertarian Party" or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws.
2. The National Committee shall charter state-level affiliate parties from any qualifying organization requesting such status in each state, territory, and the District of Columbia (hereinafter, state). Organizations which wish to become state-level affiliate parties shall apply for such status on a standard petition form as adopted by the National Committee, which petition shall be signed by no fewer than ten members of the Party residing in the appropriate state. Affiliate party status

shall be granted only to those organizations which adopt the Statement of Principles and file a copy of their constitution and/or bylaws with the Party Secretary.

3. There shall be no more than one state-level affiliate party in any one state. Each state-level affiliate party shall, in accordance with its own bylaws and these bylaws, determine who shall be its delegates to all regular conventions. A state-level affiliate party may charter sub-affiliate parties within the state, which will entitle such sub-affiliates to use the name "Libertarian Party."
4. No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.
5. The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws.
6. The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation. The affiliate party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation. Failure to appeal within 30 days shall confirm the revocation and bar any later challenge or appeal. The National Committee shall not revoke the status of any affiliate party within six months prior to a regular convention. The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and submit evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a regular convention. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's revocation of affiliate party status except when the last day of the 30 day period falls within 90 days prior to a regular convention, in which case the Judicial Committee's non-action shall result in reinstatement of affiliate party status.

ARTICLE 6: OFFICERS

1. The officers of the Party shall be:
 - o Chair,
 - o Vice-Chair,
 - o Secretary, and
 - o Treasurer.

All of these officers shall be elected by a regular convention of the Party, shall take office immediately upon the close of the convention and shall serve thereafter until the final adjournment of the next regular convention. No person shall serve as an officer who is not a sustaining member of the Party.

2. No offices shall be combined.
3. The Chair shall preside at all conventions and all meetings of the National Committee. The Chair is the chief executive officer of the Party with full authority to direct its business and affairs, including hiring and discharging of National Committee volunteers and paid personnel, subject to express National Committee policies and directives issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.
4. The Vice-Chair shall be the chief assistant to the Chair, performing such duties as the Chair shall prescribe, and holding such executive powers as the Chair shall delegate and shall perform the duties of the Chair in the event that the Chair is, for any reason, unable to perform the duties of the office.
5. The Secretary shall be the recording officer of the Party and shall perform such duties as are assigned by the Chair or the National Committee. The Secretary shall attend all meetings of the National Committee and all Party conventions and shall act as Secretary thereof, keeping such minutes and records as necessary.
6. The Treasurer shall receive, expend, and account for the funds of the Party under the supervision and direction of the Chair and the National Committee. The Treasurer shall make an annual

financial report to the National Committee and shall perform all duties required of the office by applicable federal and state law. The Treasurer is responsible for oversight of all financial functions, including, but not limited to receipts, disbursements, internal and external reporting. The Treasurer shall report to the National Committee and the convention both the financial situation of the Party and the results of its activities. The report of the Treasurer to the convention, specified in Convention Rule 1 agenda item 4, shall include an independent auditor's report opining whether the financial statements present fairly, in all material respects, the financial position of the Party and the changes in its net assets and its cash flow for the years then ended, in conformity with accounting principles generally accepted in the United States of America. Unaudited interim financial statements shall also be presented. Such reports shall be made available to every delegate.

7. The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote. The suspended officer may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's suspension of the officer or order the officer's reinstatement within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the officer. At such time as the suspension is final, the office in question shall be deemed vacant.
8. The National Committee shall appoint new officers if vacancies occur, such officers to complete the term of the office vacated.

ARTICLE 7: NATIONAL COMMITTEE

1. The National Committee shall have control and management of all the affairs, properties and funds of the Party consistent with these bylaws. The Libertarian National Committee shall establish and oversee an organizational structure to implement the purposes of the Party as stated in Article 2. The National Committee shall adopt rules of procedure for the conduct of its meetings and the carrying out of its duties and responsibilities. The National Committee may delegate its authority in any manner it deems necessary.
2. The National Committee shall be composed of the following members:
 - a. the officers of the Party;
 - b. five members elected at large by the delegates at a regular convention; and
 - c. any additional members as specified below:

Any affiliate party with 10% or more of the total national party sustaining membership within affiliate parties (as determined for delegate allocation) shall be entitled to one National Committee representative and one alternate for each 10% of national sustaining membership. Affiliate parties may, by mutual consent, band together to form "representative regions," and each such "region" with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership. "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days before the beginning of and ending on the second day of the national convention, and notice of new formations or dissolutions must be given in writing to the national Secretary prior to the close of the convention at which they take place.
3. The National Committee shall take office immediately upon the close of the regular convention at which they are selected and serve until the final adjournment of the next regular convention.
4. A National Committee member shall be a sustaining member of the Party and shall not be the candidate of any party except the Party or an affiliate.
5. The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee, excepting the member that is the subject of the vote who may not

participate in that vote. The suspended member-at-large may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's suspension of the member-at-large or order reinstatement of the member-at-large within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the member-at-large. At such times as the suspension is final, the office in question shall be deemed vacant.

6. A National Committee member who fails to attend two consecutive regular sessions of the National Committee shall be deemed to have vacated his or her seat. The appointing body shall be free to reappoint the member who vacated the seat.
7. The National Committee shall appoint new officers and members-at-large if vacancies occur, such officers and members-at-large to complete the term of the office vacated.
8. A National Committee Regional Representative or Alternate may be removed and replaced only by the act of the affiliate parties that constitute the subject region. The voting procedure for the removal and replacement of regional representatives or alternates shall be determined by the regions. In the absence of any such procedures, a majority vote of the state chairs comprising the region shall prevail.
9. The National Committee shall meet at such times and places as may be determined by: action of the Committee, call of the Chair, or written request of 1/3 or more of its members.
10. A majority of the membership of the National Committee shall constitute a quorum for the transaction of business at all meetings.
11. The National Committee may adopt public policy resolutions by a $\frac{3}{4}$ vote with previous notice or by unanimous consent without previous notice.
12. Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void.
13. The National Committee shall use roll call voting on all substantive motions. Additionally, the National Committee must have a roll call vote upon request of any single committee member present on any motion. On all roll call votes, the vote of each individual committee member shall be recorded in the minutes.
14. The Secretary or a designee shall promptly post notice for each session of the National Committee; any National Committee proposed agendas; and approved minutes of each convention and open National Committee session to a permanent archive section on the Party's website. Any person may record the National Committee's proceedings while in open session, or subscribe to a read-only email list on which National Committee votes are recorded.
15. The National Committee and all of its committees shall conduct all votes and actions in open session; executive session may only be used for discussion of personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality.

ARTICLE 8: JUDICIAL COMMITTEE

1. The Judicial Committee shall be composed of seven Party members elected at each regular non-presidential convention and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the regular non-presidential convention at which elected and shall serve until the final adjournment of the next regular non-presidential convention. All Judicial Committee members shall have been Party members at least four years at the time of their selection. The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointees to serve until the final adjournment of the next regular non-

presidential convention. Should all Judicial Committee positions be vacant, an Intervening convention may fill such vacancies.

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:
 - a. suspension of affiliate parties (Article 5, Section 6),
 - b. suspension of officers (Article 6, Section 7),
 - c. suspension of National Committee members-at-large (Article 7, Section 5),
 - d. voiding of National Committee decisions (Article 7, Section 12),
 - e. challenges to platform planks (Rule 5, Section 7),
 - f. challenges to resolutions (Rule 6, Section 2), and
 - g. suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5).
3. Within 90 days following the regular convention at which elected, the Judicial Committee shall establish rules of appellate procedure to govern its consideration of matters within the scope of its jurisdiction. The existing Rules shall remain in effect until and unless the Judicial Committee submits new proposed rules to the National Committee for approval, which approval shall be deemed given unless denied by a 2/3 vote of the National Committee within 60 days of submission. A copy of the current rules of appellate procedure shall be maintained by the Secretary at the Party Headquarters and shall be available to any member at cost.

ARTICLE 9: FINANCE AND ACCOUNTING

1. The fiscal term of the Party shall begin on January 1 of each year. From January 1 until the National Committee has approved a budget, the Treasurer may authorize expenditures for any item incorporated in the previous year's budget as long as the level of expenditure is consistent with that budget.
2. The National Committee shall cause an efficient double-entry system of accounts to be installed and maintained. Financial statements of the Party shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). Audits shall be performed annually by an independent auditor. The non-officer members of the National Committee shall appoint a standing Audit Committee of three members with power to select the independent auditor. One member shall be a non-officer member or alternate of the National Committee and the other two shall not be members or alternates of the National Committee. The Assistant Treasurer is not eligible to serve on the Audit Committee. The Audit Committee shall present its findings to each regular convention and clarify for the National Committee any recommendations made by the auditor.
3. No disbursements exceeding \$100 may be made with cash.
4. The National Committee shall have the power to designate the depository of all funds of the Party and shall appoint such officers and employees as in its judgment may seem advisable to deposit and withdraw funds.
5. The Party shall not borrow in excess of \$2,000 total without prior approval by 2/3 vote of the National Committee. This shall not include current operating debt for trade payables.
6. The National Committee shall designate an Assistant Treasurer to temporarily serve in the event the Treasurer is incapacitated or unavailable, or vacates the position.

ARTICLE 10: CONVENTIONS

1. Regular Conventions:

The Party shall hold a regular convention every two years, at a time and place selected by the National Committee. Regular conventions shall be held sometime during the period of July of an odd-numbered year through August of an even-numbered year. All business required to be conducted at regular conventions shall be conducted at regular conventions only.
2. Delegates:
 - a. Delegates shall be required to be members of either the Party or an affiliate party. At all regular conventions delegates shall be those so accredited who have registered at the convention.
 - b. Any federal or state law to the contrary notwithstanding, delegates to a regular convention shall be selected by a method adopted by each affiliate party; provided

however, that only members of the Party as defined in these bylaws, or members of the affiliate party as defined in the constitution or bylaws of such affiliate party, shall be eligible to vote for the selection of delegates to a regular convention.

3. Affiliate Party Delegate Entitlements:

Each affiliate party shall be entitled to send delegates to each regular convention on the following basis:

- a. One delegate for each 0.14 percent, or fraction thereof, of the total Party sustaining membership in that affiliate; provided that at least one such delegate must be a resident of that State or District.
- b. One delegate for each 0.35 percent, or fraction thereof, of the votes cast nationwide for the Libertarian Party candidate in the most recent presidential election, cast in that affiliate's state. If a state conducts its presidential election via Ranked-Choice or Instant Runoff Voting, the ballots for the Libertarian candidate as tabulated in the first round of ballot counting will be used for this purpose.

4. Delegate Allocation:

- a. In order to be counted for delegate allocation, sustaining membership applications must be sent to the National Headquarters by either the individual member or the affiliate party and received or postmarked no later than the last day of the seventh month prior to the regular convention.
- b. The Secretary shall make a count of the sustaining members qualified under the requirements set forth here and shall compute the delegate allocations for the affiliate parties. Notification of the sustaining membership totals and allocation totals shall be sent by the Secretary to the chair of each affiliate party no later than the last day of the sixth month prior to a regular convention.
- c. A list of the names and addresses of all delegates and alternates chosen by each affiliate party shall be sent to the Credentials Committee no later than one month prior to start of the first general session of the regular convention. Amendments to such lists may be made by the affiliate parties and submitted to the Credentials Committee until the close of the Credentials Committee meeting preceding the convention. The number of alternates' names submitted shall not exceed the greater of 50 or the number of delegates allocated.
- d. Failure to submit a listing of delegate/alternate names and addresses, as prescribed within these bylaws, shall cause no delegation to be registered from that affiliate party.
- e. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention.

5. Delegate List:

Any Party member shall be provided, upon request and payment of copying and mailing costs, a list of the names and addresses of all delegates selected to attend and those who actually attended the most recent two conventions, with those who attended clearly identified, and all delegates / alternates selected to the upcoming convention, if available.

6. Voting Eligibility:

- a. Use of the unit rule or unit voting is prohibited at national conventions.
- b. Duly selected alternates may be freely substituted for any members of their delegation who are temporarily or permanently absent from the floor, provided the procedure has been clearly specified by the affiliate party in advance of the convention, and the Credentials Committee has been provided with lists of the affiliate party's delegates and alternates as well as a copy of the affiliate party's rules governing substitutions.
- c. An alternate, upon certification by the Credentials Committee, may function as a delegate whenever a delegate of the same state has not been registered in attendance. This status shall continue until the absent delegate registers in attendance. If the affiliate party has made no provision for filling delegate vacancies, the alternate substitute shall be decided by drawing lots.
- d. If the affiliate party has made no other provision, an alternate may temporarily vote in place of a delegate from the same state while he or she has the written consent of that delegate; however, no delegate may cast more than one vote on a question.
- e. All members must wear the identification badge issued upon registration in order to be admitted to the convention hall.

7. Votes cast for "None of the Above" in voting on the Party's nominees for President and Vice-President, the Party officers, and at-large members of the National Committee, shall be considered valid. Should a majority of the votes be cast for "None of the Above" in the Presidential or Vice-Presidential balloting, no candidate shall be nominated for that office. Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for that term of office.
8. Quorum:
A quorum shall consist of 40% of the total number of delegates registered in attendance at the Convention.
9. The Convention Secretary shall produce draft convention minutes within 60 days of the adjournment of the convention and present them to the National Committee. Draft convention minutes shall be posted on the Party's website at least 14 days prior to being submitted to the National Committee for approval by a two-thirds vote.
10. Convention Rules:
The Party's convention special rules of order may be amended only by a regular convention.

ARTICLE 11: OTHER COMMITTEES

1. There shall be a Platform Committee, a Bylaws and Rules Committee, and a Credentials Committee for each regular convention. The National Committee shall appoint a temporary chair of each committee to serve until each committee selects its own chair.
2. The Bylaws and Rules Committee shall consist of 10 Party members appointed by the National Committee no later than twelve months before a regular convention. No more than five of these members shall be members of the current National Committee.
3. The Platform Committee shall consist of 20 members selected as follows:
 - a. One member by each of the five affiliate parties having the greatest per capita sustaining membership as determined for convention delegate allocations at the most recent regular convention.
 - b. One member by each of the 10 affiliate parties having the largest sustaining memberships, excluding those affiliates from (a), as determined for convention delegate allocations at the most recent regular convention.
 - c. Five members selected by the National Committee.
 - d. These members shall be selected no later than the last day of the fifth month prior to the regular convention.
4. The Credentials Committee, composed of 10 members, shall be selected as follows.
 - a. Five members chosen by the National Committee no later than six months before a regular convention.
 - b. One member by each of the five affiliate parties having the largest sustaining memberships as determined for convention delegate allocations at the most recent regular convention. These shall be selected by each of the affiliate parties no later than three months prior to the regular convention.
5. Ranked alternates may be named by the appointing bodies to fill any vacancies or absences in the convention committees.
6. Committee Procedures
 - a. A majority vote of those Committee members present is necessary for a "do pass" recommendation, and in the case of the Platform Committee, a majority must approve each specific plank separately.
 - b. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the convention. Two or more members of the Bylaws and Rules Committee or of the Credentials Committee may join together to issue a minority report regarding their business.

ARTICLE 12: MEETINGS

Boards and committees may conduct business by teleconference or videoconference. The National Committee shall have power to adopt special rules of order and standing rules to facilitate the conduct of business by teleconference or videoconference.

ARTICLE 13: ELECTRONIC MAIL BALLOTS

Boards and committees may transact business by electronic mail. The Chair or Secretary shall send out electronic mail ballots on any question submitted by the Chair or co-sponsored by at least 1/5 of the members of the board or committee. The period for voting on a question shall remain open for seven days, unless all members have cast votes, or have stated an intention to abstain or be absent during the voting period, by electronic mail to the entire board or committee. Votes from alternates will be counted, in accordance with previously defined ranked order, in the absence of the corresponding committee member(s). The outcome of each motion shall be announced promptly and recorded in the minutes of the next meeting. The number of votes required for passage of any motion shall be the same as that required during a meeting. Motions dispensed through electronic mail ballots satisfy the requirement of giving previous notice.

ARTICLE 14: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

1. Nominations of candidates for President and Vice-President of the United States may be made only at the regular convention immediately preceding a Presidential election.
2. No candidate may be nominated for President or Vice-President who is ineligible under the United States Constitution, who has not expressed a willingness to accept the nomination of the Party, who served as a stand-in candidate during the current election cycle, or who is not a sustaining member of the Party. A stand-in is an individual who has agreed to be placed on a state affiliate's nomination petition prior to the selection of nominees by the Libertarian Party at convention.
3. In the event of the death, resignation, disqualification, or suspension of the nomination of the Party's nominee for President, the Vice-Presidential nominee shall become the Presidential nominee. Two-thirds of the entire membership of the National Committee may, at a meeting, fill a Vice-Presidential vacancy, and, if necessary, a simultaneous Presidential vacancy.
4. The National Committee shall respect the vote of the delegates at nominating conventions and provide full support for the Party's nominee for President and nominee for Vice-President as long as their campaigns are conducted in accordance with the platform of the Party.
5. A candidate's nomination may be suspended by a 3/4 vote of the entire membership of the National Committee at a meeting. That candidate's nomination shall then be declared null and void unless the suspended candidate appeals the suspension to the Judicial Committee within seven days of receipt of notification of suspension. The resolution of suspension must state the specific reasons for suspension and must be signed by each member of the National Committee agreeing thereto. The Judicial Committee shall meet and act on this appeal within 30 days and before the election.

ARTICLE 15: ALTERNATIVE VOTING PROCEDURES

1. The convention special rules of order may authorize specified forms of preferential voting.
2. The convention special rules of order may provide a mechanism under which, when no candidate initially receives a majority, the candidate receiving the fewest votes is removed from consideration.

ARTICLE 16: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.

ARTICLE 17: AMENDMENT

1. These bylaws may be amended by a 2/3 vote of the delegates at any regular convention.
2. Article 3, Section 1, or this Section, shall not be amended by a vote of less than 7/8 of all registered delegates at a regular convention.

ARTICLE 18: PROMULGATION OF BYLAWS

The National Committee shall promulgate the bylaws in accordance with applicable law. A copy of these bylaws and convention rules shall be provided to each member of the National Committee, each member of the Judicial Committee and each Chair of an affiliate party within 90 days of adoption.

Convention Special Rules of Order of the Libertarian Party

RULE 1: ORDER OF BUSINESS

The standing order of business for a regular convention shall be as follows:

1. Call to order
2. Credentials Committee report
3. Adoption of agenda
4. Treasurer's report
5. Audit Committee report
6. Bylaws and Rules Committee report
7. Election of Judicial Committee (in appropriate years)
8. Election of Party officers and at-large members of the National Committee
9. Platform Committee report
10. Nomination of Party candidates for President and Vice-President (in appropriate years)
11. Resolutions
12. Other business

RULE 2: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention of platform planks, the election of Judicial Committee members, Party officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by either voice vote or rising vote. If any delegate objects to the Chair's ruling on the outcome of a voice vote, a rising vote shall be conducted. If 20 or more delegates object to the Chair's ruling on the outcome of a rising vote, a counted vote will be held.
2. The Chair may require any motion offered from the convention floor to be in writing, signed by the mover and submitted to the Secretary.

RULE 3: POLLING PROCEDURE

1. The State Chair shall serve as chair of his or her delegation, unless that delegation selects another of its members to serve as its chair and so notifies the Secretary.
2. In cases where a roll call vote is required, polling shall be by state. The Secretary will ask for the vote from each state in alphabetical order, and the chair of each delegation shall report the vote for that state. The convention seating will be by state delegation. If someone challenges the vote reported by any state's chair, the Secretary shall poll the delegates from that state individually.
3. In cases where computer readable ballots are used, each delegate must sign the ballot and submit it to the delegation chair. After verifying that the number of votes cast does not exceed the number the state is entitled to, the chair of each delegation shall submit the ballots to the Secretary. During the period of time allotted for such votes, the business of the convention shall continue without interruption.

RULE 4: DEBATING AND VOTING -- BYLAWS AND RULES

The Chair of the Bylaws and Rules Committee shall report each recommendation of the committee to the convention separately and shall have two minutes to explain the intent or purpose of the proposed amendment(s). The Convention Chair shall open each recommendation to discussion without amendment from the floor. Each recommendation shall be considered and adopted separately, with a maximum of eight minutes discussion on any recommendation. After the discussion, the Convention Chair shall bring the recommendation to a vote. If the recommendation fails, the Convention Chair shall open the recommendation to amendment for an additional 10 minutes.

RULE 5: DEBATING AND VOTING -- PLATFORM

1. After the adoption of the convention agenda, the convention will vote whether to delete planks from the existing platform. This will be accomplished as follows:
 - a. The Credentials Committee shall issue five signature tokens to each delegate.
 - b. Tokens shall only be issued to delegates. Delegates are responsible for transferring possession of unused tokens to their alternates if necessary.
 - c. Each delegate may cast each token as a recommendation for deletion of one plank by noting on the token the plank to be deleted and signing the token.
 - d. A delegate may cumulate recommendations by casting any number of tokens for deletion of the same plank.
 - e. Delegates will be given until one hour prior to the scheduled start of the platform report to mark their tokens and deliver them to the Secretary.
 - f. Prior to the scheduled start of the platform report, the Secretary shall review the tokens received and tabulate and report the tokens submitted for deletion of each plank.
 - g. As its first item of platform business, the convention shall vote whether to delete each of those planks that received a number of tokens for deletion equal to 20% or more of the number of credentialed delegates. Such votes shall be cast without amendment or debate.
2. The Platform Committee shall meet before each regular convention and prepare a report containing its recommendations. At the convention, the Platform Committee's recommendations shall be reported to the floor and debated and voted upon separately. The Platform Committee shall set forth the order in which each recommendation shall be considered.
3. Recommendations for which there is no minority report shall be debated and voted upon in the following manner:
 - a. The Platform Committee Chair, or some other person designated by him or her, shall read the proposed recommendation and shall have up to two minutes to explain the recommendation.
 - b. The Convention Chair shall then open the recommendation to debate without amendment for a period of up to 15 minutes before bringing the matter to a vote. If the recommendation fails, the Convention Chair shall inquire if any amendments are proposed from the floor. If there are such proposals, the Convention Chair shall request a vote on whether to consider amendments, and with majority approval may consider amendments for a period of up to 10 minutes.
4. Recommendations for which there is a minority report shall be debated and voted upon in the following manner:
 - a. Spokespersons for both the majority and minority positions shall each have two minutes to present their views.
 - b. The Chair shall then open consideration of both positions for five minutes during which time any delegates may express their views without offering amendments. After five minutes, there will be a vote on which of the two reports shall be considered for purposes of adopting a recommendation. The report receiving the greater number of votes shall then be discussed and voted upon in the manner described in Section 3b.
5. After all committee recommendations have received initial consideration, any delegate may propose amendments to the platform. The delegate may take up to two minutes to state and explain the proposal, with debating and voting to proceed as described in Section 3b.
6. Finally, if time permits, proposals which were considered by the Platform Committee but which received an unfavorable vote from a majority of the committee, may be considered, with a spokesperson for the minority position giving the reasons in favor and the Platform Committee Chair or other representative of the majority position giving the reasons why it was voted down, before the proposal is taken to the floor for debate.
7. Challenges of adopted Party planks believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the plank is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to and report their findings

and reasons to the convention. If the plank is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the convention.

8. Should changes to the bylaws or platform result in a grammatical error in accordance with the latest edition of the Chicago Manual of Style, the National Committee presiding at the time of that discovery is authorized to make those grammatical corrections provided it does not change the meaning or intent of the item edited.

RULE 6: RESOLUTIONS

1. Resolutions must be approved by a 2/3 vote.
2. Resolutions must not be in conflict with the Statement of Principles. Challenges of such adopted resolutions believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the resolution is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to, and report their findings and reasons to the convention. If the resolution is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the convention.

RULE 7: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

1. No person shall be nominated for President or Vice-President unless at least 30 registered delegates join in the nomination in writing submitted to the Secretary, and the nominee has submitted to the Secretary evidence of sustaining membership and a statement of willingness to accept the nomination. No delegate may join in nominating more than one candidate for each office. The affixing of signatures to a nominating petition per this requirement shall be effected by a transfer of signature tokens issued by the Credentials Committee.
2. The Party's nominee for President shall be chosen by majority vote. If no candidate has attained a majority, the candidate with the fewest votes and any candidates polling less than 5% shall be struck from subsequent ballots. This procedure shall be repeated after every ballot in which no candidate has received a majority vote, until one candidate attains a majority.
3. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all the delegations have submitted their votes, the Secretary shall declare the voting closed. Following the first presidential ballot, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation. For all ballots, the Secretary shall then display the results.
4. The Party's nominee for Vice-President shall be chosen by the same procedure as for the Presidential nominee except that the Presidential nominee shall have the privilege of addressing the convention for 5 minutes, after nominations have been made but before voting has begun, for the purpose of endorsing or objecting to any of the Vice-Presidential nominees. Nominations for Vice-President shall close after selection of the Presidential nominee.
5. Nominating and seconding speeches for each candidate shall be limited in duration as follows:
 - a. President: Total of 16 minutes;
 - b. Vice-President: Total of 11 minutes.

A delegate who collects the required number of nominating tokens so designated may speak up to 5 minutes in favor of voting for None Of The Above.

RULE 8: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

1. Nominations for Party officers shall be from the floor. The election shall be conducted in the following manner:
 - a. For each office, a majority vote will be necessary for election.

- b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.
 - c. In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.
 2. Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner:
 - a. Each delegate may cast a ballot with a vote for either none-of-the-above or one vote per candidate for any number of candidates. Every ballot with a vote for none-of-the-above or one or more candidates is counted as one ballot cast. A vote for none-of-the-above shall be ignored if the ballot also includes a vote for any other candidate.
 - b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary, along with the ballots cast.
 - c. When all delegations have submitted their votes, the Chair shall declare the voting closed. The top five candidates receiving a majority vote of the ballots cast shall be elected. Tie votes affecting the outcome shall be decided by lot.
 3. No person shall be nominated unless at least 15 registered delegates join in the nomination submitted to the Secretary, and the nominee has submitted to the Secretary evidence of the required level of membership and a statement of willingness to accept the nomination. No delegate may join in nominating more than one candidate per seat. Nominating speeches shall be limited in duration as follows:
 - a. Chair: Total of 10 minutes;
 - b. All others: Total of 5 minutes.
 4. In the event a region has not otherwise provided for the election of its National Committee representation then the delegates from the region shall elect its regional representative and alternate, provided there are at least five delegates present. Each Region's delegates may elect their representative and alternate in whatever manner they choose, provided all delegates present from that region are given equal voice in the selection.

RULE 9: ELECTION OF JUDICIAL COMMITTEE

Nominations and elections for members of the Judicial Committee shall be conducted in the same manner as specified for at-large members of the National Committee.

RULE 10: VERIFICATION OF DELEGATION VOTE TOTALS

For each vote in which subtotals are submitted by delegation, each delegation shall conduct its vote by written ballot. After each delegation has tabulated its own vote totals, before submitting the totals to the Secretary, tellers approved by the Secretary shall review the ballot tabulation for accuracy and cosign the delegation totals.

After the Secretary has recorded all delegation submissions, the state-by-state delegation totals for each candidate or choice shall be displayed on a projection screen for each delegation to review for accuracy.

Judicial Committee Rules of Appellate Procedure

As Amended 2022

1. Commencement of action; petition

- 1.1. The Judicial Committee shall act only when its Chair receives a written request for a ruling on a matter identified in the Party's Bylaws as being within the Committee's jurisdiction ("petition").
- 1.2. All petitions and responses shall be in text-searchable in Word, ODF, txt, rtf, or PDF format only.
- 1.3. Such petition(s) shall identify:
 - 1.3.1. the basis for the subject matter jurisdiction of the Committee;
 - 1.3.2. the ruling requested;
 - 1.3.3. the verifiable identity of each member, affiliate, or Party committee petitioning for the requested ruling ("petitioner(s)"); and
 - 1.3.4. the identity by individual name of each member, affiliate, or Party committee that would be directly affected by the requested ruling.
- 1.4. Any such member, affiliate, or committee directly named in a petition, together with any other person member, affiliate, or committee identified by the Judicial Committee members as likely to be so affected, shall be considered a prospective "respondent."
- 1.5. Petition(s) should be supported by such written and other necessary evidence to support the grant of the ruling requested.

2. Committee procedure during National Convention

- 2.1. If the Committee is called into action during a National Convention, the Chair shall convene the Committee as soon as is reasonably practicable.
- 2.2. Upon request of either petitioner(s) or respondent(s), and/or at the Committee's direction, the Committee may hear arguments from petitioner(s) and respondent(s) in person.

3. Committee standard procedure

- 3.1. When any petition, response, amicus brief, or supporting material is received at any time other than during a National Convention, the Chair shall promptly forward such document or material to the other Committee members by electronic mail. Committee members shall acknowledge receipt of petitions. The complete list of such documents and material received by the Judicial Committee shall be posted and publicly available online.

4. Respondent procedure

- 4.1. Within seven days following receipt of such petition(s) (or promptly, if the request is received during a National Convention), the Committee Chair shall provide a copy of the petition(s) and any supporting material to each prospective respondent, along with notice that any desired responses are due in writing within seven days (or promptly, if the request is received during a National Convention) ("response").

5. Privileges of interested parties

- 5.1. Members may file amicus briefs in support of the petitioners or respondents.

- 5.2. Copies of petitions and responses and amici shall be made available electronically to any sustaining member upon request.
- 5.3. The Committee may by a majority vote redact portions of the petition(s) and response(s) and amici so made available, to protect personally-identifiable and other sensitive information.

6. Committee pre-hearing procedure

- 6.1. When petitions and responses and amici are received at any time other than during a National Convention, the Committee members shall review all material they are sent within seven days of receiving it, and each member shall advise the Chair as soon as he or she has done so.

7. Hearing

- 7.1. After the time allowed for responses has passed, and the Chair has been advised by at least two other Committee members that they have reviewed the petition(s) and response(s) provided, he or she shall set a time for a hearing and notify the Committee in writing of such time.
- 7.2. Unless all of the Committee members request a physical gathering, the hearing shall take place by telephone conference or videoconference.
- 7.3. Any hearing shall be open to sustaining members, who may observe (but not participate in) the proceedings.
- 7.4. The Committee may by a 2/3 vote deliberate in open session once the hearing concludes; otherwise, deliberations shall be in executive session.
- 7.5. All oral arguments shall be in open session.
- 7.6. All decisions shall be both published and made publicly available.
- 7.7. The Committee may in its discretion offer to the petitioner(s) and respondent(s) an equal opportunity to make their arguments orally via a telephone conference, videoconference, or physical meeting, under such rules as the Committee shall specify.
- 7.8. Committee members who are unable to participate in the hearing shall retain the right to vote. All votes must be received by the Chair no later than 10 calendar days after the hearing.

8. Publication of decision

- 8.1. When the Committee reaches a decision, the Chair shall notify the petitioner(s), respondent(s), the National Chair, and the National Secretary.
- 8.2. Preliminary notification may be made orally, either in person or by telephone; official notification shall be made in writing, as soon as all participating Committee members have voted on the matter in question, or 10 calendar days after the hearing if all members have not voted.

9. Delivery of documents

- 9.1. Petitions, responses, amici, supporting materials, and notifications required to be provided in writing in connection with any proceeding may be delivered personally, or by United States mail, private delivery service, or electronic mail. All such materials must be received prior to the hearing to be considered as part of the case.

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February 15, 2023

Joseph Brungardt
4140 18 ½ Mile Road
Sterling Heights, Michigan 48314

By Email Transmission
joebfreedom@gmail.com

RE: Demand by Libertarian Party of Michigan (LPM) for Return of all Property Belonging to LPM; Cease and Desist Demand by LPM to Immediately Terminate any Further Misrepresentation as Having any Authority to Govern the Affairs of LPM

Dear Mr. Brungardt:

INTRODUCTION

This office represents LPM with respect to the serious issues raised in this letter. It has come to our attention that you are misrepresenting yourself to be the current Chair of the LPM; however, as you know as a result of your personal and direct participation in the matter, on or about December 19, 2022, the Judicial Committee (in accordance with the LPM Bylaws) ruled that the actions taken at the July 9, 2022 Candidate Nominating Convention which led to your initial selection as LPM Chair --- are invalid. Specifically, the Judicial Committee unequivocally determined:

“We have decided to grant Mr. Chadderdon’s appeal. The vote of no confidence, the election of officers, and the election of Congressional district representatives conducted at the Candidate Nominating Convention on July 9th are to be considered out of order as a violation of our bylaws and parliamentary procedures. The Libertarian Executive Committee shall be reverted to its composition as of July 8th. Any actions taken by the erroneous board which are of a continuing nature are null and void.”

Consequently, as a result of this Judicial Committee determination, any “actions taken by the erroneous board which are of a continuing nature are null and void” including without limitation, your selection as LPM Chair.

In defiance of the Judicial Committee’s determination, you apparently are claiming that Section 535 of the Michigan Nonprofit Corporation Act (MCL 450.2535) precludes the taking of any action with respect to your status as LPM Chair since you were not removed by any members of

the Michigan nonprofit corporation known as “Libertarian Party of Michigan Executive Committee, Inc.” (State of Michigan Identification Number 800902778). Such a claim fails for many reasons.

“LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.” DOES NOT HAVE MEMBERS

The Michigan nonprofit corporation known as “Libertarian Party of Michigan Executive Committee, Inc.” does not have members. According to Article IV of the Articles of Incorporation of “Libertarian Party of Michigan Executive Committee, Inc.” filed on January 19, 2005, this nonprofit corporation is organized on a directorship basis. Nowhere in these Articles of Incorporation or in the Bylaws of “Libertarian Party of Michigan Executive Committee, Inc.” dated January 23, 2005 is there any reference to members. Consequently, because “Libertarian Party of Michigan Executive Committee, Inc.” is organized on a directorship basis and has no members in law and in fact, any reference to a “member removal requirement” under Section 535 of the Michigan Nonprofit Corporation Act is misplaced.

LPM EXISTS SEPARATELY FROM “LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.” AND CONTROLS “LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.”

LPM is the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan. As previously referenced, “Libertarian Party of Michigan Executive Committee, Inc.” (State of Michigan Identification Number 800902778).is a Michigan nonprofit corporation. According to Article II of the Bylaws of “Libertarian Party of Michigan Executive Committee, Inc.”:

“The LPM Bylaws are incorporated by reference in these Bylaws. In the event of any conflict between the LPM Bylaws and these Bylaws, the LPM Bylaws shall take precedence.”

According to Article III of the LPM Bylaws:

“The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the “Executive Committee.” These are the same individuals who shall serve as the directors of the “Libertarian Party of Michigan Executive Committee, Inc.””

Consequently, members of the LPM Executive Committee (as established and recognized pursuant to the LPM Bylaws) automatically become officers and directors of “Libertarian Party of Michigan Executive Committee, Inc.” without further corporate action. Conversely, once an individual is no longer a member of the LPM Executive Committee (as established and recognized pursuant to the LPM Bylaws) this individual automatically is no longer an officer or director of “Libertarian Party of Michigan Executive Committee, Inc.” without further corporate action. Therefore, because the decision of the Judicial Committee (which established the current officers and representatives thereby invalidating your selection as LPM Chair) was made pursuant to the LPM Bylaws, and the LPM Bylaws establish the officers and directors of “Libertarian Party of Michigan

Executive Committee, Inc.”, the LPM Bylaws, and any actions taken pursuant to the LPM Bylaws, take precedence.

AS A MATTER OF CONSTITUTIONAL LAW (NOT TO MENTION LIBERTARIAN PRINCIPLES), THE AFFAIRS OF THE LIBERTARIAN PARTY OF MICHIGAN ARE GOVERNED BY THE LPM BYLAWS---AND NOT A STATE STATUTE

Bylaws constitute a “binding contractual agreement between the [entity] and its various members.” *Conlin v Upton*, 313 Mich App 243, 255 (2015). Accordingly, a board must follow the bylaws—a binding contract—unless they take steps to amend them. *See also Allied Supermarkets, Inc v Grocer's Dairy Co*, 45 Mich App 310, 315 (1973), *aff'd sub nom. Allied Supermarkets, Inc v Grocers' Dairy Co*, 391 Mich 729 (1974) (“[t]he bylaws of a corporation, so long as adopted in conformity with state law, constitute a binding contract between the corporation and its shareholders”). Here, the LPM Bylaws govern the affairs of LPM and control the affairs of “Libertarian Party of Michigan Executive Committee, Inc.”. Therefore, unless LPM amends the LPM Bylaws under the proper procedure outlined in Article XII, the LPM Bylaws (including the authority of the Judicial Committee pursuant to Article V) govern. *See Slatterly v Madiol*, 257 Mich App 242, 250; 668 NW2d 154 (2003) (noting that bylaws are generally construed in accordance with the same rules used for statutory construction; thus, courts must first look at the specific language of the bylaw).

As indicated earlier in this letter, there is no conflict between the operation of the LPM Bylaws and the Michigan Nonprofit Corporation as both require adherence to the Judicial Committee’s December 19, 2022 decision invalidating your selection as LPM Chair and recognizing the current LPM officers and representatives. However, for the sake of argument, let’s assume that there is a conflict between a state statute (such as the Michigan Nonprofit Corporation Act) and the LPM Bylaws as to the composition of the current officers of the LPM. Even in such an instance, the consistent principles articulated by the United States Supreme Court have made it clear that where the rules of a political party conflict with state law, the First Amendment requires that the political party rules prevail. For example, in *Cousins v Wigoda*, 419 US 477 (1975), the United States Supreme Court held that political party rules supersede state law concerning the delegate selection process. The *Cousins* decision is based upon the principle that “[t]he National Democratic Party and its adherents enjoy a constitutionally protected right of political association.” 419 US at 487. This First Amendment freedom to gather in association for the purpose of advancing shared beliefs is protected by the Fourteenth Amendment from infringement by any State. *Democratic Party v Wisconsin*, 450 US 107, 121 (1981). And the freedom to associate for the common advancement of political beliefs “necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only.” *Democratic Party v Wisconsin*, 450 US 107, 122 (1981). “Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents.” *Sweezy v New Hampshire*, 354 US 234, 250 (1957). According to the United States Supreme Court, on “several occasions this Court has recognized that the inclusion of persons unaffiliated with a political party may seriously distort its collective decisions - thus impairing the party’s essential functions - and that political parties may accordingly protect themselves ‘from intrusion by those with adverse political principles.’ *Ray v Blair*, 343 US 214, 221-222 (1951).” *National Democratic Party, supra*, 450 US at 1 22. Furthermore, in *Roberts v United States Jaycees*, 104 S.Ct. 3244, 3249 (1984), the United States Supreme Court emphasized that:

“There can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members it does not desire. Such a regulation may impair the ability of the original members to express only those views that brought them together.”

In this regard, the United States Supreme Court struck down a Connecticut statute which required voters in a political party primary to be registered members of that party, which conflicted with a state Republican party rule permitting independent voters to vote in its primaries for federal and statewide offices. See *Tashjian v Republican Party of Connecticut*, 479 US 208 (1986). Similarly, in *Heitmanis v Austin*, 899 F2d 521 (6th Cir. 1990), the Sixth Circuit Court of Appeals held as invalid certain portions of the Michigan Election Code which were contrary to the rules of the Michigan Republican Party. Significantly, the *Heitmanis* Court found that the Michigan Election Code created a significant burden on the party’s right to freedom of association because it infringed upon the right of political parties to choose a method for selection of their party nominees. 899 F2d at 529.

Accordingly, to the extent that there is a conflict between a state statute (such as the Michigan Nonprofit Corporation Act) and the LPM Bylaws as to the composition of the current officers of the LPM, the LPM Bylaws, and any actions taken pursuant to the LPM Bylaws, take precedence once again.

THE LIBERTARIAN NATIONAL COMMITTEE RECOGNIZES THE COMPOSITION OF THE CURRENT OFFICERS AND REPRESENTATIVES OF LPM, AS DETERMINED BY THE JUDICIAL COMMITTEE

In Federal Election Commission Advisory Opinion 2016-17, the Federal Election Commission determined that the LPM qualifies as the state committee of a national political party under the Federal Election Campaign Act and Commission regulations because: (1) The Libertarian National Party (LNP) qualifies as a political party; (2) LPM is part of the official structure of the LNP; and (3) LPM is responsible for the day-to-day operation of the LNP at the state level. Consequently, recognition from the Libertarian National Committee establishes LPM as an affiliate of the Libertarian National Committee. Stated differently, without recognition from the Libertarian National Committee, there is no LPM.

According to Article 6 of the Bylaws of the Libertarian Party as adopted in 2008 by the Libertarian National Committee, there shall be no more than one state-level affiliate party in any one state. Significantly, the Libertarian National Committee recognizes the composition of the current officers of the LPM, as determined by the Judicial Committee, to be the state-level affiliate party of the Libertarian Party: See [Leadership - Libertarian Party of Michigan \(michiganlp.org\)](https://www.libertarianparty.org/michiganlp).

Because the Libertarian National Committee does not recognize you as LPM Chair or the other officers and representatives you contend are legitimate, you are not allowed to use the name “Libertarian Party” pursuant to Article 6 of the Bylaws of the Libertarian Party:

“No person, group or organization may use the name "Libertarian Party" or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws.”

Consequently, a separate cease and desist letter has already been sent to you (or will soon be sent to you) by the Libertarian National Committee demanding that you and your colleagues not use the name "Libertarian Party".

ACTIONS RESPECTFULLY DEMANDED AND REQUESTED

On behalf of the Libertarian Party of Michigan (LPM), it is hereby DEMANDED that you and your agents return all property belonging to LPM within ten (10) days of the date of this letter. Further, you are hereby REQUESTED to immediately terminate any further misrepresentation as having any authority to govern the affairs of LPM. At a minimum, you and your agents must do the following:

1. Sign any documentation to transfer the LPM bank accounts to Andrew Chadderdon, LPM Chair and/or his designee(s).
2. Cease to engage in any fundraising on behalf of LPM.
3. Turn over the PO Box and any/all other accounts belonging to the LPM to Andrew Chadderdon, LPM Chair and/or his designee(s).

Your anticipated cooperation is appreciated.

Sincerely,

DOSTER LAW OFFICES, PLLC



Eric Doster

CC: BY EMAIL TRANSMISSION

ANDREW CHADDERDON, LPM CHAIR chair@michiganlp.org

LIBERTARIAN NATIONAL COMMITTEE

Angela McArdle angela.mcardle@lp.org Caryn Ann Harlos secretary@lp.org

ANGELA THORNTON angelat0763@gmail.com ANDREW HALL halla12@ferris.edu
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Secretary LNC <secretary@lp.org>

Demand by Libertarian Party of Michigan (LPM) for Return of all Property Belonging to LPM; Cease and Desist Demand by LPM to Immediately Terminate any Further Misrepresentation as Having any Authority to Govern the Affairs of LPM

Scotty Boman <scottyeducation@yahoo.com>

Wed, Feb 15, 2023 at 11:11 PM

To: Eric Doster <eric@ericdoster.com>, Brian Ellison <bellison78@gmail.com>

Cc: Joe Brungardt <joebfreedom@gmail.com>, Andrew Chadderdon <chair@michiganlp.org>, "angela.mcardle@lp.org" <angela.mcardle@lp.org>, "secretary@lp.org" <secretary@lp.org>, Angela Thornton Canny <angelat0763@gmail.com>, Jordan Martin <jord.martin02@protonmail.ch>, dave canny <cannyds@gmail.com>, Mike Saliba <themikesaliba@yahoo.com>, Mary Bazuma <mary.buzuma@att.net>, Greg Stempfle <gregstempfle@gmail.com>, Rafael Wolf <rfwolf@gmail.com>, jon elgas <elgasja@gmail.com>, Kyle McCauley <k86.mccauley@gmail.com>, Jami Van Alstine <jamiracquel2004@yahoo.com>, Andrew S Hall <halla12@ferris.edu>, Mark King <mark.king@markzz.com>, Bill Gelineau <bill@abtitlemi.com>

Brian:

You might as well be the client of a hit man begging for your life. He doesn't give a Frak about ethics he's a hired goon. Any loyalties he has are to the Republican Party, so he is motivated to hurt the Libertarian Party as much as possible.

I will be making a complaint to the Bar association about a Republican party hack abusing his attorney credentials by pretending to represent the Libertarian Party without its authorization. Joe! Are you on board with this? I know your reading this Mr. Doster, you might as well hear it now. The world will hear about it soon.

Trying to gas-light us by pretending we have no members? That's a good fit given that the LPM identity thieves have brazenly rejected the will of the membership as irrelevant.

If this attorney had a shred of ethics, he would be sending this to the people who have stolen our digital assets, not the legitimate leaders... At present Mr. Doster is acting as an accomplice.

Look Eric. You may be corrupt, but your not stupid. So you know where you can put this letter.

In liberty (something the sender could care less about),
Scotty Boman
District 14 Representative
Libertarian Party of Michigan

Scotty Boman. (313) 247-2052 [Voice Only] (313) 338-9769 [Text only].

[Quoted text hidden]



February 16, 2023

Joseph Brungardt
4140 18 1/2 Mile Rd.
Sterling Heights, MI 48314
michiganlibertarians@gmail.com,
joebrungardt@gmail.com,
joebfreedom@gmail.com

Via Email

Re: The Libertarian Party of Michigan

Mr. Joe Brungardt:

The national Libertarian Party (“LP”) has a vested interest in protecting its rights and the rights of its affiliate parties, including the Libertarian Party of Michigan (“LPM”). It has come to our attention that you are holding yourself out to the public and members of the LPM as the Chair of the “Libertarian Party of Michigan”. This is patently false.

The presently recognized Chair of the Michigan affiliate is Andrew Chadderdon and his legitimately elected successors, as affirmed by the LPM Judicial Committee and explicitly authorized by the LPM Bylaws. On or about December 13, 2022, the LPM Judicial Committee (in accordance with the LPM Bylaws) ruled that the actions taken at the July 9, 2022, Candidate Nominating Convention which led to your initial selection as LPM Chair are invalid.

Your claim that Michigan corporate law provides otherwise is irrelevant to the identity and leadership of the legitimate affiliate. Likewise, your recent correspondence to LPM members advertising an unauthorized and illegitimate convention was also incorrect.

Rumors have circulated that LPM’s Judicial Committee removed officers with their decision. Your state affiliate’s Judicial Committee did not “remove” any officer or director. Their decision invalidated a motion of no confidence that removed Andrew Chadderdon as chair because the removal and election in controversy was not validly noticed. Individuals cannot be removed from positions to which they were not validly elected. Thus, the act of voiding an invalid removal is not a removal. It is the national LP’s understanding that LPM’s judicial committee decision has been affirmed by counsel retained by the rightful LPM.

Absent a decision from the LNC or the national Judicial Committee to the contrary, national Platform Committee appointments and national delegate entitlements, along with ballot access, remain with the Party presently chaired by Mr. Chadderdon, and his legitimately elected successors.

In these pursuing statements and activities (holding yourself out to be chair, holding yourself out to be LPM, soliciting for donations, and other similar activities), you have violated LPM’s bylaws, the national Libertarian Party’s bylaws, and made unauthorized use of Libertarian Party trademarks, including but not

1444 Duke Street – Alexandria VA 22314 – 1-800-Elect-Us – www.LP.org

LPM
2/16/23
Page 2 of 3

limited to the trademarked name “Libertarian Party.” Further, neither the Libertarian National Committee (“LNC”) nor the LPM has authorized you to make use of its trademark(s) in order to promote a different political party, and any such use is hereby expressly prohibited. We are therefore sending you this letter in an attempt to resolve this matter without the need for legal action. We demand that you immediately cease and desist from making further unauthorized use of Libertarian Party trademark(s) and fraudulently advertising a non-Libertarian Party convention as one of the Party.

In particular, the LNC has registered trademarks on the following:

- “Libertarian Party” (Reg. No. 2,423,459);
- “The Party of Principle” (Reg. No. 2,423,458);
- Libertarian Party Logo (Reg. No. 6,037,046).

Your unauthorized use of Libertarian Party trademark(s) and false claims of official position and calling of an illegitimate convention harms the LNC and LPM by willfully misleading members of the public and the LPM into believing that your alleged chairmanship and advertised convention is affiliated with the Libertarian Party, when in fact no such affiliation or authorization exists. Consequently, to avoid legal action in this matter, we demand that you immediately take any and all actions necessary to prevent your further infringement on our legal rights and interests. This includes, without limitation, that you cease and desist from using the trademarked name “Libertarian Party” in your organization in any published materials, including your mailing list, Facebook and social media pages, or any other electronic forum, as well as any other communications, whether electronic, print, audio or any other medium, including but not limited to campaign literature, brochures, advertisements, email or any other communication.

Further, it has been communicated to us by the Chair of the Libertarian Party of Michigan as well as by membership that their contact information secured in CiviCRM was potentially used to further these false representations. As you are aware, all users of CiviCRM are required to sign a Non Disclosure Agreement (“NDA”) which limits the use of this data to legitimate Party business authorized by the affiliate or the national Party.

You are advised not to destroy or otherwise spoliolate any evidence of your actions relating to any potential NDA violations, and/or the dissemination of confidential information, pursuant to Va. Code § 8.01-379.2:1. You have, “a duty to preserve evidence that may be relevant to reasonably foreseeable litigation.” If this conflict results in litigation and you have “disposed of, altered, concealed, destroyed, or not preserved” evidence, you may place yourself at risk of an unfavorable finding by a jury, or a default judgment.

“‘The textbook definition of ‘spoliation’ is ‘the intentional destruction of evidence[.]’ . . . However, spoliation issues also arise when evidence is lost, altered or cannot be produced.’” Wolfe v. Virginia Birth-Related Neuro, 40 Va. App. 565, 581 (Va. Ct. App. 2003) The law on this matter is clear in the state of Virginia and in the District of Columbia, which have overlapping jurisdiction regarding the LNC’s legal affairs. “[T]here now exists in the District of Columbia an independent action for negligent or reckless spoliation of evidence”. Holmes v. Amerex Rent-A-Car, 710 A.2d 846, 854 (D.C. 1998)

Based on the foregoing, we demand that you and your agents cease using the LP’s registered trademarks and return all property belonging to the LP within 10 days of the date of this letter. Furthermore, we

LPM

2/16/23

Page 3 of 3

request you immediately terminate any further misrepresentation that you are affiliated with the LP.
Thank you for your attention to this matter.

Angela McArdle, Chair

Libertarian National Committee

Brandon G. Warzybok
Attorney at Law
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Lawrence, Michigan, 49064
t 248.877.5776
Licensed in MI, and IN
brandon.warzybok@gmail.com

February 17, 2023

Angela McArdle
Chairwoman
Libertarian National Committee

via email only-- angela.mcardle@lp.org

Re: The Libertarian Party of Michigan

Dear Angela,

Attached is a letter that Mr. Joe Brunghardt, the elected Chairman of my state affiliate, received on February 16, 2023. I feel you should be aware that some asshole is signing your name to stupid, pointless letters. In light of this, I would like to take this opportunity to remind you and all members of the Libertarian National Committee that the Libertarian Party of Michigan is a wholly separate entity from the Libertarian National Committee, that the Libertarian Party of Michigan is governed separately by its own members, that it was organized before the adoption of the Articles of Incorporation, Constitution, and Bylaws of the National Party in June 1972, and that the National Party Bylaws expressly disavow any abridgment of state affiliate autonomy by your Committee. I point this out because it appears that whoever signed your name on this letter is not only dishonest and petulant, but also confused about the limits of your Committee's authority.

The attached letter contains a litany of factual allegations, few (or any) of which have any basis in reality. While I confess that I am a great devotee of fantasy writing, I must advise you that the author of this letter is a pale imitation of Tolkien, Martin, Lewis, Sanderson, and others who work more productively in this genre. I shan't be reading the sequel.

In Liberty etc. etc.



Brandon G. Warzybok
Member, Libertarian Party of Michigan
BGW

Enc.

P.S. Best of luck with your "antiwar" rally this weekend.

Committee ID#	002594
Committee Name	LIBERTARIAN PARTY OF MI EXEC COMM INC
This statement covers from	01/01/2023 04/20/2023
Committee Mail Address	PO BOX 27065 LANSING, MI 48909
Committee Phone Number	(888) 373-3669
Treasurer Name Residential Address	ANGELA THORNTON 15223 RIPPLE DR. LINDEN MI 48451
Phone	

**FEC
FORM 1**

**STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

Libertarian Party of Michigan Executive Committee, Inc.

ADDRESS (number and street) P.O. Box 614
 (Check if address is changed)
Royal Oak MI 48068
CITY ▲ STATE ▲ ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS
 (Check if address is changed) angelat0763@gmail.com
Optional Second E-Mail Address swmi4liberty@be-innovative.net

COMMITTEE'S WEB PAGE ADDRESS (URL)
 (Check if address is changed) www.michiganlp.net

2. DATE 02 / 05 / 2023

3. FEC IDENTIFICATION NUMBER C C00403907

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Thorton, Angela, , ,

Signature of Treasurer Thorton, Angela, , , [Electronically Filed] Date 02 / 05 / 2023

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

5. TYPE OF COMMITTEE:

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate _____

Candidate Party Affiliation Office Sought: House Senate President State District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate _____

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)
- (g) This committee is an independent expenditure-only political committee (Super PAC).
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (h) This committee is a political committee with both contribution and non-contribution accounts (Hybrid PAC).
 - In addition, this committee is a Lobbyist/Registrant PAC.

Joint Fundraising Representative:

- (i) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (j) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1. _____

2. _____

C _____

C _____

Write or Type Committee Name

Libertarian Party of Michigan Executive Committee, Inc.

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Grid lines for organization name entry.

Mailing Address

Grid lines for mailing address entry.

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship: Connected Organization Affiliated Organization Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Thorton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden MI 48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number 517 - 375 - 9924

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Thorton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden MI 48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number 517 - 375 - 9924

Full Name of Designated Agent | Brandenburg, Jason, F, ,

Mailing Address | 2763 Chestnut Ridge Ave.

|

Portage | MI | 49024 | - |

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼ |

Telephone number | 586 | - | 491 | - | 8853 |

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Comerica Bank |

Mailing Address | PO Box 75000 |

|

Detroit | MI | 48275 | - |

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

|

Mailing Address | |

|

| | | - |

CITY ▲

STATE ▲

ZIP CODE ▲

**FEC
FORM 1**

**STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Libertarian Party of Michigan Executive Committee, Inc.

ADDRESS (number and street)

P.O. Box 614

(Check if address is changed)

Royal Oak

CITY ▲

MI

STATE ▲

48068

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

angelat0763@gmail.com

Optional Second E-Mail Address

swmi4liberty@be-innovative.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.michiganlp.net

2. DATE

MM / DD / YYYY
03 / 18 / 2023

3. FEC IDENTIFICATION NUMBER ▶

C C00403907

4. IS THIS STATEMENT NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Thornton, Angela, , ,

Signature of Treasurer Thornton, Angela, , ,

[Electronically Filed]

Date

MM / DD / YYYY
03 / 19 / 2023

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

5. TYPE OF COMMITTEE:

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation Office Sought: House Senate President State
 District

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party

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 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)
- (g) This committee is an independent expenditure-only political committee (Super PAC).
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (h) This committee is a political committee with both contribution and non-contribution accounts (Hybrid PAC).
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Joint Fundraising Representative:

- (i) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (j) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.

2.

Write or Type Committee Name

Libertarian Party of Michigan Executive Committee, Inc.

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Grid lines for organization name entry.

Mailing Address

Grid lines for mailing address entry.

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship: Connected Organization Affiliated Organization Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Thornton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden MI 48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number 810 - 458 - 4698

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Thornton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden MI 48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number 810 - 458 - 4698

Full Name of Designated Agent | Brandenburg, Jason, F, ,

Mailing Address | 2763 Chestnut Ridge Ave.

|

Portage | MI | 49024 | - |

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼ |

Telephone number | 586 | - | 491 | - | 8853 |

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Comerica Bank |

Mailing Address | 411 W Lafayette Blvd

|

Detroit | MI | 48226 | - |

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

|

Mailing Address |

|

| | | - |

CITY ▲

STATE ▲

ZIP CODE ▲

: 97 `A-G79 @C B9CI G`H9LH`F9 @ H98 `HC`5 `F9DCFHZG7 <98I @ `CF`+H9A-N5HCB

Form/Schedule: F1A
Transaction ID :

This amendment is to correct the spelling of the Treasurer and correct the bank address.

Form/Schedule:
Transaction ID:

The facts presented in this advisory opinion are based on your advisory opinion request (“AOR”) received on September 28, 2016, the Committee’s articles of incorporation and bylaws attached thereto, public filings with the Commission, and public filings with the Michigan Secretary of State.

In 1975, the Commission determined that the Libertarian National Party (“LNP”) was a national political party. Advisory Opinion 1975-129 (National Committee of the Libertarian Party). The Libertarian National Committee, Inc. (“LNC”) is the national party committee of the LNP. The LNC’s Executive Director, Mr. Wes Benedict, has confirmed by letter that the Committee is a “chartered state-level affiliate party[.]” of the LNC. AOR003.

The Committee “assisted in placing” Gary Johnson, a candidate for President, on the 2016 general election ballot in Michigan. AOR001. Mr. Johnson was listed on that general

Background

We are responding to your request on behalf of the Libertarian Party of Michigan Executive Committee, Inc. (the “Committee”) regarding its status as the state committee of a political party under the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (the “Act”), and Commission regulations. The Commission concludes that the Committee qualifies as a state committee of a national political party.

Dear Mr. Hall:

William W. Hall, Esq.
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503-2487

ADVISORY OPINION 2016-17

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 17, 2016

FEDERAL ELECTION COMMISSION
Washington, DC 20463



election ballot in Michigan as a candidate of the Libertarian Party.¹ Mr. Johnson received contributions or made expenditures in excess of \$5,000 according to disclosure reports filed with the Commission.²

Pursuant to its articles of incorporation and bylaws, the Committee engages in various political party activities in Michigan. *See generally* AOR005-014. These activities include: serving as “the governing body and operational arm of the Libertarian Party of Michigan . . . , the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan,” AOR006; furthering the “principles of individual liberty as expressed in the Statement of Principles of the National Libertarian Party by nominating and working to elect candidates for political office and by entering into political information activities,” AOR012; contributing funds to political committees, AOR006; and making independent or coordinated expenditures in support of or in opposition to candidates or other political activities. *Id.*

The articles of incorporation and bylaws also provide for an Executive Committee, the members of which are elected by delegates at an annual convention. AOR012-013; *see also* AOR006. In addition to governing the affairs of the party, the Executive Committee supervises and manages conventions, at which nominations of candidates for public office are made. AOR013-014.

Question Presented

Does the Committee qualify as a state committee of a political party within the meaning of the Act and Commission regulations?

Legal Analysis and Conclusion

Yes, the Committee qualifies as the state committee of a political party within the meaning of the Act and Commission regulations.

A “state committee” is an organization that, “by virtue of the bylaws of a political party . . . is part of the official party structure and is responsible for the day-to-day operation of the political party at the [s]tate level, . . . as determined by the Commission.” 11 C.F.R. § 100.14(a); 52 U.S.C. § 30101(15). A “political party” is an “association, committee, or organization that nominates a candidate for election to any federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.” 52 U.S.C. § 30101(16); 11 C.F.R. § 100.15.

The determination as to whether a state party organization qualifies as a state committee of a national political party turns on three elements: (1) the national party with which the state party

¹ Michigan Secretary of State, 2016 Michigan Candidate Listing, Oct. 17, 2016, http://miboecfr.nictusa.com/election/candlist/2016GEN_CANDLIST.html.

² *See, e.g.*, Gary Johnson 2016, FEC Report 3P at 2 (Sep. 20, 2016), http://docquery.fec.gov/cgi-in/fecimg?_201609209032026391+0 (showing net election cycle contributions totaling more than \$7,921,000).

organization is affiliated must itself be a “political party;” (2) the state party organization must be part of the official structure of the national party; and (3) the state party organization must be responsible for the day-to-day operation of the national party at the state level. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia). The Commission therefore addresses each of these three elements in turn.

(1) *Qualification of the LNP as Political Party*

The national party, the LNP, must qualify as a “political party” under the Act and Commission regulations. The Commission has previously determined that the LNP qualifies as a political party. *See* Advisory Opinion 1975-129 (National Committee of the Libertarian Party). The Commission is aware of no factual changes that would alter that conclusion.

(2) *Status of the Committee as Part of the Official Structure of the LNP*

To determine whether a state party organization is part of the official structure of a national party, the Commission evaluates documentation from the national party. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia). The letter from Mr. Wes Benedict, Executive Director of the LNC (AOR003), confirms that the Committee is part of the official party structure of the LNP.

(3) *Responsibility of the Committee for Day-to-Day Operation of the LNP at the State Level*

To determine whether a state party organization is responsible for the day-to-day operations of a national party at the state level, the Commission considers: (a) whether the state organization has placed a federal candidate on the ballot (thereby qualifying as a “political party” under 52 U.S.C. § 30101(16)); and (b) whether the bylaws or other governing documents of the state party organization indicate activity commensurate with the day-to-day functions and operations of a political party at the state level. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2012-39 (Green Party of Virginia); Advisory Opinion 2012-36 (Green Party of Connecticut).

(a) *Candidate on the Ballot*

Because an organization must place a federal candidate on the ballot to qualify as a “political party,” *see* 52 U.S.C. § 30101(16); 11 C.F.R. § 100.15, an organization must obtain ballot access for a federal candidate to qualify as a “state committee” of a political party. *See* 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a); Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia); Advisory Opinion 2012-36 (Green Party of Connecticut).

The Committee assisted in placing the LNP’s nominee for President, Gary Johnson, on the 2016 general election ballot in Michigan. AOR001. Mr. Johnson received contributions or

made expenditures in excess of \$5,000 according to disclosure reports filed with the Commission. Mr. Johnson therefore satisfies the Act's definition of a "candidate." *See* 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

(b) Day-To-Day Functions and Operations

In addition to gaining ballot access for a candidate for federal office, the Committee must show, in its bylaws, constitution, or other governing documents, that it is responsible for activity commensurate with the day-to-day functions and operations of a political party at the state level.

Here, the articles of incorporation and bylaws establish the organizational structure of the Committee and describe the election process for, and responsibility of, party officers. They also set forth the Committee's responsibilities with respect to its role as the operational arm of the LNP, membership, fundraising, communications, and other party-related tasks.

These governing documents indicate activity commensurate with the day-to-day functions and operations of a political party at the state level and are similar to other state party rules that the Commission has found sufficient to qualify an organization for state-committee status. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia); Advisory Opinion 2012-36 (Green Party of Connecticut); Advisory Opinion 2010-22 (Working Families Party of Connecticut). Therefore, the Committee satisfies the requirement of being responsible for the day-to-day operation of the LNP at the state level pursuant to 52 U.S.C. § 30101(15) and 11 C.F.R. § 100.14(a).

Conclusion

The Commission determines that the Committee qualifies as the state committee of a national political party under the Act and Commission regulations because: (1) The LNP qualifies as a political party; (2) the Committee is part of the official structure of the LNP; and (3) the Committee is responsible for the day-to-day operation of the LNP at the state level.

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request. *See* 52 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for their proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion. *See* 52 U.S.C. § 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes,

regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission's website.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Matthew S. Petersen", with a stylized flourish at the end.

Matthew S. Petersen
Chairman

michiganlp.net

Updated 1 second ago 



Domain Information

Domain: michiganlp.net

Registrar: GoDaddy.com, LLC

Registered On: 2023-02-03

CSCL/CD-518 (Rev. 09/21)

EP 1303

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

Date Received
FEB 06 2023

ADJUSTED PURSUANT TO (FOR BUREAU USE ONLY)
ACT TELEPHONE AUTHORIZATION
JOSEPH BRUNGARDT

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

TranInfo: 1 25321795-2 02/06/23
Chk#: 1105 Amt: \$10.00
ID: 800902778

Name
Address
City State ZIP Code

EFFECTIVE DATE: 2/3/2023

FILED

FEB 07 2023

ADMINISTRATOR
CORPORATIONS DIVISION

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

CERTIFICATE OF CORRECTION For use by Corporations and Limited Liability Companies (Please read information and instructions on last page)

Pursuant to the provisions of Act 284, Public Acts of 1972 (profit corporations), Act 162, Public Acts of 1982 (nonprofit corporations), or Act 23, Public Acts of 1993 (limited liability companies), the undersigned corporation or limited liability company executes the following certificate:

1. The name of the corporation or limited liability company is:
LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

2. The identification number assigned by the Bureau is: 800902778

3. The corporation or limited liability company is formed under the laws of the State of Michigan

4. That a CERTIFICATE OF CORRECTION CORRECTING THE 2022 ANNUAL REPORT
(Title of Document Being Corrected)
was filed by the Bureau on 2/3/2023, EFFECTIVE 9/20/22 and that said document requires correction.

5. Describe the inaccuracy or defect contained in the above name document.
Names of Directors are inaccurate.

6. The document is corrected as follows:
The names of the correct Directors are attached to this form.

7. This document is hereby executed in the same manner as the Act requires the document being corrected to be executed.

Signed this 3rd day of February, 2023
By Joseph Brungardt (Signature) By _____ (Signature) By _____ (Signature)

Joseph Brungardt, President / Chair
(Type or Print Name and Title) (Type or Print Name and Title) (Type or Print Name and Title)

EXHIBIT 14



76

NONPROFIT CORPORATION ANNUAL REPORT

2022



Due October 1, 2022 File Online at www.michigan.gov/corpfileonline

Identification Number 800902778	Corporation name LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.
Resident agent name and mailing address of the registered office VICKI L HALL 2615 HYLAND FERNDAL, MI 48220	
The address of the registered office 2615 HYLAND FERNDAL, MI 48220	

To certify there are **NO CHANGES** from the previously filed report, check this box and **PROCEED TO ITEM 6** for signature. No other sections can be completed if box is checked.

1. Mailing address of registered office in Michigan if changed (may be a P.O. Box)	2. Resident Agent if changed
--	------------------------------

3. The address of the registered office in Michigan if changed (a P.O. Box may not be designated as the address of the registered office)

4. The purposes and general nature and kind of business in which the corporation engaged in during the year covered by this report: State Political Party

5. NAME and BUSINESS OR RESIDENCE ADDRESS (Print legible and complete names and addresses)	
President	Joseph Brungardt 4140 18 1/2 Mile Rd, Sterling Heights, MI 48314 USA
If different than President	Secretary DANIEL ZIEMBA 1457 S SHELDON RD, APT 1, PLYMOUTH, MI 48170 USA
	Treasurer Angela Thornton 15223 RIPPLE DR, LINDEN, MI 48451 USA

If the corporation is a private foundation or formed to provide care to a dentally underserved population, check the following box. If box is checked the board shall consist of 1 or more directors. The board of all other corporations shall consist of 3 or more directors.

Required Director(s)	Director	See additional page included
	Director	
	Director	

6. Signature of authorized officer or agent X	Title President / Chair	Date 02/03/2023	Phone (Optional)
---	-----------------------------------	---------------------------	------------------

FILE ONLINE AND SAVE time by going to www.michigan.gov/corpfileonline. You will get an immediate response and you can elect to receive future notices by email to the resident agent. The agent will also be sent an email when a document is filed or a CID/PIN is requested.

Report due October 1, 2022.

Filing Fee \$20.00.

or mail your completed report with a check or money order payable to the State of Michigan, return to:
Corporations Division
P.O. Box 30767
Lansing, MI 48909
(517) 241-6470

If more space is needed additional pages may be included. Do not staple any items to report. This report is required by Section 911, Act 162, Public Acts of 1982, as amended. Failure to file this report may result in the dissolution of the corporation.

DO NOT DETACH THIS STUB

Title	Name	Residence or Business Address
PRESIDENT	Joseph Brungardt	4140 18 1/2 Mile Rd, Sterling Heights, MI 48314 USA
SECRETARY	DANIEL ZIEMBA	1457 S SHELDON RD, APT 1, PLYMOUTH, MI 48170 USA
TREASURER	Angela Thornton	15223 RIPPLE DR, LINDEN, MI 48451 USA
DIRECTOR	MARY BUZUMA	7145 BEACON BLVD, APT 76, GRAND HAVEN, MI 49417 USA
DIRECTOR	MIKE SALIBA	20900 MOXON DR, CLINTON TWP, MI 48036 USA
DIRECTOR	GREGORY STEMPFLE	2615 HYLAND, FERNDALE, MI 48220 USA
DIRECTOR	Ryan Roberts	505 29TH ST, GLADSTONE, MI 49837 USA
DIRECTOR	Jordan Martin	869 EMERALD AVE NE, GRAND RAPIDS, MI 49503 USA
DIRECTOR	Rick Thelen	2144 S GRANGE RD, FOWLER, MI 48835 USA
DIRECTOR	David Canny	15223 RIPPLE DR, LINDEN, MI 48451 USA
DIRECTOR	Rafael Wolf	1418 ELKERTON AVE, KALAMAZOO, MI 49048 USA
DIRECTOR	Brian Ellison	15006 WOODPINE DR, MONROE, MI 48161 USA
DIRECTOR	Jonathan Elgas	5533 SHADY KNL, BRIGHTON, MI 48116 USA
DIRECTOR	Kyle McCauley	115 MICHAEL RD, LAPEER, MI 48446 USA
DIRECTOR	Bruce Jaquays	1841 LERENE DR, COMMERCE TWP, MI 48390 USA
DIRECTOR	Daniel Muehl-Miller	19 PINE, HIGHLAND, MI 48357 USA
DIRECTOR	Jami Van Alstine	28158 HEATHER WAY, ROMULUS, MI 48174 USA
DIRECTOR	Scott Boman	4877 BALFOUR RD, DETROIT, MI 48224 USA
DIRECTOR	Andrew Hall	4508 Woodrose Ct SE, Kentwood, MI 49508

List of Directors as of Feb 3, 2023

Treasurer is an interim administrative role and not a member of the board.



Dear Members of the Libertarian Party of Michigan,

I understand there may be some confusion in your affiliate regarding a change of leadership. As you move towards an upcoming convention, I want to wish you all the best of luck and inform you that the LNC currently recognizes the entity found at <https://michiganlp.org> and presently chaired by Andrew Chadderdon as the rightful affiliate party.

If you have any questions about getting involved or information on your convention, please contact LPMI at info@michiganlp.org.

Sincerely,

Angela McArdle
LNC Chair

© 2023 LNC — All Rights Reserved.
Paid for by the Libertarian National Committee, Inc. (LP.org)
1444 Duke St., Alexandria, VA 22314-3403
Not authorized by any candidate or candidate's committee.

You previously signed up to get mail from the Libertarian National Committee on December 19th, 2017. Didn't get this email in your primary inbox? [Here's how](#) to fix that.

EXHIBIT 15

You can [update your preferences](#), [unsubscribe](#) from the Libertarian National Committee or [opt out](#) of all Libertarian Party communications.



Andrew Chadderdon <andrew.chadderdon@gmail.com>

Libertarian Party of Michigan: CALL TO CONVENTION

Libertarian Party of Michigan <noreply@michiganlp.org>
Reply-To: r.8.38.b5f76b2546ef8678@michiganlp.net
To: Andrew Chadderdon <andrew.chadderdon@gmail.com>

Fri, Mar 3, 2023 at 11:16 AM

Official communication from the Libertarian Party of Michigan

Dear Members:

This is the official call to convention and notification of delegate allocation for the Libertarian Party of Michigan State Convention to be held the weekend of April 1, 2023 at the Hilton Garden Inn at 633 North Canal Road in Lansing. The business meeting will be held during the day on Saturday to consider LPM business which will include the election of state party officers, proposals to amend the LPM platform and bylaws, and motions or resolutions from the floor. Anyone may attend the convention, but only delegates, or in their absence their alternates, will be able to vote.

Registration is now open: [LPM Spring Convention 2023 Convention Registration](#)

Voter Eligibility

All delegates/alternates must be dues-paying members of the Libertarian Party of Michigan. People who have never been a Libertarian Party of Michigan member must join the LPM 30 days prior to the convention, by 11:59 pm on March 2, 2023 to be eligible to vote. Past LPM members whose memberships have lapsed or current national members, may pay \$25 to renew their LPM membership as late as convention day. You may renew at convention or during convention registration.

I want to assure you that this is the official regular state convention of the Libertarian Party of Michigan in spite of conflicting messages and calls, please refer to the attached letter of support to see just a few of the trusted leaders of our party that will be attending this event as the only state convention currently scheduled by the actual Libertarian Party of Michigan.

Mike Saliba,
In the role of Chair,
Libertarian Party of Michigan

Unsubscribe
PO Box 614
Royal Oak, MI 48068
United States

EXHIBIT 16

Libertarian Party of Michigan: CALL TO CONVENTION Inbox x LP x



Libertarian Party of Michigan <noreply@michiganlp.org> via michiganlp.net

11:16 AM (12 hours ago) ☆ ↶ ⋮

Official
Dear
This
business
Anyo
Regis

to me

from: **Libertarian Party of Michigan** <noreply@michiganlp.org> via michiganlp.net
 reply-to: r.8.38.b5f76b2546ef8678@michiganlp.net
 to: Andrew Chadderdon <andrew.chadderdon@gmail.com>
 date: Mar 3, 2023, 11:16 AM
 subject: Libertarian Party of Michigan: CALL TO CONVENTION
 mailed-by: michiganlp.net
 signed-by: michiganlp.net
 security: Standard encryption (TLS) [Learn more](#)

Libertarian Party of Michigan State Convention to be held the weekend of April 1, 2023 at the Hilton Garden Inn at 633 North Canal Road in Lansing. The convention will include the election of state party officers, proposals to amend the LPM platform and bylaws, and motions or resolutions from the floor. All delegates/alternates must be able to vote.

Voter Eligibility

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I want to assure you that this is the official regular state convention of the Libertarian Party of Michigan in spite of conflicting messages and calls, please refer to the attached letter of support to see just a few of the trusted leaders of our party that will be attending this event as the only state convention currently scheduled by the actual Libertarian Party of Michigan.

Mike Saliba,
In the role of Chair,
Libertarian Party of Michigan

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United States

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Comms: Gregg S & Jami V

michlp.org  Joined January 2023



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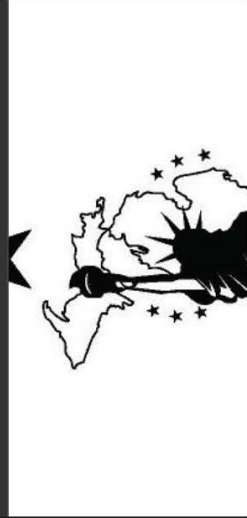
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Bylaws

(as amended in convention April 1, 2023)

I. NAME

The name of this organization shall be the "Libertarian Party of Michigan," hereinafter referred to as the "Party" or "LPM".

II. PURPOSE

The purpose of this organization is to further the principles of individual liberty as expressed in the Statement of Principles of the National Libertarian Party by nominating and working to elect candidates for political office and by entering into political information activities and affiliating with the National Libertarian Party.



Membership

The Libertarian Party of Michigan does not take special interest money, it relies on the support of people like you. You'll also have a voting say in our party at our conventions. Your support will help build a stronger, more effective Libertarian Party of Michigan.

You may use this page to join / renew your membership or you may make a [donation here](#).

Fields marked with an * are required

Select Join or Renewal *

Choose One ▼

Membership Options *

- Annual Membership - \$25.00
- Lifetime Membership - \$250.00



Mike Saliba



6m Like Reply





Jonathan M. Jacobs Thank you for the confirmation of the absurd stretch of fiduciary damage to the party.

Haha Reply Share 2h



Jonathan M. Jacobs
Dave Canny Sorry if you think damaging the brand is "absurd."

Like Reply Share 1h



Dave Canny
Jonathan M. Jacobs I think that damaging your brand and the Wixom Group brand could be considered a Holy Quest

Like Reply Share 1m



Jonathan M. Jacobs
Dave Canny It would not be Libertarian, however. The key to being a Libertarian affiliate is to be Libertarian.



Brian Ellison, [extra initials so I look important]



Scott A Boman



3m · 

[#FraudAlert](#) Pleas#FraudAlert

There is a Republican hack named Eric Doster, who is falsely claiming to represent the Libertarian Party of Michigan, in order to sabotage it, to make it easier for Republicans to win future elections.

He is colluding with disgruntled or insurgent former and current LEC members. He is even abusing his law license trying to intimidate the Chair of our party into denying his office.

Hello ,

The Genesee County Affiliate is listed as the committee receiving funds on a website that is misrepresenting itself as the Libertarian Party of Michigan. This action is fraudulent, deprives the legitimate Libertarian Party of Michigan of fundraising, and is damaging donor confidence in the organization. We consider these actions to be a breach of our affiliation agreement. Furthermore, the Libertarian Executive Committee observed that the Libertarian Party of Genesee County did not send any delegates to the legitimate Special Convention in Wixom on April 1st.

We are asking the Libertarian Party of Genesee County to resolve to recognize the legitimate Libertarian Party of Michigan Executive Committee (as convened in Wixom on April 1st, 2023), and to cease participating in fraudulent activity fundraising for the rogue board. The Executive Committee has already resolved to disaffiliate Genesee County effective end of Friday April 7th if these conditions are not met. If you are a member and wish that your county party stays affiliated with the Libertarian Party of Michigan and the National Libertarian Party, please ask your executive committee to take these actions and avert the disaffiliation.

In the unfortunate event that the county party decides not to maintain our affiliation, the Libertarian Party of Michigan Executive Committee hopes to launch a new affiliate as soon as possible. We will gladly continue to work with all members who are interested in working towards our goal of getting Libertarians elected in Genesee county. Please reach out to our vice chairs, Leah Dailey (VCAffiliates@MichiganLP.org) and Trevor Step (VCPoliticalDirector@MichiganLP.org), for affiliate and campaign support.

Regards,

Andrew Chadderdon

Chair, Libertarian Party of Michigan Executive Committee

PO BOX 614
ROYAL OAK, MI 48068-0614
Oakland

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Michigan**

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Anedot

Hello ,

It has come to the attention of the Libertarian Party of Michigan Executive Committee that the Libertarian Party of West Michigan passed the following resolution:

Resolved in convention of the Libertarian Party of West Michigan, February 25, 2023: "We the assembled members of the Libertarian Party of West Michigan, do not recognize or accept ANY legitimacy of representation of the Libertarian Party in Michigan by those organizing the meeting in Wixom on April 1st, 2023. The only legitimate representative body is that one elected by the members of the Party and modified by actions on July 9th, 2022, at the Holland Convention. We specifically object to any attempt by the subordinate Judicial Committee to overturn the will of the convention."

This resolution evidences the intent of the Libertarian Party of West Michigan to disaffiliate from the Libertarian Party of Michigan. This action deprived our members of the right to attend the legitimately called Special Convention in Wixom and broke our affiliation agreement. By rejecting the bylaws sanctioned decisions of the Judicial Committee, this is a clear violation of the bylaws requirements upon Local Party Organizations of the Libertarian Party of Michigan:

Article IV, Section 2

"The Executive Committee shall charter affiliate parties, each of which shall cover one or more counties of the state, hereinafter referred to as an "affiliate region", from those organizations requesting such status ... No organization shall be so chartered ... whose operating rules do not comply with these bylaws."

We are asking the Libertarian Party of West Michigan to reverse this action and to resolve to recognize the legitimate Libertarian Party of Michigan Executive Committee (as convened in Wixom on April 1st, 2023). The Executive Committee has already resolved to disaffiliate West Michigan effective end of Friday April 7th if these conditions are not met. If you are a member and wish that your region party stays affiliated with the Libertarian Party of Michigan and the National Libertarian Party, please ask your executive committee to take these actions and avert the disaffiliation.

In the unfortunate event that the region party decides not to maintain our affiliation, the Libertarian Party of Michigan Executive Committee hopes to launch new affiliates as soon as possible. We will gladly continue to work with all members who are interested in working toward our goal of getting Libertarians elected in West Michigan. Please reach out to our vice chairs, Leah Dailey (VCAffiliates@MichiganLP.org) and Trevor Step (VCPoliticalDirector@MichiganLP.org), for affiliate and campaign support.

Regards,

Andrew Chadderdon

Chair, Libertarian Party of Michigan Executive Committee

PO BOX 614
ROYAL OAK, MI 48068-0614
Oakland

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Upcoming Events

LPWM Executive Committee Meeting

May 23 @ 7:00 pm - 8:00 pm

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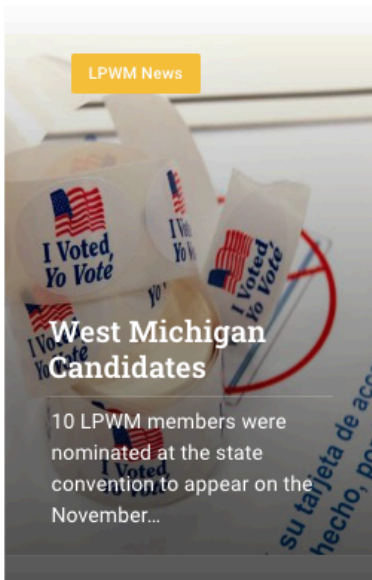
West Michigan Candidates

LPWM Statement GRPD Shooting Of Patrick Lyoya

Open Letter To Grand Rapids City Manager

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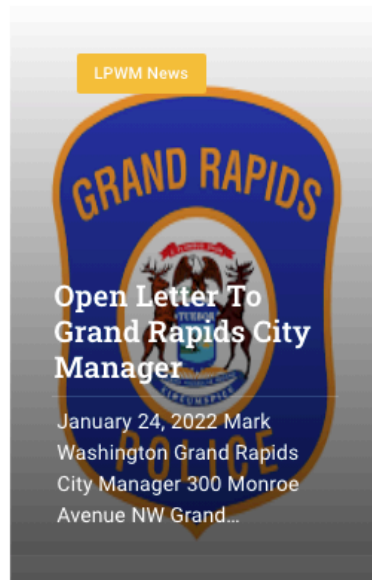
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LPWM Statement GRPD Shooting of Patrick Lyoya

In light of recent events regarding the tragic shooting and death of Patrick Lyoya...

LPWM News



Open Letter To Grand Rapids City Manager

January 24, 2022 Mark Washington Grand Rapids City Manager 300 Monroe Avenue NW Grand...



Bylaws

(as amended in convention June 26, 2021)

I. NAME

The name of this organization shall be the "Libertarian Party of Michigan," hereinafter referred to as the "Party" or "LPM".

II. PURPOSE

The purpose of this organization is to further the principles of individual liberty as expressed in the Statement of Principles of the National Libertarian Party by nominating and working to elect candidates for political office and by entering into political information activities and affiliating with the National Libertarian Party.

III. OFFICERS

1. The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the "Executive Committee." These are the same individuals who shall serve as the directors of the "Libertarian Party of Michigan Executive Committee, Inc." None of these offices shall be combined. All of these officers shall be elected to a two-year term at a regular convention of the Party by the attending delegates (as to the Congressional district

representatives, those delegates from the respective districts) and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention.

2. At each regular convention, following the selection of those officers of the Executive Committee elected at large, the delegates from each Congressional district shall caucus to select one person residing in that district to serve as the Congressional district representative for that district.
3. The Executive Committee shall comprise the state central committee of the Party within the meaning of state law, notwithstanding any contrary provision of state law calling for a larger state central committee, different officers, or a different procedure for selection of officers or members of the Executive Committee.
4. The chair shall preside at all meetings of the Executive Committee and at all conventions. The chair shall be the chief executive officer of the Party. In the absence of directives from the Executive Committee, the chair shall have the authority to speak for, and to generally manage the affairs of, the Party. Said authority includes the appointment of a Newsletter Director to ensure the timely publication of the "Michigan Libertarian." For purposes of Party representation at all National Libertarian Party conventions, the chair shall be a Michigan delegate and shall serve as head of the Michigan delegation.
5. The first vice chair shall act as assistant to the chair and shall perform the duties of the chair in his or her absence. The first vice chair shall also act as "affiliates director" helping affiliates organize, forming new affiliates, helping student groups organize and forming new student groups. The first vice chair shall also be responsible for organizing seminars to make certain that affiliate officers have the information necessary to work effectively with the LPM.
6. The second vice chair shall act as assistant to the chair, and in the absence of the chair and first vice chair, shall perform the duties of the chair. The second vice chair shall also act as "political director", recruiting candidates for public office and helping them organize their campaigns. The second vice chair shall also be responsible for organizing seminars to make certain that candidates have the information necessary to qualify and run effectively for public office.
7. The secretary shall be the recording officer of the Party, and be responsible for ensuring that member-accessible archives are preserved. Excepting the Party newsletter or press

releases, the secretary shall be responsible for all regular communications within the Party and between the Party and outside individuals, groups, and organizations.

8. The treasurer shall receive, expend, and account for the funds of the Party under the supervision and direction of the Executive Committee.
9. The members of the Executive Committee shall meet in such times and places as they shall determine and shall govern all the affairs of the Party. A majority shall rule at meetings of the Executive Committee except for resolutions, which shall require a two-thirds vote of those present, or as otherwise required by these bylaws.
10. A member of the Executive Committee who misses three consecutive meetings of the Executive Committee or fails to perform his or her fiduciary duties may be removed from the Executive Committee and replaced by a two-thirds vote at a regular meeting of the Executive Committee or a majority vote at convention following a motion for a vote of no confidence. All Executive Committee members must be notified of the intent to remove at least 14 days prior to the meeting. A Congressional district representative may be replaced by a majority vote of a congressional district caucus at any state convention. If the chair is so removed, the first vice chair shall assume the chair and a new first vice chair elected. If a Congressional district representative resigns or is so removed, then the Executive Committee must replace him or her with a person residing in the same Congressional district, who shall serve until the next state convention, at which time the caucus for that Congressional district shall select a replacement for the balance of his or her term.
11. All officers of the Party must be current members of the Party. An officer whose membership lapses must renew at the next meeting after written notice or be removed at that meeting.
12. There shall be a standing legislative committee to monitor, report on, and advocate for legislation on behalf of the Libertarian Party.
13. All officers of the Party shall be elected and serve without regard to biological sex, gender, race, ethnicity, creed, age, religion, sexual orientation, national origin, ancestry, marital status, physical appearance, or economic status.
14. Members of a standing or special committee (except for the Judicial Committee) may be appointed by the Executive Committee, by a committee chair, or by the LPM Chair. [All appointments must be approved by the Executive Committee. Appointments shall be made only at a meeting of the Executive Committee. Only voting members of the LPM shall be

eligible for appointment as members of a standing committee. The Executive Committee may fix a maximum size to any committee (except for the Judicial Committee).

IV. LOCAL PARTY ORGANIZATIONS

1. Party members may form organizations entitled to be known as the “Libertarian Party” of their respective areas, subject to this Article.
2. The Executive Committee shall charter affiliate parties, each of which shall cover one or more counties of the state, hereinafter referred to as an “affiliate region”, from those organizations requesting such status. A copy of the petitioning organization’s proposed operating rules shall be submitted with the petition. No organization shall be so chartered which does not ratify the Statement of Principles of the Party or whose operating rules do not comply with these bylaws. The Executive Committee can arbitrate disputes between affiliates.
3. During years in which the Libertarian Party of Michigan is primary qualified, each affiliate party shall oversee the county and district conventions for those counties and districts within its affiliate region in accordance with state law (MCL 168.592, 168.594, 168.595, 168.599, 168.600, 168.601, and 168.602); except that:
 1. If an affiliate region covers more than one county or district:
 1. the affiliate may hold a combined convention for all counties and districts within the affiliate region at the same place(s) and/or via a synchronous electronic meeting;
 2. State convention delegates and alternates selected by the affiliate need not be apportioned to the individual counties or districts or their political subdivisions, but may be selected at large from all the counties and districts comprising the affiliate region, or at the affiliate’s option, from LPM members residing anywhere in Michigan; and
 3. the affiliate may hold a combined convention for the election of a single affiliate executive committee, in lieu of separate executive committees for each county or district.
 2. An affiliate may elect in its discretion to adopt affiliate bylaws that organize the affiliate and the county(ies) and district(s) comprising its affiliate region in a manner different from the provisions of MCL 168.599 and 168.600. If the affiliate does so, then the officers

and committees of the affiliate and the county(ies) and district(s) comprising its affiliate region shall be organized and selected in accordance with the affiliate's bylaws.

3. For so long as the Party qualifies to elect precinct delegates at primary elections to county party conventions under state law, the affiliate shall be required to accept precinct delegates so selected as delegates to its county and district conventions, but if the Party ever no longer qualifies to elect precinct delegates at primary elections, then the affiliate may set its own rules for qualifying delegates to its county and district conventions.
4. For purposes of this Article IV, Section 3, and Article VI, Section 4, below, any counties and districts in the State not organized as part of an affiliate region will together be deemed designated as one or more affiliate regions and overseen by the Executive Committee.
4. The autonomy of the affiliate Parties shall not be abridged by the Executive Committee, or any other committee of the Party, except as provided herein.
5. The Executive Committee shall have the authority to suspend affiliate party status from any organization by a two-thirds vote. Such suspension is subject to written appeal within thirty days of notification. Failure to appeal shall be construed as an act of secession by the affiliate party. The Executive Committee shall not suspend any affiliate party within a period of three months prior to a state Party convention.
6. The appeal of the affiliate party is to be directed to the Judicial Committee of the Party. Written arguments shall be sent to the Judicial Committee by representatives of the Executive Committee urging revocation and by representatives of the affiliate party opposing revocation. The Judicial Committee shall rule to either revoke the charter of the affiliate party or to reinstate the charter within thirty days of receiving the arguments and no later than thirty days prior to a State Party convention. Should the Judicial Committee fail to rule timely, the affiliate party shall be automatically reinstated with all rights and privileges pertaining thereto. The affiliate party may appeal the ruling of the Judiciary Committee to the Judicial Committee of the National Libertarian Party following the above procedure.

V. JUDICIAL COMMITTEE

1. The judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. All of these committee members shall be elected to a two-year term at a

regular convention of the Party by the attending delegates and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention. No member of the Executive Committee may be a member of the Judicial Committee.

2. The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.

VI. CONVENTIONS

1. During years in which a Libertarian Party primary occurs, the Party shall hold a fall state convention after the date of the primary and not less than 60 days before the general November election in accordance with state law (MCL 168.591). During even-numbered years in which a Libertarian Party primary election is not required by state law, the Party shall hold a candidate nominating convention after the filing deadline for candidates to appear on Michigan's primary ballot and before the date of the primary. During odd-numbered years, the Party shall hold a regular state convention between April 1 and July 31, performing such business as required herein.
2. The Party shall also hold a state convention no later than six weeks prior to the scheduled first day of the Libertarian Party National Convention, hereinafter referred to as a "national delegate selection convention". The national delegate selection convention shall be for the purpose of selecting national convention delegates. The national delegate selection convention may also endorse any candidates for Secretary of State, Attorney General and Supreme Court to be formally nominated at the fall state convention in the same year. Votes for endorsement of candidates shall be made in the same manner as for nomination of candidates set forth in Article VII of these bylaws.
3. The Party shall hold a special convention within 45 days upon the call of the Executive Committee or when petitions are submitted by 10% of the current membership, specifying the purpose for the special convention.
4. The Executive Committee shall allocate delegates to all state conventions to be selected by each affiliate region in proportion and according to the number of votes cast within the affiliate region for the Party's most recent candidate for secretary of state (MCL 168.593 and 168.598). Delegates to the national delegate selection convention shall be allocated using

the same method. An affiliate region may also select a number of alternates no greater than the number of delegates allocated to it.

1. The number of delegates to be seated at state conventions shall be calculated as 25% of the state members whose dues have been paid to the Libertarian Party of Michigan as of December 31st of the year prior to the state convention. There shall be a minimum of 175 seats available, though actual numbers may slightly vary due to numbers rounding up at the 0.5 interval.
2. The Executive Committee shall issue a call to each state convention to all affiliates no later than 60 days prior to the scheduled date of the state convention, which call shall specify the date and location of the state convention and the number of delegates each affiliate is entitled to select and send to the state convention. Notwithstanding any provision of state law requiring the Executive Committee to set a single date for counties and districts to hold conventions for the selection of delegates, each affiliate may select the date for its respective convention(s), so long as that date is at least 7 days prior to the state convention.
3. Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPM Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention.
4. The Executive Committee shall notify every Libertarian Party of Michigan and Michigan resident National Libertarian Party member, whose dues were current within 3 years, of the convention date, time and location no less than 30 days prior to the convention. Notification shall be made by at least one of the acceptable modalities for which contact information has been made available by the member. Acceptable modalities shall include email, phone, and United States Postal Service.
5. A majority shall rule at the convention except for the platform and resolutions of the Party which shall require a two-thirds vote of those present, or as otherwise required by these bylaws.
6. The Executive Committee shall have supervision and management of all conventions.
7. The officers of each convention shall be the officers of the Party.

8. A person must be a current member of the Libertarian Party of Michigan in order to serve as a delegate to a state convention. A person who has never been a member of the Libertarian Party of Michigan must become a member at least 30 days prior to a State convention, unless that person was a member of the National Libertarian Party at least 30 days prior to a State Convention, and becomes a dues paying member of the state party, before being allowed to vote at that convention.
9. Members in good standing who were duly elected as delegates shall not be denied delegate status at the business sessions of a convention. Additional charges may be charged to cover other materials available at the convention.

VII. NOMINATION OF CANDIDATES

1. Nomination of candidates for public office shall be made in accordance with state law, via primary, district caucus or state convention as necessary. No candidate may be nominated for an office for which he/she is legally ineligible to serve.
2. Delegates to the National Convention shall be elected at a national delegate selection convention by nominations from the floor. Delegates may be appointed by the Executive Committee if the allotted quota is not met. Rules governing delegate procedures shall be determined by action of the Convention or, in the absence of directives from the Convention, by the Executive Committee. Those provisions of state law governing the selection of national convention delegates shall not apply to the Party's selection of national convention delegates, and no national convention delegate shall be bound by law to vote for a particular candidate.
3. The Party's nominee for each office shall be chosen by a majority vote of the delegates in attendance at the time of voting. If no candidate has a majority, the candidate with the least number of votes shall be struck from the next vote until one candidate receives a majority.
4. All votes for candidates for public or Party office shall always include "None of the Above."
5. Votes cast for "None of the Above" in voting on the Party's nominees for public office or the Party officers shall be considered valid. Should a majority of the votes be cast for "None of the Above" in voting for a public office, no candidate shall be nominated for that office. Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the

vacancy for the term of office. If a delegate votes for “None of the Above” in a race in which more than one candidate is elected, they may not vote for an additional candidate.

VIII. MEMBERSHIP

Membership shall be granted to any person who affirms the Statement of Principles and whose LPM dues are current.

IX. ELECTRONIC MEETINGS AND PROCEDURES

1. Asynchronous voting procedure, such as via email ballot, are strictly prohibited for official business of any recognized body of the Party, including the executive committee, unless there is an agreement to do asynchronous voting in a unanimous motion at a synchronous meeting. This does not prohibit other synchronous forms of communication and voting, such as conference call or videoconferencing, to be used for official business.
2. The Libertarian Party of Michigan may hold electronic meetings for official party business of any recognized body of the State Party, including the Libertarian Executive Committee as well as any committees created by the Libertarian Executive Committee, unless specifically prohibited from doing so during their creation. Any official party business conducted via electronic means shall comply with Electronic Meetings section of the most current edition of Robert’s Rules of Order, Newly Revised.

X. FISCAL YEAR

The fiscal year of the Party shall end December 31.

XI. LEGAL AND PARLIAMENTARY AUTHORITY

1. The Libertarian Party of Michigan, in the exercise of its constitutional rights of free association and speech, as affirmed by the US Supreme Court ruling in *Eu, et al., vs. San Francisco Democratic Committee, State Central Committee of the Libertarian Party of California, et al.*, reserves the right to accept or decline the application of Michigan statutory provisions, which appear to govern its affairs. The incorporation of statutory provisions in these bylaws is voluntary and is subject to the foregoing reservation. Any violations of

statutory provisions by these bylaws are deliberate and will take precedence over such statutory provisions.

2. Robert's Rules of Order Newly Revised shall be the parliamentary authority for all matters of procedure not specifically covered by the bylaws or convention rules of the Party.

XII. AMENDMENTS

These bylaws may be amended by a two-thirds vote of the delegates present at a convention occurring in an odd-numbered year only.

XIII. USE OF PARTY RESOURCES

The Party does not support, condone, or give candidates of other political parties access to mailing lists, contact information, or administrative access to online social media accounts of the Libertarian Party of Michigan for use with their campaign.

XIV. EFFECT

These bylaws shall take effect immediately upon adoption.

Previous bylaws may be viewed in the [Historical Archives](#).

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The Libertarian Party is committed to America's heritage of freedom: individual liberty and personal responsibility, a free-market economy of abundance and prosperity, a foreign policy of non-intervention, peace and free trade.



Libertarian Party of Michigan: PO Box 27065, Lansing, MI 48909; Phone: 888.FREE.NOW. Paid for with regulated funds by the Libertarian Party of Michigan Executive Committee, Inc. d/b/a the Libertarian Party of Michigan. Not authorized by any candidate.

On November 18th, Mr. Chadderdon submitted an appeal to the Judicial Committee (JC). Mr. Chadderdon (the Appellant) alleged that the body (the Appellees) violated the Libertarian Party of Michigan bylaws by conducting improperly noticed business at the July 9th Candidate Nominating Convention. His appeal and arguments can be viewed [here](#).

All interested parties were given an opportunity to submit argumentation for and against the appeal. The JC reviewed all of the submissions and conducted a hearing on December 9th, allowing all parties to further argue their cases. The submissions and the hearing can be reviewed [here](#).

On Tuesday, December 13th, the JC voted to grant Mr. Chadderdon the appeal, on all points. In this document, the Judicial Committee will provide its analysis of the appeal and the main arguments against it. We have referenced the [Libertarian Party of Michigan Bylaws](#) as amended June 26, 2021 and Robert's Rules of Order, Newly Revised (RONR 12th Ed.)

First, we shall consider if the Judicial Committee even has purview over this matter.

“The appeal cannot be reviewed because the Judicial Committee (JC) has no jurisdiction to overturn decisions of a convention, particularly if the appeal is not raised during the convention.” Submission. Joe Brungardt + Undersigned

The Bylaws, Article V, Section 2 say unambiguously:

“The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.”

No exemptions for a convention are specified in this language. Furthermore, the timeliness of the appeal has no bearing on this matter. Robert's Rules of Order (RONR) states:

23:6 “The only exceptions to the requirement that a point of order must be made promptly at the time of the breach arise in connection with breaches that are of a continuing nature, whereby the action taken in violation of the rules is null and void. In such cases, a point of order can be made at any time during the continuance of the breach - that is, at any time that the action has continuing force and effect - regardless of how much time has elapsed.

A. A main motion has been adopted that conflicts with the bylaws of the organization or assembly.

E. Any action has been taken in violation of a rule protecting absentees ... or a rule protecting a basic right of an individual member (25:7, 25:10-11).“

25:10 “Rules protecting absentees cannot be suspended even by unanimous consent of or an actual unanimous vote, because the absentees do not consent to such suspension.

25:11 Rules protecting a basic right of the individual member cannot be suspended.”

Mr. Chadderdon's appeal alleges that not only was the business conducted in violation of the bylaws, but that his rights as a member and the rights of absentee members were violated. These violations (his removal from the Libertarian Executive Committee (LEC) by unnoticed vote of no confidence and subsequent unnoticed elections of officers and representatives) are of a continuing nature as he still is no longer chair of the board and the officers elected at the Candidate Nominating Convention (CNC) are still acting as members of the LEC.

Regardless of how any member feels about this case or Mr. Chadderdon in particular, the protection of our members' rights should be taken very seriously, especially because we are Libertarians. In no circumstance should we find it permissible to knowingly violate a member's rights, nor should we ever dismiss such allegations out of hand. The judicial committee is designed to be the recourse by which members may protect their rights not just from the Libertarian Executive Committee (LEC), but from the other members as a whole. It is entirely in order for the Judicial Committee to adjudicate this matter, and we will proceed accordingly.

Now we proceed to analyze the appellant's case:

"The election of officers to the Libertarian Party of Michigan Executive Committee (LEC) and removal of an officer from the LEC that were carried out on July 9, 2022 at the Candidate Nominating Convention were done in violation of the bylaws of the Libertarian Party of Michigan (LPMI). LPMI bylaws require AT LEAST 30-day notice for business to be conducted at the convention. The resignations that led to the elections and removal occurred on June 15, 2022, so sufficient notice to carry out those actions at that convention was not and could not be given."
Appeal, Chadderdon

Mr. Chadderdon proceeds to lay out his case as follows:

- "1. The Candidate Nominating Convention that occurred on July 9, 2022 was a special convention as defined in the LPMI Bylaws.*
- 2. LPMI Bylaws, as amended in convention June 26, 2021, require that notice for ALL conventions is given with AT LEAST 30-day notice to all members of the Libertarian Party of Michigan and members of the national Libertarian Party that reside in Michigan.*
- 3. Robert's Rules of Order Newly Revised, 12th edition (RONR) states that notice must be given to members for filling vacancies.*
- 4. RONR states that for a special meeting, all substantive business must be designated in the call of the meeting.*
- 5. Resignations of the Chair and 1st Vice Chair occurred on June 15, 2022. Resignations of other officers occurred (District Representatives) on June 14, 2022.*
- 6. The first attempt to make a motion of no confidence to remove an officer from the LEC was sent to members of the LEC on June 19, 2022*
- 7. Details of these violations were provided at convention, prior to the actions being carried out by the convention body. The information was willfully ignored." Appeal, Chadderdon*

We shall analyze these claims in order:

“1. The Candidate Nominating Convention that occurred on July 9, 2022 was a special convention as defined in the LPMI Bylaws.” Appeal. Chadderdon

The Appellant argues that the CNC on July 9th was a special convention. The arguments against the Appellant contend that the Candidate Nominating Convention is a regular convention and conducting regular business without notice is valid. Here are all references in the bylaws to the “candidate nominating convention” and “regular” conventions. (highlights added):

“III.

1. The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the “Executive Committee.” These are the same individuals who shall serve as the directors of the “Libertarian Party of Michigan Executive Committee, Inc.” None of these offices shall be combined. All of these officers shall be elected to a two-year term at a regular convention of the Party by the attending delegates (as to the Congressional district representatives, those delegates from the respective districts) and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention.
2. At each regular convention, following the selection of those officers of the Executive Committee elected at large, the delegates from each Congressional district shall caucus to select one person residing in that district to serve as the Congressional district representative for that district.

V.

1. The judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. All of these committee members shall be elected to a two-year term at a regular convention of the Party by the attending delegates and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention. No member of the Executive Committee may be a member of the Judicial Committee.

VI.

1. During years in which a Libertarian Party primary occurs, the Party shall hold a fall state convention after the date of the primary and not less than 60 days before the general November election in accordance with state law (MCL 168.591). During even-numbered years in which a Libertarian Party primary election is not required by state law, the Party shall hold a candidate nominating convention after the filing deadline for candidates to appear on Michigan’s primary ballot and before the date of the primary. During odd-numbered years, the Party shall hold a regular state convention between April 1

and July 31, performing such business as required herein.”

These bylaws, with the guidance of RONR, serve to establish a cumulative definition of “a regular convention”: They must occur on odd-numbered years, officers and the JC shall be elected to two year terms at regular conventions, and shall serve until the adjournment of the next regular convention. In the most plain of readings of these bylaws, it is impossible to consider any other convention as a regular convention. RONR offers some further insight:

56:68

“2) When a provision of the bylaws is susceptible to two meanings, one of which conflicts with or renders absurd another bylaw provision, and the other meaning does not, the latter must be taken as the true meaning.”

In Article 6, Section 1, the terms “Candidate Nomination Convention” and “regular convention” are referred to in two distinct sentences, each outlining two distinct conditions. If the Candidate Nominating Convention (CNC) were considered a “regular convention,” that definition would render that and several other articles of the bylaws absurd; Article III Section 1-2 would mandate we elect officers and Article V Section 1 would mandate we elect the JC at the CNC, in spite of the odd year, two year timelines specified in each bylaw. Clearly, we do not elect all officers and the JC at every convention, so every convention cannot be considered regular even in practice.

The Bylaws say, in plain language, that the CNC is a convention with the specific purpose of nominating candidates, therefore all other business is prohibited, per RONR:

56:68

“4) If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited.”

We’ve established that the CNC cannot be considered a regular convention, but can it be considered a special convention as the Appellant alleges? Here are RONR’s definitions of Regular and Special Conventions:

“9:1 The term regular meeting refers to the periodic business meeting of a permanent society .. held at weekly ... or similar intervals, for which the day should be prescribed by the bylaws and the hour and place should be fixed by a standing rule.

9:2 If, instead, an organization follows the practice of scheduling ... its regular meetings by resolution, notice (also referred to as the call of the meeting) must be sent to all members a reasonable time in advance of each regular meeting.

9:13 A special meeting (or called meeting) is a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting. Notice of the time, place, and purpose of the meeting, clearly and specifically describing the subject matter of the motions or items of

business to be brought up, must be sent to all members a reasonable number of days in advance. **The reason for special meetings is to deal with matters that may arise between regular meetings and that require action by the society before the next regular meeting, or to dedicate an entire session to one or more specific matters.**”

We have already cited the uses of regular convention, but here is how the bylaws use “special convention”:

VI

3. “The Party shall hold **a special convention** within 45 days upon the call of the Executive Committee or when petitions are submitted by 10% of the current membership, specifying the purpose for the special convention.”

Lastly, let’s reference once again RONR on the interpretation of Bylaws:

56:68

“8) In cases where the bylaws use a general term and also two or more specific terms that are wholly included under the general one, a rule in which only the general term is used applies to all of the specific terms.”

The bylaws use the terms “convention,” “regular convention” and “special convention,” throughout. “Convention” is a general term, and the applications of “regular” and “special” are specific. We’ve already established that the various uses of “regular convention” serve to make a cumulative definition of the specific term. However, the term “a special convention” as used specifically only in Article VI, Section 3 of the bylaws is not an exclusive use definition of the term. Furthermore, if we were to define the CNC as a special convention, as used in RONR 9:13, it would not affect the term’s use in Article VI, Section 3; It is not rendered absurd and the use of the specific term is not affected.

The JC weighed these arguments and definitions at length. We came to the conclusion that while the Candidate Nominating Convention on July 9th may be considered “a special convention” as the Appellant argues, it cannot be defined as a “regular convention” as the bylaws plainly use and define the term.

“2. LPMI Bylaws, as amended in convention June 26, 2021, require that notice for ALL conventions is given with AT LEAST 30-day notice to all members of the Libertarian Party of Michigan and members of the national Libertarian Party that reside in Michigan.

3. Robert’s Rules of Order Newly Revised, 12th edition (RONR) states that notice must be given to members for filling vacancies.

4. RONR states that for a special meeting, all substantive business must be designated in the call of the meeting.” Appeal, Chadderdon

Here are the pertinent citations from the bylaws:

“Article VI.

4.4 The Executive Committee shall notify every Libertarian Party of Michigan and Michigan resident National Libertarian Party member, whose dues were current within 3 years, of the convention date, time and location no less than 30 days prior to the convention. Notification shall be made by at least one of the acceptable modalities for which contact information has been made available by the member. Acceptable modalities shall include email, phone, and United States Postal Service.”

And here is Roberts’:

“9:2 If, instead, an organization follows the practice of scheduling ... its regular meetings by resolution, notice (also referred to as the call of the meeting) must be sent to all members a reasonable time in advance of each regular meeting.

9:3 In any organization, notice must be sent a reasonable time in advance of each regular meeting that is separated by more than a quarterly time interval from the previous regular meeting. Notice must also be sent a reasonable time in advance of a convention of delegates.

9:13 A special meeting (or called meeting) is a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting. Notice of the time, place, and purpose of the meeting, clearly and specifically describing the subject matter of the motions or items of business to be brought up, must be sent to all members a reasonable number of days in advance. The reason for special meetings is to deal with matters that may arise between regular meetings and that require action by the society before the next regular meeting, or to dedicate an entire session to one or more specific matters.

47:58 Notice of filling a vacancy in an office (including a vacancy in an executive board or executive committee) must always be given to the members of the body that will elect the person to fill it, unless the bylaws or special rules of order clearly provide otherwise.

56:32 The method of filling vacancies may also be provided. Unless the bylaws clearly provide otherwise, notice of filling a vacancy must always be given to the members of the body that will elect the person to fill it.”

When we consider these terms as written in both the bylaws and RONR, the Appellant is plainly correct. ALL conventions require a 30 days notice. As discussed in the previous section, the bylaws authorize specific items of business at this convention. The June 8th Call to Convention listed the convention as the “(candidate) Nominating convention.” This was the only business noticed 30 days in advance.

The argument by the Appellee's that the "motion for a vote of no confidence" is exempt from such notice has merit and warrants close examination of the bylaw in question:

"Article 3

10. A member of the Executive Committee who misses three consecutive meetings of the Executive Committee or fails to perform his or her fiduciary duties may be removed from the Executive Committee and replaced by a two-thirds vote at a regular meeting of the Executive Committee or a majority vote at convention following a motion for a vote of no confidence. All Executive Committee members must be notified of the intent to remove at least 14 days prior to the meeting. A Congressional district representative may be replaced by a majority vote of a congressional district caucus at any state convention. If the chair is so removed, the first vice chair shall assume the chair and a new first vice chair elected. If a Congressional district representative resigns or is so removed, then the Executive Committee must replace him or her with a person residing in the same Congressional district, who shall serve until the next state convention, at which time the caucus for that Congressional district shall select a replacement for the balance of his or her term."

This bylaw creates a decision tree. Once it has been established that an LEC member may be removed (either by missing three consecutive meetings or failing to perform his or her fiduciary duties) they may be removed by two means: Two thirds vote at a regular meeting of the executive committee, or a majority vote at convention following a motion for a vote of no confidence. These two means are entirely distinct. Furthermore, the terms "meeting" and "convention" are not interchangeable, either in this section or in the bylaws as a whole, so to conflate the two is erroneous. The following sentence defines the notice requirement if the member is to be removed at the regular meeting of the executive committee, but it does not set a distinct notice requirement for the convention. The 14 days notice only applies to the removal of the board member at a regular meeting of the executive committee.

The next sentence states that only a Congressional district representative may be removed at any convention. The Congressional district representative is clearly distinct from the other officers defined in the bylaws, and the use of the specific term "replace" only authorizes an election; it does not deal with the removal of the representative.

There is no condition listed in this bylaw to exempt the substantial business of conducting a vote of no confidence or holding elections at convention from the notice requirements laid out in Article VI Section 4.4. We must consider the 30 days notice requirement to be in effect for the removal and replacement of the chair by the convention process.

The proper course of action to remove an officer by this process would be to notify the LEC before the call to convention is issued and to have them consider adding such business to the agenda. Such a decision can only be made by the LEC, as the bylaws state:

Article VI

"6. The Executive Committee shall have supervision and management of all conventions."

This supervision and management entails the scheduling of the convention and noticing the business to be conducted. The LEC as a whole may vote on the content of the call to convention and the business contained therein, but has often delegated that responsibility to the Chair and Secretary in practice. The call to convention that went out on June 8th was in fact approved by both the Chair and the Secretary. However, it is not possible for an individual member who is not the chair to add any business without a vote of the board.

Even if the LEC as a whole had voted to have the vote of no confidence added to the agenda of the CNC after the 30 day deadline, it would have been a violation of these bylaws as written, and RONR is very clear that rules cannot be suspended:

“25:7 Rules contained in the bylaws cannot be suspended - no matter how large the vote in favor of doing so or how inconvenient the rule in question may be - unless the particular rule specifically provides for its own suspension, or unless the rule properly is in the nature of a rule of order as described in 2:14. Nothing in a corporate charter can be suspended unless the charter or applicable law so provides.”

The JC considered the Appellee’s citation of precedent on the matter:

“Each of the three conventions referenced in the LPM Bylaws have specific items of business prescribed therein but additional regular business has always been conducted at them such as platform consideration, resolutions, and approval of previous convention minutes.

LPM Bylaws in Section III.10 and past precedent provide for filling any vacancies in EC district seats by the selection of a replacement by congressional caucus at “any” state convention. This is what was done to fill the vacancies that existed at the time of the July 9th, 2022 LPM Summer Convention, whether due to prior resignations or resignations from being elected to other offices.” Submission, Joe Brungardt + Undersigned

The parliamentarian retained by the Appellee’s, Mr. Martin, refutes this notion by citing RONR:

“2:25 ... However, if a customary practice is or becomes in conflict with the parliamentary authority or any written rule, and a Point of Order citing the conflict is raised at any time, the custom falls to the ground, and the conflicting provision in the parliamentary authority or written rule must thereafter be complied with. If it is then desired to follow the former practice, a special rule of order (or, in appropriate circumstances, a standing rule or a bylaw provision) can be added or amended to incorporate it.”

The contention of the Appellant is not that the removal and replacement of officers cannot ever happen at a CNC, but that such business must be noticed properly. In the Judicial Committee hearing on December 9th, it was established during the argumentation that the previous calls to

convention did in fact contain notice for these elections, with one exception. The fact that the past practice was to provide proper notice for other business proves that notice is an established part of our processes, as it should be. If the members were not aware of a procedural violation, then of course they could not have contested it at that time. That does not mean that what happened then was correct. Expediency does not ever exempt improper behavior.

“5. Resignations of the Chair and 1st Vice Chair occurred on June 15, 2022. Resignations of other officers occurred (District Representatives) on June 14, 2022.

6. The first attempt to make a motion of no confidence to remove an officer from the LEC was sent to members of the LEC on June 19, 2022

7. Details of these violations were provided at convention, prior to the actions being carried out by the convention body.” Appeal, Chadderdon

These are statements of fact and were not contested. They establish that it simply was not possible for the business of calling a vote of no confidence, electing officers or Congressional district representatives at this convention to be noticed properly with 30 days notice.

Considering this case and the arguments therein, the Judicial Committee spent many hours reviewing our organization’s bylaws and parliamentary authority. We met several times to discuss our findings at length and consider all of the arguments presented. We came to the conclusion that the Appellant, Mr. Chadderdon, presented a thorough case proving the violations of the bylaws. Our own research and analysis of the matter unveiled even more details reinforcing this case, as we have shown above.

We have decided to grant Mr. Chadderdon’s appeal. The vote of no confidence, the election of officers, and the election of Congressional district representatives conducted at the Candidate Nominating Convention on July 9th are to be considered out of order as a violation of our bylaws and parliamentary procedures. The Libertarian Executive Committee shall be reverted to its composition as of July 8th. Any actions taken by the erroneous board which are of a continuing nature are null and void.

The JC wanted to raise a couple points and make recommendations to the party that are pertinent to the matters resolved here:

The language of the motion of the vote of no confidence made at the convention by Mr. Canny levied many accusations upon Mr. Chadderdon. What the delegates had seen at convention was only one man’s word versus another; no evidence or case was presented. While the bylaws do not mandate any such process, we recommend that a trial process be installed in our bylaws, in which the accuser may present a case with supporting evidence, and the accused may face their accuser and refute the claims levied against them. This process would ensure that such accusations are properly substantiated. RONR section 63 discusses at length the rights of the accused and the processes by which a fair disciplinary trial can take place. This should be a prerequisite to considering a motion calling for a vote of no confidence. We

recommend adopting a bylaw which simply points to that citation in regards to disciplinary matters greater than simply missing meetings. Ensuring consistent processes and standards would allow contentious matters to be adjudicated in a fashion that all factions can find just and fair.

Many of the matters involving notice, especially the elections of officers and the vote of no confidence, did not have exemptions in the bylaws. Obviously, the party may choose to amend the bylaws to include such provisions. However, we believe the current standards of providing notice are sufficient.

Signed

Connor J. Nepomuceno, Judicial Committee Chair

Joshua M. Smith

Robert W. Roddis, Esq.

CONCURRING OPINION OF ROBERT W. RODDIS, ESQ.

I concur with the decision of my two colleagues. However, I write separately because I am convinced that determination of the impropriety of the removal of Andrew Chadderdon can and should be determined without reference to any notice requirement. Simply, no evidence was ever produced or introduced to suggest that Mr. Chadderdon “failed to perform his fiduciary duties”.

Section III-10 of the Bylaws states in part:

A member of the Executive Committee who.....fails to perform his or her fiduciary duties may be removed from the Executive Committee and replaced by a two-thirds vote at a regular meeting of the Executive Committee or a majority vote at convention following a motion for a vote of no confidence.

Section V-2 of the Bylaws state:

The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.

Tim Yow, elected state party Chair at the March, 2022 convention, resigned as Chair on June 15, 2022 stating in part:

The national party is heading off a cliff and I no longer have state leadership who are willing to help me unhitch our affiliate before it pulls us down with it. They all resigned yesterday. All but me and my 1st vice chair and dear friend, Ben Boren. I avoided making this public until I had spoken with him about my intent. Turns out we are both on the same page. With that, we turn the gavel, figuratively, over to your 2nd vice chair.

Andrew Chadderdon is divisive and hateful towards anyone who would challenge or criticize him or his precious caucus. He also has proven, time and again, that he is incapable of putting party priorities ahead of those of his faction. I supported his run for his current seat and I now regret that decision. He has already alienated, attacked, and run off several of our best volunteers. The delegation in the upcoming convention would do well to elect a chair and 1st vice chair who will continue our trend of standing up to his bullying and reprehensible conduct.

No mention was made of exactly what was said by Mr. Chadderdon or to whom. No mention was made of exactly whom was “alienated, attacked, and run off” by Mr. Chadderdon.

First Vice Chair Ben Boren also resigned stating in part:

For the last year it's become apparent that this is no longer the Libertarian Party of Michigan. This is now the Mises party of Michigan. I tried my hardest to stay

and keep balance. I went into debt just to attend a national convention to try to prevent a full blown takeover. At this point I am nothing more than a puppet for a board controlled by Mises. I also can no longer effectively do my job as I have lost any and all inspiration to be a part of this. It seems best to walk away and let them have full control.

Mr. Chadderdon automatically became state party Chair upon the resignation of Mr. Yow and Mr. Boren June 15, 2022.

Brandon Warzybok had resigned from the Libertarian Party of Michigan on June 14, 2022 stating in part:

Going into the National Convention in Reno. I drew a clear red line with myself; if the delegates removed the language in our national platform about bigotry being "irrational and repugnant", I would leave. I drew this line because I see it as fundamental that an organization which accepts the right of private discrimination must also clearly disavow it. The delegates did remove the language, and, being true to myself, I left the national party, Now, our state leadership has regrettably charted a similar course.

In equal measures of “wokeness” and liberty,
Brandon Warzybok
Lawrence, Michigan
June 14, 2022

On June 19, 2022, after Mr. Chadderdon had been Chair for a total of four days, Dave Canny, District 5 Representative Genesee County Affiliate Chair, sent a message to the Libertarian Party of Michigan Executive Committee (EC) which states in part:

LEC Officers and Members,

In accordance with Libertarian Party of Michigan Bylaws, Section 111 -10, I am on this date advising the Libertarian Party of Michigan Executive Committee (EC), and all members of the State Party of my intention to introduce a Motion of No Confidence and the subsequent removal of the Party Chair, Andrew Chadderdon, at the Summer Convention in July.

Currently the state party is divided to the point of being ineffective, creating a working environment that has resulted in numerous members, especially new members, leaving in frustration. In addition, it has been determined that our bylaws are insufficient and that situation must be addressed immediately. It is imperative that, at convention, the party members as a whole fulfill their right and obligation to select or approve of a party chair by vote of the entire body. This vote will determine if there is majority support for an unelected chair and eliminate a cause of division going forward.

I propose that that Andrew Chadderdon has failed to fulfill his fiduciary duty in his role as 2nd Vice Chair by failing to create a productive environment within the LEC, supported by evidence that other members have refused to work with him and have even left the party in frustration, rendering us less effective and diverse as a party. This behavior will prevent Andrew from executing the duties as party chair as required going forward. (Please note that the statements of Mr. Yow, Mr. Boren, Mr. Warzybok and Mr. Canny can be found in the Appendix to the original Appeal filing of Mr. Chadderdon.)

Similar vague allegations were made against Mr. Chadderdon at the July convention without there being any evidence of exactly what Mr. Chadderdon allegedly said to whom, who would allegedly not “work with him” or exactly why or who allegedly resigned in frustration due to Mr. Chadderdon’s alleged failure to perform his fiduciary duties.

Sixty seven members attended the July 9, 2022 convention. The vote to remove Mr. Chadderdon was in favor 38-18. There are over three hundred members of the Libertarian Party of Michigan.

I submit that due a complete failure to present proof on the issue of Mr. Chadderdon’s alleged failure to perform his fiduciary duties, the Motion to Remove was without any basis in the Bylaws and is void and vacated.

Meeting Minutes

Libertarian Party of Michigan Libertarian Executive Committee Meeting

Zoom

25 January 2023

- Call to order @ 19:34
- Roll Call:
 - Andrew Chadderdon, Chair
 - Vacant, 1st Vice Chair
 - Vacant, 2nd Vice Chair
 - Daniel Ziemba, Secretary
 - Vacant, Treasurer
 - Ryan Roberts, District 1
 - Vacant, District 2
 - Jordan Martin, District 3
 - Rick Thelen, District 4
 - Dave Canny, District 5
 - Vacant, District 6
 - Brian Ellison, District 7
 - Vacant, District 8
 - Mike Saliba, District 9
 - Joe Brungardt, District 10
 - Bruce Jaquays, District 11
 - Daniel Muehl-Miller, District 12
 - Vacant, District 13
 - Vacant, District 14
 - Connor Nepomuceno, Comm. Director (absent)
 - Jeff Pittel, Membership Committee Chair
 - Scotty Boman, Newsletter Committee Chair
 - Stephanie Dunn, Legislative Committee Chair
 - Mark King, IT Director (absent)
 - Greg Stempfle (Historical Committee Chair)
 - Larry Johnson (Membership Committee)
 - Leah Dailey (Membership Committee)
 - Jami Van Alstine (guest)
 - Dave Franklin (guest)
 - Jason Brandenburg (guest)
 - Gregg Smith (guest)
 - Andrew Duke (guest)
 - Andrew Hall (guest)
 - Andy Evans (guest)
 - Jay Gillotte (guest)
 - Jonathan (JJ) Jacobs (guest)
 - Angela Thornton Canny (guest)
 - Mary Buzuma (guest)
 - Donna Gundle-Krieg (guest)

- Larry Henneman (guest)
- Trevor Step (guest)
- Claranna Gelineau (guest)
- Dana Carver (guest)
- Jamie Lewis (guest)
- Brandon Warzybok (guest)
- Joe LeBlanc (guest)
- Lanie Nix (guest)
- Mike Farver (guest)
- Rafael Wolf (guest)
- Richard Brown (guest)
- Paperwork check
- Approval of agenda
 - Dave C inquires about the notice requirement for filling vacancies RE: lack of District 2 vacancy omitted from notice for the meeting and whether it can be added to the agenda
 - Andrew C notes that notice for filling vacancies by LEC vote requires the same notice as LEC meetings
 - Mary B notes that the LP of West Michigan nominated Andrew H to take the place of Steve Fox as of their biennial convention in December
 - Andrew C notes this position may be filled at the next LEC meeting, but cannot be filled tonight for the reason outlined above
 - Brian E objects to Andrew C's request for Jonathan J to speak regarding statements about notice requirements
 - Objection overturned by voice vote

Richard B joins

- Jonathan J notes that by incorporation of RONR in LPM Bylaws this notice is required
- Joe B moves to remove LEC vacancies from the agenda
 - 2nded
- Brian E is charged with repeated interruptions by the Chair (Andrew C) and a vote is brought to order his ceasing interruptions else face removal from the meeting.
 - Brian E requests a roll call vote
 - Andrew Chadderdon, Chair **ABS**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **NO**
 - Rick Thelen, District 4 **YES**
 - Dave Canny, District 5 **NO**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **ABS**

- Vacant, District 8 XXX
- Mike Saliba, District 9 NO
- Joe Brungardt, District 10 NO
- Bruce Jaquays, District 11 NO
- Daniel Muehl-Miller, District 12 YES
- Vacant, District 13 XXX
- Vacant, District 14 XXX
- Daniel Ziemba, Secretary ABS
 - YES/NO/ABSTAIN: 3/5/3
 - Motion FAILS

Rafael Wolf joins the meeting

- Return to removal of filling of LEC vacancies from agenda
 - Dave C requests a roll call vote
 - Andrew Chadderdon, Chair NO
 - Jordan Martin, District 3 YES
 - Rick Thelen, District 4 NO
 - Dave Canny, District 5 YES
 - Vacant, District 6 XXX
 - Brian Ellison, District 7 YES
 - Vacant, District 8 XXX
 - Mike Saliba, District 9 YES
 - Joe Brungardt, District 10 YES
 - Bruce Jaquays, District 11 NO
 - Daniel Muehl-Miller, District 12 NO
 - Vacant, District 13 XXX
 - Vacant, District 14 XXX
 - Vacant, 1st Vice Chair XXX
 - Vacant, 2nd Vice Chair XXX
 - Daniel Ziemba, Secretary NO
 - Vacant, Treasurer XXX
 - Ryan Roberts, District 1 NO
 - Vacant, District 2 XXX
 - YES/NO/ABSTAIN: 5/6/0
 - Motion fails
- Brian E moves to remove “Unfinished Business” from agenda
 - 2nded
 - Approved without objection
- Dan Z moves to adopt the agenda as amended
 - 2nded
 - Brian E requests roll call vote
 - Andrew Chadderdon, Chair YES
 - Rick Thelen, District 4 YES
 - Dave Canny, District 5 NO
 - Vacant, District 6 XXX

- Brian Ellison, District 7 **NO**
- Vacant, District 8 **XXX**
- Mike Saliba, District 9 **NO**
- Joe Brungardt, District 10 **ABS**
- Bruce Jaquays, District 11 **YES**
- Daniel Muehl-Miller, District 12 **YES**
- Vacant, District 13 **XXX**
- Vacant, District 14 **XXX**
- Vacant, 1st Vice Chair **XXX**
- Vacant, 2nd Vice Chair **XXX**
- Daniel Ziemba, Secretary **YES**
- Vacant, Treasurer **XXX**
- Ryan Roberts, District 1 **YES**
- Vacant, District 2 **XXX**
- Jordan Martin, District 3 **NO**
 - YES/NO/ABSTAIN: **6/5/0**
 - Motion **PASSES**
- Approval of previous meeting minutes (28 Nov 2022)
 - Brian E moves to table approval of the minutes due to late presentation thereof
 - 2nded
 - Dan Z notes that all current board members were sent these minutes within a few days of that meeting
 - Motion fails
 - Minutes approved without objection
- Approval of previous special meeting minutes (6 Jan 2023)
 - Brian E moves to table approval of these minutes to the next regular LEC meeting
 - 2nded
 - Andrew Chadderdon, Chair **NO**
 - Dave Canny, District 5 **YES**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **ABS**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **NO**
 - Joe Brungardt, District 10 **NO**
 - Bruce Jaquays, District 11 **NO**
 - Daniel Muehl-Miller, District 12 **NO**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **NO**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **NO**
 - Vacant, District 2 **XXX**

- Jordan Martin, District 3 ABS
- Rick Thelen, District 4 NO
 - YES/NO/ABSTAIN: 1/8/0
 - Motion FAILS
- Minutes approved as submitted
 - Daniel MM moves to extend meeting by 30 minutes
 - 2nded
 - Ruled out of order
 - Jonathan J notes that it is not out of order at this time
 - Approved without objection
- Open floor
- Officer and Committee Chair Reports
 - Chair, Andrew C
 - 1st Vice Chair, Vacant
 - 2nd Vice Chair, Vacant
 - Secretary, Dan Z
 - Judicial Committee Report, Connor Nepomuceno (presented by Dan Z)
 - Treasurer, Vacant
 - Membership, Jeff P
 - Communications Director, Connor N
 - Newsletter, Scotty B
 - Campaign Support Committee, Jami VA
 - Legislative Committee, Stephanie D
 - IT Director, Mark K
 - Historical, Greg S
- ~~Unfinished Business~~
- New Business
 - Funding Request – Christmas Card Fundraiser (Jeff P)
 - Jeff P requests an additional \$116.53 reimbursement to cover the remaining cost of \$827.28 (vs. \$800 approved)
 - Jeff P additionally notes that the card drive yielded more funds than were expended
 - Joe B notes that \$830 was received in checks alone, online payments notwithstanding
 - Dan Z moves to approved
 - 2nded
 - Dave C notes that the Treasurer is the only person approved to disburse funds
 - Joe B notes that the Chair is also so authorized
 - Approved with Dave C objecting and Brian Ellison abstaining by voice vote
 - Funding Request – Website Hosting Reimbursement (Larry Henneman)
 - Brian E moves to reimburse Larry H for the amount he paid for the hosting, thank him for his service to our Party, and acknowledge him as a hero.
 - 2nded

- Approved with Dave C objecting
- Collected Petitions for Special Conventions for the following:
 - Hold elections for LEC Districts 2, 6, 8, 13, and 14
 - Conduct a motion of no confidence against the Chair, Andrew C
 - Form an Investigatory Committee regarding three persons named for actions taken in circulating petitions for the Special Conventions noted above
 - Brian E requests that all petition collections be shared with the board
 - Andrew C notes that they may be shared if they were not already
 - Joe B requests that the LEC form an Investigatory Committee immediately
 - Andrew C notes this would be out of order
 - Jeff P notes that he previously verified the first two petitions above, and will review the third, and that his certification document includes a distinction between “new” and “current” members based upon classifications in CiviCRM
 - Joe B moves to adjourn at 21:24
 - 2nded
 - Dan Z calls the question
 - No objections
 - Andrew Chadderdon, Chair **NO**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **YES**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **YES**
 - Joe Brungardt, District 10 **YES**
 - Bruce Jaquays, District 11 **NO**
 - Daniel Muehl-Miller, District 12 **NO**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziembra, Secretary **NO**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **NO**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **YES**
 - Rick Thelen, District 4 **NO**
 - Dave Canny, District 5 **YES**
 - YES/NO/ABSTAIN: **5/6/0**
 - Motion **FAILS**
 - Dan Z moves to extend 30 minutes (until 20:00)
 - 2nded
 - Dan Z calls the question
 - No objections to calling the question or the extension of time

- Approve Secretary to prepare and issue call to Special Convention
 - 1 April 2023, start of business 09:00, Wixom, MI @ VFW Post 2269 (2652 Loon Lake Rd)
 - \$200 security deposit – check needed
 - Include delegate allocation
 - Business to include:
 - Filling vacancies
 - Motion of no confidence in the Chair
 - Motion to appoint Investigatory Committee
 - Joe B moves to table the approval of a call to convention for the investigatory committee until additional certification of the petitions
 - 2nded
 - The Chair (Andrew C) rules the motion out of order due to the requirement of the bylaws to issue a call to convention timely upon submission of petitions by 10% of the Party membership; all Special Convention orders are contingent upon verification of the validity of signed petitions
 - Joe B appeals the ruling of the Chair; shall the ruling of the Chair be sustained?
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **NO**
 - Joe Brungardt, District 10 **NO**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **NO**
 - Rick Thelen, District 4 **YES**
 - Dave Canny, District 5 **YES**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **ABS**
 - YES/NO/ABSTAIN: **6/3/2**
 - Motion **PASSES**; ruling of the chair upheld
 - Dave C moves to reconsider the motion due to misunderstanding thereof
 - The Chair (Andrew C) moves to remove Brian E from the meeting for repeated interruptions.
 - Andrew Chadderdon, Chair **ABS**
 - Joe Brungardt, District 10 **NO**

- Bruce Jaquays, District 11 NO
- Daniel Muehl-Miller, District 12 NO
- Vacant, District 13 XXX
- Vacant, District 14 XXX
- Vacant, 1st Vice Chair XXX
- Vacant, 2nd Vice Chair XXX
- Daniel Ziemba, Secretary ABS
- Vacant, Treasurer XXX
- Ryan Roberts, District 1 NO
- Vacant, District 2 XXX
- Jordan Martin, District 3 NO
- Rick Thelen, District 4 YES
- Dave Canny, District 5 NO
- Vacant, District 6 XXX
- Brian Ellison, District 7 YES
- Vacant, District 8 XXX
- Mike Saliba, District 9 NO
 - YES/NO/ABSTAIN: 2/7/2
 - Motion FAILS
- Repeat vote on ruling of the Chair
 - Andrew Chadderdon, Chair YES
 - Vacant, District 8 XXX
 - Mike Saliba, District 9 NO
 - Joe Brungardt, District 10 NO
 - Bruce Jaquays, District 11 YES
 - Daniel Muehl-Miller, District 12 YES
 - Vacant, District 13 XXX
 - Vacant, District 14 XXX
 - Vacant, 1st Vice Chair XXX
 - Vacant, 2nd Vice Chair XXX
 - Daniel Ziemba, Secretary YES
 - Vacant, Treasurer XXX
 - Ryan Roberts, District 1 YES
 - Vacant, District 2 XXX
 - Jordan Martin, District 3 NO
 - Rick Thelen, District 4 YES
 - Dave Canny, District 5 NO
 - Vacant, District 6 XXX
 - Brian Ellison, District 7 NO
 - YES/NO/ABSTAIN: 6/5/0
 - Motion PASSES; ruling of the chair sustained
- Dan Z moves to approve the call to Special Convention
 - 2nded
 - Brain E moves to amend the motion to authorize an ad hoc committee of three LEC members to validate the petitions not yet distributed to the LEC within one week
 - 2nded

- Dan Z moves to amend the amendment to appoint Jeff P (with the aid of the Membership Committee as he sees fit)
 - 2nded
 - Approved without objection
 - Approved as amended without objection
- The Chair (Andrew C) moves to remove Brian E from the meeting for repeated interruptions.
 - Andrew Chadderdon, Chair **YES**
 - Bruce Jaquays, District 11 **NO**
 - Daniel Muehl-Miller, District 12 **YES**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **NO**
 - Rick Thelen, District 4 **YES**
 - Dave Canny, District 5 **NO**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **ABS**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **NO**
 - Joe Brungardt, District 10 **NO**
 - YES/NO/ABSTAIN: **5/5/1**
 - Motion **FAILS**
- Brian E moves to amend the main motion to change the date of the convention to 2/17
 - Ruled out of order by the Chair owing to the matter of notice being settled by the prior Judicial Committee appeal, thus prohibiting that date
- Daniel MM moves to extend the meeting 30 minutes
 - 2nded
 - Andrew Chadderdon, Chair **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **NO**
 - Rick Thelen, District 4 **YES**

- Dave Canny, District 5 **NO**
- Vacant, District 6 **XXX**
- Brian Ellison, District 7 **YES**
- Vacant, District 8 **XXX**
- Mike Saliba, District 9 **NO**
- Joe Brungardt, District 10 **NO**
- Bruce Jaquays, District 11 **YES**
 - YES/NO/ABSTAIN: **7/4/0**
 - Motion **PASSES**
- Daniel MM calls the question on the main motion
- Brian E moves to divide the vote between the two earlier submitted petitions and the one most recently submitted
 - 2nded
 - Andrew Chadderdon, Chair **NO**
 - Daniel Ziemba, Secretary **NO**
 - Vacant, Treasurer **XXX**
 - Ryan Roberts, District 1 **NO**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **YES**
 - Rick Thelen, District 4 **NO**
 - Dave Canny, District 5 **YES**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **YES**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **YES**
 - Joe Brungardt, District 10 **YES**
 - Bruce Jaquays, District 11 **NO**
 - Daniel Muehl-Miller, District 12 **NO**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - YES/NO/ABSTAIN: **5/6/0**
 - Motion **FAILS**
- Question called by voice vote
- Vote on main motion
 - Andrew Chadderdon, Chair **YES**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **ABS**
 - Rick Thelen, District 4 **YES**
 - Dave Canny, District 5 **ABS**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **ABS**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **PASS**
 - Joe Brungardt, District 10 **ABS**

- Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - Vacant, Treasurer **XXX**
 - YES/NO/ABSTAIN: **6/0/4**
 - Motion **PASSES**
- The Chair (Andrew C) moves to remove Brian E for repeated interruptions, dilatory motions, and abusive language
 - Andrew Chadderdon, Chair **YES**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - Jordan Martin, District 3 **NO**
 - Rick Thelen, District 4 **YES**
 - Dave Canny, District 5 **NO**
 - Vacant, District 6 **XXX**
 - Brian Ellison, District 7 **EXPLETIVE; YES**
 - Vacant, District 8 **XXX**
 - Mike Saliba, District 9 **NO**
 - Joe Brungardt, District 10 **NO**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Vacant, District 13 **XXX**
 - Vacant, District 14 **XXX**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - Vacant, Treasurer **XXX**
 - YES/NO/ABSTAIN: **7/4/0**
 - Motion **PASSES**; Brian E removed from meeting
- Mike S moves to adjourn at 10:17
 - 2nded
 - Motion fails by voice vote
- Fill LEC Vacancies (Districts 6, 8, 13, 14)
 - District 6
 - Joe B nominates Rafael W, stating he accepted outside the meeting
 - Daniel MM nominates Larry H
 - Larry H accepts
 - Joe B moves to extend the meeting 30min until 11:00
 - 2nded
 - Approved by voice vote with some objections
 - District 6 Rep Vote
 - Andrew Chadderdon, Chair **LH**

- Vacant, District 2 XXX
- Jordan Martin, District 3 RW
- Rick Thelen, District 4 LH
- Dave Canny, District 5 RW
- Vacant, District 6 XXX
- ~~Brian Ellison, District 7 XXX~~
- Vacant, District 8 XXX
- Mike Saliba, District 9 RW
- Joe Brungardt, District 10 RW
- Bruce Jaquays, District 11 LH
- Daniel Muehl-Miller, District 12 LH
- Vacant, District 13 XXX
- Vacant, District 14 XXX
- Vacant, 1st Vice Chair XXX
- Vacant, 2nd Vice Chair XXX
- Daniel Ziembra, Secretary LH
- Vacant, Treasurer XXX
- Ryan Roberts, District 1 LH
 - YES/NO/ABSTAIN: 6/4/0
 - Larry H seated as District 6 Representative
- District 8
 - Joe B nominates Jon Elgas; confirmed via email
 - Dan Z nominates Trevor S; accepted
 - Andrew Chadderdon, Chair ABS
 - Rick Thelen, District 4 TS
 - Dave Canny, District 5 JE
 - Larry Henneman, District 6 TS
 - ~~Brian Ellison, District 7 XXX~~
 - Vacant, District 8 XXX
 - Mike Saliba, District 9 JE
 - Joe Brungardt, District 10 JE
 - Bruce Jaquays, District 11 TS
 - Daniel Muehl-Miller, District 12 TS
 - Vacant, District 13 XXX
 - Vacant, District 14 XXX
 - Vacant, 1st Vice Chair XXX
 - Vacant, 2nd Vice Chair XXX
 - Daniel Ziembra, Secretary TS
 - Vacant, Treasurer XXX
 - Ryan Roberts, District 1 TS
 - Vacant, District 2 XXX
 - Jordan Martin, District 3 JE
 - YES/NO/ABSTAIN: 6/4/1
 - Trevor S seated as District 8 Representative
- District 13
 - Joe B nominates Jami VA; confirmed by email
 - Rick T nominates Dave F accepts

- Andrew Chadderdon, Chair **ABS**
- Dave Canny, District 5 **JVA**
- Larry Henneman, District 6 **ABS**
- ~~Brian Ellison, District 7~~ **XXX**
- Trevor Step, District 8 **DF**
- Mike Saliba, District 9 **JVA**
- Joe Brungardt, District 10 **JVA**
- Bruce Jaquays, District 11 **DF**
- Daniel Muehl-Miller, District 12 **DF**
- Vacant, District 13 **XXX**
- Vacant, District 14 **XXX**
- Vacant, 1st Vice Chair **XXX**
- Vacant, 2nd Vice Chair **XXX**
- Daniel Ziemba, Secretary **DF**
- Vacant, Treasurer **XXX**
- Ryan Roberts, District 1 **DF**
- Vacant, District 2 **XXX**
- Jordan Martin, District 3 **JVA**
- Rick Thelen, District 4 **DF**
 - YES/NO/ABSTAIN: **6/4/2**
 - Dave F seated as District 13 Representative
- District 14
 - Joe B nominates Jeff P; Jeff P accepts
 - Scotty B withdraws his self-nomination
 - Jeff P seated by voice vote without objection
- Dan Z moves Larry H's proposal to authorize and request that Jason Brandenburg audit the accounts of LPMI.
 - 2nded
 - Joe B speaks in favor of auditing the finances in light of his experience with the Party bank accounts while accessing them as Chair
 - Approved without objection by voice vote
- Appoint Bylaws Committee
 - Dan Z moves to table this business until after consideration of Joe B's proposed motions regarding changing bank account access permissions and LARA filing
 - 2nded
 - Approved without objection by voice vote
- Transfer of Bank Account Access
 - Joe B moves to authorize the Secretary (Dan Z) to issue a letter authorizing additional access to the Party bank account for Chair Andrew C
 - Trevor S moves to add 10 minutes to the meeting to dispense with the motion, extending until 11:10
 - 2nded
 - Approved without objection
 - 2nded
 - Approved without objection by voice vote

- Dan Z moves to update the Libertarian Party of Michigan Executive Committee Inc's LARA corporate filing to reflect the current state of board/LEC, and pay associated fees (most likely by Joe B using the Party debit card)
 - 2nded
 - Approved without objection by voice vote
- Bruce J moves to authorize Joe B to write a check for \$200 for a security deposit for the convention venue
 - 2nded
 - Approved without objection by voice vote
- Mike S motions to adjourn @ 23:05
 - 2nded
 - Approved with one objection

----- Forwarded message -----

From: **Daniel Ziembra** <dz4liberty@gmail.com>

Date: Mon, Jan 30, 2023 at 1:13 PM

Subject: LPM Call to Special Convention on 2023-04-01

To: Andrew Chadderdon <andrew.chadderdon@gmail.com>, Connor Nepomuceno <cjnepo1@gmail.com>, Lawrence Johnson <michlibertarian@gmail.com>, Mike Saliba <themikesaliba@yahoo.com>, Norm Peterson <norman.peterson@comcast.net>, <Swmi4liberty@be-innovative.net>, Mary Buzuma <mary.buzuma@att.net>, <capitalarealp@gmail.com>, jon elgas <elgasja@gmail.com>, <joehartman11@gmail.com>, <k86.mccauley@gmail.com>, <cannyds@gmail.com>, <cory0269@yahoo.com>, Andy/Missy Evans <amevans_1968@yahoo.com>, Ryan Roberts <ryan_r03@hotmail.com>

Cc: Daniel Woike <dgwoike@gmail.com>, Leah Dailey <fuleahrd@gmail.com>, <james.hudler@gmail.com>, Rafael Wolf <rfwolf@gmail.com>, <trevor@rftiming.com>, David Bockelman <arikbock02@yahoo.com>, <childress48433@gmail.com>, <andy@mybarc.org>, Cory Dean <cory0269@yahoo.com>, <vicepresident@uplp.org>

Dear Affiliate Chairs:

The Libertarian Party of Michigan is holding a Special Convention on **Saturday April 1, 2023**, at VFW Post 2269 in Wixom. There is no official hotel room block established, but there are a wide range of hotels available along the nearby I-96 and M-5 corridors. Anyone may attend the convention, but only delegates, or in their absence their alternates, will be able to vote. There is no cost to attend the business session of the convention.

Business Items

Per the LPM Bylaws (<https://michiganlp.org/bylaws/>), only those items of business noticed for this Special Convention may be conducted therein. Those items include the contents of three (3) petitions submitted to the LEC and signed by at least 10% of the current LPM membership. The following is a brief summary of the contents of each:

- Fill vacancies in the Libertarian Executive Committee (LEC) in the following positions (Districts are per the 2018 US Congressional Election map; view these districts here by toggling the layer for 2011 Congressional Districts in the pane at the left of the screen: [Election District Viewer \(state.mi.us\)](https://www.michiganlp.org/election-district-viewer)):
 - 1st Vice Chair
 - 2nd Vice Chair
 - Treasurer
 - District 2 Representative
 - District 6 Representative
 - District 8 Representative
 - District 13 Representative
 - District 14 Representative
- Consider a Motion of No Confidence in the Chair, Andrew Chadderdon, and fill the vacancy created in the Chair position should this motion succeed.
- Consider a Motion to Appoint an Investigatory Committee to consider possible misconduct by Dave Canny, Greg Stempfle, and Joe Brungardt in the creation of the petitions for special conventions ultimately submitted on January 3rd, 2023.

Delegate Allocations

EXHIBIT 29

Attached is a listing of the various affiliates/regions, the counties that comprise them, and the delegate allocation for each one (**2023LPMdelegateAllocations.xlsx**). As provided by the LPM Bylaws, the delegates are allocated in proportion to the number of votes cast in each affiliate/region for the LP candidate for Secretary of State in 2022. Affiliates/regions may choose a number of alternates equal to their number of delegates. An official convention webpage should be available shortly.

Voter Eligibility

All delegates/alternates must be dues-paying members of the Libertarian Party of Michigan. People who have never been a Libertarian Party of Michigan member must join the LPM at least 30 days prior to the convention, by 11:59 pm on **March 2, 2023** to be eligible to vote. Prior LPM members and current national members may pay \$25 to renew their LPM membership as late as convention day. You may join or renew through the form at the bottom of our web page (<https://michiganlp.org/contribute/membership/>).

Delegation List Submittal

Affiliates should schedule and hold a delegate selection convention and update the website with the date, time, and place of said affiliate convention. Submit the names of delegates and alternates to the LPM Chair, Andrew Chadderton (chair@michiganlp.org) and LPM Secretary, Daniel Ziemba (secretary@michiganlp.org) no later than 7 days prior to the convention, by 11:59 pm on **March 25, 2023**. Once a Credentials Committee is formed, please copy them as well (if submitting after that time, I will forward the rest to the Committee). Please take this deadline seriously! Per the LPM bylaws, failure of an affiliate to return delegate lists by the deadline means no delegation may be seated for that affiliate absent a 7/8 vote of the convention body.

Attached is a spreadsheet that may be used to submit delegation names and information to the credentials committee (**2023LPMDelegateSubmittal.xlsx**) and our updated delegate allocation form by affiliate (**LPM delegate apportionment 2023-2024.xlsx**). Note that we ask for the contact information of each delegate/alternate so we can solve any issues of eligibility before the convention. Please update the time, date, and place for your local affiliate convention in the form.

If you are no longer the affiliate chair or your preferred contact information has changed, please contact me immediately with updated information.

If you have questions, please do not hesitate to ask.

--

In Liberty,
Daniel Ziemba, PE
Secretary, Libertarian Party of Michigan

2 attachments

 **LPM delegate apportionment 2023-2024.xlsx**
26K

 **2023LPMDelegateSubmittal.xlsx**
11K

----- Forwarded message -----

From: **Joe Brungardt** <joebfreedom@gmail.com>
Date: Tue, Jan 31, 2023 at 10:15 PM
Subject: Call to Convention for LPM Affiliates - Regular State Convention
To:

Dear Affiliate Chairs:

This is the official call to convention and notification of delegate allocation for the Libertarian Party of Michigan Regular State Convention to be held **April 1, 2023** at the Hilton Garden Inn at [633 North Canal Road](#) in Lansing. The business meeting will be held during the day on Saturday to consider LPM business which will include the election of all state party officers, proposals to amend the LPM platform and bylaws, and motions or resolutions from the floor. Anyone may attend the convention, but only delegates, or in their absence their alternates, will be able to vote.

Delegate Allocations

Attached is a listing of the various affiliates/regions, the counties that comprise them, and the delegate allocation for each one (**2023LPMDelegateAllocations.xlsx**). As provided by the LPM Bylaws (attached), the delegates are allocated in proportion to the number of votes cast in each affiliate/region for the LP candidate for Secretary of State in 2022.

Voter Eligibility

All delegates/alternates must be dues-paying members of the Libertarian Party of Michigan. People who have never been a Libertarian Party of Michigan member must join the LPM 30 days prior to the convention, by 11:59 pm on **March 2, 2023** to be eligible to vote. Past LPM members whose memberships have lapsed or current national members, may pay \$25 to renew their LPM membership as late as convention day. You may join or renew through the form at the bottom of our web page, <https://michiganlp.org/donate/>. Affiliates/regions may choose a number of alternates equal to their number of delegates.

Delegation List Submission

Affiliates should schedule and hold delegate selection caucuses and return the names of delegates and alternates to me (joebfreedom@gmail.com) no later than 7 days prior to the convention, by 11:59 pm on **March 25, 2023**. Please take this deadline seriously! Per LPM bylaws, failure of an affiliate to return delegate lists by the deadline means no delegation may be seated for that affiliate.

Attached is a spreadsheet that may be used to submit delegation names and information to the credentials committee (**2023LPMDelegateSubmittal.xlsx**). Note that we ask for the phone number and email of the delegate/alternate so we can solve any issues of eligibility BEFORE the convention.

If you are no longer the affiliate chair or your preferred contact information has changed, please contact me immediately with updated information.

If you have questions, please don't hesitate to ask. We truly appreciate your cooperation and your work on behalf of liberty.

EXHIBIT 30

Joe Brungardt

Chair

Libertarian Party of Michigan

joebfreedom@gmail.com

586-436-2108

3 attachments

 **Affiliate call to convention 2023.docx**
15K

 **2023LPMDelegatesSubmittal.xlsx**
11K

 **2023LPMDelegatAllocations.xlsx**
26K

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

REPUBLICAN NATIONAL COMMITTEE,)
)
 Plaintiff,)
)
 v.)
)
 JOHN CANEGATA, ROBERT SCHANFARBER, and)
 VIRGIN ISLANDS REPUBLICAN PARTY a/k/a/)
 VIGOP PAC,)
)
 Defendants.)

Case No. 3:22-cv-0037

ATTORNEYS:

Cameron T. Norris, Esq.
Frank H. Chang, Esq.
Tyler R. Green, Esq.
 Consovoy McCarthy PLLC
 Arlington, VA
For Plaintiff Republican National Committee,

Kevin F. D'Amour, Esq.
Gaylin Vogel, Esq.
 Barnes, D'Amour and Vogel
 St. Thomas, U.S.V.I.
For Plaintiff Republican National Committee,

Yohanna M. Manning, Esq.
Charlotte S. Sheldon, Esq.
Scot F. McChain, Esq.
 McChain Hamm & Associates
 St. Croix, U.S.V.I.
For Defendants John Canegata, Robert Schanfarber, and Virgin Islands Republican Party.

MEMORANDUM OPINION

Molloy, Chief Judge.

BEFORE THE COURT is Plaintiff Republican National Committee's ("RNC") motion for temporary restraining order, filed May 20, 2022. (ECF No. 2.) To the extent RNC sought a

RNC v. Canegata, et al.
Case No. 3:22-cv-0037
Memorandum Opinion
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temporary restraining order, that motion was denied on May 23, 2022. (ECF No. 7.) Now before the Court is the motion's alternate relief, a request for preliminary injunction.

A hearing was held on RNC's motion for preliminary injunction on June 8, 2022. At the conclusion of the June 8 hearing, a briefing schedule was set in lieu of oral argument. RNC filed its brief on June 22, 2022. (ECF No. 43.) Defendants filed their response on July 11, 2022 (ECF No. 47) and RNC filed a reply on July 20, 2022 (ECF No. 53.)

In that hearing, RNC called no witnesses, instead only admitting Plaintiff's Exhibit A, registrations for seven RNC-owned marks registered with the United States Patent and Trademark Office. However, the remainder of RNC's exhibits were authenticated by and admitted during Defendants' case in defense, by John Canegata ("Canegata"). For the reasons set forth herein, the Court will grant RNC's motion.

I. FACTUAL AND PROCEDURAL BACKGROUND¹

Canegata was at one time the Chairman of the Virgin Islands Republican Party and testifies that he still holds such office. The Virgin Islands Republican Party operates the website usvigop.org (the "website"). The website prominently displays the phrase "GOP," a stylized right-facing elephant viewed in profile bearing three stars on its back, links bearing the phrase "2016 Republican National Convention," and websites for each of its members bearing "@usvigop.org." The Virgin Islands Republican Party engages in fundraising to support candidates with conservative views.

The RNC holds several legally registered trademarks, including the phrases "RNC," "Republican National Committee," "Republican National Convention," "GOP," and several variations of a stylized elephant viewed in right-facing profile bearing three stars on its back.

In mid-to-late April 2022, Canegata received a cease-and-desist letter from RNC demanding that Canegata immediately cease and desist from any use of RNC's registered trademarks. That letter further stated that Canegata is no longer the Chairman of the Virgin Islands Republican Party, demands that Canegata refrain from making any reference to the RNC that would lead individuals to believe that he or the VIGOP were somehow affiliated

¹ All facts herein were deduced from testimony and exhibits introduced at the hearing on RNC's motion for preliminary injunction, held June 8, 2022.

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with the RNC, and references an August 2020 mandate by RNC that “all VIGOP-branded political activity, political action committees, and fundraising be placed on hold.” RNC’s demands specifically included ceasing and desisting use of the VIGOP name and usvigop.org domain. With the exception of one (Ex. A at 11), each of these marks were registered between 1995 and 2001, and have been renewed by affidavit at six- and ten-years following registration.

II. LEGAL STANDARD

The test for preliminary relief is a familiar one. A party seeking a preliminary injunction must show: “(1) a likelihood of success on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004) (citing *Allegheny Energy, Inc. v. DQE, Inc.*, 171 F.3d 153, 158 (3d Cir. 1999)). Preliminary injunctive relief is “an extraordinary remedy” and “should be granted only in limited circumstances.” *American Tel. & Tel. Co. v. Winback & Conserve Program, Inc.*, 42 F.3d 1421, 1427 (3d Cir. 1994) (quotation omitted). “[O]ne of the goals of the preliminary injunction analysis is to maintain the status quo, defined as the last, peaceable, noncontested status of the parties.” *Opticians Ass’n of Am. v. Indep. Opticians of Am.*, 920 F.2d 187, 197 (3d Cir. 1990) (citation and quotation omitted); see also *Kos Pharms.*, 369 F.3d at 708 (citing 5 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 30:50 (4th ed. 2003) (“The status quo to be preserved is not the situation of contested rights. . . . In a trademark case, [it] is the situation prior to the time the junior user began use of its contested mark: the last peaceable, non-contested status.”)).

III. DISCUSSION

Here, RNC has pled three violations of the Lanham Act, codified at 15 U.S.C. §§ 1501 *et seq.*: one count of trademark infringement under 15 U.S.C. § 1114, a second count of trademark infringement under 15 U.S.C. § 1125(a), and a third count of trademark dilution under 15 U.S.C. § 1125(c). Actions under section 1114 and section 1125(a) are measured by identical standards. See *A & H Sportswear, Inc. v. Victoria's Secret Stores, Inc.*, 237 F.3d 198,

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210 (3d Cir. 2000). Because each count seeks to enjoin defendants from the same conduct, a likelihood of success on any count, combined with a sufficient showing of the remaining elements for a preliminary injunction, will necessarily entitle RNC to a preliminary injunction. Accordingly, because the Court finds that RNC is entitled to a preliminary injunction on its trademark infringement claims, the Court declines to reach RNC's trademark dilution claim herein.

A. Likelihood of Success on the Merits

Here, RNC specifically seeks to enjoin Defendants from all usage of the trademarks "RNC," "GOP," "Republican National Convention," and the RNC's elephant logo mark, as well as from making any references to the RNC that lead individuals to believe defendants are affiliated with the RNC. *See generally* ECF No. 3.

To prove federal trademark infringement under the Lanham Act, "a plaintiff must demonstrate that (1) it has a valid and legally protectable mark; (2) it owns the mark; and (3) the defendant's use of the mark to identify goods or services causes a likelihood of confusion." *A & H Sportswear*, 237 F.3d at 210 (citing *Commerce Nat'l Ins. Servs., Inc. v. Commerce Ins. Agency, Inc.*, 214 F.3d 432, 437 (3d Cir. 2000)). The plaintiff bears the burden of proof. *Id.* at 210-11 (citing *American Home Prods. Corp. v. Barr Labs., Inc.*, 834 F.2d 368, 371 (3d Cir. 1987)). The Court will turn first to whether RNC's trademarks are valid and legally protectable.

1. Valid and Legally Protectable Mark

"The first two requirements, validity and legal protectability, are proven where. . . a mark was federally registered and has become 'incontestable' under the Latham Act , 15 U.S.C. §§ 1058 and 1065." *Fisons Horticulture, Inc. v. Vigoro Industries, Inc.*, 30 F.3d 466, 472 (3d Cir. 1994) (citing *Ford Motor Co. v. Summit Motor Products, Inc.*, 930 F.2d 277, 291 (3d Cir. 1991), *cert. denied*, 502 U.S. 939). To achieve incontestability, a trademark holder must file an affidavit in its sixth year of ownership, evincing continuous use in commerce for five years following registration under sections 8 and 15 of the Lanham Act. *See* Lanham Trade-Mark Act of 1946, 50 Stat. 427 § § 8, 15 (Jul. 5, 1946) *codified, as amended at* 15 U.S.C. § § 1058, 1065(3).

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Here, RNC has filed affidavits under sections 8 and 15 on each of its trademarks except one. *See* Ex. A. There is no evidence of VIGOP's use of the remaining trademark – a stylized elephant depicted in right-facing profile with three stars on its back, specifically in red and white with a red circle surrounding it (“the circled elephant.”) *See id.* at 11. Therefore, each of the other trademarks are incontestable, making them necessarily valid and legally protectable.

As to the circled elephant, “[i]f the mark has not been federally registered or, if registered, has not achieved incontestability, validity depends on proof of secondary meaning. . . .” *Fisons Horticulture*, 30 F.3d at 472 (citing *Ford Motor*, 930 F.2d at 291). Secondary meaning is demonstrated where, “in the minds of the public, the primary significance of a product feature or term is to identify the source of the product itself.” *Ford Motor Co.*, 930 F.2d at 292 (quoting *Freixenet, S.A. v. Admiral Wine & Liquor Co.*, 731 F.2d 148, 152 (3d Cir. 1984)). “Although there are numerous cases determining secondary meaning, there is no consensus on its elements.” *Amer. Scientific Chem., Inc. v. Amer. Hosp. Supply Corp.*, 690 F.2d 791, 792 (9th Cir. 1982). A non-exclusive list of factors which may be considered includes “the extent of sales and advertising leading to buyer association, length of use, exclusivity of use, the fact of copying, customer surveys, customer testimony, the use of the mark in trade journals, the size of the company, the number of sales, the number of customers, and actual confusion.” *Ford Motor Co.*, 930 F.2d at 292 (collecting cases).

While an application has been filed, the circled elephant has not been federally registered. *See* Ex. A, at 11. However, the circled elephant is stylistically identical to RNC's other incontestable marks. While there is no evidence of length of use or exclusivity of use, customer surveys, number of sales, or any similar factors, the Court finds that the incontestability of RNC's other stylized elephant marks strongly indicates that the circled elephant possesses secondary meaning directly associating it with the RNC. Therefore, the circled elephant is, too, valid and legally protectable.

2. Ownership of the Mark

Here, the United States Patent and Trademark Office registration clearly indicates that the owner of each trademark at issue is RNC. *See generally* Ex. A (showing “Republican

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National Committee” as the owner of each individual mark). Defendants concede in their brief that they “do not dispute that Plaintiff has valid and legally protected marks or that it owns the marks, for that matter.” ECF No. 47, at 4. Therefore, the Court finds that this element has been satisfied.

3. Likelihood of Confusion

A likelihood of confusion exists when “consumers viewing the mark would probably assume that the product or service it represents is associated with the source of a different product or service identified by a similar mark.” *Dranoff-Perlstein Assocs. v. Sklar*, 967 F.2d 852, 862 (3d Cir. 1992) (quotation marks omitted). In *Interpace Corp. v. Lapp, Inc.*, 721 F.2d 460 (3d Cir. 1983), the Third Circuit stated that when the goods involved in a trademark infringement action directly compete with each other, a court “need rarely look beyond the mark itself” to determine the likelihood of confusion. *Id.* at 462. While “many of the *Lapp* factors that are specifically applicable only to noncompeting goods,” the Third Circuit later held that “the *Lapp* test is to be employed when examining both competing and noncompeting goods.” *A & H Sportswear*, 237 F.3d at 212-13.

“Therefore, likelihood of confusion for both competing and noncompeting goods should be tested with reference to the following:

- (1) the degree of similarity between the owner's mark and the alleged infringing mark;
- (2) the strength of the owner's mark;
- (3) the price of the goods and other factors indicative of the care and attention expected of consumers when making a purchase;
- (4) the length of time the defendant has used the mark without evidence of actual confusion arising;
- (5) the intent of the defendant in adopting the mark;
- (6) the evidence of actual confusion;
- (7) whether the goods, competing or not competing, are marketed through the same channels of trade and advertised through the same media;
- (8) the extent to which the targets of the parties' sales efforts are the same;
- (9) the relationship of the goods in the minds of consumers, whether because of the near-identity of the products, the similarity of function, or other factors;

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(10) other facts suggesting that the consuming public might expect the prior owner to manufacture both products, or expect the prior owner to manufacture a product in the defendant's market, or expect that the prior owner is likely to expand into the defendant's market.”

Id. at 215. The Court will address these factors in turn.

a. Degree of Similarity

In this case, defendants’ marks are identical to RNC’s registered marks. Defendants’ website prominently displays “GOP” at the top left corner of its page. Ex. C. A link to the right of the page directly states, “Republican National Convention.” *Id.* The top left corner of the page displays a stylized elephant depicted in right-facing profile view with three stars on its back and colored in blue and red. *Id.* Defendants’ elephant is virtually identical to RNC’s trademark, with the sole difference of defendants’ elephant being depicted at a slight angle. *Compare* Ex. A with Ex. C at 9. “[L]ikelihood of confusion is inevitable when, as in this case, the identical mark is used concurrently by unrelated entitles.” *Opticians Ass’n*, 920 F.2d at 195. The marks used by RNC and defendants are substantively identical. Thus, the Court finds that this factor weighs very strongly in favor of RNC.

b. Strength of the Marks

“With respect to Lapp factor (2), ‘the strength of the owner’s mark,’ . . . the *Fisons* test, [] measures mark strength by (1) the distinctiveness or conceptual strength of the mark; and (2) the commercial strength or marketplace recognition of the mark.” *A & H Sportswear*, 237 F.3d at 221 (internal quotations and citations omitted). “The first prong of this test looks to the inherent features of the mark; the second looks to factual evidence of ‘marketplace recognition.’ ” *Id.* (citing *Fisons*, 30 F.3d at 479). Because neither party provided any factual evidence of marketplace recognition, the Court will look only to the first prong of the test.

In evaluating the conceptual strength of a trademark, “marks are divided into four classifications: (1) generic (such as “DIET CHOCOLATE FUDGE SODA”); (2) descriptive (such as “SECURITY CENTER”); (3) suggestive (such as “COPPERTONE”); and (4) arbitrary or fanciful (such as “KODAK”).” *Id.* (citing *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992)). “In order to qualify for Lanham Act protection, a mark must either be suggestive,

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arbitrary, or fanciful, or must be descriptive with a demonstration of secondary meaning. Generic marks receive no protection; indeed, they are not ‘trademarks’ at all.” *Id.* at 222 (internal citations omitted). Arbitrary or fanciful marks use terms that neither describe nor suggest anything about the product; they “bear no logical or suggestive relation to the actual characteristics of the goods.” *Id.* at 221 (citation omitted). Suggestive marks require consumer “imagination, thought, or perception” to determine what the product is. *Id.* at 221-22 (citation omitted). Descriptive terms “forthwith convey[] an immediate idea of the ingredients, qualities or characteristics of the goods.” *Id.* at 222 (citation omitted). Generic marks are those that “function as the common descriptive name of a product class.” *Id.* (citation omitted).

The Court finds that each of RNC’s marks are either arbitrary or suggestive. Objectively, “GOP,” “RNC,” and the stylized elephant variations suggest nothing about RNC’s stated product, the promotion of goods, services, and interests of the Republican political party. *See* Ex. A. Indeed, the Court posits that the only reason these marks suggest anything is due to the strength of the marks. The mark “Republican National Committee” is suggestive to the extent that it requires perception or thought to indicate that it denotes a national committee of Republicans.

However, the category into which a mark falls, while a useful guidepost, is not dispositive of its strength. *A & H Sportswear*, 237 F.3d at 222. “Suggestive or arbitrary marks may, in fact, be “weak” marks, particularly if they are used in connection with a number of different products.” *Id.* There is no evidence on this record of other uses of RNC’s marks in other markets. *See Triumph Hosiery Mills, Inc. v. Triumph Int’l Corp.*, 308 F.2d 196, 199 n. 2 (2d Cir. 1962) (“The mark ‘Triumph’ is a so-called weak mark, i.e. it has been used many times to identify many types of products and services.”); *Steve’s Ice Cream v. Steve’s Famous Hot Dogs*, 3 U.S.P.Q.2d 1477, 1479 (T.T.A.B. 1987) (“[T]he numerous third-party uses [of Steve’s] demonstrate that the purchasing public has become conditioned to recognize that many businesses . . . use the term . . . and . . . is able to distinguish between these businesses based on small distinctions among the marks.”); *cf. S.C. Johnson & Son, Inc. v. Johnson*, 116 F.2d 427, 430 (2d Cir. 1940) (“When all is said, if a man allows the good will of his business

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to become identified with a surname so common as Johnson, it is fair to impose upon him some of the risk that another Johnson may wish to sell goods not very far afield....”).

Absent such evidence, the Court cannot award weight on this factor to RNC based on its marks’ classification alone, especially without any factual evidence of commercial strength. After all, “[t]he plaintiff bears the burden of proof.” *A & H Sportswear*, 237 F.3d at 210-11 (citing *American Home Prods.*, 834 F.2d at 371). Accordingly, this factor weighs neutrally.

c. Intent of the Defendants

Importantly, “a defendant’s mere intent to copy, without more, is not sufficiently probative of the defendant’s success in causing confusion to weigh such a finding in the plaintiff’s favor. . . .” *Id.* at 225-26. “[R]ather, defendant’s intent will indicate a likelihood of confusion only if an intent to confuse consumers is demonstrated via purposeful manipulation of the junior mark to resemble the senior’s.” *Id.* at 226. Thus, the Court must be careful in parsing whether a given case evinces “an intent to deceive and success in that effort,” or “an intent to copy and success in causing confusion.” *Id.* Some degree of bad faith, however, is relevant to the selection of an appropriate remedy. *Id.*

Here, defendants clearly intended to copy RNC. The marks used by defendants are identical to those incontestably owned by RNC. However, based on the degree of similarity between RNC’s marks and defendants use thereof, namely that they are identical, the Court finds that defendants purposefully manipulated their marks to resemble RNC’s. Canegata’s testimony indicates a genuine belief of entitlement to use the marks. *See, e.g.*, Hr’g Tr. at 49 (“Without a doubt, I am the chairman of the party.”). While this belief of entitlement may have been severely misguided, *see* Ex. B (indicating that defendants must cease and desist any use of RNC’s trademarks and any actions that indicate association), it indicates that the marks were purposefully utilized to resemble RNC’s. Therefore, this factor weighs in favor of RNC.

d. Remaining Factors

The Court finds no evidence of actual confusion, and accordingly no evidence of the length of time defendants have used the mark without evidence of actual confusion, on this

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record. Neither does the Court find any evidence of similar marketing channels, similar sales efforts, the relationship in the minds of the public, or the price of the parties' services. While such evidence may likely exist, RNC's decision to call no witnesses on its behalf leaves it unable to provide proof at this stage. Accordingly, these remaining factors weigh neutrally.

e. Weighing of the Factors

In weighing the *Lapp* factors holistically, the Court finds that the degree of similarity and the intent of defendants weigh in favor of RNC, while the remainder weigh neutrally. The evidence on the record is relatively thin. Perhaps if RNC brought a witness, it would not be. However, the Court notes that this is not a typical trademark infringement case where two organizations adopt similar marks independently. Defendants are using RNC's *actual* trademarks, rather than simply using similar marks. Thus, notwithstanding the foregoing, "[v]ery little analysis is needed in the present case." *Opticians Ass'n*, 920 F.2d at 195. "[L]ikelihood of confusion is inevitable when, as in this case, the identical mark is used concurrently by unrelated entities." *Id.* The marks used by defendants are identical to those used by RNC, and RNC has made clear that no affiliation exists between the parties. Therefore, despite the lack of evidence on this record, the Court finds that a high likelihood of confusion exists.

4. Defendants' Arguments

In their brief, defendants argue at length that RNC lacks authority to no longer recognize defendants as members, that federal law does not provide authorization to revoke defendants' permission to use RNC's trademarks, and that Virgin Islands law does not provide authorization to revoke defendants' permission to use RNC's trademarks. *See* ECF No. 47, at 4-10.

First, the argument that RNC lacks authority to remove defendants as members is irrelevant to these proceedings. In support, defendants argue that both VIGOP and RNC bylaws prohibit the removal of members absent specific circumstances which were not demonstrated here. *See id.* at 4-7. However, the question of whether defendants are members of the RNC is far subordinate to the question of whether they are permitted to use RNC's marks. *See Birthright v. Birthright, Inc.*, 827 F. Supp. 1114, 1135 (D.N.J. 1993) ("What is

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critical is that Birthright Inc. knew which entity owned the mark; that Birthright Inc. knew that plaintiff monitored and controlled the use of the mark; and that Birthright Inc. knew that authorized use of the mark required the permission of plaintiff. . . . Given these facts, the court concludes, as a matter of law, that the relationship between plaintiff and Birthright Inc. amounted to an implied license authorizing the latter to use the name. An implied license is terminable at will.”); *see also U.S. Jaycees v. Phila. Jaycees*, 639 F.2d 134, 146 (3d Cir. 1981) (holding when a local chapter loses affiliation to a national organization, the local organization “cannot complain when they lose the private privileges incident to affiliation.”). The only relevance of VIGOP’s affiliation with RNC is to the extent that it indicates that defendants have a license to use RNC’s marks, and whether that license was properly revoked.

Defendants rely on “Section 203 of the Copy Right Act” for the premise that RNC cannot revoke permission to use its trademarks under federal law. ECF No. 47, at 10 Defendants argue that because “the Lanham Act does not provide any provision relating to the termination of a trademark license,” the Copyright Act should apply. *Id.* Defendants therein concede that an implied licensing agreement exists between them and RNC. *Id.* at 4.

Defendants are somewhat correct – the Lanham Act does not provide any provisions relating to the termination of a trademark license. However, case law is quite explicit on the topic. “Courts are in agreement that a trademark license is terminable at will by the trademark owner, even where it is an express license . . . and certainly when the license is only implied.” *Chi. Mercantile Exch. Inc. v. Ice Clear US, Inc.*, 2021 WL 3630091, at *13 (N.D. Ill. Aug. 17, 2021); *see also, e.g., Dial-A-Mattress Operating Corp. v. Mattress, Inc.*, 847 F. Supp. 18, 19 n.1 (E.D.N.Y. 1994) (“An agreement conferring a license to use a trademark for an indefinite time, whether oral, written or by implication, is terminable-at-will by the licensor.”); *Birthright*, 827 F. Supp. At 1135 (“[A]n implied license is terminable at will.”); *Am. Tech. Ventures, LLC v. Orlov*, 2021 WL 4973536, at *5 (S.D. Fla. June 9, 2021) (same). Therefore, while there may be no statutory authority for RNC’s right to revoke permissive license to its trademarks at will, there is certainly common law support. This argument is without merit.

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Lastly, the Court is not swayed by any Virgin Islands law that purports to regulate rights under the federal Lanham Act. *See, e.g., Spartan Food Sys., Inc. v. HFS Corp.*, 813 F.2d 1279, 1284 (4th Cir. 1987) (“If a conflict arises between federal and state law, . . . the Lanham Act effects a limited preemption of state law, resolving the conflict in favor of the federal registrant’s rights.”); *Purolator, Inc. v. EFRA Distributors, Inc.*, 687 F.2d 554, 560 (1st Cir. 1982) (“[T]he rights of [the infringer] under Puerto Rico law cannot circumscribe the rights of [the federal trademark owner] to protection for its trademark under the federal trademark laws.”). Therefore, this argument fails from the outset.

In sum, the Court finds that RNC holds valid and legally protectable trademarks, that it owns those marks, and that there is a high likelihood of confusion between its marks and defendants’ use of those marks. Defendants’ arguments to the contrary are without merit. Accordingly, the Court finds that RNC is likely to succeed on the merits of its trademark infringement claims.

B. Whether RNC will Suffer Irreparable Harm

“Irreparable harm ‘must be of a peculiar nature, so that compensation in money alone cannot atone for it.’” *Opticians Ass’n*, 920 F.2d at 195 (quoting *Morton v. Beyer*, 922 F.2d 364, 372 (3d Cir. 1987)). “Grounds for irreparable injury include loss of control of reputation, loss of trade, and loss of good will.” *Pappan Enters., Inc. v. Hardee’s Food Sys., Inc.*, 143 F.3d 800, 805 (3d Cir. 1998); *see also Opticians Ass’n*, 920 F.2d at 195 (same) (citations omitted). “Lack of control over one’s mark ‘creates the potential for damage to . . . reputation[, which] constitutes irreparable injury for the purpose of granting a preliminary injunction in a trademark case.’” *Kos Pharms.*, 369 F.3d at 726 (quoting *Opticians Ass’n*, 920 F.2d at 196) (alterations in original). Accordingly, “trademark infringement amounts to irreparable injury as a matter of law.” *Id.* (quoting *S & R Corp. v. Jiffy Lube, Int’l, Inc.*, 968 F.2d 371, 378 (3d Cir. 1992); *see also Times Mirror Magazines, Inc. v. Las Vegas Sports News, L.L.C.*, 212 F.3d 157, 169 (3d Cir. 2000) (“potential damage to . . . reputation or goodwill or likely confusion between parties’ marks” is irreparable injury). “[O]nce the likelihood of confusion caused by trademark infringement has been established, the inescapable conclusion is that there was also irreparable injury.” *Pappan Enters.*, 143 F.3d at 805.

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Defendants argue that “[p]laintiff has failed to prove any harm without an adequate legal remedy,” citing no case law in support of this proposition. ECF No. 47, at 11. Instead of a legal basis, defendants instead rely on their contention that they “are still members of the RNC; therefore, Plaintiff is not lacking control over its mark, and there has not been a creation of potential for damage to Plaintiff’s reputation that would constitute irreparable injury. . .” *Id.* This is inapposite. Defendants used RNC’s marks based on a license and that license has been revoked. The Court finds that RNC is entitled to a presumption of irreparable harm, because, having shown a likelihood of confusion, “trademark infringement amounts to irreparable injury as a matter of law.” *Kos Pharms.*, 369 F.3d at 726.

C. Balancing of Hardships

In evaluating a motion for preliminary injunction, “the third task a trial court must undertake is to balance the hardships of the respective parties.” *Opticians Ass’n*, 920 F.2d at 197. “The basic purpose behind the balancing analysis is to ensure that the issuance of an injunction would not harm the infringer more than a denial would harm the mark’s owner.” *Id.*

Defendants argue that they “would not be able to properly conduct elections, events, marketing functions, fundraising or any other political activity without being able to use the federally registered trademarks and the marks for the VIGOP.” ECF No. 47, at 11. However, defendants here have “openly, intentionally, and illegally appropriated” the RNC’s trademarks, “despite being warned not to.” *Opticians Ass’n*, 920 F.2d at 197. “By virtue of this recalcitrant behavior, the [defendants] can hardly claim to be harmed, since [they] brought any and all difficulties occasioned by the issuance of an injunction upon [them]self.” *Id.* (citing *Processed Plastic Co. v. Communications, Inc.*, 675 F.2d 852, 859 (7th Cir. 1982) (after a company intentionally copied a toy car, that company did not suffer hardship because, *inter alia*, it “cannot now complain that having to mend its ways would be too expensive.”); *Ideal Indus., Inc. v. Gardner Bender, Inc.*, 612 F.2d 1018, 1026 (7th Cir. 1979) (“One entering a field already occupied by another has a duty to select a trademark that will avoid confusion. . . . Having adopted [a trademark which causes confusion, defendant] cannot now complain that having to mend its ways will be too expensive.”) (alteration in original)).

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Accordingly, the Court finds that the potential harm to RNC by not granting an injunction outweighs the potential harm to defendants if the injunction were granted.

D. Public Interest

The final consideration is whether the issuance of a preliminary injunction furthers the public interest. “Public interest can be defined a number of ways, but in a trademark case, it is most often a synonym for the right of the public not to be deceived or confused.” *Opticians Ass’n*, 920 F.2d at 197; *see Bill Blass, Ltd. v. Saz Corp.*, 751 F.2d 152, 156 (3d Cir. 1984) (there is a public interest in the protection of the trademark and to avoid confusion in the public); *SK & F, Co. v. Premo Pharm. Labs.*, 625 F.2d 1055, 1057 (3d Cir. 1980) (“preventing deception of the public is itself in the public interest”).

Defendants argue that “public interest is best served if the administrative body with the most expertise in regulating political elections[] is not denied the opportunity to consider whether the plan proposed by VIGOP is a viable one.” ECF No. 47, at 12. Defendants then assert that “deference should be given to the Virgin Islands Board of Elections and the BOE’s recognition of VIGOP party officers.” ECF No. 47, at 12. Defendants’ argument is predicated on the premise that the determination of the Virgin Islands Board of Elections is a bellwether of sound election law. *But see generally Sarauw v. Fawkes*, 66 V.I. 253 (2017) (overruling the Superior Court and Virgin Islands Board of Elections, and enjoining BOE from certifying an election where an elected Senate candidate did not meet the Virgin Islands’ residency requirement); *Bryan v. Fawkes*, 61 V.I. 201 (2014) (overruling the Superior Court and Virgin Islands Board of Elections, and enjoining BOE from permitting a Senate candidate to appear on the ballot where the candidate had committed a crime of moral turpitude).

The case here is straightforward. Defendants were told in August 2020 to cease all “VIGOP branded political activity, political action committees, and fundraising. . .” Ex. B. Despite this, defendants continued to fundraise under the VIGOP branding. *See* Ex. D. This is after an express revocation of defendants’ authority to do so. This amounts to the defendants raising \$406,786.91 by expressly misrepresenting themselves to be member-affiliates of the RNC. *See* Ex. C; Ex. D.

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Often, a balancing of public interest is a more abstract exercise. Rarely is it so clearly quantifiable as it is here, by a federal filing accounting for funds raised by defendants over a fifteen-month span of their infringement. The Court finds that the public's interest in not being deceived or confused far outweighs its interest in allowing the Virgin Islands Board of Elections to carry out its duties unchecked, as defendants suggest.

E. Bond Requirement Under Rule 65(c)

Federal Rule of Civil Procedure 65(c) states that “[n]o restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c).

Although “the amount of the bond is left to the discretion of the court, the posting requirement is much less discretionary.” *Frank's GMC Truck Ctr., Inc. v. Gen. Motors Corp.*, 847 F.2d 100, 103 (3d Cir. 1988) (“While there are exceptions, the instances in which a bond may not be required are so rare that the requirement is almost mandatory.”) In other words, Rule 65(c) “mandates that a court when issuing an injunction must require the successful applicant to post adequate security.” *Id.*

Neither party has addressed the bond requirement. However, RNC seeks injunctive relief to protect its trademark rights. Defendants did not offer any evidence that they will suffer a financial loss as a result of the injunction, only argument that the injunction will impede their ability to fundraise and conduct other similar events. See ECF No. 47, at 11. Therefore, the Court will require Plaintiffs to post a bond of \$10,000.00 before the preliminary injunction will issue.

IV. CONCLUSION

For the reasons set forth above, the Court finds that RNC's trademarks are valid and legally protectible, that it owns the marks, and that there is a likelihood of confusion arising from defendants' use of the marks. Thus, RNC is likely to succeed on the merits of its trademark infringement claims. The Court further finds that RNC will suffer irreparable harm absent a preliminary injunction, that RNC's potential harm outweighs defendants', and that public policy supports a preliminary injunction in this case. Accordingly, the Court finds

RNC v. Canegata, et al.
Case No. 3:22-cv-0037
Memorandum Opinion
Page 16 of 16

that RNC has met its burden and is entitled to a preliminary injunction on its trademark infringement claims effective at such time as RNC posts a bond for \$10,000.00. Having established that RNC is entitled to a preliminary injunction on its trademark infringement claims, the Court declines to address the trademark dilution claim, as the relief requested is identical to that afforded by its trademark infringement claims. Therefore, the Court will grant RNC's motion for preliminary injunction. A separate Order follows.

Date: August 10, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

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<input type="checkbox"/>	Jun. 08, 2020	PR-Section 8 and 9		MULTI
<input type="checkbox"/>	Jun. 08, 2020	Specimen		JPEG
<input type="checkbox"/>	Jan. 23, 2020	Courtesy E-Reminder of Sec. 8/Sec. 9		XML
<input type="checkbox"/>	Dec. 30, 2014	Teas Change of Owner Address		XML
<input type="checkbox"/>	Oct. 14, 2010	Notice-Acceptance-Renewal		XML
<input type="checkbox"/>	Oct. 13, 2010	PR-Section 8 and 9		MULTI
<input type="checkbox"/>	Oct. 13, 2010	Specimen		JPEG
<input type="checkbox"/>	Feb. 16, 2007	Notice of Acceptance Acknowledgement		XML
<input type="checkbox"/>	Dec. 13, 2006	Section 8 and 15		MULTI
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<input type="checkbox"/>	Jul. 05, 2006	Specimen		JPEG
<input type="checkbox"/>	Jul. 05, 2006	File Jacket		JPEG
<input type="checkbox"/>	Jan. 23, 2001	Registration Certificate		TIFF
<input type="checkbox"/>	Mar. 07, 2000	Application		TIFF
<input type="checkbox"/>	Mar. 07, 2000	Drawing		TIFF
<input type="checkbox"/>	Mar. 07, 2000	Specimen		TIFF

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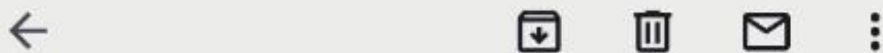
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Select All	Create/Mail Date	Document Description	Document Category	Document Type
<input type="checkbox"/>	Apr. 21, 2020	Registration Certificate		PDF
<input type="checkbox"/>	Feb. 04, 2020	OG Publication Confirmation		XML
<input type="checkbox"/>	Jan. 15, 2020	Notice of Publication		XML
<input type="checkbox"/>	Jan. 15, 2020	Notification Of Notice of Publication		XML
<input type="checkbox"/>	Dec. 31, 2019	TRAM Snapshot of App at Pub for Oppostn		MULTI
<input type="checkbox"/>	Dec. 29, 2019	XSearch Search Summary		XML
<input type="checkbox"/>	Oct. 01, 2019	Design Search Code Corr Project		XML
<input type="checkbox"/>	Sep. 25, 2019	Drawing		JPEG
<input type="checkbox"/>	Sep. 25, 2019	Specimen		JPEG
<input type="checkbox"/>	Sep. 25, 2019	TEAS Plus New Application		MULTI

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[Redacted] Feb 25
to Libertarian ▾



Hide quoted text

----- Forwarded message -----
From: **Libertarian Party of Michigan**
<michiganlibertarians@gmail.com>
Date: Sat, Feb 25, 2023 at 8:44 AM
Subject: Defend the Libertarian Party of Michigan
To:



Donate Now!

EXHIBIT 34



Re: LPM: Special Convention
Registration Live, Call for
Delegates from Unaffiliated
Regions, Party Updates



Inbox

LP/LPMI Email

[Redacted] Mar 15
to Libertarian



Question. What is the bases of your claim that you are the
ligitment board, and the other board is iligitment?

[Redacted]

On Wed, Mar 15, 2023, 9:49 AM Libertarian Party of Michigan
<info@michiganlp.org> wrote:



Good Evening [Redacted]

**2023 LPM Wixom Special Convention Registration
Is Live!**

At long last, you can sign up to attend the LPM Wixom
Special Convention. You can find the registration page from
the main LPM homepage at <https://michiganlp.org/>, or at
the direct link [here](#). There is no cost to attend, but to vote in
convention business, individuals must be selected as a
delegate by a local [affiliate](#).

Unaffiliated Region Delegate Selection

The Libertarian Party of Michigan will be conducting its





RE: LPM: CALL TO CONVENTION



Inbox LP/LPMI Email

[Redacted] Mar 5
to Libertarian ▾



Yesterday I received this mailer, which of course competes with the convention address that you have been distributing. Also, the website does not appear to be functioning for the lp. Maybe it's just my settings on my vpn, however.
Best,
[Redacted]

Sent from Samsung Galaxy smartphone.

----- Original message -----

From: Libertarian Party of Michigan <info@michiganlp.org>

Date: 3/2/23 8:02 PM (GMT-05:00)

Subject: LPM: CALL TO CONVENTION



Dear Michigan Libertarians:

The Libertarian Party of Michigan is holding a Special Convention on **Saturday April 1, 2023, at VFW Post 2269 in Wixom**. Credentialing begins at 9AM and the business session starts at 10AM. There is no official hotel room block established, but there are a wide range of hotels available along the nearby I-96 and M-5 corridors. Parking is free and onsite. Anyone may attend the convention, but only delegates appointed by the affiliates (and unaffiliated regions) during their respective conventions, or in their absence their





Tell the government to
STOP SENDING

**OUR SONS AND DAUGHTERS
INTO THEIR MEAT GRINDER**



<https://bit.ly/3p0m0m0>

Take control of when
our troops should risk their lives



Stand up for what is right.
Libertarian Party of Michigan

----- Forwarded message -----

From: **Libertarian Party of Michigan** <no_reply@civi.michiganlp.net>

Date: Wed, May 24, 2023, 5:00 PM

Subject: May 24, 2023 - Updates from the Chair

To: Andrew Chadderdon <andrew.chadderdon@gmail.com>

Official communication from the Libertarian Party of Michigan

Fellow Michigan Libertarian,

You may have recently received an email with a call to convention for July. You may ignore this. The Libertarian Party of Michigan already had its odd year regular convention on April 1st in Lansing. At that convention we elected a new LEC to a new 2 year term, we voted for bylaws and platform planks, and we heard from presidential hopeful, Jacob Hornberger.

If you missed it, it's available to watch on YouTube at https://youtu.be/VrKwPY1_pog

The call to convention you received is from the rogue group that has stolen our digital assets (our website, our email address, and our social media accounts) and have attempted to steal our treasury. So while this call to convention may be coming from previously legitimate sources, this is not a legitimate convention.

The convention already held on April 1st in Lansing had the support of all previous candidates for Governor, Lt. Governor, and Secretary of State, the support of previous Chairs and other officers, the support of elected officials and past candidates, and the support of several party founders. The event that is to take place in July has no such support at all.

I understand this turmoil and division can be upsetting, confusing, and frustrating to you. As a dues paying member of the LPM you don't deserve to be put through this. Luckily an end is in sight. I am pleased to share some good news regarding the Party's ongoing governance dispute. Our attorney recently agreed to represent the Party on a contingency basis in a lawsuit to determine entitlement to the funds in the Party's bank account with Comerica Bank. This means that we will not be responsible for legal fees unless we are successful in the case, which involves both the bank and the rogue board led by Andrew Chadderdon. This is good news for two reasons.

First, it is a clear indication of our attorney's confidence in our legal position. The firm would not agree to a contingency fee arrangement if it did not believe we had a strong case. This gives us a significant advantage as we move forward with our litigation.

EXHIBIT 36

Second, the fact that we will not be responsible for legal fees if we are unsuccessful is a significant relief. This arrangement allows us to pursue our legal rights without worrying about the financial burden of legal fees pertaining to this portion of the dispute. It further allows funds that have been donated to the legal effort to be reserved for other issues, such as the defense of trademark lawsuits or other legal actions that may be filed in the future. Our hope is that this will give us the ability to continue the fight for as long as needed to prevail and restore order to the Party.

I thank you for continuing to stand by us while we work through these issues.

In Liberty,
Mike Saliba,
Chair, Libertarian Party of Michigan

[Unsubscribe](#)
PO Box 614
Royal Oak, MI 48068
United States


Shirtless protest, lawsuit mark power feud among Michigan Libertarians



Craig Mauger

The Detroit News

Published 11:00 p.m. ET May 8, 2023

 Hear this story

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Lansing — The Libertarian National Committee has sued some of Michigan's most active Libertarian politicians in federal court, alleging they had "illegitimately claimed" leadership positions within the state party and unlawfully used party trademarks.

The suit filed Friday in Michigan's Eastern District pointed to philosophical divisions within the Libertarian Party, which champions the idea of limited government and whose candidates often win the third most votes in key races behind Democrats and Republicans.

Two party factions with competing visions and websites — one is michiganlp.org and one is michiganlp.net — are contending they control the Libertarian Party of Michigan.

The Libertarian National Committee's filing said a group of Michigan Libertarians, led by Mike Saliba of Clinton Township, had improperly used the trademark "Libertarian Party." The national committee also alleged that Saliba, who some view as the state party's current chairman, joked about burning cease and desist letters, and Brian Ellison, [a former Libertarian U.S. Senate candidate](#), disrupted a recent party meeting by "stripping off" clothing.

EXHIBIT 37

"Defendants and their associates have made it clear that their intent is to disrupt, dilute and defame the trademark and good will of the plaintiff and ignore any demands for cessation," the lawsuit by the Libertarian National Committee said.



Brian Ellison, former candidate for lieutenant governor, took his shirt off in protest of a Libertarian Party of Michigan board meeting in January. The incident was mentioned in a new lawsuit filed by the national Libertarian Party. *Court Records*

The national committee said Andrew Chadderdon of Westland is the current chairman of the Libertarian Party of Michigan. But other Libertarians in the state argue that Chadderdon was removed from the position in 2022 and Saliba is the current chairman.

The national committee has named Saliba, 2022 Libertarian gubernatorial candidate Mary Buzuma and 2022 Libertarian secretary of state candidate Gregory Stempfle as defendants in the new lawsuit.

Ellison of Monroe, who was not named as a defendant but was mentioned in the suit, was the Libertarian Party's nominee for lieutenant governor last year. He and Buzuma got 0.9% of the total statewide vote, about 39,000 votes.

The national committee is using the lawsuit to go after people who helped build the Libertarian Party in Michigan, Ellison said in a Monday interview.

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Delivery: Varies

Your Email

carynannharlos@gmail.com



"The whole thing is a big mess," Ellison said of the conflict.

Ellison confirmed that he removed his shirt during a Libertarian Party board meeting over Zoom in January in protest because he wasn't being allowed to speak during the session. Others on the call were also shirtless, he said.

"I feel like I probably should have worked out a little bit more before I did it," Ellison said with a laugh.

The Libertarian National Committee included a photo of Ellison without his shirt on and his face redacted as an exhibit in its lawsuit.

'Keeping warm'

In a February letter that was filed in court on Friday, Angela McArdle, chairwoman of the Libertarian National Committee, wrote that the Libertarian Party of Michigan's Judicial Committee had overruled a decision to remove Chadderdon as the state party's chairman.

"Absent a decision from the LNC or the national Judicial Committee to the contrary, national Platform Committee appointments and national delegate entitlements, along with ballot access, remain with the party presently chaired by Mr. Chadderdon, and his legitimately elected successors," McArdle's letter said.

On behalf of Chadderdon, lawyer Eric Doster, former counsel for the Michigan Republican Party, sent a message to the other faction of Michigan Libertarians on Feb. 15 demanding that they "cease to engage in any fundraising on behalf" of the Libertarian Party of Michigan, according to court records.

Thirteen days after the Doster letter, Saliba posted a meme on social media of a raging fire with the words "me keeping warm with all these cease and desist letters." The Libertarian National Committee included a photo of the social media post in its court filing.

Asked about the post, Saliba laughed in a Monday phone interview.

He hoped to goad the national committee into filing the first lawsuit, he said.

"I forgot I did that," Saliba added.



Mike Saliba



6m Like Reply



Mike Saliba, viewed by some as the chairman of the Libertarian Party of Michigan, makes a social media post joking about burning cease and desist letters. *Court Records*

In a statement, Chadderdon said a "rogue group" is "falsely claiming to be the party's leadership in violation of our organization's bylaws."

"As chair of the Libertarian Party of Michigan, I will say that these matters have been an unfortunate distraction from the goals of the party," Chadderdon said. "We are working to promote legislation such as Defend the Guard, working to recruit and train candidates to run for local office and building partnerships with other groups that promote liberty in Michigan so that we can amplify the impact of our individual actions."

Marketplace or court decides?

Multiple Michigan Libertarians described the rift as involving some longtime party advocates versus backers of the Libertarian Party Mises Caucus, named after economist Ludwig Heinrich Edler von Mises.

The Mises Caucus has taken over the national party and has been pushing social conservatism to the forefront of the discussion, said Rafael Wolf of Kalamazoo, one of the eight Libertarians named as defendants in the new lawsuit. The nonprofit Southern Poverty Law Center described the Mises Caucus as a "hard-right movement" last year.

The national party should let the "marketplace decide" who controls the state party and its intervention through the federal court system was "anti-Libertarian," Wolf said.

The Mises Caucus has been backing Chadderdon's bid to run the state party, Saliba said. But he said the new lawsuit was "frivolous."

"The national party has no business suing us," Saliba said. "Because we're not pretending to be the national party. We're the Libertarian Party of Michigan."

In Michigan campaign finance records, Chadderdon is listed as the treasurer of the Michigan Mises political action committee, which was formed in August.

Saliba said he was hopeful the litigation and divide within the state party wouldn't hinder the Libertarian Party's campaigns in Michigan in 2024.

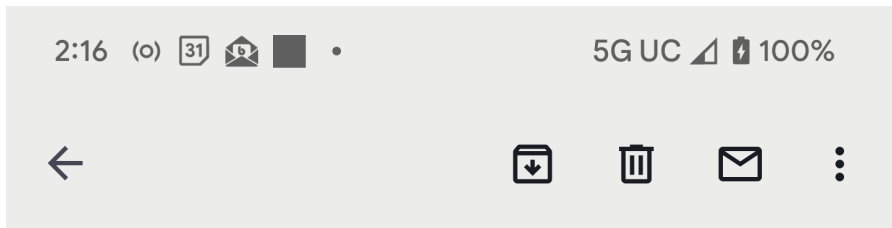
The Libertarian National Committee has asked a federal judge to issue an injunction barring the defendants from using, advertising or publicizing any information featuring the party's trademarks and to require them to pay monetary damages. The trademarks include "Libertarian Party" and the Libertarian Party logo, according to the lawsuit.

The national committee's lawyer is Joseph Zito of Washington, D.C.

cmauger@detroitnews.com

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Jami Van Alstine 2:15 PM
to Membership ^

From Jami Van Alstine • jamiracquel2004@yahoo.com
Reply-to Jami Van Alstine • jamiracquel2004@yahoo.com
To Membership • membership@michiganlp.org
Date May 31, 2023, 2:15 PM
Standard encryption (TLS).
[View security details](#)

Here is first version of proposed membership card redesign. Please provide feedback.

Jami



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

JURY TRIAL DEMANDED

DECLARATION OF ANDREW CHADDERDON

Under 28 U.S.C. §1746, I, Andrew Chadderdon, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.
2. I am the Chair for the Libertarian Party of Michigan and the President of the Libertarian Party of Michigan Executive Committee, Inc.
3. In these roles I have personally witnessed and seen the effects of the actions of the Defendants that will continue and worsen if not enjoined.

Specifically, the Defendants, individually or collectively have:

- a) Through their actions and this resulting controversy have turned away many active members and donors who previously had been engaged for years.
- b) Solicited political and legal defense donations using the Party's name and branding.
- c) Taken our private membership data in violation of signed NDAs for communications causing a lack of trust and an unwillingness for new persons to sign-up for communications and membership.
- d) Impersonated through "email spoofing" our domain and informational email address.
- e) Regularly sent "responses" to our official communications disparaging our legitimacy, instructing members to ignore our communications, and sending out completely contradictory information, all while claiming their communications are the official responses of the Party.
- f) Spread frivolous claims that our actions, rather than their own, are jeopardizing the Party's ballot access and ability to run candidates.
- g) Forced the calling of a special convention that none of the Defendants attended and also attempted to have the venue contract cancelled with claims that the signers were not authorized to do so.
- h) Advertised and held illegitimate meetings claiming they were official meetings of the Party.

- i) Purported to change the Party Bylaws at an illegitimate convention thereby confusing the membership as to the actual rules of the Party and their rights and the validity of their convention in relation to the special convention called by the recognized affiliate on the same date.
- j) Inflicted reputational damage by misleading communications to nationally prominent figures such as Presidential hopeful Jacob Hornberger.
- k) Forced the wasting of Party funds and resources in legal costs and fees and well as filing fees with Michigan in our attempts to correct the corporate records.
- l) Filed false paperwork with Michigan Department of Licensing and Regulatory Affairs, Michigan Bureau of Elections, and the FEC.
- m) Refused to properly turn over the bank account assets leading to the effective freezing of over \$38,000.00 in assets and harassed the bank to the point where it felt compelled to file an interpleader action.
- n) Refused to turn over the Party's passwords and logins to needed resources.
- o) Refused to turn over Party assets including the Post Office Box, phone number, PayPal account, and Amazon services account.
- p) Refused to turn over the Party's EIN which is preventing the Party from opening a new bank account and fundraising.

- q) Defamed various board and Party members with the press including a front page article in the Detroit News and interview on local radio show (Robert Ficano Show) causing both myself and the Party reputational damage and embarrassment.
- r) Filed a false take-down complaint with the Party's domain name provider.
- s) Impersonated the Party on social media.
- t) Instigated the blocking of members from being selected as delegates to the special convention.
- u) Attempted to hijack the digital assets of the Libertarian Party of Wayne County (a Party sub-affiliate) and using a deceptive domain for that sub-affiliate to redirect to their false website.

4. Exhibit 15 attached hereto is a true and accurate copy of an announcement distributed by Plaintiff in an effort to correct the confusion caused by Defendants' misinformation campaign and unauthorized use of Plaintiff's trademarks.

5. Exhibit 16 attached hereto is a true and accurate copy of the March 3, 2023, e-mail Call to Convention from the unrecognized Libertarian Party of Michigan including the email spoofing.

6. Exhibit 20 attached hereto is a true and accurate copy of a collection of social media posts of some of the Defendants along with a photograph of one of

their supporters disrupting a legitimate meeting indicating that they will not comply with the cease and desist letters from Plaintiff.

7. Exhibit 21 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of Genesee County Chaired by Defendant Canny demanding a cease and desist or be disaffiliated from the recognized affiliate.

8. Exhibit 24 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of West Michigan chaired by Defendant Buzuma demanding a rescission of its failure to recognize the legitimate affiliate or be disaffiliated.

9. Exhibit 28 attached hereto is a true and accurate copy of Meeting Minutes Libertarian Party of Michigan Libertarian Executive Committee Meeting by Zoom 25 January 2023, demonstrating that the majority of the Defendants accepted the Chairmanship of Andrew Chadderdon without objection and that Defendant Brundardt agreed to add Mr. Chadderdon as a signatory to the Libertarian Party of Michigan bank account.

10. Exhibit 29 attached hereto is a true and accurate copy of a January 30, 2023, e-mail from Daniel Ziembra, the Secretary of the recognized affiliate, to the Libertarian Party of Michigan local affiliate chairs, announcing a special

convention which was properly called and authorized via a petition of the membership.

11. Exhibit 30 attached hereto is a true and accurate copy of a January 31 e-mail from Defendant Brungardt announcing a call to convention for the illegitimate Libertarian Party of Michigan on the same date as the legitimate special convention with no authority to do so.

12. Exhibit 36 attached hereto is a true and accurate copy of a mass distribution e-mail from Defendant Saliba, representing his group to be the Libertarian Party of Michigan and using the “Libertarian Party” trademark.

13. Exhibit 34 attached hereto are true and accurate copies of some email inquiries received indicating actual confusion on the part of Libertarian Party of Michigan membership.

14. Exhibit 36 is a true and accurate copy of an email sent by Defendant Saliba to the membership of the Libertarian Party of Michigan instructing them to ignore the recognized affiliate and its upcoming convention.

15. Exhibit 38 attached hereto is a true and accurate copy of an email sent by Defendant Van Alstine planning a new membership card which will confuse members into thinking they are members of the legitimate Michigan Libertarian Party affiliate.

Executed on 6/1/23.

A handwritten signature in cursive script, appearing to read "Andrew Chadderton", is written over a horizontal line.

Andrew Chadderton, LPM/LPMEC Chair

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA, et. al.

Defendants

CIVIL ACTION NO.:

23-cv-11074

JURY TRIAL DEMANDED

DECLARATION OF CARYN ANN HARLOS

Under 28 U.S.C. §1746, I, Caryn Ann Harlos, declare as follows, under penalty of perjury:

1. I am over the age of 18, of sound mind, and otherwise competent to provide this declaration under penalty of perjury.

2. I am the National Secretary for the Libertarian National Committee, Inc., a Registered Parliamentarian with the National Association of Parliamentarians, and a Certified Paralegal with the National Association of Legal Assistants.

3. As part of my duties as LNC Secretary, I have to regularly interface with affiliate boards and officers to request information on their conventions,

bylaws, and answer member questions. Additionally, I have to provide accurate information on biennial convention procedures, delegate allocations, and entitlements to committee appointments as well as assist in regional formations.

4. With the upcoming 2024 biennial convention, it is essential that I have clarity on the persons entitled to receive the above information and communicate to me accurate information representing their state affiliates and their memberships.

5. Any confusion on the part of membership or myself as to the proper representatives entitled to hold themselves out as representatives of the official affiliate entitled to claim affiliation by using the LNC's trademarks will make the performance of my fiduciary duties to the LNC at best extraordinarily difficult and more time consuming as a volunteer.

6. I have personally witnessed widespread confusion regarding the identity of the Michigan affiliate caused by the unauthorized use of the LNC's trademarks and the damaging of the LNC's reputation and effectiveness.

7. I have reviewed the Complaint and Motion for Temporary Restraining Order and/or Preliminary Injunction against the Defendants. To the best of my knowledge, the allegations contained therein are true.

8. "Libertarian Party" has become famous and acquired secondary meaning through fact that the Party has ran Presidential candidates for the past fifty

years and actively runs candidates in multiple elections throughout the entire United States and spends significant amounts of resources on national, statewide and local political advertising.

9. Exhibit 1 attached hereto is a true and accurate copy of The Articles of Incorporation and the Bylaws of the Libertarian Party of Michigan as filed with the Michigan Licensing and Regulatory Agency.

10. Exhibit 2 attached hereto is a true and accurate copy of the “Libertarian Party” trademark registration, showing the section 15 incontestability designation.

11. Exhibit 3 attached hereto is a true and accurate copy of the “Libertarian Logo” trademark registration.

12. Exhibit 4 attached hereto is a true and accurate copy of the first page of the Libertarian Party web site.

13. Exhibit 5 attached hereto is a true and accurate copy of the Libertarian National Party Bylaws.

14. Exhibit 6 attached hereto is a true and accurate copy of a cease and desist letter sent to Defendant Brungardt on February 15, 2023.

15. Exhibit 7 attached hereto is a true and accurate copy of a February 15, 2023, e-mail from Scotty Boman, a board member of the illegitimate affiliate, in response to the notice letter of February 15, 2023.

16. Exhibit 8 attached hereto is a true and accurate copy of a February 16, 2023, cease and desist letter from Plaintiff to Defendant Brundgardt.

17. Exhibit 9 attached hereto is a true and accurate copy of Mr. Warzybok's February 17, 2023, response to Plaintiff's February 16, 2023 cease and desist letter.

18. Exhibit 10 attached hereto is a true and accurate copy from the Michigan Department of Elections demonstrating the unauthorized use of Plaintiff's registered trademarks by Defendants.

19. Exhibit 11 attached hereto are a true and accurate copies of Statements of Organization filed by Defendants with the Federal Election Commission demonstrating the unauthorized use of Plaintiff's registered trademarks by Defendant Thornton-Canny.

20. Exhibit 12 attached hereto is a true and accurate copy of a letter from the Federal Election Commission, dated November 17, 2016, recognizing the correct Libertarian Party of Michigan as a state committee of a national party.

21. Exhibit 13 attached hereto is a true and accurate copy of a record obtained from WhoIs.net demonstrating the February 3, 2023, registration of the domain name "michiganlp.net" by Defendants so as to be confusing similar to the registered domain name "michiganlp.org" used by the recognized Michigan State affiliate of Plaintiff.

22. Exhibit 14 attached hereto is a true and accurate copy of a document obtained from the records of the Michigan Licensing and Regulatory Agency demonstrating the illegitimate claim of transfer of chairmanship to Defendants and unauthorized use of the Plaintiff's trademark as a corporate name

23. Exhibit 17 attached hereto is a true and accurate copy of the Twitter account page of the Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan (with an additional website of michlp.org which redirects to the illegitimate website of michiganlp.net) and a true and accurate copy of the Defendants' Facebook page demonstrating Defendants' intentional confusion.

24. Exhibit 18 attached hereto is a true and accurate copy of the front page of michiganlp.net containing the Bylaws of the organization headed by the Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan.

25. Exhibit 19 attached hereto is a true and accurate copy of the membership solicitation page on michiganlp.net.

26. Exhibit 21 attached hereto is a true and accurate copy of an e-mail from the recognized Libertarian Party of Michigan to the Libertarian Party of Genesee County Chaired by Defendant Canny demanding a cease and desist or be disaffiliated from the recognized affiliate.

27. Exhibit 22 attached hereto is a true and accurate copy of the header of the Facebook page of the Libertarian Party of Genesee County.

28. Exhibit 23 attached hereto is a true and accurate copy of a donor solicitation page on michiganlp.net ran through the Libertarian Party of Genesee County

29. Exhibit 25 attached hereto is a true and accurate copy of the front page of the website of the Libertarian Party of West Michigan.

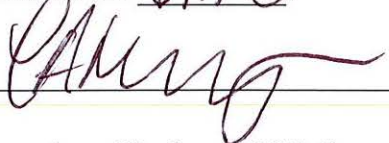
30. Exhibit 26 attached hereto is a true and accurate copy of the Bylaws of the Libertarian Party of Michigan as amended June 26, 2021.

31. Exhibit 27 attached hereto is a true and accurate copy of the decision of the Judicial Committee of the Libertarian Party of Michigan issued December 19, 2022.

32. Exhibit 35 attached hereto is a true and accurate copy of a flier copied by Defendants purporting to be the officers of the illegitimate Libertarian Party of Michigan and altered by substitution of Defendants QR code for the Plaintiff's QR code so as to misdirect voters, members, and donors.

33. Exhibit 37 attached hereto is a true and accurate copy of an article appearing in The Detroit News on May 8, 2023.

Executed on 6/11/23.



Caryn Ann Harlos, LNC Secretary