

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
(AKA) KALAMAZOO COUNTY
REPUBLICAN COMMITTEE (KGOPEC),
and KELLY SACKETT

Defendants.

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Attorney for Plaintiffs
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Matthew S. DePerno (P52622)
DEPERNO LAW OFFICE, PLLC
Attorney for Defendant Sackett
Attorney for Defendants KGOP and KGOPEC
per limited appearance
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**DEFENDANTS' MOTION FOR SUMMARY DISPOSITION PURSUANT TO MCR
2.116(C)(1), (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), (C)(8), and (C)(10)**

And

DEMAND FOR SANCTIONS PURSUANT TO MCR 1.109(E)

Defendants REPUBLICAN PARTY OF KALAMAZOO COUNTY, STATE OF
MICHIGAN, KALAMAZOO GRAND OLD PARTY EXECUTIVE COMMITTEE
("KGOPEC"), and (AKA) KALAMAZOO COUNTY REPUBLICAN COMMITTEE
(KGOPEC), and KELLY SACKETT ("Sackett"), by and through their attorneys, DePERNO

LAW OFFICE, PLLC,¹ brings this motion for summary disposition pursuant MCR 2.116(C)(1), (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), (C)(8), and (C)(10) and also demands sanctions pursuant to MCR 1.109(E) for the reasons set forth below and in the accompanying brief.

1. Pursuant to MCR 2.116(C)(1), (C)(3), and (C)(4) the court lacks jurisdiction over the parties and lacks subject matter jurisdiction.

2. Pursuant to MCR 2.116(C)(2) service of process was insufficient.

3. Pursuant to MCR 2.116(C)(5) the Plaintiffs lack the capacity to sue.

4. Pursuant to MCR 2.116(C)(7) Defendants have immunity.

5. Pursuant to MCR 2.116(C)(8) Plaintiffs have failed to state a claim on which relief can be granted.

6. Pursuant to MCR 2.116(C)(10) there is no genuine issue of fact and Defendants are entitled to judgment as a matter of law.

7. Defendants also demand sanctions pursuant to MCR 1.109(E) because Plaintiffs and their attorney intentionally and improperly served the complaint with an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The complaint forced Defendants to defend against frivolous claims and filed their initial motion for summary disposition. Plaintiffs also filed a frivolous motion to amend their complaint to add a *quo warranto* claim. Defendants were forced to respond and when they did, Plaintiff withdrew their motion clearly recognizing its frivolity. Rather than allow the Court to rule on the motion for summary disposition, Plaintiffs and their attorney demanded an evidentiary hearing. Plaintiffs filed an amended complaint, removing 4 of the 8 counts, clearly recognizing their frivolity. Plaintiffs alleged that Defendants Kelly Sacket is a state actor. Clearly, she is not. Plaintiffs filed

¹ Attorney Matthew DePerno remains on a limited appearance as to Defendants KGOP and KGOPEC based on their motion for summary disposition pursuant to (in part) MCR 2.116(C)(1), (2), (3), and (4).

a claim of discrimination under the Elliot-Larsen Act, even though there was never the necessary employment relationship. Defendants have been forced to engage in discovery and send subpoenas and notices of depositions to prepare for an evidentiary hearing. Defendants have been forced to defend against other frivolous motions, some of them filed on an "ex parte" basis, which has forced immediately responses. Now, Defendants have filed a second motion for summary disposition. None of this would have happened if Plaintiffs and their attorney properly research the law. Sanctions must be awarded to Defendants.

8. In support of this motion, Defendants rely on the attached brief.

WHEREFORE, Defendants respectfully requests this Honorable Court dismiss Plaintiffs' complaint with prejudice and award Defendants their costs and attorneys' fees and grant such other relief the Court deems just and appropriate.

Respectfully submitted

DePERNO LAW OFFICE, PLLC

/s/ Matthew S. DePerno

Matthew S. DePerno (P52622)

Attorney for Defendant Kelly Sackett

Attorney for KGOPEC (KGOP) *on limited appearance*

Dated: June 9, 2023