

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

SABRINA PRITCHETT-EVANS and
KIMBERLY HARRIS

Case No. 2023-0169-CZ

Plaintiffs

v.

HON. CURTIS J. BELL

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

Defendants.

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**RESPONSE AND BRIEF IN OBJECTION TO PLAINTIFFS' *EX PARTE* EMERGENCY
MOTION FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF OR IN THE
ALTERNATIVE MOTION FOR AN ORDER TO SHOW CAUSE/MOTION AND
REQUEST FOR MANDAMUS**

NOW COME Plaintiffs, REPUBLICAN PARTY OF KALAMAZOO COUNTY, STATE OF MICHIGAN ("KGOP"); KALAMAZOO GRAND OLD PARTY EXECUTIVE COMMITTEE ("KGOPEC"); and KELLY SACKETT ("Sackett"), by and through their attorneys, DePERNO LAW OFFICE, PLLC, and submits the following brief and objection as their response to Plaintiffs' disjointed, illogical, and frivolous motion for *ex parte* relief:

I. GENERAL PREFATORY OBJECTIONS

1. Defendants object to Zoom hearings

Defendants object to hearings being conducted by Zoom, including the present hearing pursuant to this Court's "Notice of Hearing" dated April 3, 2023. COVID-19 protocols are no longer in effect in Michigan courts. Indeed, pursuant to the memorandum dated September 1, 2022 from Thomas P. Boyd, the State Court Administrator, courts are required to return to full capacity. Pursuant to ADM File No. 2020-08, dated July 26, 2021, the Michigan Supreme Court rescinded many administrative orders.¹ Plaintiffs in this case have accused Defendants of significant malicious conduct. Plaintiffs have gone so far as to include the spurious claim for racial discrimination. The Fourteenth Amendment to the U.S. Constitution provides, in part, that a state shall not: ". . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Video conferencing is not the same as being in court, and Defendants have a right to face their accusers, even in civil proceedings. The ability to observe demeanor and to assess other personal cues is lacking in remote hearings. In short, remote proceedings interfere with a parties' constitutional rights to a meaningful hearing.

2. Defendants were not properly served

Defendants further object to this hearing because they were not properly served. The court's docket shows that Plaintiffs (represented by attorney James Andrew Thomas) filed this lawsuit on March 29, 2023 along with the pending emergency motion for *ex-parte* injunctive relief, mandamus, and declaratory relief. The court issued a Notice of Scheduled Proceedings on April 4, 2023. Defendant Sackett has not been served. However, Plaintiffs attempted to serve

¹ AO No. 2020-1, AO No. 2020-6, AO No. 2020-9, AO No. 2020-13, AO No. 2020-14, AO No. 2020-19, and AO No. 2020-21.

other Defendants by personal service on Friday, April 7, 2023. That attempted personal service did not include the notice for this hearing. Why not? Attorney Thomas had notice of this hearing on April 4, 2023. Why didn't he include the notice of the hearing along with the complaint? Further, the MCR 2.107(G) demands that Mr. Thomas serve the notice of hearing using electronic means. Mr. Thomas, through his clients, has the emails addresses for Defendants. This was a simple matter that was intentionally ignored in order to gain a tactical advantage whereby Defendants would not be notified timely of this hearing. Mr. Thomas did nothing to notify Defendants of the hearing when he became aware of it; instead, he forced Defendants to retain an attorney over the Easter weekend and forced Defendants' attorney to work through the Easter holiday in order to respond. This could have been avoided had Mr. Thomas fulfilled his ethical responsibility to follow the Court Rules and properly notify Defendants of the hearing.

Defendants are entitled to sanctions for this obnoxious behavior of Plaintiffs and their attorney. MCR 1.109(E) anticipates that some cases will exist where sanctions – including significant sanctions – are warranted. This is one of those cases. This gamesmanship is the type of behavior MCR 1.109(E) and (G) intended to avoid. Plaintiffs and their attorney intentional failed to serve the notice of hearing pursuant to MCR 2.117(G) when they became aware of it. Mr. Thomas' actions also violate MRPC 3.3, 3.4, and 8.4. The reality is that Mr. Thomas made no effort, and had no intention, of notifying Defendants of this hearing.

3. Defendants object for reasons cited in MCR 2.116

Defendants further object on the grounds that the Defendants are not proper parties to this litigation. The Defendant KGOP is named the "Kalamazoo County Republican Committee" with its own separate committee identification number on file with the Michigan Secretary of State. The Defendant "Kalamazoo Grand Old Party Executive Committee" is not a separate and distinct

legal entity and does not have the ability to be sued. It is simply a committee within a committee. Defendant Sackett is also an improper party and is not a state actor. The court lacks jurisdiction over the Defendants in this matter and over the subject matter. Service of process issued in this matter is insufficient and service has not been achieved by Plaintiffs and is insufficient. Plaintiffs lack the legal capacity to sue. Defendants are entitled to immunity as a matter of law. This case is not justiciable by this court. Therefore, Defendants reserve all rights to bring a motion pursuant to MCR 1.116(C)(1) ("the court lacks jurisdiction over the person or property"); MCR 2.116(C)(2) ("the process issued in this action was insufficient"); MCR 2.116(C)(3) ("the service of process was insufficient"); MCR 2.116(C)(4) ("the court lacks jurisdiction over the subject matter"); MCR 2.116(C)(5) ("the party asserting the claim lacks the legal capacity to sue"); MCR 2.116(C)(7) ("entry of judgment, dismissal of the action, or other relief is appropriate" for reasons stated in MCR 2.116(C)(7)); MCR 2.116(C)(8) (Plaintiffs have "failed to state a claim on which relief can be granted"); and MCR 2.116(C)(10) ("there is no genuine issue as to any material fact, and [Defendants] are entitled to judgment or partial judgment as a matter of law"). Defendants will file the appropriate motions as their first responsive pleading in this matter in the coming days.

II. RESPONSE TO MOTION

Paragraphs 1-24: Plaintiffs deny each of the 24 disjointed, illogical, and frivolous allegations for the reasons they are untrue. Plaintiffs and their attorney should be sanctioned for filing this lawsuit and bringing this unnecessary and frivolous motion. Indeed, Plaintiffs ask this court for a writ of mandamus, which is an order from a court to an inferior government official ordering the governmental official to properly fulfill their official duties or correct an abuse of

discretion. See, e.g. *Cheney v United States Dist Court for D.C.*, 542 U.S. 367 (2004). Defendants are not government officials.

III. FACTS

1. District 4 Convention (February 17, 2023)

The 13 Republican districts in Michigan caucused on February 17, 2023 ("February 17 Caucus") in Lansing, Michigan in order to elect district chairs and vice chairs, district committee members, and county representatives to serve on the Michigan Republican State Committee ("MRSC"). Prior to that date, the 4th District county chairs² met to agree on specific rules for the February 17 Caucus [Exhibit 1]. One of those rules is "Rule 9" which essentially stated each county in the district would break into caucuses during the February 17 Caucus during which each county would nominate and elect state committee people to serve on MRSC. *Id.* Two people from Kalamazoo County would be nominated and elected. All people nominate by the individual counties would then be nominated as a slate and elected by the entire 4th District to serve on the MRSC. An agenda was also created for the February 17 Caucus and clearly stated that "13. Counties Caucus to Elect County State Committee & Executive Committee Seats (as apportioned by the rules)" [Exhibit 2].

Plaintiff Harris wanted to be one of the people elected by Kalamazoo County delegates to MRSC, However, the KGOP delegate are deeply divided between two factions: (1) unity-minded delegates who support Chairwoman Sackett and want to focus on raising money and getting Republicans elected and (2) anarchist-minded delegates who support Plaintiff Pritchett-Evans and want to focus on "burning down the party;" where raising money and getting Republicans elected is not important; but instead desire to push a radical agenda through a "Christian only"

² Allegan, Berrien, Calhoun, Kalamazoo, Ottawa, and Van Buren counties.

cult mentality that will "purify" the party; and only when the party is "purified" will the party be able to attract the "right kind" of donors needed to transform the party into their image. Some claim Plaintiff Pritchett-Evans was sent by "God" to the Republican party. Others claim she is a Democrat sent to create chaos, undermine the party overall, and make all Republicans look foolish.

Plaintiff Harris was aware that she did not have the votes within the KGOP to elect her as one of the Kalamazoo County representatives to MRSC. Instead, Tony Lorenz and Dr. Tamara Mitchell likely had the votes and would have been elected at the February 17 Caucus. Therefore, Plaintiffs Pritchett-Evans and Harris, along with Veronica Perro and William Bennett formulated a *coup d'etat* in conjunction with other like-minded delegates from other counties, primarily Ottawa County, whereby a motion would be brought at the February 17 Caucus to suspended Rule 9 as to Kalamazoo County only. Instead of Kalamazoo County delegates caucusing within the county (like all other counties in the 4th District), nominations would be brought to the floor and then voted on by the entire district. This shifted the majority within Kalamazoo County who favored Lorenz and Mitchell to a majority within the 4th District who favored Kim Harris. Essentially, this motion to suspend Rule 9 as to Kalamazoo County disenfranchised Kalamazoo County delegates making their vote meaningless and transferring power to the whole district. This violated the U.S. Constitution and Michigan Constitution's basis principle of "one person, one vote" and equal protection.

Indeed, at the February 17 Caucus, a motion was made to suspend Rule 9 as to Kalamazoo County, it received a second, the motion was passed by the entire district, Kim Harris and Sandra VanderLugt were nominated to serve as the Kalamazoo County representatives at MRSC, the vote was passed by the entire district, and Kalamazoo County delegates were

disenfranchised when their vote was essentially stolen by a minority of delegates within Kalamazoo County and given to delegates outside Kalamazoo. The KGOP has submitted a letter to MIGOP Chairwoman Kristina Karamo demanding action be taken following the February 17 Caucus [[Exhibit 3](#)]. This request has been sent twice. No response has yet been received and is now past due.

The KGOP is an independent organization subject to its own bylaws [[Exhibit 4](#)] and has the authority to control its membership and the integrity of the organization in order to conform to the Republican Party platform. As a result of the actions taken by Plaintiffs Pritchett-Evans and Harris, Veronica Parro, and William Bennett at the February 17 Caucus, and for other reasons the KGOP removed them as members of the KGOP on March 1, 2023 [[Exhibit 5](#)]. KGOP Chairwoman Sackett also read a statement at the meeting [[Exhibit 6](#)] and published a statement of events to Kalamazoo County delegates [[Exhibit 7](#)]. The KGOP Executive Committee also censured Plaintiffs Pritchett-Evans and Harris, Veronica Parro, and William Bennett [[Exhibit 8](#)].

2. Sabrina Pritchett-Evans

Plaintiff Pritchett-Evans is a Democrat and a disruptor. As late as 2021 she made campaign contributions to Democrats [[Exhibit 9](#)]. On September 13, 2021, the Boys & Girls Clubs of Greater Michigan posted an announcement on Facebook stating that it had just received a contribution from Tendaji Giving Circle for \$5,000 as a "grant for Diversity, Equity, Accessibility and Inclusion" [[Exhibit 10](#)]. Republicans are deeply opposed to the liberal agenda that promotes Diversity, Equity, Inclusion ("DEI"), Social Emotional Learning ("SEL"), and Critical Race Theory ("CRT"), especially when these programs are pushed on children. Indeed,

these programs violate the Republican Party platform because they endanger children and their education.

Even left-leaning activist Internet content creators like Axios and others recognize this principle: See *Inside the GOP's "Save the kids" strategy*.³ See also *"Diversity, Equity and Inclusion in the crosshairs in GOP-controlled states"*.⁴ The KGOP has actively been fighting against these programs in schools, including in Portage schools. See *"Former 'Gender Affirming Closet' to include all students in need of clothes, supplies"*.⁵ ("We had to do a FOIA to actually get all the information about what was going on," said Kelly Sackett whose kids go to Portage Central. "Why is that? Something that has to do that within the public school system, why do concerned citizens have to do a FOIA to get the information?"). Interestingly, this deceptive article by WWMT tried to transform the narrative by misleading the public that the Portage gender closet was a thing of the past. It is not. Even Newsweek has recognized that the GOP is leading the charge to protect children from the onslaught of the progressive anti-child agenda. See *"How the GOP Can Become the Pro-Child Party"*.⁶

The KGOP is leading that same charge in Michigan to promote the party platform and fight against DEI, SEL, and CRT. But some Democrats and progressives have tried to stop these efforts. Plaintiff Pritchett-Evans is one of these so-called infiltrators who claims she has seen the light and now wants to be a Republican. But her record suggests otherwise. On February 18, 2023, she ran to be the Vice-Chair of the Republican 4th District [Exhibit 11]. She ran alongside

³ <https://www.axios.com/2023/02/02/republicans-racism-transgender-education-trump>

⁴ <https://publicintegrity.org/education/diversity-equity-and-inclusion-in-the-crosshairs-in-gop-controlled-states/>

⁵ <https://wwmt.com/news/local/portage-northern-high-school-lgbtq-closet-clothing-gender-sexuality-alliance-cub-student-district-public-schools>

⁶ <https://www.newsweek.com/how-gop-can-become-pro-child-party-opinion-1781875>

Ken Beyer, another Democrat who has a history of donating to and supporting Democrat candidates in Kalamazoo County [Exhibit 12]. Plaintiff Pritchett-Evans and Ken Beyer (strong allies of the current MIGOP Chair Kristina Karamo) won their election and can now promote their progressive DEI, SEL, and CRT ideas as part of the 4th District committee.

However, the KGOP has the absolute right to promote the GOP agenda and platform and fight to keep progressive politics out of Kalamazoo. It has the right to control its membership. The KGOP bylaws [Ex 4] state in Article II (Purpose) that "the purpose of the Party shall be to • Promote the ideals and policies of the Republican Party." One of the roles and responsibilities of the Executive Committee members is to "participate fully in promoting the goals and purposes of the Party." *Id.* at 2.

Plaintiff Pritchett-Evans is an ex-officio member of the Executive Committee because she is the Chairwoman of a Republican Organization in Kalamazoo County per section III(C) of the KGOP bylaws. The KGOP has two policies regarding video or audio recording of meetings, both posted on the KGOP website. The first is a general meeting policy [Exhibit 13].⁷ The second is a specific policy regarding recording of meetings [Exhibit 14].⁸ Both of these policies were posted prior to March 1, 2023 on the KGOP door, inside the office, and at the sign-in area [Exhibit 14]. The KGOP has the absolute right to hold private meetings and demand that people who attend respect the private nature of the organization. Plaintiff Pritchett-Evans thinks she can attend meetings as an ex-officio member and violate the rules. As a Democrat, she thinks it is perfectly acceptable to post on-line the private Executive Committee discussions and meetings, sometimes including strategy regarding candidates and elections. On March 1, 2023, Plaintiff Pritchett-Evans violated these policies by attending a meeting, recording the meeting, and then

⁷ https://kgop.org/?page_id=555

⁸ https://kgop.org/?page_id=558

posting the video of the meeting online. She was issued a warning [Exhibit 16]. On March 13, 2023, Plaintiff Pritchett-Evans violated the policies again and was provided a second notice (even though it was not required) [Exhibit 17]. This decision falls firmly within the discretion of KGOP Chairwoman Sackett pursuant to Section IV(1)(A) of the KGOP bylaws. As a result of all of the aforementioned actions, Plaintiff Pritchett-Evans was removed as a member of the KGOP and censured for her conduct [Exs 5-8, 16-17].

3. Kim Harris

Plaintiff Harris is an elected member of the KGOP Executive Committee. She is also is an anarchist and disruptor. Plaintiff Harris was part of the effort to disenfranchise Kalamazoo County delegates at the February 17 Caucus (see *supra*). Plaintiff Harris has designated herself, without authority, as "Precinct Delegate Captain" within the KGOP even though no such position exists. In that capacity, Harris has created disruption and confusion. She continuously sends emails to delegates and organizes "Delegate Training" without authority [E.g. Exhibit 18]. Her training inappropriately and in violation of MCL 168.621 *et seq*, including but not limited to MCL 168.624, tells delegates that her goal is to "remove all RINOs and their useless pawns from party leadership at the county, district, and state committee levels," she calls members of the Republican Party "tyrants," and she sends out training materials telling delegates "We are in a war" and to use "weapon of war" against other delegate and leadership in order to "Take[] over control of your county convention." None of this violent rhetoric is acceptable to the KGOP. It is misleading and it creates disunity. It causes some delegates to hate other delegates. It creates an atmosphere of potential violence and hostility. The KGOP has sent Plaintiff Harris a "cease and desist" letter [Exhibit 19] demanding she stop this conduct. She has ignored the KGOP.

Harris is subjected to removal pursuant to Article III(7)(D) of the bylaws. Indeed, the KGOP has the authority to remove members of the Executive Committee:

E. A motion to consider the removal of an Elected Member from the Executive Committee requires a two-thirds vote of the Elected Members present at a regular meeting of the committee. If the motion to consider removing an Elected Member is approved, a letter must be sent to the delegate informing him of the action taken, and the right to appear at the next regular meeting of the organization to appeal the action taken. Final approval to remove an Elected Member requires a two-thirds vote of the members present at the meeting held subsequent to the one where the motion to consider removing an Elected Member was approved.

Id. at 3.

A motion was made on March 13, 2023 to remove Harris as a member of the Executive Committee. That vote passed. The minutes are attached [Exhibit 20]. Harris was then properly given notice that she was being removed [Exhibit 21]. That final vote shall take place on April 10, 2023.

IV. STANDARD OF REVIEW

"The objective of a preliminary injunction is to maintain the status quo pending a final hearing regarding the parties' rights. *Alliance for the Mentally Ill of Mich. v Dep't of Community Health*, 231 Mich App 647, 655-656 (1998). The standard for granting a motion for temporary restraining order and preliminary injunction are the same. The moving party "bears the burden of proving that the traditional four elements favor the issuance of a preliminary injunction." *Detroit Fire Fighters Ass'n IAFF Local 344 v Detroit*, 482 Mich 18, 34, 753 NW2d 579 (2008). When deciding whether to grant an injunction, a court must consider (1) the likelihood that the party seeking the injunction will prevail on the merits, (2) the danger that the party seeking the injunction will suffer irreparable harm if injunction is not issued, (3) the risk that the party seeking the injunction would be banned more by the absence of an injunction than the opposing party would be by the granting of the relief, and (4) the harm to the public interest if the

injunction is issued. *Id.* at 660-661. In *Pontiac Fire Fighters Union local 376 v City of Pontiac*, 482 Mich 1, 13 n. 21 (2008), the Supreme Court declined to consider a party's likelihood of success on the merits when the irreparable harm factor was not established.

V. LAW AND ARGUMENT

1. Plaintiffs have failed to establish that they will suffer irreparable harm if an injunction is not issued

The irreparable harm factor is considered an indispensable requirement for a preliminary injunction. *Michigan AFSCME Council 25 v Woodhaven-Brownstown Sch. Dist.*, 293 Mich 143, 149 (2011). It requires a particularized showing of irreparable harm. *Id.* "[I]t is well settled that an injunction will not lie upon the mere apprehension of future injury or where the threatened injury is speculative or conjectural." *Dunlap v City of Southfield*, 54 Mich App 398, 403 (1974). The injury is evaluated in light of the totality of the circumstances affecting, and the alternatives available to the party seeking injunctive relief. *State Employees Ass 'n v Dep 't of Mental Health*, 421 Mich 152, 167 (1984). "Equally important is that a preliminary injunction should not issue where an adequate legal remedy is available. *Pontiac Fire Fighters Union local 376, supra*, 482 Mich at 9.

Plaintiffs allege that irreparable harm will be created by removing Plaintiffs from the Executive Committee. Even if Plaintiffs could show that they can prevail on the merits (which they cannot), they are asking this court to issue a TRO to stop the KGOP (a private political organization) from meeting on April 10, 2023 and holding a vote as permitted by its bylaws. However, if Plaintiffs do prevail on the merits, this court could simply reinstate Plaintiffs in the future. There is no irreparable harm.

2. **Plaintiff cannot prevail on the merits; Claims are not justiciable; Bylaws have not been violated; MCL 168.599 is unconstitutional**

First, this is a dispute of internal party politics and the issue are not justiciable by this court. Justiciability is a part of the "political question doctrine" where courts typically refuse to interfere in politics. The Supreme Court has strongly cautioned against judicial intervention in internal political party disputes.

Judicial intervention in this area traditionally has been approached with great caution and restraint. It has been understood since our national political parties first came into being as voluntary associations of individuals that the convention itself is the proper forum for determining intra-party disputes as to which delegates shall be seated. Thus, these cases involve claims of the power of the federal judiciary to review actions heretofore thought to lie in the control of political parties.

O'Brien v Brown, 409 U.S. 1, 4 (1972).

Second, Plaintiffs argue that Defendants have somehow violated the bylaws of the Michigan Republican State Committee ("MRSC"). The argument is factually wrong and frivolous. Defendants are not required to follow the MRSC bylaws. In fact, Article II of the bylaws titled "Purpose" states clearly that part of the purpose of the Michigan Republican State Committee ("Committee") is to "work in close cooperation with *other* Republican state, district and county organizations." Emphasis on "other" county organization, recognizing that KGOP is a separate and distinct organization with its own separate committee identification number. Plaintiff know and understand that their arguments have no merit. Attached as Exhibit 22 is a message Plaintiff Harris posted on Telegram stating "MIGOP does not have the power to hold our chair accountable." This is an admission against interest. MRE 804.

Plaintiffs argue that Defendants are not permitted to replace "statutory members" of the Executive Committee. Plaintiffs rely heavily, if not exclusively, on MCL 168.599. This statute was ruled unconstitutional in 1990 in *Heitmanis v Austin*, 899 F.2d 521 (6th Cir. 1990)

We hold that these portions of the Election Law significantly burden the right to freedom of association of the State Party and its members. By compelling the State Party to automatically place incumbent legislators and nominees to county offices as delegates, the Election Law infringes upon the right of political parties to choose a method for selection of their party nominees. By requiring the county executive committees to be made up of an equal number of elected delegates and legislators, the Election Law directly controls the internal structure of the political parties. Since Michigan has not demonstrated any compelling state interest for such a significant restriction of the freedom of association, we conclude that the relevant parts of the Election Law are facially unconstitutional.

Id. at 529. The KGOP bylaws (which control) state specifically that the number of "statutory" members on the Executive Committee ***shall equal*** the number of "elected" members. When three "statutory" members resigned or moved out of district, the Executive Committee was required to add three members to make the numbers equal. There is nothing in the bylaws that prohibit the actions taken by the Executive Committee. Plaintiffs have no chance to prevail on this claim.

Plaintiff Pritchett-Evans also makes the argument that Defendants have discriminated against her because they refused to post her 4th District campaign video on the KGOP website. She then draws the conclusion that this was based on racial discrimination. However, a review of the KGOP website shows that no campaign videos are posted. The only videos posted are from the KGOP Friday coffee hour. This was explained to Plaintiff Pritchett-Evans by Defendant Sackett in a series of text messages [Exhibit 23]. These text messages demonstrate that no discrimination occurred. Plaintiff Pritchett-Evans is simply trying to escalate the situation because she was lawfully and properly removed from the KGOP and Executive Committee.

Defendants are entitled to sanctions for this obnoxious behavior of Plaintiffs and their attorney. MCR 1.109(E) (formerly MCR 2.114) anticipates that some cases will exist where sanctions – including significant sanctions – are warranted. This is one of those cases. Plaintiffs' attorney should know better. Clearly, a reasonable inquiry should have informed Plaintiffs attorney that his clients are coming to this court and attempting to enforce a statute that was ruled

unconstitutional 33 years ago. The complaint (verified under oath by Plaintiffs) is not well grounded in fact and is not warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law. Instead, it is clearly interposed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. It is vexatious and frivolous.

3. Defendants and the public will suffer greater harm if injunctive relief is granted than any potential harm to Plaintiffs

This a matter of a private political organization. The Supreme Court has strongly cautioned against judicial intervention in internal political party disputes. *O'Brien, supra*. Plaintiffs want the third branch of government (the Judicial Branch) so step in and interfere with the private political organizations of the Legislative and Executive Branch of government. The U.S. Supreme Court has been clear on this matter: Justiciability concerns also arise from "the lack of judicially discoverable and manageable standards for resolving" the issue or "the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion." *Baker v Carr*, 369 U.S. 186, 217 (1962). Chief Justice Rehnquist once refused to issue an injunction regarding implementation of a Republican National Party delegate selection plan. He relied on *O'Brien* when he ruled that the party seeking injunction was unlikely to succeed on the merits because of justiciability concerns. *Republican State Central Committee of Arizona v Ripon Society, Inc.*, 409 U.S. 1222 (1972). This court is simply not permitted and has no jurisdiction to question the wisdom of the internal policy determination of a political party.

The Defendants and the public will be greatly harmed if the courts decide to intervene in the private matters of the KGOP. This will undermine confidence in the electorate who vote for delegates to make decisions at county conventions. The delegates elected the Executive Committee and approved the bylaws. If the court overturns those decisions then the entire

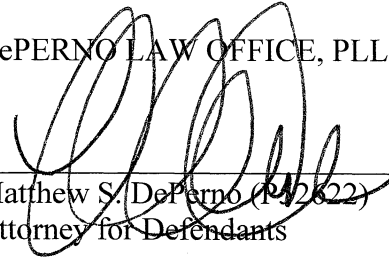
electoral delegate process becomes meaningless. There will be no need for delegates, county conventions, or executive committees. People will simply go to court to impose their will on county parties. The voice and reasoning of the county chairs will be meaningless.

VI. CONCLUSION

For the reasons stated herein, Plaintiffs come nowhere close to meeting the standards for a temporary restraining order, mandamus, injunctive/declaratory relief. Defendants request that this Court do the following: (a) Deny Plaintiffs' request for a temporary restraining order; (b) deny Plaintiffs' request for mandamus; (c) deny Plaintiffs' request for injunctive/declaratory relief; and (d) order Plaintiffs to pay sanctions to Defendants as requested herein.

Respectfully submitted

DePERNO LAW OFFICE, PLLC



Matthew S. DePerno (142622)
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Dated: April 10, 2023