

**STATE OF MICHIGAN
WASHTENAW COUNTY CIRCUIT COURT**

COMERICA BANK,

Original Plaintiff (Dismissed),

v.

LIBERTARIAN PARTY OF MICHIGAN
EXECUTIVE COMMITTEE, INC.,
JOSEPH BRUNGARDT, MICHAEL
SALIBA and ANGELA THORNTON
aka ANGELA CANNY

Honorable Carol Kuhnke

Case Number 23-000557-CB

Defendants,

ANDREW CHADDERDON,

Defendant.

Andrew Chadderdon, pro per
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Pro Per Plaintiff

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*Attorney for Defendants/Counter-Plaintiffs
Libertarian Party of Michigan Executive
Committee, Inc., Joseph Brungardt, Michael
Saliba, and Angela Thornton*

**RESPONSE IN OPPOSITION TO DEFENDANT CHADDERDON'S MOTION FOR
DECLARATORY JUDGMENT AND SUMMARY DISPOSITION**

Defendants Libertarian Party of Michigan Executive Committee, Inc. ("LPMEC"),
Joseph Brungardt, Michael Saliba, and Angela Thornton (collectively, the "responding
defendants"), by and through their attorney, C. Nicholas Curcio of Curcio Law Firm PLC,

respectfully submit this response in opposition to Defendant Andrew Chadderdon's Motion for Declaratory Judgment and Summary Disposition on Competing Claims, and state as follows

A. Summary disposition should be granted on the interpleader claim — which is the only claim that remains pending — based on the agreement of the remaining parties.

The responding defendants agree with Mr. Chadderdon that the escrowed funds (\$38,233.30) should be distributed to LPMEC through its current and uncontested leadership. As stated in Mr. Chadderdon's motion, all parties to this litigation agree that the funds belong to LPMEC and that LPMEC is currently chaired by Tim Teagan, with Andrew Duke as its treasurer. Chadderdon MSD ¶¶ 34-35. This agreement is sufficient to resolve the only claim that remains pending in this case, and the Court should therefore enter a final judgment directing the Clerk to disburse the funds accordingly.

B. Mr. Chadderdon's request for declaratory judgment regarding past organizational leadership should be denied because it is unnecessary to resolve this case and unsupported on the merits.

The responding defendants respectfully oppose expanding this proceeding — which has been pending for nearly three years— to adjudicate historical questions about past organizational leadership.

For one, Mr. Chadderdon has not met his burden under MCR 2.605 to establish that declaratory relief regarding past leadership is necessary. A declaratory judgment must be “necessary to guide a plaintiff's future conduct in order to preserve his legal rights.” *Shavers v Attorney General*, 402 Mich 554, 588; 267 NW2d 72 (1978). Mr. Chadderdon identifies no prospective conduct any such declaration would guide. If and when he chooses to pursue the as-yet-unfiled claims for fraud and abuse of process that he references in his motion, see

Chadderdon MSD ¶¶ 6, 73, he can do so on their own merits without a declaratory predicate from this Court.

Mr. Chadderdon's motion also fails to establish entitlement to the declarations. His collateral estoppel argument — that rulings from the federal trademark suit preclude re-litigation of organizational leadership — is foreclosed by the Sixth Circuit's own opinion, which explicitly disclaimed any such determination. The Court expressly stated that the question of whether the “defendants are the rightful Michigan affiliate leadership” was “outside the scope of this case.” *Libertarian Nat'l Comm., Inc. v Saliba*, 116 F4th 530, 539 (CA6, 2024). The Stipulated Order of Judgment from the trademark suit is equally limited, as it merely enjoins the use of trademarks as source identifiers, contains no finding on organizational authority over LPMEC, and does not adjudicate the issues on which Mr. Chadderdon seeks to obtain a declaratory judgment from this Court. See Ex. 5 to Chadderdon MSD. Because the leadership question was never actually litigated or determined in federal court, collateral estoppel does not apply. See *Monat v State Farm Ins Co*, 469 Mich 679, 682–685; 677 NW2d 843 (2004). There is accordingly no “prior judgment” supporting summary disposition under MCR 2.116(C)(7).

Mr. Chadderdon's reliance on the Cheboygan County proceedings fares no better. The April 17, 2024 Opinion and Order he cites addressed the March 2024 national delegate selection convention — not the July 2022 officer election at issue here. See Ex. 6 to Chadderdon MSD at 2. And in a subsequent case arising from the same 2024 convention, the same judge issued a Temporary Restraining Order finding that a Judicial Committee decision was “rendered outside of the scope of the proper authority of the Judicial Committee and was not based on any plausible reading of the bylaws.” *Buzuma v Chadderdon*, order of the Cheboygan County Circuit Court

dated May 22, 2024 (Case No. 24-9042-CZ) (attached as **Exhibit A**). Accordingly, the Cheboygan proceedings, taken as a whole, do not establish the binding and unreviewable Judicial Committee authority that Mr. Chadderdon claims.

Finally, Mr. Chadderdon's motion does not include sufficient evidence to support his characterizations of the underlying leadership dispute, and a declaratory judgment should not be entered based solely on the movant's representations where (as here) the non-movants correctly assert that the issue is irrelevant to the claim before the Court.

RELIEF SOUGHT

For the reasons stated above, the responding defendants respectfully request that the Court grant Mr. Chadderdon's motion insofar as it seeks distribution of the escrowed funds to LPMEC, deny Mr. Chadderdon's requests for declaratory judgment and summary disposition regarding past organizational leadership, and enter a final order closing this case. A proposed order is attached as **Exhibit B**.

Dated: March _____, 2025

By: /s/ C. Nicholas Curcio
C. Nicholas Curcio (P75824)
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(616) 430-2201

EXHIBIT A

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN

MARY BUZUMA, DAVID CANNY,
BRIAN ELLISON, ANGELA THORNTON,
JOSEPH BRUNGARDT, DANA CARVER,
DONNA GUNDLE-KRIEG, and RAFAEL WOLF,

Plaintiffs,

v

Case No. 24-9042-CZ

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

Defendants.

A TRUE COPY

MAY 22 2024

Karen L. Brewster
CLERK REGISTER CHEBOYGAN CO.

**ORDER GRANTING EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER**

This matter comes before the Court on plaintiffs' *Emergency Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction*. Having reviewed the motion and supporting materials, and taking judicial notice of the previously filed related case of *Saliba v Chadderdon*, Cheboygan Circuit Case No. 24-9034-CZ, the Court pursuant to MCR 3.310(B) hereby GRANTS plaintiffs' motion for a temporary restraining order (TRO), finding and ordering as follows:

- A. The decision of the Judicial Committee of the Libertarian Party of Michigan, issued on or about May 18, 2024, purporting to invalidate the election of 27 delegates to the 2024 Libertarian Party National Convention was rendered outside of the scope of the proper authority of the Judicial Committee and was not based on any plausible reading of the bylaws of the Libertarian Party of Michigan.
- B. Plaintiffs have demonstrated that immediate and irreparable injury will result if immediate relief is not granted, in that absent the issuance of a TRO, they will be denied the opportunity to serve as delegates to the national convention, despite being elected to so serve.

- C. Plaintiffs have also demonstrated that the delay required to effect notice will result in immediate and irreparable injury, given that the decision of the Judicial Committee was made and released on a timetable that would, absent the issuance of a TRO, prevent meaningful judicial review.
- D. Accordingly, IT IS ORDERED that defendant Ziemba shall, within 1 hour of receipt of this order and no later than 10:00 a.m. on Thursday, May 23, 2024, re-submit the names and addresses of the individuals listed on Exhibit C to the complaint in this case to the national convention credential committee, thereby re-certifying that the individuals on the list are the official delegates and alternate delegates of the Libertarian Party of Michigan.
- E. IT IS FURTHER ORDERED that, once defendant Ziemba re-submits the original list as required above, the defendants are prohibited from submitting any other document to the national convention credential committee that purposes to overturn, invalidate, or modify that submission until a hearing can be set and conducted on the issue of whether a preliminary injunction should issue.
- F. IT IS FURTHER ORDERED that, given the timing of the credentialing process for the national convention this upcoming weekend, there is insufficient time to schedule a show cause hearing for the issuance of a preliminary injunction, and because such a hearing therefore would be moot, none will be scheduled by this Court.
- G. IT IS FURTHER ORDERED that upon the filing of an answer by all defendants, the matter will be set for a scheduling conference in the ordinary course of the Court's docket, as the issue of declaratory relief regarding the authority of and judicial review of the decision of the Judicial Committee remains a live case and controversy.
- H. IT IS FURTHER ORDERED that any violations of this order shall be punishable as contempt of Court.

IT IS SO ORDERED.

DATE & TIME: 5-22-2024
10:56 a.m.



HON. AARON J. GAUTHIER (P60364)

EXHIBIT B

**STATE OF MICHIGAN
WASHTENAW COUNTY CIRCUIT COURT**

COMERICA BANK,

Original Plaintiff (Dismissed),

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LIBERTARIAN PARTY OF MICHIGAN
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*Attorney for Defendants/Counter-Plaintiffs
Libertarian Party of Michigan Executive
Committee, Inc., Joseph Brungardt, Michael
Saliba, and Angela Thornton*

**ORDER ON DEFENDANT CHADDERDON'S MOTION FOR DECLARATORY
JUDGMENT AND SUMMARY DISPOSITION**

At a session of said Court, held in the City of Ann Arbor,
County of Washtenaw, State of Michigan

On: _____

This matter came before the Court on Defendant Andrew Chadderdon's *Motion for Declaratory Judgment and Summary Disposition on Competing Claims*. The Court has reviewed the

motion, the response of Defendants Libertarian Party of Michigan Executive Committee, Inc., Joseph Brungardt, Michael Saliba, and Angela Thornton, and the record in this case,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Defendant Chadderdon's motion is **GRANTED** for the reasons stated on the record insofar as it seeks resolution of the interpleader and distribution of the escrowed funds. The Washtenaw County Circuit Court Clerk or other person with authority shall disburse a single cashier's check for the entire amount of the interpleaded funds (\$38,233.30), made payable to "The Libertarian Party of Michigan Executive Committee, Inc." care of its current Treasurer, Andrew Duke, and mailed within 10 days of this Order to 440 S. Moorland Dr, Battle Creek, MI 49015.

2. Defendant Chadderdon's motion is **DENIED** in all other respects for the reasons stated on the record. This denial includes Mr. Chadderdon's request for a declaratory judgment regarding past organizational leadership of LPMEC and his request for summary disposition under MCR 2.116(C)(7).

THIS IS A FINAL ORDER THAT RESOLVES THE LAST PENDING CLAIM AND CLOSSES THE CASE.

Dated: _____, 2026

Hon. Carol Kuhnke