

**STATE OF MICHIGAN**  
**IN THE 53<sup>rd</sup> CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN**

MICHAEL SALIBA, SCOTT AVERY  
BOMAN, MARY BUZUMA, DAVID CANNY,  
ANDREW DUKE, STEPHANIE DUNN,  
FORREST A DUNN, BRIAN ELLISON,  
DONNA GUNDLE-KRIEG, MARK KING,  
LEONARD SCHWARTZ, GREG STEMPFLE,  
ANGELA THORNTON, and RAFAEL WOLF,

Plaintiffs,

v.

ANDREW CHADDERDON, DANIEL  
ZIEMBA, ANDREW EVANS, JOSHUA  
JONGEMA, and CONNOR NEPOMUCENO,

Defendants,

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**VERIFIED COMPLAINT**

Plaintiffs state as follows for their complaint against defendants Andrew Chadderdon, Daniel Ziemba, Andrew Evans, Joshua Jongema, and Connor Nepomuceno.

**Parties, Jurisdiction, and Venue**

1. Plaintiffs are members of the Libertarian Party of Michigan (“LPM”) who have been elected to serve as delegates to the 2024 Libertarian Party National Convention in Washington D.C. Many of the plaintiffs were previously elected to serve on the LPM executive committee, which is the governing body for the party, during the LPM convention in July 2022.

The defendants, however, do not recognize any of the plaintiffs as being members of the LPM executive committee. A list of the plaintiffs' names and addresses is attached as **Exhibit A** to this complaint.

2. Defendant Andrew Chadderdon is a citizen and resident of Wayne County, Michigan, who purports to be the chair of the LPM executive committee and who is recognized by the Libertarian National Committee ("LNC") as such.

3. Defendant Daniel Ziemba is a citizen and resident of Wayne County, Michigan, who purports to be the secretary of the LPM executive committee and who is recognized by the LNC as such.

4. Defendant Andrew Evans is a citizen and resident of Cheboygan County, Michigan, who purports to serve on a body within the LPM known as the judicial committee. Defendants Joshua Jongema and Connor Nepomuceno are citizens and residents of Baraga County and Oakland County, Michigan, respectfully, and also purport to serve on the LPM judicial committee.

5. This is a lawsuit to compel the defendants to honor the results of the convention held on March 9, 2024, in Flint Michigan — which defendants and their supporters themselves called — by certifying that the plaintiffs were duly elected as delegates to the 2024 Libertarian Party National Convention in Washington D.C. The lawsuit further seeks to enjoin the defendants from taking any action to block or otherwise interfere with that certification based on meritless claims of procedural error at the March 9 convention.

6. This Court has personal jurisdiction over the defendants pursuant to MCL 600.701.

7. This Court has jurisdiction over the subject matter of this action pursuant to MCL 600.605.

8. Venue is proper in Cheboygan County pursuant to MCL 600.1621 because defendant Andrew Evans resides in Cheboygan County.

9. This case is justiciable because: (1) its resolution calls upon the Court to decide matters arising under the LPM bylaws; (2) courts regularly deal with cases involving compliance with bylaws of private associations; and (3) failure to comply with the LPM bylaws constitutes a breach of contract. See, e.g., *Pego v Karamo*, unpublished order of the Kent County Circuit Court, entered on February 20, 2024 (Docket No. 24-00658-CZ) (finding that a governance dispute within the Michigan Republican Party was justiciable because it turned on interpretation of the party’s bylaws); *Hillsdale County Republican Executive Committee v Wisely*, unpublished opinion and order of the Hillsdale County Circuit Court entered on October 5, 2023 (Docket No. 22-00688-CZ) (finding same with respect to county-level Republican Party); see also *Conlin v Upton*, 313 Mich App 243, 255; 881 NW2d 511 (2015) (explaining that bylaws “constitute a binding contractual agreement between [an entity] and its members.”)

## **General Allegations**

### ***Background of Governance Dispute***

10. The Libertarian Party of Michigan has been in disarray since at least July 2022, when the party held a candidate-nominating convention in Holland, Michigan.

11. During that convention, a two-thirds supermajority of the delegates voted to remove Mr. Chadderdon from his position as acting chair of the LPM executive committee through a vote of no confidence. The motion in support of the vote of no confidence stated, among other things, that Mr. Chadderdon “consistently used the Bylaws and *Robert’s Rules [of Order]* as a weapon against those who oppose him.”

12. Following the convention, Mr. Chadderdon appealed his removal to the LPM judicial committee. The judicial committee is a body that exists within the LPM to decide cases

involving alleged violations of the LPM bylaws. At the time it received and acted on Mr. Chadderdon's appeal, it was made up of defendant Nepomuceno and two of Mr. Chadderdon's other political allies.

13. In his appeal, Mr. Chadderdon argued that the convention was a "special meeting" for purposes of *Robert's Rules* and, as a result, business could only be conducted if it was specifically referenced in the written document calling the convention. He further argued that because the motion to remove him as chair was not referenced in the call to convention, it was legally void.

14. This position was inconsistent with the fact that candidate-nominating conventions are held at specified intervals as provided in the LPM bylaws (thereby making them "regular meetings" for purposes of *Robert's Rules*) and with the fact that the party has throughout its history always treated them as regular meetings.

15. Despite these facts, the judicial committee ruled in favor of Mr. Chadderdon and issued an opinion stating that the LPM executive committee "shall be reverted to its composition as of July 8th," the day before the convention took place.

16. Mr. Chadderdon's efforts to cling to power — aided by the judicial committee's opinion — caused a schism within the party.

17. A majority of the active members in the party, including the plaintiffs, believe that the judicial committee's opinion was wrong on the merits and that the judicial committee lacks the power to order self-executing remedies that overrule decisions made by convention delegates. In their view, the decisions of the judicial committee are merely recommendations to be reported back to the assembly for consideration. See *Robert's Rules of Order, Newly Revised* (12th ed.) § 50:4.

18. For these reasons, the individuals who were elected to the LPM executive committee at the July 2022 convention declined to vacate their seats. For ease of reference, the

board that consists of these individuals and their successors is referred to in the remainder of this complaint as the “Saliba board,” after its chair Michael Saliba. Mr. Saliba and numerous other plaintiffs in this lawsuit are members of that board.

19. Mr. Chadderdon, for his part, formed a separate board that he purports to be the legitimate LPM executive committee. For ease of reference, that board is referred to in the remainder of this complaint as the “Chadderdon board.” Mr. Ziemba serves as the secretary of the Chadderdon board.

20. For the past two years, the Saliba board and the Chadderdon board have largely operated separately from one another. They have conducted their own meetings, engaged in their own fundraising, and held separate conventions in 2023. At the 2023 conventions, each faction of the party adopted changes to the party’s bylaws.

21. Various members of the two boards have also been embroiled in litigation against one another in two pending lawsuits. One of those lawsuits is an interpleader action in Washtenaw County Circuit Court relating to control of the party’s bank accounts. The other is a federal trademark suit filed by the LNC against members of the Saliba board. Neither lawsuit relates to the specific topics that are the subject of this complaint.

### ***Nomination to the March 9, 2024 Convention***

22. In an effort to reunify the party, the plaintiffs and other supporters of the Saliba board decided to — under protest and without conceding the legitimacy of the Chadderdon board — attend the national-delegate-selection convention that the Chadderdon board scheduled for March 9, 2024, in Flint, Michigan.

23. To do so, they sought to be credentialed as convention delegates through official channels recognized by the Chadderdon board, *i.e.*, through nomination by local affiliate parties.

24. This effort was successful. The plaintiffs and many other supporters of the Saliba board were nominated as state-convention delegates by local affiliate parties that are officially chartered by the Chadderdon board.

25. Consistent with his actions over the past several years, Mr. Chadderdon recognized that these nominations posed a threat to his political power, so he began distorting and weaponizing the party's bylaws in attempt to thwart them.

### ***Relevant LPM Bylaw Provisions***

26. As described above, the two separate factions of the party adopted their own amendments to the LPM bylaws during their respective conventions in 2023. For sake of this litigation only, the plaintiffs accept the version of the bylaws adopted at a convention conducted by the Chadderdon board in July 2023 as the relevant version. A copy of that document is attached as **Exhibit B** to this complaint, and all references to the "LPM bylaws" in this complaint refer to that document.

27. The LPM bylaws provide rules for the governance of the party, including matters such as the credentialing of delegates to state conventions, the election of delegates to the Libertarian Party national convention, and the roles and responsibilities of the various the officers and committees within the party.

28. Article II, section 1 of the LPM bylaws provides: "The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the 'Executive Committee.'"

29. Article II, section 6 defines the duties of the secretary as follows: "The secretary shall be the recording officer of the Party, and be responsible for ensuring that member-accessible archives are preserved. Excepting the Party newsletter or press releases, the secretary shall be responsible for all regular communications within the Party and between the Party and

outside individuals, groups, and organizations.” This provision has been historically interpreted as vesting the secretary with the responsibility of submitting to the national Libertarian Party’s credentials committee a list of the names and addresses of all delegates and alternates chosen by the LPM as delegates to the Libertarian Party National Convention.

30. Article IV provides for the establishment of local affiliate parties, which must be chartered by the executive committee in order to be formally recognized. Article IV, section II provides: “An affiliate may elect in its discretion to adopt affiliate bylaws that organize the affiliate and the county(ies) and district(s) comprising its affiliate region . . . .” Notably, nothing in the LPM bylaws regulates the content of local-affiliate bylaws. To the contrary, Article IV, section 4 provides: “The autonomy of the affiliate Parties shall not be abridged by the Executive Committee, or any other committee of the Party, except as provided herein.”

31. Article VI, section 4 provides for the selection of delegates to LPM conventions in part by providing: “The Executive Committee shall allocate delegates to all state conventions to be selected by each affiliate region in proportion and according to the number of votes cast within the affiliate region for the Party’s most recent candidate for secretary of state.” Subsection 2 of that section further provides the general contours of the process by which affiliate parties are to select their delegates, stating: “The Executive Committee shall issue a call to each state convention to all affiliates no later than 60 days prior to the scheduled date of the state convention, which call shall specify the date and location of the state convention and the number of delegates each affiliate is entitled to select and send to the state convention. . . . [E]ach affiliate may select the date for its respective convention(s), so long as that date is at least 7 days prior to the state convention.”

32. Article VI, section 4, subsection 4 provides the process by which local affiliate parties seek to credential their selected delegates, thereby vesting the power to credential

delegates in a standing committee known as the “Credentials Committee.” It provides in its entirety: “Each affiliate must submit the names, addresses and email addresses of its selected delegates and alternates to the LPMI Credentials Committee no later than 7 days prior to a convention. Failure to submit such a listing by the deadline will cause no delegation to be registered from that affiliate. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention.”

33. Article IV, section 8 provides: “A person must be a current member of the Libertarian Party of Michigan in order to serve as a delegate to a state convention.” Article VIII, section 1 provides: “Membership shall be granted to any person who affirms the Statement of Principles and whose LPMI dues are current.” Nothing in the LPM bylaws authorizes any committee or other officer of the party to suspend memberships as a disciplinary measure.

34. Article VII, section 2 governs the election of delegates to the Libertarian Party National Convention. It provides in pertinent part: “Delegates to the National Convention shall be elected at a national delegate selection convention by nominations from the floor. Delegates may be appointed by the Executive Committee if the allotted quota is not met.”

35. Article V establishes and defines the jurisdiction of a “Judicial Committee,” providing: “The judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. . . . The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.”

36. Notably, the LPM bylaws do not create a “trial committee” or vest any powers in such a committee.



### ***Challenges to the Seating of State-Convention Delegates***

37. Prior to the convention, Mr. Chadderdon submitted two seating challenges to the LPM credentials committee.

38. The first challenge pertained to all 13 proposed delegates submitted to the credentials committee by the Libertarians of Macomb County (“LMC”), which is a local affiliate officially chartered by the Chadderdon board.

39. Mr. Chadderdon argued that the 13 proposed delegates should not be seated due to an alleged defect in the notice for the local convention at which the LMC elected them. In particular, the credentials committee was presented with information showing that the LMC sent a notice containing the date, time, and location of the convention, but that the convention was later moved to a different location because the original venue cancelled the reservation. Information was presented indicating that the LMC communicated the venue change to its members once the new location was known. Mr. Chadderdon argued that the defect in the notice violated *Robert’s Rules*, which is adopted by reference in the LMC local bylaws.

40. Representatives of the LMC opposed this challenge, arguing that: (1) the notice provided was sufficient under the LMC’s procedural rules; and (2) any challenge to the lack of notice can only be made at the local-affiliate level by a member of the local affiliate, not at a credentials-committee meeting by a member of a different affiliate.

41. The credentials committee, which consists solely of individuals appointed by the Chadderdon board, declined to act on Mr. Chadderdon’s challenge, thereby effectively denying it. The credentials committee included all 13 members of the LMC delegation in its credentials report as qualified delegates.

42. The second challenge pertained to 4 individuals — Michael Saliba, Joe Brungardt,<sup>1</sup> Dave Canny, and Angela Thornton — whose memberships had purportedly been suspended due to their support for and participation on the Saliba board. As background, sometime in the summer of 2023, the Chadderdon board purported to form a “trial committee” to determine if any disciplinary action should be taken against Mr. Saliba, Mr. Brungardt, Mr. Canny, or Ms. Thornton. The committee conducted hearings and then rendered decisions that purported to suspend each of them for various numbers of years. In a report included in the packet for the March 9 convention, the trial committee stated: “The convention body may vote to decrease the penalty established by the Trial Committee by a motion to rescind or amend the aforementioned disciplinary action.” Mr. Chadderdon argued that because of the suspensions, the individuals in question were not members of the party and were ineligible to serve as delegates.

43. After entertaining this challenge, the credentials committee determined that Mr. Saliba, Mr. Brungardt, Mr. Canny, and Ms. Thornton could be seated as delegates at the convention if the convention assembly voted to reject their suspensions.

44. Later, at the beginning of the convention itself, Mr. Chadderdon moved to amend the credentials report to omit the LMC delegation based on the alleged improper notice given for the LMC convention. That motion was defeated by majority vote of the convention assembly. In the words of the convention chair, who is a member of the Chadderdon board, the vote in opposition to the motion was “overwhelming.”

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<sup>1</sup> Notably, Mr. Saliba and Mr. Brungardt were elected as delegates by the LMC, so Mr. Chadderdon effectively challenged their seating on two separate grounds.

45. The convention assembly later voted to reject the purported suspensions of Mr. Saliba, Mr. Brungardt, Mr. Canny, and Ms. Thornton and to seat them as delegates in accordance with the decision of credentials committee.

### ***Election of National-Convention Delegates***

46. After the squabbles regarding the composition of the assembly were resolved, the delegates went about the business on the convention agenda, including the selection of delegates to the national convention.

47. The assembly elected 33 delegates and 41 alternate delegates to the national convention. The full slate of delegates, as well as the vote totals for each delegate and alternate delegates, is attached as **Exhibit C** to this complaint. Notably, Mr. Chadderdon is included in the delegate slate as the 34<sup>th</sup> delegate pursuant to Article III, section 4 of the bylaws, which provides “For purposes of Party representation at all National Libertarian Party conventions, the chair shall be a Michigan delegate and shall serve as head of the Michigan delegation.”

48. Upon information and belief, all 33 of the elected delegates to the national convention support the Saliba board over the Chadderdon board.

49. Following the delegate elections, the assembly adopted a motion directing the LPM secretary to submit the slate of elected delegates to the national Libertarian Party credentials committee.

### ***Post-Convention Events***

50. Upon information and belief, despite the motion adopted at the convention, Mr. Ziembra has not yet submitted the slate of elected delegates as directed. He has therefore failed to perform the duties of the LPM secretary as prescribed in the LPM bylaws.

51. Even more disturbingly, both Mr. Chadderdon and Mr. Ziembra have made statements suggesting that may submit an alternate slate of delegates to the national Libertarian

Party credentials convention that consists of individuals other than those who were elected at the LPM convention.

52. Specifically, at a meeting of the Chadderdon board held on March 10, the day after the convention, Mr. Chadderdon stated that every vote taken at the convention was “tainted” by the participation of the 15 members that he believed were illegitimately seated. Mr. Chadderdon further stated there would be at least 6 appeals filed with the LPM judicial committee to challenge and overturn actions taken by the convention assembly.

53. Similarly, in an email sent to LPM members on March 14, Mr. Ziemba announced the results of the national-delegate election but then stated: “Please note that this list does not take into account the results of any of a number of pending Judicial Committee appeals which resulted from several motions made during the Convention in clear contravention of LPMI Bylaws.” A copy of this email is attached as **Exhibit D**.

54. Upon information and belief, the LPM judicial committee does not have bylaws or other adopted procedural rules. It has, in the recent past, received and rendered decisions on appeals effectively in secret, without providing any prior notice to affected parties.

55. Accordingly, the plaintiffs have strong reason to believe that one or more of the defendants intend to use the judicial-committee appeals process to undermine the vote of the party’s members and deprive them of their seats as delegates to the national convention.

56. The plaintiffs further believe that the judicial committee lacks the power to issue a decision that would deprive them of their seats because, among other reasons: (1) the LPM bylaws vest the credentials committee — not the judicial committee — with the authority to determine the qualifications of proposed delegates to an LPM convention; (2) the determinations of the credentials committee become final and are not subject to further challenge once approved by the convention assembly; (3) Mr. Chadderdon’s specific challenge to the LMC delegation was

based on the bylaws of a local affiliate — not on the LPM bylaws — and it therefore falls outside the scope of the LPM judicial committee’s expressly defined jurisdiction; (4) the judicial committee lacks the power to issue self-executing remedies; and (5) even assuming, *arguendo*, that the judicial committee has jurisdiction to review whether Mr. Saliba, Mr. Brungardt, Mr. Canny, and Ms. Thornton were properly seated as delegates at the LPM convention, it would far exceed any conceivable definition of “judicial power,” as that term is used in the LPM bylaws, to invalidate an entire party convention based on the participation of four allegedly invalid delegates.

**Count II – Breach of Contract  
(Defendant Ziemba)**

57. Plaintiffs incorporate herein by reference the allegations above.

58. As noted above, bylaws constitute a binding contractual agreement between the organization and its members.

59. Mr. Ziemba has failed to comply with the LPM bylaws by failing to submit the slate of elected delegates to the national Libertarian Party credentials committee, and by suggesting that he may submit an alternate slate of delegates.

60. Mr. Ziemba’s failure to comply with the bylaws constitutes a breach of contract. The LPM bylaws expressly state that the “[d]elegates to the National Convention shall be elected at a national delegate selection convention by nominations from the floor,” and they therefore do not provide any discretion to the secretary to submit an alternate slate of delegates.

61. If Mr. Ziemba’s breach of contract is not promptly remedied, the plaintiffs stand to suffer irreparable injury by being deprived of their rightful seats as delegates to the national convention.

**Count II – Declaratory Judgment  
(All Defendants)**

62. Plaintiffs incorporate herein by reference the allegations above.

63. Under MCR 2.605, in a case of actual controversy within its jurisdiction, this Court may declare the rights and other legal relations of an interested party seeking declaratory judgement, regardless of whether other relief is or could be sought or granted.

64. There is an actual controversy within this Court's jurisdiction on all the matters described above, including: (1) whether Mr. Ziembra has a duty under the LPM bylaws to submit the slate of elected delegates attached as Exhibit C to the national Libertarian Party credentials committee; (2) whether the 13 members of the LMC delegation, Mr. Canny, and Ms. Thornton were properly seated as delegates at the LPM convention; and (3) whether the LPM judicial committee has the jurisdiction to hear challenges to the seating of delegates to an LPM convention or the power to overturn decisions of the convention assembly based on procedural objections that were considered and rejected by the convention assembly itself.

WHEREFORE, the plaintiffs respectfully request that this Court enter a judgment in their favor that:

A. Orders Mr. Ziembra to submit the list of delegates attached as Exhibit C to the national Libertarian Party credentials committee.

B. Enjoins Mr. Ziembra and the other defendants from withdrawing or modifying that submission without leave of Court.

C. Granting such other declaratory or injunctive relief as this Court deems necessary and proper to resolve the dispute described in this complaint.

Respectfully submitted,

**CURCIO LAW FIRM PLC**

Dated: March 14, 2024

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