

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

SABRINA PRITCHETT-EVANS and KIMBERLY HARRIS
Plaintiffs,

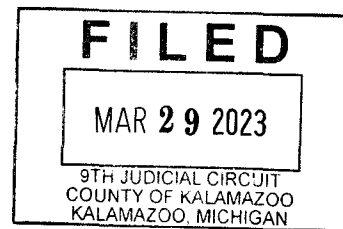
CASE NO.: 23-0169 - CZ

v.

DIVISION:

REPUBLICAN PARTY OF KALAMAZOO COUNTY, STATE OF MICHIGAN (KGOP),
KALAMAZOO GRAND OLD PARTY EXECUTIVE COMMITTEE (KGOPEC),
and KELLY SACKETT
Defendants.

Attorney for Plaintiffs
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BRIEF IN SUPPORT OF TRO AND ORDER TO SHOW CAUSE

The determination of whether a Court should issue an injunctive relief, depends on four factors the court should consider.

1. Whether the applicant will suffer irreparable injury if the relief is not granted
2. The likelihood that the applicant will prevail on the merits
3. The harm to the public if the injunction issues
4. Whether the harm to the applicant absent temporary relief outweighs the harm to the opposing party if relief is granted. *Thermatool Corp v. Borzym*, 227 Mich App 366, 376 (1998).

I. Irreparable Harm

There is no doubt the Plaintiffs have already suffered irreparable harm with the censures and labeling of being called part of a coup. Plaintiffs have been removed as members of the KGOP already by having their membership dues returned to them and now face expulsion from their duly elected positions of the KGOPEC and stripped of the verification by the Kalamazoo Clerk of Court. The Plaintiffs were voted upon pursuant to MCL 168.599 by the delegates and the Defendant acting in a rogue matter, breaching her fiduciary duties as chair to follow the laws and Bylaws for which she serves is continuing

to retaliate against the duly elected members to have them voted off the KGOPEC. These actions are extreme and outrageous subjecting the KGOPEC to face this lawsuit for her unlawful acts. The obvious evidence that this act is in retaliation is written in the censures itself. A Rule 9 amendment would never have been floored at the Michigan Republican State Convention had the chair followed the law in the first place by seating unqualified precinct-delegates into statutory seats that they were never elected to in the first place. Those seats are specifically for persons who run in county wide elections and either won their primaries or the general election or both. The three precinct delegates did not run for the seats that they currently hold in the KGOPEC and there is clear language within MCL 168.599 that states these seats are for county or legislative positions. The Bylaws in both the MRSC Article XIII (B) and the KGOPEC corroborate the Michigan Statute.

There is irreparable harm by the mere fact that the voters of Kalamazoo did not vote for the precinct-delegates who are now unlawfully sitting in these positions with voting power to make decisions on Republican based issues. It also harms the other seated KGOPEC members including the Plaintiffs who belong to the party, one of which has voting rights (Plaintiff Harris), by diluting her vote. Because these Plaintiffs casted votes based on their conscience at the state convention, which was based on the unlawfulness of the chair who pushed the agenda to seat personnel who did not qualify for statutory seats, Defendant Sackett, censured and removed them from the party and is now actively having them removed permanently from the KGOPEC for which they were duly elected and certified. This would be a permanent removal that there is no recovery.

II. Prevail on the Merits

The Plaintiffs will prevail based on the common sense reading of MCL 18.599 and the governing Bylaws that follow the statute. The Defendants can make no legal argument in good faith that the

usurping of the statute or bylaws qualifies their decision to seat precinct-delegates into statutory seats. The Plaintiffs will rely on the common sense reading of the statutes by the Court to render that opinion. In regard to the removal, the Plaintiffs would assert that Rule 7 of the KGOPEC Bylaws does not give them the authority to remove a sitting member based on the facts in this case and that the removal is being conducted as retaliation. The Plaintiffs would submit that the censures that were written by the KGOP were based on a vote at a state convention where over 115 other people voted for an amendment. The Amendment need a 2/3rds vote to pass out of 174 people. This concludes that over 116 people voted for the Rule Change based on the fact that the chair, Defendant Sackett, unlawfully sat precinct-delegates in statutory seats. It was quite obvious to the congregation that the rogue attitude that Defendant Sackett had toward the Rule of Law was obvious and was dealt with by the congregation. Because her group is smaller and more aligned to her opinion by a small majority, it was necessary for her to breach the law and sit other precinct-delegates in the statutory seats to give her more support for her own ideology. The idea that she can remove 3 people who do not agree with her decision to seat 3 precinct-delegates into 3 statutory seats amounts to tyranny within this organization. The bylaws within the KGOPEC do not support this action and the Plaintiffs will prevail based on these uncontested facts. Plaintiffs will prevail on the merits based on clear violations of the Michigan Constitution and due process, statutory violations, bylaws amongst the other underhanded breaches of fiduciary duty that the Defendants failed to perform and act placing blame on others when they were the at fault party. The Plaintiffs are protected under the law from the Defendants unilateral usurping of the law, manipulation of the law and poor decision making.

III. Harm to Public

There is harm to the public should the Defendants prevail in this action. The public voters, most of which are Republican in this scenario of Kalamazoo County elected the statutory delegates as their voice, and those statutory delegates voted for Plaintiff Harris and ex officio Plaintiff Pritchett-Evans to be members of the KGOPEC. There were no votes cast by the public for the precinct-delegates wh were seated as KGOPEC members into vacated statutory seats. The three members who earned those seats

from the public either moved out of the county making them ineligible to remain in a statutory seat or they resigned the position. There is no lawful authority to seat precinct delegates into statutory seats. There is also no authority to unseat a duly elected precinct-delegate (Plaintiffs) based on Michigan statutes or Bylaws. The public has been harmed by Defendants for violating the law and seating unelected precinct-delegates into statutory seats. This was not the will of the people from the County of Kalamazoo.

IV. Balancing Harms

The Defendant will suffer no harm by this Court by forcing them to comply with a TRO restraining the KGOPEC from seating precinct-delegates in statutory seats. These seats will become available in the next election cycle in 2024 and the KGOPEC can function properly with 15 of the 18 statutory seats filled along with the 18 of 18 precinct delegate seats filled. There is still a quorum with less than 36 total seats filled and the KGOPEC has functioned in the past by not having all of the seats filled. The harm that has been committed is by the Defendants who are attempting to stack the seats for a larger majority to their agenda and by removing three duly elected precinct-delegates who many not necessarily go along with that agenda. The Defendants are attempting to remove these duly elected-precinct delegates unlawfully in contrast to the Michigan Constitution, in violation of due process, the right to assemble under the law, and diluting the precinct-delegates voting. The Defendants are further strong-arming members by censuring them for not voting the way they want them to, a clear violation of the law and admitted to in the censures. There continues to be grave irreparable harm that will impact the Plaintiffs, and even other members of the KGOPEC who are not plaintiffs in this cause but could be affected each time they cast a vote if it is not in alignment with the Defendants. If the Defendants are enjoined from being rogue, ignoring the law and bylaws, the Plaintiffs will be able to continue to serve in the positions they were duly elected to serve without worrying if their next vote will get them removed from the KGOPEC.

CONCLUSION

The Plaintiff respectfully requests this Court grant Injunctive Relief, Declaratory Relief, the Temporary Restraining Order or issue an order to show cause as set out in the motion.

Dated March 29, 2023

/s/James A. Thomas
JAMES A. THOMAS, ESQ.