

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

SABRINA PRITCHETT-EVANS and KIMBERLY HARRIS  
Plaintiffs,

CASE NO.: 23- 0169- CZ

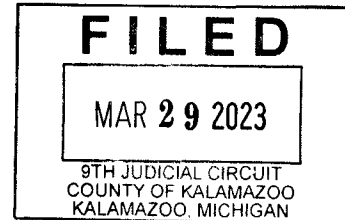
v.

DIVISION:

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

---

Attorney for Plaintiffs  
James A. Thomas, Esq. P80931  
1925 Breton Rd. Suite 250  
Grand Rapids, Michigan 49506  
(616) 747-1188  
jimmy@jimmythomaslaw.com



**MOTION TO AMEND VERIFIED COMPLAINT TO ADD A COUNT OF QUO WARRANTO**

Plaintiffs move this Court by special leave to amend its verified complaint to add a count of Quo Warranto for the following reasons:

1. The allegations in the verified complaint allege that the Defendant, Kelly Sackett as the chair of the KGOPEC usurped the law, specifically MCL 168.599, the MRSC Bylaw Article XIII(B) and KGOPEC Bylaws by seating precinct-delegates in statutory seats that they are not qualified or duly elected to possess.
2. A demand letter was written to the Defendants to cure this defect and went unanswered by either self representation of the KGOPEC chair Kelly Sackett or by a legal representative.
3. A verified complaint has been filed requesting declaratory relief, injunctive relief and mandamus for the Defendants blatant disregard of the law and bylaws.
4. To remove a usurper from an office, the action must be brought by quo warranto. Quo warranto may be brought by a citizen in the circuit court by special leave of the court. The relevant rule for quo warranto is as follows:

*Rule 3.306 - Quo Warranto*, Mich. Ct. R. 3.306

(A) Jurisdiction.

(1) An action for quo warranto against a person who usurps, intrudes into, or unlawfully holds or exercises a state office, or against a state officer who does or suffers an act that by law works a forfeiture of the office, must be brought in the Court of Appeals.

(2) All other actions for quo warranto must be brought in the circuit court.

(B) Parties.

(1) Actions by Attorney General. An action for quo warranto is to be brought by the Attorney General when the action is against:

- (a) a person specified in subrule (A)(1);
- (b) a person who usurps, intrudes into, or wrongfully holds or exercises an office in a public corporation created by this state's authority;
- (c) an association, or number of persons, acting as a corporation in Michigan without being legally incorporated;
- (d) a corporation that is in violation of a provision of the act or acts creating, offering, or renewing the corporation;
- (e) a corporation that has violated the provisions of a law under which the corporation forfeits its charter by misuse;
- (f) a corporation that has forfeited its privileges and franchises by nonuse;
- (g) a corporation that has committed or omitted acts that amount to a surrender of its corporate rights, privileges, and franchises, or has exercised a franchise or privilege not conferred on it by law.

(2) **Actions by Prosecutor or Citizen.** Other actions for quo warranto may be brought by the prosecuting attorney of the proper county, without leave of court, or by a citizen of the county by special leave of the court.)

5. Plaintiffs submit that section (1) is not applicable to this case and that section (2) would give this circuit court jurisdiction. Plaintiffs assert that Rule 3.306(2) would allow a quo warranto action with the Court's approval of special leave of court.

6. The relevant statute in regard to quo warranto is as follows:

**MCL 600.4515 Usurpation of office; ouster; costs; fine.**

Sec. 4515.

Whenever any defendant in a quo warranto proceeding is found or adjudged guilty of usurping or intruding into or unlawfully holding or exercising any office, franchise, or privilege, judgment shall be rendered that the defendant be ousted and altogether excluded from that office, franchise, or privilege. In addition to awarding costs against the defendant, the court may, in its discretion, impose a fine upon the defendant found guilty, not exceeding \$2,000.00.

7. The Plaintiffs rely on the general allegations, its motion for aTRO, the exhibits and affidavits all filed with the verified complaint for the court to consider allowing a count of quo warranto to be added as a count in an amended verified complaint.

WHEREFORE Plaintiffs respectfully request this Court grant its motion to amend the verified complaint.

Dated March 29, 2023

/s/James A. Thomas  
James A. Thomas, Esq.