

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

KALAMAZOO COUNTY REPUBLICAN  
COMMITTEE and KELLY SACKETT in her  
capacity as KGOP Chair

Case No. 2024-0026-CZ

Plaintiffs

v.

HON. CURTIS J. BELL

RODNEY HALCOMB; KERRY LYNN  
ELIEFF; EMILY CRAWFORD; ROBYN  
MAXON; KRISTINA KARAMO; DANIEL J.  
HARTMAN; JAMES M. COPAS; and  
SECRETARY OF STATE JOCELYN  
BENSON;

Defendants.

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**PLAINTIFFS' MOTION AN *EX PARTE* TEMPORARY RESTRAINING ORDER,  
SHOW CAUSE ORDER, AND PRELIMINARY INJUNCTION**

NOW COME Plaintiffs, KALAMAZOO COUNTY REPUBLICAN COMMITTEE and  
KELLY SACKETT in her capacity as KGOP Chair, by and through their attorneys, DePERNO  
LAW OFFICE, PLLC, and moves this Honorable Court, pursuant to MCR 3.310 and the reasons  
set forth in the accompanying brief, for an *ex parte* temporary restraining order and an order to  
show cause why a preliminary injunction should not be issued pursuant to MCR 3.310(A) for the  
following reasons and for the reasons outlined in the attached brief in support.

## GENERAL ALLEGATIONS

1. On January 22, 2024, Plaintiffs filed a complaint with this Honorable Court.
2. This is an action for declaratory relief and other damages resulting from the breach of contract and fraudulent and illegal actions of the Individual Defendants who lead a group of discontent former members of the Kalamazoo County Republican Committee ("KGOP") and who are determined to "take over" the KGOP through rogue and illegal actions.
3. This case involves claims of declaratory relief, breach of contract, tortious interference with business relationships, obstruction of justice, election fraud, fraud, and conspiracy of the Individual Defendants.
4. Under Michigan law, "whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment." *League of Women Voters v Secretary of State*, 506 Mich 561, 585-586; 957 NW2d 731 (2020).
5. MCR 2.605(A)(l) states that, "in a case of actual controversy in its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment."
6. To show an actual controversy, the plaintiffs need only "plead and prove facts which indicate an adverse interest necessitating the sharpening of the issues raised." *Lansing School Educational Association v. Lansing board of Education*, 487 Mich at 372 n.20; 792 NW2d 686 (2010).
7. Michigan's appellate courts have consistently found that a plaintiff pleads an actual controversy where they allege that an invalid rule or illegal action jeopardizes their rights or interests. See *Lash v. Traverse City*, 479 Mich 180, 196-197; 735 NW2d 628 (2007) *UAW v Central Michigan University Trustees*, 295 Mich App 486, 496-497; 815 Nw2d 132 (2012).

8. At the heart of this case are the claims of breach of contract of the KGOP Bylaws as amended on February 9, 2015 [Exhibit 1, *MIGOP Bylaws #1*] and later amended on September 11, 2023 [Exhibit 2, *KGOP Bylaws #2*] and the bylaws of the Michigan Republican Party (the "MIGOP") [Exhibit 3, *MIGOP Bylaws*].

9. The governance of the KGOP and MIGOP and the duties of their members and officers are defined by their bylaws.

10. Bylaws are a contract among the members of the committee. They are not "suggestions" that can be disregarded at the convenience of any member or officer. See e.g. *El-Khalil v Oakwood Healthcare, Inc.*, 504 Mich 152; 934 NW2d 665 (2019) ("Plaintiff asserts that the denial of his privileges was in breach of the bylaws . . . [p]laintiff's assertion is legally sufficient for his breach-of-contract claim to survive MCR 2.116(C)(8)." *Id.* at 166. See also *Conlin v Upton*, 313 Mich App 243, 255; 881 NW2d 511 (2015) (bylaws "constitute a binding contractual agreement between [an] [entity] and its members"). See also *Kauffman v Chicago Corp*, 187 Mich App 284, 287; 466 NW2d 726 (1991) (stating that "those constitutions, rules, and bylaws of the entity at issue "constitute[d] a contract by all members" of the entity "with each other and with the [entity] itself").

11. This case is justiciable because (1) its resolution calls upon the Court to decide whether the actions described herein complied with the bylaws or breached the bylaws; (2) courts regularly deal with cases involving compliance with bylaws of private associations. See *Hillsdale County Republican Executive Committee v Daren Wisely, et al*, Case No. 2022-688-CZ, Hillsdale County Circuit Court (Hon. Michael R. Olsaver, Oct. 5, 2023). See also *Pritchett-Evans v Republican Party of Kalamazoo, et al*, Case No. 2023-0169-CZ, Kalamazoo County Circuit Court (Hon. Curtis J. Bell, Aug. 10, 2023) (finding that the court did not have jurisdiction

to decide the dispute where the plaintiffs did not specifically plead a violation of the organization's bylaws.)

12. Plaintiff Kelly Sackett is the duly elected Chair of the KGOP. She is also an ex-officio member of the MIGOP. [Ex 3, p4].

13. The individual Defendants have either directly or through acts that create a conspiracy, breached the KGOP Bylaws and MIGOP Bylaws by holding an illegal and unauthorized convention on September 15, 2023. Then they conspired to breach the bylaws by having MIGOP (through its Chairman Kristina Karamo, Chief of Staff James Copas, and General Counsel Daniel Hartman) "recognize" a rouge band of anarchists as the "official KGOP" on January 13, 2024.

14. Pursuant to MCL 168.611(1) and the "MIGOP Rules for Delegates and Alternates to the 2024 Spring Michigan Republican County and District Conventions" the MIGOP is required to hold a convention prior to the Michigan primary for the purpose of electing 44 delegates and 44 alternates. This convention will take place on March 2, 2024 at Huntington Place, 1 Washington Blvd, Detroit, MI 48226. In addition, all counties must hold a county convention on February 15, 2024 to elect their county representatives to attend the state convention.

15. On January 11, 2023, the KGOP properly and timely issued the official "Call to Convention" for February 15, 2024, along with the convention rules and a cease-and-desist letter [Exhibit 4, *Official Call to Convention*].

16. An actual case in controversy exists because a rogue band of anarchists and former KGOP members (the "Fake Splinter Group") sent a competing unauthorized and illegal

"Call to Convention" for February 15, 2024 (the "Fake Call to February Convention"). This obviously competes with the Official Call to Convention sent by the KGOP.

17. The Fake Call to February Convention was sent to all KGOP delegates and will confuse and disenfranchise their vote. Some delegates will unknowingly attend the Fake Convention and some delegates will correctly attend the Real KGOP Convention. Then there will be competing slates of delegates; one will be an illegal fake slate out of the Fake Convention and the other will be the proper slate from the Real KGOP Convention.

18. On January 6, 2024, Defendants Karamo, Hartman, and Copas were removed from their positions with MIGOP by removal vote and termination. Yet they refuse to vacate their offices of Chairman, General Counsel, and Chief of Staff, respectively.

19. On January 13, 2024, Karamo, Hartman, and Copas breached multiple bylaw provisions by illegally "recognizing" the Fake Splinter Group as the real KGOP in violation of state law using a forged and illegal document which was then transmitted to the Secretary of State through email (wire) and mail. This illegal at constitutes fraud and obstruction of justice. The January 13, 2024 meeting also violated multiple bylaws provisions through an illegal quorum count and by setting aside specific bylaw provisions to achieve their result, which is never permitted.

20. This Complaint seeks an initial temporary restraining order and permanent injunction and declaratory relief that the Fake Splinter Group is in fact "fake" and the real KGOP is in fact "real" and that the Fake Call to February Convention is unauthorized and should be disregarded because, in part, the Individual Defendants have breached multiple provisions of various bylaws and Karamo, Hartman, and Copas were removed from their positions on January 6, 2024.

21. Plaintiffs request this Court order "a speedy hearing" of this action and "advance it on the calendar" as provided by MCR 2.605(D). The reason for a "speedy hearing" is described herein and results from competing "Calls to Convention" on February 15, 2024 that will confuse and disenfranchise voters and delegates.

22. Plaintiffs seek an *ex-parte* temporary restraining order to enjoin the Individual Defendants from conducting a competing convention on February 15, 2024, which will substantially confuse and disenfranchise delegates and cause two sets of electors to be sent for the National Republican Convention. The loss of constitutional freedom and theft of a person's vote, "for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v Burns*, 427 US 347 (1976).

23. This Motion requires immediate consideration because the Fake Splinter Group has sent a competing Call to Convention for February 15, 2024. Further, the Michigan Supreme Court recognizes that time-sensitive, election law cases merit immediate consideration. *Scott v Mich Dir of Elections*, 490 Mich 888, 889; 804 NW2d 119, 120 (2011).

24. Plaintiffs will suffer irreparable injury if the relief requested is not granted.

25. Plaintiffs have no adequate remedy of law if the relief requested is not granted.

26. The balance of the equities favors the maintenance of the status quo until such time as the matter is resolved in this action.

27. Because the Individual Defendants are moving forward in such a way as to deprive Plaintiffs and Kalamazoo delegates of their constitutional rights as outlined in the Complaint, and in clear violation of multiple laws, bylaws, rules, and regulations a preliminary and permanent injunction restraining and enjoining Defendants from conducting a competing convention will afford Plaintiffs meaningful relief.

28. The Individual Defendant will suffer no injury if the status quo is maintained.

29. Public policy strongly favors the grant of injunctive relief restraining the Defendants from conducting a competing convention or changing records through the Secretary of State's office.

30. A proposed order is attached [Exhibit 1].

WHEREFORE, Plaintiffs request that this Court do the following:

- a. Defendants Halcomb, Elieff, Crawford, and Maxon are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of their present group, until further order of this Honorable Court, from doing any of the following: (a) conducting a convention on February 15, 2024, (b) destroying any evidence related to "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates"; or (c) sending notice to any delegates, whether by email, US mail, or social media claiming they are in any way the official KGOP.
- b. Defendants Karamo, Hartman, and Copas are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of their present group, until further order of this Honorable Court, from doing any of the following: (a) certifying or accepting any convention vote or delegates from Defendants Halcomb, Elieff, Crawford, and Maxon or "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates", (b) destroying any evidence related to Defendants Halcomb, Elieff, Crawford, Maxon, "Kzoo

Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates"; or (c) sending notice to any delegates or government agency, whether by email, US mail, or social media claiming they do or have any authority to designate Defendants Halcomb, Elieff, Crawford, and Maxon as the official KGOP.

- c. Defendant Secretary of State is immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of its office, until further order of this Honorable Court, from doing any of the following: (a) certifying or accepting any documents from Karamo, Hartman, Copas, Halcomb, Elieff, Crawford, or Maxon stating they are officer of the executive committee of KGOP or (b) changing any records to claim Halcomb, Elieff, Crawford, or Maxon or any group called "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates" are the official KGOP.
- d. Plaintiffs be granted leave to commence discovery immediately.
- e. That this order remain in full force and effect until this Honorable Court specifically orders otherwise.
- f. That a protective order issue as requested above.
- g. Award Plaintiffs' costs and attorneys' fees incurred in bringing this action and grant such other relief the Court deems appropriate and just.
- h. Defendants shall show cause before this Honorable Court on \_\_\_\_\_ at \_\_\_\_\_, or as soon thereafter as counsel may be heard, why a preliminary or permanent injunction should not be ordered according to the terms and conditions set forth above.



Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: January 22, 2024



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Matthew S. DePerno (P52622)  
Attorney for Plaintiffs

# **Exhibit 1**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

KALAMAZOO COUNTY REPUBLICAN  
COMMITTEE and KELLY SACKETT in her  
capacity as KGOP Chair

Case No. \_\_\_\_\_

Plaintiffs

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HON. \_\_\_\_\_

RODNEY HALCOMB; KERRY LYNN  
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**ORDER**

At a session of said Court held in the Circuit Court for the County of  
Kalamazoo, State of Michigan, on the \_\_\_ day of January, 2024

PRESENT: HONORABLE \_\_\_\_\_  
Circuit Court Judge

Plaintiffs have filed a Complaint and Motion for Temporary Restraining Order with supporting Brief. This Honorable Court having reviewed these documents, it appears that unless this Honorable Court enters a protective order and restrains and enjoins Defendants from conducting a competing convention on February 15, 2024 or changing records with the Secretary of State, the rights of Kalamazoo County delegates to attend District Convention and be selected

as Republican National Delegates will be in doubt. Plaintiffs and the delegates they represent will suffer irreparable harm because of the disenfranchisement related to a competing convention on February 15, 2024. The Court being otherwise fully informed in the premises:

**IT IS HEREBY ORDERED:**

1. Defendants Halcomb, Elieff, Crawford, and Maxon are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of their present group, until further order of this Honorable Court, from doing any of the following: (a) conducting a convention on February 15, 2024, (b) destroying any evidence related to "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates"; or (c) sending notice to any delegates, whether by email, US mail, or social media claiming they are in any way the official KGOP.
2. Defendants Karamo, Hartman, and Copas are immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of their present group, until further order of this Honorable Court, from doing any of the following: (a) certifying or accepting any convention vote or delegates from Defendants Halcomb, Elieff, Crawford, and Maxon or "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates", (b) destroying any evidence related to Defendants Halcomb, Elieff, Crawford, Maxon, "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates"; or (c) sending notice to any delegates or government agency, whether by email, US mail, or social media claiming they do or have any authority to designate Defendants Halcomb, Elieff, Crawford, and Maxon as the official KGOP.

3. Defendant Secretary of State is immediately enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, and/or representative of its office, until further order of this Honorable Court, from doing any of the following: (a) certifying or accepting any documents from Karamo, Hartman, Copas, Halcomb, Elieff, Crawford, or Maxon stating they they are officer of the executive committee of KGOP or (b) changing any records to claim Halcomb, Elieff, Crawford, or Maxon or any group called "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates" are the official KGOP.
4. This Order is binding, in accordance with MCR 3.310(C)(4), on Defendants' officers, agents, servants, employees, and attorneys and on all persons in active concert or participation with them who receive notice of this order by personal service or otherwise.
5. Defendants are enjoined from destroying all evidence in this matter and shall preserve and protect all evidence relevant to this case. This protection order should cover all "documents" and "computer records."
6. Security is not required for issuing this restraining order because Defendants will not experience any monetary loss to maintain the status quo while this Honorable Court reviews this matter. Further, this is a matter of public interest.
7. Defendants shall appear before this Honorable Court on \_\_\_\_\_ 2024, at \_\_\_\_\_ to show cause why this restraining order should not be made a preliminary injunction.
8. A copy of the Summons, Complaint with all attachments, Motion for Temporary Restraining Order, Affidavits, and this Order will be served on Defendants on or before \_\_\_\_\_, 2024 and Plaintiffs will file a proof of service. Because of

the time sensitive nature of this action, electronic service through fax or email is permitted.

**IT IS SO ORDERED.**

**This is not a final order and does not resolve all claims in this Court.**

Dated: January \_\_\_\_, 2024

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Honorable  
Circuit Court Judge