

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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Matthew S. DePerno (P52622)  
DEPERNO LAW OFFICE, PLLC  
Attorney for Plaintiff  
951 W. Milham Avenue  
PO Box 1595  
Portage, MI 49081  
(269) 321-5064

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**PLAINTIFF'S BRIEF IN SUPPORT OF MOTION FOR AN *EX PARTE* TEMPORARY  
RESTRAINING ORDER, SHOW CAUSE ORDER, AND PRELIMINARY INJUNCTION**

Plaintiffs have filed a complaint against Defendants RODNEY HALCOMB; KERRY LYNN ELIEFF; EMILY CRAWFORD; ROBYN MAXON; KRISTINA KARAMO; DANIEL J. HARTMAN; JAMES M. COPAS; and SECRETARY OF STATE JOCELYN BENSON ("Defendants") seeking a temporary and permanent injunction against Defendants to prevent them from conducting a county convention of delegates on February 15, 2024 or recognizing Halcomb, Elieff, Crawford, or Maxon or any group called "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates" as the official KGOP.

The complaint was filed seeking declaratory judgment and injunctive relief pursuant to MCR 2.605 and 3.310. This brief is in support of Plaintiff's motion for temporary restraining order and preliminary injunction. MCR 4.201(H) allows the court to issue interim orders, "as are necessary, including, but not limited to the following:(1) Injunctions . . . " Further, MCR 3.310 permits this Court to issue preliminary injunctions and temporary restraining orders. Therefore, this motion seeks relief contemplated by the court rules for preliminary injunctions and temporary restraining orders.

## **INTRODUCTION**

### ***Fake Splinter Group forms after infighting within the KGOP***

The KALAMAZOO COUNTY REPUBLICAN COMMITTEE ("KGOP") is a county political committee formed pursuant to state law on January 1, 1977 after the enactment of MCL 169.211 (1976, Act 388, Imd. Eff. Dec. 30, 1976) and was assigned committee ID#001353. The most recent amended statement of organization is attached as [Exhibit 6 to Complaint]. KELLY SACKETT ("Sackett") is the duly elected Chair of the KGOP executive committee (the "Real KGOP"). She is also an ex-officio member of the Michigan Republican Party.

On November 28, 2022, the KGOP executive committee was elected at a county convention. On December 12, 2022, the executive committee met and elected Sackett as Chair, Charley Coss as Vice Chair, Kathleen Olmstead as Secretary, and Ronald Austin as Treasurer [Exhibit 10 to Complaint].

The KGOP has operated peacefully for many years until recently when a rogue group of delegates and members led by Sabrina Pritchett-Evans<sup>1</sup> and Kim Harris, started to engage in anarchist type behavior. This rogue group decided it was their mission to "burn down the party."

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<sup>1</sup> Sabrina Pritchett-Evans ran against Kelly Sackett for the position of KGOP Chair on December 12, 2022. Sabrina Pritchett-Evans lost.

They engaged in disruptive behavior such as (1) secretly recording meetings in violation of published KGOP rules and procedures and posting those videos on social media and (2) disrupting meetings to such a degree that business could not be conducted and police were called to remove them from the premises.

On March 1, 2023, the KGOP executive committee voted to censure four (4) delegates and members who were and had engaged in anarchist-minded activities. These were Sabrina Pritchett-Evans, Kim Harris, Veronica Pero, and William Bennett.

On March 29, 2023, Pritchett-Evans and Harris filed a lawsuit styled *Sabrina Pritchett-Evans and Kimberly Harris v Republican Party of Kalamazoo, State of Michigan (KGOP), Kalamazoo Grand Old Party Executive Committee (KGOPEC), and (AKA) Kalamazoo County Republican Committee (KGOPEC), and Kelly Sackett*, Case No. 2023-0169-CZ, Kalamazoo County Circuit Court.

On or about April 6, 2023, the executive committee removed 17 delegates from the KGOP. These removed delegates included Defendant Elieff, Sabrina Pritchett-Evans and Kim Harris [Exhibit 11 to Complaint].

On August 10, 2023, this Court issued an opinion [Exhibit 12 to Complaint] dismissing three of the four counts stating that the actions of the KGOP executive committee were not justiciable because they amounted to intra-party disputes. [*Id.*] In essence, the KGOP is an independent, private political organization that has the right to govern itself, control its membership, and establish its rules and procedures. [*Id.*] However, the court stated it could have heard claims related to breach of contract, but the plaintiffs in that case did not bring a breach of contract claim.

This rogue band of former delegates and members, including Defendants Halcomb, Elieff, Crawford, or Maxon started their own group and called themselves "Kzoo Delegates" a/k/a "Kzoo Precinct Delegates" a/k/a "Kalamazoo County Delegates" and announced to Kalamazoo delegates that they were the official KGOP. On or about August 12, 2023 this "Fake Splinter Group" started sending emails to Kalamazoo County delegates claiming they were "the real KGOP." [Exhibit 13 to Complaint]. This was done to harass the Real KGOP and hurt fundraising efforts. They adopted the theory that this Court's Opinion and Order meant that calling themselves the KGOP amounted to an "intra party dispute" and they could do as they pleased, even if they violated the bylaws.

**Fake Splinter Group calls a convention in September 2023**

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 to Complaint] and later amended on September 11, 2023 [Exhibit 2 to Complaint] and the bylaws of the Michigan Republican Party (the "MIGOP") [Exhibit 3 to Complaint]. The governance of the KGOP and MIGOP and the duties of their members and officers are defined by their bylaws.

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").

Article III, Sec. 4(A) of the KGOP Bylaws #1 states that the executive committee shall be elected at a convention within 20 days after the November election. Only the Chair is permitted to called a convention. Article III, Sec. 8(A) and (B) of the KGOP Bylaws #1 state that the officers shall be elected at an executive committee meeting within 30 days following the county convention. If there is any doubt, MCL 168.622 states that "[t]he county conventions of each political party shall be held at the time and place that the county committee of each political party, through its chairperson, designates." Delegates, members, non-delegates, or non-members are not permitted to call a county convention for any reason, even if a large majority so desire.

Nevertheless, on August 17, 2023, the Fake Splinter Gorup, through Defendant Elieff ignored these principles and issued an "Official Call to Special Convention of the Kalamazoo County Delegates" for September 15, 2023 [Exhibit 14 to Complaint]. As of August 17, 2023, Defendant Elieff was not a delegate. This Fake Call to September Convention was a fraud on the delegates and constitutes mail and wire fraud, tortious interference, election fraud, fraud, and conspiracy.

On September 11, 2023, the KGOP amended its bylaws [Ex 2]. On September 15, 2023, the Fake Splinter Group fraudulently convinced delegates to attend their meeting through deceptive means, including sending a video through email (wire) and telling delegates to attend [Exhibit 15 to Complaint].<sup>2</sup> Pursuant to Section 5.1 of the KGOP Bylaws #2, only the Chair can call a convention and conduct county conventions." Pursuant to Section 5.3 of the KGOP Bylaws #2, only the KGOP can publish the convention rules. They must be published 2 months prior to any county convention. No convention rules were published 2 months prior to September 15,

<sup>2</sup> <https://rumble.com/v3i8m78-tyranny-unmasked-in-kalamazoo-mi.html>

2023. Pursuant to Section 5.3 of the KGOP Bylaws #2, no member shall give a proxy for representation at a county convention.

On September 18, 2023, Defendant Rod Halcomb sent an email with minutes from the Fake Convention stating that "a total of 73 precinct delegates attended" and that they voted "to replace the current Kalamazoo County Republican Executive Committee." [Exhibit 16 to Complaint]. He signed the email as "Rod Halcomb, Chair Kalamazoo County Republican Executive Committee." KGOP Bylaws #2 and MIGOP Bylaws do not discuss quorum for a convention. Therefore, Section 3.3 of the KGOP Bylaws #2 applies and *Robert's Rules of Order Newly Revised* ("RONR") govern. RONR 40:2(3) states that "[i]n any other deliberative assembly with enrolled membership whose bylaws do not specify a quorum, the quorum is a majority of all the members." On September 15, 2023, the KGOP had 157 delegates. Pursuant to RONR 40:2(3), quorum is 79. The Fake September Convention did not have quorum had could not conduct business.

**Fake Splinter Group misappropriates KGOP name and image**

Following the September 15, 2023 illegal and fake convention, Defendant Halcomb continued to send emails to delegates stating he was the KGOP Chair [Exhibit 13 to Complaint]. Between September 15, 2023 and present, Defendant Halcomb sent no less than 12 emails across the wires to defraud delegates and misappropriate the name and likeness of KGOP, which interfered with recruitment and fundraising. [*Id.*]. Defendant Halcomb also petitioned Defendant Kristian Karamo (as the Chairman of the MIGOP) to recognize his group of anarchist-minded people as the "official" KGOP executive committee.

**Defendants Kristina Karamo, Daniel Hartman, and Jim Copas removed from their positions with MIGOP and fired**

At a special meeting of the MIGOP state Committee on January 6, 2023, Karamo and Hartman were removed from their respective position by votes of over 95% of those members present and voting. Copas was also fired [Exhibit 18 of Complaint]. However, Karamo, Hartman, and Copas have refused to vacate their positions. Instead, they have engaged in a war of deceit by sending mass emails and engaging in an social media campaign to declare they are still in charge of MIGOP.

**Fake Splinter Group calls another convention for February 15, 2024**

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.

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 to Complaint]. However, presumably to create confusion and election fraud, the Fake Splinter Group sent a competing unauthorized and illegal "Call to Convention" for February 15, 2024 [Exhibit 14 to Complaint]. This obviously competes with the Official Call to Convention sent by the KGOP.

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.

**Karamo, Hartman, and Copas recognize Fake Splinter Group and the real KGOP**

After being fired, Karamo, Hartman, and Copas held a meeting on January 13, 2024 and violated the MIGOP Bylaws and "recognized" the Fake Splinter Group as the KGOP [Exhibit 19 to Complaint]. On January 14, 2024, Halcomb sent an email stating that his Fake Splinter Group was now the KGOP [Exhibit 20 to Complaint]. "I am pleased to inform you that January 13, 2024, marked a momentous occasion for our county delegates. The Michigan State Republican Party Central Committee, in a decisive vote, officially recognized the newly elected executive committee, which assumed office on September 15, 2023, as the legitimate executive committee of Kalamazoo County." Halcomb had no authority to steal the identity of KGOP. His previously called "convention" was a fraud. Karamo had no authority to recognize the Fake Splinter Group as the KGOP because she had been removed from her position the week before.

**Hartman and Copas Break the Law by Contacting the Secretary of State; This is Election Interference and is Tampering with which Delegates are Sent to the National Convention**

On January 16, 2024, Hartman and Copas sent a letter to the Secretary of State stating that MIGOP had "recognized" the Fake Splinter Group as the real KGOP. This letter was copied to 22 Kalamazoo precincts [Exhibit 21 to Complaint]. This letter is election fraudulent because Karamo, Hartman, and Copas had been previously removed and terminated from their positions.

**Halcomb Obstructs Justice and Attempts to Steal Bank Account by Demanding Access to KGOP Financial Records**

On January 16, 2023, Defendant Halcomb sent a message to Sackett demanding access to the KGOP's private access code in order to change financial records and access the bank account of KGOP.



## FACTS

Plaintiffs rely on the facts as set forth in the Complaint and motion for temporary restraining order and preliminary injunction as if fully set forth herein.

## LEGAL ARGUMENT

**A. GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION WILL PRESERVE THE STATUS QUO AND PROTECT THE PLAINTIFFS FROM THE IRREPARABLE HARM OF THE FAKE SPLINTER GROUP CONDUCTING A FRAUDULENT COMPETING CONVENTION OR ALLOWING SECRETARY OF STATE TO CHANGE RECORDS.**

MCR 3.310(B) allows a Court to enter an *ex-parte* temporary restraining order upon a showing that irreparably injury, loss, or damage will result from the delay required to effect notice or that the risk that notice itself will precipitate adverse action before an order can be issued. Plaintiffs, through their Complaint, have established considerable irregularities and illegalities and breaches of contract by the Fake Splinter Group, Karamo, Hartman, and Copas. If the Defendants are allowed to hold a fake and competing convention on February 15, 2024, delegate will be confused and disenfranchised. Some delegates will attend the fake convention and then have no vote. Two slates of electors will be sent to MIGOP for certification. This will affect the slate of electors sent to the Republican National Convention. The Court must immediately hear this case before any evidence can be destroyed.

An *ex-parte* temporary restraining order preserves 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, 588 NW2d 133 (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). Plaintiffs must establish: "(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 the injunction is not issued, (3) the risk that the party seeking the injunction would be harmed 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." *Hammel v Speaker of House of Representatives*, 297 Mich App 641, 647-648; 825 NW2d 616 (2012).

**1. Plaintiffs are likely to succeed on the merits.**

Plaintiffs will easily prove that the Individual Defendants have violated the bylaws. First, only the KGOP Chair can call a convention. It is that simple. Therefore, the September 2023 convention called by the Fake Splinter Group was not valid. It was illegal. The results are null and void. Even if it was legal, the meeting did not have quorum. Second, Karamo, Hartman, and Copas were fired and removed from their positions on January 6, 2024. Therefore, they had no authority to "recognize" the Fake Splinter Group as the official KGOP on January 13, 2024. Their actions constituted a fraud. Likewise, Karamo, Hartman, and Copas had no authority to send a letter to the Secretary of State demanding that it change its records. This was election fraud and obstruction of justice.

**2. Plaintiffs will suffer irreparable harm if a preliminary injunction is not issued.**

Plaintiff faces a real and imminent danger of irreparable harm if injunctive relief is not granted. Irreparable injury is a "noncompensable injury for which there is no legal measurement of damages or for which damages cannot be determined with a sufficient degree of certainty." *Thermatool Corp v Borzým*, 227 Mich App 366 (Mich Ct App 1998). Irreparable harm is established if the risk of harm rises above "mere apprehension" and no "adequate legal remedy is available." *Pontiac Fire Fighters Union Local 376 v City of Pontiac*, 482 Mich. 1, 8-9; 753 NW2d 595 (2008).

The "loss of a constitutional right constitutes irreparable harm which cannot be adequately remedied by an action at law." *Garner v Mich State Univ*, 185 Mich App 750, 764, 462 NW2d 832 (1990). Defendants' actions of calling a fake convention regarding the election of delegate to attend the Republican National Convention violates Plaintiffs' fundamental right to vote and right to the equal protection of the law. This fake convention will affect all delegates in Kalamazoo.

Here, despite the removal of Karamo, Hartman, and Copas removal, they refuse to relinquish control of the MIGOP and have instead acted contrary to the bylaws by "recognizing" the Fake Splinter Group. Each day this continues, and the Fake Splinter Group can tell delegates they are the real KGOP holding a fake convention, the more damage is done regarding fundraising and preparing for fast approaching major events this election year such as the imminent county Republican conventions and the Michigan Republican State Convention. If the Individual Defendants are not enjoined, they will continue to impede the operations of the KGOP. Moreover, allowing their actions to continue denies the delegate their right to attend a proper convention and vote for their choice of national delegates.

**3. The harm Plaintiffs will suffer if a preliminary injunction is not issued outweighs any potential burden on Defendants.**

If injunctive relief is not granted, Plaintiffs and delegate they represent will sustain the sting of the loss of their constitutional freedoms. Without a preliminary injunction, Plaintiffs are unable to conduct a proper convention on February 15, 2024, but will instead be forced to compete against a fake convention meant only to disrupt and cause confusion. Indeed, the Fake Splinter Group is continuing to message to delegates that they are the real KGOP and Karamo, Hartman, and Copas are acting after they were terminated, including sending fraudulent letters and documents to the Secretary of State.

The Defendants will suffer little, if any harm, if the injunction is issued. The Fake Splinter Group has clearly violated the bylaws and has no authority to call a convention. Karamo, Hartman, and Copas have been terminated and fired. The Secretary of State will simple maintain the status quo.

Deprivation of a constitutional right is greater than any speculated harm. This Court has the authority to issue a restraining order and injunction if (1) it is satisfied that the Plaintiffs will suffer irreparable injury if the order is not issued and (2) there is no adequate remedy of law. *In re Dissolution of Esquire*, 136 Mich App 492, 495 (1984), *vacated on other grounds*, 422 Mich 929 (1985), *reinstated*, 145 Mich App 106 (1985). In addition, the factors set forth above in *Pharmaceutical Research* are clearly defined.

**4. The public interest will not be harmed if the preliminary injunction is issued.**

The public interest also weighs in favor of Plaintiffs. "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy." *Purcell v Gonzalez*, 549 US 1, 6 (2006). It is not in the public interest to allow Defendants' actions to continue. Permitting the Individual Defendants to continue in this course of conduct would flout the very idea of democracy and the rule of law. Moreover, not enjoining the Defendants could erode trust in our political systems. The public interest would only benefit from the issuance of a preliminary injunction and, therefore, this Court should grant Plaintiffs' motion.

**B. PLAINTIFFS WILL SUFFER IMMEDIATE AND IRREPARABLE HARM IF A TRO IS NOT ISSUED**

Irreparable harm is established if the risk of harm rises above "mere apprehension" and no "adequate legal remedy is available." *Pontiac Fire Fighters*, 482 Mich at 8-9. The harm to Plaintiffs is very real and is already occurring. The Individual Defendants' actions have called into question the legitimacy of the electoral process for the KGOP by breaching the bylaws. The

Fake Splinter Group has taken divisive and improper actions and created confusion amongst delegates and voters.

All 83 counties will convene for conventions on February 15, 2024 and report to the MIGOP the results of delegate elections on the county level. Then the thirteen Congressional District caucuses that make up the Michigan Republican Party will convene for conventions (the "District Conventions") on March 2, 2024, just six (6) weeks from now. The business to be conducted at the District Conventions includes a) the election of 39 delegates and 39 alternates to the Republican National Convention in Milwaukee with each Congressional District electing three delegates and three alternates for the nomination of the Republican candidate for President of the United States. Also on March 2, 2024, after the District Caucuses, the Committee will convene to ratify the results of the District Conventions, and will also acknowledge the State Presidential Primary election, held on February 27, 2024, and put in place 13 delegates and 16 alternates to the Republican National Convention based on the results of that election.

The present controversy is already causing, and will continue to cause, confusion among delegates, members of the MIGOP, and members of the RNC regarding the correct organization authorized to conduct the county convention, to supervise the transmission of the results of the voting to the MIGOP and RNC. With an election cycle rapidly approaching, Plaintiffs require swift judicial intervention in order for KGOP to move forward. The Court must act now.

### **CONCLUSION**

All four factors for granting an *ex-parte* Temporary Restraining Order and Preliminary Injunction weigh in Plaintiffs' favor. For all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court grant motion, and enter the accompanying proposed order, and grant such other relief that is appropriate.

A temporary restraining order, as requested by Plaintiffs, is an order of the Court that prohibits or restrains a party from performing certain acts in an effort to preserve the status quo, until such time as the Court is able to hear arguments and evidence as to whether or not a preliminary injunction should issue. *Martin, Deanm and Webster, Michigan Court Rules Practice (3<sup>rd</sup> ed)*, MCR 3.310, p. 468. The circumstances clearly justify the issuance of an injunction primarily relate to preventing destruction of the subject matter of the controversy before a Court has the opportunity to rule on the matter, as well as preventing imminent and irreparable injury to the Plaintiffs before a hearing may be held. *Id.*

This matter specifically concerns the loss of property by Plaintiff through foreclosure. If this Court does not issue the injunction, Plaintiffs will suffer irreparable harm.

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: January 22, 2024



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Matthew S. DePerno (P52622)  
Attorney for Plaintiff