

**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 REPLY TO DEFENDANTS' RESPONSE TO
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, the Libertarian National Committee, Inc. ("LNC"), respectfully replies to Defendants' Response. Defendants' Response confirms the need for this Court to issue a preliminary injunction before more harm to the Libertarian Party occurs. Throughout their entire Response, Defendants expressly state their active, aggressive intent and concerted efforts to irreparably damage the Libertarian Party brand by posing as the Libertarian Party.

Political Speech - Defendants have a right to express their political opinions about the Libertarian Party or any other party, as pointed out in Defendants' case citations in their brief, but they must properly identify themselves, not deceive the public as to the source of those opinions. Defendants' use of "Libertarian Party" as the **name** of their organization is not the expression of a political opinion and is thus not political speech, it is simply a misdirection as to the origin of

Defendants' political speech.¹ All of the case law relied upon by Defendants makes this distinction, *i.e.*, using a party name to identify the party being critiqued is political free speech, however, identifying as that party by using that party's trademark to self-identify your own group is not free nor political speech, it is trademark infringement.

The Defendants in their case citations are conflating political opinions with political party names. The first is protected by free speech, the second is protected by Trademark. Defendants' reliance upon *Buckley v. Valeo*, 424 U.S. 1 (1976) is misplaced. *Buckley* concerns third parties contributing to and soliciting contributions to political campaigns, not falsely identifying themselves as the campaign organizations themselves. Political parties have the right to "identify the people who constitute the association, and to limit the association to those people only." *Democratic Party of United States v. Wisconsin ex rel. La Follette*, 450 U.S. 107, 122 (1981). *Buckley* at 632 also expressly stated that "The First Amendment

¹Defendants, throughout their response, admit that they are using "Libertarian Party" as a name, not as political speech. (*see* Defendants' Response at PageID.612: ". . . a contractual right to use the name "Libertarian Party". . ." and at PageID613: ". . . Defendants use of the name "libertarian party". . ." and "defendants from using the name "Libertarian Party"..."")

protects political association as well as political expression."

Defendants also improperly conflate "commercial activity" with for profit organizations. No such requirement exists in trademark law, all manner of non-profit, altruistic, philanthropic and political organizations, are entitled to trademark protection. The right to enjoin infringement "is as available to public service organizations as to merchants and manufacturers." *N.A.A.C.P. v. N.A.A.C.P. Legal Defense and Educ. Fund*, 559 F. Supp. 13 37, 1342 (D.D.C. 1983), *rev'd on other grounds*, 753 2.d 131 (D.C. Cir.), *cert. denied* , 472 U.S. 1021 (1985).

The common-sense approach taken in *United We Stand America, Inc. v. United We Stand America New York, Inc.*, 128 F.3d 86 (2d Cir. 1997) (citing to *Tomei v. Finley*, 512 F. Supp. 695, 698 (N.D. Ill. 1981) (PI issued because of strong likelihood of confusion resulting from political party's use of acronym designed to deceive voters into thinking the candidate was of the opposing political party) demonstrates the unreasonableness of Defendants position:

A political organization that adopts a platform and endorses candidates under a trade name performs the valuable service of communicating to voters that it has determined that the election of those candidates would be beneficial to the objectives of the organization.... If different organizations were permitted to employ the same trade name in endorsing candidates, voters would be unable to derive any significance from an endorsement, as they would not know whether the endorsement came from the organization whose objectives they shared or from another organization using the same name. Any group trading in political ideas would be free to distribute publicity statements, endorsements, and position papers in the name of the

"Republican Party," the "Democratic Party," or any other. The resulting confusion would be catastrophic, voters would have no way of understanding the significance of an endorsement or position taken by parties of recognized major names. The suggestion that the performance of such functions is not within the scope of "services in commerce" seems to us to be not only wrong but extraordinarily impractical for the functioning of our political system.

If "political speech" allowed anyone or any group to pose as the Libertarian Party or the Democratic Party or the Grand Old Party, this would eliminate the meaning of political parties. In addition, the Defendants' position on contract rights in their brief is at odds with their stated position on free political speech. If any group can identify as The Libertarian Party, then what "contractual right" could be possessed by Defendants?

Contractual Rights - This case is not about which group is the "rightful" LPM, this argument is raised by Defendants simply to distract from the fact that an unlicensed group is using Plaintiff's trademark. The LNC owns the trademarks, and thus the LNC has the right to decide who is licensed. Defendants admit that they were specifically placed on notice by the LNC on February 16, 2023. (*see* Response Brief PageID.627) Defendants' "disclaimer" (Brief at PageID.630) also makes clear that Defendants knowingly acknowledge that they are proceeding without license recognition from the LNC. The actions of the Defendants in continuing to hold themselves out as the Libertarian Party of Michigan is

infringement for which their excuses e.g. “LPM . . . set up the michiganlp.net website . . . was necessary because [the recognized group controlled] michiganlp.org.” (Brief at PageID.629), are not legal justification. Defendants have every right to "defend the rights of libertarians across the country from national overreach" (Brief at PageID.631) but must do so without using the Libertarian Party trademark to identify their group.

As set forth in detail in the Second Declaration of Caryn Ann Harlos [*see* Exhibit 43], the Defendants' claim that their personal individual membership in the legitimate affiliate entitles them to use the Plaintiff's Trademark is without merit and ignores the established internal rules of the Libertarian Party. The LPM which presently exists under the leadership of Mr. Chadderdon is the same affiliate that has existed continuously since 1972. [*see* Exhibit 42, Declaration of Angela McArdle, and Exhibit 43, Second Declaration of Caryn Ann Harlos]. The alleged internal dispute over the elected leadership of the properly recognized affiliate has no bearing on trademark infringement and is not justification for forming a rogue group and infringing the LNC trademarks to confuse the voting public.

Likelihood of Confusion - Defendants concede confusion by their own description of the education program they have engaged in to combat and simultaneously create confusion. Defendants' own false claim (Brief at

PageID.630) "The Libertarian Party of Michigan is the state-level affiliate of the Libertarian Party" followed by the admission "Notably, the Libertarian National Committee (LNC), which is the governing arm of the Libertarian Party at the national level, has thrown its support behind Mr. Chadderdon," itself causes confusion. Defendants claim that they are, and then admit that they are not, the recognized "Libertarian Party" of Michigan. The attached declarations of Chadderdon and Harlos [Exhibits 41 and 43] detail additional instances of actual confusion.

Equities / public interest - Defendants' first equities assertion improperly narrows the relevant public to "donors." The relevant public is voters, Libertarian, undecided, Democratic and Republican. All of these voters will be misled as to the positions and platform of the true "Libertarian Party" if Defendants are allowed to continue to confuse the public. The Libertarian party, as set forth in the moving papers has a National recognition and the vast majority of the relevant public is likely to be confused by Defendants infringing use of the name.

Defendants' second argument is an appeal to the court to allow the Defendants to continue to profit from their improper use of Plaintiff's name. If Defendants had a legitimate argument in the "governance dispute" a PI would have no negative effect. Defendants have already informed their members that the

National Party does not recognize them. A PI would simply confirm this statement. Defendants already recognize that claiming a right to use the National party mark is a false claim. There is no equity in allowing Defendants to continue to infringe.

Defendants have the public interest backwards. The public is served by accuracy in naming the source of public speech, especially political speech. The public is harmed by confusion, *i.e.*, when two separate entities claim to be speaking for the “Libertarian Party” especially when both acknowledge that only one of those groups is actually officially recognized by the National Libertarian Party.

CONCLUSION

Defendants’ admitted intent to continue to improperly hold themselves out and publish their own political views as the official political views of the Libertarian Party, especially at the beginning of a national election cycle, must be enjoined to prevent irreparable harm.

Respectfully Submitted,

July 22, 2023

/s/ Joseph J. Zito

Joseph J. Zito, FRESH IP PLC

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Washington, DC 20036

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ATTORNEYS FOR PLAINTIFF Libertarian National Committee, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the forgoing Reply to Response To Motion for Preliminary Injunction and accompanying Declarations, and Exhibits was filed on July 22, 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.

Respectfully Submitted:

/s/ Joseph J. Zito
Joseph J. Zito

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

**INDEX OF EXHIBITS TO REPLY OF PLAINTIFF TO
DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

<u>Exhibit</u>	<u>Description</u>
41	Second Declaration of Andrew Chadderdon
42	Declaration of Angela McArdle
43	Second Declaration of Caryn Ann Harlos
44	Decision of the Judicial Committee of the National Libertarian Party in the case of McVay v. LNC and Hinds v. LNC dated February 13, 2022
45	Answer and Affirmative Defenses of Andrew Chadderdon in Case No. 23-557-CB Washtenaw County Circuit Court, State of Michigan
46	Initial Disclosures of Andrew Chadderdon in Case No. 23-557-CB Washtenaw County Circuit Court, State of Michigan
47	Parliamentary opinion of Jonathan M. Jacobs dated November 29, 2022, with supplement dated December 23, 2022
48	LARA print-out from April 28, 2023
49	LARA print-out from June 22, 2023

<u>Exhibit</u>	<u>Description</u>
50	Parliamentary opinion of Jonathan M. Jacobs dated July 17, 2023, with attached referenced articles from the <i>National Parliamentarian</i>
51	Meeting minutes of the LPMEC meeting via Zoom January 6, 2023
52	Emails regarding petition for special convention dated January 3-4, 2023
53	Email from Josh Martin dated December 21, 2022
54	LPM Communications Policy
55	Email from the illegitimate board dated June 7, 2023
56	Email from Defendant Saliba dated June 15, 2023
57	Facebook post evidencing member confusion
58	Email from Defendant Saliba dated June 16, 2023
59	Bylaws of illegitimate group amended April 1, 2023
60	LNC Email Ballot 20230601-02
61	Minutes of the LNC Executive Committee dated February 5, 2023
62	Emails between LNC Secretary Harlos and Defendant Saliba dated March 6, 2023
63	Exhibit 63, Email from national Judicial Committee Chair confirming no appeals received for state-level affiliate

<u>Exhibit</u>	<u>Description</u>
64	Page from LNC Policy Manual on acceptable use of trademarks
65	Selection from NLP Membership Report dated February 2023
66	Screenshot of Google search results for "Libertarian Party of Michigan"
67	Submission of Andrew Chadderdon to the Michigan Judicial Committee
68	Draft meeting minutes of the LPMEC meeting via Zoom February 26, 2023

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23-cv-11074

JURY TRIAL DEMANDED

SECOND 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 (LPM) which is the recognized state-level affiliate in Michigan by the Libertarian National Committee (LNC) on behalf of the national Libertarian Party (NLP) and the President of the Libertarian Party of Michigan Executive Committee, Inc. (LPMEC). I was re-elected to these positions at the LPM's annual convention on July 15, 2023.

3. The following exhibits are true and accurate copies of the purported documents:

- Exhibit 45, Answer and Affirmative Defenses of Andrew Chadderdon in Case No. 23-557-CB Washtenaw County Circuit Court, State of Michigan
- Exhibit 46, Initial Disclosures of Andrew Chadderdon in Case No. 23-557-CB Washtenaw County Circuit Court, State of Michigan
- Exhibit 47, Parliamentary opinion of Jonathan M. Jacobs dated November 29, 2022, with supplement dated December 23, 2022
- Exhibit 48, LARA print-out from April 28, 2023
- Exhibit 49, LARA print-out from June 22, 2023
- Exhibit 50, Parliamentary opinion of Jonathan M. Jacobs dated July 17, 2023, with attached referenced articles from the *National Parliamentarian*
- Exhibit 51, Meeting minutes of the LPMEC meeting via Zoom January 6, 2023
- Exhibit 52, Emails regarding petition for special convention dated January 3-4, 2023
- Exhibit 53, Email from Josh Martin dated December 21, 2022
- Exhibit 54, LPM Communications Policy

- Exhibit 55, Email from the illegitimate LEC dated June 7, 2023
- Exhibit 56, mail from Defendant Saliba dated June 15, 2023
- Exhibit 57, Facebook post evidencing member confusion
- Exhibit 58, Email from Defendant Saliba dated June 16, 2023
- Exhibit 66, Screenshot of Google search results for "Libertarian Party of Michigan"
- Exhibit 67, Submission of Andrew Chadderdon to the Michigan Judicial Committee

4. There were multiple mis-statements and substantive omissions of fact in Defendants' Brief in Support of their Response to Motion for Preliminary Injunction including the following:

a) Defendants assert that I made no objections to the motion of no confidence and the actions of filling vacant positions at the July 2022 nominating convention. [PageID.623, 625] Repeated objections to violations of the bylaws which create a breach of a continuing nature are not necessary. In fact, since actions taken in violation of the bylaws or in violation of absentee rights are void *ab initio*, it is not necessary to raise an objection at all, although I did (RONR 12th ed. 23:5-6, 23:9). [*see* Exhibit 27, PageID.527-539 and Exhibit 47, Opinion of Jonathan M. Jacobs dated November 29, 2022, with supplement dated December 23, 2022] However,

as conceded by Defendants, I did in fact rule such actions out of order at the time they were attempted to be added to the agenda at the nominating convention. [PageID.622-623]

b) Defendants assert that I “refused” to send out a notice for a vote of no confidence against me and the filling of vacancies to be heard at the July 2022 nominating convention. [PageID.622-622] That is misleading in multiple ways. The LPM Bylaws Article VI.4(2) and Article VI.4(4) require 30 days’ notice to membership and 60 days’ notice to the local affiliates respectively for items to be added to the agenda of a non-regular convention, and these items were requested past that deadline, so sending out notice would have been in vain and deceptive. [*see* Exhibit 26 at PageID.526 and Exhibit 47, Parliamentary opinion of Jonathan M. Jacobs dated November 29, 2022, with supplement dated December 23, 2022]. Further, the LPM Communications Policy makes it clear that the Communications Director can be directed to send out communications to the party membership, not just by the Chair, but by the entire LEC (*i.e.*, executive committee) upon motion. [*see* Exhibit 54, LPM Communications Policy, Section A] The Defendants never made such a motion. Further, Defendant Canny ultimately sent out the notice on his own and with different motion language than what

was ultimately moved and voided. [*see* Exhibit 67, Submission of Andrew Chadderdon to the Michigan Judicial Committee]

c) Defendants manufacture controversy out of the inevitable reality of factions within political parties, particularly in an attempt to cast aspersions on the members of the LPM Judicial Committee. [*see* Defendants' Exhibit 5, PageID.675 ¶21] However, Defendants fail to mention that the Judicial Committee was elected by the same convention delegates that elected the prior Chair and First Vice-Chair whose rash resignations started this chain of events, and thus were the choice of the delegates that they claim to honor when expedient. Further, as admitted by the Defendants, the deletion of a particular platform statement on bigotry at the 2023 National Libertarian Convention motivated these resignations, but at the illegitimate convention called by the Defendants, that very same language failed [*see* Defendant's Exhibit 8, PageID.711], without even passing the stronger anti-bigotry language passed at the 2023 National Libertarian Convention calling for the defense of the rights of all people, regardless of their race, ethnicity, or any other aspect of their identity. In fact, members at that convention defended the deletion of the same language deleted at national calling into question the entire character assassination that appears to be part of the defense.

d) Defendants state that “[S]ometime in early 2023, he [Andrew Chadderdon] began conducting so-called “executive committee” meetings of his own with a committee consisting of his political allies.” [PageID.626] However, the vagueness of this statement is misleading as it implies that the Defendants were ignorant of the dates of such meetings and is an outright misrepresentation that it solely consisted of my political allies. Defendants Brungardt, Canny, and Saliba were all present at these meetings as members of this executive committee on January 6, 2023, and January 25, 2023. [*see* Exhibit 51, Meeting minutes of the LPMEC meeting via Zoom January 6, 2023, and Exhibit 28, PageID.540-553] In fact, all of the above Defendants participated on this executive committee for about 90 days prior to unilaterally deciding that the LPM Judicial Committee decision was not binding upon them.

e) Defendants completely omit the fact that after the LPM Judicial Committee decision was issued, they petitioned the executive committee for a Special Convention to be called to properly consider the overturned items which is the proper course of action under the LPM Bylaws. [*see* Exhibit 52, Emails regarding petition for special convention dated January 3-4, 2023] In fact, Defendants Brungardt, Canny, and Saliba all participated in the meetings at which this petition for a special convention was considered and

the requested special convention set for April 1, 2023, in Wixom, Michigan. [see Exhibit 51, Meeting minutes of the LPMEC meeting via Zoom January 6, 2023, and Exhibit 28, PageID.540-553] Instead of attending the convention which they had requested which would have resolved this issue, the Defendants instead decided to disregard the LPM Judicial Committee decision, form a rogue executive committee, and call a competing convention for the exact same date of April 1, 2023, but with a location of Lansing, Michigan. [see Exhibit 30, PageID.556-557]

f) Defendants routinely mention numbers or support of members. [PageID.623, 628, 643, 674] First, organizational bylaws cannot be suspended “no matter how large the vote in favor of doing so or how inconvenient the rule in question may be” (RONR 12th ed. 25:7), However, considering the constant misdirection and misinformation spread by the Defendants and the evidence of confusion at their alleged convention [see Exhibit 39, PageID.593, 597 at ¶3(i) and 14 referencing transcript of Convention video YouTube video at <https://youtu.be/p1TkFtLwyNg> beginning at timestamp 1:21:20], there is no objective determination of support numbers or how many people have simply stayed home or away from the Party out of disgust for this situation. The Defendants attempt to downplay the confusion of the member speaking in the video by claiming

that Defendant Saliba immediately corrected that member. However, a review of the video shows the opposite, and in fact, shows that Defendant Saliba was confused as to the correct answer to the member's questions about whether or not she was a member of the Michigan affiliate or not in the eyes of the NLP and stutters as he says, "it's... it's.... complicated" and her questions were cut off by another member moving to end debate.

However, even if his assertion was correct, that does not dispel the fact that their actions have in fact caused confusion, and allegedly curing it with one member, does not cure it with any number of others. Further, his "cure" only creates more confusion since he acknowledged that the LNC does not recognize his board, and thus, he cannot claim to be the President of the LPMEC as its governing documents identify the entity as the one recognized by the NLP. [see Exhibit 1, PageID. 433, 440] The LPM and LPMEC are organizations operating under bylaws and rules, a fact they acknowledge when it comes to the NLP, even describing organizational bylaws as a "contractual agreement between the organization and its members."

[PageID.636]

g) Defendant Saliba claims that the LPM had never claimed any authority in the past to overrule decisions made by convention delegates without providing any evidence that such a question had ever been presented

and refused. [see Defendants' Exhibit 5, PageID.675-676 ¶22] Further, the converse is true. There is no evidence that any past LPMEC has ever claimed that the Judicial Committee was merely advisory—which would of course render their role illusory since in most cases it is the LPMEC itself who would be the subject of an appeal alleging a violation of the Bylaws. In any event, even if such evidence existed, past violative actions are not binding precedent, only the Bylaws control, and the Bylaws explicitly vest this **decision** in the Judicial Committee (emphasis added): “The Judicial Committee **shall decide** cases involving alleged violations of these bylaws or resolutions.” [see Exhibit 26, PageID.520-521 and Exhibit 50, Parliamentary opinion of Jonathan M. Jacobs dated July 17, 2023, with attached referenced articles from the *National Parliamentarian*]

h) Defendant Saliba asserts that my appeal was sheerly on procedural matters and that these arguments had not been previously mentioned. [see Defendants' Exhibit 5, PageID.674-675 ¶20] Both of these statements are incorrect. Notice requirements are critical protections of absentee rights (RONR 12th ed. 2:13, 23:6(e), 25:7, 25:10-11 56:20). [see also Convention YouTube video at <https://youtu.be/0Z-VtaWAcHA> beginning about timestamp 19:30 through 26:35]

i) Defendant Saliba omits the fact that I explicitly gave a reason for my delay to appeal the events of the July 2022 to the LPM Judicial Committee, that being that I did not wish to distract from the campaigns of the candidates for public office nominated at that convention, a fact of which I also personally informed him of at that convention. [*see* Defendants' Exhibit 5, PageID.674 ¶18] I further was in consultation with a parliamentarian during that time to prepare my appeal and understand my rights. On the contrary, Defendants complied with decision of the LPM Judicial Committee nearly up to the day before unilaterally deciding that they could wantonly disregard that decision which was against the advice of their own retained parliamentarian Josh Martin, the LPM Bylaws, the LPMEC Bylaws, and in contradiction to the Defendants' implication that my goal was to split the Party [PageID.624-626], to wit (highlighting added):

Statement from me to Mr. Martin: *My goal is to pursue the question beyond the [Judicial Committee] decision was incorrect and my concern is for a potential fracture of the organization that I hope to avoid.*

Response from Mr. Martin to me: *I think there is no doubt, given the extensive discussion on this topic, that the rules in question are ambiguous and therefore subject to interpretation. As a parliamentarian, my role is*

simply to provide advice. The organization is the ultimate judge on these matters, and the organization's interpretation on this matter is the last word and is "correct" as a parliamentary matter, even although that decision may not agree with my advice. If I were the parliamentarian for this organization (or a member), I would respectfully submit to the organization's interpretation (even if I may disagree with it) and view it as a more fruitful use of my time to suggest amendments to clarify the meaning of the bylaws, rather than continuing to argue over the meaning of ambiguous rules. You are free to pass this advice along, to the extent you think it will be of assistance.

[see Exhibit 53, Email from Josh Martin dated December 21, 2022]

5. Defendants claim that a disclaimer on their donation page vitiates any potential confusion. [PageID.630] This is both untrue and misleading as donations were not the only way in which Defendants caused and are still causing public confusion. [see Exhibit 39, PageID.592-595 ¶3 with subparts] Further, cash and mail donations are permitted, and there has been no evidence submitted that such future donors would be aware of any such disclaimer (which does not disclose they are not the official recognized Michigan affiliate). Additionally, since that time, the following additional actions by the Defendants causing chaos and confusion have taken place:

a) The Defendants filed changes removing the legitimate LPMEC and listing themselves as the directors of the corporation with the Michigan Licensing and Regulatory Agency (LARA) **after** the filing of the Plaintiff's Motion for Preliminary Injunction despite the fact that the LPMEC Bylaws and Articles of Incorporation require that the corporation be the recognized affiliate of the NLP (which recognition the Defendants do not enjoy).¹ [*see* Exhibit 1, PageID.433, 440, Exhibit 48, LARA print-out from April 28, 2023, and Exhibit 49, LARA print-out from June 22, 2023]

b) The illegitimate board sent an email on June 7, 2023, to the Party membership entitled "Official communication from the Libertarian Party of Michigan" advertising an event for a legitimate local affiliate "Huron-Raisin Libertarian Party²," claiming said entity as *their* affiliated organization in a complete blurring of any line between the recognized NLP Michigan affiliate and their organization since only the recognized NLP Michigan affiliate is authorized to charter sub-affiliates entitled to use the NLP's Trademark of "Libertarian Party" and thus implying an affiliation and

¹ It is further noted that Defendants Saliba, Brungardt, and Canny participated in the meeting on January 25, 2023, that authorized the update of LARA with me listed as chair in the first place. [*see* Exhibit 28, PageID.552-553]

² The Huron-Raisin Libertarian Party is a recognized sub-affiliate of the NLP-recognized Michigan affiliate.

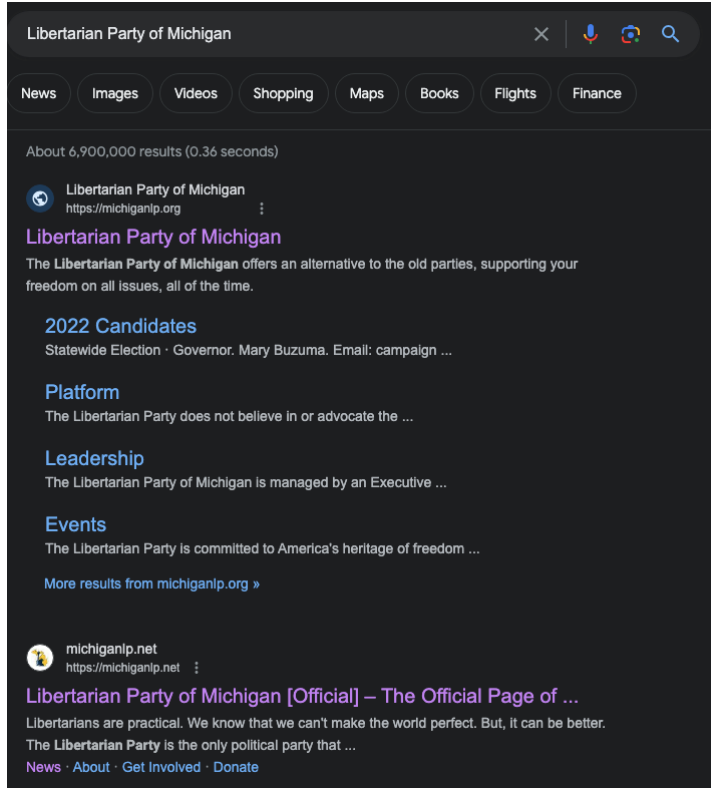
relationship that does not exist. [see Exhibit 55, Email from the illegitimate board dated June 7, 2023]

c) Defendant Saliba sent two identical emails on June 15, 2023, to the Party membership in an attempt to dissuade persons from attending the recognized affiliate's annual convention on July 15, 2023, by claiming his organization was the legitimate Libertarian Party organization and once again entitling said email "Official communication from the Libertarian Party of Michigan. [see Exhibit 56, Email from Defendant Saliba dated June 15, 2023] These emails had their intended and inevitable result of confusion as demonstrated by a Facebook post from an LPM member. [see Exhibit 57, Facebook post evidencing member confusion]

d) Defendant Saliba sent an email on June 16, 2023, to the Party membership in an attempt to dissuade persons from donating to the LPM recognized affiliate by claiming they were the legitimate Libertarian Party organization and once again entitling said email "Official communication from the Libertarian Party of Michigan." This email took place **after** the filing of the Plaintiff's Motion for Preliminary Injunction. [see Exhibit 58, Email from Defendant Saliba dated June 16, 2023]

e) A Google search shows that while the recognized affiliate comes up first (michiganlp.org), the second result is the illegitimate group

(michiganlp.net) with the word "Official" appended to it which would deceive persons into believing this was the recognized affiliate as follows:



[see Exhibit 66, Screenshot of Google search results for "Libertarian Party of Michigan"]

6. I would also note that the Defendants concede that if they and their supporters had attended the legitimate convention on April 1, 2023, in Wixom, they would not have had the votes to remove me. [see Defendants' Exhibit 14, PageID.751 "Straw No Confidence Vote"]

Jul 21, 2023

Executed on _____.



Andrew Chadderdon (Jul 21, 2023 15:20 EDT)

Andrew Chadderdon, LPM/LPMEC Chair






SECOND DECLARATION OF ANDREW CHADDERDON- V4

Final Audit Report

2023-07-21

Created:	2023-07-21
By:	Caryn Dossantos (idrankthekoolaid@mac.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA1fwrisOIDXOqVTerRq1CosvteW3rU6YD

"SECOND DECLARATION OF ANDREW CHADDERDON- V4" History

-  Document created by Caryn Dossantos (idrankthekoolaid@mac.com)
2023-07-21 - 7:13:00 PM GMT- IP address: 73.14.251.148
-  Document emailed to Andrew Chadderdon (andrew.chadderdon@gmail.com) for signature
2023-07-21 - 7:13:29 PM GMT
-  Email viewed by Andrew Chadderdon (andrew.chadderdon@gmail.com)
2023-07-21 - 7:13:49 PM GMT- IP address: 66.102.6.42
-  Document e-signed by Andrew Chadderdon (andrew.chadderdon@gmail.com)
Signature Date: 2023-07-21 - 7:20:03 PM GMT - Time Source: server- IP address: 67.149.83.208
-  Agreement completed.
2023-07-21 - 7:20:03 PM GMT

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23-cv-11074

JURY TRIAL DEMANDED

DECLARATION OF ANGELA MCARDLE


Under 28 U.S.C. §1746, I, Angela McArdle, 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 Chair for the Libertarian National Committee (LNC) and the national Libertarian Party (NLP).
3. On February 16, 2023, at the direction of the LNC via email ballot 20230206-02 [*see* Exhibit 60, LNC email ballot 202306901-02], I sent a cease and desist to Defendant Brungardt who was then claiming to be chair of our Michigan affiliate. [*see* Exhibit 8, PageID.474-476]

4. In this letter, I never mentioned disaffiliation, certainly not constructive disaffiliation, as the Michigan affiliate was in good standing as it has been since it was formed in 1972. I simply informed Defendant Brungardt of the LNC's recognition of Andrew Chadderon as the legitimate chair of our sole recognized Michigan affiliate and demanded that he cease and desist all use of the Party's Trademarks. [Id.]

5. The email from Joseph Zito, Esq. referred to by Defendants was sent with my permission and also does not claim that we disaffiliated the Defendants or their group, but rather strongly asserted our constant position that they do not legitimately represent our recognized affiliate. [PageID.628 and Defendants' Exhibit 10, PageID.725-726] The only mention of "constructive disaffiliation" was in the context of what any speculative future recognition of their legitimacy would amount to with regard to the Chadderon-led affiliate since we have previously determined that their claims are without merit. It was a procedural question about an imaginary future, not a statement on anything that has happened as is obvious in context of Mr. Zito's email, my letter to Defendant Brungardt, and Secretary Harlos' communications with Defendant Saliba. [*see* Exhibit 62, Emails between LNC Secretary Harlos and Defendant Saliba dated March 6, 2023]

Executed on Jul 21, 2023.


Angela McArdle (Jul 21, 2023 12:15 CDT)

Angela McArdle, LNC and NLP Chair


DECLARATION OF ANGELA MCARDLE- V2

Final Audit Report


2023-07-21

Created:	2023-07-21
By:	Caryn Dossantos (idrankthekoolaid@mac.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAn4QLHiRi5XKgtg6nsWVnjc6lu4s8Z-bh


"DECLARATION OF ANGELA MCARDLE- V2" History

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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

SECOND 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 and the Libertarian Party, having served in that position since 2018, as well as a Registered Parliamentarian with the National Association of Parliamentarians and a member of the American Institute of Parliamentarians.

3. The following exhibits are true and accurate copies of the purported documents:

- Exhibit 27, Decision of the Judicial Committee of the Libertarian Party of Michigan dated December 19, 2022
- Exhibit 44, Majority Decision of the Judicial Committee of the National Libertarian Party in the case of McVay v. LNC and Hinds v. LNC dated February 13, 2022
- Exhibit 59, Bylaws of illegitimate group amended April 1, 2023
- Exhibit 60, LNC email ballot 202306901-02
- Exhibit 61, Minutes of the LNC Executive Committee dated February 5, 2023
- Exhibit 62, Emails between LNC Secretary Harlos and Defendant Saliba dated March 6, 2023
- Exhibit 63, Email from national Judicial Committee Chair confirming no appeals received for state-level affiliate
- Exhibit 64, Page from LNC Policy Manual on acceptable use of trademarks
- Exhibit 65, Selection from NLP Membership Report dated February 2023
- Exhibit 68, Draft meeting minutes of the LPMEC meeting via Zoom February 26, 2023

AFFILIATION AND DISAFFILIATION

5. In order to carry on the work of the Party, such as providing registrant data and listing affiliate contacts, the national Libertarian Party (NLP) routinely makes determinations about the legitimacy of state-level affiliate boards. This typically happens automatically and without controversy for most affiliates once a year when each state has its convention and notifies the NLP of any changes in leadership. Less often it happens when the NLP is notified of resignations, filling of vacancies, disciplinary actions, and affiliate judicial committee decisions. No one ever claims that all these regular recognitions are an inappropriate role for the NLP or that it is interfering with the autonomy of an affiliate. In fact, it is obvious that the NLP should treat the leadership that was determined under the governing documents of a state-level affiliate as the presumptive leadership until it is proven that they are not, and such proof must be examined under the state affiliate's own governing policies and the Bylaws of the NLP. A mere claim does not give any rival claimant automatic equal legitimacy.

6. The LNC and staff process notifications of such changes as a routine matter of course, changing our website and access to data and other proprietary resources accordingly.

7. Our Bylaws, in at least 15 places, require us to interface with the affiliate party through its leadership and thus require us to know the identity of its key leadership, particularly its Chair. [*see* Exhibit 44, Majority Decision of the

Judicial Committee of the National Libertarian Party in the case of *McVay v. LNC* and *Hinds v. LNC* dated February 13, 2022, Appendix A]

8. Due to these requirements, in the event of any internal dispute, the only way the LNC can fulfil its duties to its affiliate under the bylaws is to examine and apply the affiliate's own bylaws in order to determine the identity of the correct affiliate chair as far as that is possible. This is in fact a duty, since otherwise, the NLP could be providing personal information and data of NLP members and inquiries to people who are not entitled to this information which would be a serious breach of privacy, fiduciary duty, and responsibility to its national members and good faith inquirers. It further would make the NLP a co-conspirator to effect fraud upon the public if it knew that at least one set of imposters was claiming to be the Party, and it remained passive when this situation could be repudiated.

9. The recognition of a legitimate chair in accordance with the affiliate's own governing policies is not disaffiliation of any other claimants as affiliation requires a legitimate claim: it is recognizing of the one and only state-level affiliate in that state which is required under the NLP Bylaws. [*see* Exhibit 44, Majority Decision of the Judicial Committee of the National Libertarian Party in the case of *McVay v. LNC* and *Hinds v. LNC* dated February 13, 2022]

10. In the event that the LNC gets such a decision wrong, the national Judicial Committee has recognized a cause of action before them for “constructive disaffiliation” since at least 2011, with the most recent cases being decided in 2022. [Id.]

11. The nature of “constructive disaffiliation” is that it is not something that the LNC consciously and explicitly does, it is a label for an action of the LNC that, in retrospect, had that effect. It can only be known *in hindsight* after a ruling of the national Judicial Committee that such has occurred.

12. In mid-December 2022, the NLP was notified that the Libertarian Party of Michigan Judicial Committee (LPMJC) had granted an appeal of Andrew Chadderdon and the resulting change restoring him to the chairmanship along with several other leadership changes.

13. At some point following that notification through the beginning of 2023, I was notified that there was a petition for a special member convention to potentially reverse the effects of the LPMJC decision. I was kept apprised of the date and location, which was decided to be April 1, 2023, in Wixom, Michigan.

14. At the beginning of February 2023, I was notified that some members who did not agree with the Judicial Committee decision had unilaterally decided it was not in force and that rival claimants claimed to be the legitimate leadership.

15. On February 5, 2023, the LNC Executive Committee held a meeting in executive session during which the situation in Michigan was discussed. [*see* Exhibit 61, Minutes of the LNC Executive Committee dated February 5, 2023]

16. On February 6, 2023, an LNC email ballot was started to formally authorize the transmittal of a cease and desist letter to the rival claimant chair, Defendant Brungardt, as the LNC was honoring the LPM's internal dispute resolution process through the LPMJC. This ballot was passed with a vote of 12-3 with 2 abstentions. [*see* Exhibit 60, LNC email ballot 202306901-02]

17. On or about March 6, 2023, Defendant Saliba wrote the LNC indicating that certain actions of the LNC would be the basis of an appeal to the national Judicial Committee. As it appeared that Defendant Saliba might not understand how the appeal process worked, and under which jurisdictional grounds he could appeal with potential upcoming deadlines, I sent him a series of emails informing him of his rights and the various jurisdictional grounds including (emphasis added) "**alleged** constructive disaffiliation" under which he could appeal with references to the NLP Bylaws and providing the email address to which an appeal petition would need to be sent. I further cautioned him that certain time frames likely applied and that those time frames were close to expiring. [*see* Exhibit 62, Emails between LNC Secretary Harlos and Defendant Saliba dated March 6, 2023]

18. According to the national Judicial Committee, they never received any appeal from Defendant Saliba, nor any other person, alleging “constructive disaffiliation” of the Michigan affiliate or regarding any other decision of the LNC regarding the state-level Michigan affiliate. [see Exhibit 63, Email from national Judicial Committee Chair confirming no appeals received for state-level affiliate]

19. Due to the above facts, it is incoherent to claim that the LNC purposefully and explicitly “constructively disaffiliated” the Defendants as that is not an action that can be known or done in advance, and the Defendants never attempted to appeal any decision of the LNC to the national Judicial Committee for alleged “constructive disaffiliation” of the state level affiliate.

20. As shown by the above facts, the Defendants have not exhausted their internal appeal rights, and have in fact, let their automatic appeal rights expire, despite claiming in the Reply that the LNC violated numerous of its own Bylaws. The first route the Defendants should have taken are the ones specified by the document they acknowledge is the "contract" between an organization and its members. [PageID.636 and Exhibit 5, PageID,456-457, Articles 7.12 and 8.2(d)]

20. The LNC simply recognized what it judged to be the legitimate chair of its **one and only** Michigan affiliate which has continuously existed since 1972. At no time, was there any decision to disaffiliate the Michigan affiliate which remains fully affiliated, chaired by Andrew Chadderdon, and entitled to use the Party

Trademarks in identifying itself, engaging in fundraising activities, and running candidates for public office among other party activities.

21. The Defendants claim that their state Party membership entitles them to use the trademarks of the Party to identify themselves as the state-level affiliate. [PageID.612] That statement leads to an absolute absurdity of hundreds of thousands of national and state party members over decades in theory being able to all claim they are the affiliate party in their respective states. Being a member of the national or state party and being able to say you *are a member of* the national or a state party is not the same as being able to say *you are the Party* in any form. [see Exhibit 64, Page from LNC Policy Manual on acceptable use of trademarks, and PageID.636 and Exhibit 5, PageID.453, Article 4.1]

CONTINUED INEVITABLE CONFUSION

22. Defendants claim that various articles on their website cure any possible confusion. [PageID.642-643] Rather, a review of the articles listed on being on the Defendants' website confirms it merely adds to the confusion. These articles do not clearly and consistently state that the Defendants' organization is not the recognized affiliate, but merely that the LNC supports a particular chair and at times, his board. Rather than outright acknowledging that the dispute is over the identity of the affiliate and whether or not membership in Defendants' group would confer membership in the affiliate, it is not addressed at all. Average voters and

even average members are not sophisticated in these very nuanced arguments. For example, these attempted cures inevitably only cause greater confusion as follows:

a) The "disclaimer" highlighted by Defendants is inherently confusing in its statement that "The Libertarian Party of Michigan (LPM) is the state-level affiliate of the Libertarian Party." They claim to be the Libertarian Party of Michigan and just reference a "leadership dispute." However, an affiliate is a non-human entity, the affiliate is manifested through its human leaders and representatives, and those are the ones recognized by the LNC. [PageID.630]

b) The items put forward by Defendant as "cures" published on their website contain claims of being the "state affiliate of the Libertarian Party in Michigan" [PageID. 754] and they further admit that these events "lends itself to confusion" in their own words. [PageID. 753] Nothing in Defendants' exhibits clearly state that their organization is not recognized as an affiliate by the NLP.

c) The Defendants consistently and publicly refer to themselves as the "elected leadership" (as they also do throughout their response); however, none of them serve in any elected roles that they claim due to the decision of the LPMJC and the filling of subsequent vacancies by the Chadderdon board after they vacated any remaining seats. [see Exhibit 27, PageID.527-539,

and Exhibit 68, Draft meeting minutes of the LPMEC meeting via Zoom February 26, 2023]

d) Additionally, the Defendants have continued to send emails labeled as "Official Communications from the Libertarian Party of Michigan" further adding to the confusion. [see Exhibit 55, Email from the illegitimate board dated June 7, 2023, Exhibit 56, Email from Defendant Saliba dated June 15, 2023, and Exhibit 58, Email from Defendant Saliba dated June 16, 2023] These emails were all sent **after** the Complaint was filed in this matter.

23. The Defendants further point to social media posts on relatively small accounts as proof of curing confusion [PageID. 630, 652, 656-657, 660-661, 667-668]; however, these are not the sorts of items that are seen by every member nor the general voting public in any great number. Notably, some of the social media posts claim to be from the "Official LPM." [PageID.667-668] Further, no claim was made that *everyone* was confused, but that there was inevitable confusion *in general*.

24. Even after the Defendants had an opportunity to amend their Bylaws to remove any confusion, they did not [see Defendants' Exhibit 8, PageID.696-712], and their Bylaws still state their purpose is to affiliate with the NLP. [see Exhibit 59, Bylaws of illegitimate group amended April 1, 2023, Article II] The

NLP has outright disclaimed the Defendants' organization, and thus the Defendants are acting in contravention of their own Bylaws, particularly by never even appealing to the national Judicial Committee on these issues despite Defendant Saliba seeming to acknowledge the need for this in his email to the LNC and subsequent email exchange with me. [*see* Exhibit 62, Emails between LNC Secretary Harlos and Defendant Saliba dated March 6, 2023]

25. Further confusion will now exist regarding the issue of member rights. Both the legitimate affiliate and the Defendants have amended their bylaws. Which bylaws can members count on to know the content of the "contract" that exists between them and the organization, and that the NLP will uphold? It is the set passed by the recognized affiliate, but nowhere do the Defendants make this clear, needlessly confusing members as to their rights and responsibilities.

[PageID.636]

ARGUMENT ON EQUITIES

26. Defendants claim that foreclosing through injunction their right to use our Trademarks will hamper their fundraising efforts, [PageID.644] but in so doing tacitly admit that they must use our Trademarked name that they have been denied in order to raise money, cashing in on the value and reputation of that name. If their assertions are correct that everyone who supports them are supporting them in their fight to be recognized being fully aware of this dispute, they can continue to

do so under a different name which should have no effect on support--according to their own arguments. Contrary to their assertion that an injunction would preclude them from even "referring to the name of the party" [PageID.644], nothing in the Complaint or Motion for Preliminary Injunction precludes them from merely referring to the name of the party. They can continue to fundraise under "LNCfight" or under a political action committee using a name that describes the nature of their "fight." Nothing would foreclose them from stating that they are fighting to be the recognized Libertarian Party of Michigan, though they are not currently recognized as such. Further stating that a loss in this injunction would harm them in a state court case is begging the question. If they should be enjoined, they should be enjoined. They have no right to have an advantage in another case. The LNC could claim the converse. Neither should be persuasive.

27. Defendants further are using the Trademarked name in order to stop or attempt to stop the recognized affiliate from obtaining an EIN, open a bank account, file campaign finance reports, transfer and use their domain unhindered, and fundraise effectively, which is in fact crippling the entity entitled to use the LNC's trademarks.

Jul 21, 2023
Executed on _____.

Caryn Ann Harlos
Caryn Ann Harlos (Jul 21, 2023 11:08 MDT)

Caryn Ann Harlos, LNC and NLP Secretary







SECOND DECLARATION OF CARYN ANN HARLOS- V3

Final Audit Report

2023-07-21

Created:	2023-07-21
By:	Caryn Dossantos (idrankthekoolaid@mac.com)
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SUMMARY PAGE OF LIBERTARIAN PARTY JUDICIAL COMMITTEE RULING
in the matters of:
WILL MCVAY (et. al) VS. LIBERTARIAN NATIONAL COMMITTEE
BILL HINDS (et. al) VS. LIBERTARIAN NATIONAL COMMITTEE

Date Issued: February 13, 2022
Appellants: Will McVay (et. al.) on behalf of the Libertarian Party of Delaware (LPDE);
and separately Bill Hinds (et. al.) on behalf of the Libertarian Party of Delaware
Respondents: Appellants are also respondents in cross-appeals;
Libertarian National Committee (LNC)

Background:

- On December 9, 2021 we received a filing from Will McVay and eight others purporting to be the chair and board of the LPDE alleging that the LPDE was disaffiliated by LNC's adoption of a motion regarding Delaware on December 5, plus Region 5's election and seating of alternate Otto Dassing to the LNC.
- Separately on December 20, 2021, we received a filing from Bill Hinds and two others purporting to be the chair, vice-chair, and board member of the LPDE alleging that a sequence of LNC actions on November 21, 2021 was a disaffiliation of the LPDE as chaired by Mr. Hinds, and another motion adopted by the LNC on December 5, 2021 was a confirmation of the disaffiliation.
- There were two different individuals claiming to be the rightful chair of the LPDE due to disputed actions by LPDE board members on October 1, 2021 and November 20, 2021.
- The Judicial Committee held a hearing on January 16, 2022, continued that hearing on January 23, 2022, and subsequently considered all the arguments.
- On February 13, 2022 the Judicial Committee members voted as shown below.
- Judicial Committee members have chosen to author or co-sign the attached written statements regarding the vote.

Votes (2 key findings and 1 ruling):

Motion 1

Events in the October 1 and November 20 Delaware meetings were not valid, and thus did not change the leadership and rules of the Libertarian Party of Delaware.

Voting Yes: Turney, Arnold, Mattson, Ruwart

Voting No: Supreme

Abstaining: Moulton, Robinson

The motion was adopted with a 4-1 vote.

Motion 2

The LNC's actions culminating in the December 5 motion constructively disaffiliated the rightful Delaware affiliate.

Voting Yes: Turney, Arnold, Supreme, Mattson, Moulton, Ruwart

Voting No: (none)

Abstaining: Robinson

The motion was adopted with a 6-0 vote.

Motion 3

Thus we rule to reinstate the LP's Delaware affiliate, recognizing its officers (Mr. Hinds as chair) and other duly elected board members (including Dr. LePore and Mr. Casey) chosen by that affiliate under its properly adopted rules as they stood prior to the events of October 1.

Voting Yes: Turney, Arnold, Mattson, Ruwart

Voting No: Supreme, Moulton

Abstaining: Robinson

The motion was adopted with a 4-2 vote.

Effect: This ruling is self-executing to effectuate the above reinstatement.

OPINION IN TWO APPEALS OF ALLEGED CONSTRUCTIVE DISAFFILIATION
OF THE DELAWARE AFFILIATE

Will McVay vs. Libertarian National Committee
Bill Hinds vs. Libertarian National Committee

Opinion of Alicia Mattson voting with the majority to reinstate. Mary Ruwart and Jim Turney concurring.

NOTE: References to Robert's Rules of Order Newly Revised (RONR) are to the 12th edition.

1.0 Executive Summary

Having reviewed voluminous filings by two groups both claiming to represent the Libertarian Party of Delaware, filings by the Libertarian National Committee (LNC), numerous amici filings, the national Libertarian Party (LP) bylaws, both the articles of association and the bylaws of the Libertarian Party of Delaware (LPDE), RONR, and having conducted a hearing on the matter on January 16, 2022 which hearing was continued on January 23, 2022, the national Libertarian Party's Judicial Committee rules as follows:

To reinstate the LP's Delaware affiliate, recognizing its officers (Mr. Hinds as chair) and other duly elected board members (including Dr. LePore and Mr. Casey) chosen by that affiliate under its properly adopted rules as they stood prior to the events of October 1.

2.0 Background

The Judicial Committee (JC) has received two appeals on overlapping subjects regarding alleged disaffiliation of the LP's Delaware affiliate.

On December 9, 2021 we received a filing (the "McVay appeal") from Will McVay and 8 others purporting to be the chair and board of the LPDE alleging that the LPDE was disaffiliated by:

- 1) LNC's adoption of a motion regarding Delaware on December 5, 2021 to require a mass meeting of members to determine its officers, plus
- 2) Region 5's election and seating of alternate Otto Dassing to the LNC because McVay was not allowed to vote on the matter.

This filing asserts JC jurisdiction under LP Bylaws Article 8.2.a, which grants jurisdiction over "suspension of affiliate parties" as described in LP Bylaws Article 5.6. This appeal requests that the JC:

- 1) void the LNC's December 5 motion, and
- 2) void the Region 5 Alternate election or permit the Delaware affiliate to withdraw from Region 5.

On December 20, 2021, we received a filing (the "Hinds appeal") from Bill Hinds and two others purporting to be the chair, vice-chair, and board member of the LPDE alleging that the LNC's failure on November 21, 2021 to adopt a motion to recognize "the board elected at the Libertarian Party of Delaware convention of 2021" was a de facto recognition of the McVay board. The filing states that since the Hinds board is the legitimately elected board, and the McVay board is not the legitimately elected board, the LNC's failed motion was, "a constructive disaffiliation of the LPDE." The Hinds appeal

further notes that also on November 21, 2021 the LNC voted on a second motion to “[d]isaffiliate the Libertarian Party of Delaware for having two boards and the Libertarian National Committee unable to decide an appropriate board,” and this motion to disaffiliate also failed to be adopted. It then alleges the December 5, 2021 LNC motion (generally to require a mass meeting to determine LPDE’s officers) served to confirm the constructive disaffiliation of LPDE caused by LNC’s failure to adopt its November 21 motion (to recognize the Hinds officers).

The Hinds appeal cites LP Bylaws Article 5.1-6 for jurisdiction, as it regards the revocation of an affiliate’s status. The appeal requests as relief that the JC “direct the LNC to recognize the LPDE affiliate led by Bill Hinds, the duly elected Chair, and repudiate its constructive disaffiliation of same.”

In general, the LNC’s adopted December 5 motion (to require a mass meeting to determine LPDE’s officers) includes a directive to continue sharing affiliate data with both the McVay board and the Hinds board, encourages those who were LPDE members as of the date of the 2021 LPDE state convention to hold a meeting to determine the rightful leadership of the LPDE and establishes that the LNC shall recognize that outcome, or alternatively if competing meetings are held the LNC shall recognize the outcome of whichever meeting had the greatest number of LPDE members.

3.0 Jurisdiction

The Judicial Committee has jurisdiction over revocation of affiliate status under LP Bylaws Article 5.6 and Article 8.2.a as cited by the parties. LP Bylaws Article 5.3 establishes that, “There shall be no more than one state-level affiliate party in any one state.” LP Bylaws Article 5.2 prescribes how an affiliate relationship is established, and it requires submission of a petition for affiliation followed by the LNC granting the request. No group has recently submitted such a petition, much less has the LNC granted the request of such a petition. Therefore, the LNC has not acted to create a second affiliate in Delaware. Nothing in that bylaw suggests that providing data to an organization is alone sufficient to make them an LP affiliate. The LNC at times provides data to non-affiliate entities, such as our Presidential campaigns.

There is only one affiliate in Delaware. What is disputed is the identity of the rightful officers of that affiliate. Under LP Bylaws Article 5.6 (underline added), “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.” Only the rightful affiliate has standing to appeal under this article. Therefore, no more than one of the appeals submitted to us could possibly be accepted under Articles 5.6 and 8.2.a. To determine who has standing to file such an appeal, the JC needs to determine who are the rightful LPDE officers, a task that the LNC failed to do.

What is an affiliate? General dictionary definitions of the noun “affiliate” are typically about being a branch or subsidiary of a larger organization. Given the construct of our bylaws, we use it in a way more similar to the verb form “to affiliate,” which is about creating a relationship or association between two entities. An LP affiliate is an organization that has established a two-way relationship with the national party, each having duties to the other. The affiliated organization has many variables which object-oriented language programmers might call “properties.” It usually has members, bylaws, assets, a board, and officers. The relationship involves certain LP bylaws-prescribed behaviors between the national LP and the affiliate. (The national LP provides certain information to affiliate chairs. The national LP supports activities of affiliates. The affiliates send delegates to the national conventions. Etcetera.) As will be itemized below, the LP bylaws do prescribe various interactions with the affiliate

chairs, and the chairs chosen under the affiliate's rules are the most obvious representatives of the affiliates.

When the bylaws give the JC jurisdiction with a phrase such as, "The affiliate party may challenge the revocation of its status..." then to apply this bylaw the JC must of necessity be able to determine whether or not the appellant is legitimately representing the affiliate. The JC must first determine whether Mr. McVay or Mr. Hinds is the LPDE chair in order to determine which of the appeals to accept and which to dismiss for lack of standing. The bylaw would be pointless if the JC were precluded from discerning this reality. If Xi Jinping contacted the JC claiming to represent a wrongfully disaffiliated LP affiliate, no one would disagree that the JC should not accept the case, as he clearly does not represent any of our affiliates.

3.1 Range of Authorized Remedies

Regardless of which of the two appeals the JC accepts, both are framed as an appeal of a constructive revocation of affiliate status. If a disaffiliation occurred, the only options for the JC under LP Bylaws Article 5.6 are to either affirm the revocation, or to reinstate the affiliate. We are not authorized to fashion a different remedy.

The McVay appeal under LP Bylaws Articles 5.6 and 8.2.a requests that we 1) void the LNC's December 5 motion, and 2) either void the Region 5 Alternate election or permit the Delaware affiliate to withdraw from Region 5.

Voiding LNC decisions is only an option under LP Bylaws Article 7.12 and 8.2.d, but that requires an, "appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members," which was not done here. Rather, the McVay petition was submitted by nine individuals purporting to be the LPDE board. It is not permissible to use the easier appeal path of Article 5.6 regarding alleged disaffiliation and then use it as a shoehorn to address issues that can only be raised under an Article 7.12 appeal.

The JC's jurisdiction is limited to items listed in LP Bylaws Article 8.2. Nothing in the LP Bylaws permits the JC to issue a ruling voiding an election of a regional alternate or altering the regional makeup, as requested in the McVay appeal. If the LNC's December 5 motion (requiring a mass meeting to determine LPDE's officers) is determined to be a disaffiliation, then the only action within our power for an appeal under LP Bylaws Articles 5.6 and 8.2.a is to affirm the disaffiliation or reinstate the status of an affiliate. The LNC's credentialing decision to seat an allegedly improperly elected region rep is potentially appealable, but it would require following the procedure in LP Bylaws Article 7.12, not merely a request of nine individuals.

The Hinds appeal under LP Bylaws Article 5.6 requests that the JC "direct the LNC to recognize the LPDE affiliate led by Bill Hinds, the duly elected Chair, and repudiate its constructive disaffiliation of same." LP Bylaws Article 8.2 grants the JC no jurisdiction to direct the LNC to repudiate its past actions, or even to "direct" the LNC to recognize the LPDE affiliate led by Bill Hinds. The only action within our power (for an appeal under LP Bylaws Articles 5.6 and 8.2.a) is to affirm disaffiliation or reinstate the status of an affiliate -- if a disaffiliation has occurred. It is the ruling of the JC that would effectuate a reinstatement without a need for further motions from the LNC. In other words, its decision to reinstate is self-executing.

4.0 Standing

The only way for the JC to determine whether Mr. Hinds or Mr. McVay is the rightful LPDE chair without violating the affiliate's autonomy (their right of self-rule) is to apply the LPDE's own articles and bylaws to the dispute, which we do below. This dispute arose due to events on October 1, 2021 to purportedly hold a board meeting and amend LPDE bylaws to alter the way in which board members can be removed. Those actions led to the disputed replacement of board members (Mr. Hinds, chair; Dr. LePore, vice chair; and Mr. Casey, New Castle County representative) and substantial restructuring of the organization and its governing documents.

4.1 Notice for October 1 Bylaw Amendment

As of October 1, 2021 LPDE Bylaw 5 provided that:

"These By-Laws may be amended in either of two ways:

- A. A simple majority vote of members present (quorum required) at a meeting of the State Board as long as notice of proposed changes was made at least 30 days in advance.*
- B. A simple majority vote of members present at a State Convention as long as notice of proposed changes was made at least 30 days in advance."*

Even for amendments by the board, the bylaws required notice of the proposed changes at least 30 days in advance.

As of the date in question, LPDE Article of Association X provided that (underline added),

"Many actions described in these Articles of Association and the accompanying By-Laws require notice of that pending action be provided to members. Any one of the following methods shall constitute proper notice:

- 1. Posting on the LPD Facebook page*
- 2. Posting to the LPD Facebook group*
- 3. Posting on the LPD webpage"*

Even within the language of this article authorizing ways in which members could be notified, the underlined phrase "be provided to members" acknowledges the inherent intent of requiring notice, that members will likely receive it.

RONR advocates that previous notice for bylaw amendments ought to be required by the bylaws, and notice is better understood in RONR's explanation of why notice ought to be required. It's why there is a concept of "scope of notice" as the passage in RONR 57:11 explains (underline added):

"If the bylaws require previous notice for their amendment (as they should), or if they do not but notice has been given and a majority of the entire membership is not present, no amendment to a bylaw amendment is in order that increases the modification of the article or provision to be amended (see 35:2(6)). This restriction prevents members from proposing a slight change and then taking advantage of absent members by moving a greater one as an amendment to the amendment. Thus, if the bylaws place the annual dues of members at \$10 and an amendment is pending to strike out 10 and insert 25, an amendment to change the 25 to any number between 10 and 25 would be in order, but an amendment to change the number to less than 10 or greater

than 25 would not be in order, even with unanimous consent. Had notice been given that it was proposed to increase the dues to more than \$25 or to reduce them below \$10, members who opposed such a change might have attended the meeting to vote against the amendment.

Notice is a communication intended to be received by members, informing them about the range of options to be considered, and thus impacting the members' decisions whether to exercise their fundamental right to attend meetings to either support or oppose proposed actions. In the unique case of LPDE, after receiving notice the affiliate's three county organizations could have potentially acted to change their representation on the state board to prevent an objectionable amendment from being adopted by the board.

McVay asserts that notice of the October 1 proposed change was given by virtue of a vague August 31 post on the LPDE Facebook group, a post that did not even at minimum say it was intended to constitute notice. It merely said, "Change Bylaw 4?:" Especially given that the Facebook group is used for broad general discussion, it's important to expressly say that it is notice so as to distinguish that post from one merely seeking feedback on a draft idea. This vague phrasing in such a mixed-use forum should not be considered as notice having been properly given.

When the bylaws require notice, it is understood that this precludes engaging in acts intended to thwart its receipt by members. For example, if the bylaws required a mailed notice, the bylaws wouldn't also have to say that hijacking the mail carrier's truck after placing the notices in the mailbox is prohibited. The bylaws don't have to say that a hypothetical white text on a white background isn't valid notice. Requiring that notice be given inherently implies that one cannot take actions to intentionally prevent members from receiving the notice, and that is what undeniably, admittedly happened in this case. An admittedly orchestrated meme dump happened immediately after the Facebook post was made so as to bury it from view. Comments on the post were turned off (initially by Mr. McVay himself) to further make it less visible in the Facebook algorithms. Further, there were none of the customary hashtags applied to the post to identify it as being notice.

If action is taken to prevent previous notice from having its effect, no proper notice was given. Observers of the Facebook page would mostly never even see the post, and if they did, would not likely think it constituted notice. No proper notice was given for the purported October 1 bylaw amendment. That amendment proposed lowering the bar for removing members of the ten-member State Board. Instead of requiring a 4/5 vote of the State Board (provided it is later affirmed by a majority vote at the next Convention), the language purportedly adopted on October 1 allows removal by a vote of two of the three County Chairs and dispenses with the required affirmation vote at the Convention. Effectively, the amendment empowers two people to remove any and all members of the board.

LPDE Bylaw 3.B adopts RONR as its parliamentary authority. Under RONR, without proper notice, the purported October 1 adoption of the bylaw amendment was action taken in violation of a rule in the bylaws protecting absentees. (See RONR 23:6 especially exception (e), also 23:9, 39:5). A requirement for previous notice of a bylaw amendment is a rule protecting absentees (RONR 25:10). RONR 23:9 provides that a finding of an RONR 23:6(e) violation means the action must be declared null and void.

4.2 Actions Relying on Purported October 1 Bylaw Amendment

Moments after the purported bylaw amendment on October 1, two LPDE County Chairs while serving on the State Board (rather than at a noticed meeting of County Chairs) relied on the invalid bylaw

amendment to purportedly remove three absent board members, two of whom were officers, and without any charge of misconduct as contemplated by LPDE Bylaw 4.

As explained above, the bylaw amendment was not properly adopted, is null and void, and the bylaws at the time would instead have required accusation of misconduct plus “a vote of 4/5 of the members of the State Board confirmed at the next Convention by a majority vote to remain in effect.” Thus Mr. Hinds, Dr. LePore, and Mr. Casey were not actually removed from their positions on October 1, leaving no path to appoint Mr. McVay as chair, and there were no vacancies for the McVay group to backfill.

After the October 1 coup, the McVay group (with Mr. McVay as its purported new chair) did not represent a board acting under the LPDE articles and bylaws. The rogue board proceeded to backfill vacant positions with themselves and their allies, disaffiliate the New Castle County affiliate chaired by Mr. Casey and reconstitute a different New Castle County affiliate, drastically amend the bylaws regarding membership such that only individuals approved by the State Board could become LPDE members, and take full control of the function of the county affiliates. All this was done without allowing participation by properly elected board members and with the participation of improperly back-filled board members. The culmination of these steps accomplished the purpose McVay and his cohorts sought: to eliminate and ban all opposition, and vest full control of the party in themselves.

4.3 Alleged Do-Over Meeting on November 20

For whatever reason, the now-rogue McVay group purported to offer the three allegedly removed board members (Hinds, LePore and Casey) an opportunity to re-do the October 1 bylaw amendment vote at the 4th quarter regular board meeting on November 20, with notice, but this time with a different proposed bylaw amendment that would eliminate any requirement that removal was only for the board members “accused of misconduct” and instead proposing that removal could be accomplished, “By a majority vote of all current State Board members on a motion to remove.”

An actual do-over vote would have been a full reset to the conditions prior to October 1 in which Mr. Hinds was recognized as the chair, the articles and bylaws were unaltered from that date, and the New Castle affiliate was represented by Mr. Casey. The draft minutes provided by McVay make clear that is not what happened. The initial attendance lists Mr. McVay as the chair and lists as board members several who were not board members as of October 1. In other words, this was not actually a meeting of the LPDE board.

A review of the video and draft minutes of the 4th quarter regular meeting on November 20 makes clear that it was a farce.

- LPDE Article of Association IV required that “All votes conducted at regular meetings shall be by roll call.” The video reveals that the votes were not conducted by roll call. Instead Mr. McVay rapidly gaveled through (see RONR 43:7 which says this is not legitimate parliamentary procedure). Mr. McVay:
 - often gave no real opportunity for debate
 - often did not ask for both the aye and nay votes
 - very rapidly conducted voice votes or show-of-hand votes rather than the article-required roll call votes

Voting in this manner was a violation of the LPDE articles.

- The draft minutes inaccurately portray that roll call votes were taken, though the video shows they were not. Without the required roll call votes, the illegitimate process, and with the draft

minutes demonstrated to be factually inaccurate portrayals of the events of the day, there's no reason to just trust the accuracy of those alleged vote results in the minutes, or that those in the purportedly back-filled board member positions did actually abstain in the votes and thus did not impact the outcome. RONR 23:8 provides a remedy that if there is any possibility that improper votes affected the outcome, the result of the vote must be declared invalid.

- The draft minutes list the individuals who had allegedly back-filled board positions and had taken the county representation positions in the rebuilt New Castle affiliate as "abstaining" from various votes. This implies they were eligible to cast votes, but they chose not to. These individuals were not on the board on October 1.
- The draft minutes simultaneously list the allegedly-removed members as also having been eligible to participate, but they were merely absent.

This was Schrödinger's meeting, where some clearly not on the board as of October 1 and others who clearly were, were treated as simultaneously being on the board and off the board. There were 12 pseudo-members of the 10-member board. That is not a do-over of the October 1 meeting, its unreliable vote results are null and void, and thus cannot have cured the flaws of October 1.

Further, the 4th quarter meeting purported "to ratify all actions taken by the State Board since 10/1." Even if this meeting had been properly conducted, RONR 10:55 makes clear that a motion to ratify bylaw violations is prohibited.

Mr. McVay was never properly chosen as the chair of the LPDE affiliate under the LPDE articles and bylaws, thus his appeal purporting to be the LPDE chair must be rejected for lack of standing, as he does not represent the LPDE affiliate.

5.0 Hinds Appeal

Neither of the appellants disputes that Hinds and LePore were duly elected at the LPDE convention and were officers at the time of the disputed actions.

The Hinds appeal primarily alleges that the LNC's failure on November 21, 2021 to adopt a motion to recognize "the board elected at the Libertarian Party of Delaware convention of 2021" was a de facto recognition of the McVay board, and since the McVay board is not the legitimately elected board, the LNC's failed motion was, "a constructive disaffiliation of the LPDE."

It is not correct in the parliamentary sense to deduce that failing to adopt a motion to recognize the board elected at the Libertarian Party of Delaware convention of 2021 is the equivalent of having adopted a motion to recognize the McVay board. See RONR 10:12:

"In this connection, it should be noted that voting down a motion or resolution that would express a particular opinion is not the same as adopting a motion expressing the opposite opinion, since—if the motion is voted down—neither opinion has been expressed. A member may be in complete agreement with the views contained in such a resolution yet feel that his organization should not speak out on the matter, and he might therefore vote against the resolution."

Perhaps LNC members believe Mr. Hinds is the rightful LPDE chair, but that it's not a question within its power to address. Perhaps the LNC vote just meant "not at this time." Perhaps they intended to

resolve the dispute in some other manner, such as the December 5 motion. All we can deduce is that the LNC did not at that time on November 21 make a decision regarding who to recognize as the LPDE officers/board, and the circumstances of the December 5 motion do suggest that the LNC had an intention to resolve the question in some other manner.

We know that another LNC motion to disaffiliate the LPDE also failed to be adopted on November 21. The LNC expressly voted against disaffiliation of LPDE at that time. The nature of the subsequent December 5 motion clearly shows that the LNC unanimously believed they still had an affiliate in Delaware, but there is a dispute over which officers the LNC should recognize as representatives of that affiliate.

Must the LNC make any decision when it is disputed who the key affiliate officers are, particularly the office of chair? The LP Bylaws say yes, and do so in numerous places. Appendix A to this opinion is a listing of at least 15 provisions in the LP Bylaws that require knowing the identity of the state affiliate, certain of its officers, and its governing documents. An ability to determine who represents an affiliate and who are its officers is baked into the very nature of these bylaw provisions.

Just as JC jurisdiction for a situation in which, “The affiliate party may challenge the revocation of its status...” necessarily requires the JC to identify whether the appealing party is actually the affiliate, the Appendix A bylaw provisions establishing LNC obligations for affiliate interaction necessarily authorize the LNC to identify the organization it has affiliated and the officers of the affiliate with whom they must interact. Otherwise the bylaws would be absurd. RONR 56:68(2) provides that when interpretation is necessary, a not-absurd interpretation option must be chosen over one which “renders absurd another bylaw provision.” The Appendix A references do not have any clauses which say “unless there is a dispute over who the affiliate officers are.” A decision must be made in order to faithfully comply with these bylaw provisions.

This need to recognize affiliate officers is commonly accepted during times when there is no affiliate dispute in play. To facilitate ordinary party activities, LP staff keeps a list of contact information for affiliate state chairs. LNC officers and staff routinely use the list to contact affiliates about various party functions. If Xi Jinping were to email the LNC asserting to be the chair of the LPDE, should the LNC ignore all the warning signs surrounding the assertion and treat it as fact, or should the LNC reject the invalid claim? A mere assertion is not sufficient to make one the rightful affiliate chair.

Now that there is a dispute in Delaware, many misread LP Bylaws Article 5.5, which says (underline added):

“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.”

That passage does not end after, “The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party.” There’s another clause which impacts the meaning, “except as provided by these bylaws.”

The LNC respecting an affiliate’s rules and elections by working with the rightful affiliate chair (as opposed to someone who is not the rightful chair) *is* respecting the affiliate’s autonomy, not abridging it. The LP bylaws provide at least 15 requirements in Appendix A, including duties to interact with the affiliate and its officers, which mean that even IF applying the affiliate’s rules to determine its chair’s

identity is perceived by some as an abridging of its autonomy, the LNC and other Party committees are *required* to do so in order to abide by these bylaws. The LNC is actually obligated by the bylaws to know who certain affiliate officers are, and if disputes arise, affiliate autonomy is preserved so long as the LNC accurately applies the affiliate's own rules to determine with whom the LNC will work. It would violate affiliate autonomy for the LNC to substitute its own preferences for those of the affiliate and not let the affiliate's own rules answer the question.

LP Bylaws Article 5.6 requires that disaffiliation may only happen with a specified supermajority of the LNC adopting a motion to do so. That inherently means that the LNC is not allowed to effectuate a disaffiliation in some other way, such as refusing to recognize the actual affiliate officers and instead treating others as though they were the affiliate officers. This would also be a violation of numerous provisions listed in Appendix A.

At what point does failure to resolve a disputed-officer problem eventually become constructive disaffiliation? Certainly, an LNC needs a reasonable time to review the situation and decide, but just sitting on their hands over time can result in constructive disaffiliation. They've had more than two months to evaluate this situation. They've adopted the December 5 motion which says that they "shall" later recognize a set of officers based on the outcome of one or more mass meetings in Delaware...which meetings seem unlikely to ever happen, given the objections voiced by both Hinds and McVay. The December 5 motion is not a clear path to fulfilling the LNC's obligation to recognize only the rightful officers, but instead actually opens the possibility of recognizing Mr. McVay as the chair, though he is not the rightful chair under the LPDE articles and bylaws.

LP Bylaw 5.6 establishes that, "The National Committee shall not revoke the status of any affiliate party within six months prior to a regular convention." Why might that time frame matter? One reality is that its proximity to convention increases the chances of gamesmanship by the LNC which could impact political outcomes at the convention. Another reality is that time frame is when affiliates have state conventions to select delegates to the national convention, the credentials committee is performing its function, delegates are making hotel reservations and other (sometimes not refundable) travel plans. On the whole, there needs to be some certainty about the affiliates in this time period.

We crossed into the six-months-prior territory between the November 21 LNC votes and the December 5 LNC votes. We're now even closer to the date of the national convention, and there is still not yet resolution.

6.0 Ruling

Given the bylaw obligations to interact with the actual affiliate and the timing concerns relative to the national convention, the JC rules that the combined circumstances of the LNC's failure to act on November 21, plus the LNC's December 5 motion that opened the door to recognizing those who are not the rightful officers, collectively serve as a constructive disaffiliation of the LPDE affiliate as chaired by Mr. Hinds. Therefore, we rule to reinstate the LP's Delaware affiliate, recognizing its officers (Mr. Hinds as chair) and other duly elected board members (including Dr. LePore and Mr. Casey) chosen by that affiliate under its properly adopted rules as they stood prior to the events of October 1.

APPENDIX A

Bylaws Provisions and Practical Party Management Tasks that Require Knowledge of Affiliate Parties, Their Officers, and Their Bylaws

Following is a list of numerous matters of mandatory Libertarian Party Bylaws compliance for which it is imperative that the LNC (and at times other committees) be able to identify which organization is our affiliate in a state, who are the rightful officers of each of our affiliates, and what their bylaws are.

1) The Party purposes in Article 2 include chartering affiliate parties, promoting affiliate activities, and supporting affiliate party candidates for public office. If two groups are each claiming to be the officers of the affiliate, and perhaps they have each nominated different candidate slates, which of the activities and candidates should the LNC support?

2) Libertarian Party Bylaws Article 5.3 states:

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."

If two groups are each claiming to be the officers of the affiliate, and each of the groups has chartered a different set of sub-affiliate parties within the state, which group of sub-level affiliates is entitled to use the name "Libertarian Party"?

3) Libertarian Party Bylaws Article 5.2 designate the LNC as the body that grants affiliate status to those organizations "which adopt the Statement of Principles and file a copy of their Constitution and/or Bylaws with the Party Secretary." Common sense argues that this power necessarily includes the authority to later identify who are the officers representing the affiliate to which the LNC has granted affiliate status.

4) Libertarian Party Bylaws Article 5.1 restricts that the name "Libertarian Party" may only be used by the Party or by an organization to which the Party has granted affiliate status. It is necessary to be able to identify the officers of an affiliate to know who is authorized to use the name "Libertarian Party".

5) Libertarian Party Bylaws Article 5.4 states, "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." A violation of these prohibitions could potentially constitute cause for which the LNC could later decide to disaffiliate an existing affiliate. The LNC must be able to

determine whether the actions in question were taken by those in positions of authority within the affiliate, or by others not representing the affiliate.

6) Libertarian Party Bylaws Article 7.1 states that the LNC has “*control and management of all the affairs, properties and funds of the Party consistent with these Bylaws*”. One of the assets of the Party managed by the LNC is a trademark on the name “Libertarian Party”. To protect that trademark, the LNC must know who are the officers of our affiliates, thus who is entitled to use the name.

7) For the conduct of LNC business, the LNC must know who the legitimate LNC members are. Libertarian Party Bylaws Article 7.4 establishes that an LNC member shall not be the candidate of any party except the Party or an affiliate. The LNC must know who the officers of the affiliate are to know who to trust to tell us who are the candidates of the affiliate so we can know if the LNC members are in compliance with this bylaw.

8) For the conduct of LNC business, the LNC must know who the legitimate LNC members are. Libertarian Party Bylaws Article 7.8 establishes scenarios wherein state chairs can remove a regional representative from the LNC. If the removal of a regional representative to the LNC was conducted by the legitimate state chairs, the LNC should no longer permit the removed representative to participate in LNC business. If the “removal” was conducted by people who are not the legitimate state chairs, the LNC should allow the representative to continue to participate in LNC business.

9) Libertarian Party Bylaws Article 10.3 through Article 10.6 set eligibility requirements for national convention delegates, dependent on action of the affiliate party and its officers.

10) How can the Libertarian Party Secretary comply with Libertarian Party Bylaws Article 10.4.b and send delegation totals to the chair of each affiliate without knowing who the chair of each affiliate is?

11) How can the Credentials Committee know from whom to accept affiliate delegate listings in accordance with 10.4.c and 10.4.d without knowing which officers hold positions in the affiliate and thus are entitled to submit delegate listings?

12) How can alternate substitution at national conventions be properly permitted in compliance with Article 10.6 if the Credentials Committee cannot determine what the affiliate’s current rules are regarding substitution?

13) Libertarian Party Bylaws Article 11.3 mandates that the Platform Committee be composed partially of representatives from various affiliates. The identity of the officers of the affiliate must be determined to know whose word to accept regarding the identity of that affiliate’s committee representatives.

14) Libertarian Party Bylaws Article 11.4 mandates that the Credentials Committee be composed partially of representatives from the top-five affiliates. The identity of the officers of the affiliate must be determined to know whose word to accept regarding the identity of that affiliate's committee representative.

15) Libertarian Party Bylaws Article 14.2 regarding eligibility requirements for presidential candidates necessitates knowing whether an individual agreed to be placed on a nomination petition of a state affiliate, or whether it was the petition of some other group.

In practice, all of these above factors make it imperative that the LNC be able to identify the officers of the entity to which it has granted affiliate status to facilitate compliance with our bylaws in the most fundamental inner workings of the party.

Besides matters of mandatory bylaws compliance, the LNC in its role of managing the affairs of the party employs staff and directs them to provide various services and benefits to the Libertarian Party state affiliates. These are offered to serve the purposes of the party. Among these services are:

1) LNC Policy Manual Section 2.08.3 restricts potential use of Party assets to provide information or services for candidates contingent upon whether "the service or candidate has been approved by the state chair".

2) LNC Policy Manual Section 3.02.2 sets conditions under which privileged data will be shared with affiliate organizations.

3) The LNC frequently supports ballot access drives in cooperation with our affiliates. Without knowing who the legitimate officers of an affiliate are, how can the LNC determine with whom they should work?

4) Staff members employed by the LNC place links from our website at www.lp.org to those groups which we recognize as our affiliates. Our staff depends on the word of officers of the affiliate to tell us which website belongs to their affiliate.

5) Staff members employed by the LNC rely on the word of the chairs of our state affiliates to determine which local candidates should be listed for each state on the www.lp.org website.

Though this is not an all-inclusive list, it is sufficient to demonstrate the necessity and obligation of the LNC to reasonably identify who are the officers of the organizations chartered as our affiliates.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW
BUSINESS COURT

COMERICA BANK,
Plaintiff/Counter-Defendant,

Case No. 23-000557-CB

vs.

Hon. Timothy P. Connors

LIBERTARIAN PARTY OF MICHIGAN
EXECUTIVE COMMITTEE, INC.;
JOSEPH BRUNGARDT; MICHAEL
SALIBA; and ANGELA THORNTON,
a/k/a ANGELA CANNY,
Defendants/Counter-Plaintiffs,

and

ANDREW CHADDERDON,
Defendant.

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**DEFENDANT ANDREW CHADDERDON'S ANSWER TO PLAINTIFF COMERICA
BANK'S FIRST AMENDED COMPLAINT AND AFFIRMATIVE DEFENSES**

NOW COMES the Defendant Andrew Chadderdon, by and through counsel, and for his Answer to Plaintiff's Complaint, states unto this Honorable Court as follows:

INTRODUCTION

The pivotal question in this lawsuit is what group constitutes the legitimate board of the Libertarian Party of Michigan Executive Committee, Inc. ("LPMEC"). Defendant Andrew Chadderdon ("Chadderdon") is the chairman of the nationally recognized LPMEC board. The insurgent defendants (Joseph Brungardt, Michael Saliba, and Angela Thorton) have been sued by the national Libertarian party, have unsuccessfully disputed Mr. Chadderdon's Chairmanship and lost that dispute on appeal within the Michigan party, and have been found by the Michigan party's counsel to have instigated an illegal insurgency to try to obtain LPMEC's funds and take over LPMEC control.

In order to establish ultimate legitimacy, Mr. Chadderdon does not appear in this lawsuit as LPMEC, the tactic illegally and unethically undertaken by the insurgent defendants. But he does respond in this lawsuit, both individually, and as the chairman of the nationally recognized LPMEC. Mr. Chadderdon respects this process, and the Court's jurisdiction to make the ultimate decision. As set forth below, he will demonstrate through proof of recognition by the national party, documentation of the organization's legal counsel, and proof of the ruling of the Judicial Committee, the ultimate arbiter of this decision within the Michigan party, that the individuals who have misappropriated the identity of the LPMEC in this litigation have done so illegally and without evidentiary support. By not filing pleadings on behalf of LPMEC until this Court has issued its ruling, Mr. Chadderdon is not waving any right or argument as to his legitimate leadership of the Michigan organization.

ANSWER

1. This action constitutes a business or commercial dispute within the meaning of MCL 600.8031(c)(iii) because LPMEC is a nonprofit organization, and the claims arise out of that party's organizational structure, governance, or finances.

ANSWER: Admitted.

2. This is an action for interpleader relief under MCR 3.603 or, alternatively, for declaratory relief under MCR 2.605.

ANSWER: Admitted.

3. Comerica Bank, as stakeholder, seeks to interplead \$38,233.30 belonging, on information and belief, to its former deposit customer, Libertarian Party of Michigan Executive Committee, Inc. ("LPMEC"). Comerica seeks this relief because a dispute among the individual defendants concerning which of them is legally authorized to take receipt of funds and instruments belonging to the corporate defendant leaves Comerica open to the risk of multiple liability.

ANSWER: Admitted.

4. Comerica Bank ("Comerica") is a Texas banking association authorized to conduct banking operations in Michigan. Comerica operates several branches in Washtenaw County.

ANSWER: Admitted.

5. LPMEC is a Michigan non-profit corporation with a registered office in Oakland County, Michigan.

ANSWER: Admitted with clarification. The Libertarian National Committee, Inc. ("LNC") is the National Committee of the Libertarian Party as defined by 52 USC § 30101(14) which manages the business of the Libertarian Party through the United States at the national level. The LNC is authorized to charter affiliates throughout the United States. In 1972, the LNC

chartered the Libertarian Party of Michigan (“LPM”) as an affiliate of the Libertarian Party. The Defendant Libertarian Party of Michigan Executive Committee (“LPMEC”) is the governing arm of the LPM, and the directors of the LPMEC are defined in their Articles of Incorporation and Corporate Bylaws and are recognized as an affiliate by LNC. The LNC recognizes Chadderdon as the legitimate Chair of the LPMEC and has filed suit against the insurgent defendants Joseph Brungardt (“Brungardt”), Michael Saliba (“Saliba”), and Angela Thornton (“Thornton”) for trademark infringement for illegitimately claiming to hold LPMEC positions and for unauthorized use of its Trademarks. [See Exhibit 1, Complaint for Trademark Infringement and Other Lanham Act Violations Under 15 USC §§ 1114, 1125, Libertarian National Committee, Inc., v Saliba, et al, 23-cv-11074.]¹

6. Joseph “Joe” Brungardt is an individual who resides, on information and belief, in Macomb County, Michigan.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

7. Andrew Chadderdon is an individual who resides, on information and belief, in Wayne County, Michigan.

ANSWER: Admitted.

8. Michael “Mike” Saliba is an individual who resides, on information and belief, in Macomb County, Michigan.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

¹ This federal lawsuit is still pending before the United States District Court for the Eastern District of Michigan. On June 15, 2023, Plaintiff LNC filed a motion for preliminary injunction seeking to stop the insurgent defendants' unlawful use of Plaintiff's registered trademarks.

9. Angela Thornton, also known as Angela Canny, is an individual who resides, on information and belief, in Genesee County, Michigan.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

10. Venue is properly laid in Washtenaw County because the cause of action arose, in part, at a Comerica branch in Washtenaw County as described below.

ANSWER: Chadderdon does not contest that venue is properly laid in Washtenaw County.

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

ANSWER: Admitted in part and denied in part. In February 2023, there were three deposit accounts with Comerica: General Fund or Administrative account, Fund for State level campaign funds, and Fund for Federal level campaign funds. In order to protect LPMEC's accounts from unauthorized spending, the legitimate officer(s) of LPMEC opened three new accounts on February 27, 2023, and moved the funds in the old accounts to the new ones, corresponding to each fund's purpose. However, the legitimate officer(s) left \$1,000.41 in the General Fund to cover any authorized automated subscriptions or payments for ongoing expenses. Therefore, LPMEC was a deposit customer of Comerica with respect to six deposit accounts, with two of those at zero balances.

12. On or about February 13, 2023, Joe Brungardt was the sole signer of record for LPMEC deposit account xxx6457. At that time, Comerica's books and records reflected that Joe Brungardt was the LPMEC president.

ANSWER: Denied. Deposit account xxx6457 was opened by Chadderdon as the legitimate Chair of LPMEC on February 27, 2023, as a new deposit account for the LPMEC. Therefore,

Brungardt could not have been the sole signer of record for that account on February 13, 2023, as it did not yet exist. In December 2022, the Judicial Committee found that Brungardt's chairmanship was a violation of the LPMEC's bylaws and parliamentary procedures, and the Libertarian Executive Committee was reverted to its composition as of July 8, 2022. [See Exhibit 2 – Judicial Committee Ruling, Dec. 2022]. Per the bylaw procedures, Defendant Chadderdon was the Chair of the Executive Committee on July 8, 2022, therefore Chadderdon was declared the legitimate Chair or President. At the January 25, 2023 LPMEC meeting, the board issued a directive, at Brungardt's prompting or insistence, for Brungardt to accompany Chadderdon to Comerica Bank to add Chadderdon as a signer.² But after this meeting, Brungardt, Saliba, and Thornton decided to splinter off from the LPMEC, declared themselves to be the "true" LPMEC, and held their own illegitimate meeting on January 31, 2023. In a calculated move, Brungardt deliberately ignored the LPMEC's directive to accompany Chadderdon to Comerica Bank to add him as a signer on the accounts. And so Chadderdon and the other legitimate officers of the LPMEC began to gather documentation to regain control of LPMEC's bank accounts. On February 15, 2023, legal counsel for the Michigan affiliate party of the national party – the LPM - sent a cease-and-desist letter to Brungardt, demanding that he immediately terminate any further misrepresentation as having any authority to govern the affairs of LPM, to return all property belonging to LPM, and to sign documents to transfer the LPM bank accounts to Chadderdon or his designee. [See Exhibit 3, Letter from Eric Doster to Brungardt, 2/15/2023.] Brungardt again unlawfully refused to follow this demand from LPM's counsel. Ultimately the national Libertarian Party - the LNC - initiated a federal suit against them for Trademark infringement, which is

² During that **recorded** meeting, Brungardt pushed for this directive to be approved because the Treasurer had resigned for health reasons, and Brungardt did not want to have the liability of being the sole signer on accounts when he was not the authorized or legitimate Chair.

pending in the Eastern District. [See Exhibit 1, *supra*.] As to what Comerica's books and records reflect, Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same. However, Comerica did receive documentation from Chadderdon and others that reflected that Chadderdon was the LPMEC Chair or president.

13. On that date, Joe Brungardt signed documentation at Comerica branch 68 adding Mike Saliba and Angela Thornton as additional signers on account xxxx6457.

ANSWER: As to what Brungardt did on February 13, 2023, Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same. However, it would have been impossible for Brungardt to have attempted to add Saliba and Thornton onto account no. xxxx6457 on February 13, 2023, because that account did not exist until Chadderdon opened it as a new account on February 27, 2023. Account no. xxxx6457 was created as the new General Fund, with the old General Fund's account no. being xxxx4062.

14. On or about February 22, 2023, Andrew Chadderdon appeared at a different Comerica branch (219) in Washtenaw County asserting that he, rather than Mr. Brungardt, was the duly elected LPMEC president and seeking to substitute himself in place of the signers of record on account xxxx6457.

ANSWER: Admitted in part; denied in part. Admitted that Chadderdon was forced to seek alternate means to obtain access to LPMEC's accounts after Brungardt failed and/or refused to perform his duties to transfer access to him as the rightful Chair of LPMEC, as demanded by the LPM. [See Exhibit 3.] Denied that on February 22, 2023, Chadderdon sought to substitute himself as the signer of record on account xxxx6457, as that account number did not exist until Chadderdon

opened it on February 27, 2023. On this date, Chadderdon provided the following to Plaintiff to substantiate his role as the legitimate Chair or president: a letter from secretary Daniel Ziembra stating that Chadderdon was the Chair and was authorized to take control of the accounts; meeting minutes from the LPMEC January 25, 2023 meeting reflecting that Brungardt was directed to add Chadderdon to the accounts; a LARA filing from February 17, 2023 reflecting that Chadderdon was the LPMEC Chair or president; Brungardt's letter of resignation from the LPMEC board; the cease-and-desist letter to Brungardt from Eric Doster, legal counsel for LPM; and the cease-and-desist letter to Brungardt from Angela McArdle, national Libertarian Party Chair.

15. Comerica staff informed Mr. Chadderdon that it would not process his request without certification by the LPMEC treasurer as to his status as president.

ANSWER: Admitted with clarification. Chadderdon and the legitimate officer(s) of LPMEC informed Plaintiff that the treasurer had resigned for health reasons, and so Plaintiff would need certification by the LPMEC secretary.

16. At that time, publicly available information through the State of Michigan Department of Licensing and Regulatory Affairs Corporations Online Filing System ("LARA") indicated that the LPMEC treasurer was Joseph Ziembra.

ANSWER: Denied. LARA would have reflected that the LPMEC secretary was Daniel Ziembra, and Norm Peterson was treasurer. Chadderdon and Ziembra brought a printout from LARA to Comerica and Comerica staff looked it up themselves as well, and both reflected this information.

17. On or about February 23, 2023, Joseph Ziembra certified to Comerica that Andrew Chadderdon was the LPMEC president. This certification was consistent with the publicly

available information through LARA at the time which identified Mr. Chadderdon as the LPMEC president.

ANSWER: Admitted with clarification. Mr. Ziembra's first name is Daniel.

18. Accordingly, Comerica processed Mr. Chadderdon's request to be substituted as signer for LPMEC on all five of that corporation's deposit accounts as well as a change of address for the deposit customer. Then Mr. Chadderdon closed two existing deposit accounts to open two new successor deposit accounts in the name of LPMEC.

ANSWER: Admitted in part; denied in part. Admitted that Comerica processed Chadderdon's request to be substituted as signer on February 23, 2023, but it was for the three original deposit accounts. Chadderdon then opened up the three new accounts on February 27, 2023, and was then the sole signer on those accounts. Denied that Chadderdon closed or requested any LPMEC accounts to be closed. Chadderdon lacks knowledge or information sufficient to form a belief as to how one or more accounts were closed, other than receiving information from Plaintiff on or about March 22 or 23, 2023, that Plaintiff closed all six accounts.

19. On or about March 9, 2023, Mike Saliba appeared at Comerica branch 68 to complain about having been removed as an account signer for LPMEC.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

20. On the same date, an attorney named Nick Curcio transmitted a letter purporting to act as attorney for LPMEC and asserting on behalf of LPMEC that Andrew Chadderdon was not a LPMEC officer and that some of the LARA filings for LPMEC were fraudulent.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same. However, the LPMEC

held an Executive Session on May 4, 2023, and the committee unanimously voted to retain Hooper Hathaway, P.C., as its legal representation, and not Nick Curcio.

21. On March 10, 2023, Mike Saliba returned to Comerica branch 68 with newly filed LARA documentation that contradicted, in large part, the previously filed LARA materials that Comerica reviewed when processing Andrew Chadderdon's claim to be LPMEC president.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same. However, the LNC has alleged in its federal Complaint against Brungardt, Saliba, and Thornton that any LARA filings made by them violate and infringe on LNC's Trademark of "Libertarian Party." [See Exhibit 1, p 8.]

22. In reaction to this controversy, Comerica unsuccessfully attempted to reach Daniel Ziembra to determine whether he, in his capacity as LPMEC secretary, would certify the materials now being presented by Nick Curcio as proof that LPMEC had removed Andrew Chadderdon as president.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same. However, when Mr. Ziembra provided a sign letter to Plaintiff attesting to Chadderdon's legitimate position as Chair or president, he included his contact information to Plaintiff. Mr. Ziembra informed Chadderdon that he could not find any record of a missed or attempted contact from Plaintiff.

23. When this effort proved unsuccessful, Comerica decided to exercise its contractual right to terminate its deposit relationship with LPMEC.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

24. To execute its decision terminating the deposit relationship with LPMEC, Comerica issued cashier’s checks as follows representing the closing balances for each of the four deposit accounts with positive balances (Account xxx9283 was at zero balance at this time):

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

ANSWER: Admitted in part. Admitted that Comerica issued cashier’s checks and the account numbers, check numbers, and amounts, except that xxx4602 should be xxx4062. Account No. xxx4062 was the General Fund, but all but \$1,000.41 was transferred from this account to Account No. xxx6457 as the new General Fund. As to the remainder, Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

25. On or about March 22, 2023, Comerica mailed the cashier’s checks to 30005 Malvern St. Westland, Michigan which was the address of record on Comerica’s books at that time for LPMEC. On information and belief, this is an address at which Andrew Chadderdon receives mail.

ANSWER: Admitted.

26. On information and belief, defendants Brungardt, Saliba and Thornton contest whether delivery of the cashier’s checks to the address provided by Chadderdon constitutes payment by Comerica of its debt to LPMEC.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same. However, both the LNC and the LPM recognize Chadderdon as the legitimate Chair of the LPMEC, and both have demanded that Brungardt cease misrepresenting himself as the Chair of the LPMEC and demanded

that he turn over all of LPM's and LPMEC's property and to transfer all LPM and LPMEC's bank accounts to Chadderdon as the LPMEC's Chair.

27. As of this date, none of the cashier's checks had been presented to Comerica for payment.

ANSWER: Admitted.

28. As a matter of law, a deposit relationship between a bank and its depositor is a debtor/creditor relationship in which the bank is indebted to its depositor for the amount of the deposit balance.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

29. Comerica does not contest that it is indebted to LPMEC in the amount of \$38,233.30.

ANSWER: Admitted.

30. Termination of Comerica's deposit relationship with LPMEC requires, therefore, that Comerica discharge its debt by payment of this deposit balance to LPMEC.

ANSWER: Admitted.

31. The competing, mutually exclusive claims by the individual defendants make it impossible for Comerica to identify which of them is authorized to endorse and negotiate instruments payable to the order of LPMEC.

ANSWER: Denied that it would be impossible to identify which party should have authority to endorse and negotiate instruments on behalf of LPMEC, as Plaintiff admitted that the information it found on LARA at the time reflected that Chadderdon was president or Chair of the LPMEC and that it also had contact with the secretary of LPMEC on February 23, 2023, Daniel Ziembra, who certified to Plaintiff that Chadderdon was the LPMEC president or Chair.

32. If Comerica unilaterally refuses to honor the any of the cashier's checks, then Comerica incurs the risk of liability for expenses, interest and consequential damages under UCC 3-411; MCL 440.3411(2).

ANSWER: Admitted.

33. Comerica, on the other hand, has no independent means for assessing the reliability of representations of the individual defendants who challenge Mr. Chadderdon's authority to take possession of the cashier's checks on behalf of LPMEC.

ANSWER: Denied. Plaintiff received a copy of the cease-and-desist letter from the national Libertarian party – the LNC – addressed to Brungardt, recognizing Chadderdon as the Chair of the LPMEC. [See Exhibit 4, letter from the national Libertarian Party through Chair Angela McArdle to Brungardt, 2/16/2023.] Plaintiff also received a copy of: a letter from secretary Daniel Ziembra stating that Chadderdon was the Chair and was authorized to take control of the accounts; meeting minutes from the LPMEC January 25, 2023 meeting reflecting that Brungardt was directed to add Chadderdon to the accounts; a LARA filing from February 17, 2023 reflecting that Chadderdon was the LPMEC Chair or president; Brungardt's letter of resignation from the LPMEC board; and the cease-and-desist letter to Brungardt from Eric Doster, legal counsel for LPM.

34. There is no mechanism available, therefore, for LPMEC to make a facially valid declaration of loss and claim under UCC 3-312; MCL 440.3312.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

35. Without judicial relief, Comerica is unable to protect itself from the risk of multiple liability.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

36. Accordingly, Comerica seeks interpleader relief under MCR 3.603 and proposes to interplead an amount equal to LPMEC's aggregate closing deposit balance less whatever amount this Court may award under MCR 3.603(E) as reimbursement for stakeholder expenses and fees.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

37. In order to preserve the possibility for complete relief while this Court considers the merits of the individual defendants' competing claims, an order restraining negotiation and payment on the cashier's checks is appropriate under UCC 3-602; MCL 440.3602(5)(a).

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

38. Alternatively, Comerica seeks declaratory relief under MCR 2.605.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

39. Comerica has become involuntarily entangled in an actual controversy among the individual defendants concerning which of them is authorized to function as an LPMEC officer.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

40. This Court otherwise has jurisdiction over this dispute on the basis of its power to grant interpleader and other equitable relief.

ANSWER: Admitted.

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

ANSWER: Admitted.

42. All of the defendants except Andrew Chadderdon have filed a counterclaim asserting that Comerica is liable for the amount of draws against LPMEC's deposits during the time that Andrew Chadderdon acted as sole signer for LPMEC.

ANSWER: Admitted in part, denied in part. Admitted that as of the date of Comerica's First Amended Complaint and of the date of this Answer, Chadderdon has not filed a counterclaim. As to the remainder, Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

43. When he files a responsive pleading, Andrew Chadderdon may make a corresponding claim against Comerica arising out of any draws made by the other individual defendants while they acted as signers for LPMEC.

ANSWER: Admitted.

44. Comerica contests whether it should be held liable to reimburse any of the defendants for any draws made by any of the individual defendants.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

45. In the event, however, that Comerica is held liable for honoring any draw authorized by any individual defendant, then Comerica ask [sic] for a corresponding award of damages against that individual defendant.

ANSWER: Chadderdon lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

WHEREFORE, Defendant Andrew Chadderdon asks for the following relief:

1. An Order enjoining Defendants, Joseph Brungardt, Michael Saliba, and Angela Thornton from endorsing or negotiating the cashier's checks issued by Comerica payable to the order of LPMEC. (Check Nos 001684794, 001684795, 001684796 and 001684797.)
2. An Order denying the award of Comerica's actual costs as stakeholder under MCR 3.603(E), or in the alternative, order Defendants Brungardt, Saliba, and/or Thornton to pay any award of Comerica's actual costs under MCR 3.603(E).
3. An Order requiring Comerica to deposit with the Clerk of this Court the total interpleader stake (\$38,233.30).
4. A Declaration that Defendant Chadderdon is the true, legitimate, and lawful Chair and President of LPMEC.
5. An Order directing Comerica to deliver the deposit balance to LPMEC with Defendant Chadderdon as the individual with authority to accept the deposit balance on behalf of LPMEC.
6. An award of money damages to Defendant Chadderdon and/or LPMEC along with an award of attorney fees, expenses, and costs in addition to whatever additional interest, penalties and sanctions may be allowed by law or court rule.

Respectfully submitted,

HOOPER HATHAWAY, P.C.

Dated: June 22, 2023

By: /s/ Oscar A. Rodriguez
Oscar A. Rodriguez (P73413)
Attorney for Andrew Chadderdon

AFFIRMATIVE DEFENSES

1. Plaintiff's claims are barred, in whole or in part, for failure to state a claim.
2. Plaintiff's claims are barred, in whole or in part, due to fraud or due to fraud by other parties.
3. Plaintiff's claims are barred, in whole or in part, due to misrepresentation or due to misrepresentation by other parties.
4. Plaintiff's claims are barred, in whole or in part, because it has not suffered any injuries or damages.
5. Plaintiff's claims are barred, in whole or in part, because it failed to comply with its contractual terms.
6. Plaintiff's claims are barred, in whole or in part, by MCR 2.116(C)(6), (C)(7), (C)(8), (C)(9), and/or (C)(10).
7. Plaintiff's claims are barred, in whole or in part, for the reasons set forth in Defendant Chadderdon's answer.
8. Plaintiff's losses or damages, if any, were caused by its own actions or inactions.
9. Plaintiff's losses or damages, if any, were caused by persons and/or entities other than Defendant Chadderdon.
10. Plaintiff's claims are barred, in whole or in part, by the applicable doctrine of laches, waiver, estoppel, and/or unclean hands.
11. Plaintiff's claims are barred, in whole or in part, by Michigan common law.
12. Plaintiff's claims are barred, in whole or in part, by Michigan statutory law.
13. Plaintiff's claims are barred, in whole or in part, due to its bad-faith actions.
14. Plaintiff's claims are barred, in whole or in part, due to lack of causation.

15. Plaintiff's claim to an award of actual costs under MCR 3.603(E) is barred by the doctrine of unclean hands because Plaintiff wrongfully declined to honor the cashier's checks sent to LPMEC through rightful chair, Defendant Chadderdon, violating or breaching the Deposit Contract with LPMEC.

16. Plaintiff's claims are barred, in whole or in part, because the Libertarian National Committee, Inc., has solely recognized Defendant Chadderdon as the legitimate chair of the LPMEC.

17. Plaintiff's claims are barred, in whole or in part, because on February 15, 2023, legal counsel for the legitimate LPM sent a cease-and-desist letter to Defendant Brungardt to immediately terminate any further misrepresentation as having any authority to govern the affairs of the LPM and the LPMEC and to return its property.

18. Plaintiff's claims are barred, in whole or in part, because the Libertarian National Committee, Inc., sent a cease-and-desist letter to Defendant Brungardt, demanding an immediate termination to any representations of being the legitimate Michigan state affiliate of the Libertarian National Committee, Inc., and use of its Trademarks, and from identifying as the recognized LPMEC.

19. Plaintiff's claims are barred, in whole or in part, because Defendant Chadderdon provided Plaintiff with documentation from LPM's legal counsel and from the Libertarian National Committee, Inc. that established him as the legitimate Chair of the LPMEC.

20. Plaintiff's claims are barred, in whole or in part, because despite providing sufficient proofs that Defendant Chadderdon is the legitimate Chair of the LPMEC, Plaintiff has refused to allow the LPMEC through Chair Chadderdon to secure the funds belonging to LPMEC,

or otherwise prevented the legitimate LPMEC to access its rightful funds, which has damaged both the LPMEC and the Libertarian National Committee, Inc.

21. Plaintiff's claims are barred, in whole or in part, because Plaintiff allowed Defendant Brungardt, who did not have official recognition from the Libertarian National Committee, Inc. or from the LPM, to add Defendants Saliba and Thornton to LPMEC's bank accounts at Comerica.

22. Plaintiff's claims are barred, in whole or in part, because the Judicial Committee has found the election of Defendants Brungardt, Saliba, and/or Thornton were out of order as a violation of its bylaws and parliamentary procedures and held that any actions taken by the erroneous board which are of a continuing nature and null and void.

23. Plaintiff's claims are barred, in whole or in part, because on January 25, 2023, the LPM, through its counsel, directed Defendant Brungardt to add the legitimate Chair, Defendant Chadderdon, to the LPMEC's bank account at Comerica Bank and Brungardt ignored these instructions.

24. Defendants Brungardt, Saliba, and/or Thornton have filed frivolous claims or defenses.

25. Plaintiff's claims are barred, in whole or in part, due to Plaintiff violating the LPMEC's and/or Defendant Chadderdon's rights to due process.

26. Plaintiff's claims are barred, in whole or in part, because Section 535 of the Michigan Nonprofit Corporation Act (MCL 450.2535) does not apply to the LPMEC as it is organized on a directorship basis and has no members in law.

27. Plaintiff's claims are barred, in whole or in part, because the affairs of the LPM and the LPMEC are governed by the LPM bylaws and not by a state statute, as the First Amendment to the United States Constitution requires that the political party rules prevail.

28. Plaintiff's claims are barred, in whole or in part, because both the LPM Bylaws and the Michigan Nonprofit Corporation Act require adherence to the Judicial Committee's December 19, 2022 decision, which invalidated Brungardt's selection as LPMEC Chair and recognized Chadderdon as the legitimate Chair.

29. Plaintiff's claims are barred, in whole or in part, because the bylaws of the LNC state that there shall be no more than one state-level affiliate party in any one state, and the LNC does not recognize Brungardt, Saliba, or Thornton to be legitimate officers or representatives of the LPMEC.

Defendant Chadderdon reserves the right to amend and supplement these Affirmative Defenses based upon facts established in the course of additional pre-trial proceedings.

Respectfully submitted,

HOOPER HATHAWAY, P.C.

Dated: June 22, 2023

By: /s/ Oscar A. Rodriguez
Oscar A. Rodriguez (P73413)
Attorney for Andrew Chadderdon

PROOF OF SERVICE

I hereby certify that on June 22, 2023, I electronically filed the foregoing document with the Clerk of the Court via the MiFILE TrueFiling system, which will serve copies of upon service contacts of record.

I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ R. Abigail Adams
R. Abigail Adams, Paralegal

Prepared by:

/s/ Oscar A. Rodriguez
Oscar A. Rodriguez (P73413)
HOOPER HATHAWAY, P.C.
126 South Main Street
Ann Arbor, Michigan 48104
(734) 662-4426
Counsel for Defendant Andrew Chadderdon

EXHIBIT 1

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

LIBERTARIAN NATIONAL
COMMITTEE, INC.,

Plaintiff,

v.

MIKE SALIBA,
RAFAEL WOLF,
GREG STEMPFLE,
ANGELA THORNTON-CANNY,
JAMI VAN ALSTINE,
MARY BUZUMA, and
DAVID CANNY,
JOSEPH BRUNGARDT

Defendants.,

CIVIL ACTION NO.:

23-cv-11074

JURY TRIAL DEMANDED

**COMPLAINT FOR TRADEMARK INFRINGEMENT AND
OTHER LANHAM ACT VIOLATIONS UNDER 15 U.S.C. §§ 1114, 1125**

1. This is an action under the laws of the United States, Title 15 of the United States Code, for trademark infringement, false designation of origin, false advertising, unfair competition, passing off, and unjust enrichment under 15 U.S.C. §§ 1114, and 1125(a)(1)(A) and (B), in which Plaintiff Libertarian National Committee, Inc. ("LNC" or "Plaintiff"), makes the following allegations against Mike Saliba, Rafael Wolf, Greg Stempfle, Angela Thornton Canny, Jami Van Alstine, Mary Buzuma, Danny Canny and Joseph Brungardt (collectively "Defendants").

PARTIES

2. Plaintiff LNC is a District of Columbia Corporation, having its primary office at 1444 Duke St, Alexandria, Virginia, 22314.

3. Defendant Mike Saliba ("Saliba") is an individual residing within Michigan. Upon information and belief, Saliba resides at 16231 Scenic Clinton TWP, Macomb, Michigan 48038.
4. Defendant Rafael Wolf ("Wolf") is an individual residing within Michigan. Upon information and belief, Wolf resides at 1418 Elkerton Avenue, Kalamazoo, Michigan 49048.
5. Defendant Greg Stempfle ("Stempfle") is an individual residing within Michigan. Upon information and belief, Stempfle resides at 2615 Hyland, Ferndale, Michigan 48220.
6. Defendant Angela Thornton Canny ("Thornton Canny") is an individual residing within Michigan. Upon information and belief, Thornton Canny resides at 15223 Ripple Drive, Linden, Michigan 48451.
7. Defendant Jami Van Alstine ("Van Alstine") is an individual residing within Michigan. Upon information and belief, Van Alstine resides at 28158 Heather Way, Romulus Michigan 48174.
8. Defendant Mary Buzuma ("Buzuma") is an individual residing within Michigan. Upon information and belief, Buzuma resides at 714 S. Beacon Blvd, Apt. 76, Grand Haven, Michigan 49417.
9. Defendant David Canny ("Canny") is an individual residing within Michigan. Upon information and belief, Canny resides at 15223 Ripple Drive, Linden, Michigan 48451.
10. Defendant Joseph Brungardt ("Brungardt") is an individual residing within Michigan. Upon information and belief, Brungardt resides at 4140 8-1/2 Mile Road, Sterling Heights, Michigan 48116.

JURISDICTION AND VENUE

11. This action arises under the commerce and trade laws of the United States, Title

15 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331.

12. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(1)&(2).

FACTS COMMON TO ALL CLAIMS

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

14. The LNC is authorized to charter affiliates throughout the United States. 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. In January 2023, a group of individuals, Defendants, challenged the legitimate leadership of the officially recognized state-level affiliate of the Libertarian Party, the LPM. Plaintiff has continued to recognize the legitimate affiliate organization. However, Defendants, individually and as a group, 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. Defendant's infringement and caused harm and damage to the LNC, including monetary harm, political harm and reputational harm to the LNC, the Libertarian Party and the

LPM, and dilution and disparagement of the Plaintiff's federally registered trademarks and the good will associated therewith. 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.

15. 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.

16. The following LPMEC positions have been illegitimately claimed by the following Defendants: Brungardt (Chair- originally) Saliba (Chair-current), Wolf (1st Vice-Chair), Stempfle (2nd Vice-Chair), Thornton-Canny (Treasurer), and Van Alstine (Secretary). The Defendants' claims of recognition are denied by the Plaintiff who recognizes a different set of officers as representing its Michigan affiliate and as authorized to use its trademarks. The LPMEC is authorized to charter sub-affiliates. Until April 7, 2023, two of those sub-affiliates were the Libertarian Party of West Michigan ("LPWM") and the Libertarian Party of Genesee County ("LPGC"). Defendant Buzuma is the Chair of LPWM, and Defendant Canny is the Chair of LPGC. Currently, neither of these organizations are recognized by Plaintiff LNC and are not authorized to use either Registered mark.

THE TRADEMARKS

17. As part of its management of the Party, Plaintiff has registered a number of trademarks ("Libertarian Party Trademarks") with the USPTO that are associated and identified with its national and local political activities and affiliations.

18. Plaintiff's Trademarks include the federally registered trademark rights to:

- "Libertarian Party" Reg. No. 2,423,459 [Exhibit 2]. This mark has been in use in commerce at least since January of 1972.

- the "Libertarian" logo Reg. No. 6,037,046 [Exhibit 3]. This mark has been in use in commerce at least since 2015.

19. The Plaintiff currently and has continuously actively used the Libertarian Party Trademarks in commerce [Exhibit 4, screenshot of front page of Plaintiff's website LP.org].

20. Plaintiff grants the use of its Trademarks to its officially recognized state-level affiliates and their officially recognized sub-affiliates pursuant to Plaintiff's Bylaws [Exhibit 5, Libertarian Party Bylaws, specifically, Article 5.1].

21. On or about January 31, 2023, Defendants wrongfully claimed to be officers of the LPMEC and thus entitled to use the Plaintiff's Trademarks and to authorize sub-affiliates to do likewise.

22. On February 15, 2023, counsel for the representatives of the legitimate LPMEC recognized by the Plaintiff, sent a cease and desist letter to Defendant Brungardt, the original self proclaimed unrecognized chair of the Defendant Group, to immediately terminate any further misrepresentation as having any authority to govern the affairs of LPMEC and return their property [see Exhibit 6, cease and desist letter from Eric Doster, Esq. dated February 15, 2023, and Exhibit 7, response email from Defendant's former board member Scotty Boman dated February 15, 2023].

23. On February 16, 2023, Plaintiff sent a cease and desist letter to Defendant Brungardt, demanding an immediate termination to any representations of being the legitimate Michigan state affiliate of the Plaintiff and use of its Trademarks, including the designation

"Libertarian Party" and identifying as the recognized LPMEC at that time [see Exhibit 8, cease and desist letter from LNC Chair Angela McArdle dated February 16, 2023, and Exhibit 9, response from Brandon G. Warzybok dated February 8, 2023].

**FACTS COMMON TO DEFENDANTS BRUNGARDT, SALIBA, WOLF,
STEMPFLE, THORNTON-CANNY, AND VAN ALSTINE**

24. On January 25, 2023, the governing arm of the LPM, the LPMEC, directed Defendant Brungardt to add the Chair, Andrew Chadderdon, to the LPMEC's bank account at Comerica Bank. Brungardt ignored these instructions and on January 31, 2023, claimed that he was the LPMEC Chair. Subsequently, under the direction of the other Defendants, Brungardt added Defendants Saliba and Thornton-Canny to the account while claiming that these were rightful officers of the LPMEC who were entitled to use Plaintiff's Trademark "Libertarian Party" and to operate as an affiliate of Plaintiff. Thereafter, Chadderdon successfully appealed to Comerica's legal department to have his name added to the LPMEC bank account based upon documentation from LPMEC's legal counsel and from Plaintiff. However, on or about March 22, 2023, Defendants had the assets frozen after attempting to draw upon the account. Chadderdon made a second successful appeal after which Comerica provided him with cashier's checks for the balance and closed the account. However, on or about April 28, 2023, Chadderdon was notified that an Interpleader/Declaratory action (Case No. 23-557-CB Washtenaw County Circuit Court, State of Michigan) was filed by Comerica due to the continued attempts of Defendants to secure the funds properly belonging to LPMEC. Lack of access to funds has damaged the LPMEC and Plaintiff LNC.

25. On or about April 20, 2023, Thornton-Canny filed a campaign finance report with the state of Michigan purporting to be on behalf of the legitimate LPMEC entitled to use the

Plaintiff's Trademark of "Libertarian Party" [see Exhibit 9, screenshot of Michigan campaign finance filing dated April 20, 2023].

26. On February 5, 2023, and March 19, 2023, under color of being the legitimate Treasurer of LPMEC, and thus falsely authorized to use the Plaintiff's Trademark of "Libertarian Party," Thornton-Canny filed false amended Statements of Organization with the Federal Elections Commission ("FEC") claiming a change in Treasurer, website, and address. Under 52 U.S.C. §§ 30101-46, this is an improper attempt to be recognized as a state-level affiliate of a recognized national party. As claimed by Thornton-Canny in the filings, an organization must be recognized as part of the official structure of said national political party, however, Thornton-Canny was fully aware that the organization referenced in her filing did not have official recognition from Plaintiff LNC [see Composite Exhibit 11, Amended Statements of Organization dated February 5, 2023, and March 19, 2023, filed by Angela Canny Thornton to the FEC; and Exhibit 12, letter from the FEC to the LNC's counsel dated November 17, 2016]. These false filings have harmed the Libertarian Party and may adversely affect the ability of the Libertarian Party to put its 2024 Presidential and Vice-Presidential candidate on the ballot in Michigan.

27. On February 3, 2023, Defendants Brungardt, Saliba, Wolf, Stempfle, Thornton-Canny and Van Alstine, registered a website (michiganlp.net) using the Plaintiff's Trademark of "Libertarian Party" which was further deceptively similar to the website of the recognized LPMEC (michiganlp.org) [see Exhibit 13, screenshot of WhoIs information for the michiganlp.net domain] and attempted to have the legitimate website taken down by its hosting provider, Domain IT. Until such time as this trademark suit is resolved, the legitimate LPMEC is locked out of making any domain transfers or other fundamental identity changes to its

website due to this fraudulent and bad faith take-down effort as per a phone call from Domain IT made to Mr. Chadderdon on or about March 7, 2023.

28. On multiple dates, including February 7, 2023, Defendants filed documentation with the Michigan Corporations registry ("LARA") claiming to be the legitimate directors of LPMEC and entitled to the use of the Plaintiff's Trademark of "Libertarian Party" [see Exhibit 14, LARA filing dated February 7, 2023].

29. On or about March 3, 2023, Plaintiff sent an email to its membership in Michigan alerting them to the identity of the correct website and contact email [see Exhibit 15, email from Plaintiff to Michigan membership dated March 3, 2023].

30. In response and on the same day, Defendants sent out an email to the Michigan membership fraudulently "spoofing" the email address of the recognized affiliate identified by the Plaintiff and using Plaintiff's Trademark of "Libertarian Party" in an infringing manner [see Composite Exhibit 16, email from Defendants dated March 3, 2023, and screenshot of email header showing spoofed sender]. They have sent numerous other emails representing themselves as the Michigan affiliate and using Plaintiff's Trademark of "Libertarian Party" without engaging in spoofing.

31. Defendants have set up several social media accounts falsely holding themselves out to be representatives of the affiliated LPMEC and using Plaintiff's Trademark of "Libertarian Party" [see Composite Exhibit 17, depicting Twitter and Facebook pages infringing upon Plaintiff's Trademark].

32. Defendants have further advertised numerous meetings, including an alleged annual convention [see previously referenced Exhibit 16], representing themselves as the Michigan affiliate and infringing upon Plaintiff's Trademark.

33. Defendants have published Bylaws upon their website explicitly claiming that they are operating as an affiliate of the Plaintiff and using the Plaintiff's Trademark throughout [see Composite Exhibit 18, screenshots of Defendants' website using Plaintiff's Trademark including the explicit claim of affiliation with Plaintiff].

34. Defendants have taken money from individuals as “membership dues” using their claims of false association with the Plaintiff and took receipt of other funds from individuals related thereto and is actively soliciting same [see Exhibit 19, donation page from Defendants' website].

35. 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. They have further made harassing and potentially defamatory claims to and about the attorney of the affiliated LPMEC [see Composite Exhibit 20, screenshot of post from Defendant Saliba joking about burning any cease and desist letters, screenshot of post from Defendant Canny describing damaging Plaintiff's brand as a "Holy Quest," picture of Defendants' fellow board member Brian Ellison disrupting a legitimate board meeting by stripping off of his clothes, and screenshot of post by Defendants' former fellow board member Scotty Boman accusing attorney of malpractice].

36. Plaintiff anticipates receiving complaints regarding the same – wherein individuals contact Plaintiff to inquire about non-existent memberships in the LNC or the “Libertarian Party,” and/or the LPM and are upset that they’ve paid money but have no membership with the Plaintiff or have given personal and private contact information in reliance upon the claim of association with the Plaintiff and use of Plaintiff's Trademark.

FACTS RELATING TO DEFENDANT CANNY

37. Defendant Canny is the chair of LPGC, a formerly recognized affiliate of the LPMEC previously entitled to use Plaintiffs' trademarks. Canny had been notified as of April 7, 2023, that LPGC's affiliation would be revoked if the organization did not meet certain conditions which were not met [see Exhibit 21, email from Andrew Chadderdon to LPGC notifying of intent to disaffiliate and to cease further infringing activities].

38. Defendant Canny operates a website using Plaintiff's Trademarks without authorization [see Exhibit 22, screenshot of LPGC website depicting use of both of Plaintiff's Trademarks].

39. Further, Canny has used LPGC in order to process money in assistance of fundraising efforts in furtherance of the infringing activities described above [see Exhibit 21 referenced previously, and Exhibit 23, screenshot of donation page on michiganlp.net noting the LPGC as the processor for donations].

FACTS RELATING TO DEFENDANT BUZUMA

40. Defendant Buzuma is the chair of LPWM, a formerly recognized affiliate of the LPMEC previously entitled to use Plaintiffs' trademarks. Buzuma had been notified as of April 7, 2023, that LPGC's affiliation would be revoked if the organization did not meet certain conditions which were not met [see Exhibit 24, email from Andrew Chadderdon to LPWM notifying of intent to disaffiliate].

41. Defendant Buzuma operates a website using Plaintiff's Trademarks without authorization [see Exhibit 25, screenshot of LPWM website depicting use of both of Plaintiff's Trademarks].

COUNT I
FEDERAL TRADEMARK INFRINGEMENT UNDER 15 U.S.C. § 1114

42. Plaintiff restates herein and incorporates by reference all of the above paragraphs.

43. Plaintiff LNC is the exclusive owner and registrant of Plaintiff's Trademarks, Reg. No. 2,423,459 and Reg. No. 6,037,046 and to all common law rights thereto and associated therewith.

44. Plaintiff's registrations of the Trademarks at the USPTO are valid and active, and in full force and effect.

45. Plaintiff has used, and continues to use, its registered Trademarks in commerce.

46. Defendants have, without the consent of the Plaintiff, used the Trademarks, reproductions of the Trademarks, counterfeits of the Trademarks, copies of the Trademarks, and/or colorable imitations of the Trademarks in commerce in a manner that is confusing and/or confusingly similar.

47. Defendants' Infringing uses have been in connection with repeated and continuous distribution, advertising, registration, and publication of information and materials containing references to "Libertarian Party" and as far as Defendants Canny and Buzuma, using the Libertarian Party "torch eagle" logo.

48. Defendants' Infringing uses of Plaintiff's Trademarks occurred, and occur, in related commercial fields for related commercial services (*e.g.*, political party communications, political party activities, political press activity, political candidate screenings, official filing and registrations and endorsements).

49. Defendants' Infringing uses of Plaintiff's Trademarks further include Defendants soliciting funds from individuals – by misleading and deceiving those individuals as to

Defendants' relationship, affiliation or sponsorship with or by Plaintiff, by using Plaintiff's Trademarks and in other manners.

50. Defendants' Infringing uses of Plaintiff's Trademarks – especially when considered in light of their knowing and defiant continued uses – have been intentional, to create a false impression of affiliation, authorization or sponsorship.

51. Defendants' Infringing uses of Plaintiff's Trademarks – especially when considered in light of their knowing and defiant continued uses – have been intentional, to harm Plaintiff's marks, to harm Plaintiff's good will and to dilute Plaintiff's marks.

52. Defendants' Infringing uses have therefore caused confusion and mistake, and are likely to continue to cause confusion or mistake as Defendants' association, affiliation or relationship with Plaintiff. Such confusion or mistake is probable, given the relatedness of Defendants' Infringing Uses.

53. Defendants' Infringing uses constitute trademark infringement and trademark dilution in violation of the Lanham act and 15 U.S.C.

54. Defendants' infringing activities and willful conduct in relation thereto, constitute trademark infringement in violation of 15 U.S.C. § 1114(1) and the Lanham Act.

55. Plaintiff has been, and will continue to be harmed by Defendants' Infringing activities. Defendants' conduct has irreparably harmed Plaintiff, and will continue to do so unless enjoined by this Court.

56. As a result of Defendants' conduct, Plaintiff has been harmed and is entitled to damages, including, but not limited to, actual damages, statutory damages, treble damages, and corrective advertising damages and a temporary and permanent injunction.

57. The harm caused to Plaintiff's business, goodwill, reputation, trademarks and

finances are a direct and proximate result of Defendants' intentional, deliberate, and willful use of Plaintiff's Trademarks in an infringing manner.

58. The intentional, deliberate, and willful actions of Defendants render this an exceptional case, entitling Plaintiff to enhanced damages and an award of attorney's fees and costs associated with the action pursuant to 15 U.S.C. § 1117(a).

59. The damage caused to Plaintiff by Defendants cannot be fully measured or compensated for in economic terms. Such irreparable harm will continue unless Defendants are enjoined from such conduct.

COUNT II
UNFAIR COMPETITION UNDER 15 U.S.C. § 1125(a)(1)(A)

60. Plaintiff herein restates and incorporates by reference all paragraphs above.

61. Defendants have, without the consent of the Plaintiff, used the Libertarian Trademarks – including, but not limited to, words, terms, names, symbols, and combinations thereof.

62. Defendants have, without the consent of the Plaintiff, used the Libertarian Trademarks in false designations of origin, false or misleading descriptions of fact, or false or misleading representations of fact, regarding the Trademarks.

63. Defendants' unlawful usage of Plaintiff's Trademarks has caused and is likely to continue to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants or their activities with the Plaintiff.

64. Defendants' unlawful usage of Plaintiff's Trademarks is likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of their commercial activities by the Plaintiff.

65. Defendants' unlawful usage of Plaintiff's Trademarks has caused confusion, mistake and deception as to the origin, sponsorship, or approval of their commercial activities by the Plaintiff.

66. Defendants' Infringing Uses of Plaintiff's Trademarks include Defendants receiving money from individuals – by misleading and deceiving those individuals as to Defendants' relationship, affiliation or sponsorship with or by Plaintiff, using Plaintiff's Trademarks.

67. Defendants' unlawful usage of Plaintiff's Trademarks is willful and deliberate.

68. Defendants have acted purposefully to create a false or misleading association in order to trade off of the extensive goodwill that Plaintiff's Trademarks have established.

69. Defendants' unlawful usage of Plaintiff's Trademarks and willful conduct in relation thereto constitute false designation of origin, false descriptions, and dilution of the Trademarks in violation of 15 U.S.C. § 1125(a)(1)(A).

70. Plaintiff has been, and will continue harmed by Defendants' unlawful usage of Plaintiff's Trademarks. Defendants' conduct has irreparably harmed Plaintiff, and will continue to do so unless enjoined by this Court.

71. As a result of Defendants' unlawful usage of Plaintiff's Trademarks, Plaintiff has been harmed and is entitled to damages, including but not limited to, actual damages, statutory damages, treble damages, and corrective advertising damages.

72. The harm caused to Plaintiff's business, goodwill, reputation, and finances are a direct and proximate result of Defendants' intentional, deliberate, and willful misuse of Plaintiff's Trademarks in an unlawful manner.

73. The intentional, deliberate, and willful actions of Defendants render this an

exceptional case, entitling Plaintiff to enhanced damages and an award of attorney's fees and costs associated with the action pursuant to 15 U.S.C. § 1117(a).

74. The damage caused to Plaintiff by Defendants cannot be fully measured or compensated for in economic terms. Such irreparable harm will continue unless Defendants are enjoined from such conduct.

**COUNT III
FALSE ADVERTISING UNDER 15 U.S.C. § 1125(a)(1)(B)**

75. Plaintiff herein restates and incorporates by reference all of the above paragraphs.

76. Defendants have, without the consent of the Plaintiff, used the Trademarks – including, but not limited to, words, terms, names, symbols, and combinations thereof.

77. Defendants have, without the consent of the Plaintiff, used the Trademarks in false designations of origin, false or misleading descriptions of fact, or false or misleading representations of fact, regarding the Trademarks.

78. Defendants have, without the consent of the Plaintiff, used the Trademarks in commercial advertising and promotion.

79. Defendants' unlawful usage of Plaintiff's Trademarks in commercial advertising or promotion misrepresents the nature, characteristics, qualities, or geographic origin of their commercial activities.

80. Defendants' unlawful usage of Plaintiff's Trademarks has caused confusion, mistake and deception as to the origin, sponsorship, or approval of their commercial activities by the Plaintiff.

81. Defendants' Infringing uses of Plaintiff's Trademarks include Defendants receiving money from individuals – by misleading and deceiving those individuals as to

Defendants' relationship, affiliation or sponsorship with or by Plaintiff, using Plaintiff's Trademarks.

82. Defendants' unlawful usage of Plaintiff's Trademarks is willful and deliberate.

83. Defendants have acted purposefully to falsely advertise and promote their activities in order to trade off of the extensive goodwill that Plaintiff's Trademarks have established.

84. Defendants' unlawful usage of Plaintiff's Trademarks and willful conduct in relation thereto constitute false advertising of the Trademarks in violation of 15 U.S.C. § 1125(a)(1)(B).

85. Plaintiff has been, and will continue harmed by Defendants' unlawful usage of Plaintiff's Trademarks. Defendants' conduct has irreparably harmed Plaintiff, and will continue to do so unless enjoined by this Court.

86. As a result of Defendants' unlawful usage of Plaintiff's Trademarks, Plaintiff has been harmed and is entitled to damages, including but not limited to, actual damages, statutory damages, treble damages, and corrective advertising damages.

87. The harm caused to Plaintiff's business, goodwill, reputation, and finances are a direct and proximate result of Defendants' intentional, deliberate, and willful misuse of Plaintiff's Trademarks in an unlawful manner.

88. The intentional, deliberate, and willful actions of Defendants render this an exceptional case, entitling Plaintiff to enhanced damages and an award of attorney's fees and costs associated with the action pursuant to 15 U.S.C. § 1117(a).

89. The damage caused to Plaintiff by Defendants cannot be fully measured or compensated for in economic terms. Such irreparable harm will continue unless Defendants are

enjoined from such conduct.

**COUNT IV
INJUNCTIVE RELIEF UNDER 15 U.S.C. § 1116(a)**

90. Plaintiff herein restates and incorporates by reference all paragraphs.

91. Plaintiff has shown, herein, that Defendants has unlawfully used Plaintiff's Trademarks in violation of 15 U.S.C. §§ 1114, 1125(a)(1)(A) and 1125(a)(1)(B).

92. Plaintiff has shown, herein, that Defendants' infringement of Plaintiff's Trademarks is willful, deliberate and ongoing.

93. Plaintiff has shown, herein, that Plaintiff has been, and will continue to be, harmed by Defendants' infringement of Plaintiff's Trademarks.

94. Plaintiff has shown, herein, that Plaintiff has been irreparably harmed by Defendants' infringement of Plaintiff's Trademark, and that Defendants will continue to do so unless enjoined by this Court.

95. The damages caused to Plaintiff by Defendants cannot be fully measured or compensated for in economic terms. Such irreparable harm will continue unless Defendants are enjoined from such conduct.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

A preliminary injunction enjoining Defendants and others acting in concert with Defendants from infringing on plaintiffs trademarks and from using, advertising or publicizing

any information that includes or refers to Plaintiff's Trademarks or any colorable imitation thereof;

A judgment in favor of Plaintiff that Defendants violated 15 U.S.C. § 1114;

A judgment in favor of Plaintiff that Defendants violated 15 U.S.C. § 1125(a)(1)(A);

A judgment in favor of Plaintiff that Defendants violated 15 U.S.C. § 1125(a)(1)(B);

A judgment in favor of Plaintiff that Defendants intentionally violated 15 U.S.C. § 1114;

A judgment in favor of Plaintiff that Defendants intentionally violated 15 U.S.C. § 1125(a)(1)(A);

A judgment in favor of Plaintiff that Defendants intentionally violated 15 U.S.C. § 1125(a)(1)(B);

A judgement in favor of Plaintiff that Defendants have violated the Federal trademark rights of Plaintiff.

A judgement in favor of Plaintiff that Defendants have violated Plaintiffs' Lanham Act rights.

A judgment and order requiring Defendants to pay Plaintiff monetary damages – in an amount to be determined at trial – in addition to awarding Plaintiff's attorney's fees, costs, expenses, enhanced and/or exemplary damages, and pre-judgment and post-judgment interest;

A permanent injunction enjoining Defendants and others acting in concert with Defendants from infringing on plaintiffs trademarks and from using, advertising or publicizing any information that includes or refers to Plaintiff's Trademarks or any colorable imitation thereof; and

Any and all other relief to which Plaintiff may show itself to be entitled.

May 5, 2023

Respectfully Submitted,

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**ATTORNEYS FOR PLAINTIFF
LIBERTARIAN NATIONAL
COMMITTEE**

EXHIBIT 2

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.

EXHIBIT 3

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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://michiganlp.org).

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

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EXHIBIT 4



February 16, 2023

Joseph Brungardt
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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
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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 spoliage 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

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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

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW
BUSINESS COURT

COMERICA BANK,
Plaintiff/Counter-Defendant,

Case No. 23-000557-CB

vs.

Hon. Timothy P. Connors

LIBERTARIAN PARTY OF MICHIGAN
EXECUTIVE COMMITTEE, INC.;
JOSEPH BRUNGARDT; MICHAEL
SALIBA; and ANGELA THORNTON,
a/k/a ANGELA CANNY,
Defendants/Counter-Plaintiffs,

and

ANDREW CHADDERDON,
Defendant.

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DEFENDANT CHADDERDON'S INITIAL DISCLOSURES
PURSUANT TO MCR 2.302(A)

Defendant Andrew Chadderdon (“Defendant” or “Chadderdon”), by and through legal counsel, Hooper Hathaway, P.C hereby submits his initial disclosures without waiving any objections:

PRELIMINARY STATEMENT

This case is in the preliminary phases of discovery and investigation and, therefore, the initial disclosures set forth below are necessarily made without full knowledge of the facts, circumstances, and legal theories involved in the case. Defendant makes such disclosures in good faith effort to comply with MCR 2.302(A) and based upon information currently available to them. Consequently, further discovery, investigation, legal research, and/or analysis may supply additional facts and new meaning to known facts, as well as establish new factual conclusions and legal contentions, all of which may lead to changes, additions to, and variations from these initial disclosures. Accordingly, Defendant reserves his right to amend these disclosures as permitted by MCR 2.302(E), local rules, and/or Order of this Court consistent with subsequent developments in this case. Nothing in this initial disclosure shall constitute a waiver of any claims, defenses, privileges, or objections Defendant has or will have in this lawsuit. Furthermore, no admissions are intended through the service of this initial disclosure.

I. Factual Basis of Defendant’s Defenses (MCR 2.302(A)(1)(a))

In early 2022, a distinct faction or divide appeared to have arisen amongst the leadership and members of the Libertarian Party of Michigan (“LPM”). Due to perceived differences between these two sides, several board members resigned from their positions. On June 14 and 15, 2022, Chair Tim Yow and First Vice-Chair Ben Boren, along with Brandon Waryzbok and Jami Van Alstine, resigned from the Libertarian Party of Michigan Executive Committee, (“LPMEC”), which is the governing board of the Libertarian Party of Michigan, (“LPM”). At that time,

Defendant Andrew Chadderdon, (“Chadderdon”), was the Second Vice-Chair and, per the bylaws, ascended to the chairmanship due to the resignations. A convention was previously scheduled to be held on July 9, 2022, with notice of this convention sent on June 8, 2022.

Initially after the resignations, there was some uncertainty on how to fill the vacancies. Chadderdon began researching by contacting several members of the LPM and the national Libertarian Party. He spoke with Bill Hall, who informed Chadderdon of the existence of the LPM Corporate Bylaws. However, not a single member of the current LPMEC had been aware of their existence. The Corporate Bylaws were found to be valid, as Chadderdon was provided the executed copies of the corporate charter, corporate bylaws, and records in the minutes showing their adoption. On June 18, 2022, Chadderdon presented his findings to the LPMEC, which included the procedures regarding vacancies. These procedures made it clear that Chadderdon was now the Chair.

The very next day, on June 19, 2022, Dave Canny – who was on the side of the resigning members – gave notice of a motion to the LPMEC for a Vote of No Confidence against Chadderdon, in order to “force” a vote for Chair at the July 9, 2022 convention. On June 29, 2022, Dave Canny sent notice of this motion – for a Vote of No Confidence and to fill vacancies – to all of the members of the LPM, without authorization from the Chair, Secretary, or Communications Director, nor by vote of the LPMEC. At the LPMEC Executive Committee meeting on June 29, 2022, Chadderdon sought approval to hire an attorney and parliamentarian for outside opinions regarding the bylaws to give guidance to the LPMEC. The LPMEC voted to hire attorney Eric Doster for a 2-hour consultation, but voted against hiring a parliamentarian. On July 5, 2022, attorney Eric Doster met with the LPMEC, and advised the committee that any corporate law does not supersede the corporate bylaws, and the actions of the convention rule absent a violation of the

bylaws. Mr. Doster further stated, however, that he was not informed of any notice requirements of the bylaws.

On July 9, 2022, the LPM held a candidate Nominating Convention during which Chair Chadderdon ruled that filing the board vacancies was out of order due to failure to give proper notice of filing the vacancies as well as the Motion of No Confidence, as the bylaws require at least 30 days' notice to members.¹ His ruling was appealed, so he voluntarily relinquished the chairmanship of that meeting only as he could not bear responsibility for what he believed was a blatant disregard of the bylaws and rules. The vacancies were filled, and the vote of No Confidence removed Chadderdon from his board position on the LPMEC. The vacancies were filled in part as follows: Joseph Brungardt as Chair, Mike Saliba as First Vice Chair, and Mary Buzuma as Second Vice Chair. The vote of No Confidence motion also differed substantially in content than the notice of the motion. At some point, Joseph Brungardt ("Brungardt") was given signer authorization over the LPM's bank accounts at Comerica Bank.

On November 18, 2022, Chadderdon appealed his removal and the election to fill vacancies to the LPMI Judicial Committee, citing a breach of the bylaws. Parliamentarian Jonathan Jacobs submitted a written opinion in support of Chadderdon's appeal. Parliamentarian Josh Martin submitted a written opinion in support of the respondents and in opposition to Chadderdon's appeal. On December 9, 2022, the LPMI Judicial Committee held its hearing on the Chadderdon appeal. On December 13, 2022, the LPMI Judicial Committee held a meeting to decide the matter, and produced minutes and a written opinion, in which it decided that Chadderdon was the Chair.

¹ The first resignation was on June 14, 2022, which is less than 30 days prior to the convention. Therefore it would be impossible to give the required 30-days notice to hold elections to fill those vacancies by the July 9, 2022 convention. However, it has since been clarified that notice for business at a candidate nominating convention would require 60-days notice before the date of the convention.

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.

At this point, the insurgent faction – which includes Joe Brungardt, Michael Saliba, and Angela Thornton (aka Canny) – started to organize and make efforts to again oust Chadderdon and seize control of the party. On December 26, 2022, the insurgent faction circulated a petition to members of the LPM – which violated their signed NDAs to only use the party database for approved communications – in which they called for a special convention to vote for a motion of no confidence in Chadderdon and a vote to fill vacancies created by the LPMI Judicial Committee's decision, which invalidated the previous July 9, 2022 election. On January 3, 2023, the insurgent faction submitted its petition with a sufficient number of signatures to trigger the organization of a special convention. On January 6, 2023, the LPMEC held a special meeting and a motion passed to authorize the Chair to make arrangements for a special convention. On January 25, 2023, the LPMEC passed a motion to hold the special convention on April 1, 2023 in Wixom. Also during this meeting, Joe Brungardt moved to give Chadderdon access to the LPM's bank accounts at Comerica Bank, which was approved without objection. Lastly, a motion to update LARA filings to reflect the current board of officers was approved without objection. On January 31, 2023, the insurgent faction held its own meeting in which it declared itself to be the legitimate board of the LPM, and issued a competing call to a regular convention, also on April 1, 2023, but in Lansing. The self-appointed members of this insurgent board based their declaration on alleged "new information" that made the Judicial Committee's decision invalid, so they were reinstated by

default.² Certain members of this insurgent board unlawfully obtained the LPM's member contact database and used it to send emails to members, again violating their NDAs. These emails used the national Libertarian party's trademarks and claimed that the Wixom convention was cancelled and announced the Lansing convention. They set up a "michiganlp.net" domain to impersonate the legitimate "michiganlp.org" domain. They further sent emails soliciting donations and member fees in the name of LPM. They also attempted to contact the venue in Wixom to cancel that reservation but were unsuccessful.

Brungardt never accompanied Chadderdon to Comerica Bank to have his name added as an authorized signer on the LPM accounts, despite being the person that motioned for this to occur. Instead, on February 13, 2023, he purportedly went to Comerica Bank and signed documentation to add Michael Saliba ("Saliba") and Angela Thornton aka Canny ("Thornton") as additional signers on at least one of LPM's accounts.³

On February 15, 2023, attorney Eric Doster sent Brungardt a letter on behalf of the LPM, demanding that he and the other members of this insurgent board immediately terminate any further misrepresentation as having any authority to govern the affairs of the LPM and to return all property belonging to the LPM. On February 16, 2023, the Chair of the Libertarian National Committee, Angela McArdle, sent a letter to Brungardt demanding that he and the insurgent board cease using the LPM's registered trademarks, return all property belonging to LPM, and immediately terminate any further misrepresentation that they are affiliated with the national Libertarian party. Brungardt and the other members of the insurgent faction paid no heed to these

² Under the bylaws, the insurgent board could have appealed the LPMI Judicial Committee's decision, but they have not taken that lawful avenue.

³ This information was found in Plaintiff Comerica Bank's First Amended Complaint, paragraphs 12-13.

letters.

On February 22, 2023, Chadderdon was forced to go to Comerica Bank and prove that he was the legitimate Chair of the LPMEC in order to regain control of LPM's assets from the insurgent board. At this time, LARA records showed that Daniel Ziemba ("Ziemba") was the secretary and Norm Peterson was the treasurer of LPMEC. Comerica Bank required certification from Secretary Ziemba that Chadderdon was the legitimate Chair before processing his request to be substituted as signer on LPM accounts.⁴ On February 23, 2023, Chadderdon and Ziemba returned to the bank and provided several documents proving that Chadderdon was the legitimate Chair. Accordingly, Comerica Bank processed Chadderdon's request. On February 27, 2023, Chadderdon opened three new accounts for LPM at Comerica, and transferred the funds from the three previous accounts to the three new accounts, leaving \$1,000.41 in the old general account to cover any previously authorized automated subscriptions or payments for ongoing expenses. At no point did Chadderdon request that Comerica Bank close any of the three old accounts, despite two of them having zero balances.

According to Plaintiff Comerica Bank, on March 9, 2023, Saliba appeared at Comerica Bank to complain about being removed as an account signer for LPM. On this same date, attorney Nick Curcio transmitted a letter purporting to act as attorney for LPMEC and asserted on behalf of LPMEC that Chadderdon was not a LPMEC officer and that some of the LARA filings for LPMEC were fraudulent. On March 10, 2023, Saliba returned to Comerica Bank with newly filed LARA documentation that contradicted the previous LARA filings that showed Chadderdon to be

⁴ As Treasurer Norm Peterson was resigning from the LPMEC for health reasons, Comerica Bank stated that certification from Secretary Daniel Ziemba would be sufficient.

president.⁵ Comerica Bank decided to terminate its deposit relationship with LPMEC and issued cashier's checks representing the closing balances for each of the four deposit accounts with positive balances, which totaled \$38,233.30. Comerica Bank mailed the cashier's checks to the address on record on its books at that time. Allegedly, defendants Brungardt, Saliba, and Thornton contested to Comerica Bank the delivery of the cashier's checks to that address.⁶ On April 6, 2023, Plaintiff Comerica Bank brought the instant interpleader action. Upon Comerica Bank's request, Chadderdon has not deposited or cashed any of these cashier's checks.

On April 1, 2023, the insurgent board held its fraudulent convention in Lansing. On May 5, 2023, The Libertarian National Committee, Inc., ("LNC"), filed suit against Brungardt, Saliba, Thornton, Rafael Wolf, Greg Stempfle, Jami Van Alstine, Mary Buzuma, and David Canny in the United States District Court for the Eastern District of Michigan for trademark infringement and other Lanham Act violations under 15 USC §§ 1114, 1125. On June 15, 2023, the LNC filed a motion for preliminary injunction against those same defendants, which is scheduled for hearing on August 23, 2023, before District Judge Judith E. Levy.

II. Legal Theories on which Defendant's Defenses are Based (MCR 2.302(A)(1)(b))

1. Plaintiff's claims are barred, in whole or in part, because both the LPM Bylaws and the Michigan Nonprofit Corporation Act require adherence to the Judicial Committee's December 13 and 19, 2022 decision, which invalidated Brungardt's selection as LPMEC Chair and recognized Chadderdon as the legitimate Chair.
2. Plaintiff's claims are barred, in whole or in part, because the affairs of the LPM and the LPMEC are governed by the LPM bylaws and not by a state statute, as the First

⁵ This information was found in Plaintiff Comerica Bank's First Amended Complaint, paragraphs 19-21.

⁶ This information was found in Plaintiff Comerica Bank's First Amended Complaint, paragraphs 23-26.

Amendment to the United States Constitution requires that the political party rules prevail.

3. Plaintiff's claims are barred, in whole or in part, because the bylaws of the LNC state that there shall be no more than one state-level affiliate party in any one state, and the LNC does not recognize Brungardt, Saliba, or Thornton to be legitimate officers or representatives of the LPMEC.
4. Plaintiff's claims are barred, in whole or in part, because Section 535 of the Michigan Nonprofit Corporation Act (MCL 450.2535) does not apply to the LPMEC as it is organized on a directorship basis and has no members in law.
5. Plaintiff's claims are barred, in whole or in part, because on February 15, 2023, legal counsel for the legitimate LPM sent a cease-and-desist letter to Defendant Brungardt to immediately terminate any further misrepresentation as having any authority to govern the affairs of the LPM and the LPMEC and to return its property.
6. Plaintiff's claims are barred, in whole or in part, because the Libertarian National Committee, Inc., sent a cease-and-desist letter to Defendant Brungardt, demanding an immediate termination to any representations of being the legitimate Michigan state affiliate of the Libertarian National Committee, Inc., and use of its Trademarks, and from identifying as the recognized LPMEC.
7. Plaintiff's claims are barred, in whole or in part, because the Libertarian National Committee, Inc., has solely recognized Defendant Chadderdon as the legitimate chair of the LPMEC.

Defendant further refers to his Answer to the First Amended Complaint, his papers, and

the theories identified during the course of discovery.

III. Individuals with Discoverable Information and the Subjects Thereof (MCR 2.302(A)(1)(c))

1. Andrew Chadderdon, c/o Hooper Hathaway. Chadderdon is expected to have discoverable information and evidence concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by the Defendants.
2. Joseph Brungardt, Michael Saliba, and Angela Thornton-Canny, c/o Curcio Law Firm. These individuals are expected to have discoverable information and evidence concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by the Defendants.
3. Individuals presently or previously affiliated with LPM, including Daniel Ziemba, Connor Nepomuceno, Eric Doster, and Jonathan M. Jacobs, who may have knowledge concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by Defendants.
4. Individuals presently or previously affiliated with the LPMI Judicial Committee, including Connor Nepomuceno, Joshua M. Smith, and Robert W. Roddis, who may have knowledge concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by Defendants.
5. Individuals presently or previously affiliated with LNC, including Angela McArdle, who may have knowledge concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by Defendants. Angela McArdle is c/o Fresh IP PLC and/or Hooper Hathaway.
6. Rafael Wolf, Greg Stempfle, Jami Van Alstine, Mary Buzuma, and David Canny, c/o Curcio Law Firm. These individuals are expected to have discoverable information and evidence concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by the Defendants.
7. Individuals presently or previously affiliated with Comerica Bank, including Jill Kwiecien, who may have knowledge concerning the allegations in Plaintiff's Complaint and any defenses or counterclaims asserted by Defendants. Jill Kwiecien is c/o Stancato Trage Wells PLLC.
8. Any and all persons and entities referenced in Plaintiff's Complaint.
9. Those witnesses identified in discovery.
10. Those witnesses identified in Plaintiff's Witness List.

11. Those witnesses identified in Defendant's Witness List.
12. Those witnesses identified in Defendants/Counter-Plaintiffs' Witness List.
13. Any persons or entities subpoenaed, deposed, and/or noticed for deposition.
14. Any persons or entities identified by Plaintiff's counsel.
15. Any persons or entities identified by Defendant's counsel.
16. Any persons or entities identified by Defendants/Counter-Plaintiffs' counsel.
17. Those witnesses listed in Plaintiff's initial disclosures that Defendant choose to rely upon.
18. Any and all rebuttal witnesses to be named.
19. Any and all impeachment witnesses to be named.
20. Any and all foundation witnesses to be named.
21. Experts who have not been retained.

Defendant asserts that discovery in this matter is ongoing, and a witness list will be filed in accordance with the Court's scheduling order. Defendant reserves the right to supplement these initial disclosures of potential witnesses pursuant to MCR 2.302(E).

IV. Documents and ESI in Defendant's Possession Supporting their Claims (MCR 2.302(A)(1)(d))

Defendant continues to search for and identify relevant documents in its possession and control, all of which are located either at Defendant's places of business, or at the offices of Hooper Hathaway, P.C., unless otherwise specified.

In addition to the above, Defendant will rely upon those non-privileged, non-work product, relevant documents that are in its possession, custody, or control (or that of its counsel), and that tend to support Defendant's position to its claims and defenses in this litigation to the extent that they exist, including, without limitation, the following:

1. All documents identified or referenced in Defendant Chadderdon's Answer to Plaintiff's First Amended Complaint;
2. Any related resumes of witnesses or parties;
3. Documents requested and produced in the parties' discovery requests;

Through the identification of the categories of documents above, Defendant does not waive their rights to object to production of, or any request to produce, any specific document or documents, and Defendant expressly reserves the right to object to the production of all documents on the basis of attorney-client privilege and/or attorney work produce doctrine. Documents and things that fall within these categories, that are not privileged or otherwise protected from discovery, and that have not been produced, will be produced as agreed upon by the parties in accordance with local rules. Investigation continues, and Defendant reserves the right to supplement these disclosures upon more information received.

V. Documents and ESI Outside of Defendant's Possession Supporting their Claims (MCR 2.302(A)(1)(e))

- Documents identified in Plaintiff's initial disclosures;
- Documents identified in Defendants/Counter-Plaintiffs' initial disclosures;
- Documents produced during discovery; and
- Documents received in response to subpoenas served upon third parties throughout this litigation.

Investigation of this matter continues.

VI. Computation of Damages (MCR 2.302(A)(1)(f))

The amount of damages suffered by Defendant for Plaintiff's initiation of this lawsuit is not yet known. Defendant is seeking attorney's fees, costs, and other such remedy that the court finds is just, which cannot yet be fully calculated.

Defendant further refers to any damages and costs identified in his Answer to the First

Amended Complaint, in his papers, and during the course of discovery. Investigation of this matter continues.

VII. A Copy of Pertinent Insurance Policies (MCR 2.302(A)(1)(g))

Defendant does not believe that any such document exists. If Defendant, Defendants/Counter-Plaintiffs, or Plaintiff identify any such document, they will provide a copy for the opposing party's inspection.

VIII. Anticipated Subject Areas of Expert Testimony (MCR 2.303(A)(1)(h))

No decision has been made to date as to each and every expert that Defendant may call upon to testify at the time of trial. However, at this early stage of discovery, it is anticipated that expert testimony on parliamentary rules and procedures, expert testimony on political party bylaws and procedures, as well as economic damages will be required. Additional areas of expert testimony may be identified, and Defendant will identify its experts as appropriate during the course of this litigation.

Respectfully submitted,

Dated: July 6, 2023

By: /s/ Fawn Armstrong
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Attorneys for Defendant Andrew Chadderdon

PROOF OF SERVICE

I hereby certify that on July 6, 2023, I electronically served the foregoing document via email on attorneys for all parties:

hstancato@stwlawfirm.com

ncurcio@curciofirm.com

I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ Fawn Armstrong
Fawn C. Armstrong (P74980)
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Attorneys for Defendant Chadderdon

JONATHAN M. JACOBS, PRP-R, CPP

Parliamentary Consultant

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Parliamentary Opinion

On November 21, 2022, Andrew Chadderdon, contacted¹ the parliamentarian regarding an appeal to the Judicial Committee of the Libertarian Party of Michigan (LPMI). He asked specific questions regarding notice. With other documents, he provided his filing with the Judicial Committee (from which the information in this opening section is taken along with a video of the meeting).

Mr. Chadderdon was the Second Vice Chair of the LPMI as of the time of the July 9, 2022 nominating convention. At this convention, in spite of Mr. Chadderdon ruling the motion out of order, the vacancies created by the submitted resignations of Tim Yow and Ben Boren, submitted on June 15, 2022, and of Brandon Warzybok, submitted on June 14, 2022, were filled.² Mr. Chadderdon's ruling was based on the failure to provide adequate notice to fill these vacancies. Mr. Chadderdon, none the less, chose to voluntarily relinquish the chair³ and permit Mr. Joe Brungardt to serve as chair.

Later in the meeting a "Motion of No Confidence" was adopted removing Mr. Chadderdon as Second Vice Chair. Notice of this motion was sent to the Executive Committee of the LPMI on June 19, 2022, but was not sent to the membership.

Mr. Chadderdon has asked if the lack of notice for the election of various individuals at this nominating convention, i.e., Joe Brungardt as First Vice Chair, Mike Saliba as First Vice Chair (vice Mr. Brungardt), Mary Buzuma as Second Vice Chair, Rafael Wolf as District 6 Representative, Jon Elgas as District 8 Representative, Greg Stempfle as District 9 Representative, Kyle McCauley as District 10 Representative, and Scotty Boman as District 14 Representative, caused these elections to be null and void. He also asked if the failure of notice invalidated the motion of no confidence.

Works Cited

The Bylaws of the LPMI are online and shall be cited as "Bylaws" with the appropriate Article and section number. The notice of the "Nominating Convention" of July 9-10, 2022, which was sent by e-mail on June 8, 2022 will be cited as "Notice." The Bylaws (Article IX, 2), state that "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." The current edition of this work is the 12th (2020) edition, which will be cited in this opinion as "RONR."⁴ This edition establishes that it supersedes all prior editions and is the parliamentary authority for groups that specifically adopt "Robert's Rules of Order Newly Revised" without specifying an edition (p. vii).

Other citations will appear in the endnotes.

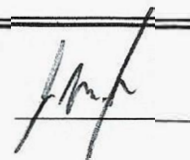
Commentary

RONR has what is, effectively, two types of notice requirements, one type for meetings and one type for specific items of business. It would be entirely possible for some items of business to be in order at a specific type of meeting, a general meeting, without previous notice and others to be out of order because of a lack of notice. Some types of meetings require notice for all substantive items of business. So there are two distinct standards for requiring notice. Both of these standards have a common outcome; they both protect the rights of absentees.

Jonathan M. Jacobs, PRP-R, CPP
Parliamentary Opinion

Page 1 of 3

EXHIBIT 47



Notice, of either type, exists to protect absentees (25:10) and actions taken without the required notice are actions taken in violation of a rule protecting absentees. Absentee rights are treated very seriously in RONR; an action taken in violation of a rule protecting absentees is null and void (23:6 e). The LPMI Convention of July 9, 2022 managed to violate two different notice requirements in attempting to fill the vacancies.

The Bylaws provide for a "candidate nominating convention" in even numbered years. Under the principle of bylaw interpretation that when a bylaw authorizes "certain things specifically, other things of the same class are thereby prohibited (RONR, 56:68, 4)," this convention can do nothing except nominate candidates. Filling a vacancy or using the "vote of no confidence" process found in Article III, 10, are not nominating candidates.

It would have been possible for the Executive Committee to call a special meeting, using Article IV, 3, in order to fill the vacancies and adopt a vote of no confidence; this would require notice of the action needed of at least 30 days to each state party member and resident national party member, as per Article VI, 4, 4. Had there been more than 30 days between the resignations and the nominating convention, a special convention could have been scheduled to be held upon adjournment of the candidate nominating convention. Even doing all of these things in a singular meeting may have been acceptable had there been proper notice of the nomination of candidates, the filling of the vacancies and the vote of no confidence. The Notice only mentions the nominating convention, not these additional items.

As the candidate nominating convention lacked the authority to act beyond nominating candidates and because there was no proper notice to the membership of a special convention, the vote of no confidence and filling of the vacancies are null and void. Note that this specific requirement would not apply at a regular state convention held in odd numbered years⁵. This regular convention is capable "performing such business as required herein (Article VI, 1)." This clause only applies to the regular convention, not the candidate nominating convention, and under principles of bylaw interpretation, prohibits general business from being conducted at other types of conventions (RONR, 56:68, 4).

There is another problem with the attempted filling of the vacancies. RONR notes that "In the case of a resignation from office, unless the bylaws provide otherwise, the assembly cannot proceed to fill the vacancy [upon a resignation being offered and accepted] immediately since notice is a requirement (32:7)." For example, at regular state convention held in odd numbered years, notice for most motions would not be required; a motion to donate some money to a cause, for example, would not require notice. Notice to fill vacancies would still be required to be included in the notice for the convention, because the bylaws have to specifically provide that notice is not required.⁶

Much like the first violation of notice, this violation of notice would be sufficient to void the filling of the vacancies. Even in cases where notice of the meeting is not required, notice of the motion to fill the vacancy is.

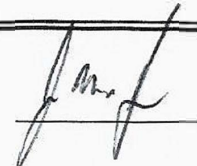
The notice requirement of either type is more than some procedural nicety. A LPMI member, when he reads the notice, and notes that the deadline past, can make decisions about attending. He may have to make travel arrangements, take time off work, or get his funds together. He might decide that it is not worth it just for nominations. He may feel that it was worth it to determine who the officers will be. It is entirely possible that had proper notice been given, the results would be different.

In all cases, the failure to give required notice renders the action null and void as a violation of absentee rights.

Opinion

1. The candidate nominating convention may only nominate candidate; it lacks the ability to fill vacancies or adopt a vote of no confidence.

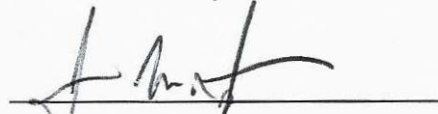
Jonathan M. Jacobs, PRP-R, CPP
Parliamentary Opinion



2. 30 days' notice is required to consider either the filling of the vacancies or a vote of no confidence at any non-regular meeting. Failure to comply with notice requirements violated absentee rights and renders these actions null and void.

3. RONR requires that previous notice be given for filling vacancies in office, even at a regular meeting. Failure to comply with the notice requirement violated absentee rights and renders this action null and void.

Signed:



Jonathan M. Jacobs, PRP-R, CPP

Date:

11/29/22

This is based on general principles of parliamentary procedure, the bylaws of this organization, and the cited parliamentary authorities; nothing in this opinion should be construed as an interpretation of statutory or case law.

End Notes:

¹ The parliamentarian had some conversations with Mr. Chadderdon prior to the July 9 Candidate Nominating Convention. While he suggested that the LPMI hire a local parliamentarian, he did send Mr. Chadderdon a copy of an article he wrote in the 2nd Quarter 2012 issue of the *National Parliamentarian*, "Putting the Motion From the Floor." In that article, the parliamentarian noted, "It is the duty of the chair to follow the rules of the assembly," and that the chair "still has that duty to enforce the rules, even if the assembly wishes to violate those rules."

² The parliamentarian will note, with irony, that a hypothetical example used in the article was of the assembly attempting to adopt a motion without proper notice. It is not specific to the current LPMI situation, as it was written more than a decade prior to that situation occurring.

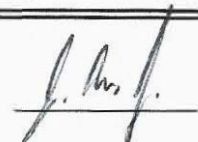
³ Mr. Chadderdon voluntarily, and for the duration of the session only, relinquished the chair for the course of the convention, which is permissible under RONR 47:11 and relieves him of responsibility for violating the rules. That responsibility now passes to Mr. Brungardt.

⁴ Robert, Henry M., Robert's Rules of Order Newly Revised, 12th Edition. Eds. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Daniel E. Seabold, Shmuel Gerber, New York: Public Affairs, 2020.

⁵ However, the Bylaws do require that all executive committee members be notified 14 days in advance (Article III, 10). The executive committee members were given more than 14 days' notice. Had this been a regular meeting, the vote of no confidence could have been considered.

⁶ The idea that a parliamentary authority can require that, for the society to do a certain thing, the thing must be authorized in the bylaws is fairly widespread and exists well beyond RONR. See "Parliamentary Authorities' Rule Shift Function," *Parliamentary Journal*, January 2005.

Jonathan M. Jacobs, PRP-R, CPP
Parliamentary Opinion



From: jjparlia@yahoo.com <jjparlia@yahoo.com>
To: Andrew Chadderdon <andrew.chadderdon@gmail.com>
Sent: Friday, December 23, 2022 at 12:57:40 PM EST
Subject: Re: Questions regarding Parliamentary Opinion for LPMI

You may forward this.

First, while my opinion was written prior to that of Martin and Brown, reading their opinions has not changed my opinion in the least.

Second, the LPMI Bylaws supersede RONR, so when they define something, that definition supersedes RONR. The definition of a regular is expressed in Article VI, Section and is limited to the meeting held in odd-numbered years. Even if RONR has a different definition, it is the definition in the bylaws that is controlling. There is no ambiguity to that.

RONR may define "regular meeting" as happening at a specific interval, but the definition in your bylaws supersedes the RONR definition.

Third, the ambiguity is based in the allegation that the bylaws also create these other specified meeting as regular meetings. Based on the rule of interpretation, which are binding on the assembly, the expression of one thing precludes other things of the same type (56:68 #4). That should end any debate as to the question.

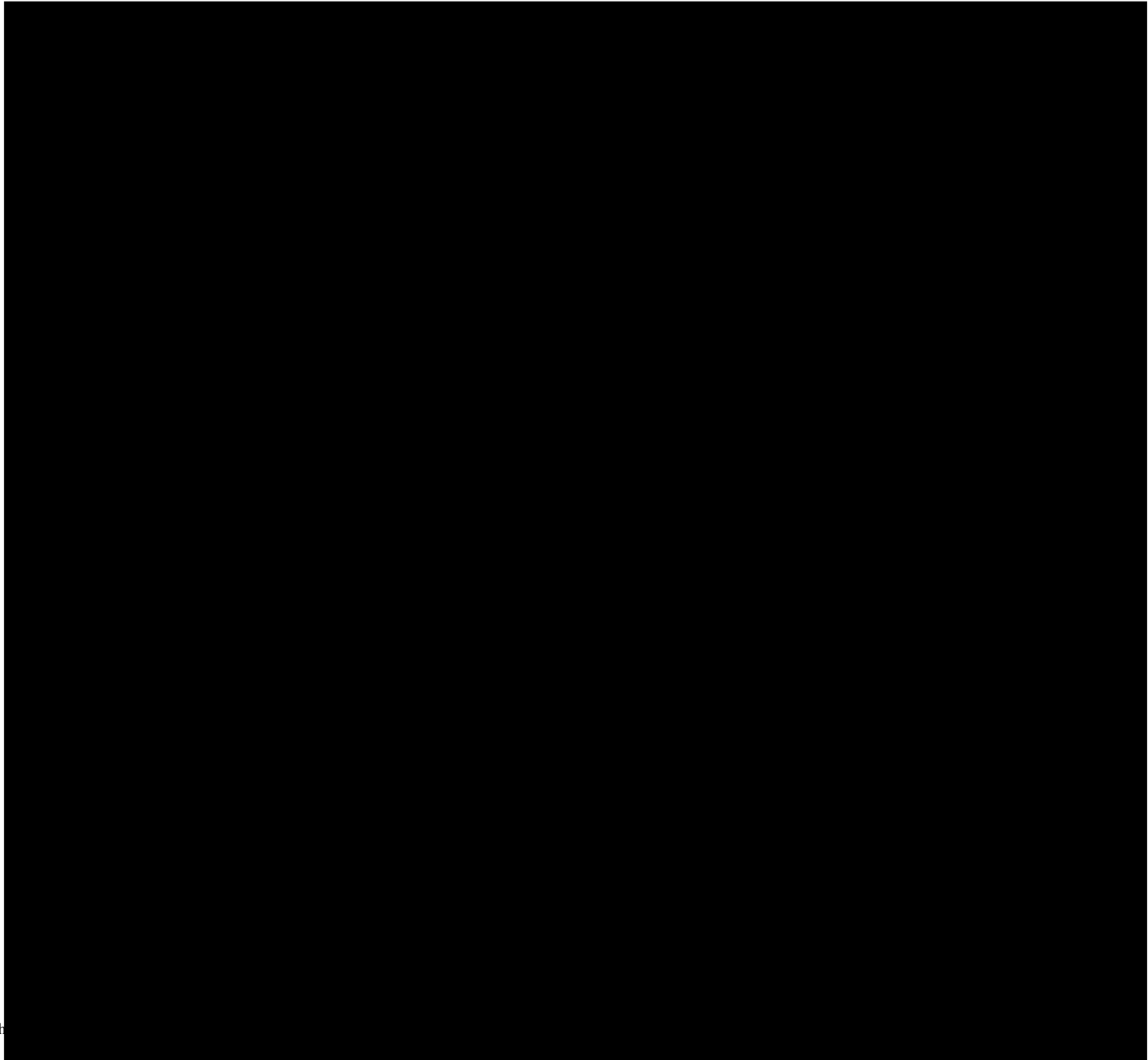
Basically, your bylaws have created a separate class of meetings, specified meetings, that are neither regular nor special meetings as RONR uses the term. They may deal with only that business authorized in the bylaws.

Fourth, since several people have insisted that, in spite of 56:68 #4, these could be regular meetings, I will address it. As noted in my oral arguments, the claim that all these specified meetings are regular meetings would conflict with the term of office of two years ending at the next regular meeting. The interpretation all these specified meetings are somehow regular meetings

violates 56:68 #2, I did not discuss this in my opinion because I had not seen anyone claiming it and did not expect anyone to make a claim that so demonstrably absurd.

I will note that in the 3th quarter 1994 *National Parliamentarian*, a peer reviewed journal of the National Association of Parliamentarians, I wrote an article dealing with the relationship between the rules. I wrote: "It is necessary for a parliamentarian to be aware that there may exist a higher authority, national, state, local laws, as well as the **society's bylaws** and special rules that supersede RONR." I can only repeat the same advice 28 years later.

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Philadelphia, PA 19151
(215) 229-1185



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Summary for: LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

The name of the DOMESTIC NONPROFIT CORPORATION: LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

Entity type: DOMESTIC NONPROFIT CORPORATION

Identification Number: 800902778 **Old ID Number:** 792439

Date of Incorporation in Michigan: 01/19/2005

Purpose:

Term: Perpetual

Most Recent Annual Report: 2022

Most Recent Annual Report with Officers & Directors: 2022

The name and address of the Resident Agent:

Resident Agent Name: VICKI HALL

Street Address: 2615 HYLAND ST

Apt/Suite/Other:

City: FERNDALE

State: MI

Zip Code: 48220

Registered Office Mailing address:

P.O. Box or Street Address: 2615 HYLAND ST

Apt/Suite/Other:

City: FERNDALE

State:

Zip Code: 48220

The Officers and Directors of the Corporation:

Title	Name	Address
PRESIDENT	ANDREW CHADDERDON	30005 MALVERN ST WESTLAND, MI 48185 USA
TREASURER	NORMAN PETERSON	1742 MALVERN JACKSON, MI 48203 USA
SECRETARY	DANIEL ZIEMBA	1457 S SHELDON RD APT 1 PLYMOUTH, MI 48170 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	BRUCE JAQUAYS	1841 LERENE DR COMMERCE TWP, MI 48390 USA
DIRECTOR	DANIEL MUEHL-MILLER	19 PINE HIGHLAND, MI 48357 USA
DIRECTOR	BRIAN ELLISON	15006 WOODPINE DR MONROE, MI 48161 USA
DIRECTOR	LARRY HENNEMAN	53242 DAY RD MARCELLUS, MI 49067 USA
DIRECTOR	TREVOR STEP	9130 HURON RIVER DR BRIGHTON, MI 48116 USA
DIRECTOR	JOE BRUNGARDT	4140 18 1/2 MILE RD STERLING HEIGHTS, MI 48314 USA
DIRECTOR	DAVE FRANKLIN	6901 HUBBARD ST GARDEN CITY, MI 48135 USA

EXHIBIT 48

LARA Corporations Online Filing System

Department of Licensing and Regulatory Affairs

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Summary for: LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

The name of the DOMESTIC NONPROFIT CORPORATION: LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.

Entity type: DOMESTIC NONPROFIT CORPORATION

Identification Number: 800902778 **Old ID Number:** 792439

Date of Incorporation in Michigan: 01/19/2005

Purpose:

Term: Perpetual

Most Recent Annual Report: 2022

Most Recent Annual Report with Officers & Directors: 2022

The name and address of the Resident Agent:

Resident Agent Name: GREGORY STEMPFLE

Street Address: 2615 HYLAND ST

Apt/Suite/Other:

City: FERNDALE

State: MI

Zip Code: 48220

Registered Office Mailing address:

P.O. Box or Street Address: 2615 HYLAND ST

Apt/Suite/Other:

City: FERNDALE

State: MI

Zip Code: 48220

The Officers and Directors of the Corporation:

Title	Name	Address
PRESIDENT	MIKE SALIBA	16231 SCENIC CLINTON TWP, MI 48038 USA
TREASURER	ANGELA THORNTON	15223 RIPPLE DR LINDEN, MI 48451 USA
SECRETARY	JAMI VAN ALSTINE	28158 HEATHER WAY ROMULUS, MI 48174 USA
DIRECTOR	JAY GILLOTTE	8220 E DAVID HWY LYONS, MI 48851 USA
DIRECTOR	ARI ABRAHAM	15318 MEADOWS DR GRAND HAVEN, MI 49417 USA
DIRECTOR	ANDREW DUKE	440 S MOORLAND DR BATTLE CREEK, MI 49015 USA
DIRECTOR	BRIAN ELLISON	15006 WOODPINE DR MONROE, MI 48161 USA
DIRECTOR	MARK KING	708 N PROSPECT RD YPSILANTI, MI 48198 USA
DIRECTOR	LISA GIOIA	359 GRANDA VISTA DR MILFORD, MI 48380 USA
DIRECTOR	KYLE MCCAULEY	115 MICHAEL RD LAPEER, MI 48446 USA
DIRECTOR	JOE BRUNGARDT	4140 18 1/2 MILE RD STERLING HTS, MI 48314 USA
DIRECTOR	GREGG SMITH	1524 ETHEL AVE LINCOLN PARK, MI 48146 USA

EXHIBIT 49

Act Formed Under: 162-1982 Nonprofit Corporation Act

The corporation is formed on a Directorship basis.

Written Consent

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Parliamentary Opinion

RE: Libertarian National Committee vs. Saliba, et al. (Case No. 23-cv-11074)

On July 12, 2023, Caryn Ann Harlos, Secretary of the Libertarian National Committee, and with the approval Andrew Chadderdon, Chair of the Libertarian Party of Michigan (LPMI), contacted the parliamentarian¹ regarding claims made is a filing by the defendants in Libertarian National Committee vs. Saliba, et al. (Case No. 23-cv-11074) on July 10, 2023.

The specific claim in the filing relates to the role of the Judicial Committee of the Libertarian Party of Michigan. The filing states that:

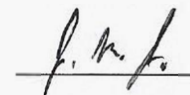
The release of the judicial committee opinion created substantial confusion within the party. Ex. 5 at 5 (Saliba Declaration). Although the judicial committee had existed for several decades, it had never previously claimed the authority to overrule decisions made by convention delegates. See *id.* at 5–6. Further, because the judicial committee is a “committee,” Robert’s Rules of Order [sic] indicates that its proper role is to “report its findings or recommendations to the assembly,” not to order self-executing remedies. *Id.* at 6; Ex. 21 at 6 (Robert’s Rules). Accordingly, while some members of the executive committee were initially under the impression that they had been removed from their committee seats, they eventually concluded that was not the case. Ex. 5 at 6 (Saliba Affidavit). Rather, they determined that they remained in their positions unless and until the party’s members adopted the recommendations of the judicial committee and removed them from office. *Id.* at 6.

On February 2, LPMI Chair Joe Brungardt described this position in detail in an email sent to all registered LPMI members. Ex. 9 at 1–3 (LPMI Emails); Ex. 14 at 9 (michiganlp.net Printouts). After explaining that the appropriate role of a committee is to issue recommendations to the broader assembly, Mr. Brungardt stated:

[T]he Judicial Committee has no authority to overrule the delegates of a convention body. Therefore, should the Executive Committee believe that the Judicial Committee is overstepping its authority, it is incumbent upon the Executive Committee to assert the rights of its members in opposition to the Judicial Committee if necessary.

Ex. 9 at 2 (LPMI Emails). In order to exercise this responsibility, Mr. Brungardt announced that the party would hold a convention on April 1 so that party members could discuss the judicial committee’s recommendations. *Id.* at 1–2. (Saliba Response, pp. 625-6)

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Ms. Harlos asked the parliamentarian if he would be willing to write an opinion “on whether or not the assertions regarding the scope of the Michigan Judicial Committee made by the Defendants in their Response and Exhibits to the LNC’s Motion for Preliminary Injunction are correct?” After a request for clarity, she responded on July 13, 2023, “Yes, the specific claim they made in their reply that the JC can only issue recommendations.”

Works Cited

The Bylaws of the LPMI shall be cited as “Bylaws,” as they existed through March 31st, 2023,² with article and section numbers as appropriate.

The response of the defendants in *Libertarian National Committee vs. Saliba, et al.* (Case No. 23-cv-11074) on July 10, 2023, shall be cited as a “Saliba Response,” with the page ID number used as the reference.

Article XI Section 2 of the Bylaws provide that “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.” The 12th edition of *Robert’s Rules of Order Newly Revised* (2020),³ is the current edition; it will be cited as RONR with the appropriate line and section number.

Several articles will be cited from *National Parliamentarian*, the peer-reviewed journal of the National Association of Parliamentarians, the largest professional association of parliamentarians. It will be cited as NP in text, with full bibliographic information in an end note.

Commentary

The parliamentarian will note that this opinion is limited to whether or not the Judicial Committee of the Libertarian Party of Michigan has the authority to make binding rulings on claims of violations of the Bylaws, without regard to some action by another body or group of members of the Party. He is aware of, and has formally opined on, other procedural matters relating to the LPMI, but this opinion only deals with the authority of the Judicial Committee. It

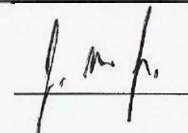


does not, for example, deal with the merits of the case brought to the Judicial Committee in this opinion, but only with that Committee's ability to adjudicate that case.

The Saliba Response asserts "...because the judicial committee is a "committee," Robert's Rules of Order [sic] indicates that its proper role is to "report its findings or recommendations to the assembly," not to order self-executing remedies. Id. at 6; Ex. 21 at 6 (Robert's Rules).(p. 625)" The exhibit is a photocopy of pages 466-7 of RONR in this regard (p. 807). This claim is a misstatement of the rules in RONR, and the parliamentary procedure within the LPMI.

RONR draws a distinction between the general parliamentary rules, those incorporated into the book, which it defines as "parliamentary law," and "parliamentary procedure" which is said to be "parliamentary law as it is followed in any given assembly or organization, *together with whatever rules of order the body may have adopted* (RONR, p. xxx)." As the parliamentarian previously described this as, "Parliamentary law expresses the general and theoretical rule, while parliamentary procedure expresses the specific rule for the specific assembly (NP, p. 13, Fall, 2017)."⁴ In this case, the parliamentarian will look at both the general rule in RONR and the specific rules and bylaws as they apply to the LPMI.

The Saliba Response describes the general and theoretical rule as being that a committee "report its findings or recommendations to the assembly (p. 625)." This is a misstatement of the rule in RONR. Certain types of committees may report its finding to the body that appointed, but other committees are appointed "'with power,' i.e. the "power to take all the steps necessary to carry out its instructions (50:5)." Likewise a standing committee, which may be established in either the bylaws or by special rule of order, may be granted "standing authority to act for the society on matters of a certain class without specific instructions of the assembly (50:8)." In neither case would the committee need to report its findings nor make any recommendations; it takes the action that the society has delegated to it. The parliamentarian will note that these citations were included in the exhibit submitted in the Saliba Response (p.



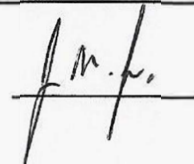
807). A society, in general, may delegate its authority to a committee according to RONR and, in that case, the committee would not need any additional authorization to act. In this case the Judicial Committee has been instructed by the Bylaws (Article XI, Section 2) to “decide cases involving alleged violations of these bylaws or resolutions,” which is precisely what it did.

The Saliba Response, in the specific case, treats the Judicial Committee as something other than a standing committee, one that lacks the ability to act without further reference to the Convention⁵. The Judicial Committee is a committee of established in Article V, Section 1. of the Bylaws, and granted authority to “decide cases involving alleged violations of these bylaws or resolutions,” in the Section 2. of the same article. This meets the definition of a standing committee in RONR; as such, there is no requirement in RONR that the Judicial Committee needs to have its decisions approved by another body. There is also no requirement in the Bylaws for their decision to be approved by another body.

The bylaws of a society supersede all other rules of the society, except for the corporate charter or a separate constitution⁶ (RONR 2:12). This is consistent with Article XI, Section 2. of the Bylaws. In other words, both RONR and the Bylaws establish that the Bylaws are controlling when there is a conflict. This is not a new concept; in writing on this subject about 29 years ago, the parliamentarian noted “It is necessary for a parliamentarian to be aware that there may exist a higher authority, national, state, local laws, as well as the society's bylaws and special rules that supersede RONR (NP, 3rd Quarter, 1994, p. 32).”⁷ The Article V Section 2 statement that, “The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions,” supersedes any provision to the contrary in RONR, if such a contrary provision exists.

Joe Brungardt is cited in the Saliba Response as saying, “the Judicial Committee has no authority to overrule the delegates of a convention body (p. 626, citing Exhibit 9).” This statement has no basis in fact. Other than making this statement, the defendants offer no bylaw to support this claim. The LPMI, at a previous convention of delegates, that is presumed to

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have been properly constituted, has authorized the Judicial Committee to “decide cases involving alleged violations of these bylaws or resolutions,” by adopting a bylaw with that wording. When it has determined that the action of delegates violates the bylaws, the Judicial Committee has full authority to act.

RONR does provide that “[E]ach society decides for itself the meaning of its bylaws,” but goes on to note that “[A]n ambiguity must exist before there can be any occasion for interpretation (56:68(1)).” Article V, Section 2 is not ambiguous. The statement, “The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions,” is crystal clear. Neither Mr. Brungardt, in his email (Saliba Response, pp. 753-6) nor the defendants’ response, have claimed that the Bylaws are ambiguous in this regard.

Opinion

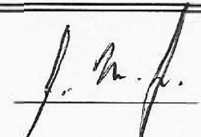
1. RONR authorizes standing committees, that are granted the “standing authority to act for the society on matters of a certain class,” to act on those matters without any further action from the assembly, i.e. they would not need to “report back findings and recommendations.”

2. A standing committee would, strictly under RONR, be established and granted that authority in a bylaw or special rule. The Judicial Committee is created by the Bylaws (Article V, Section 1.) and is granted the authority to “decide cases involving alleged violations of these bylaws or resolutions (Article V, Section 2.)”; this clearly meets the definition of a standing committee under RONR.

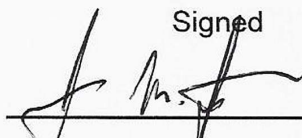
3. The Bylaws supersede RONR. Even if there would be a claim that the Judicial Committee is somehow to not a standing committee, the Bylaw (Article V, Section 2) grants the Judicial Committee final authority. That would supersede any conflicting rule in RONR.

4. Under the provisions of Article V, Section 2, the Judicial Committee, unambiguously, has final authority to “decide cases involving alleged violations of these

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bylaws or resolutions,” without reference to or the need of approval from, any other group or person within the LPMI.

Signed

Jonathan M. Jacobs, PRP, CPP
7/17/23
Date

This is based on general principles of parliamentary procedure, the bylaws of this organization, and the cited parliamentary authorities; nothing in this opinion should be construed as an interpretation of statutory or case law.

End Notes

¹ The parliamentarian has had registered status with the National Association of Parliamentarians since 1995 and certified with the American Institute of Parliamentarians since 2000. He is one of fewer than ninety dual accredited parliamentarians internationally.

Within the Libertarian Party, he has served as a convention parliamentarian for the New Jersey (2021), Pennsylvania, and Delaware state parties (both 2022), and served as a bylaw consultant for the Vermont (2022) and Virginia (2021) state parties. He has been advising Mr. Chadderdon on parliamentary matters since 6/16/22.

² These Bylaws were amended at the June 26, 2021 Convention. These were the bylaws in force during the Judicial Committee’s adjudication.

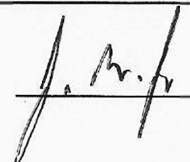
³ Robert, Henry M., *Robert’s Rules of Order Newly Revised*, 12th Edition. Eds. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Daniel E. Seabold, Shmuel Gerber, New York: Public Affairs, 2020.

⁴ Jacobs, Jonathan M. “Comparing Parliamentary Law and Parliamentary Procedure.” *National Parliamentarian* 79, No. 1 (Fall 2017), 12-13.

⁵ An “assembly” is a generic term that refers to a body of people that assemble (RONR, 1:3). A “convention” is type of assembly (1:14).

⁶ The LPMI has no constitution. RONR recommends having a single document, e.g. bylaws (2:11).

⁷ Jacobs, Jonathan M. “A Higher Authority.” *National Parliamentarian*, 55 (3rd Qtr. 1994), 30-32.



A Higher Authority

By Jonathan M. Jacobs

Robert's Rules of Order, Newly Revised has been adopted as the parliamentary authority for numerous organizations. In most cases it is binding on all parliamentary questions. Robert, however, is not

the highest authority on all parliamentary questions. Consider the following examples relating to two different types of organizations.

Example One: There is a deliberative assembly, a representative body, which consists of five members. A quorum is three members; RONR is the parliamentary authority. At a properly called meeting, a motion is made and seconded. The vote on the motion is taken; the result is two in favor and one against. Does the motion carry? According to RONR, yes. RONR (§43, p. 395) states, "... when the term *majority vote* is used without qualification — as in the case of the basic requirement — it means more than half of the votes cast, excluding blanks or abstentions, at a regular or properly called meeting at which a quorum is present." If you were acting as the parliamentarian of that meeting, and the presiding officer asked you if the motion carried, you would cite that section of Robert and say, "Yes!"

What if the setting would change slightly. Instead of an anonymous deliberative assembly, what if it is a unit of local government in the State of Pennsylvania, a Second Class Township Board of Supervisors. Second Class Townships exist across Pennsylvania, in both rural areas and as suburbs of cities such as Philadelphia. These townships are governed by a board of from three to five "supervisors," elected by the voters of the township. This board serves as the legislature and executive of townships, and is responsible for such functions as police and road construction. You're the parliamentarian again, perhaps working with

the township solicitor. There are five supervisors, the quorum is three, three supervisors are present, and the vote, once again is two to one.

Pennsylvania's Second Class Town-

ships operate under a set of laws known as the *Second Class Township Code*. The code does permit townships to make rules, bylaws, or regulations that "are not inconsistent with or restrained by the Constitution and laws of this Commonwealth ... [Second Class Township Code (Pa.), §701, LXII]." Many townships, and other local governmental units do use RONR to govern their proceedings; in point of fact Robert is commonly used in Pennsylvania local governments. So, if the board has adopted RONR, then the motion passes, right?

Wrong! The Township Code has a provision which states, "Except as otherwise provided by this act, an affirmative vote of a majority of the entire board of supervisors shall be necessary in order to transact any business (*Second Class Township Code*, §512)." A majority of members of the entire five member board, as defined by RONR, is three (RONR, §43, pp. 397-398). The motion, whether it is to approve a multi-million dollar budget or to purchase stationery, does not pass.

There are numerous examples in the various units of Pennsylvania local governments, where the state legislature drafts laws that say what local governments can do. There are also examples of this in non-governmental organizations which answer to a higher authority, sometimes in more ways than one. An interesting example, on a more spiritual plain, is the House of Bishops of the Episcopal Church.

Example Two: One of the two legislative chambers of the Episcopal Church is the House of Bishops; it is composed

(continued on page 31)

A Higher Authority

(continued from page 30)

entirely of Episcopal Bishops, who are elected for life by a complex (some would say torturous) procedure. They, in conjunction with elected diocesan representative in the other chamber, the House of Deputies, adopt the rules, called "canons," of the Church. The Bishops also adopt rules to govern their proceedings; they also have an adopted parliamentary authority. They have adopted the latest edition of Robert "Except when in conflict with the Constitution or Canons, or any Rule herein contained (*Rules of Order - House of Bishops*, Rule XXX)."

Again there is a situation which should be familiar to most parliamentarians. A voice vote is taken on a main motion with dozens of Bishops present and voting. After the vote, three Bishops stand and call for a recorded vote. RONR states that, "Where no special rule has been adopted, a majority vote is required to order a count (RONR, §44, p. 404)." If a majority of the Bishops vote against a recorded vote, there is no recorded vote, right?

Wrong, once again. There is a special rule which states that, "On any question before the House the ayes and nays may be required by any three members, and shall in such cases be entered on the Journal (*Rules of Order - House of Bishops*, Rule IX)." The three Bishops get their wish; a recorded vote is taken.

In both of these examples, the correct answer is not the "standard" answer found in RONR. Robert does, however, deal with both examples. RONR itself lists two circumstances when it is no longer controlling.

In the case of the three Bishops, a special rule of order exists. A special rule of order is one that is adopted by the assembly and modifies or supplements the parliamentary authority. RONR goes even further, stating "Special rule of order supersedes any rules in the parliamentary authority with which they conflict (RONR,

§2, p.15)." The rule of the House of Bishops that permits three Bishops to demand that a vote be counted and recorded, is such an example of a special rule of order. The provision in Robert, that to count a vote, a majority vote is required, is superseded by the special rule of order.

The township supervisors give an example of where the standard provisions of RONR runs counter to statute, in this case a state law. Robert is not silent on this issue either. There are two key passages. Robert states first that the parliamentary authority is binding in all cases, "... where they are not inconsistent with the bylaws or any special rules of order of the body, or any provisions of local, state, or national law applying to the particular type of organization (RONR, §2, p. 16)." There is also the passage on parliamentary authority in the section on the bylaws. RONR strongly suggests this wording: "The rules contained in the current edition of ... [specifying a standard manual of parliamentary practice, such as this book] shall govern the Society in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules or order the Society may adopt (RONR, §55, p. 573)." This passage is footnoted suggesting that the following should be added to the end of this passage if the organization is subject to any local, state, or national law: "and any statutes applicable to this organization." It further states that, "Such legislation supersedes all rules of the organization where in conflict with them, however, even if no mention of it is made in the bylaws (Ibid)." The state law that requires a majority of the Board of Supervisors to take an action supersedes the statement in Robert that requires a majority of votes cast, a quorum being present.

What should a parliamentarian do in these situations? RONR does recognize that there are higher authorities. It is incumbent on the parliamentarian to be familiar not only with Robert but with the

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(continued from page 31)

bylaws and standing rules of the organization as well as any applicable statute. What does a parliamentarian do when a higher authority, special rule of order (or a bylaw) or statute, supersedes RONR?

In the case of a special rule of order (or bylaw) superseding RONR, the answer seems to be fairly clear. A bylaw or special rule of order is within the control of the deliberative assembly. It, too, does not directly involve a statute and an opinion does not involve a "legal" opinion. A parliamentarian could offer a parliamentary opinion which would not constitute the practice of law.

The case where there is a statute which is in conflict with the parliamentary authority is different. A statute always supersedes the parliamentary authority, according to RONR. It is necessary for a lawyer to offer a legal opinion. It has been pointed out that a parliamentarian, unless also an attorney, who gives a "legal" opinion may be subject to a charge of malpractice of law; it has also been pointed out that a parliamentarian has responsibility to advise clients on the proper application of rules (Green, *National Parliamentarian*, 2nd quarter, 1994, p. 11). How should a parliamentarian handle this situation?

Perhaps the best way for a parliamentarian to handle this situation is to inform the assembly that there *may* be a provision in statute which *might* affect the situation. The parliamentarian could state that because this involves the interpretation of a statute, a lawyer's opinion is necessary. The parliamentarian could also inform the assembly of the provisions in RONR which state that any local, state, or national law which conflicts with the parliamentary authority, supersedes the parliamentary authority. In this way, the parliamentarian preserves the ethical requirement to properly advise a client, but does not interpret statute.

It is necessary for a parliamentarian to be aware that there may exist a higher authority, national, state, local laws, as well as the society's bylaws and special rules, that supersede RONR.

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Green, Betty S., PRP, "RONR & the Law." *National Parliamentarian*, Vol.55 (1994), Second Quarter, p. 11.
Robert's Rules of Order, Newly Revised, Ed. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, and James W. Cleary; Glenview, IL: Scott, Foresman, and Co., 1990.
The Second Class Township Code, Commonwealth of Pennsylvania, 1992.

Author's note: The author is not an attorney.

Jonathan M. Jacobs has a solid background in Pennsylvania local government, having been elected to three different local government offices during the 1980s, the first while still in college. He last served concurrently as a school director and secretary of the Ferndale Area School Board, located in suburban Johnstown. He has also served as a consultant to numerous candidates and public officials.

Q&A 16

(continued from page 9)

bers are effectively on notice that the entire platform is up for grabs every year, even though no formal notice is given.

The practicing parliamentarian, when engaged to assist a group for the first time, would do well to determine which custom is followed by the society, as it is seldom set out in the rules. To the extent that one practice or the other causes confusion among the members, the parliamentarian may suggest to the society's leaders that the group's standard procedure be codified by rule.

An Electing Experience

Reprinted from the *Colorado Parliamentarian*

By Katherine L. Cruson

This fall a multi-state organization conducted an election which was out of the ordinary. Because the election of the "presiding officer" could involve over 14,000 potential candidates nationwide, several steps were taken to facilitate the election.



First, delegates in each of 10 geographical areas (conferences) met in their area to list potential candidates. This was not to be construed as a nominating ballot; it was only to list potential candidates so that information could be received and given to the approximately 500 delegates. Each conference listed all the names generated by that conference. Those names were sent to a central office and the people named were contacted for biographical information. (Some names were mentioned in more than one conference.) Of the 50 people named, about half responded with one page of biographical data. The others who did not respond were not disqualified. The complete list and the one-page biographies were sent to the delegates preceding the convention date.

At the convention, the first ballot was the official nominating ballot. Each delegate was given a paper on which to write his/her nomination. Potentially, each of the 500 delegates could have nominated a different candidate, so that 500 names could have been on the next ballot, and even those 500 names could have been different from the names previously generated!

However, in reality, 48 names were listed, most of which were on the lists from the previous conferences. The chairman of the tellers read each name and the number of votes received. If one person

had received 75% of the nominating votes, he/she would have been elected, but no one received 75% of the votes.

The second ballot listed all 48 names, in order of number of ballots received; the first name had the highest number of nominating ballots. The last 21 names each had one ballot each and were listed alphabetically. The second and following ballots were recorded on Scantron ballots, which made counting much faster and more accurate. Again, if one person had received 75% of the votes, he/she would have been elected, but that did not occur.

The third ballot was limited to the seven people with the highest numbers of votes and required 67% of the votes for election. Prior to the voting for the third ballot, each of the seven people spoke to the convention for five minutes each. The fourth ballot was limited to the three people with the highest number of votes and required 60% of the votes for election. Prior to the fourth ballot, each person was asked several questions which had been submitted earlier. When no one received 60% of the votes, the fifth ballot was narrowed to the two people with the highest number of votes and required a majority vote. The election was complete.

Additional note: A snowstorm prevented 30 delegates from attending the convention. Out of concern that they feel included in the process, they were contacted by telephone and asked if they would like to vote by telephone. Three wished to vote in that way, the others said they would accept the outcome of the attending delegates. For each ballot, the chairman of the tellers called the three out-of-state delegates and recorded their votes.

Katherine L. Cruson, MAL Colorado, lives in Aurora, CO. She was delegate to the 1993 NAP Convention in Denver. In her own words: "My limited, but expanding, knowledge of parliamentary procedure sometimes gets me into trouble and onto committees."

Comparing

Parliamentary LAW & Parliamentary PROCEDURE



By Jonathan M. Jacobs, PRP, CPP

The terms “parliamentary law” and “parliamentary procedure” are often used interchangeably, even by parliamentarians. Sometime, the speaker may assume that “parliamentary law” has something to do with law, in the sense that it based upon either statute or precedent set by a court. This is especially true when the term “common parliamentary law” is used, even though *Robert’s Rules of Order Newly Revised* (11th ed.) notes that this term is synonymous with “general¹ parliamentary law (p. xxix).” What then is “parliamentary procedure?” Can you, without looking, explain what parliamentary procedure is?

Parliamentary law (or “common parliamentary law” or “general parliamentary law”) and parliamentary procedure are two distinct things. One

is almost theoretical, while the other mainly practical.

In RONR, “parliamentary law” is, broadly, those rules and customs that originated in the English parliament, that dealt with the transaction of business, but that further developed due to legislative procedure in America. This parliamentary law is a broad set of rules, which when written and adopted, become “rules of order (p. xxix).” RONR itself is a codification of these rules.

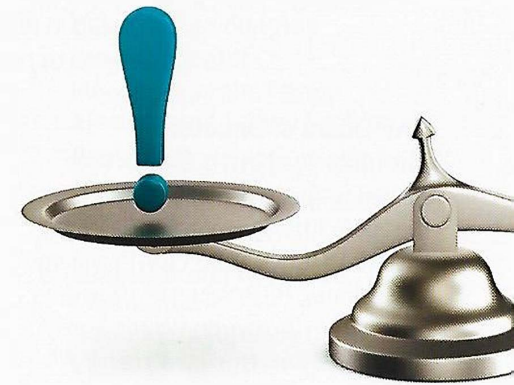
“Parliamentary procedure” is something different. It is these “rules of order” together with whatever additional rules of order the society may adopt (RONR, p. xxx). In that definition, it would include bylaw provisions and any applicable statute that would deal with the transaction of business in a meeting or with the

duties of officers within a meeting². Basically, it is the procedural rules that govern a specific assembly. Parliamentary procedure, which would probably include large elements of parliamentary law, is much narrower than parliamentary law.

How would this function? Assume that there is a question of the time that each member is allowed to speak in debate. The limit set by “parliamentary law,” as codified by RONR 11th ed., is that each member may speak twice for up to ten minutes on each debatable question (p. 387, ll. 29-34). Suppose the assembly adopted a rule to limit debate to one three-minute speech for each member on any debatable motion. The rule under parliamentary law would remain the ten-minute rule. In terms of parliamentary procedure, the rule for *this* assembly is now three minutes

for each member for each debatable motion. What RONR says about the limits of debate has no bearing on the procedure of debate.

The difference can also be expressed this way: Parliamentary law expresses the general and theoretical rule, while parliamentary procedure expresses the specific rule for the specific assembly.



ENDNOTES

- 1 The author prefers not to use the term “common parliamentary law” as it can be easily confused with “common law.”
- 2 Not all rules that regulate procedure within a meeting are rules “in the nature of a rule of order.” The clearest example is a statute requiring an assembly, e.g. a municipal council, to have roll call votes.

WORKS CITED

Robert, Henry M., *Robert’s Rules of Order Newly Revised*, 11th Edition. Eds. Sarah Corbin Robert, et al., Philadelphia: Da Capo Press, 2011.



Jonathan M. Jacobs, PRP, CPP, is the former president of the Pennsylvania Association of Parliamentarians, and the current president of the Delaware Valley Unit.

Meeting Minutes

Libertarian Party of Michigan Libertarian Executive Committee Meeting

Zoom

6 January 2023

- Call to order @ 20:31
- 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 (absent)
 - 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 (absent)
 - Stephanie Dunn, Legislative Committee Chair (absent)
 - Jami Van Alstine, Campaign Support Committee Chair
 - Mark King, IT Director (absent)
 - Larry Johnson (Membership Committee) (absent)
 - Leah Dailey (Membership Committee)
 - Gregg Smith (guest)
 - Tim Yow (guest)
 - Jay Gillotte (guest)
 - Jonathan (JJ) Jacobs (guest)
 - Greg Stempfle
 - Josh Jongema
 - Mary Buzuma
 - Jon Elgas
 - Kevin Ellis
 - Donna Gundle-Krieg
 - David Bockelman
 - Larry Henneman

- Loel Gnadt
- Trevor Step
- Daniel Gruszczynski
- Kyle McCauley
- Claranna Gelineau
- Paperwork check
- Approval of agenda
- Open floor
- Special Orders
 - Special Convention Planning
 - Bruce moves to authorize the chair to arrange and sign contracts for the needed accommodations for the special convention as required by the petitions submitted on January 3, 2023.
 - in early 2023
 - 2nd
 - Joe B moves to amend the motion to set meeting location in Lansing, MI
 - 2nd
 - Amendment fails by voice vote
 - Motion approved without objection by voice vote
- Mike S motions to adjourn @ 21:47
 - 2nd
 - Approved by voice vote



From: **Joe Brungardt** <joebfreedom@gmail.com>
Date: Tue, Jan 3, 2023, 10:31 PM
Subject: Submission to LEC - Petitions for Special Convention
To: <elgasja@gmail.com>, <excomm@michiganlp.org>, Andrew Chadderdon <andrew.chadderdon@gmail.com>, LPM Secretary <secretary@michiganlp.org>, Kyle McCauley <k86.mccauley@gmail.com>, Jami Van Alstine <jamiracquel2004@yahoo.com>, dave canny <cannyds@gmail.com>, Gregory Stempfle <gregstempfle@gmail.com>, Rafael Wolf <rffwolf@gmail.com>, <mary.buzuma@att.net>, Scotty Boman <scottyleducation@yahoo.com>, <chair@michiganlp.org>
Cc: Libertarian Party of Michigan <webmaster@michiganlp.org>, Leah Dailey <fuleahrd@gmail.com>, Angela Thornton Canny <angelat0763@gmail.com>

Board Members,



On behalf of the undersigned Libertarian Party of Michigan members in the attached documents, I hereby submit two petitions demanding the Executive Committee call special conventions within 45 days in accordance with our bylaws. The signatures included in each petition surpass the threshold of 10% of our current membership required.

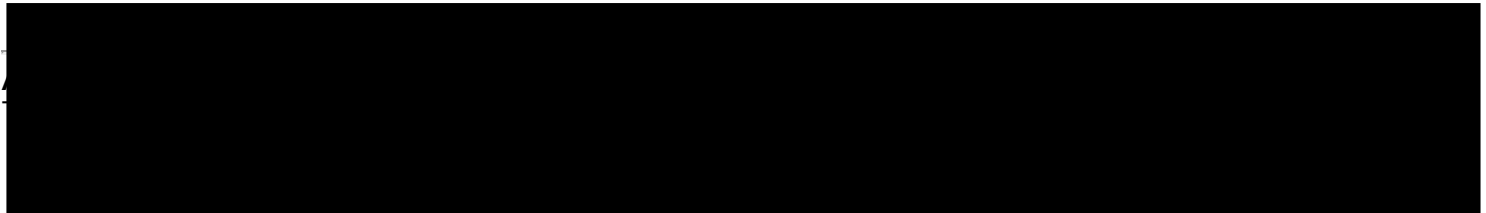
Having submitted this on Jan 3, the convention will need to be held by no later than Friday, February 17.

It is pointless to continue bickering over interpretations, as they are not indisputable facts. No amount of debate will convince enough members that one of the presented views is the correct one, and internal feuds will continue until the issues facing us are properly dealt with. There are many members of the party that believe holding a special convention for these matters is the best way for our party to put aside the infighting and continue with the work that is truly important, electing Libertarians.

Warm regards,
Joe Brungardt

2 attachments

-  **LPM Petition Fill Vacancies.pdf**
6900K
-  **LPM Petition No Confidence.pdf**
6051K



From: **Gregory Stempfle** <gregstempfle@gmail.com>
Date: Tue, Jan 3, 2023, 11:00 PM
Subject: Re: Submission to LEC - Petitions for Special Convention
To: Joe Brungardt <joebfreedom@gmail.com>
Cc: <elgasja@gmail.com>, <excomm@michiganlp.org>, Andrew Chadderdon <andrew.chadderdon@gmail.com>, LPM Secretary <secretary@michiganlp.org>, Kyle McCauley <k86.mccauley@gmail.com>, Jami Van Alstine <jamiracquel2004@yahoo.com>, dave canny <cannyds@gmail.com>, Rafael Wolf <rffwolf@gmail.com>, <mary.buzuma@att.net>, Scotty Boman <scottyleducation@yahoo.com>, <chair@michiganlp.org>, Libertarian Party of

EXHIBIT 52

Michigan <webmaster@michiganlp.org>, Leah Dailey <fuleahrd@gmail.com>, Angela Thornton Canny <angelat0763@gmail.com>

Board Members,

To help the LEC plan the special convention, I calculated the delegate apportionment based on the most recent results for Secretary of State.

Per LPM Bylaws...

VI CONVENTIONS

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.

Here is a spreadsheet with my math. Please double check my work.

https://docs.google.com/spreadsheets/d/1_u0CDhey759GkINTPLqnpFVM40eIpa10/edit?usp=share_link&oid=116221985963204550132&rtpof=true&sd=true

Election results were downloaded here

https://mielections.us/election/results/2022GEN_CENR.html

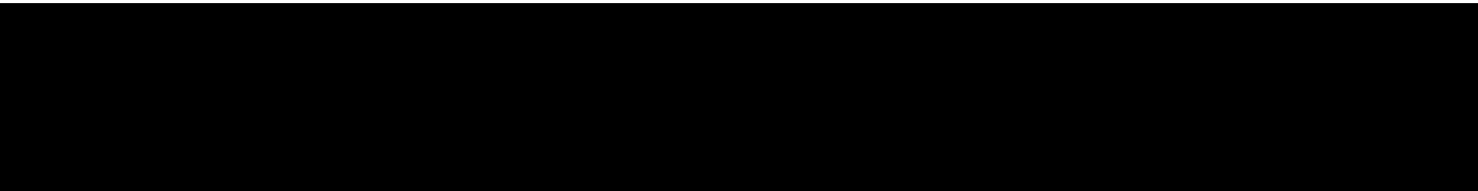
Look for "TAB-delimited by County" under the "Data" dropdown menu.

**LPM Delegate Apportionment for 2023-2024
Affiliate / Unaffiliated Region Delegate Count**

- Capitol Area 10
- Genesee 7
- Huron-Raisin 11
- Jackson-Hillsdale 3
- Lapeer 2
- Livingston 5
- Macomb 14
- Northwest 6
- Oakland 24
- Southwest 14
- Straits Area 2
- Unaffiliated Mid Michigan 9
- Unaffiliated Mid-North 3
- Unaffiliated NE Michigan 1
- Unaffiliated Thumb Area 6
- Upper Peninsula 5
- Wayne 21
- West 32
- Total 175**

Greg Stempfle

[Quoted text hidden]



From: **Joe Brungardt** <joebfreedom@gmail.com>
Date: Tue, Jan 3, 2023, 11:02 PM
Subject: Re: Submission to LEC - Petitions for Special Convention
To: Gregory Stempfle <gregstempfle@gmail.com>

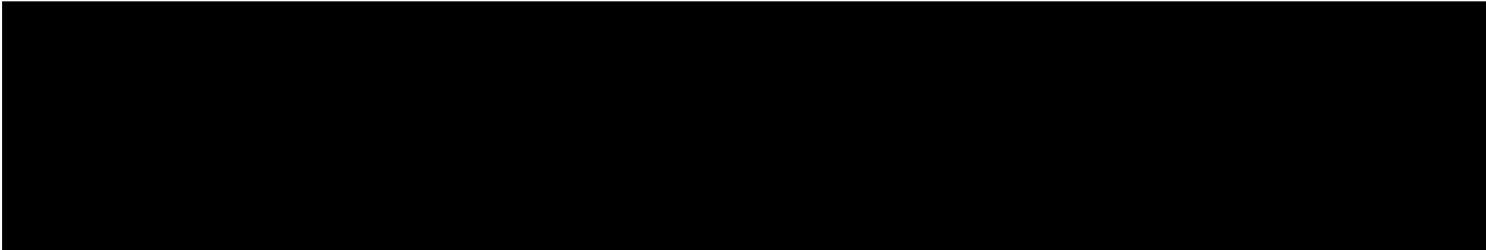
Cc: <elgasja@gmail.com>, <excomm@michiganlp.org>, Andrew Chadderdon <andrew.chadderdon@gmail.com>, LPM Secretary <secretary@michiganlp.org>, Kyle McCauley <k86.mccauley@gmail.com>, Jami Van Alstine <jamiracquel2004@yahoo.com>, dave canny <cannyds@gmail.com>, Rafael Wolf <rwwolf@gmail.com>, <mary.buzuma@att.net>, Scotty Boman <scottyeducation@yahoo.com>, <chair@michiganlp.org>, Libertarian Party of Michigan <webmaster@michiganlp.org>, Leah Dailey <fuleahrd@gmail.com>, Angela Thornton Canny <angelat0763@gmail.com>, <jeffpittel@sbcglobal.net>

I am additionally attaching a list of members' names that have signed each petition and copying the Membership Committee Chair in case verification of active membership status is requested.

Joe

[Quoted text hidden]

 **Special Convention Petition Names 2023-01-03.xlsx**
13K



From: **Jeff Pittel** <jeffpittel@sbcglobal.net>
Date: Wed, Jan 4, 2023, 3:23 PM
Subject: Re: Submission to LEC - Petitions for Special Convention
To: Gregory Stempfle <gregstempfle@gmail.com>, Joe Brungardt <joebfreedom@gmail.com>
Cc: elgasja@gmail.com <elgasja@gmail.com>, excomm@michiganlp.org <excomm@michiganlp.org>, Andrew Chadderdon <andrew.chadderdon@gmail.com>, LPM Secretary <secretary@michiganlp.org>, Kyle McCauley <k86.mccauley@gmail.com>, Jami Van Alstine <jamiracquel2004@yahoo.com>, dave canny <cannyds@gmail.com>, Rafael Wolf <rwwolf@gmail.com>, mary.buzuma@att.net <mary.buzuma@att.net>, Scotty Boman <scottyeducation@yahoo.com>, chair@michiganlp.org <chair@michiganlp.org>, Libertarian Party of Michigan <webmaster@michiganlp.org>, Leah Dailey <fuleahrd@gmail.com>, Angela Thornton Canny <angelat0763@gmail.com>

Hello -
I've reviewed and updated the spreadsheet provided and confirm both petitions pass the 10% Member threshold for Special Convention per attached.
Note I distinguished between Current and New in the summation as bylaws reference current Members, which lowers the number of signatories.

Cordially,

Jeff Pittel
Chair - Membership Committee

Libertarian Party of Michigan

CELL: 248-688-8318

[Quoted text hidden]

 **Special Convention Petition Names 2023-01-03 - MEM Status.xlsx**
17K

PETITION TO THE LIBERTARIAN PARTY OF MICHIGAN - FILL OFFICER VACANCIES

WHEREAS, The Judicial Committee of the Libertarian Party of Michigan (LPM) recently ruled on an appeal by Andrew Chadderdon and recommended overturning the actions of duly elected delegates at the July 9th convention; and

WHEREAS, The Judicial Committee's opinion is that the LPM Executive Committee (LEC) shall be reverted to its composition as of July 8th, with Mr. Chadderdon assuming the position of Chair and with vacancies in the positions of 1st Vice Chair, 2nd Vice Chair, and four of the Congressional District Representatives; and

WHEREAS, to preserve the body's right of execution on Article VI, Section 3 of the LPM Bylaws, the elected LEC on July 9th acknowledges the Judicial Committee's opinion but abstains from executing such opinion as binding to guarantee a special convention; and

WHEREAS, The position of LPM Treasurer is vacant due to resignation; and

WHEREAS, The position of District 2 Representative is vacant due to resignation; and

WHEREAS, Article XI, Section 2 of the LPM Bylaws provides that 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; and

WHEREAS, The ultimate authority of the Libertarian Party of Michigan is vested in its dues-paying members both in Roberts Rules of Order and the LPM Bylaws; and

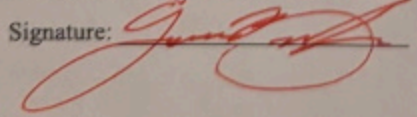
WHEREAS, Article VI, Section 3 of the LPM Bylaws provides that the "The Party shall hold a special convention within 45 days... when petitions are submitted by 10% of the current membership, specifying the purpose for the special convention."; and

WHEREAS, Article IX, Section 1 of the LPM Bylaws provides that the "The Libertarian Party of Michigan may hold electronic meetings for official party business of any recognized body of the State Party..."

THEREFORE, we, the undersigned members of the Libertarian Party of Michigan, demand the LEC call a Special Convention for the purposes of filling all vacancies on the LEC including those that the Judicial Committee asserts exist following their ruling including:

1. 1st Vice Chair
2. 2nd Vice Chair
3. Treasurer
4. District 2 Representative
5. District 6 Representative
6. District 8 Representative
7. District 13 Representative
8. District 14 Representative
9. Any other vacancies that may occur prior to or at the convention

Such Special Convention shall be held within 45 days upon delivery of this petition to the Executive Committee. This Special Convention may be held via videoconference to ensure maximum participation and reduce travel and related costs for delegates. If petitions in companion with this one are received on the same day, business shall be conducted in concurrent conventions on the same day. We intend that this petition may be signed in counterparts, which will be assembled and constitute a single document, and that scanned, facsimile and/or photographed signatures on this petition will have the same legal effect as original signatures.

Printed Name: Jason Barton
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: JERRY E. BLOOM

Signature: Jerry E Bloom

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Scott Avery Byman

Printed Name: _____

Signature: 

Signature: _____

Printed Name: _____

Printed Name: _____

Signature: _____

Signature: _____

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Printed Name: Jason Brandenburg

Signature: [Handwritten Signature] 1/2/2023

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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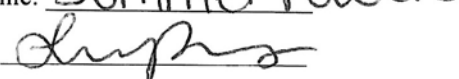
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Printed Name: Joseph Brungardt
Signature: 

Printed Name: _____
Signature: _____

Printed Name: Summer Powers
Signature: 

Printed Name: _____
Signature: _____

PETITION TO THE LIBERTARIAN PARTY OF MICHIGAN - FILL OFFICER VACANCIES

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Printed Name: MARY BUZUMA

Signature: Mary Buzuma

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: ANGELA THORNTON

Signature: [Handwritten Signature]

Printed Name: DAVID CANNY

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Leah Dailey

Signature: [Handwritten Signature]

Printed Name: Anna Ireland

Signature: [Handwritten Signature]

Printed Name: Erin Ireland

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

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Printed Name: JONATHAN ELSA

Signature: *Jonathan Elsa*

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: JASON FRALEY

Signature: *Jason Fraley*

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Printed Name: William J. Gelpace
Signature: 

Printed Name: _____
Signature: _____

Printed Name: Donna J. Gallineau
Signature: 

Printed Name: _____
Signature: _____

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Printed Name: Claranna Gelineau
Signature: Claranna Gelineau

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: Joseph Calabrese
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

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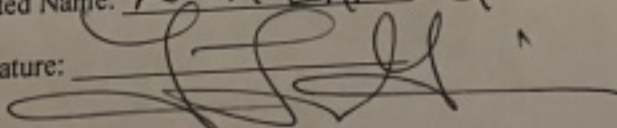
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Printed Name: LISA LANE GIOIA
Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Signature: _____

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Printed Name: Donna Gundle-Kraig
Signature: Donna Gundle-Kraig

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: Daniel Grosscup
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

PETITION TO THE LIBERTARIAN PARTY OF MICHIGAN - FILL OFFICER VACANCIES

WHEREAS, The Judicial Committee of the Libertarian Party of Michigan (LPM) recently ruled on an appeal by Andrew Chadderdon and recommended overturning the actions of duly elected delegates at the July 9th convention; and

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Printed Name: WILLIAM W. HALL
Signature: William W. Hall

Printed Name: Vicki L. Hall
Signature: Vicki L. Hall

Printed Name: Griffin D. Hall
Signature: Griffin D. Hall

Printed Name: _____
Signature: _____

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Printed Name: Andrew S. Hall
Signature: Andrew S. Hall

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: James L. Hudler

Signature: *James L. Hudler*

Printed Name: _____

Signature: _____

Printed Name: Arthur W. Galick

Signature: *Arthur W. Galick*

Printed Name: _____

Signature: _____

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Printed Name: Frederick Hornadt
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

Printed Name: Charles Hornadt
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

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Printed Name: Lawrence W Johnson
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
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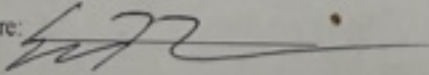
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Printed Name: Eric Larson 12-29-22

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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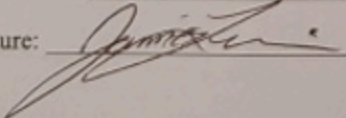
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Printed Name: James Lewis

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Joseph H. LeBlanc

Signature: 

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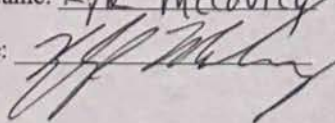
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Printed Name: Kyle McCavley
Signature: 

Printed Name: _____
Signature: _____

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Signature: _____

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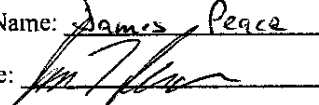
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Printed Name: James Peace
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
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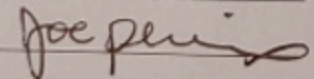
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Printed Name: Joe Phoenix

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Mike Saliba

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

PETITION TO THE LIBERTARIAN PARTY OF MICHIGAN - FILL OFFICER VACANCIES

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Printed Name: Emily Salvette
Signature: Emily Salvette

Printed Name: _____
Signature: _____

Printed Name: John A. Salvette
Signature: John A. Salvette

Printed Name: _____
Signature: _____

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Printed Name: Gross Sandy
Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Signature: _____

Signature: _____

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Printed Name: Greg Stempfle
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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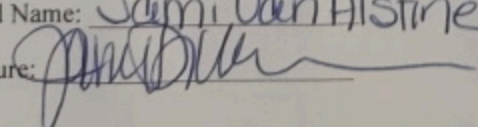
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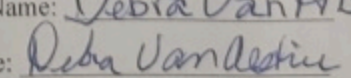
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Printed Name: Jami Van Alstine
Signature: 

Printed Name: Debra Van Alstine
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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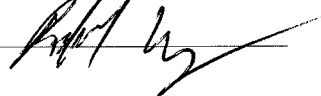
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Printed Name: RAFAEL WOLF
Signature: 

Printed Name: _____
Signature: _____

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Signature: _____

Printed Name: _____
Signature: _____

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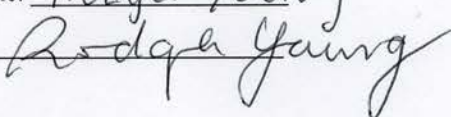
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Printed Name: Rodger Young
Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Signature: _____

Signature: _____

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Printed Name: Tim Jow

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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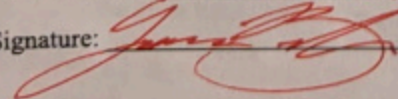
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Printed Name: Jason Barton

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: JERRY E. BLOOM

Signature: Jerry E Bloom

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

PETITION TO THE LIBERTARIAN PARTY OF MICHIGAN - MOTION OF NO CONFIDENCE

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WHEREAS, The Judicial Committee's opinion is that the LPM Executive Committee (LEC) shall be reverted to its composition as of July 8th, with Mr. Chadderdon assuming the position of Chair; and

WHEREAS, to preserve the body's right of execution on Article VI, Section 3 of the LPM Bylaws, the elected LEC on July 9th acknowledges the Judicial Committee's opinion but abstains from executing such opinion as binding to guarantee a special convention; and

WHEREAS, Article XI, Section 2 of the LPM Bylaws provides that 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; and

WHEREAS, The ultimate authority of the Libertarian Party of Michigan is vested in its dues paying members both in Roberts Rules of Order and the LPM Bylaws ; and

WHEREAS, a Motion of No Confidence in Andrew Chadderdon was passed by two-thirds of voting delegates at the July 9th convention; and

WHEREAS, Andrew Chadderdon continues to display a habitual lack of ability to work with members dissenting from him; and

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Printed Name: Jason Brandenburg
Signature: [Handwritten Signature]

1/2/2023

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Signature: _____

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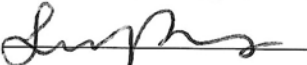
Printed Name: Joseph Brungardt

Signature: 

Printed Name: _____

Signature: _____

Printed Name: Summer Powers

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

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Printed Name: MARY BUZUMA
 Signature: Mary Buzuma

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

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Printed Name: Angela Thornton

Signature: Angela Thornton

Printed Name: DAVID CANNY

Signature: David Canny

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Lean Dailey
Signature: [Handwritten Signature]

Printed Name: Anna Ireland
Signature: [Handwritten Signature]

Printed Name: Eve Ireland
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
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Printed Name: JONATHAN ELGAS

Signature: Jonathan Elgas

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Signature: _____

Printed Name: _____

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Printed Name: _____
 Signature: _____



Printed Name: JASON FRALBY
 Signature: [Handwritten Signature]

Printed Name: _____
 Signature: _____

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Printed Name: Claranna Gelineau
 Signature: Claranna Gelineau

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

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Signature: 

Printed Name: _____
Signature: _____

Printed Name: Dana J. Gelineau
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
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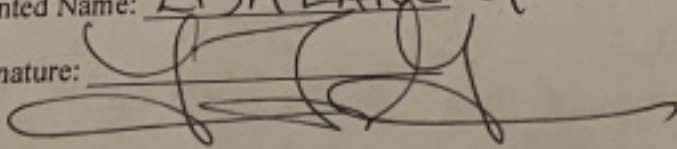
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 Signature: 

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
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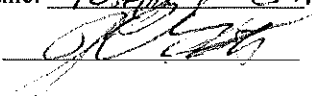
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 Signature: 

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
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Printed Name: Donna Gundle-Kery
 Signature: *Donna Gundle-Kery*

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

PETITION TO THE LIBERTARIAN PARTY OF MICHIGAN - MOTION OF NO CONFIDENCE

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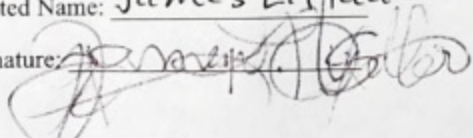
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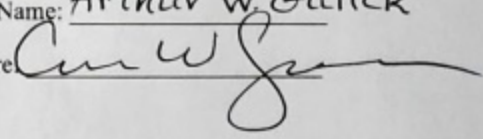
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Printed Name: James L. Hudler
Signature: 

Printed Name: Arthur W. Gulick
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: WILLIAM W. HALL
Signature: William W. Hall

Printed Name: Vicki L. Hall
Signature: Vicki L. Hall

Printed Name: Griffin D. Hall
Signature: Griffin D. Hall

Printed Name: _____
Signature: _____

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Printed Name: Andrew S. Hall
Signature: Andrew S. Hall

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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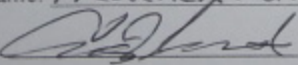
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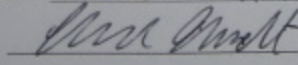
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Printed Name: Frederick Hornadt
Signature: 

Printed Name: _____
Signature: _____

Printed Name: Charles Hornadt
Signature: 

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: Lawrence W Johnson Printed Name: _____
 Signature: Lawrence W Johnson Signature: _____

Printed Name: _____ Printed Name: _____
 Signature: _____ Signature: _____

Printed Name: _____ Printed Name: _____
 Signature: _____ Signature: _____

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Printed Name: James Lewis

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

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Printed Name: Joseph H. LeBlanc

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Kyle McLastery
 Signature: [Handwritten Signature]

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

Printed Name: _____
 Signature: _____

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Printed Name: James Leace
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: Joe Phenix

Signature: Joe Phenix

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

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WHEREAS, The Judicial Committee’s opinion is that the LPM Executive Committee (LEC) shall be reverted to its composition as of July 8th, with Mr. Chadderdon assuming the position of Chair; and

WHEREAS, to preserve the body’s right of execution on Article VI, Section 3 of the LPM Bylaws, the elected LEC on July 9th acknowledges the Judicial Committee’s opinion but abstains from executing such opinion as binding to guarantee a special convention; and

WHEREAS, Article XI, Section 2 of the LPM Bylaws provides that 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; and

WHEREAS, The ultimate authority of the Libertarian Party of Michigan is vested in its dues paying members both in Roberts Rules of Order and the LPM Bylaws ; and

WHEREAS, a Motion of No Confidence in Andrew Chadderdon was passed by two-thirds of voting delegates at the July 9th convention; and

WHEREAS, Andrew Chadderdon continues to display a habitual lack of ability to work with members dissenting from him; and

WHEREAS, Article VI, Section 3 of the LPM Bylaws provides that the "The Party shall hold a special convention within 45 days... when petitions are submitted by 10% of the current membership, specifying the purpose for the special convention."; and

WHEREAS, Article IX, Section 1 of the LPM Bylaws provides that the “The Libertarian Party of Michigan may hold electronic meetings for official party business of any recognized body of the State Party...”

THEREFORE, we, the undersigned members of the Libertarian Party of Michigan, demand the LEC call a Special Convention for the purposes of:

1. Considering a Motion of No Confidence in Andrew Chadderdon as Chair
2. Filling the vacancy of Chair in the case of a successful motion of no confidence
3. Filling any other vacancies that may occur at the convention

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Printed Name: Emily Salvette

Signature: Emily Salvette

Printed Name: _____

Signature: _____

Printed Name: John F. Salvette

Signature: John F. Salvette

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Gregg Smith
Signature: [Handwritten Signature]

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

Printed Name: _____
Signature: _____

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Printed Name: Greg Stempfle

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: RAFABL WOLF

Signature: 

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: _____

Signature: _____

Printed Name: Rodger Young
Signature: Rodger Young

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

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Printed Name: Tim Yow

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____

Signature: _____

First	Last	Fill Vacancies	No Confidence	LPMI Member Status
Jason	Barton	Signed	Signed	Current
Jerry	Bloom	Signed	Signed	Current
Scotty	Boman	Signed		Current
Jason	Brandenburg	Signed	Signed	Current
Joe	Brungardt	Signed	Signed	Current
Mary	Buzuma	Signed	Signed	Current
David	Canny	Signed	Signed	Current
Angela	Canny (Thornton)	Signed	Signed	Current
Leah	Dailey	Signed	Signed	Current
Jon	Elgas	Signed	Signed	Current
Jason	Fraleay	Signed	Signed	New
Bill	Gelineau	Signed	Signed	Current
Donna	Gelineau	Signed	Signed	Lapsed
Claranna	Gelineau	Signed	Signed	Current
Jay	Gillotte	Signed	Signed	Current
Lisa	Gioia	Signed	Signed	Current
Donna	Grundle-Kreig	Signed	Signed	Current
Daniel	Gruszczynski	Signed		Current
Arthur	Gulick	Signed	Signed	Current
William	Hall	Signed	Signed	Current
Vicki	Hall	Signed	Signed	Current
Griffin	Hall	Signed	Signed	Current
Andrew	Hall	Signed	Signed	Current
Fred	Horndt	Signed	Signed	Current
Charles	Horndt	Signed	Signed	Current
James	Hudler	Signed	Signed	Current
Anna	Ireland	Signed	Signed	New
Eve	Ireland	Signed	Signed	New
Lawrence	Johnson	Signed	Signed	Current
Eric	Larson	Signed		Current
Joseph	LeBlanc	Signed	Signed	Current
James	Lewis	Signed	Signed	Current
Kyle	McCauley	Signed	Signed	Current
James	Peace	Signed	Signed	Current
Joe	Phenix	Signed	Signed	Current
Summer	Powers	Signed	Signed	Current
Mike	Saliba	Signed		Current
Emily	Salvette	Signed	Signed	Current
John	Salvette	Signed	Signed	Current
Gregg	Smith	Signed	Signed	Current
Gregory	Stempfle	Signed	Signed	Current
Jami	Van Alstine	Signed		Current
Debra	Van Alstine	Signed		Current
Rafael	Wolf	Signed	Signed	Current
Rodger	Young	Signed	Signed	Current
Tim	Yow	Signed	Signed	Current

TOTAL "Current" + Signed	42	36
TOTAL MEMBERSHIP Jan 4, 2023	346	346
10% Membership	35	35
Special Convention ?	PASS	PASS

CountyName	Affiliate	CandidateVotes	Proportion of State Total	Delegate Count
CLINTON	Capitol Area	495	0.93	2
EATON	Capitol Area	634	1.20	2
INGHAM	Capitol Area	1408	2.66	5
SHIAWASSEE	Capitol Area	424	0.80	1
GENESEE	Genesee	2015	3.80	7
LENAWEE	Huron-Raisin	561	1.06	2
MONROE	Huron-Raisin	899	1.70	3
WASHTENAW	Huron-Raisin	1850	3.49	6
HILLSDALE	Jackson-Hillsdale	238	0.45	1
JACKSON	Jackson-Hillsdale	802	1.51	3
LAPEER	Lapeer	578	1.09	2
LIVINGSTON	Livingston	1545	2.92	5
MACOMB	Macomb	4357	8.22	14
ANTRIM	Northwest	163	0.31	1
BENZIE	Northwest	95	0.18	0
CHARLEVOIX	Northwest	173	0.33	1
GD. TRAVERSE	Northwest	684	1.29	2
KALKASKA	Northwest	152	0.29	1
LEELANAU	Northwest	155	0.29	1
MANISTEE	Northwest	151	0.29	0
MISSAUKEE	Northwest	97	0.18	0
WEXFORD	Northwest	211	0.40	1
OAKLAND	Oakland	7144	13.48	24
BERRIEN	Southwest	798	1.51	3
BRANCH	Southwest	198	0.37	1
CALHOUN	Southwest	689	1.30	2
CASS	Southwest	246	0.46	1
KALAMAZOO	Southwest	1558	2.94	5
ST. JOSEPH	Southwest	295	0.56	1
VAN BUREN	Southwest	461	0.87	2
CHEBOYGAN	Straits Area	172	0.32	1
EMMET	Straits Area	231	0.44	1
OTSEGO	Straits Area	152	0.29	1
PRESQUE ISLE	Straits Area	73	0.14	0
BAY	Unaffiliated Mid Michigan	626	1.18	2
GRATIOT	Unaffiliated Mid Michigan	226	0.43	1
ISABELLA	Unaffiliated Mid Michigan	297	0.56	1
MIDLAND	Unaffiliated Mid Michigan	623	1.18	2
SAGINAW	Unaffiliated Mid Michigan	909	1.72	3
ARENAC	Unaffiliated Mid-North	94	0.18	0
CLARE	Unaffiliated Mid-North	146	0.28	0
CRAWFORD	Unaffiliated Mid-North	85	0.16	0
GLADWIN	Unaffiliated Mid-North	146	0.28	0
IOSCO	Unaffiliated Mid-North	150	0.28	0
OGEMAW	Unaffiliated Mid-North	118	0.22	0
ROSCOMMON	Unaffiliated Mid-North	132	0.25	0

ALCONA	Unaffiliated NE Michigan	57	0.11	0
ALPENA	Unaffiliated NE Michigan	188	0.35	1
MONTMORENCY	Unaffiliated NE Michigan	62	0.12	0
OSCODA	Unaffiliated NE Michigan	45	0.08	0
HURON	Unaffiliated Thumb Area	174	0.33	1
ST. CLAIR	Unaffiliated Thumb Area	1060	2.00	4
SANILAC	Unaffiliated Thumb Area	220	0.42	1
TUSCOLA	Unaffiliated Thumb Area	295	0.56	1
ALGER	Upper Peninsula	48	0.09	0
BARAGA	Upper Peninsula	35	0.07	0
CHIPPEWA	Upper Peninsula	199	0.38	1
DELTA	Upper Peninsula	203	0.38	1
DICKINSON	Upper Peninsula	116	0.22	0
GOGEBIC	Upper Peninsula	79	0.15	0
HOUGHTON	Upper Peninsula	217	0.41	1
IRON	Upper Peninsula	67	0.13	0
KEWEENAW	Upper Peninsula	13	0.02	0
LUCE	Upper Peninsula	24	0.05	0
MACKINAC	Upper Peninsula	50	0.09	0
MARQUETTE	Upper Peninsula	404	0.76	1
MENOMINEE	Upper Peninsula	96	0.18	0
ONTONAGON	Upper Peninsula	30	0.06	0
SCHOOLCRAFT	Upper Peninsula	47	0.09	0
WAYNE	Wayne	6317	11.92	21
ALLEGAN	West	753	1.42	2
BARRY	West	429	0.81	1
IONIA	West	389	0.73	1
KENT	West	3927	7.41	13
LAKE	West	38	0.07	0
MASON	West	170	0.32	1
MECOSTA	West	253	0.48	1
MONTCALM	West	390	0.74	1
MUSKEGON	West	943	1.78	3
NEWAYGO	West	317	0.60	1
OCEANA	West	146	0.28	0
OSCEOLA	West	124	0.23	0
OTTAWA	West	1801	3.40	6
		52,982	100.00	175

Affiliate / Unaffiliated Region**Delegate Cou**

Capitol Area	10
Genesee	7
Huron-Raisin	11
Jackson-Hillsdale	3
Lapeer	2
Livingston	5
Macomb	14
Northwest	6

Oakland	24
Southwest	14
Straits Area	2
Unaffiliated Mid Michigan	9
Unaffiliated Mid-North	3
Unaffiliated NE Michigan	1
Unaffiliated Thumb Area	6
Upper Peninsula	5
Wayne	21
West	32
Total	175

TAB-delimited by County results found here https://mielections.us/election/results/2022GEN_CENR.html

nt

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Wayne	21
West	32
Total	175

Josh Martin <jcmartin7872@gmail.com>

Wed, Dec 21, 2022 at 12:41 PM

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

Cc: Angela Thornton Canny <AngelaT0763@gmail.com>, Rlrichard Brown <richardbrown02@hotmail.com>

>>Since candidate nominations clearly could be done at a regular convention, why would it be then necessary for the bylaws to call for a candidate nominating convention if not to exclude other business.<<

Because, as you have yourself indicated, the bylaws (perhaps unwisely) use the phrase "regular state convention" in several places to refer to the convention held in odd-numbered years at which officers are elected. So the purpose of "candidate nominating convention" may have simply been used to differentiate this convention from the convention at which officers are elected. If the organization had instead used "regular state convention" in this sentence, this would have the effect of shortening the officer's terms, unless other portions of the bylaws were rewritten.

As you suggest, it *may* also have been the intention of the drafters that this is the only business which can be conducted at such a convention. I think that is a reasonable interpretation, but I do not personally agree with it.

>>My goal to pursue the question beyond the decision in the party is that members are using your opinion to state that the decision was incorrect and my concern is for a potential fracture of the organization that i hope to avoid.<<

Well, since apparently my words are of such great import, I would state that RONR is quite clear that "Each society decides for itself the meaning of its bylaws. When the meaning is clear, however, the society, even by a unanimous vote, cannot change that meaning except by amending its bylaws. An ambiguity must exist before there is any occasion for interpretation. If a bylaw is ambiguous, it must be interpreted, if possible, in harmony with the other bylaws. The interpretation should be in accordance with the intention of the society at the time the bylaw was adopted, as far as this can be determined. Again, intent plays no role unless the meaning is unclear or uncertain, but where an ambiguity exists, a majority vote is all that is required to decide the question. The ambiguous or doubtful expression should be amended as soon as practicable." RONR (12th ed.) 56:68

I think there is no doubt, given the extensive discussion on this topic, that the rules in question are ambiguous and therefore subject to interpretation. As a parliamentarian, my role is simply to provide advice. The organization is the ultimate judge on these matters, and the organization's interpretation on this matter is the last word and is "correct" as a parliamentary matter, even although that decision may not agree with my advice. If I were the parliamentarian for this organization (or a member), I would respectfully submit to the organization's interpretation (even if I may disagree with it) and view it as a more fruitful use of my time to suggest amendments to clarify the meaning of the bylaws, rather than continuing to argue over the meaning of ambiguous rules. You are free to pass this advice along, to the extent you think it will be of assistance.

-Josh Martin, PRP

[Quoted text hidden]

From: **Libertarian Party of Michigan** <no_reply@civi.michiganlp.net>
Date: Wed, Jun 7, 2023, 9:40 PM
Subject: HRLP & 2023 Ann Arbor Art Fair
To: Andrew Chadderdon <andrew.chadderdon@gmail.com>

Official communication from the Libertarian Party of Michigan

Dear Andrew,

The Huron-Raisin Libertarian Party (HRLP) is looking for volunteers for our annual booth at the Ann Arbor Art Fair.

The Ann Arbor Art Fair is a Midwest tradition that draws close to half a million attendees over three days in July. The largest juried art fair in the nation, the Ann Arbor Art Fair features nearly 1,000 artists and a footprint spanning 30 city blocks in downtown Ann Arbor. The Ann Arbor Art Fair is comprised of three independently juried, nonprofit art fairs that run concurrently: Ann Arbor Street Art Fair, The Original; Ann Arbor Summer Art Fair; and Ann Arbor State Street Art Fair.

The HRLP will have a booth for the following dates: July 20th, 21st, and 22nd. Please send an email to Larry Johnson at michlibertarian@gmail.com if you wish to volunteer. With so many things happening in this state, it is a great opportunity to get into and engage with the community. Oh and it's FUN!

Hope to see you there!

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

**Communications Policy
of the
Libertarian Party of Michigan (LPM)**

A. Communications Director:

The Executive Committee (LEC) shall by majority vote appoint a Communications Director, who shall report to the LEC and carry out such duties as directed by the LEC, and in accordance with the description herein.

1. Job Summary

- a. Responsible for planning, development, and implementation of the LPM's outreach strategies, marketing communications, and public relations activities.
- b. Oversee development and implementation of support materials and services for marketing, outreach, and messaging.
- c. Direct the marketing efforts of staff and contractors and coordinate efforts with other related staff and volunteers.

2. Primary Relationships

- a. The Director reports to the LEC and the LPM Chair in the interim period between meetings.
- b. Within the Organization, the Director has primary working relationships with the Chair, Webmaster, Advertising & Publication Review Committee Chair, Local Affiliates, endorsed or nominated candidates, and subcommittee chairs.
- c. The Director further oversees the social media team, coordinates with the Newsletter Director, and works with LEC-approved service providers.

3. Principal Accountabilities: Marketing, Messaging, and Public Relations

- a. Creating, implementing, and measuring the success of:
 - i. A cohesive and consistent marketing, outreach, and public relations program that will enhance the Party's image and position within the marketplace and the general public
 - ii. Facilitate communications to external and internal audiences
 - iii. All Party marketing, communications and public relations activities and materials including publications, media relations, etc
 - iv. Supervise volunteers, employees, and contractors, including goal setting and professional development
- b. Editorial direction, design, production, and distribution of Party publications. This includes coordination of the appearance of all Party print and electronic materials such as letterhead, brochures, use of logo(s), etc.
- c. Coordination of media interest in the Party and ensuring regular contact with target media, and appropriate responses to media requests. Act as a Party

representative with the media, including producers and reporters, including by managing incoming press inquiries and arranging appearances and interviews. Create and disseminate press releases, the LPM Newsletter, weekly member emails, and coverage for LPM events and activities.

- d. Monitor media for LPM mentions and report on trends and metrics. Ensure that the Party regularly conducts relevant market research. Keep informed of developments in the fields of marketing, outreach, and public relations, not-for-profit management and governance, and the specific business of LPM and use this information to help the Organization operate with initiative and innovation.
- e. Coordinate social media team activities and ensure cohesion with overall organizational messaging strategy.
- f. Professionally format and publish content from designated subcommittees at the request of the subcommittee chair.
- g. Develop, coordinate, and oversee programs, technical assistance, and resource materials to assist elected officials and affiliates in the marketing, communications and positioning of their activities.
- h. Lead projects as assigned, such as project marketing and special events.
- i. Ensure that evaluation systems are in place related to these goals and objectives and report progress to the LEC and LPM Chair.

B. Messaging Guidelines:

The following guidelines shall be followed for all communication by or on behalf of the Party.

1. All communication from official party channels should be conveyed as messages from LPM as a whole.
2. Messaging must comply with the Bylaws and Platform of LPM.
3. Most messaging should be relevant to individuals working and living in the State of Michigan.
4. Messaging should be professional and avoid profanity or crass language. This should not be construed to prohibit strong wording nor harsh condemnation if otherwise appropriate per these guidelines.
5. LPM may not promote or share content from candidates for public office that have not been endorsed or nominated by LPM or an affiliate thereof.

Forwarded message

From: <b.45.3738.e48a2819bf1d5c62@michiganlp.net>
Date: Thu, Jun 15, 2023, 3:09 PM
Subject: Chair: Update regarding recent .org mailing (resend)
To: Andrew Chadderdon <andrew.chadderdon@gmail.com>

--=_2c10beb8bb4a95277a696911602a4fa1
Content-Transfer-Encoding: 8bit
Content-Type: text/plain; charset=utf-8

Official communication from the Libertarian Party of Michigan

Fellow Michigan Libertarians:

You may have received an email dated June 12 from Connor Nepomuceno claiming a 30-day deadline before a “convention”.

I would like to remind everyone that the Libertarian Party of Michigan held its convention on April 1 in Lansing, and to clarify that Mr. Nepomuceno is referring to an upcoming meeting planned by the Chadderdon group.

When you receive future correspondence from the “Libertarian Party of Michigan”, it is advisable to check the sender to confirm that it is correspondence sent from the “michiganlp.net”, which is us, the legitimate board of the LPM.

The email also asked that you pay your membership dues to the LNC Legal Defense Fund because they sabotaged our access to your bank account and members funds. You can be confident in our ability to process and track your membership and use all members funds to do the work of the party in Michigan. You can donate to the party or to the LPM Legal Defense Fund with confidence.

This confusion, which was created by and is being perpetuated by the Mises PAC-funded clique, is confusing for all of us, and I know we are all looking forward to the day when this matter is resolved.

Until then, if you do receive any notifications and are unsure as to whether our board has sent them, please don't hesitate to reach out to me personally or to other board members for confirmation.

Thank you again for your understanding, and for your dedication to true libertarian principles here in our state.

In Liberty,
Mike Saliba
Chair, Libertarian Party of Michigan

Donate to LPM Legal Defense [1]

EXHIBIT 56

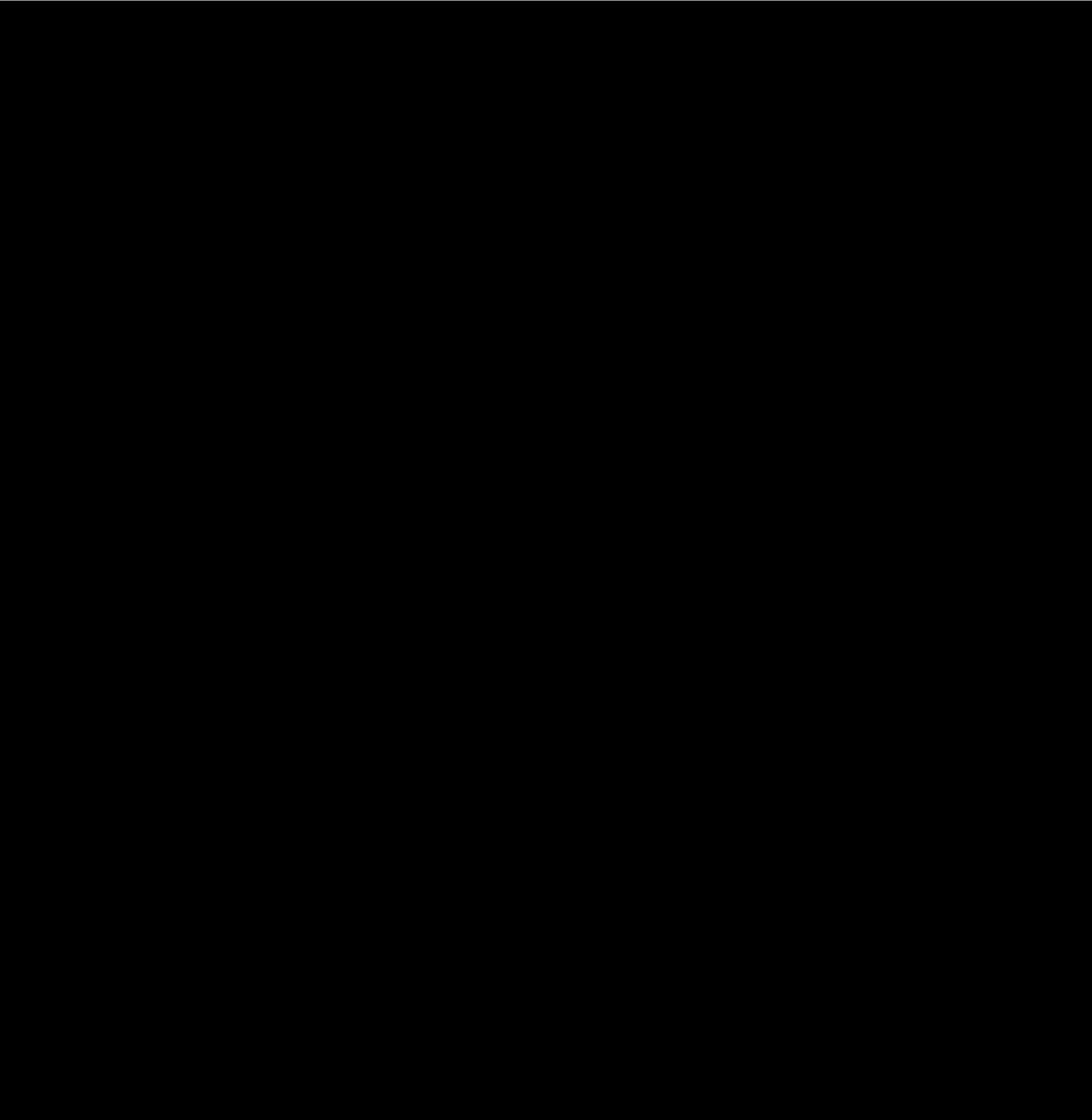
Donate to LPM [2]
Join/Renew Membership [3]

Links:

- [1] <https://civi.michiganlp.net/civicrm/mailing/url/?u=45&qid=3738>
- [2] <https://civi.michiganlp.net/civicrm/mailing/url/?u=46&qid=3738>
- [3] <https://civi.michiganlp.net/civicrm/mailing/url/?u=47&qid=3738>

To opt-out of all mailings: <https://civi.michiganlp.net/civicrm/mailing/optout/?reset=1&jid=45&qid=3738&h=e48a2819bf1d5c62>

PO Box 614
Royal Oak, MI 48068
United States





Bradley Carrier

June 15 at 9:00 PM · 🌐



I got a mailed notice for the convention and two emails saying it already happened.



Carl Mintz, Andy Evans and 3 others

32 comments

 Like

 Comment

 Share

From: **Libertarian Party of Michigan** <no_reply@civi.michiganlp.net>
Date: Fri, Jun 16, 2023, 5:10 PM
Subject: Stop the COP and Free the LP
To: Andrew Chadderdon <andrew.chadderdon@gmail.com>

Official communication from the Libertarian Party of Michigan



Dear Andrew,

“We prefer to work with [the Republican Party], and not against [them]” said the Libertarian Party of Colorado (LPCO), in a letter recently published by the Colorado Republican Party. The letter, which can be seen [here](#), was blatantly offering to support Republican candidates. “If the Republican party runs candidates who support individual liberties, we will not run competing candidates in those races,” said the statement signed by the Chair and Vice Chair of the LPCO.

What does this have to do with the Libertarian Party of Michigan (LPM)?

The situation in Colorado is simply the first publicly disclosed agreement to conspire with other political parties in such an overt manner. The idea of capitulating to the GOP, or any political party, is the biggest threat that the takeover interlopers have leveled against the Libertarian Party. If the LPM does not stand up against the minority element of the LPM constituting the ***Chadderdon Organization Party (COP)***, we can expect a similar scenario to play out here.



As most of you know, the LNC, acting as a proxy for the COP, has filed a [trademark lawsuit](#) against several members of the LPM Executive Committee. A recent [motion](#) of theirs was rejected by the court for missing substantive content and lack of form. They were also [ordered](#) to comply with the

EXHIBIT 58

local counsel requirement, meaning they would have to retain a new attorney. In response to the rejection, the attorney for the LNC sent a “settlement offer” to the LPM counsel demanding full capitulation to the LNC.

In a recent email to members, former LNC member and former LPM Communications Director Connor Nepomuceno (who is currently representing the COP and holding original LPM digital assets hostage) told members, **“the LPM Executive Committee has approved treating donations to the National Libertarian Party’s Legal Defense Fund as membership dues,”** because they are **“[unable] to accept donations, process new memberships, and facilitate renewals”** as the LPM.

This is an attempt to siphon funds from the members of the LPM and redirect them to the organization that has filed a federal lawsuit against current and past leaders of the LPM, including 2022 candidate for Governor Mary Buzuma and 2022 candidate for Secretary of State Greg Stempfle. Like Colorado, the COP, in collusion with the LNC, is seeking to destroy the LPM as we know it.

We are faced with an unprecedented situation where our party is being threatened with complete irrelevance from within, under the incompetent central management of the LNC and the Mises PAC sponsored COP.

The LPM is taking a stand against the LNC and their subservient COP. This assertion of our autonomy as an affiliate will have ripples through the entire national party. We have the authoritarians of the LNC on the ropes, but we need YOUR support!

Liberate Michigan by donating to the [LPM Legal Defense fund](#) today!

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

and
Brian Ellison,
Chair, LPM Fundraising Committee

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



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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.

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. Except as provided otherwise in these bylaws, all of these officers shall be elected to a two-year term at an odd-numbered year 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 odd-numbered year regular convention or until the seat is vacated in accordance with these bylaws.
2. At odd-numbered year 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. Any member of the Executive Committee may resign upon written notice to the chair and/or secretary, which shall take immediate effect. Absence from three consecutive regular meetings, by any Executive Committee member, shall be considered a constructive resignation, and shall take immediate effect upon close of the third meeting. A member of the Executive Committee may be relieved from their duties on the Executive Committee, for cause, by a two-thirds vote at a regular meeting of the Executive Committee. All Executive Committee members must be notified of the intent of said relief at least 14 days prior to the meeting. A member of the Executive Committee may be so relieved from their duties on the Executive Committee by a majority vote at any state convention, without the need for prior notice. When such a motion is made only those whom the member represents (either district or state wide) shall vote first on said relief, and if relieved, a replacement shall be selected immediately by the same body.

11. If the chair is vacated, the first vice chair shall assume the duties of the chair until a new chair is elected at the next regular state convention. If both the chair and first vice chair are vacated, the Executive Committee must appoint someone to fill the role of the chair who shall serve until the next regular convention. If the first vice chair, second vice chair, secretary, or treasurer is vacated, the Executive Committee may appoint someone to fill that role who shall serve until the next regular convention. If a Congressional district representative position is vacated, the Executive Committee may only appoint someone who has been nominated by a caucus of members residing in the same Congressional district to fill that role who shall serve until the next regular convention. Any vacancies that occur in the interim between conventions, whether filled by the Executive Committee or not, shall be filled by majority vote of eligible delegates at the next state convention, without the need for prior notice.
12. 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.
13. There shall be a standing legislative committee to monitor, report on, and advocate for legislation on behalf of the Libertarian Party.
14. 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.
15. 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 Committee's jurisdiction shall be limited to cases involving alleged violations of the bylaws or resolutions by the Executive Committee, its members, or it's appointees.
2. The judicial power of the Party shall be vested in an ad hoc Judicial Committee composed of three total Party members. Each side shall appoint one member and the third member will be agreed upon by both parties when alleged violations of these bylaws or resolutions occur. No member of the Executive Committee or an interested party in the appeal may be a member of the Judicial Committee.
3. The ad hoc Judicial Committee shall submit a report to the Executive Committee on cases involving alleged violations of these bylaws or resolutions, and shall have the power to convene a Special Convention in the event the Executive Committee does not accept the recommendations of the Judicial Committee within 15 days.

4. The ad hoc Judicial Committee shall be dissolved upon either the acceptance of the recommendations by the Executive Committee or the adjournment of any Special Convention called for the purpose of resolving a violation as outlined in Article V Section 2, whichever is later.
5. All cases facing the Judicial Committee shall be submitted to the LEC Secretary who shall then commence the selection proceedings of the Judicial Committee within 14 days.

VI. CONVENTIONS

1. During years in which a Libertarian Party primary occurs, the Party shall hold a regular 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 regular convention for, but not limited to, the purpose of candidate nominations 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 regular 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, but not limited to 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 regular 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, by a majority vote of a Judicial Committee, or when petitions are submitted by 15% of the current membership who have been members for at least 30 days, specifying the location, date, time and purpose for the special convention. The petitioners shall organize and fund the special convention. The Executive Committee must notify affiliates of the location, date, time and purpose of the special convention, immediately upon receipt of petitions.

The Executive Committee must provide notice to members as specified in Article VI Section 4.D. Due to their expedited nature, special conventions are exempt from the affiliate delegate allocation described in Article VI Section 4 and notice requirements in Article VI Section 4.B or as required by law. Delegate apportionment for special conventions will match the apportionment of the immediately preceding state 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 60 days prior to a State convention to be eligible, unless that person was a member of the National Libertarian Party at least 60 days prior to a State Convention now residing in the state of Michigan, and becomes a dues paying member of the state party before being eligible 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.

3. The Libertarian Party of Michigan may hold electronic meetings to conduct special conventions and any conventions in situations where natural disaster, regulatory actions, or any extreme circumstance prevent the use of a meeting venue.

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.

(<http://old.michiganlp.org/organization/lpm-bylaws/>)

Like Peace Prosperity And Freedom?

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.

 (<https://twitter.com/MILibertarians>)

 ([https://www.facebook.com/people/Libertarian-Party-](https://www.facebook.com/people/Libertarian-Party-of-Michigan-457736680/)

Libertarian Party of Michigan: PO Box 614, Royal Oak, MI 48068; Phone:
888.FREE.NOW.

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ALL VOTES ARE LINKED TO THE EMAIL IN WHICH IT WAS CAST.

20230206-02 2/8/23

Motion: Move that the LNC direct the Party Chair to send a cease and desist letter to Mr. Brungardt as the identified Chair of the group falsely claiming to be the legitimate leadership of the Michigan affiliate of the national Libertarian Party regarding all related activities regarding that claim and the unauthorized use of our trademarks.

Co-Sponsors: Bowen, Ford, Harlos, Watkins

Member/Alternate	Yes	No	Abst.	Did Not Vote	Alt Vote	Notes/Misc
<u>Benner/Cowen</u>	X					
<u>Blankenship</u>		X			N/A	
<u>Bowen</u>	X				N/A	
<u>Duque/Yeniscavich</u>	X					
<u>Ecklund/Tuniewicz</u>			X			
<u>Eiler/Clark</u>	X					
<u>Elliott</u>	X				N/A	
<u>Ford/Hall</u>	X					
<u>Gabbard/Pantke</u>		X				
<u>Hagopian</u>	X				N/A	
<u>Harlos</u>	X				N/A	
<u>McArdle</u>			X		N/A	
<u>Nanna/Daniel</u>		X				
<u>Nekhaila</u>	X				N/A	
<u>Rufo</u>	X				N/A	
<u>Smith</u>	X				N/A	
<u>Watkins/Dassing</u>	X					
RUNNING TOTAL	12	3	2	0	With a vote of 12-3-2-0 the Motion PASSED.	
Tally last updated at:	12:06:38 PM			7/16/2023		

Secretary's Notes:

EXECUTIVE COMMITTEE MINUTES
LIBERTARIAN NATIONAL COMMITTEE
FEBRUARY 5, 2023
VIA ZOOM



CURRENT STATUS:

FINAL

PREPARED BY **CARYN ANN HARLOS**, LNC SECRETARY

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LEGEND: *text to be inserted*, ~~text to be deleted~~, unchanged existing text, *substantive final main motions*.

All main substantive motions will be set off by *bold and italics in green font* (with related subsidiary and incidental motions *set off by highlighted italics*) and will be assigned a motion number comprising the date and a sequential number to be recorded in the Secretary's Main Motion/Ballot Tally record located at <https://tinyurl.com/LNCVotes2023>

Points of Order and substantive objections will be indicated in **BOLD RED TEXT**.

All vote results, challenges, and rulings will be set off by **BOLD ITALICS**.

The Secretary produces an electronic One Note notebook for each meeting that contains all reports submitted as well as supplementary information. The notebook for this meeting can be found at: <https://tinyurl.com/Feb2023LNCMeeting>

The LPedia article for this meeting can be found at:
[https://lpedia.org/wiki/LNC Executive Committee Meeting 5 February 2023](https://lpedia.org/wiki/LNC_Executive_Committee_Meeting_5_February_2023)

Recordings for this meeting can be found at the LPedia link.

The QR codes lead to the video portion of the video being discussed.

OPENING CEREMONY

CALL TO ORDER

Chair Angela McArdle called the meeting to order at 8:12 p.m. (all times Eastern).

HOUSEKEEPING

EXECUTIVE COMMITTEE MEMBER ATTENDANCE

The following were in attendance:¹

Officers: Angela McArdle (Chair), Caryn Ann Harlos (Secretary), Todd Hagopian (Treasurer)

Non-Officers: Rich Bowen (At-Large), Bryan Elliott (At-Large), Steven Nekhaila (At-Large)

REMAINING LNC MEMBER ATTENDANCE

At-Large Representatives: Dustin Blankenship, Mike Rufo

Regional Representatives: Miguel Duque (Region 1), Dave Benner (Region 2), Dustin Nanna (Region 3), Carrie Eiler (Region 4), Andrew Watkins (Region 5), Linnea Gabbard (Region 7), Pat Ford (Region 8)

Regional Alternates: Kathy Yeniscavich (Region 1), Martin Cowen (Region 2), Randall Daniel (Region 3), Otto Dassing (Region 5), Mark Tuniewicz (Region 6), Donovan Pantke (Region 7)

Absent: Joshua Clark (Region 4 Alternate), Joseph Ecklund (Region 6 Representative), Robley Hall (Region 8 Alternate), Joshua Smith (Vice-Chair)

Additional Attendees: None

The gallery contained many attendees as noted in the Registration Roster attached hereto as **Appendix A** comprising person who registered in advance, though not all of the registrants attended.

PURPOSE OF EXECUTIVE COMMITTEE MEETING

¹ Mr. Tuniewicz arrived after the initial attendance roll call.

The purpose of this meeting was to discuss updates on legal issues in some of our affiliates (Colorado, Massachusetts, Michigan, New Mexico, and Virginia) as well as staff updates.

EXECUTIVE SESSION

WITHOUT OBJECTION, the Executive Committee went into Executive Session at 6:21 p.m. p.m. with the rest of the LNC present for purposes of legal and staff updates. The LNC arose out of Executive Session at 10:09 p.m.

ADJOURNMENT

The Executive Committee adjourned for the day **WITHOUT OBJECTION** at 10:10 p.m.

Respectfully submitted,



LNC Secretary ~ Secretary@LP.org ~ 561.523.2250

**APPENDIX A
LOG OF REGISTRANTS**

APPENDIX A – LOG OF REGISTRANTS

REGISTRATION SHEET²

NAME
Sylvia Arrowwood
Tyler Bakken
Travis Bost
Time Buchanan
Andrew Chadderdon
Nickolas Ciesielski
Dean Davison
Christopher Deist
Stephen Ecker
Bryan Elliott
Brodi Elwood
Tim Hagan
Todd Hagopian
Wayne Harlos
Rick Heffelfinger
Michael Heise
Susan Hogarth
Sara Isenhour
Andrew Jacobs
Jonathan Jacobs
TJ Kosin
Jennifer Leatherbury
Travis Lerol
Matthew Lorence
Nathan Madden
Olga Maria
Ken Mattes
Irene Mavrakakis
Matt Murphy
Connor Nepomuceno
Michael Pakko

² The Zoom link required registration. This list comprises all persons who registered (with the exception of LNC members, staff, and other national Party representatives) but not everyone necessarily attended.

APPENDIX A
LOG OF REGISTRANTS

George Phillies
Aloysius Smart
Eric Thraen
Scott Ullery
Beth Vest
Daniel Ziemba



Secretary LNC <secretary@lp.org>

[LNC Contact] Mike Saliba

9 messages

Libertarian Party <noreply@my.lp.org> Mon, Mar 6, 2023 at 6:39 PM
Reply-To: TheMikeSaliba@yahoo.com
To: Inc-region1@lp.org, Inc-region2@lp.org, Inc-region3@lp.org, Inc-region4@lp.org, Inc-region5@lp.org, Inc-region6@lp.org, Inc-region7@lp.org, Inc-region8@lp.org, chair@lp.org, vicechair@lp.org, secretary@lp.org, treasurer@lp.org

Contact LNC Members

Contact the LNC

First Name

Mike

Last Name

Saliba

Email Address

TheMikeSaliba@yahoo.com

Note

To The Members of The LNC,
As of this afternoon, Ms. McArdle has received a letter from my attorney representing the true Libertarian Party of Michigan. This letter should also be taken as the basis for my appeal to the Judicial Committee against Ms. McArdle's recent use of party resources, including an email sent to the entire membership in Michigan on Sunday, March 5th, in violation of our bylaws. Our bylaws clearly state : "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.". As far as the situation in Michigan, Andrew Chadderdon has made it clear with the letters sent by his attorney that he wishes to settle this in court. This is a Michigan dispute and it will be settled in Michigan. This dispute has not been adjudicated in anyway at the national level and it is completely inappropriate for party resources to be used to aide the personal preference of members of this committee.

Copies of the letter sent to Ms. McArdle can be provided upon request at the email address used to fill out this contact form.

Mike Saliba,
True Chair,
Libertarian Party of Michigan

Secretary LNC <secretary@lp.org> Mon, Mar 6, 2023 at 6:44 PM
To: TheMikeSaliba@yahoo.com
Cc: chair@lp.org, Inc-region1@lp.org, Inc-region2@lp.org, Inc-region3@lp.org, Inc-region4@lp.org, Inc-region5@lp.org, Inc-region6@lp.org, Inc-region7@lp.org, Inc-region8@lp.org, treasurer@lp.org, vicechair@lp.org

Mr Saliba. You must appeal to the JC not LNC.

And there was no decision of the LNC - refusal to vote to deny authority is not a decision.

EXHIBIT 62

But as I told you multiple times, you can appeal an alleged constructive disaffiliation. Your time on that is running out. The JC determines the start date but it seems to me (and again I might be wrong) it could expire 3/13.

EXHIBIT 62

I will send you privately, copying the chair, how to appeal to the JC

[Quoted text hidden]

--

In Liberty, Caryn Ann Harlos
LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250

Secretary LNC <secretary@lp.org> Mon, Mar 6, 2023 at 6:49 PM
To: TheMikeSaliba@yahoo.com
Cc: chair@lp.org, Inc-region1@lp.org, Inc-region2@lp.org, Inc-region3@lp.org, Inc-region4@lp.org, Inc-region5@lp.org, Inc-region6@lp.org, Inc-region7@lp.org, Inc-region8@lp.org, treasurer@lp.org, vicechair@lp.org

Actually there might be one other provision - the vote on the cease and desist letter. I will send you the provisions on both.

Why and I doing this? Not because I agree with you but because you have all of these rights, and I wish you to be able to exercise them before the clock runs out.

In Liberty, Caryn Ann Harlos
LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250

[Quoted text hidden]

Mike Saliba <themikesaliba@yahoo.com> Mon, Mar 6, 2023 at 7:00 PM
To: Secretary LNC <secretary@lp.org>

Thank you,

To clarify, I was already in the process of contacting the JC directly when I received your email. I felt it was necessary to make the LNC aware of the current situation first. That being said, I await your input for filing with the JC, it's my first time.

As for some other things

"And there was no decision of the LNC - refusal to vote to deny authority is not a decision." - Making the decision to email all the members in Michigan is a decision. It's the decision to use national party resources on a local dispute.

"But as I told you multiple times..." - We never discussed any of this.

"The JC determines the start date but it seems to me (and again I might be wrong) it could expire 3/13." - What are you basing this on, the offending email was sent last night?

[Quoted text hidden]

Secretary LNC <secretary@lp.org> Mon, Mar 6, 2023 at 7:02 PM
To: Mike Saliba <themikesaliba@yahoo.com>

Call me and I will explain

5615232250
[Quoted text hidden]

Secretary LNC <secretary@lp.org> Mon, Mar 6, 2023 at 7:20 PM
To: Mike Saliba <themikesaliba@yahoo.com>

Or don't.

Feel free to argue to JC that the email is a decision of the LNC. I don't believe it is (see RONR 1:6) but I'm not the JC.

I'm telling you all this because I want you to present a case that doesn't get thrown out.

You don't have to pick just one. You can file on many grounds.

There is no time frame I see for the LNC decision appeal but read bylaws for yourself, I could be wrong. You do need petitions.

You get an automatic appeal for constructive disaffiliation if the JC follows past practice (they are not obligated to) but that has a time frame.

PLEASE read national bylaws yourself as I might be missing something.

[Quoted text hidden]

Mike Saliba <themikesaliba@yahoo.com>
Reply-To: Mike Saliba <themikesaliba@yahoo.com>
To: secretary@lp.org

Mon, Mar 6, 2023 at 7:49 PM

It's a bit late on a Monday for a phone call, thank you for offering.

As I stated, I feel the dispute in Michigan will be resolved in Michigan by my attorney and Mr. Chadderons.

As a dues paying member of the national party, I do not want the LNC using the resources I pay for with my donations to interfere in that process. That is this issue I want handled internally by the party through the JC

All other matters can be handled through my attorney

Secretary LNC <secretary@lp.org>
To: Mike Saliba <themikesaliba@yahoo.com>

Mon, Mar 6, 2023 at 7:54 PM

I based the 3/13 on the date the case and desist motion passed.

The "I told you several times" was meant less literally. I posted this in the FB group which I assumed you saw. I could have assumed wrong.

You can file a petition via automatic right for constructive disaffiliation AND one based on sigs. I did that in DE.

[Quoted text hidden]

Secretary LNC <secretary@lp.org>
To: Mike Saliba <themikesaliba@yahoo.com>

Mon, Mar 6, 2023 at 7:56 PM

Okay have a good night.

[Quoted text hidden]

--

[Quoted text hidden]



Secretary LNC <secretary@lp.org>

National JC appeal

1 message

Secretary LNC <secretary@lp.org>

Mon, Mar 6, 2023 at 6:56 PM

To: TheMikeSaliba@yahoo.com, Angela McArdle <chair@lp.org>

First Article 5:6 - though it mentions disaffiliation, constructive disaffiliation has been recognized by the JC as late as last year in the DE matter. The deadline on that appear to run 30 days after that letter was received. You have the letter and can calculate that.

If you think the cease and desist letter was an LNC decision that violated some autonomy, look at Article 7, Section 12. That requires a petition of a certain number of signatures.

Proceeding under Article 5:6 does not require a petition but can be done by you alone.]

Here is the jurisdiction of the national JC

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).

You file a petition by sending it to the JC to jc@lp.org

If you cc me and the Chair we can make sure they got it.

In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250



Secretary LNC <secretary@lp.org>

Libertarian Party of Michigan

Stephan Kinsella <nskinsella@gmail.com>

Sun, Jul 16, 2023 at 6:00 PM

To: Secretary LNC <secretary@lp.org>

Cc: Rob Latham <freeutahns@gmail.com>, LP Judicial Committee 2022-2026 <lp-jc-2022@googlegroups.com>

Dear Madame Secretary:

I confirm that the Judicial Committee has not received any appeal from any person regarding any alleged disaffiliation of the state party in Michigan or any appeals via petition for any decision of the LNC regarding the state party in Michigan.

Stephan Kinsella
Chair
Libertarian Judicial Committee

[Quoted text hidden]

--

N. Stephan Kinsella
nskinsella@gmail.com
(+1) 713-416-0006
@nskinsella
US CENTRAL TIME ZONE (CST)

5) Permissible Use of Trademarks

The following are permitted to use the Party trademarks:

- a. The Party and any recognized state-level affiliate and their properly chartered sub-affiliates.
- b. Any other organization or group, that does not function as a party nor hold themselves out as a party, but identify as part of the Libertarian Party, such as caucuses or social groups formed in support of the Libertarian Party, provided the following:
 1. Their leadership are members of a state Party and/or the national Party and their goals include supporting and recruiting members into the Party at a state and/or national level.
 2. They take no stance contrary to the Party's Statement of Principles;
 3. They only endorse or fund candidates in partisan races that are members of a state Party and/or the national Party and are not members of any other Party;
 4. They do not function as, or hold themselves out as, or register with any entity or election board as, a political party.

For any entity other than the recognized state-level affiliate and their properly chartered sub-affiliates, the LNC may revoke this permission, for failure to follow any of the above guidelines or conducting themselves in a manner harmful to the image of the Party.

% OF ACTIVE MEMBERS VS. REGISTERED LIBERTARIAN VOTERS BY STATE

STATE	TI Reg Voters	Reg Lib	% Reg L to TI Reg	Total Active By State	Active to Registered	STATE	TI Reg Voters	Reg Lib	% Reg L to TI Reg	Total Active By State	Active to Registered
AK	602,262	7,009	1.16%	66	0.94%	MT	696,292	0	n/a	74	n/a
AL	3,500,894	0	n/a	208	n/a	NC	7,417,462	50,231	0.68%	427	0.85%
AR	1,803,017	725	0.04%	103	14.21%	ND	581,379	0	n/a	34	n/a
AZ	4,143,929	32,148	0.78%	395	1.23%	NE	1,243,241	18,373	1.48%	94	0.51%
CA	21,940,274	231,459	1.05%	1,579	0.68%	NH	870,802	0	n/a	231	n/a
CO	3,806,454	41,052	1.08%	524	1.28%	NJ	6,505,751	23,478	0.36%	349	1.49%
CT	2,237,016	3,351	0.15%	180	5.37%	NM	1,362,028	14,828	1.09%	136	0.92%
DC	503,740	2,368	0.47%	28	1.18%	NV	1,853,980	16,330	0.88%	209	1.28%
DE	764,765	2,211	0.29%	69	3.12%	NY	12,124,249	19,420	0.16%	682	3.51%
FL	14,503,978	39,451	0.27%	856	2.17%	OH	7,774,767	0	n/a	672	n/a
GA	7,729,838	0	n/a	505	n/a	OK	2,225,086	19,974	0.90%	138	0.69%
HI	832,000	0	n/a	15	n/a	OR	2,976,195	20,914	0.70%	196	0.94%
IA	1,878,721	12,100	0.64%	144	1.19%	PA	8,866,603	44,912	0.51%	714	1.59%
ID	1,006,180	11,356	1.13%	125	1.10%	RI	720,169	0	n/a	35	n/a
IL	8,364,999	0	n/a	505	n/a	SC	3,513,225	0	n/a	251	n/a
IN	4,753,703	0	n/a	556	n/a	SD	597,148	2,802	0.47%	47	1.68%
KS	1,957,576	21,164	1.08%	150	0.71%	TN	3,931,248	0	n/a	365	n/a
KY	3,590,797	15,594	0.43%	188	1.21%	TX	16,211,198	0	n/a	1,221	n/a
LA	3,016,626	16,180	0.54%	163	1.01%	UT	1,690,176	20,461	1.21%	178	0.87%
MA	4,884,076	17,493	0.36%	304	1.74%	VA	5,975,696	0	n/a	631	n/a
MD	4,173,661	17,712	0.42%	300	1.69%	VT	495,267	0	n/a	38	n/a
ME	904,674	942	0.10%	82	8.70%	WA	4,861,482	0	n/a	511	n/a
MI	8,127,040	0	n/a	509	n/a	WI	3,684,726	0	n/a	298	n/a
MN	3,588,563	0	n/a	263	n/a	WV	1,153,130	10,025	0.87%	99	0.99%
MO	4,213,092	0	n/a	304	n/a	WY	297,639	2,250	0.76%	59	2.62%
MS	1,985,928	0	n/a	100	n/a	XX Est.	4,238,107	0	n/a	76	n/a
Totals	216,680,849	736,313	0.67%	15,986	2.17%						


Reg totals provided by ballot-access.org & worldpopulationreview.com - last update 02/04/23

Libertarian Party of Michigan



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Libertarian Party of Michigan

The **Libertarian Party of Michigan** offers an alternative to the old parties, supporting your freedom on all issues, all of the time.

2022 Candidates

Statewide Election · Governor. Mary Buzuma. Email: campaign ...

Platform

The Libertarian Party does not believe in or advocate the ...

Leadership

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Appeal to the Judicial Committee

RE: INSUFFICIENT NOTICE OF BUSINESS CONDUCTED AT
CANDIDATE NOMINATING CONVENTION ON JULY 9 2022 –
SUPPORTING ARGUMENTS

Andrew Chadderdon | December 2, 2022

EXHIBIT 67

Timeline of Events

5/16/2022 – First LPMI Candidate Training Seminar held by Andrew Chadderdon

5/29/2022 – Closure of the 2022 Libertarian National Convention

6/13/2022 – Regular meeting of the LEC – Attempt to pass “Condemn Bigotry + disavow LNC” resolution

6/14/2022 – Second LPMI Candidate Training Seminar held by Andrew Chadderdon

6/14/2022 – Resignation of Brandon Warzybok and Jami Van Alstine from District Representative positions on LEC

6/15/2022 – Resignation of Tim Yow and Ben Boren from Chair and 1st Vice Chair of LEC

6/18/2022 – Submission of first analysis of governing documents and assertions regarding handling of the resignations by Andrew Chadderdon

6/19/2022 – Submission of Motion of No Confidence in Andrew Chadderdon by Dave Canny to members of the LEC

6/20/2022 – Special Meeting of the LEC (called in 6/13/2022 Regular Meeting)

6/22/2022 – Special Meeting of the LEC

6/29/2022 – Dave Canny sends Motion of No Confidence to entire party

6/29/2022 – Special Meeting of the LEC

7/5/2022 – Special Meeting of the LEC

7/9/2022 – 2022 LPMI Candidate Nominating Convention

Background

At the 2022 LNC, the Mises Caucus was successful in electing leadership of the LP, and further made updates to the platform of the national party, which by extension is part of the LPMI platform. Tim Yow later informed members of the party that he made his decision to resign from the party on his flight home (had he informed members right away, it would have allowed notice requirements to be met to hold elections at the July 9 Convention).

At the June 13 meeting of the LEC, Brian Ellison introduced the motion below to the LEC. It failed, at least in part because it attempted to assert that there could have been a motive in the platform change to allow recruiting of bigots, and further suggested that the LPMI should seek to separate from the views of the national LP.



Brian Ellison Today at 11:40 AM

Here is the resolution I will be introducing this evening:
WHEREAS, The 2022 Libertarian National Convention delegation voted to amend plank 3.5 (Rights and Discrimination) in the national platform by removing the line, "We condemn bigotry as irrational and repugnant" and replacing it with "We uphold and defend the rights of every person, regardless of their race, ethnicity, or any other aspect of their identity";

WHEREAS, Whether true or not, many groups and individuals now believe the Libertarian National Committee to be led by those who condone bigotry, and furthermore believe this softening in verbiage to be a mechanism to recruit new members who may condone bigotry; and

WHEREAS, The Libertarian Party of Michigan wishes to separate itself from any such notion and make a strong statement to the contrary; now, therefore, be it

RESOLVED, That the Libertarian Party of Michigan condemns bigotry as irrational and repugnant. (edited)

After the motion failed, there were the 4 resignations of Brandon Warzybok, Jami Van Alstine, Tim Yow, and Ben Boren over the following 2 days.

Initial Handling

After the resignations of several members of the LEC on June 14-15, it was unclear how filling of the vacancies should be handled. I immediately began researching the handling, by contacting all knowledgeable people that I could. I contacted several members of the LPMI, and in the national LP. After initial contact with a parliamentarian, it became clear that the LPMI bylaws had extensive problems with them.

I reached out to others, including Bill Hall, who informed me of the existence of LPMI Corporate Bylaws. After consulting with him and others in the party, I believed the corporate bylaws to be valid and in effect. However, due to institutional failings in the party, not a single member of the current LEC had been aware of their existence. Bill Hall later confirmed their validity, as did other members, by providing the executed copies of the corporate charter, corporate bylaws, and records in the minutes from the past showing their adoption.

As of Jun 18, 2022, I presented the findings of my investigation to the LEC, see Appendix A for the documentation submitted at this time. In preparing the initial assessment, it was an open question whether the resignations had taken effect and I was the chair, or whether it required an act of the convention, and I was only the "Acting Chair". Assessing this situation, the implication in the immediate term was no different in the practical meaning, so believing the Corporate Bylaws would take precedence, it was my ruling at the time that the resignations were in effect, and I had become chair. Tim Yow and Ben Boren did not contest this claim at any point with the intent to assert that either of them would be chair.

The analysis was met with minimal critical assessment, and mostly with personal attacks and character assassinations.

Attempt to hire Attorney and Parliamentarian

Following the initial assessments, and resulting from the problems with our bylaws, and the ambiguities between the LPMI bylaws and the corporate bylaws, it became clear that we needed to hire professional help to clarify the situation and determine what specifically was the correct handling. Given the implication of the LPMI Executive Committee having been incorporated as a Non-Profit Corporation under Michigan law, it prevented any parliamentarian from making an opinion on a matter involving a question of law.

I sought referrals for attorneys, including from Bill Hall (including asking him if he wished to conduct that analysis as an attorney, which he declined), and ultimately got 2 referrals, one for Mr. Eric Doster, and another attorney who didn't respond to my inquiries. Given the limited time until convention, I proceeded to seek to hire Mr. Doster.

I had also received a referral for Mr. Steve Britton to consult as a Parliamentarian. He was the 2021 National Association of Parliamentarians, Bylaws Committee Chair, which gave him very good qualifications to consult on the topics in question.

An LEC meeting was held on 2022.06.29, for the purpose of considering authorization of funds to hire both individuals. Given the short time available before convention, I sought worst case

estimates for the cost to assess the matter. In that meeting, it was ultimately approved only to hire Mr. Doster for a 2-hour consultation. It was rejected to provide any funding to hire a parliamentarian.

Consultation with Attorney

The LEC special meeting on 2022.07.05 was held to host Mr. Eric Doster for a summary of his assessments and a question-and-answer session. While Mr. Doster gave parliamentary interpretations through many parts of the meeting, much of the time based on faulty assumptions that were provided by members of the board, he made a few key statements that determine the correct handling. In his opening remarks, he made clear that he had received no guidance on what to find, and had only been provided with the input documents, and asked to assess. He also mentioned that due to the short analysis period, he would have some “knowledge-gaps”, specifically including requirements for notice. This was a key consideration, and a qualification that needed to be considered with all his following statements. He then gave an interpretation on what had been one of the primary questions of law, stating that the corporate bylaws and Michigan statutes for Non-Profit Corporations would never overrule the organizations bylaws and RONR. In response to further questions by members of the board, he gave his opinion on how to handle some of the challenging situations before the board, and in some of those scenarios indicated it was accepted to consider elections of board members and removal via motion of no confidence. Given that notice requirements are key to the legality of the actions performed at a special convention, his qualification from the beginning of his statements did change the conclusion for these scenarios. Other board members ignored this.

See clip: “2022.07.05_LPMI_ExComm_Intro_remarks_notice_not_considered.mp4” provided with appeal.

Later in the meeting, he commented that, in general, whatever the convention body does is unassailable. However, he stipulated in Q+A that that only holds true as long as it is not against the bylaws. Since the appealed actions from the convention were done in violation of the notice requirements, they are indeed against the bylaws.


See clip: “2022.07.05_LPMI_ExComm_55m_8s_Convention_Cant_Break_Bylaws.mp4”

Motion of No Confidence

On 2022.06.19, less than 24 hours after my initial sending of bylaws interpretations, Dave Canny sent a Motion of No Confidence to members of the LEC.

Motion of No Confidence 🔍 🖨 🔗

📧 Inbox x LP/LPMI 2022 Convention Appeal x LP/LPMI Email x

 **dave canny** <cannyds@gmail.com> Sun, Jun 19, 5:41 PM ☆ ↶ ⋮

to Daniel, dist10rep, Bruce, Daniel, Breanna, Paul, Ryan, Steven, Jordan, Rick, Dave, Brandon, Joe, Mike, Norm, Andrew ▾

LEC Officers and Members,

In accordance with Libertarian Party of Michigan Bylaws, Section III - 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.

This motion is intended to be, and in accordance with our bylaws is, the most effective option to put the choice of party leadership in the hands of its members. I hope that Andrew, understanding the importance of bridging our gaps and having a majority supporting party leadership going forward, will not oppose this motion.

I ask that the Secretary confirm that this communication meets any and all notification requirements for introducing the motion at convention..

In Liberty,
Dave Canny
District 5 Representative
Genesee County Affiliate Chair

After Dave's request to send the notice to the whole party, it was originally requested by the secretary to send the notice (requested to Comm Director). After pushback from the chair regarding the legitimacy of the requirements to send the notice, the secretary ultimately decided against taking action force the sending of the notice on those grounds. Following the notice not being sent, Dave Canny decided to manually send the notice to all members of the party, absent any formal authorization from the chair, secretary, comms director, or LEC.



Andrew Chadderdon <andrew.chadderdon@gmail.com>

Motion of No Confidence to Remove the Chair and Officer Elections at Convention

dave canny <cannys@gmail.com>
Bcc: andrew.chadderdon@gmail.com

Wed, Jun 29, 2022 at 1:20 PM

As the State Party Chair and Communications Director have declined to inform the members at large of a Motion of No Confidence vote to remove the Chair and of possible elections to fill other officer vacancies, while only Mises Caucus Members have received this information, I am following the Communication Director's advise and assuming the responsibility to raise awareness of the motion and probable elections to select officers at convention next week, and urging you to come to convention so that your voice can be heard while exercising your rights and obligation as party members. Convention information is below. The business meeting on Saturday is FREE as always but you are asked to register in advance. PLease come and be heard

In accordance with Libertarian Party of Michigan Bylaws, Section III - 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.

This motion is intended to be, and in accordance with our bylaws is, the most effective option to put the choice of party leadership in the hands of its members. In conversation with Andrew, he understands the importance of bridging our gaps and having a majority supporting party leadership going forward, and does not intend to oppose this motion from being heard and voted on.

in liberty,

Dave Canny
Genesee County Affiliate Chair
LEC 5th District Representative

Please register ASAP! Registration for the business meeting on Saturday, July 9th will remain open until the day of the convention but a good count is needed in advance to help the convention committee plan. If you would like to join us for the banquet on Saturday night or for any other meals, please be sure to get registered today.

<https://michiganlp.org/event/2022-lp-michigan-summer-convention-2022-07-08/>

Both notices make a claim that I have failed to perform fiduciary duties as 2nd Vice Chair, and therefore should be removed as Chair. However, he states specifically in his email that he means simply to utilize it as the only means available to force an election of a chair that he believes is “owed”. The fact that this appeared to be the only means available to force that outcome should’ve perhaps been a sign that this outcome was not legitimate.

He further reiterates this in a post on Discord on the same day:



Dave Canny 06/29/2022 2:35 PM

Luke, thank you and I appreciate your thoughts on this. I tried to be accurate as well as concise in the email but I will elaborate a bit here. The notification was written to be within 14 days required to notify the LEC of my intent. The same bylaw only specifies 2 reasons for removal of the chair: missed meetings or failure to fulfill fiduciary duties. The motion was the only option that I saw for the body to have a say in electing a chair and that is my desire. If the body votes to keep Andrew as Chair or open it up for other candidates, I will support the decision 100%.

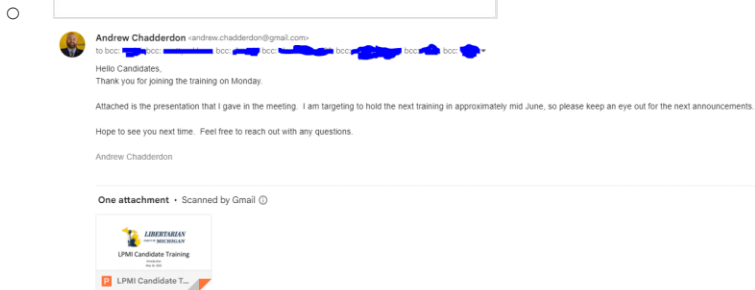


At the July 9 Convention, Dave introduced a further modified motion, citing specific claims of failures of duty.

- ~~Joe Chadderdon created~~
- Motion of No Confidence in Andrew Chadderdon (by Dave Canny)
 - 2nded
 - WHEREAS, Libertarian Party of Michigan Chair Mr. Andrew Chadderdon while serving as Political Director failed to fulfill his fiduciary duty defined in the LPM bylaws as "recruiting candidates for public office and helping them organize their campaigns.";
 - WHEREAS, Mr. Chadderdon delayed properly notifying the Secretary of State and the Bureau of Elections of the July 9th convention which would have invalidated the slate of candidates requiring a former Executive Committee member to ensure the task was performed;
 - WHEREAS, Mr. Chadderdon has knowingly failed to provide notice to members and delegates of elections to fill Executive Committee vacancies at the July 9th Convention;
 - WHEREAS, Mr. Chadderdon delayed providing a business agenda for the July 9th Convention in a timely manner to be distributed to membership and delegates;
 - WHEREAS, Mr. Chadderdon has failed to foster a cooperative environment within the Executive Committee and has added tension to its operations by the introduction of a Sergeant at Arms and threats of dismissal from meetings to members of the Board;
 - WHEREAS, Mr. Chadderdon has consistently used the Bylaws and Robert's Rules as a weapon against those who oppose him rather than using them as a tool to facilitate cooperation;
 - WHEREAS, Mr. Chadderdon has sought to retain Legal Counsel on behalf of the Party, in a manner that would give him unilateral control of the arrangement despite his direct conflict of interest;
 - WHEREAS, in accordance with our bylaws, a motion of no confidence is the appropriate and most effective option to put the choice of party leadership in the hands of its members;
 - WE HEREBY SUBMIT, a Motion of No Confidence to remove Mr. Andrew Chadderdon from the Libertarian Party of Michigan Executive Committee and the office of Chair of the LPM immediately upon passage of this motion requiring as detailed in the bylaws the elevation of First Vice Chair to Chair.

Each of the "Whereas" statements in this claim, where they are not completely subjective and biased, are demonstrably false.

- Candidate training sessions were held on May 16, and June 14, with more scheduled before and after convention. Evidenced by notices sent to entire party via Communications Director announcements



- See addendum B for party email announcing second training (combined with convention notice)
- I had maintained a list of 45 prospective candidates that I maintained regular outreach to. Many of them were new to the party, and several ultimately ran for office.
- The notice claims that I failed to properly notify the Bureau of Elections of the convention date. This is false, and no effort was made to confirm this claim by even asking me before it was included in this motion. I sent notice on June 5 and and a follow up on June 13, with both seeking confirmation of receipt. The confirmation was never received.

- Mary Buzuma contacted Dan Ziemba about sending a notice on June 20. Since I had been looking for a confirmation of receipt from the Bureau of Elections, I welcomed another notice to be sent. It was wrongly assumed from the fact that I did not stop Mary and Dan from sending a notice, that no previous notice had been sent.

Re: Appointment Request: Libertarian Party of Michigan - Filing for Candidates Nominated at Convention

Subject: Re: Appointment Request: Libertarian Party of Michigan - Filing for Candidates Nominated at Convention
From: Andrew Chadderdon <andrew.chadderdon@gmail.com>
Date: 6/13/2022, 7:06 AM
To: elections@michigan.gov
CC: Andrew Chadderdon <vcpoliticaldirector@michiganlp.org>, Tim Yow <chair@michiganlp.org>, Secretary LPM <secretary@michiganlp.org>

Hello,
I am following up on my previous inquiry about scheduling an appointment on Monday Jul 11 to submit candidate nominations for the Libertarian Party of Michigan. Also if you can refer to the earlier email, I was wondering if you can provide any guidance for a couple particular parts of the process as well.

Thank you very much,
Andrew Chadderdon
Libertarian Party of Michigan
Political Director / 2nd Vice Chair

On Sun, Jun 5, 2022 at 10:46 PM Andrew Chadderdon <vcpoliticaldirector@michiganlp.org> wrote:

Hello,

The Libertarian Party of Michigan is having its candidate nominating convention on July 9th 2022, and I would like to make an appointment for Monday July 11 to make filings for candidates nominated to be on the ballot in the Nov 2022 election.

Can you please let me know what the process will be? What forms must be submitted for each nomination, etc? Also, is it possible for filing documents for a candidate at a county level to be filed at the state offices in Lansing in the same appointment?

Thank you,
Andrew Chadderdon
LPMI - 2nd Vice Chair - Political Director

-
- There was insufficient time to properly give notice to hold elections from the day that the resignations occurred to be included in the July 9 convention (first resignation occurred on June 14, less than 30 days prior to the convention).
- Business agenda was provided before the convention, and was only delayed to a day or two before due to obstruction from hiring a parliamentarian and attorney for proper consultation. This left me forced to evaluate much more difficult considerations regarding what business was legitimate and take personal responsibility for the interpretations I reached and acted on.
- It claims that I “weaponized the bylaws”, which is a crude characterization of “following them and expecting others to do the same”.
- The chair is entitled to act on behalf of the board, absent formal guidance from the LEC, in between meetings. The actions to search for a parliamentarian and attorney are well in line with that.
- The motion itself states that its intention is simply to force an election, which is not in line with the bylaw (Article III, Section 10) which authorizes it.

The convention body was provided false information, and asked to vote on the motion in false pretense. This is all in addition to the failure of notice that already renders it invalid.

Appendix

A1. Email - Libertarian Party of Michigan - Resignations of Chair and 1st Vice Chair - Call of Special Meeting



Andrew Chadderdon <andrew.chadderdon@gmail.com>

Libertarian Party of Michigan - Resignations of Chair and 1st Vice Chair - Call of Special Meeting

Andrew Chadderdon <andrew.chadderdon@gmail.com> Sat, Jun 18, 2022 at 7:31 PM
To: Libertarian Party of Michigan <chair@michiganlp.org>, Tim Yow <vcandidates@michiganlp.org>, Andrew Chadderdon <vcpoliticaldirector@michiganlp.org>, secretary <secretary@michiganlp.org>, treasurer@michiganlp.org, dist1rep@michiganlp.org, dist2rep@michiganlp.org, dist3rep@michiganlp.org, dist4rep@michiganlp.org, dist5rep <dist5rep@michiganlp.org>, dist6rep@michiganlp.org, Brian Ellison <dist7rep@michiganlp.org>, dist8rep@michiganlp.org, dist9rep@michiganlp.org, dist10rep <dist10rep@michiganlp.org>, dist11rep@michiganlp.org, dist12rep <dist12rep@michiganlp.org>, dist13rep@michiganlp.org, dist14rep@michiganlp.org
Cc: Daniel Ziemba <dz4liberty@gmail.com>, Connor Nepo <cjnepo1@gmail.com>, Jessica Fox <jessica@stevenfox.com>

Hello to everyone,

After receiving the notification on Wednesday June 15, 2022 from Tim Yow, via the email that contained resignation letters from the Libertarian Party of Michigan for himself from his position as Chair, and for Ben Boren, as 1st Vice Chair, I began to investigate to determine the correct handling of the resignations and succession for the vacant positions.

After a great deal of consultation with several members of the state party and informal feedback with a parliamentarian, I have reached the conclusion that upon delivery of Tim Yow and Ben Boren's resignations to the Secretary of the Libertarian Party of Michigan that they were immediately effective. The Libertarian Party of Michigan is governed by its bylaws located at michiganlp.org/bylaws, a set of Corporate Bylaws, and Articles of Incorporation as a non profit corporation in Michigan, and the latest edition of Robert's Rules of Order. The non profit corporation is referenced in our bylaws as the "Libertarian Party of Michigan Executive Committee Inc", for which the Corporate bylaws apply secondarily behind the bylaws located at michiganlp.org/bylaws.

The provision that was cited by other members of the executive committee that only appears to provide for the automatic elevation of the first vice chair only applies in case of removal from the board. Since there was no case of attempted removal of either Tim Yow or Ben Boren from the board, that bylaw is not applicable.

Therefore, the bylaws are silent about the handling of the resignation of the chair or vice chair and the handling defaults to Robert's Rules 12th edition. According to Robert's Rules, in case of any vacancies of chair or vice chair, the holder of each position of chair and vice chair/s move up and leave the vacancy at the lowest "ranked" office of the chair and vice chair positions.

Therefore, it is my conclusion that upon the resignation of Ben Boren and Tim Yow on June 15, 2022, that the resignations immediately took effect and I, as the 2nd Vice Chair at the time, was immediately elevated to become Chair of the Libertarian Party of Michigan.

Detailed citations of the findings and the corporate documents are attached to this email.

Lastly, due to the clearly stated intent in the meeting on Monday June 13, 2022 by the LEC to call a special meeting, it is required to have the time, date, and specific topics to be covered explicitly in the call for a special meeting. Due to the content that was given in the motion for calling the meeting, it would not be in order to cover some topics that were intended to be covered. During that meeting, we called a meeting for Monday June 20, 2022 at 7:30pm to be held to cover the matter of Lapeer County Libertarian Party Affiliation. It was intended to cover potentially two additional topics, but they weren't included in the meeting notice motion that was passed.

Therefore, to avoid the problem that we could not otherwise handle the business that we intended, I am calling an additional special meeting, as chair, with 48 hours notice minimum, to be held on the same night, Monday June 20, 2022 starting at 8:15pm. The meeting will occur via Zoom at the link located below. The topics to be covered at this special meeting will be the business that is requested by the convention committee chair that is required to conduct the July Candidate Nominating Convention and to consider the affiliation of the Isabella County affiliate. It is my understanding that several members of the Isabella County affiliate may have withdrawn their request to consider for affiliation. In the event the members do not attend, we will not cover that item of business.

Below are the Zoom invite links for both of the meetings that are planned to be held on Monday June 20, 2022.

For The Special Meeting Called in the June 13, 2022 LEC Meeting:
Topic: LEC Special Meeting - Lapeer
Time: June 20, 2022 07:30 PM Eastern Time (US and Canada)
Join Zoom Meeting
<https://us02web.zoom.us/j/87075842097>

For the Special Meeting Called in this Email:
Topic: LEC Special Meeting - Convention and Isabella
Time: Jun 20, 2022 08:15 PM Eastern Time (US and Canada)
Join Zoom Meeting
<https://us02web.zoom.us/j/81876341104>

3 attachments



Resignation Email Boren Yow 2022.06.15.png
252K

Summary of Handling of Resignation and Succession.docx
2761K

Reference Documents.zip
5228K

A2. Attachment – Summary of Handling of Resignation and Succession.docx

Provided References

- Corporate Bylaws Libertarian Party of Michigan Executive Committee Inc. (1040780.2)-c.pdf
- Libertarian Party of Michigan Executive Committee, Inc Articles of Incorporation.pdf
- Resignation Boren.pdf
- Resignation Yow.pdf

External References

- Libertarian Party of Michigan – Bylaws - <https://michiganlp.org/bylaws/>
- Roberts Rules of Order, 12th edition

Chair Tim Yow and 1st Vice Chair Ben Boren submitted by email their written resignations (in one email sent by Tim) to the LPMI leadership on Wednesday, June 15, 2022.

Per Article III Section 2 of the Corporate Bylaws, a resignation occurs when a member of the Executive Committee submits a written notice to the Secretary.

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.

Per Article V Section 2 of the Corporate Bylaws, a resignation is effective upon its receipt (as defined above).

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.

LPMI Bylaw Chapter 3 Section 10 does not apply to this situation, because it specifically states "if the chair is *so* removed", which refers specifically to the case of removal for 3 consecutive absences or for failure to perform his or her fiduciary duties. There is no mention of resignation in the context of the bylaw, nor is there any reference to a general rule for succession.

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.

Since the LPMI Bylaws and the Corporate Bylaws are silent on details of succession to fill the chair vacancy, it will default to RONR.

Applicable section of RONR are 47:28, 47:29

47:28 In case of the president's resignation, death, or removal, the vice-president automatically becomes president for the remainder of the term, unless the bylaws *expressly* provide otherwise for filling a vacancy *in the office of president* (see also 56:32).

47:29 Some societies elect several vice-presidents in an order of precedence—first, second, third, and so on—in which case the highest-ranking one present has the duty of serving in place of the president when needed. In case of the president's resignation, death, or removal, the first vice-president then automatically becomes president (unless, as indicated above, the bylaws expressly provide otherwise for the office of president). Likewise, in case of any vice-president's resignation, death, or removal, or upon his or her automatic promotion to a higher office, the next-highest-ranking vice-president, if there is one, is automatically promoted (unless the bylaws expressly provide otherwise). Thus, for example, if the first vice-president resigns, the second vice-president becomes first vice-president, the third vice-president becomes second-vice-president, and so on, with the vacancy to be filled occurring in the lowest-ranking vice-presidency. A vice-president cannot decline to take the higher office to which he has been automatically promoted; if unable or unwilling to carry out the duties of the new office, his only recourse is then to submit his resignation, upon the acceptance of which he will no longer hold either office.

A3. Reference Documents

See the following documents submitted along with the appeal

- "Resignation Yow.pdf",
- "Resignation Boren.pdf",
- "Corporate Bylaws Libertarian Party of Michigan Executive Committee Inc.(1040780.2)-c.pdf",
- "Libertarian Party of Michigan Executive Committee, Inc. Articles of Incorporation.pdf"
- "RONR 47_28 47_29.jpg"

B. Announcement email for convention notice and for 2nd candidate training

July Convention Registration is OPEN + MORE

Inbox x LP x LP/LPMI 2022 Convention Appeal x LP/LPMI Email x

Libertarian Party of Michigan <info@michiganlp.org> Wed, Jun 8, 5:16 PM
to Libertarian ▾

Hello To All of Our Freedom Loving Friends,

First, the Libertarian Party of Michigan Nominating Convention will be held Saturday, July 9th and Sunday, July 10th, 2022 at the Haworth Hotel in downtown Holland. [Registration is open now!](#) Click the link to get to the information page and then click the yellow "Register" button to complete registration. There are many package options available and we are pleased to have Justin Amash, Mike Maharrey, and Clint Russell joining us as special guests. We will be hosting an anniversary banquet and the Defender of Liberty Awards on Saturday, July 9th. For more information on the awards and on how to nominate a defender of liberty, please [click here](#). For further information about the convention, please contact the convention committee chair, Jessica Fox, at jessicafox805@gmail.com. *Please note that if you are interested in a la carte items (printed packet and/or banquet) you will need to click "None" under the packages and the additional options will appear. As always, the business meeting is free but registration is required.*

Next we have a message from our Political Director, Andrew Chadderdon:

"The Libertarian Party of Michigan will hold the second session in its series Candidate Training and Support seminars this coming Tuesday, June 14th, at 6:30 PM.

This session will feature a brief recap from the last session, then further discussion about interest to run for office, and matching people up to form campaign teams where possible.

As previously mentioned, my goal for this campaign season is that the party will support candidates to organize a CAMPAIGN TEAM that will help them run a more effective and productive campaign. We need to build infrastructure to support running for election. Please join us to see what you can do to help the effort.

It is intended to make the sessions interactive, with questions and answers throughout, and tailor the content to the needs of the participants.

I hope to see you on Tuesday! The Zoom invitation is included below. I will try to schedule 1 more session before the upcoming Candidate Nomination Convention, in early July."

Lastly, the June edition of the LPMI Newsletter is LIVE. This months edition features the aforementioned information in regards to the Defender of Liberty Awards, as well as an article discussing corporate subsidies in Michigan. Read it [HERE](#) today!

Thank you so much for your continuing support of the Libertarian Party of Michigan in our cause for a Michigan set free in our lifetime.

In Liberty,

Connor Nepomuceno

Communications Director, Libertarian Party of Michigan

Meeting Minutes

Libertarian Party of Michigan Libertarian Executive Committee Meeting

Zoom

26 February 2023

REMIND CHAIR TO RECORD

- Call to order @ 19:40
- 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 (not participating as a board member)
 - Larry Henneman, District 6
 - Brian Ellison, District 7 (no response, but noticed in audience)
 - Trevor Step, District 8
 - Mike Saliba, District 9 Mike S states he is “chair of the legitimate board” and does not recognize this as the LEC, and will join this
 - Joe Brungardt, District 10 (resignation pending)
 - Bruce Jaquays, District 11
 - Daniel Muehl-Miller, District 12
 - Dave Franklin, District 13
 - Jeff Pittel, District 14
 - Connor Nepomuceno, Comm. Director (absent)
 - Jeff Pittel, Membership Committee Chair
 - Scotty Boman, Newsletter Committee Chair
 - Scotty B asserts he is District 14 Representative; this is contradicted by Andrew C, clarifying the Judicial Committee
 - Stephanie Dunn, Legislative Committee Chair
 - Mark King, IT Director (absent)
 - Greg Stempfle (Historical Committee Chair)
 - Larry Johnson (Membership Committee)
 - Leah Dailey (Membership Committee)
 - Tim Yow (guest)
 - Ben Boren (guest)
 - Bob Roddis (guest)
 - Justin Miramonti (guest)
 - Jon Elgas (guest)
 - Larry Ludlow (guest)
 - Dominic Thelen (guest)

- Patrick Henry (guest)
- Ben DeJong (guest)
- Jason Rees (guest)
- Kevin Ellis (guest)
- Forrest Dunn (guest)
- Jim Schell (guest)
- Greg Black (guest)
- Andy ??? (guest)
- Tori Hinrichs(guest) ('hein-ricks')
- William "Andy" Conger (guest)
- Andrew Duke (guest)
- Andy Evans (guest)
- Jonathan (JJ) Jacobs (guest)
- Dana Carver (guest)
- Bruce J moves to ratify this as a regular meeting since it was called by the Chair rather than during the previous meeting.
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **YES**
 - Brian Ellison, District 7 **ABS**
 - Trevor Step, District 8 **YES**
 - ~~Mike Saliba, District 9~~ **YES**
 - Joe Brungardt, District 10 **YES**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Dave Franklin, District 13 **YES**
 - Jeff Pittel, District 14 **ABS**
 - **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~~ **YES**
 - YES/NO/ABSTAIN: **9/0/3**
 - Motion **PASSES**
- Approval of agenda
 - Agenda approved without objection by voice vote
- Bruce J moves to ratify the 25 January meeting as a regular meeting (for same reason as above).
 - 2nded
 - Approved without objection by voice vote
- Approval of previous meeting minutes (25 Jan 2023)
 - Approved without objection
- Officer and Committee Chair Reports

- Chair, Andrew C
 - Discusses the existence of an illegitimate board purporting to be the LP of MI, which has created a duplicate website to raise funds, distributed a number of emails to contacts obtained via NDA violations, and has ignored cease and desist letters issued.
 - Preparations for the 1 April Wixom convention will proceed as previously approved.
- 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
 - Increase in membership noted as of 31 Jan
- Communications Director, Connor N
- Newsletter, Scotty B
 - Scotty B notes his intent to comply with the requirement to mention only the Wixom convention in any Newsletter article
- Campaign Support Committee, Jami VA
- Legislative Committee, Stephanie D
- IT Director, Mark K
- Historical, Greg S
- New Business
 - Acknowledgement of Joe B's resignation
 - Funding Request – Jeff P
 - Jeff P **notes request for \$113 reimbursement** as approved on 25 Jan
 - Also need ~\$60 reimbursement request approved for mailings of lifetime memberships
 - Inquires as to budget for Membership Committee, and requests that prior \$500 budget be increased
 - Jeff P moves to authorize up to \$400 for Membership Committee expenses (including expenses noted above)
 - 2nded
 - Approved without objection by voice vote
 - Funding approval – Eric Doster attorney fees (\$6,605)

Dave C joins the meeting, stating he is present as an observer only and will not participate as a member of the LEC

- Trevor S moves to approve payment
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Ryan Roberts, District 1 **YES**
 - **Vacant, District 2 XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **YES**

- Brian Ellison, District 7 **ABS**
- Trevor Step, District 8 **YES**
- Mike Saliba, District 9 **YES**
- ~~Joe Brungardt, District 10~~ **YES**
- Bruce Jaquays, District 11 **YES**
- Daniel Muehl-Miller, District 12 **YES**
- Dave Franklin, District 13 **YES**
- Jeff Pittel, District 14 **NO**
- Vacant, 1st Vice Chair **XXX**
- Vacant, 2nd Vice Chair **XXX**
- Daniel Ziemba, Secretary **YES**
- Vacant, Treasurer **XXX**
 - YES/NO/ABSTAIN: **8/1/2**
 - Motion **PASSES**
- Treasurer Position – Removal in respect of resignation request from Norm Peterson per Article III Section 10 mechanism for missing 3 meetings, and thank him for his long service to the board.
 - Ryan R moves to remove Norm P per the above
 - 2nded
 - Approved without objection by voice vote

Chair Andrew C warns Brian E that any further interruption will result in his removal from the meeting (due to a non-relevant statement during the voice vote)

- Appoint Treasurer (and possibly Assistant Treasurer)
 - Dan Z nominates both Tori H and Greg B
 - Tori H notes she recently moved to MI from NE. Has experience as treasurer of a college group, and as a campaign participant in election efforts and steering committees previously.
 - Jeff P inquires whether Tori H has a background in accounting.
 - Tori H notes she has a degree in biology and is familiar with spreadsheets, but does not have an explicit background in accounting.
 - Greg B notes he ran for State Rep in his District in 2022 (including campaign finance handling), ran his own business (including managing financial books)
 - Bruce J inquires where each of the nominees is located in MI
 - Greg B notes he lives in Mt. Pleasant in an unaffiliated area
 - Tori H notes she lives in Kent County (West Michigan)
 - Jeff P inquires how much time each nominee has available to devote to the role
 - Greg B notes he is generally free 3 days per week and can dedicate significant time
 - Tori H states she is similarly available and can devote significant time per week

- Andrew C inquires whether either would be willing to serve as Assistant Treasurer if not elected Treasurer?
 - Both respond affirmatively.
- Roll Call Vote
 - Andrew Chadderdon, Chair **ABS**
 - Daniel Ziemba, Secretary **GB**
 - **Vacant, Treasurer XXX**
 - Ryan Roberts, District 1 **GB**
 - **Vacant, District 2 XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - Rick Thelen, District 4 **GB**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **GB**
 - Brian Ellison, District 7 **ABS**
 - Trevor Step, District 8 **TH**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**
 - Bruce Jaquays, District 11 **TH**
 - Daniel Muehl-Miller, District 12 **GB**
 - Dave Franklin, District 13 **GB**
 - Jeff Pittel, District 14 **GB**
 - **Vacant, 1st Vice Chair XXX**
 - **Vacant, 2nd Vice Chair XXX**
 - YES/NO/ABSTAIN: **GB: 8/TH: 2/ABS: 2**
 - Greg B elected Treasurer
- Trevor S nominates Tori H for Assistant Treasurer
 - 2nded
 - Tori H accepts the nomination
 - Approved without objection
- Ruling on the conditional approval of the 3rd petition for special convention (regarding investigatory committee)
 - Jeff P notes that all petitions submitted met the 10% membership threshold for signatures
- Approve secretary to prepare and issue 30 day call to special convention
 - 1 April 2023, start of business at 09:00 at VFW Post #2269 at 2652 Loon Lake Rd
 - Registration web page needed
 - Business to include:
 - Filling of vacancies as noted in petitions
 - Motion of no confidence in the chair
 - Motion of appoint investigatory committee
 - Bruce J moves to approve the above Call to Convention
 - 2nded
 - Approved without objection by voice vote
- Motions of no confidence in LEC members who have participated in the illegitimate board purporting to represent the Libertarian Party of Michigan, including:

- Jordan Martin, District 3 Representative
 - Dan Z moves this motion of no confidence
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Jeff Pittel, District 14 **NO**
 - **Vacant, 1st Vice Chair XXX**
 - **Vacant, 2nd Vice Chair XXX**
 - Daniel Ziemba, Secretary **YES**
 - Greg Black, Treasurer **YES**
 - Ryan Roberts, District 1 **YES**
 - **Vacant, District 2 XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **YES**
 - Brian Ellison, District 7 **ABS**
 - Trevor Step, District 8 **ABS**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Dave Franklin, District 13 **YES**
 - YES/NO/ABSTAIN: **8/1/3**
 - Motion PASSES; District 3 Representative seat now vacant
 - Andrew C requests a statement from Brian E stating he is not participating in the meeting (pertaining to repeated interruptions), or that he is, which will result in a vote of whether to remove him from the meeting.
 - Vote to remove Brian E from the meeting
 - Andrew Chadderdon, Chair **ABS**
 - Dave Franklin, District 13 **YES**
 - Jeff Pittel, District 14 **ABS**
 - **Vacant, 1st Vice Chair XXX**
 - **Vacant, 2nd Vice Chair XXX**
 - Daniel Ziemba, Secretary **YES**
 - Greg Black, Treasurer **ABS**
 - Ryan Roberts, District 1 **YES**
 - **Vacant, District 2 XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **NO**
 - Brian Ellison, District 7 **ABS**
 - Trevor Step, District 8 **YES**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**

- Bruce Jaquays, District 11 **YES**
- Daniel Muehl-Miller, District 12 **YES**
 - YES/NO/ABSTAIN: **7/0/4**
 - Motion **PASSES**; Andrew C notes that Brian E already exited the meeting
- Dave Canny, District 5 Representative

Greg B noted no longer present

- Dave F moves this motion of no confidence
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Daniel Muehl-Miller, District 12 **YES**
 - Dave Franklin, District 13 **YES**
 - Jeff Pittel, District 14 **NO**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - ~~Greg Black, Treasurer~~ **ABS**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **YES**
 - ~~Brian Ellison, District 7~~ **ABS**
 - Trevor Step, District 8 **ABS**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**
 - Bruce Jaquays, District 11 **YES**
 - YES/NO/ABSTAIN: **7/1/2**
 - Motion **PASSES**; District 5 Representative seat now vacant

- Brian Ellison, District 7 Representative
 - Larry H moves this motion of no confidence
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Dave Franklin, District 13 **YES**
 - Jeff Pittel, District 14 **ABS**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - ~~Greg Black, Treasurer~~ **ABS**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - ~~Jordan Martin, District 3~~ **YES**

- Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **YES**
 - ~~Brian Ellison, District 7~~ **ABS**
 - Trevor Step, District 8 **ABS**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**
 - YES/NO/ABSTAIN: **7/0/3**
 - Motion PASSES; District 7 Representative seat now vacant
 - Mike Saliba, District 9 Representative
- Andrew C warns Mike S against further interruptions because he is not participating in the meeting
 - Larry H requests that Mike S be allowed to speak within reason
 - Trevor S objects to this request
 - Daniel MM moves this motion of no confidence
 - 2nded
 - Andrew Chadderdon, Chair **ABS**
 - Larry Henneman, District 6 **ABS**
 - ~~Brian Ellison, District 7~~ **ABS**
 - Trevor Step, District 8 **YES**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Dave Franklin, District 13 **YES**
 - Jeff Pittel, District 14 **NO**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - ~~Greg Black, Treasurer~~ **ABS**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - YES/NO/ABSTAIN: **7/1/2**
 - Motion PASSES; District 9 Representative seat now vacant
 - Joe Brungardt, District 10 Representative – Note: Andrew C previously noted this motion is moot due to Joe B’s resignation
- Open Floor
 - Tim Y states that his and Ben B’s resignations were never accepted according to prior statements by Andrew C
 - Tim Y, Ben B, and Mike S removed for repeated interruptions
 - Jon E removed for interruptions
 - Dave F objects to a request by Scotty B to comment

- Dave F objections to a request by Andrew D to comment
 - Larry H moves to suspend the rules to allow Andrew D to speak
 - 2nded
 - Motion passes without objection by voice vote
 - Larry H moves to suspend the rules to allow Scotty B to speak
 - 2nded
 - Motion passes with a couple objections by voice vote
 - Bruce J moves to extend the meeting by 15 minutes (to 21:45)
 - 2nded
 - Approved without objection
 - Vote on Larry H motion regarding Scotty B
 - Andrew Chadderdon, Chair **ABS**
 - Rick Thelen, District 4 **YES**
 - ~~Dave Canny, District 5~~ **YES**
 - Larry Henneman, District 6 **YES**
 - ~~Brian Ellison, District 7~~ **ABS**
 - Trevor Step, District 8 **YES**
 - ~~Mike Saliba, District 9~~ **YES**
 - ~~Joe Brungardt, District 10~~ **YES**
 - Bruce Jaquays, District 11 **YES**
 - Daniel Muehl-Miller, District 12 **YES**
 - Dave Franklin, District 13 **ABS**
 - Jeff Pittel, District 14 **YES**
 - Vacant, 1st Vice Chair **XXX**
 - Vacant, 2nd Vice Chair **XXX**
 - Daniel Ziemba, Secretary **YES**
 - ~~Greg Black, Treasurer~~ **ABS**
 - Ryan Roberts, District 1 **YES**
 - Vacant, District 2 **XXX**
 - ~~Jordan Martin, District 3~~ **YES**
 - YES/NO/ABSTAIN: **8/0/2**
 - Motion **PASSES**
 - Scotty B notes he will investigate Tim Y's claims, which appear to contradict the result of the Judicial Committee decision, and expresses concern that board members were removed
 - Dave F objects to request for comment by Dana C
 - Dave F moves that the meeting proceed to executive session
 - 2nded
 - Approved without objection

Meeting recording stopped and restarted at 21:34 to denote start of executive session (10 members present as noted in above role call vote)

Resumption of general session at 20:55

- Bruce J moves to terminate IT Director Mark King's employment due to unauthorized changes to CiviCRM access on or around 3 February
 - 2nded

- Approved without objection
- Next meeting planning
 - Daniel MM moves to schedule the next regular meeting for 19:30 on 19 Mar
 - 2nded
 - Rick T notes the CALP monthly meeting is that date, and opposes
 - Daniel MM moves to amend to 20 Mar at 19:30
 - 2nded
 - Approved without objection
- Daniel MM motions to adjourn @ 23:00
 - 2nded
 - Approved without objection by voice vote

REMIND CHAIR TO STOP RECORDING

- Andrew Chadderdon, Chair **ABS**
- ~~Dave Canny, District 5~~ **YES**
- Larry Henneman, District 6 **ABS**
- Brian Ellison, District 7 **XXX**
- Trevor Step, District 8 **YES**
- ~~Mike Saliba, District 9~~ **YES**
- ~~Joe Brungardt, District 10~~ **YES**
- Bruce Jaquays, District 11 **YES**
- Daniel Muehl-Miller, District 12 **YES**
- David Franklin, District 13 **XXX**
- Jeff Pittel, 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~~ **YES**
- Rick Thelen, District 4 **YES**
 - YES/NO/ABSTAIN: **6/4/2**