

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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(616) 747-1188

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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AFFIRMATIVE DEFENSES

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 submit the following as their Affirmative Defenses to the allegations contained in Plaintiffs' Verified Amended Complaint.

1. Plaintiffs' Verified Amended Complaint fails to state a claim upon which relief may be granted and should be dismissed as a matter of law. Plaintiffs' Verified Amended Complaint also fails under MCR 2.116(C)(1), (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), (C)(8), and (C)(10) for the reasons stated in Defendants' motion for summary disposition.
2. Plaintiffs' claims are barred by the doctrine of unclean hands and her own wrongful conduct. For example, Plaintiffs engaged in wrongful conduct at the February 17, 2023 district caucus. Plaintiffs and their attorney filed frivolous claims. Plaintiffs support The Doctrine of Lesser Magistrates and Tactical Civics. Plaintiffs' claims are not justiciable, as stated in Defendants' motion for summary disposition.
3. Plaintiffs' claims are barred in whole or in part by fraud, including knowing that Plaintiffs engaged in wrongful conduct at the February 17, 2023 district caucus. Plaintiffs and their attorney filed frivolous claims. Plaintiffs support The Doctrine of Lesser Magistrates and Tactical Civics. Plaintiffs' claims are not justiciable, as stated in Defendants' motion for summary disposition.
4. Plaintiffs' claims may be barred by its failure to mitigate damages, if any. For example, Plaintiffs engaged in wrongful conduct at the February 17, 2023 district caucus. Plaintiffs and their attorney filed frivolous claims. Plaintiffs support The Doctrine of Lesser Magistrates and Tactical Civics. Plaintiffs' claims are not justiciable, as stated in Defendants' motion for summary disposition.
5. Plaintiffs' claims are barred because the court lacks personal and subject matter jurisdiction. Plaintiffs' claims are not justiciable, as stated in Defendants' motion for summary disposition.
6. Plaintiff claims are barred by waiver, release, hold harmless, and indemnity. To the extent Defendants are state actors, they have immunity.
7. Plaintiffs' claims are barred by the Economic Loss Doctrine.
8. Plaintiffs' claims may be barred in whole or in part because at all relevant times, Defendants exercised the proper duty of care in order to protect KCEC from infiltrating and destructive forces.
9. Under Michigan law, to the extent that Defendants violated any statute, Defendants can rebut any presumption necessary.

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

10. Plaintiffs' claims may be barred in whole or in part because Plaintiff cannot establish one, some, or all of the elemental prerequisites for recovery under the legal theories it has asserted. For example, Plaintiffs' claims for slander fail for the stated in Defendants' motion for summary disposition.
11. If Plaintiffs' claims are valid, Plaintiffs' failure to join all necessary parties may bar her requested relief.
12. Plaintiffs' injuries or damages as described in Plaintiffs' complaint (the existence of which Defendants deny) were caused or contributed to in whole or in part by the Plaintiffs' own acts or omission or by false statements made in Plaintiffs' complaint. For example, Plaintiffs knew their claims were frivolous when filed.
13. Plaintiffs' claims are barred to the extent it failed to comply with conditions precedent to bringing this action. Defendants acted reasonably in light of the circumstances at all times pertinent to this case.
14. Plaintiffs' claims may be barred by or limited by operation of law.
15. Defendants reserves the right to assert counterclaims or crossclaims as may become apparent through additional investigation and discovery.
16. Defendants reserve the right to assert additional affirmative defenses as they become known.

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: June 9, 2023

/s/ Matthew S. DePerno
Matthew S. DePerno (P52622)
Attorney for Defendant Kelly Sackett
Attorney for KGOPEC (KGOP) *on limited
appearance*