

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW  
BUSINESS COURT

COMERICA BANK,  
Plaintiff/Counter-Defendant,

Case No. 23-000557-CB

vs.

Hon. Carol Kuhnke

LIBERTARIAN PARTY OF MICHIGAN  
EXECUTIVE COMMITTEE, INC.;  
JOSEPH BRUNGARDT; MICHAEL  
SALIBA; and ANGELA THORNTON,  
a/k/a ANGELA CANNY,  
Defendants/Counter-Plaintiffs,

and

ANDREW CHADDERDON,  
Defendant.

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Defendant, In Propria Persona

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**DEFENDANT ANDREW CHADDERDON'S MOTION FOR DECLARATORY  
JUDGMENT AND SUMMARY DISPOSITION ON COMPETING CLAIMS**

Defendant Andrew Chadderdon, appearing in propria persona, respectfully moves this Honorable Court pursuant to MCR 2.605 for a declaratory judgment on the undisputed material facts in this

case, and pursuant to MCR 2.116(C)(7) for summary disposition dismissing the competing claims of Defendants Brungardt, Saliba, and Thornton with prejudice based on the preclusive effect of the federal court’s determinations, and in support thereof states:

### **INTRODUCTION**

1. This interpleader action was filed by Comerica Bank on April 6, 2023, to resolve competing claims to \$38,233.30 belonging to the Libertarian Party of Michigan Executive Committee, Inc. (“LPMEC”).
2. This Court identified the “pivotal question” as “what group constitutes the legitimate board of the Libertarian Party of Michigan Executive Committee, Inc.” (November 7, 2023 Order at 2).
3. That pivotal question has now been definitively resolved for the relevant time periods through federal court litigation against Defendants Brungardt, Saliba, and Thornton, in which the District Court and Sixth Circuit Court of Appeals determined they lacked authority to represent LPMI or LPMEC. Those determinations are entitled to preclusive effect in this Court under the doctrine of collateral estoppel.
4. Moreover, since the federal court's determination eliminated the only competing claim to leadership during the relevant period, and since the LPMI Judicial Committee — whose binding authority has since been affirmed by state court order (see ¶¶ 26-30) — directly validated Defendant Chadderdon's succession to Chair (see ¶¶ 15-16), the record reflects an undisputed path of succession from that validated leadership to the current, uncontested leadership of LPMEC, with Tim Teagan serving as Chair and Andrew Duke serving as Treasurer. No party disputes the current leadership's authority.
5. Defendant Chadderdon respectfully requests that this Court:

- a. Take judicial notice of the federal court's orders and determinations;
  - b. Enter a declaratory judgment establishing the undisputed facts and the parties' rights to the escrowed funds;
  - c. Grant summary disposition dismissing the competing claims of Defendants Brungardt, Saliba, and Thornton with prejudice under MCR 2.116(C)(7); and
  - d. Order distribution of the escrowed funds to LPMEC under its legitimate leadership.
6. This motion does not seek adjudication of Defendant Chadderdon's potential claims against Defendants Brungardt, Saliba, and Thornton for fraud, abuse of process, attorney fees, or other damages, which are expressly preserved for separate proceedings.

#### **PROCEDURAL BACKGROUND**

7. On April 6, 2023, Comerica Bank filed this interpleader action, depositing \$38,233.30 with the Court and seeking discharge from liability.
8. On November 7, 2023, this Court entered an Order:
- a. Identifying the "pivotal question" in this case;
  - b. Staying the case pending resolution of the Sixth Circuit appeal in *Libertarian National Committee v. Saliba, et al.*, Case No. 23-cv-11074;
  - c. Ordering deposit of \$38,233.30 with the Court;
  - d. Discharging Comerica Bank from further liability;
  - e. Directing the Interpleader Defendants to be prepared to address "whether the remaining parties will amend the pleadings to assert additional claims against one another" (November 7, 2023 Order at 4); and
  - f. Stating that the Order was "not a final order and does not close the case." (Id.)

9. The Sixth Circuit appeal has now concluded. The preliminary injunction was affirmed on August 28, 2024, and the case was resolved by Stipulated Order of Judgment on November 15, 2024.

10. The stay entered on November 7, 2023 lifted automatically as of the February 11, 2026 status conference pursuant to this Court's order permitting withdrawal of counsel. The Court should now resolve the competing claims based on the record and the preclusive effect of the federal court's determinations.

## **STATEMENT OF UNDISPUTED MATERIAL FACTS**

### **A. Defendant Chadderdon's Succession to Chair**

11. On June 15, 2022, Tim Yow resigned as Chair of the Libertarian Party of Michigan ("LPMI") and Ben Boren resigned as First Vice Chair, both via resignation letters attached to an email sent by Tim Yow on that date.

12. Pursuant to LPMI Bylaws, Defendant Chadderdon, as Second Vice Chair, became the highest-ranking officer and assumed the position of Chair.

### **B. The July 2022 Convention Actions**

13. On July 9, 2022, at the LPMI Candidate Nominating Convention, Defendant Chadderdon was removed as Chair via a "vote of no confidence" and Defendant Brungardt was installed in his place.

14. On November 18, 2022, Defendant Chadderdon filed an appeal to the LPMI Judicial Committee challenging the validity of the July 9, 2022 actions.

### **C. The Judicial Committee Ruling (December 13, 2022)**

15. On December 13, 2022, the LPMI Judicial Committee issued a unanimous ruling that:

- a. The vote of no confidence was “out of order as a violation of [LPMI] bylaws and parliamentary procedures”;
- b. The notice of the vote of no confidence violated the notice requirement in LPMI Bylaws;
- c. The election of officers at the July 9, 2022 convention was void;
- d. The Libertarian Executive Committee “shall be reverted to its composition as of July 8th”; and
- e. “Any actions taken by the erroneous board which are of a continuing nature are null and void.”

(Exhibit 1, LPMI Judicial Committee Ruling)

- 16. The Judicial Committee ruling was final and binding under LPMI Bylaws.

#### **D. The Opposition Defendants’ Defiance of the Ruling**

- 17. On January 31, 2023, Defendants Brungardt, Saliba, and Thornton voted to disregard the Judicial Committee ruling. On February 2, 2023, Defendant Brungardt issued an email to the party membership characterizing the ruling as mere "guidance," asserting that the Judicial Committee had "no authority to overrule the delegates," and declaring that no action would be taken to honor the ruling.

(Exhibit 9, Brungardt Email to Members, February 2, 2023)

- 18. On February 15, 2023, Eric P. Doster, retained counsel for the Libertarian Party of Michigan, sent a cease-and-desist letter to Defendant Brungardt stating that the Judicial Committee ruling was “final and binding” and demanding immediate cessation of unauthorized activities.

(Exhibit 2, Doster Cease-and-Desist Letter)

19. On February 16, 2023, the Libertarian National Committee sent a separate cease-and-desist letter to Defendant Brungardt. The letter stated:

“The presently recognized Chair of the Michigan affiliate is Andrew Chadderdon and his legitimately elected successors, as affirmed by the LPM Judicial Committee and explicitly authorized by the LPM Bylaws.”

The letter further warned that Defendant Brungardt had “made unauthorized use of Libertarian Party trademarks” and demanded he “immediately cease and desist from making further unauthorized use of Libertarian Party trademark(s).”

(Exhibit 8, LNC Cease-and-Desist Letter)

#### **E. Federal Court Determinations**

20. On May 5, 2023, the Libertarian National Committee, Inc. filed a trademark infringement action against Defendants Brungardt, Saliba, and Thornton in the United States District Court for the Eastern District of Michigan, Case No. 23-cv-11074.

21. On August 24, 2023, the Honorable Judith E. Levy entered a preliminary injunction against Defendants Brungardt, Saliba, and Thornton after contested litigation. At the hearing, Judge Levy stated:

“And I believe that in this case all four factors weigh in favor of granting the requested relief and entering a preliminary injunction.”

(Exhibit 3, Preliminary Injunction Order; Exhibit 7, Hearing Transcript at PageID.1157)

22. In granting the preliminary injunction, the Court made specific findings that:

a. The LNC was likely to succeed on the merits of the trademark infringement claim;

b. The defendants were using the “Libertarian Party” trademark “without authorization”

(Exhibit 7, PageID.1158);

c. The plaintiff (LNC) had informed the Court that defendants “are not authorized to use that mark” (Exhibit 7, PageID.1150); and

d. “The LNC supports the Chadderdon faction over the Saliba faction” (Exhibit 7, PageID.1151).

23. On August 28, 2024, the United States Court of Appeals for the Sixth Circuit affirmed the preliminary injunction in a published opinion, upholding the District Court’s findings regarding the defendants’ lack of authority.

(Exhibit 4, Sixth Circuit Opinion)

24. On November 15, 2024, the District Court entered a Stipulated Order of Judgment in which the defendants consented to a permanent injunction prohibiting them from “using the Plaintiff’s federally registered trademarks as source identifiers when providing goods or services that compete with goods or services offered by the Plaintiff or by the recognized leadership of one of the Plaintiff’s state affiliates.” The Stipulated Order is a final order closing the federal case.

(Exhibit 5, Stipulated Order of Judgment)

25. The issue of whether Defendants Brungardt, Saliba, and Thornton have authority to represent LPMI or LPMEC was actually litigated and determined at the preliminary injunction stage, affirmed on appeal by the Sixth Circuit, and ultimately resolved by the defendants’ consent to permanent injunctive relief.

#### **F. State Court Confirmation of Judicial Committee Authority**

26. On April 17, 2024, in Case No. 24-9034-CZ, the 53rd Circuit Court of Cheboygan County issued an Opinion and Order directly addressing the authority of the LPMI Judicial Committee. The case, *Saliba, et al. v. Chadderdon, et al.*, was brought by Defendants Saliba and Thornton (among others), with Defendant Chadderdon as a defendant in that action as well.

27. The Cheboygan Court rejected the plaintiffs' argument — the same argument Defendants advanced in this case when they voted to disregard the Judicial Committee ruling as mere 'guidance' (see ¶ 17) — that the Judicial Committee's rulings are merely advisory recommendations. The Court held:

"Plaintiffs, with citation to Robert's Rules of Order, insist that committees have the power only to make recommendations to the general body. Therefore, by Plaintiffs' lights, the Judicial Committee may not overturn the results... and has no authority to order self-executing remedies. But the Judicial Committee is no ordinary committee."

(Exhibit 6, Cheboygan County Order at 3-4)

28. The Court analyzed Article V of the LPMI Bylaws and concluded that the Judicial Committee possesses binding authority:

"Thus, the Judicial Committee has been vested with the 'judicial power' of the LPM and has the authority under that power to 'decide cases' involving the bylaws. 'The judicial power is the authority to hear and decide controversies, and to make binding orders and judgments respecting them.' \*Johnson v Kramer Bros Freight Lines, Inc\*, 357 Mich 254, 258 (1959)."

(Exhibit 6, Cheboygan County Order at 4)

29. Most significantly, the Court held that the Judicial Committee has implied remedial authority:

"By the plain language of the bylaws, the Judicial Committee does indeed possess the power to hear and decide cases involving alleged violations of the bylaws, **which implicitly carries with it the power to remedy any violations found.**"

(Exhibit 6, Cheboygan County Order at 4) (emphasis added)

30. The Cheboygan Court denied the plaintiffs' motion for summary disposition and instead entered judgment in favor of Defendants (including Defendant Chadderdon), dismissing the case.

This ruling confirms that:

- a. The Judicial Committee's December 13, 2022 ruling was not merely advisory;
- b. The Judicial Committee had authority to remedy the bylaws violations it found;
- c. Courts will enforce the LPMI Bylaws according to their plain terms; and

d. Defendants Brungardt, Saliba, and Thornton’s attempts to “set aside” the Judicial Committee ruling were contrary to the bylaws.

(Exhibit 6, Cheboygan County Order at 6)

### **G. Resolution of Leadership and Current Status**

31. Defendant Chadderdon's position as the legitimate Chair of LPMEC for the relevant time periods was directly established, and subsequently confirmed or supported, by multiple independent authorities:

a. The LPMI Judicial Committee directly validated Chadderdon's succession to Chair (December 13, 2022);

b. The Libertarian National Committee formally recognized Chadderdon as the legitimate Chair of the Michigan affiliate;

c. The United States District Court, E.D. Michigan, eliminated the only competing claim to leadership by enjoining the opposition from holding themselves out as LPM (August 24, 2023);

d. The Sixth Circuit Court of Appeals affirmed that injunction (August 28, 2024);

e. The 53rd Circuit Court, Cheboygan County, confirmed the binding authority of the Judicial Committee that had validated Chadderdon's position (April 17, 2024); and

f. The Stipulated Order of Judgment permanently enjoined the opposition from using Libertarian Party trademarks as source identifiers (November 15, 2024).

32. Defendants Brungardt, Saliba, and Thornton consented to a permanent injunction prohibiting them from using Libertarian Party trademarks in competition with the recognized leadership of LPMI.

33. At the July 2025 LPMI Convention, a new Executive Committee was elected. The outcome of that convention was uncontested by all parties, including Defendants Brungardt, Saliba, and Thornton. This uncontested convention represents the election of Defendant Chadderdon’s “legitimately elected successors,” as recognized by the Libertarian National Committee in its February 16, 2023 letter.

34. This establishes a clear and undisputed path of succession from Defendant Chadderdon’s validated leadership during the relevant time periods to the current, uncontested leadership of LPMEC, with Tim Teagan serving as Chair and Andrew Duke serving as Treasurer.

35. The funds held by this Court (\$38,233.30) belong to LPMEC. Under the clear succession established above, LPMEC under its current leadership—Chair Tim Teagan and Treasurer Andrew Duke—is entitled to receive these funds.

## **LEGAL STANDARDS**

### **A. Judicial Notice of Federal Court Orders**

36. Under MRE 201(b), a court may take judicial notice of facts “not subject to reasonable dispute” including facts “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.”

37. Michigan courts routinely take judicial notice of federal court records, including final judgments and injunctions. *In re Sumpter Estate*, 166 Mich App 48, 57; 419 NW2d 765 (1988) (“A court may take judicial notice of its own records and the records of other courts.”).

38. Defendant Chadderdon requests that this Court take judicial notice of the federal court orders in *Libertarian National Committee, Inc. v. Saliba, et al.*, Case No. 23-cv-11074 (E.D. Mich.), including the preliminary injunction order (Exhibit 3), the Sixth Circuit opinion (Exhibit 4), and the Stipulated Order of Judgment (Exhibit 5), as well as the Opinion and Order of the

53rd Circuit Court of Cheboygan County in *Saliba, et al. v. Chadderdon, et al.*, Case No. 24-9034-CZ (Exhibit 6).

### **B. Issue Preclusion (Collateral Estoppel)**

39. Federal judgments have preclusive effect in Michigan state courts under the Full Faith and Credit Clause and 28 U.S.C. § 1738.

40. Michigan applies collateral estoppel to bar relitigation of an issue when:

- a. The issue was actually litigated and determined by a valid final judgment;
- b. The same parties had a full and fair opportunity to litigate the issue; and
- c. The issue was essential to the prior judgment.

*Monat v. State Farm Ins Co*, 469 Mich 679, 682-685; 677 NW2d 843 (2004).

41. Mutuality of estoppel is not required for defensive use of collateral estoppel. *Monat*, 469 Mich at 691.

42. Here, all elements of issue preclusion are satisfied:

- a. Actually litigated and finally determined: The federal court entered a preliminary injunction after contested litigation, determining that Defendants Brungardt, Saliba, and Thornton lacked authority to represent LPMI or LPMEC during the relevant time period, and the Sixth Circuit affirmed those findings;
- b. Same parties: Defendants Brungardt, Saliba, and Thornton were parties to the federal action and are parties to this action;
- c. Full and fair opportunity: Defendants had full opportunity to litigate the authority issue in federal court through the preliminary injunction proceedings and appeal to the Sixth Circuit;
- d. Essential to judgment: The determination that defendants lacked authority was essential to the preliminary injunction and its affirmance.

43. Defendants Brungardt, Saliba, and Thornton are therefore precluded from relitigating the issue of their authority to represent LPMEC during the relevant time period or to claim the escrowed funds based on that purported authority.

### **C. Declaratory Judgment Standard**

44. MCR 2.605(A)(1) provides: “In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.”

45. An “actual controversy” exists where “a declaratory judgment or decree is 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); *UAW v Central Mich Univ Trustees*, 295 Mich App 486, 495; 815 NW2d 132 (2012).

46. Here, the material facts are undisputed and the questions presented are purely legal, making this case well suited for resolution by declaratory judgment and summary disposition.

47. A declaratory judgment is a final judgment on the merits with “the force and effect of, and [is] reviewable as, final judgments.” MCR 2.605(E).

### **D. Summary Disposition Standard**

48. MCR 2.116(C)(7) provides for summary disposition where a claim is barred by “prior judgment.” This includes dismissal based on collateral estoppel.

49. Where federal court findings preclude relitigation of an issue, the precluded claims should be dismissed with prejudice. *Washington v. Sinai Hosp of Greater Detroit*, 478 Mich 412, 417; 733 NW2d 755 (2007) (“Dismissal with prejudice is adjudication on merits.”).

### **E. Interpleader Resolution Standard**

50. Interpleader is available when “claims are such that the plaintiff is or may be exposed to double or multiple liability.” MCR 3.603(A). After the stakeholder is discharged, the court must resolve the competing claims among the claimants and enter final judgment. MCR 3.603(B)(3).

51. The court should not dismiss the competing claims without prejudice, as that would leave the dispute unresolved and defeat interpleader’s purpose.

## **ARGUMENT**

### **I. This Court Should Take Judicial Notice of the Federal Court Orders and Cheboygan County Order**

52. The federal court orders—including the preliminary injunction, Sixth Circuit opinion, and Stipulated Order of Judgment—as well as the Cheboygan County Circuit Court order, are public records not subject to reasonable dispute. This Court may and should take judicial notice of their existence and contents under MRE 201.

53. The preliminary injunction (August 24, 2023) and Sixth Circuit affirmance (August 28, 2024) determined that Defendants Brungardt, Saliba, and Thornton lacked authority to represent LPMI. The defendants ultimately consented to a permanent injunction in the Stipulated Order of Judgment (November 15, 2024). The Cheboygan County order (April 17, 2024) confirmed that the LPMI Judicial Committee has binding authority to “decide cases involving alleged violations of [the LPM] bylaws” and “the power to remedy any violations found.” These determinations are directly relevant to the “pivotal question” identified by this Court.

### **II. Issue Preclusion Bars Defendants’ Competing Claims**

54. The federal court’s determination that Defendants Brungardt, Saliba, and Thornton lacked authority to represent LPMI or LPMEC during the relevant time period is entitled to preclusive effect in this Court.

55. The same parties litigated the same issue—organizational authority—through trial and appeal in federal court. That issue was necessarily determined against Defendants Brungardt, Saliba, and Thornton.

56. Defendants cannot relitigate that issue here. Their claims to the escrowed funds, which were based entirely on their purported authority to act for LPMEC during the relevant time period, are precluded as a matter of law.

### **III. Declaratory Judgment Should Issue on the Undisputed Facts**

57. There is an actual controversy before this Court: competing claims to \$38,233.30 held by the Court. This controversy requires resolution.

58. The material facts are undisputed—or have been conclusively determined by federal court—and present pure questions of law appropriate for declaratory judgment:

- a. Defendant Chadderdon became Chair upon the resignations in June 2022;
- b. His removal at the July 2022 convention was void under LPMI Bylaws;
- c. The Judicial Committee’s ruling restoring him was final and binding;
- d. Federal courts have permanently enjoined Defendants Brungardt, Saliba, and Thornton from claiming LPMI leadership.

59. The Court should declare:

- a. That Defendant Chadderdon was the legitimate Chair of LPMEC during the relevant period;
- b. That the Judicial Committee ruling of December 13, 2022 was valid and binding;
- c. That Defendants Brungardt, Saliba, and Thornton lacked authority during the relevant time period to claim the escrowed funds on behalf of LPMEC; and
- d. That LPMEC is entitled to the \$38,233.30 held by this Court.

#### **IV. Summary Disposition Should Be Granted Dismissing Opposing Claims With Prejudice**

60. Defendants Brungardt, Saliba, and Thornton’s claims to the interpleaded funds are based entirely on their purported authority to act for LPMEC.

61. The federal court permanently determined they had no such authority during the relevant time period. That determination is preclusive under MCR 2.116(C)(7).

62. Their claims should therefore be dismissed with prejudice. Summary disposition is appropriate because there is no genuine issue of material fact—the authority issue has been conclusively determined—and Defendant Chadderdon is entitled to judgment as a matter of law.

#### **V. The Interpleader Should Be Resolved With Final Judgment**

63. After the stakeholder’s discharge, this Court’s obligation is to resolve the competing claims and enter final judgment. MCR 3.603(B)(3).

64. The competing claims have now been resolved:

- a. Defendants Brungardt, Saliba, and Thornton’s claims, based on their purported authority during the relevant time period, are precluded;
- b. Defendant Chadderdon, as legitimate Chair of LPMEC during the relevant time period, asserts LPMEC’s entitlement to its own funds.

65. The Court should enter final judgment awarding the escrowed funds to LPMEC.

#### **VI. The Scope of This Judgment Is Limited and Broader Claims Are Preserved**

66. This motion asks the Court to resolve only the “pivotal question” identified in this Court’s November 7, 2023 Order — “what group constitutes the legitimate board of the Libertarian Party of Michigan Executive Committee, Inc.” (November 7, 2023 Order at 2) — and to direct the escrowed funds accordingly. This motion does not seek adjudication of any

claims Defendant Chadderdon may have against Defendants Brungardt, Saliba, and Thornton for fraud, abuse of process, attorney fees, or other damages arising from their conduct.

67. This Court’s November 7, 2023 Order expressly contemplated that the Interpleader Defendants might assert claims beyond the fund-distribution question. The Order directed the parties to be prepared to address “whether the remaining parties will amend the pleadings to assert additional claims against one another.” (November 7, 2023 Order at 4.) The Court further stated that its Order was “not a final order and does not close the case.” (Id.) The present motion requests the final order that closes this interpleader on the narrow “pivotal question” the Court identified — consistent with the Court’s own phased approach.

68. Interpleader is a limited equitable proceeding designed to resolve competing claims to specific funds. *See State Farm Fire & Cas. Co. v. Tashire*, 386 U.S. 523, 535 (1967) (interpleader is not an “all-purpose ‘bill of peace’”). MCR 3.603 provides for interpleader relief where “claims are such that the plaintiff is or may be exposed to double or multiple liability,” MCR 3.603(A), and requires the court to resolve competing claims and enter final judgment, MCR 3.603(B)(3). The scope of this interpleader is defined by the competing claims to the \$38,233.30 held by this Court. Adjudicating broader tort claims between the parties would transform this proceeding beyond its equitable purpose.

69. The potential claims Defendant Chadderdon reserves are fundamentally different from the interpleader fund-distribution question resolved by this motion. These claims:

- a) Arise from different operative facts involving organizational governance disputes and litigation conduct across multiple courts;
- b) Require entirely different discovery into specific conduct, communications, financial records, and damages never undertaken in this proceeding;

c) Seek fundamentally different relief including compensatory and potentially treble damages and attorney fees; and

d) Would not form a convenient trial unit with this interpleader given the stay from November 2023 to February 2026 and the absence of any discovery on those claims.

70. These broader disputes have already generated litigation in multiple courts — the federal trademark infringement action in the Eastern District of Michigan (Case No. 23-cv-11074) and the Cheboygan County Circuit Court action (Case No. 24-9034-CZ) — and involve ongoing conduct that continues to affect LPMEC’s operations. This Court need not and should not attempt to resolve those disputes in this interpleader proceeding.

71. A declaratory judgment resolving the “pivotal question” for purposes of fund distribution does not preclude subsequent claims for different relief based on different facts. The Sixth Circuit has held that “[w]hen it comes to claim preclusion, a request for declaratory relief neither giveth nor taketh away.” *Continental Cas. Co. v. Indian Head Indus., Inc.*, 941 F.3d 828, 836 (6th Cir. 2019). “[T]he whole point of a declaratory judgment action is to decide only a single issue in dispute.” *Id.* at 835. “Declaratory judgments are often prefaces to later actions for damages or an injunction,” and applying claim preclusion to declaratory judgments “would be in tension with [statutory provisions] which contemplate[] these types of later, supplementary actions.” *Id.* Michigan similarly provides that “[f]urther necessary or proper relief based on a declaratory judgment may be granted.” MCR 2.605(F).

72. Moreover, the fund distribution ordered in this interpleader is not independent coercive relief — it flows directly from answering the Court’s own “pivotal question.” Once the Court declares which group constitutes LPMEC’s legitimate leadership, the destination of the funds is uncontested: they belong to LPMEC, directed by its legitimate leadership. The distribution is the

necessary consequence of the declaration, required by MCR 3.603(B)(3), not a separate demand for coercive relief.

73. Defendant Chadderdon expressly reserves all claims against Defendants Brungardt, Saliba, and Thornton for fraud, abuse of process, attorney fees, and related damages, for pursuit in this action or in a separate proceeding. Because “[c]ourts speak through their judgments and decrees, not their oral statements or written opinions,” *Tiedman v. Tiedman*, 400 Mich. 571, 576 (1977), this reservation must be reflected in the Court’s order to have legal effect. Defendant Chadderdon respectfully requests that the proposed order include language expressly limiting the scope of this judgment and preserving these claims. *See* Restatement (Second) of Judgments § 26(1)(b) (claim preclusion does not apply where “[t]he court in the first action has expressly reserved the plaintiff’s right to maintain the second action”); *Guzowski v. Hartman*, 849 F.2d 252, 255 (6th Cir. 1988) (applying § 26(1)(b); express reservation in prior judgment defeated claim preclusion).

74. In the alternative, if this Court determines that a narrow declaratory judgment on the “pivotal question” is insufficient to resolve the competing claims in this interpleader, Defendant Chadderdon respectfully requests leave to amend the pleadings pursuant to MCR 2.118(A)(2) to assert additional claims against Defendants Brungardt, Saliba, and Thornton, including claims for fraud, abuse of process, attorney fees, and related damages arising from their conduct, as this Court’s November 7, 2023 Order contemplated. Leave to amend “shall be freely given when justice so requires.” MCR 2.118(A)(2).

75. To preserve the ability to pursue the reserved claims, Defendant Chadderdon requests that this Court enter a document preservation order requiring all parties to retain documents,

communications, and electronically stored information relevant to this action and the reserved claims for a period of two (2) years from entry of judgment.

### **CONCLUSION AND RELIEF REQUESTED**

WHEREFORE, Defendant Andrew Chadderdon respectfully requests that this Honorable Court:

A. Take judicial notice of the federal court orders in *Libertarian National Committee, Inc. v. Saliba, et al.*, Case No. 23-cv-11074 (E.D. Mich.), including the preliminary injunction, Sixth Circuit opinion, and Stipulated Order of Judgment, and of the Opinion and Order of the 53rd Circuit Court of Cheboygan County in *Saliba, et al. v. Chadderdon, et al.*, Case No. 24-9034-CZ;

B. Enter a declaratory judgment pursuant to MCR 2.605 that: 1. Defendant Andrew Chadderdon was the legitimate Chair of the Libertarian Party of Michigan Executive Committee, Inc. during the relevant period; 2. The LPMI Judicial Committee ruling of December 13, 2022 was valid and binding under LPMI Bylaws; 3. Defendants Joseph Brungardt, Michael Saliba, and Angela Thornton lacked authority during the relevant time period to act on behalf of LPMEC or to claim the escrowed funds; 4. The Libertarian Party of Michigan Executive Committee, Inc. is entitled to the \$38,233.30 currently held by this Court; 5. The succession from Defendant Chadderdon's validated leadership to the current, uncontested leadership of LPMEC under Chair Tim Teagan and Treasurer Andrew Duke is recognized;

C. Grant summary disposition pursuant to MCR 2.116(C)(7), dismissing with prejudice all claims of Defendants Joseph Brungardt, Michael Saliba, and Angela Thornton to the escrowed funds, based on the preclusive effect of the federal court's determinations;

D. Enter final judgment on the competing claims, awarding the escrowed funds (\$38,233.30) to the Libertarian Party of Michigan Executive Committee, Inc., to be directed by its legitimate leadership;

E. Order the Clerk of the Court to disburse the escrowed funds accordingly;

F. Enter a document preservation order requiring all parties to retain documents, communications, and electronically stored information relevant to this action and the reserved claims for a period of two (2) years from entry of judgment;

G. In the alternative, if this Court determines that a narrow declaratory judgment on the “pivotal question” is insufficient to resolve the competing claims, grant Defendant Chadderdon leave to amend the pleadings pursuant to MCR 2.118(A)(2) to assert additional claims against Defendants Brungardt, Saliba, and Thornton, as this Court’s November 7, 2023 Order contemplated;

H. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

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Andrew Chadderdon  
30005 Malvern Street  
Westland, MI 48185  
Defendant, In Propria Persona  
Dated: February 25, 2026

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## **CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, 2026, I served a true copy of the foregoing Motion for Declaratory Judgment and Summary Disposition on Competing Claims on all parties by first class mail:

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Andrew Chadderdon, Defendant, In Propria Persona

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## **EXHIBITS TO BE ATTACHED**

1. Exhibit 1: LPMI Judicial Committee Ruling (December 13, 2022)
2. Exhibit 2: Eric Doster Cease-and-Desist Letter (February 15, 2023)
3. Exhibit 3: Preliminary Injunction Order (August 24, 2023)
4. Exhibit 4: Sixth Circuit Opinion (August 28, 2024)
5. Exhibit 5: Stipulated Order of Judgment (November 15, 2024)
6. Exhibit 6: Cheboygan County Order (April 17, 2024)
7. Exhibit 7: Hearing Transcript, Preliminary Injunction Hearing (August 23, 2023)
8. Exhibit 8: LNC Cease-and-Desist Letter (February 16, 2023)
9. Exhibit 9: Brungardt Email to Members (February 2, 2023)

# EXHIBIT 1

On November 18th, Mr. Chadderdon submitted an appeal to the Judicial Committee (JC). Mr. Chadderdon (the Appellant) alleged that the body (the Appellees) violated the Libertarian Party of Michigan bylaws by conducting improperly noticed business at the July 9th Candidate Nominating Convention. His appeal and arguments can be viewed [here](#).

All interested parties were given an opportunity to submit argumentation for and against the appeal. The JC reviewed all of the submissions and conducted a hearing on December 9th, allowing all parties to further argue their cases. The submissions and the hearing can be reviewed [here](#).

On Tuesday, December 13th, the JC voted to grant Mr. Chadderdon the appeal, on all points. In this document, the Judicial Committee will provide its analysis of the appeal and the main arguments against it. We have referenced the [Libertarian Party of Michigan Bylaws](#) as amended June 26, 2021 and Robert's Rules of Order, Newly Revised (RONR 12th Ed.)

First, we shall consider if the Judicial Committee even has purview over this matter.

*“The appeal cannot be reviewed because the Judicial Committee (JC) has no jurisdiction to overturn decisions of a convention, particularly if the appeal is not raised during the convention.” Submission. Joe Brungardt + Undersigned*

The Bylaws, Article V, Section 2 say unambiguously:

“The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.”

No exemptions for a convention are specified in this language. Furthermore, the timeliness of the appeal has no bearing on this matter. Robert's Rules of Order (RONR) states:

23:6 “The only exceptions to the requirement that a point of order must be made promptly at the time of the breach arise in connection with breaches that are of a continuing nature, whereby the action taken in violation of the rules is null and void. In such cases, a point of order can be made at any time during the continuance of the breach - that is, at any time that the action has continuing force and effect - regardless of how much time has elapsed.

A. A main motion has been adopted that conflicts with the bylaws of the organization or assembly.

E. Any action has been taken in violation of a rule protecting absentees ... or a rule protecting a basic right of an individual member (25:7, 25:10-11).“

25:10 “Rules protecting absentees cannot be suspended even by unanimous consent of or an actual unanimous vote, because the absentees do not consent to such suspension.

25:11 Rules protecting a basic right of the individual member cannot be suspended.”

Mr. Chadderdon's appeal alleges that not only was the business conducted in violation of the bylaws, but that his rights as a member and the rights of absentee members were violated. These violations (his removal from the Libertarian Executive Committee (LEC) by unnoticed vote of no confidence and subsequent unnoticed elections of officers and representatives) are of a continuing nature as he still is no longer chair of the board and the officers elected at the Candidate Nominating Convention (CNC) are still acting as members of the LEC.

Regardless of how any member feels about this case or Mr. Chadderdon in particular, the protection of our members' rights should be taken very seriously, especially because we are Libertarians. In no circumstance should we find it permissible to knowingly violate a member's rights, nor should we ever dismiss such allegations out of hand. The judicial committee is designed to be the recourse by which members may protect their rights not just from the Libertarian Executive Committee (LEC), but from the other members as a whole. It is entirely in order for the Judicial Committee to adjudicate this matter, and we will proceed accordingly.

Now we proceed to analyze the appellant's case:

*"The election of officers to the Libertarian Party of Michigan Executive Committee (LEC) and removal of an officer from the LEC that were carried out on July 9, 2022 at the Candidate Nominating Convention were done in violation of the bylaws of the Libertarian Party of Michigan (LPMI). LPMI bylaws require AT LEAST 30-day notice for business to be conducted at the convention. The resignations that led to the elections and removal occurred on June 15, 2022, so sufficient notice to carry out those actions at that convention was not and could not be given."*  
Appeal, Chadderdon

Mr. Chadderdon proceeds to lay out his case as follows:

- "1. The Candidate Nominating Convention that occurred on July 9, 2022 was a special convention as defined in the LPMI Bylaws.*
- 2. LPMI Bylaws, as amended in convention June 26, 2021, require that notice for ALL conventions is given with AT LEAST 30-day notice to all members of the Libertarian Party of Michigan and members of the national Libertarian Party that reside in Michigan.*
- 3. Robert's Rules of Order Newly Revised, 12th edition (RONR) states that notice must be given to members for filling vacancies.*
- 4. RONR states that for a special meeting, all substantive business must be designated in the call of the meeting.*
- 5. Resignations of the Chair and 1st Vice Chair occurred on June 15, 2022. Resignations of other officers occurred (District Representatives) on June 14, 2022.*
- 6. The first attempt to make a motion of no confidence to remove an officer from the LEC was sent to members of the LEC on June 19, 2022*
- 7. Details of these violations were provided at convention, prior to the actions being carried out by the convention body. The information was willfully ignored." Appeal, Chadderdon*

We shall analyze these claims in order:

*"1. The Candidate Nominating Convention that occurred on July 9, 2022 was a special convention as defined in the LPMI Bylaws." Appeal, Chadderdon*

The Appellant argues that the CNC on July 9th was a special convention. The arguments against the Appellant contend that the Candidate Nominating Convention is a regular convention and conducting regular business without notice is valid. Here are all references in the bylaws to the "candidate nominating convention" and "regular" conventions. (highlights added):

"III.

1. 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." These are the same individuals who shall serve as the directors of the "Libertarian Party of Michigan Executive Committee, Inc." None of these offices shall be combined. All of these officers shall be elected to a two-year term at a regular convention of the Party by the attending delegates (as to the Congressional district representatives, those delegates from the respective districts) and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention.
2. At each regular convention, following the selection of those officers of the Executive Committee elected at large, the delegates from each Congressional district shall caucus to select one person residing in that district to serve as the Congressional district representative for that district.

V.

1. The judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. All of these committee members shall be elected to a two-year term at a regular convention of the Party by the attending delegates and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention. No member of the Executive Committee may be a member of the Judicial Committee.

VI.

1. During years in which a Libertarian Party primary occurs, the Party shall hold a fall state convention after the date of the primary and not less than 60 days before the general November election in accordance with state law (MCL 168.591). During even-numbered years in which a Libertarian Party primary election is not required by state law, the Party shall hold a candidate nominating convention after the filing deadline for candidates to appear on Michigan's primary ballot and before the date of the primary. During odd-numbered years, the Party shall hold a regular state convention between April 1

and July 31, performing such business as required herein.”

These bylaws, with the guidance of RONR, serve to establish a cumulative definition of “a regular convention”: They must occur on odd-numbered years, officers and the JC shall be elected to two year terms at regular conventions, and shall serve until the adjournment of the next regular convention. In the most plain of readings of these bylaws, it is impossible to consider any other convention as a regular convention. RONR offers some further insight:

56:68

“2) When a provision of the bylaws is susceptible to two meanings, one of which conflicts with or renders absurd another bylaw provision, and the other meaning does not, the latter must be taken as the true meaning.”

In Article 6, Section 1, the terms “Candidate Nomination Convention” and “regular convention” are referred to in two distinct sentences, each outlining two distinct conditions. If the Candidate Nominating Convention (CNC) were considered a “regular convention,” that definition would render that and several other articles of the bylaws absurd; Article III Section 1-2 would mandate we elect officers and Article V Section 1 would mandate we elect the JC at the CNC, in spite of the odd year, two year timelines specified in each bylaw. Clearly, we do not elect all officers and the JC at every convention, so every convention cannot be considered regular even in practice.

The Bylaws say, in plain language, that the CNC is a convention with the specific purpose of nominating candidates, therefore all other business is prohibited, per RONR:

56:68

“4) If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited.”

We’ve established that the CNC cannot be considered a regular convention, but can it be considered a special convention as the Appellant alleges? Here are RONR’s definitions of Regular and Special Conventions:

“9:1 The term regular meeting refers to the periodic business meeting of a permanent society .. held at weekly ... or similar intervals, for which the day should be prescribed by the bylaws and the hour and place should be fixed by a standing rule.

9:2 If, instead, an organization follows the practice of scheduling ... its regular meetings by resolution, notice (also referred to as the call of the meeting) must be sent to all members a reasonable time in advance of each regular meeting.

9:13 A special meeting (or called meeting) is a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting. Notice of the time, place, and purpose of the meeting, clearly and specifically describing the subject matter of the motions or items of

business to be brought up, must be sent to all members a reasonable number of days in advance. **The reason for special meetings is to deal with matters that may arise between regular meetings and that require action by the society before the next regular meeting, or to dedicate an entire session to one or more specific matters.**”

We have already cited the uses of regular convention, but here is how the bylaws use “special convention”:

VI

3. “The Party shall hold **a special convention** within 45 days upon the call of the Executive Committee or when petitions are submitted by 10% of the current membership, specifying the purpose for the special convention.”

Lastly, let’s reference once again RONR on the interpretation of Bylaws:

56:68

“8) In cases where the bylaws use a general term and also two or more specific terms that are wholly included under the general one, a rule in which only the general term is used applies to all of the specific terms.”

The bylaws use the terms “convention,” “regular convention” and “special convention,” throughout. “Convention” is a general term, and the applications of “regular” and “special” are specific. We’ve already established that the various uses of “regular convention” serve to make a cumulative definition of the specific term. However, the term “a special convention” as used specifically only in Article VI, Section 3 of the bylaws is not an exclusive use definition of the term. Furthermore, if we were to define the CNC as a special convention, as used in RONR 9:13, it would not affect the term’s use in Article VI, Section 3; It is not rendered absurd and the use of the specific term is not affected.

The JC weighed these arguments and definitions at length. We came to the conclusion that while the Candidate Nominating Convention on July 9th may be considered “a special convention” as the Appellant argues, it cannot be defined as a “regular convention” as the bylaws plainly use and define the term.

*“2. LPMI Bylaws, as amended in convention June 26, 2021, require that notice for ALL conventions is given with AT LEAST 30-day notice to all members of the Libertarian Party of Michigan and members of the national Libertarian Party that reside in Michigan.*

*3. Robert’s Rules of Order Newly Revised, 12th edition (RONR) states that notice must be given to members for filling vacancies.*

*4. RONR states that for a special meeting, all substantive business must be designated in the call of the meeting.” Appeal, Chadderdon*

Here are the pertinent citations from the bylaws:

“Article VI.

4.4 The Executive Committee shall notify every Libertarian Party of Michigan and Michigan resident National Libertarian Party member, whose dues were current within 3 years, of the convention date, time and location no less than 30 days prior to the convention. Notification shall be made by at least one of the acceptable modalities for which contact information has been made available by the member. Acceptable modalities shall include email, phone, and United States Postal Service.”

And here is Roberts’:

“9:2 If, instead, an organization follows the practice of scheduling ... its regular meetings by resolution, notice (also referred to as the call of the meeting) must be sent to all members a reasonable time in advance of each regular meeting.

9:3 In any organization, notice must be sent a reasonable time in advance of each regular meeting that is separated by more than a quarterly time interval from the previous regular meeting. Notice must also be sent a reasonable time in advance of a convention of delegates.

9:13 A special meeting (or called meeting) is a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting. Notice of the time, place, and purpose of the meeting, clearly and specifically describing the subject matter of the motions or items of business to be brought up, must be sent to all members a reasonable number of days in advance. The reason for special meetings is to deal with matters that may arise between regular meetings and that require action by the society before the next regular meeting, or to dedicate an entire session to one or more specific matters.

47:58 Notice of filling a vacancy in an office (including a vacancy in an executive board or executive committee) must always be given to the members of the body that will elect the person to fill it, unless the bylaws or special rules of order clearly provide otherwise.

56:32 The method of filling vacancies may also be provided. Unless the bylaws clearly provide otherwise, notice of filling a vacancy must always be given to the members of the body that will elect the person to fill it.”

When we consider these terms as written in both the bylaws and RONR, the Appellant is plainly correct. ALL conventions require a 30 days notice. As discussed in the previous section, the bylaws authorize specific items of business at this convention. The June 8th Call to Convention listed the convention as the “(candidate) Nominating convention.” This was the only business noticed 30 days in advance.

The argument by the Appellee's that the "motion for a vote of no confidence" is exempt from such notice has merit and warrants close examination of the bylaw in question:

"Article 3

10. A member of the Executive Committee who misses three consecutive meetings of the Executive Committee or fails to perform his or her fiduciary duties may be removed from the Executive Committee and replaced by a two-thirds vote at a regular meeting of the Executive Committee or a majority vote at convention following a motion for a vote of no confidence. All Executive Committee members must be notified of the intent to remove at least 14 days prior to the meeting. A Congressional district representative may be replaced by a majority vote of a congressional district caucus at any state convention. If the chair is so removed, the first vice chair shall assume the chair and a new first vice chair elected. If a Congressional district representative resigns or is so removed, then the Executive Committee must replace him or her with a person residing in the same Congressional district, who shall serve until the next state convention, at which time the caucus for that Congressional district shall select a replacement for the balance of his or her term."

This bylaw creates a decision tree. Once it has been established that an LEC member may be removed (either by missing three consecutive meetings or failing to perform his or her fiduciary duties) they may be removed by two means: Two thirds vote at a regular meeting of the executive committee, or a majority vote at convention following a motion for a vote of no confidence. These two means are entirely distinct. Furthermore, the terms "meeting" and "convention" are not interchangeable, either in this section or in the bylaws as a whole, so to conflate the two is erroneous. The following sentence defines the notice requirement if the member is to be removed at the regular meeting of the executive committee, but it does not set a distinct notice requirement for the convention. The 14 days notice only applies to the removal of the board member at a regular meeting of the executive committee.

The next sentence states that only a Congressional district representative may be removed at any convention. The Congressional district representative is clearly distinct from the other officers defined in the bylaws, and the use of the specific term "replace" only authorizes an election; it does not deal with the removal of the representative.

There is no condition listed in this bylaw to exempt the substantial business of conducting a vote of no confidence or holding elections at convention from the notice requirements laid out in Article VI Section 4.4. We must consider the 30 days notice requirement to be in effect for the removal and replacement of the chair by the convention process.

The proper course of action to remove an officer by this process would be to notify the LEC before the call to convention is issued and to have them consider adding such business to the agenda. Such a decision can only be made by the LEC, as the bylaws state:

Article VI

"6. The Executive Committee shall have supervision and management of all conventions."

This supervision and management entails the scheduling of the convention and noticing the business to be conducted. The LEC as a whole may vote on the content of the call to convention and the business contained therein, but has often delegated that responsibility to the Chair and Secretary in practice. The call to convention that went out on June 8th was in fact approved by both the Chair and the Secretary. However, it is not possible for an individual member who is not the chair to add any business without a vote of the board.

Even if the LEC as a whole had voted to have the vote of no confidence added to the agenda of the CNC after the 30 day deadline, it would have been a violation of these bylaws as written, and RONR is very clear that rules cannot be suspended:

“25:7 Rules contained in the bylaws cannot be suspended - no matter how large the vote in favor of doing so or how inconvenient the rule in question may be - unless the particular rule specifically provides for its own suspension, or unless the rule properly is in the nature of a rule of order as described in 2:14. Nothing in a corporate charter can be suspended unless the charter or applicable law so provides.”

The JC considered the Appellee’s citation of precedent on the matter:

*“Each of the three conventions referenced in the LPM Bylaws have specific items of business prescribed therein but additional regular business has always been conducted at them such as platform consideration, resolutions, and approval of previous convention minutes.*

*LPM Bylaws in Section III.10 and past precedent provide for filling any vacancies in EC district seats by the selection of a replacement by congressional caucus at “any” state convention. This is what was done to fill the vacancies that existed at the time of the July 9th, 2022 LPM Summer Convention, whether due to prior resignations or resignations from being elected to other offices.” Submission, Joe Brungardt + Undersigned*

The parliamentarian retained by the Appellee’s, Mr. Martin, refutes this notion by citing RONR:

“2:25 ... However, if a customary practice is or becomes in conflict with the parliamentary authority or any written rule, and a Point of Order citing the conflict is raised at any time, the custom falls to the ground, and the conflicting provision in the parliamentary authority or written rule must thereafter be complied with. If it is then desired to follow the former practice, a special rule of order (or, in appropriate circumstances, a standing rule or a bylaw provision) can be added or amended to incorporate it.”

The contention of the Appellant is not that the removal and replacement of officers cannot ever happen at a CNC, but that such business must be noticed properly. In the Judicial Committee hearing on December 9th, it was established during the argumentation that the previous calls to

convention did in fact contain notice for these elections, with one exception. The fact that the past practice was to provide proper notice for other business proves that notice is an established part of our processes, as it should be. If the members were not aware of a procedural violation, then of course they could not have contested it at that time. That does not mean that what happened then was correct. Expediency does not ever exempt improper behavior.

*“5. Resignations of the Chair and 1st Vice Chair occurred on June 15, 2022. Resignations of other officers occurred (District Representatives) on June 14, 2022.*

*6. The first attempt to make a motion of no confidence to remove an officer from the LEC was sent to members of the LEC on June 19, 2022*

*7. Details of these violations were provided at convention, prior to the actions being carried out by the convention body.” Appeal, Chadderdon*

These are statements of fact and were not contested. They establish that it simply was not possible for the business of calling a vote of no confidence, electing officers or Congressional district representatives at this convention to be noticed properly with 30 days notice.

Considering this case and the arguments therein, the Judicial Committee spent many hours reviewing our organization’s bylaws and parliamentary authority. We met several times to discuss our findings at length and consider all of the arguments presented. We came to the conclusion that the Appellant, Mr. Chadderdon, presented a thorough case proving the violations of the bylaws. Our own research and analysis of the matter unveiled even more details reinforcing this case, as we have shown above.

We have decided to grant Mr. Chadderdon’s appeal. The vote of no confidence, the election of officers, and the election of Congressional district representatives conducted at the Candidate Nominating Convention on July 9th are to be considered out of order as a violation of our bylaws and parliamentary procedures. The Libertarian Executive Committee shall be reverted to its composition as of July 8th. Any actions taken by the erroneous board which are of a continuing nature are null and void.

The JC wanted to raise a couple points and make recommendations to the party that are pertinent to the matters resolved here:

The language of the motion of the vote of no confidence made at the convention by Mr. Canny levied many accusations upon Mr. Chadderdon. What the delegates had seen at convention was only one man’s word versus another; no evidence or case was presented. While the bylaws do not mandate any such process, we recommend that a trial process be installed in our bylaws, in which the accuser may present a case with supporting evidence, and the accused may face their accuser and refute the claims levied against them. This process would ensure that such accusations are properly substantiated. RONR section 63 discusses at length the rights of the accused and the processes by which a fair disciplinary trial can take place. This should be a prerequisite to considering a motion calling for a vote of no confidence. We

recommend adopting a bylaw which simply points to that citation in regards to disciplinary matters greater than simply missing meetings. Ensuring consistent processes and standards would allow contentious matters to be adjudicated in a fashion that all factions can find just and fair.

Many of the matters involving notice, especially the elections of officers and the vote of no confidence, did not have exemptions in the bylaws. Obviously, the party may choose to amend the bylaws to include such provisions. However, we believe the current standards of providing notice are sufficient.

Signed

Connor J. Nepomuceno, Judicial Committee Chair

Joshua M. Smith

Robert W. Roddis, Esq.

# EXHIBIT 2

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February 15, 2023

Joseph Brungardt  
4140 18 ½ Mile Road  
Sterling Heights, Michigan 48314

**By Email Transmission**  
[joebfreedom@gmail.com](mailto:joebfreedom@gmail.com)

RE: Demand by Libertarian Party of Michigan (LPM) for Return of all Property Belonging to LPM; Cease and Desist Demand by LPM to Immediately Terminate any Further Misrepresentation as Having any Authority to Govern the Affairs of LPM

Dear Mr. Brungardt:

## INTRODUCTION

This office represents LPM with respect to the serious issues raised in this letter. It has come to our attention that you are misrepresenting yourself to be the current Chair of the LPM; however, as you know as a result of your personal and direct participation in the matter, on or about December 19, 2022, the Judicial Committee (in accordance with the LPM Bylaws) ruled that the actions taken at the July 9, 2022 Candidate Nominating Convention which led to your initial selection as LPM Chair --- are invalid. Specifically, the Judicial Committee unequivocally determined:

“We have decided to grant Mr. Chadderdon’s appeal. The vote of no confidence, the election of officers, and the election of Congressional district representatives conducted at the Candidate Nominating Convention on July 9th are to be considered out of order as a violation of our bylaws and parliamentary procedures. The Libertarian Executive Committee shall be reverted to its composition as of July 8th. Any actions taken by the erroneous board which are of a continuing nature are null and void.”

Consequently, as a result of this Judicial Committee determination, any “actions taken by the erroneous board which are of a continuing nature are null and void” including without limitation, your selection as LPM Chair.

In defiance of the Judicial Committee’s determination, you apparently are claiming that Section 535 of the Michigan Nonprofit Corporation Act (MCL 450.2535) precludes the taking of any action with respect to your status as LPM Chair since you were not removed by any members of

the Michigan nonprofit corporation known as “Libertarian Party of Michigan Executive Committee, Inc.” (State of Michigan Identification Number 800902778). Such a claim fails for many reasons.

### **“LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.” DOES NOT HAVE MEMBERS**

The Michigan nonprofit corporation known as “Libertarian Party of Michigan Executive Committee, Inc.” does not have members. According to Article IV of the Articles of Incorporation of “Libertarian Party of Michigan Executive Committee, Inc.” filed on January 19, 2005, this nonprofit corporation is organized on a directorship basis. Nowhere in these Articles of Incorporation or in the Bylaws of “Libertarian Party of Michigan Executive Committee, Inc.” dated January 23, 2005 is there any reference to members. Consequently, because “Libertarian Party of Michigan Executive Committee, Inc.” is organized on a directorship basis and has no members in law and in fact, any reference to a “member removal requirement” under Section 535 of the Michigan Nonprofit Corporation Act is misplaced.

### **LPM EXISTS SEPARATELY FROM “LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.” AND CONTROLS “LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.”**

LPM is the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan. As previously referenced, “Libertarian Party of Michigan Executive Committee, Inc.” (State of Michigan Identification Number 800902778).is a Michigan nonprofit corporation. According to Article II of the Bylaws of “Libertarian Party of Michigan Executive Committee, Inc.”:

“The LPM Bylaws are incorporated by reference in these Bylaws. In the event of any conflict between the LPM Bylaws and these Bylaws, the LPM Bylaws shall take precedence.”

According to Article III of the LPM Bylaws:

“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.” These are the same individuals who shall serve as the directors of the “Libertarian Party of Michigan Executive Committee, Inc.””

Consequently, members of the LPM Executive Committee (as established and recognized pursuant to the LPM Bylaws) automatically become officers and directors of “Libertarian Party of Michigan Executive Committee, Inc.” without further corporate action. Conversely, once an individual is no longer a member of the LPM Executive Committee (as established and recognized pursuant to the LPM Bylaws) this individual automatically is no longer an officer or director of “Libertarian Party of Michigan Executive Committee, Inc.” without further corporate action. Therefore, because the decision of the Judicial Committee (which established the current officers and representatives thereby invalidating your selection as LPM Chair) was made pursuant to the LPM Bylaws, and the LPM Bylaws establish the officers and directors of “Libertarian Party of Michigan

Executive Committee, Inc.”, the LPM Bylaws, and any actions taken pursuant to the LPM Bylaws, take precedence.

**AS A MATTER OF CONSTITUTIONAL LAW (NOT TO MENTION LIBERTARIAN PRINCIPLES), THE AFFAIRS OF THE LIBERTARIAN PARTY OF MICHIGAN ARE GOVERNED BY THE LPM BYLAWS---AND NOT A STATE STATUTE**

Bylaws constitute a “binding contractual agreement between the [entity] and its various members.” *Conlin v Upton*, 313 Mich App 243, 255 (2015). Accordingly, a board must follow the bylaws—a binding contract—unless they take steps to amend them. *See also Allied Supermarkets, Inc v Grocer's Dairy Co*, 45 Mich App 310, 315 (1973), *aff'd sub nom. Allied Supermarkets, Inc v Grocers' Dairy Co*, 391 Mich 729 (1974) (“[t]he bylaws of a corporation, so long as adopted in conformity with state law, constitute a binding contract between the corporation and its shareholders”). Here, the LPM Bylaws govern the affairs of LPM and control the affairs of “Libertarian Party of Michigan Executive Committee, Inc.”. Therefore, unless LPM amends the LPM Bylaws under the proper procedure outlined in Article XII, the LPM Bylaws (including the authority of the Judicial Committee pursuant to Article V) govern. *See Slatterly v Madiol*, 257 Mich App 242, 250; 668 NW2d 154 (2003) (noting that bylaws are generally construed in accordance with the same rules used for statutory construction; thus, courts must first look at the specific language of the bylaw).

As indicated earlier in this letter, there is no conflict between the operation of the LPM Bylaws and the Michigan Nonprofit Corporation as both require adherence to the Judicial Committee’s December 19, 2022 decision invalidating your selection as LPM Chair and recognizing the current LPM officers and representatives. However, for the sake of argument, let’s assume that there is a conflict between a state statute (such as the Michigan Nonprofit Corporation Act) and the LPM Bylaws as to the composition of the current officers of the LPM. Even in such an instance, the consistent principles articulated by the United States Supreme Court have made it clear that where the rules of a political party conflict with state law, the First Amendment requires that the political party rules prevail. For example, in *Cousins v Wigoda*, 419 US 477 (1975), the United States Supreme Court held that political party rules supersede state law concerning the delegate selection process. The *Cousins* decision is based upon the principle that “[t]he National Democratic Party and its adherents enjoy a constitutionally protected right of political association.” 419 US at 487. This First Amendment freedom to gather in association for the purpose of advancing shared beliefs is protected by the Fourteenth Amendment from infringement by any State. *Democratic Party v Wisconsin*, 450 US 107, 121 (1981). And the freedom to associate for the common advancement of political beliefs “necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only.” *Democratic Party v Wisconsin*, 450 US 107, 122 (1981). “Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents.” *Sweezy v New Hampshire*, 354 US 234, 250 (1957). According to the United States Supreme Court, on “several occasions this Court has recognized that the inclusion of persons unaffiliated with a political party may seriously distort its collective decisions - thus impairing the party’s essential functions - and that political parties may accordingly protect themselves ‘from intrusion by those with adverse political principles.’ *Ray v Blair*, 343 US 214, 221-222 (1951).” *National Democratic Party, supra*, 450 US at 1 22. Furthermore, in *Roberts v United States Jaycees*, 104 S.Ct. 3244, 3249 (1984), the United States Supreme Court emphasized that:

“There can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members it does not desire. Such a regulation may impair the ability of the original members to express only those views that brought them together.”

In this regard, the United States Supreme Court struck down a Connecticut statute which required voters in a political party primary to be registered members of that party, which conflicted with a state Republican party rule permitting independent voters to vote in its primaries for federal and statewide offices. See *Tashjian v Republican Party of Connecticut*, 479 US 208 (1986). Similarly, in *Heitmanis v Austin*, 899 F2d 521 (6th Cir. 1990), the Sixth Circuit Court of Appeals held as invalid certain portions of the Michigan Election Code which were contrary to the rules of the Michigan Republican Party. Significantly, the *Heitmanis* Court found that the Michigan Election Code created a significant burden on the party’s right to freedom of association because it infringed upon the right of political parties to choose a method for selection of their party nominees. 899 F2d at 529.

Accordingly, to the extent that there is a conflict between a state statute (such as the Michigan Nonprofit Corporation Act) and the LPM Bylaws as to the composition of the current officers of the LPM, the LPM Bylaws, and any actions taken pursuant to the LPM Bylaws, take precedence once again.

### **THE LIBERTARIAN NATIONAL COMMITTEE RECOGNIZES THE COMPOSITION OF THE CURRENT OFFICERS AND REPRESENTATIVES OF LPM, AS DETERMINED BY THE JUDICIAL COMMITTEE**

In Federal Election Commission Advisory Opinion 2016-17, the Federal Election Commission determined that the LPM qualifies as the state committee of a national political party under the Federal Election Campaign Act and Commission regulations because: (1) The Libertarian National Party (LNP) qualifies as a political party; (2) LPM is part of the official structure of the LNP; and (3) LPM is responsible for the day-to-day operation of the LNP at the state level. Consequently, recognition from the Libertarian National Committee establishes LPM as an affiliate of the Libertarian National Committee. Stated differently, without recognition from the Libertarian National Committee, there is no LPM.

According to Article 6 of the Bylaws of the Libertarian Party as adopted in 2008 by the Libertarian National Committee, there shall be no more than one state-level affiliate party in any one state. Significantly, the Libertarian National Committee recognizes the composition of the current officers of the LPM, as determined by the Judicial Committee, to be the state-level affiliate party of the Libertarian Party: See [Leadership - Libertarian Party of Michigan \(michiganlp.org\)](http://Leadership - Libertarian Party of Michigan (michiganlp.org)).

Because the Libertarian National Committee does not recognize you as LPM Chair or the other officers and representatives you contend are legitimate, you are not allowed to use the name “Libertarian Party” pursuant to Article 6 of the Bylaws of the Libertarian Party:

“No person, group or organization may use the name "Libertarian Party" or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws.”

Consequently, a separate cease and desist letter has already been sent to you (or will soon be sent to you) by the Libertarian National Committee demanding that you and your colleagues not use the name "Libertarian Party".

## **ACTIONS RESPECTFULLY DEMANDED AND REQUESTED**

On behalf of the Libertarian Party of Michigan (LPM), it is hereby DEMANDED that you and your agents return all property belonging to LPM within ten (10) days of the date of this letter. Further, you are hereby REQUESTED to immediately terminate any further misrepresentation as having any authority to govern the affairs of LPM. At a minimum, you and your agents must do the following:

1. Sign any documentation to transfer the LPM bank accounts to Andrew Chadderdon, LPM Chair and/or his designee(s).
2. Cease to engage in any fundraising on behalf of LPM.
3. Turn over the PO Box and any/all other accounts belonging to the LPM to Andrew Chadderdon, LPM Chair and/or his designee(s).

Your anticipated cooperation is appreciated.

Sincerely,

DOSTER LAW OFFICES, PLLC



Eric Doster

## **CC: BY EMAIL TRANSMISSION**

ANDREW CHADDERDON, LPM CHAIR [chair@michiganlp.org](mailto:chair@michiganlp.org)

LIBERTARIAN NATIONAL COMMITTEE

Angela McArdle [angela.mcardle@lp.org](mailto:angela.mcardle@lp.org) Caryn Ann Harlos [secretary@lp.org](mailto:secretary@lp.org)

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# EXHIBIT 3

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Libertarian National Committee,  
Inc.,

Plaintiff,

v.

Michael J. Saliba, *et al.*,

Defendants.

Case No. 23-cv-11074

Judith E. Levy  
United States District Judge

Mag. Judge Elizabeth A. Stafford

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**PRELIMINARY INJUNCTION**

Before the Court is Plaintiff Libertarian National Committee, Inc.'s Motion for Preliminary Injunction. (ECF No. 12.) On August 23, 2023, the Court held a hearing on the motion and heard oral argument. For the reasons set forth on the record, Plaintiff's motion is GRANTED.

IT IS FURTHER ORDERED that a Preliminary Injunction is ISSUED, hereby ENJOINING Defendants from using the Plaintiff's federally registered trademark "Libertarian Party" Reg No. 2,423,459. Plaintiff shall post an injunction bond in the amount of \$20,000.00 for the payment of such costs and damages as may be incurred or suffered

by Defendants if Defendants are found to have been wrongfully enjoined or restrained.

IT IS SO ORDERED.

Dated: August 24, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 24, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager

# EXHIBIT 4

RECOMMENDED FOR PUBLICATION  
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 24a0205p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

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LIBERTARIAN NATIONAL COMMITTEE, INC.,  
*Plaintiff-Appellee,*

v.

MICHAEL J. SALIBA; RAFAEL WOLF; GREG STEMPFLE;  
ANGELA THORNTON-CANNY; JAMI VAN ALSTINE;  
MARY BUZUMA; DAVID CANNY; JOSEPH BRUNGARDT,  
*Defendants-Appellants.*

No. 23-1856

Appeal from the United States District Court for the Eastern District of Michigan at Ann Arbor.  
No. 5:23-cv-11074—Judith E. Levy, District Judge.

Argued: June 11, 2024

Decided and Filed: August 28, 2024

Before: COLE, GIBBONS, and READLER, Circuit Judges.

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**COUNSEL**

**ARGUED:** Lena Shapiro, Lilian Alexandrova, Jonathan Resnick, UNIVERSITY OF ILLINOIS COLLEGE OF LAW, Champaign, Illinois, for Appellants. Joseph J. Zito, DNL ZITO CASTELLANO, Washington, D.C., for Appellee. **ON BRIEF:** Lena Shapiro, Lilian Alexandrova, Jonathan Resnick, UNIVERSITY OF ILLINOIS COLLEGE OF LAW, Champaign, Illinois, C. Nicholas Curcio, CURCIO LAW FIRM, PLC, Nuncia, Michigan, for Appellants. Joseph J. Zito, DNL ZITO CASTELLANO, Washington, D.C., for Appellee. Rebecca Tushnet, HARVARD LAW SCHOOL, Cambridge, Massachusetts, for Amici Curiae.

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**OPINION**

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JULIA SMITH GIBBONS, Circuit Judge. This trademark action arises out of a dispute within the Libertarian Party of Michigan (referred to by name or as the “Michigan affiliate”). The Libertarian National Committee, Inc. (“LNC”) sued dissenting members of the Michigan affiliate—mainly former officers of the affiliate or board members of local parties—for using the LNC’s trademark to hold themselves out as the official Michigan affiliate after a turnover of power resulted in two factions claiming to hold power. The district court granted the LNC’s request to preliminarily enjoin the dissenting members’ use of the mark, and the dissenting members appealed. They argue that the district court’s application of the Lanham Act to the context of noncommercial speech both unduly expands the Act and violates the First Amendment. Even if the Lanham Act covers the dissenting members’ use of the trademark, they argue that their use was authorized and not likely to cause confusion. We affirm in part and vacate in part the preliminary injunction.

I.

In 2022, two top officers of the Libertarian Party of Michigan resigned, expressing concern about a perceived shift in the ideology of the Libertarian Party’s controlling caucus. After these resignations, the third most senior member, Andrew Chadderdon, became acting Chair of the Michigan affiliate. Chadderdon was reportedly unpopular within the affiliate—especially with defendants, and his ascendance caused a dispute over the identity of the rightful leadership of the Michigan affiliate. Dissatisfied with his leadership, defendants voted to remove Chadderdon from his executive committee position and then got elected to committee positions themselves. Then, the Libertarian Party Judicial Committee determined that the election violated the applicable bylaws. It reinstated Chadderdon and voided the executive appointments, including those of defendants, that resulted from the vote. Defendants contest the validity of the Judicial Committee’s action and view themselves as the rightful executive board members of the Libertarian Party of Michigan.

The LNC sided with Chadderdon and the Judicial Committee, with the LNC's Chair, Angela McArdle, informing defendant Joseph Brungardt that his representation of being the Chair of the Libertarian Party of Michigan was "patently false." DE 12-10, McArdle Email, Page ID 474. McArdle further directed Brungardt to stop using the LNC's trademarks to promote what the LNC viewed as an offshoot political party and an unauthorized convention.<sup>1</sup> After receiving McArdle's letter and a cease-and-desist order, defendants admit that they continued to use the LNC's registered trademarks to hold themselves out *as* the official Libertarian Party of Michigan in connection with soliciting donations, filing campaign finance paperwork, and promulgating platform positions, endorsements, and commentary critical of the Chadderdon-chaired group.

The LNC sued, bringing various claims of trademark infringement in federal court. The LNC then moved for a preliminary injunction barring defendants from continuing to use the LNC's mark. After holding a hearing, the district court granted the LNC's motion to enjoin defendants from using the trademark. Defendants timely appealed.<sup>2</sup>

## II.

A district court's decision to grant or deny a preliminary injunction involves consideration of four factors: (1) whether the movant demonstrated "a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury absent the injunction; (3) whether the injunction would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of an injunction." *Bays v. City of Fairborn*, 668 F.3d 814, 818–19 (6th Cir. 2012).

We typically review a district court's decision to grant a preliminary injunction for abuse of discretion. *Taubman Co. v. Webfeats*, 319 F.3d 770, 774 (6th Cir. 2003). In line with this

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<sup>1</sup>The LNC owns of the following trademarks: Reg. No. 2,423,459, "Libertarian Party," and Reg. No. 6,037,046, made up of the word, "Libertarian," accompanied by an icon depicting a torch and an eagle. During the course of this suit, the parties jointly stipulated that defendants would not use the mark depicting a torch and eagle during the pendency of the proceedings. Only defendants' use of the first "Libertarian Party" mark remains at issue.

<sup>2</sup>In a separate order, the district court also denied defendants' subsequent request to stay the injunction pending this appeal.

standard, we “review the district court’s legal conclusions de novo and its factual findings for clear error.” *Id.* (quoting *Owner-Operator Indep. Drivers Ass’n v. Bissell*, 210 F.3d 595, 597 (6th Cir. 2000)). The movant’s likelihood of success on the merits is a question of law which we review de novo. *See A.C.L.U. Fund of Mich. v. Livingston County*, 796 F.3d 636, 642 (6th Cir. 2015). In a trademark infringement action, the first factor is typically dispositive of the validity of the preliminary injunction. *See PGP, LLC v. TPII, LLC*, 734 F. App’x 330, 332 (6th Cir. 2018); *see also Wynn Oil Co. v. Am. Way Serv. Corp.*, 943 F.2d 595, 608 (6th Cir. 1991). Because the district court rested its irreparable harm and public interest determinations on the LNC’s likelihood of success on the merits, we find the likelihood of success element dispositive.

### III.

This case largely turns on whether defendants’ use of the LNC’s mark to, among other things, solicit party donations, fill out campaign finance paperwork, advertise events, and espouse political platform positions and commentary falls within the scope of the Lanham Act. The Lanham Act imposes liability on:

- (1) Any person who shall, without the consent of the registrant—  
use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive . . . .

15 U.S.C. § 1114(1)(a).

Thus, a plaintiff alleging trademark infringement must show that: “(1) it owns the registered trademark; (2) the defendant used the mark in commerce; and (3) the use was likely to cause confusion.” *Hensley Mfg. v. ProPride, Inc.*, 579 F.3d 603, 609 (6th Cir. 2009) (citing § 1114(1)).

#### A.

Defendants first argue that they did not use the LNC’s trademark “in connection with the sale . . . or advertising of any goods or services” as required by the Act. 15 U.S.C. § 1114(1)(a). They contend that, because the Lanham Act regulates trademark infringement only in

commercial speech as defined in the First Amendment context, their use of the LNC's trademark in the course of political speech falls outside the Act's reach. For this position, defendants primarily rely on *Taubman Co. v. Webfeats*, 319 F.3d 770 (6th Cir. 2003), which discussed the interplay between the First Amendment and the Lanham Act in the context of a defendant's use of a trademark to discuss and critique the trademark's owner. Contrary to defendants' position, we do not think *Taubman* resolves this case.

In *Taubman*, this Circuit addressed the use of a shopping mall's trademark in domain names by the creator of a "fan site" and, after the relationship between the parties soured, a gripe site for that mall. 319 F.3d at 772. The website creator contended that his purpose for using the mall's trademark in his websites was expressive rather than commercial, and thus outside of the realm of the Lanham Act and protected by the First Amendment. *Id.* at 774–76. In combatting the defendant's allegation that the Lanham Act conflicted with the First Amendment, the *Taubman* Court reasoned that the Lanham Act is constitutionally sound "because it only regulates commercial speech, which is entitled to reduced protections under the First Amendment." *Id.* at 774 (citing *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n of New York*, 447 U.S. 557, 563 (1980)). The court construed this limitation as statutory, stating that "any expression embodying the use of a mark not 'in connection with the sale . . . or advertising of any goods or services,' . . . is outside the jurisdiction of the Lanham Act and necessarily protected by the First Amendment." *Id.* at 775 (quoting § 1114(1)).

Applying these strictures, *Taubman* held that the defendant's use of the trademark in connection with a website that displayed advertisements for his and his girlfriend's businesses was commercial and thus able to be regulated under the Lanham Act. *Id.* But after the defendant removed the advertisements and stipulated against future use, the court found the trademark use no longer "'in connection with the advertising' of goods and services" and thus no longer within the scope of the Act. *Id.* With no ongoing violation, the court deemed an injunction inappropriate. *Id.* *Taubman* then contemplated the First Amendment in the context of the defendant's second website—his gripe site, "taubmansucks.com." *Id.* at 777–78. Rejecting the shopping mall's trademark claim yet again, the court found the defendant's use protected by the First Amendment as "critical commentary" that created "no confusion as to source." *Id.* at 778.

Thus, the use was “purely an exhibition of Free Speech” and “not subject to scrutiny under the Lanham Act.” *Id.*

In explaining why the defendant’s use of the mall’s mark was protected expression, the *Taubman* Court expounded that the defendant used the mark to comment on the trademark holder—not “to designate source.” *Jack Daniel’s Properties, Inc. v. VIP Prods. LLC*, 599 U.S. 140, 155 (2023); *Taubman*, 319 F.3d at 778. In other words, the defendant did not use the mark to pass off the goods or services advertised on his website as those of the shopping mall. *Taubman*, 319 F.3d at 778.

Since *Taubman*, the Supreme Court has explained how the Lanham Act and the First Amendment interact when a defendant uses a trademark to misrepresent his or her goods or services as those of or associated with the trademark owner. Just last year, the Court noted that where a defendant uses a trademark as a source identifier, “[t]he trademark law generally prevails over the First Amendment.” *Jack Daniel’s Properties*, 599 U.S. at 159 (quoting *Yankee Publ’g Inc. v. News Am. Publ’g Inc.*, 809 F. Supp. 267, 276 (S.D.N.Y. 1992)). This is because use of a trademark as a source identifier undermines the primary function of trademark law, which is to prevent “misinformation[] about who is responsible for a product” or service. *Id.* at 157. Such is true even where the defendant’s use of the mark also conveys an expressive message. *Cf. San Francisco Arts & Athletics, Inc. v. U.S. Olympic Comm.*, 483 U.S. 522, 536, 541 & n.19 (1987) (“The mere fact that the [nonprofit defendant] claims an expressive, as opposed to a purely commercial purpose does not give it a First Amendment right to appropriate to itself the harvest of those who have sown.”) (cleaned up). In that circumstance, “the likelihood-of-confusion inquiry does enough work to account for the interest in free expression.” *Jack Daniel’s Properties*, 599 U.S. at 159.

We take this opportunity to clarify that *Taubman*’s language limiting the Lanham Act’s coverage, while implicated where a defendant uses the mark purely for protected expression, like satire, critique, or commentary, does not prohibit application of the Lanham Act to a defendant who uses the trademark to identify the source of his or her competing goods or services. *Cf. Taubman*, 319 F.3d at 778 (finding the website creator’s trademark use, which created “no confusion as to source,” “purely an exhibition of Free Speech”). Because the defendants here

used the LNC's trademark to speak *as* the Libertarian Party of Michigan, defendants used the mark to designate the source of their political services as affiliated with the LNC, thus implicating “the core concerns of trademark law” and rendering *Taubman* inapposite. *Jack Daniel's Properties*, 599 U.S. at 157 (citation omitted); *cf. Taubman*, 319 F.3d at 778 (“[T]he First Amendment protects critical commentary *when there is no confusion as to source.*”) (emphasis added).

Defendants resist this conclusion by emphasizing that *Jack Daniel's Properties* contemplated trademark infringement in the context of commercial products—a context in which trademark law traditionally and comfortably operates. True, trademark law was designed to combat potential consumer confusion and the theft of the trademark owner's goodwill in the context of commercial sales. *See Jack Daniel's Properties*, 599 U.S. at 156–57 (discussing the function of trademarks in terms of producers and manufacturers). And we acknowledge that outside of the facts before us, speech rendered in connection with the provision of political services typically constitutes political speech awarded heightened protection under the First Amendment. *See Fed. Election Comm'n v. Cruz*, 596 U.S. 289, 302 (2022) (detailing the extent of First Amendment protection in the context of political campaigns). But we find support in *Jack Daniel's Properties* for our position that, in the narrow context where a defendant uses the trademark as a source identifier, the Lanham Act does not offend the First Amendment by imposing liability in the political arena.

While explaining why a predicate First Amendment test, rather than ordinary trademark scrutiny, does not apply when a defendant uses a trademark as a source identifier, *Jack Daniel's Properties* cited a case remarkably similar to the case at hand. 599 U.S. at 155. In *United We Stand America, Inc. v. United We Stand, America New York, Inc.*, the Second Circuit contemplated a trademark infringement action by United We Stand America, Inc., which owned the slogan, “United We Stand America.” 128 F.3d 86, 88 (2d Cir. 1997). After friction within the group, the defendant created an offshoot political coalition, “United We Stand, America New York, Inc.” which also used the slogan to engage in political activities. *Id.* The Second Circuit deemed the defendant's trademark use within the scope of the Lanham Act and outside the protection of the First Amendment because the offshoot group used the trademark “as a source

identifier” for the group’s political services rather than to pose “commentary on [the trademark’s] owner.” *Id.* at 92. Accordingly, such use subjected the defendant to Lanham Act liability even though the offshoot coalition “might communicate its political message more effectively by appropriating [the trademark].” *Id.* at 93.

The Supreme Court cited *United We Stand* with approval of the Second Circuit’s decision to apply ordinary trademark scrutiny even though the defendant’s use of the slogan also “had expressive content.” *Jack Daniel’s Properties*, 599 U.S. at 155. Because the offshoot political coalition used the trademark “to suggest the ‘same source identification’ as the original ‘political movement,’” such use was not insulated from Lanham Act liability. *Id.* (quoting *United We Stand*, 128 F.3d at 93). We find the Supreme Court and the Second Circuit’s reasoning persuasive. Focusing on the use of a trademark as a source identifier adequately accounts for the core interests undergirding trademark law without “suck[ing] in speech on political and social issues through some strained or tangential association with a commercial or transactional activity.” *Radiance Found., Inc. v. N.A.A.C.P.*, 786 F.3d 316, 323 (4th Cir. 2015). Thus, in the narrow context before us, where a defendant uses a trademark as a source identifier, we find the extension of the Lanham Act into the political sphere appropriate.

Defendants next contend that, as a political entity, they do not render the type of services included in the scope of the Lanham Act. Accordingly, they argue, their use of the LNC’s mark in connection with these services is not prohibited by the Lanham Act. A “service” is an “amorphous concept, ‘denot[ing] an intangible commodity in the form of human effort, such as labor, skill, or advice.’” *Id.* (citation omitted). As defendants used the LNC’s trademark to advertise a political convention, operate a website, promulgate political news and party activities, file campaign finance reports, endorse candidates, and solicit donations, they “unquestionably render[ed] a service” contemplated by § 1114(1)(a). *United We Stand*, 128 F.3d at 90 (finding “services characteristically rendered by a political party to and for its members, adherents, and candidates,” like political organizing, maintaining an office, endorsing candidates, and distributing partisan material to be “services” under the Lanham Act); *see also Wash. State Republican Party v. Wash. State Grange*, 676 F.3d 784, 795 (9th Cir. 2012) (“The Libertarian Party correctly points out that ‘services’ can include activities performed by a political party.”).

Courts have long construed the Lanham Act's requirement that a defendant use a trademark in connection with the advertisement of "any goods or services" to encompass trademark infringement by political or nonprofit defendants. *See United We Stand*, 128 F.3d at 89–90 (citing *N.A.A.C.P. v. N.A.A.C.P. Legal Def. & Educ. Fund*, 559 F. Supp. 1337, 1342 (D.D.C. 1983), *rev'd on other grounds*, 753 F.2d 131 (D.C. Cir. 1985)); *Am. Diabetes Ass'n, Inc. v. Nat'l Diabetes Ass'n*, 533 F. Supp. 16, 20–21 (E.D. Pa. 1981) (applying Lanham Act to nonprofit's use of competing nonprofit's trademark to solicit donations), *aff'd*, 681 F.2d 804 (3d Cir. 1982) (Table); *U.S. Jaycees v. Phila. Jaycees*, 639 F.2d 134, 146 (3d Cir. 1981) (enjoining disaffiliated civic group from using trademark of national group after ideological split); *cf. U.S. Jaycees v. S.F. Jr. Chamber of Com.*, 354 F. Supp. 61, 71 (N.D. Cal. 1972) (agreeing that "benevolent, religious, charitable or fraternal organizations" are entitled to injunctive relief in the context of a common law unfair competition claim when local chapters disaffiliate but continue to use the organization's name), *aff'd*, 513 F.2d 1226 (9th Cir. 1975) (per curiam).<sup>3</sup> This history reflects the longstanding recognition that "[t]he protection of the trademark or service mark of non-profit and public service organizations," just as for for-profit entities, "requires that use of the mark by competing organizations be prohibited." *United We Stand*, 128 F.3d at 89; *see also* 1 McCarthy on Trademarks and Unfair Competition § 9:6 (5th ed. 2024) ("Names of professional and fraternal organizations are given the same protection against confusing use of their names as is given to business corporations. . . . Protection is [also] extended to the names of nonprofit political groups . . .").

And because defendants used the LNC's mark to identify the source of these services, they used the mark "in connection with" the advertising or distribution of services within the scope of the Lanham Act. *See* 15 U.S.C. § 1114(1)(a); *see also Radianc Found.*, 786 F.3d at

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<sup>3</sup>District courts have also applied the Lanham Act to enjoin unions and political actors from using trademarks as source identifiers in the provision of services. *See Brach Van Houten Holding, Inc. v. Save Brach's Coal. for Chi.*, 856 F. Supp. 472, 475–77 (N.D. Ill. 1994) (defendant advocacy group's use of trademark in the provision of advocacy services for workers constituted "service[s]" within the meaning of the Lanham Act); *Republican Nat'l Comm. v. Canegata*, No. 3:22-cv-0037, 2022 WL 3226624, at \*3–9 (D.V.I. Aug. 10, 2022) (enjoining former chairman of local Republican party who continued to portray himself as the chairman from using RNC trademarks); *Partido Revolucionario Dominicano (PRD) Seccional Metropolitana de Washington-DC, Maryland y Virginia v. Partido Revolucionario Dominicano, Seccional de Maryland y Virginia*, 312 F. Supp. 2d 1, 10–16 (D.D.C. 2004) (enjoining offshoot political chapter from using trademarked name to offer political services and noting that Lanham Act "protections extend to the names and symbols related to political organizations").

323 (“[I]f in the context of a sale, distribution, or advertisement, a mark is used as a source identifier, we can confidently state that the use is ‘in connection with’ the activity.”). Defendants assert that this finding conflicts with almost every other circuit to consider the matter. But we find this to be an overstatement. As discussed above, we are not the first to apply the Lanham Act against nonprofit or even political defendants rendering services. And the cases identified by defendants are readily distinguishable: they dealt with defendants using trademarks to engage in social commentary about the trademark holder’s goods or services—not for source identification of their own.

For example, the Ninth Circuit in *Bosley Medical Institute, Inc. v. Kremer* deemed a defendant’s use of a trademark in a domain name of a website created to complain about the trademark holder’s services not “in connection with a sale of goods or services” and thus not prohibited by the Lanham Act. 403 F.3d 672, 677–80 (9th Cir. 2005). Like other courts, it held that the Lanham Act simply did not seek to protect against an infringer who is not the trademark holder’s competitor, but rather its critic. *Id.* at 679; *see also Utah Lighthouse Ministry v. Found. For Apologetic Info. & Research*, 527 F.3d 1045, 1053–54 (10th Cir. 2008) (addressing different section of the Lanham Act and finding the use of a trademark to create a parody website outside the Act’s scope as “merely . . . a comment on the trademark owner’s goods or services” rather than a use “in connection with the goods or services of a competing producer”); *Farah v. Esquire Magazine*, 736 F.3d 528, 541 (D.C. Cir. 2013) (assessing different section of the Lanham Act and finding that a defendant’s use of a trademark in a satirical article about the trademark holders’ political positions constituted “political speech” rather than the promotion of competing goods or services); *Radiance Found.*, 786 F.3d at 327–30 (finding the use of the NAACP’s name in an article title criticizing the organization’s stance on abortion not actionable).

Although many of these cases framed the inquiry into whether the defendant’s trademark use was commercial, common to all these cases is the absence of the fact we find dispositive here: that the defendant’s trademark use served a source identification, rather than expressive, end. *See, e.g., Utah Lighthouse Ministry*, 527 F.3d at 1054 (“Unless there is a competing good or service labeled or associated with the plaintiff’s trademark, the concerns of the Lanham Act are not invoked.”); *cf. McCarthy on Trademarks and Unfair Competition* § 9:6 (5th ed. 2024)

(explaining that while § 43(a) contains a commercial activity requirement, the text of § 32(1)(a) (15 U.S.C. § 1114) does not). These cases are accordingly inapposite here, where the Lanham Act serves to prevent defendants from using the LNC's mark in connection with advertising and distributing their own political services *as* an entity affiliated with the LNC—not “in connection with the expression of [their] opinion *about*” the services of the LNC. *Bosley Med. Inst.*, 403 F.3d at 679; *cf. Radiance Found.*, 786 F.3d at 327 (positing that a nonprofit's use of a trademark to further activities like donation solicitation may satisfy the Lanham Act's “in connection with” requirement if the trademark denotes the source of the donation recipient). Thus, we remain convinced that the First Amendment tolerates the Lanham Act's interjection to prevent use of a trademark as a source identifier in a manner that creates confusion as to the source of the defendant's political services.<sup>4</sup>

#### B.

Having found that that the Lanham Act can constitutionally apply to defendants' use of the LNC's mark, we next consider the other two elements of a Lanham Act claim: whether defendants' use was unauthorized and likely to cause confusion.

The Lanham Act prohibits the use of a trademark “without the consent of the registrant.” 15 U.S.C. § 1114(1). In the context of a franchisee-franchisor relationship, courts have found that the plaintiff-franchisor must demonstrate that it properly terminated any license held by the defendant-franchisee to use the plaintiff's trademarks to support a finding that the defendant's use was truly unauthorized. *See, e.g., McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1308 (11th Cir. 1998). Here, defendants argue that they have a right to use the LNC's trademark as the Michigan affiliate through the licensing regime set out in the party's bylaws. Since the LNC did not follow the procedure set out in its bylaws to revoke the Michigan affiliate's license,

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<sup>4</sup>In finding this application of the Lanham Act in harmony with the First Amendment, we reject defendants' argument that the injunction here presents an unlawful prior restraint on speech. While defendants describe the injunction as sweeping in any criticism of the LNC or Libertarian Party of Michigan, that is simply not the case. The district court clarified that the injunction merely prohibits defendants from identifying *as* the Libertarian Party of Michigan in the provision of services, it does not prevent them from identifying as members of the Libertarian Party or the Michigan affiliate, or from using the trademark to criticize or comment on either entity. We emphasize again that the Lanham Act does not restrict defendants' ability to engage in political speech. It merely restricts defendants from using the LNC's trademark to identify *as* the Libertarian Party of Michigan in connection with providing or advertising their own political services.

defendants argue that the license renders the LNC unable to show that defendants' continued use was unauthorized. *See id.*; *see also Re/Max North Cent., Inc. v. Cook*, 272 F.3d 424, 430 (7th Cir. 2001); *Little Caesar Enter., Inc. v. Miramar Quick Serv. Rest. Corp.*, No. 19-1860, 2020 WL 4516289, at \*3 (6th Cir. June 25, 2020). We find this argument unavailing.

Contrary to defendants' argument, the LNC did not have to show that it disaffiliated the Libertarian Party of Michigan to show that defendants' continued trademark use was unauthorized. The issue in this case is not whether the Michigan affiliate still possesses a license to use the LNC's trademark. It does. The LNC still recognizes a faction as the Libertarian Party of Michigan and allows the organization it recognizes to use the LNC's trademarks to identify itself. The LNC alleges that it notified defendants that they lack a license to use the LNC's trademark to speak *as* the Michigan affiliate precisely because the LNC does not recognize them as the licensed affiliate's leadership. *See* DE 12-7, Libertarian Party Bylaws, Page ID 454 ("There shall be no more than one state-level affiliate party in any one state.").

Whether the LNC's recognition of Chadderdon's group as the affiliate leadership is right or wrong, the cease-and-desist order conveying such recognition is sufficient to establish that defendants' continued use was unauthorized. Defendants, as individual members of the Michigan affiliate, do not possess a contractual right to use the trademarks to speak *as* the Michigan affiliate. Concluding otherwise would require that this panel find that the Judicial Committee's decision reinstating the Chadderdon-led team into their leadership roles was improper, that the LNC's recognition of the Chadderdon faction as the real Michigan affiliate was wrong, and that defendants are the rightful Michigan affiliate leadership. Resolution of these issues is outside the scope of this case, and, in any event, would pose serious justiciability concerns. *See Heitmanis v. Austin*, 899 F.2d 521, 525 (6th Cir. 1990) (explaining courts' history of "reluctan[ce] to intervene in intra-party disputes").

### C.

To succeed on its infringement claims, the LNC must lastly show that defendants used the trademark in a manner likely to cause confusion to consumers about the source of defendants' goods or services. *See* 15 U.S.C. § 1114(1)(a); *Taubman*, 319 F.3d at 776. For the

following reasons, we find that defendants' use of the trademark in the provision of political services (for example, the maintenance of a website containing political platforms, endorsing candidates, and filing campaign finance reports) creates a sufficient likelihood of confusion, but that defendants' use of the mark in connection with online solicitation, when accompanied by an appropriate disclaimer, does not.

“If different organizations were permitted to employ the same trade name in endorsing candidates, voters would be unable to derive any significance from an endorsement, as they would not know whether the endorsement came from the organization whose objectives they shared or from another organization using the same name.” *United We Stand America*, 128 F.3d at 90. Thus, we agree with the district court that defendants' use of the LNC's trademark in connection with the provision of competing political services created a high likelihood of confusion for consumers, *i.e.*, potential voters, party members, and, in the case of solicitations not accompanied by a clear disclaimer, donors. *See All. for Good Gov't v. Coal. for Better Gov't*, 901 F.3d 498, 511 (5th Cir. 2018) (deeming voters who rely on political coalitions' endorsements the relevant “purchasers” of political services for assessing the confusion created by one coalition's use of a similar mark).

Defendants' use of the “Libertarian Party” mark meant that two different entities simultaneously held themselves out as the Libertarian Party of Michigan. A potential voter visiting defendants' website would not be able to tell if the platforms defendants espoused or events they advertised were actually affiliated with the Libertarian Party. *See id.* at 507–13 (finding political coalition's use of similar name and almost identical logo confusing); *see also Partido Revolucionario Dominicano (PRD) Seccional Metropolitana de Washington-DC, Maryland y Virginia*, 312 F. Supp. 2d at 13–16 (finding actual confusion in context of political groups using nearly identical names in advertising the sponsorship of events and affiliation with broader party). Given defendants' use of the LNC's exact mark in the provision of competing political services to the same target population, such risk is at play here. And this risk is not hypothetical—the LNC submitted at least some evidence of actual confusion about the sponsorship of competing conventions. This likelihood of confusion is sufficient to support a Lanham Act claim.

Defendants also used the LNC's trademark on their website to solicit donations. In connection with the donation tab, defendants displayed one of two pop-up disclaimers notifying the potential donor of the governance dispute, the LNC's recognition of the Chadderdon-led faction, and that any donations would be going solely to defendants. The disclaimers also included hyperlinks to the Chadderdon-led affiliate's website. By clearly explaining the identity of the donation recipient, these disclaimers ameliorated the confusion the Lanham Act seeks to prevent. *See Taubman*, 319 F.3d at 776–77 (noting that the relevant confusion concerns the source of the defendant's goods or services, not the source of the website). The disclaimers also resemble those we have previously found sufficient to eliminate a likelihood of confusion. *See id.* (citing *Holiday Inns, Inc. v. 800 Reservation Inc.*, 86 F.3d 619 (6th Cir. 1996)). Accordingly, defendants' use of the trademark in connection with their online solicitation of donations, when accompanied by appropriate disclaimers, does not create a sufficient likelihood of confusion as to the recipient of the funds and thus cannot be the predicate for Lanham Act liability. *See id.*; *see also Radiance Found.*, 786 F.3d at 328–29.

#### IV.

We affirm the preliminary injunction granted except as to defendants' online solicitation accompanied by clear disclaimers.

# EXHIBIT 5

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**LIBERTARIAN NATIONAL  
COMMITTEE, INC.,**

*Plaintiff,*

v.

**MIKE SALIBA, RAFAEL WOLF,  
GREG STEMPFLE, ANGELA  
THORNTON-CANNY, JAMI VAN  
ALSTINE, MARY BUZUMA,  
DAVID CANNY,  
and JOSEPH BRUNGARDT,**

*Defendants.*

Case No. 23-cv-11074

Hon. Judith E. Levy  
United States District Judge

Mag. Judge Elizabeth A. Stafford

**STIPULATED ORDER OF JUDGMENT**

This matter having come before the Court on the parties' stipulation and the Court having been fully advised thereon:

IT IS HEREBY ORDERED that the Defendants are permanently enjoined from using the Plaintiff's federally registered trademarks as source identifiers when providing goods or services that compete with goods or services offered by the Plaintiff or by the recognized leadership of one of the Plaintiff's state affiliates. For purposes of this order, the phrase "goods or services" includes advertising a political convention, operating a website, promulgating political news and party activities, filing campaign finance reports, endorsing candidates, and soliciting donations. The

Plaintiff's federally registered trademarks are Reg. No. 2,423,459, "Libertarian Party," and Reg. No. 6,037,046, made up of the word, "Libertarian," accompanied by an icon depicting a torch and an eagle.

IT IS FURTHER ORDERED that this Order shall not be construed as preventing the Defendants from identifying as individual members of the Libertarian Party or the Michigan affiliate, from using the trademarks to criticize or comment on either entity, or from otherwise engaging in political speech.

IT IS FURTHER ORDERED that all claims pending against the Defendants are hereby resolved, and that this is a final order closing the case. Each party shall bear its respective fees and costs.

Date: November 15, 2024

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

# EXHIBIT 6

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

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

Plaintiffs,

v

Case No. 24-9034-CZ

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

Defendants.

**OPINION AND ORDER**  
**DENYING PLAINTIFFS' MOTION FOR SUMMARY DISPOSITION**  
**AND**  
**INSTEAD GRANTING ENTRY OF JUDGMENT IN FAVOR OF DEFENDANTS**

*Introduction*

Political parties, like individuals, enjoy natural rights to freedom of speech and association. The Declaration of Independence posits that the government has a duty to secure these rights. And limits on the government's authority to infringe on these rights are enshrined in the First Amendment, made applicable to the states through the Fourteenth Amendment. Political parties and individuals also enjoy the freedom of contract (which can be expressed through the adoption of bylaws), which commands respect from the government as part of the due process of law protected by the Fifth and Fourteenth Amendments.

The Libertarian Party of Michigan (LPM), no stranger to these principles, has established in its bylaws a method for the party to police its own disputes, without the intervention of the government. Specifically, Article V provides that "[t]he judicial power of the Party shall be vested

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*Baron P. Pennington*  
CLERK REGISTERED

in a Judicial Committee.” The authority of this committee is also set forth in the bylaws: “The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.” It comes as no surprise that libertarians would want to minimize government intervention in their affairs.

Because the dispute in this case depends on interpreting and applying the LPM bylaws, this dispute must first be litigated before the party’s Judicial Committee. Accordingly, this Court—in order to respect the fundamental freedoms of the libertarians on both sides of the “v” in this lawsuit—must refrain from interference at this juncture.

### Factual Summary

Apparently, a leadership dispute in the LPM has been brewing for the last couple of years. But this case is not about that. This case is about the LPM’s March 9, 2024 convention, where delegates to the national convention were elected. Defendant Chadderdon brought challenges to certain local affiliate delegates to the this “national delegate selection convention.” These challenges were rejected by a majority of the convention assembly, and the business of selecting national delegates proceeded. The convention assembly elected 33 delegates and 41 alternate delegates to the national convention. All 14 Plaintiffs were elected as national convention delegates.

According to the draft minutes of the March convention, the adopted rules of that convention required the LPM secretary (Defendant Ziemba) to submit the list of Michigan delegates and alternates to the national Libertarian Party (LP) immediately upon the close of the convention. The LP bylaws do not require immediate submission, however. The deadline in the national party’s bylaws is one month before the national convention begins. Since that convention begins on May 23, the deadline for submission of Michigan’s delegate and alternate list is April 23.

Plaintiffs allege that Defendant Ziemba is breaching or planning to breach his contractual duty under the bylaws to submit the delegate list to the national party. They also allege that Defendant Chadderdon has communicated his intention to thwart the will of the majority at the March convention by bringing appeals to the Judicial Committee that will alter that list. They have brought suit against Defendants Chadderdon and Ziemba, as well as the three members of the Judicial Committee (Defendants Evans, Jongema, and Nepomuceno). They seek an order from

this Court compelling Defendant Ziembra to submit the list of delegates to the national LP credentials committee. They also seek this Court's declaratory judgment that the Judicial Committee lacks the authority to overturn the results of the national delegate election, and an injunction against all defendants from withdrawing or modifying the list of delegates.

#### Submission of Delegates List

On March 14, Defendant Ziembra submitted the elected delegate list to the national LP credentials committee. So there is no further relief that can be granted as to the request that this Court order Defendant Ziembra to do so. Plaintiffs' claim against Defendant Ziembra for breach of his contractual duty under the bylaws is therefore moot. A case is moot when "a judgment cannot have any practical legal effect upon a then existing controversy." *TM v MZ*, 501 Mich 312, 317 (2018) (cleaned up). Courts generally should not decide moot issues. *Id.*

#### Justiciability of this Case and the Power of the LPM's Judicial Committee

Plaintiffs argue that the local affiliate delegates that were seated at the March convention were properly seated, and that the national delegates were properly elected at that convention. They urge this Court to prevent any actions by Defendants that would thwart the will of the majority of the convention assembly, including actions under the guise of appeals to the Judicial Committee.

Initially, this Court must decide whether a dispute about the proper seating or election of delegates at a political party's convention is even a justiciable question. Plaintiffs argue that because the dispute does not involve internal political policy determinations, the political-question doctrine does not prevent court intervention. See *Baker v Carr*, 369 US 186, 217 (1962). Rather, the bylaws of the LPM, just as any association bylaws, are a contract between the entity and its members. See *Conlin v Upton*, 313 Mich App 243, 255 (2015). Plaintiffs are right in this regard.

However, this Court must interpret those bylaws by their own plain and unambiguous terms. "Courts enforce contracts according to their unambiguous terms because doing so respects the freedom of individuals freely to arrange their affairs via contract." *Rory v Continental Ins Co*, 473 Mich 457, 468 (2005).

Plaintiffs, with citation to Robert's Rules of Order, insist that committees have the power only to make recommendations to the general body. Therefore, by Plaintiffs' lights, the Judicial

Committee may not overturn the results of the national delegate elections conducted at the March convention, and has no authority to order self-executing remedies. But the Judicial Committee is no ordinary committee. Article V of the LPM bylaws addresses the Judicial Committee, and provides fully as follows:

1. The judicial power of the Party shall be vested in a Judicial Committee composed of three Party members. All of these committee members shall be elected to a two-year term at a regular convention of the Party by those attending delegates and shall take office immediately upon the close of such convention and shall serve until the final adjournment of the next regular convention. No member of the Executive Committee may be a member of the Judicial Committee.
2. The Judicial Committee shall decide cases involving alleged violations of these bylaws or resolutions.

Thus, the Judicial Committee has been vested with “the judicial power” of the LPM and has the authority under that power to “decide cases” involving the bylaws. “The judicial power is the authority to hear and decide controversies, and to make binding orders and judgments respecting them.” *Johnson v Kramer Bros Freight Lines, Inc*, 357 Mich 254, 258 (1959) (cleaned up). By the plain language of the bylaws, the Judicial Committee does indeed possess the power to hear and decide cases involving alleged violations of the bylaws, which implicitly carries with it the power to remedy any violations found.

It may fairly be questioned whether a private association or political party truly has judicial power to vest in the first place. The judicial power is generally considered to be a governmental power to be vested in and exercised by the courts. See *Risser v Hoyt*, 53 Mich 185, 193 (1884) (“But the exercise of judicial power in its strict legal sense can be conferred only upon courts named in the constitution.”). However, this Court need not reach the philosophical question whether the Judicial Committee exercises a truly “judicial” power as traditionally understood. At a minimum, the bylaws establish in the Judicial Committee an alternative dispute mechanism. For example, contracts may include requirements to arbitrate disputes rather than filing suit in court. So it is squarely within the LPM’s constitutional rights of freedom of contract and association for it to create a Judicial Committee to resolve alleged bylaws violations.

Plaintiffs cite two recent cases where Michigan courts have exercised jurisdiction to resolve bylaws disputes within the Republican Party. *Pego v Karamo* (Kent Circuit Court, Docket

No. 24-0658-CZ), and *Hillsdale County Republican Executive Committee v Wiseley* (Hillsdale Circuit Court, Docket No. 22-0688-CZ). But the Republican Party's bylaws appear not to have a judicial committee or similar body vested with the same powers as does the LPM's Judicial Committee. Therefore, those cases provide little guidance here.

The parties have not directed this Court to any cases involving the Judicial Committee of any state's Libertarian Party. A search of national databases revealed only one such case, *Reeves v Wagner*, 295 Or App 295; 434 P3d 429 (2018), which involved a dispute between two factions of the Oregon Libertarian Party (OLP). The OLP bylaws had a Judicial Committee, although the language differed from the LPM bylaws. In *Reeves*, the Judicial Committee decided to defer to the Oregon Secretary of State's election director as to which of the two competing factions would be recognized as the leadership of the OLP. The appellate court held that the subsequent lawsuit filed by one of those factions was not justiciable, because the only judicial remedy would have been to file for an appeal or judicial review of the Secretary of State's decision, and not an entirely separate lawsuit. In a footnote, the appellate court discussed the OLP's Judicial Committee, and stated that, "under the 2009 bylaws, the Judicial Committee is the final arbiter of disputes concerning an interpretation of the bylaws. This opinion does not purport to interpret the 2009 bylaws." *Id.* at 299 n 1. Thus, although *Reeves* is not binding authority, and although the statement was made in dicta, at least one court has opined that in matters involving a Libertarian Party's bylaws, courts should defer to the party's Judicial Committee when those bylaws have empowered that committee to make the decision.

Turning back to this case, an appeal has indeed been filed in the Judicial Committee by one Jonathan Jacobs, alleging that some of the voters at the March 2024 convention were illegally seated. It seeks declaratory relief that four ineligible delegates cast votes, as well the remedy of removing them from the list of delegates. As of this date, the Judicial Committee has not heard or decided the case.

All three of the Judicial Committee members are Defendants to this suit. Plaintiffs seek injunctive relief from this Court, which would effectually have this Court decide the bylaws dispute instead of the Judicial Committee, or at least to direct or limit the Judicial Committee's review of the pending appeal (and any other related appeals). This Court believes that doing so would impermissibly infringe the constitutional rights of the LPM and its members to resolve their intraparty disputes the way they see fit according to their own bylaws.

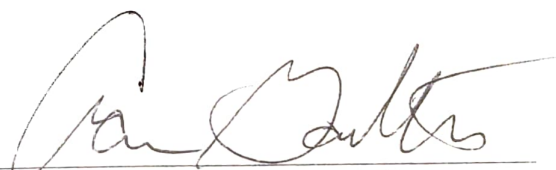
It bears noting what this lawsuit does *not* allege—there is no claim, for example, that the Judicial Committee itself has been illegally constituted, or has taken some action to resolve a dispute not within its grant of power (e.g., a dispute about something *other than* an alleged violation of the bylaws or resolutions.). Also, this Court is *not* addressing today whether the decisions of the Judicial Committee are final and binding without appeal (akin to arbitration), or whether some form of judicial review is available (like an appeal from the decision of an administrative agency). Rather, this Court’s decision rests on two important facts—the delegate list has already been submitted to the national party, and the Judicial Committee has the authority to “decide cases involving alleged violations of [the LPM] bylaws.” So one part of Plaintiffs’ requested relief is moot, and the other is premature at best.

Conclusion

For all these reasons, the Court finds that although there are no genuine issues of material fact, Plaintiffs are not entitled to judgment as a matter of law. So Plaintiffs’ motion for summary disposition under MCR 2.116(C)(10) is hereby DENIED. Instead, pursuant to MCR 2.116(I)(2), “[i]f it appears to the court that the opposing party, rather than the moving party, is entitled to judgment, the court may render judgment in favor of the opposing party.” Accordingly, judgment is granted in favor of Defendants, and this case is DISMISSED. This is a final order and closes the case.

IT IS SO ORDERED.

DATE: 4-17-2024

  
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HON. AARON J. GAUTHIER (P60364)

# EXHIBIT 7

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LIBERTARIAN NATIONAL )  
COMMITTEE, INC. )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
MICHAEL SALIBA, )  
RAFAEL WOLF, )  
GREG STEMPFLE, )  
ANGELA THORNTON-CANNY, )  
JAMI VAN ALSTINE, )  
MARY BUZUMA, and )  
DAVID CANNY, )  
JOSEPH BRUNGARDT, )  
 )  
Defendants. )  
/

Civil Case No.  
5:23-cv-11074-JEL

PRELIMINARY INJUNCTION HEARING  
BEFORE THE HONORABLE JUDITH E. LEVY  
UNITED STATES DISTRICT JUDGE  
Ann Arbor, Michigan - Wednesday, August 23, 2023

APPEARANCES:

FOR THE PLAINTIFF: JOSEPH J. ZITO, ESQ.  
Devlin Law Firm, LLC  
1526 Gilpin Avenue  
Wilmington, Delaware 19806  
(302) 449-9010  
  
and OSCAR A. RODRIGUEZ, ESQ.,  
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	<u>TABLE OF CONTENTS</u>	
1		
2	<u>PROCEEDINGS:</u>	<u>PAGE:</u>
3	Appearances	3
4	Preliminary Matters before Hearing	3
5	Hearing	
6	Argument by Mr. Zito	4
7	Argument by Mr. Curcio	7
8	Court's Ruling	21
9	Court Reporter's Certificate	29
10		
11	<u>EXHIBITS:</u>	
12	(None offered)	
13		
14		
15		
16		
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18		
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1 Wednesday, August 23, 2023

2 1:01 p.m.

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4 THE LAW CLERK OF THE COURT: All rise. The United  
5 States District Court for the Eastern District of Michigan is  
6 now in session. The Honorable Judith E. Levy presiding.

7 Calling Libertarian National Committee versus Saliba,  
8 et al.

9 THE COURT: Please be seated. Could I have  
10 appearances, starting with the plaintiff. And I'll ask that  
11 you just remain seated while you're speaking so that you can  
12 speak into the microphone.

13 MR. ZITO: Good afternoon, Your Honor. This is Joseph  
14 Zito, lead counsel for the plaintiff.

15 THE COURT: Good. Thank you, Mr. Zito.

16 MR. RODRIGUEZ: And, Your Honor, good afternoon.  
17 Oscar Rodriguez, local counsel for the plaintiff.

18 THE COURT: Okay. Thank you very much.

19 MR. CURCIO: Good afternoon, Your Honor. Nick Curcio  
20 appearing on behalf of the defendants.

21 THE COURT: Curcio. I'm glad you told me that.

22 That's not what I would have come up with. So thank  
23 you very much.

24 All right. Well, this is the date and time that we  
25 set for a hearing on plaintiff's motion for preliminary

1 injunction. And I should indicate to you before we get started  
2 that I had an opportunity to read the briefs that both sides  
3 submitted, the attachments. And there then was a supplemental  
4 authority, I think, filed just the other day regarding  
5 confusion.

6 So, Mr. Zito, if you want to get started.

7 MR. ZITO: Yes. Certainly, Your Honor. Do you want  
8 me ...

9 THE COURT: Why don't you speak from there so that you  
10 can be heard through the microphone.

11 MR. ZITO: Okay. Thank you, Your Honor.

12 Well, this is a very straightforward trademark case.

13 THE COURT: Um-hmm. I saw. You say that right there  
14 in your brief.

15 MR. ZITO: Okay. We have an incontestable mark.  
16 There are only a couple of defenses. None of those have been  
17 raised. There aren't any disputed facts as to who is saying  
18 what or doing which. The defendant doesn't dispute that they  
19 used the exact same mark. It seems to me that a preliminary  
20 injunction is warranted in this case. The defendants have  
21 indicated they're not going to stop using the mark.

22 There's obvious confusion, as we pointed out in the  
23 briefs. And --

24 THE COURT: And you cut and pasted the marks  
25 themselves and, lo and behold, they -- I mean, just to

1 the -- well, I'm using glasses so I won't say to the naked eye.  
2 But to my eyes, I understand what you're saying intuitively.

3 MR. ZITO: And they raise in their brief some  
4 discussion of the rise and fall of Mr. Chadderdon which has  
5 nothing to do with the trademark case. My client is the owners  
6 of the trademark and they can license and recognize who they  
7 choose.

8 THE COURT: Yeah. And one interesting thing about  
9 this job as a federal judge is that it's in some way such a  
10 privilege to be outside of the political arena. There's  
11 certainly some political arena that leads to an appointment,  
12 perhaps. I don't really know because I wasn't much a part of  
13 that.

14 But lo and behold, I got appointed, nominated and  
15 confirmed and ever since then, just so that you're aware of  
16 this, Mr. Curcio, I had no reason to weigh in on who should be  
17 an elected official or who shouldn't be an elected official.  
18 So I guess I'm saying that I won't start today with that.

19 Well, why don't we do this: Why don't we see what the  
20 defendants have to say in addition to what they've put in their  
21 papers. And then I'll certainly give you another chance to  
22 speak, Mr. Zito.

23 Because it surely looks to me, Mr. Curcio, that what  
24 you're asking me to do is weigh in on a dispute, an interparty  
25 or interpersonal dispute that has been taking place between

1 your group and the National Libertarian Party.

2 MR. CURCIO: Your Honor, we actually think we're  
3 asking you to do exactly the opposite of that. We have a  
4 number of -- again, as Mr. Zito said, we don't dispute that we  
5 are using the name Libertarian Party. Our position is that our  
6 clients have the right to use that name for a number of  
7 reasons. The first, as we started out our brief, is the First  
8 Amendment claim, that the trademark, the Lanham Act, simply  
9 doesn't stretch to cover this type of conduct; that being  
10 political fundraising, political activities and the other  
11 things that are alleged in the complaint.

12 As the Sixth Circuit has held in the *Taubman* case, the  
13 Lanham Act is only Constitutional to the extent that it's  
14 covering only commercial speech. We see that -- our view is  
15 that --

16 THE COURT: What about the *Washington State Republican*  
17 *party versus Washington State Grange*, the Ninth Circuit, 2012  
18 case, that just says in no uncertain terms that offering  
19 services as a political party counts as operating quote/unquote  
20 in commerce?

21 Isn't that just exactly what is going on here is this  
22 is a political party that is operating in the stream of  
23 commerce?

24 MR. CURCIO: This is a political party and it is  
25 engaging in fund-raising activities. We do not believe that

1 case would be controlling. I'm not certain whether the Ninth  
2 Circuit is one of the circuits which has held consistent with  
3 the *Taubman* case that the Lanham Act only applies to commercial  
4 speech. I certainly know the Second Circuit is not a circuit  
5 in line with that and that's where the principle case on this  
6 point comes from, the *United We Stand* case.

7           The Fifth Circuit -- and the two opinions that we've  
8 quoted in our brief. As specifically noted, the circuits split  
9 and indicated that the Sixth Circuit falls in the line where  
10 noncommercial speech is not projected under the Lanham Act, and  
11 makes the further jump, which no court in the Sixth Circuit has  
12 to date, that political speech, including political services,  
13 like those in this case, are pure political speech that falls  
14 outside of the Lanham Act's protection.

15           So that's our position on that, Your Honor. We  
16 believe that the *United We Stand* case from the Sixth  
17 Circuit -- sorry.

18           From the Second Circuit as well as the -- I believe  
19 it's *Contaga* (phonetic) case, the district court case out of  
20 the Virgin Islands that the LNC relies on, I believe those are  
21 distinguishable just because they don't arise under Sixth  
22 Circuit law and the Sixth Circuit law is different on these  
23 points.

24           Moving to our second argument, we have a contractual  
25 claim that the -- because our -- my clients, the defendants in

1 this case, are members of the Libertarian Party of Michigan,  
2 they have the right to call themselves -- to use the term  
3 Libertarian Party.

4 I would note that Defendant Buzuma was the  
5 gubernatorial candidate just less than a year ago for the  
6 Libertarian Party. There have been no formal action to remove  
7 her or any of the other defendants from the party. There's  
8 been no formal disaffiliation of any of the defendants. I  
9 would note under the Libertarian Party national bylaws  
10 disaffiliation requires a two-thirds vote --

11 THE COURT REPORTER: I'm sorry.

12 THE COURT: Can you slow down?

13 MR. CURCIO: I apologize.

14 THE COURT: Thank you.

15 MR. CURCIO: I would note that under the Libertarian  
16 Party national bylaws disaffiliation --

17 THE COURT: I don't think you slowed down.

18 Usually what happens is people speed up after I ask  
19 them to show down.

20 MR. CURCIO: Under the Libertarian Party national  
21 bylaws disaffiliation requires a two-thirds vote of the LNC for  
22 cause and as we read it only applies to groups -- it only  
23 applies to the party itself as opposed to groups or  
24 individuals.

25 There's a further provision in the LNC bylaws -- I'm

1 sorry. In the Libertarian Party national bylaws that states  
2 that the autonomy of state level affiliates shall not be  
3 abridged. And as we read that provision, it means that --

4 THE COURT: See, I am not in a position to read the  
5 Libertarian Party bylaws and then enforce the bylaws or  
6 interpret the bylaws. I'm not a master libertarian official  
7 who has any knowledge of those bylaws.

8 I mean, you've certainly referenced them and I think  
9 attached certain portions. But for your arg- -- the way in  
10 which you're arguing your case is implying that what my job is  
11 here is to determine who the real libertarians are. And from  
12 my childhood it's, you know, "Will the real libertarians step  
13 forward."

14 I can't do that. I'm not qualified to do it. I don't  
15 have jurisdiction to do it. What I have to look at is from my  
16 reading of the law your argument that you've started out with  
17 that this is not commercial speech, that it's political speech,  
18 and it doesn't relate. That argument I think it has -- is not  
19 an issue in our case. And that, as far as I understand the  
20 law, the Washington State Republican Party case and others,  
21 that this is -- it is Lanham Act -- the trademark does come  
22 under the Lanham Act.

23 And so the idea that -- so we're starting with that.

24 But let me just see if Mr. Zito has anything further  
25 you want to say just on that point on whether the Lanham Act

1 covers this mark because it's a political -- representing a  
2 political party.

3 MR. ZITO: Well, yes, the Lanham Act does apply  
4 because it's a registerable mark. What opposing counsel is  
5 doing is conflating the issue of political speech --

6 THE COURT: He is.

7 MR. ZITO: -- versus the use of a trademark. You can  
8 talk about a political party and that's free political speech.  
9 You can't pretend to be that political party. That's protected  
10 under the Lanham Act, and that's where the division is. This  
11 case is about pretending to be not saying things about. So ...

12 THE COURT: Yeah. And I don't think that the *Taubman*  
13 case -- point to me in the *Taubman* case where it says anything  
14 about whether a political party's activities are commercial.

15 MR. CURCIO: So the *Taubman* case, it doesn't address  
16 political parties.

17 THE COURT: Oh.

18 MR. CURCIO: It addresses the application of the  
19 Lanham Act in noncommercial speech and says the Lanham Act  
20 can't be extended to noncommercial speech.

21 THE COURT: Well, then, show me a Sixth Circuit case  
22 that says this is not commercial speech.

23 MR. CURCIO: There is no Sixth Circuit case on that  
24 point, Your Honor. I don't believe the Sixth Circuit or any  
25 district courts within the Sixth Circuit have had the

1 opportunity to address that question since *Taubman*. I would  
2 point just through the Sixth Circuit cases discussing that  
3 question.

4 THE COURT: Okay.

5 MR. CURCIO: Back to -- if I may?

6 THE COURT: Yes.

7 MR. CURCIO: Back to the point about the bylaws. We  
8 are, again, not asking the Court to determine who the rightful  
9 leadership of the Libertarian Party of Michigan is. I've  
10 actually expressly asked the Court not to decide that question.  
11 We believe that question is, first off, best left to the  
12 members of the party.

13 THE COURT: Definitely.

14 MR. CURCIO: And secondly, to the extent it needs to  
15 be decided by a court, we would think it's a matter of state  
16 law that could be addressed in the Comerica Bank declaratory  
17 action case.

18 So I know the brief provided a lot of factual  
19 background about the dispute, but that was really just for  
20 context. That information for the most part does not show up  
21 in our argument section of the brief.

22 Our argument on the Libertarian Party bylaws is that  
23 they are a contract between the party and its members. Our  
24 clients are still members of the Libertarian Party of Michigan  
25 and we believe that as such they have the right to call

1 themselves members of the Libertarian Party of Michigan until  
2 they're removed as members of the party, if that, you know,  
3 could feasibly occur.

4 THE COURT: I'm just not in a position to say who is a  
5 libertarian and who is not a libertarian. That's for your  
6 members. I think you had some members come with you today.  
7 That's for them to decide if they want to be in the Libertarian  
8 Party or not.

9 So I have such a limited role here today and it's just  
10 to look as this trademark. Do you agree that it's considered  
11 what is an uncontestable mark?

12 MR. CURCIO: We do agree with that, Your Honor.

13 THE COURT: Incontestable. Okay. So we've got that  
14 much agreement. So that means that the registration shall be  
15 conclusive evidence of the validity of the registered mark and  
16 of the registrant's ownership of the mark.

17 So you agree that plaintiff owns the mark?

18 MR. CURCIO: Yes, Your Honor.

19 THE COURT: Okay. And do you agree that plaintiff has  
20 sent a cease and desist letter to your clients to stop using  
21 the mark?

22 MR. CURCIO: Yes, Your Honor.

23 THE COURT: And then you agree that they continued to  
24 use the mark?

25 MR. CURCIO: Yes, Your Honor.

1 THE COURT: And you agree that they continued to  
2 collect money and that people thought that they were -- are the  
3 rightful users of that mark? You think they are and they think  
4 they are.

5 MR. CURCIO: Yes.

6 THE COURT: They may be. I don't know anything about  
7 that. But I just want to know if after getting the cease and  
8 desist letter they continued to use the mark.

9 MR. CURCIO: Yes, they have. Our position is that the  
10 permission to use the mark has not been properly revoked under  
11 the Libertarian Party's governing documents, which in this case  
12 are the bylaws.

13 THE COURT: See, my governing document is the Lanham  
14 Act. And I can't enforce the Libertarian Party's bylaws. I  
15 can enforce the Lanham Act.

16 MR. CURCIO: To the extent it's a contract, we would  
17 argue that the Court can enforce it.

18 THE COURT: Well, you're the defendant in the case and  
19 it wasn't brought as a contract case. Do you have a  
20 counterclaim for a contract enforcement?

21 MR. CURCIO: No. My understanding is that in  
22 proper -- or authorization to use a trademark is a proper  
23 defense in a trademark case without any need for a  
24 counterclaim. Perhaps, I'm wrong about that.

25 THE COURT: Well, I don't know the answer to that, but

1 in this case I do know that you have a cease and desist letter  
2 that you acknowledge -- your clients acknowledge receipt of and  
3 they didn't cease and desist. And I guess I could look at  
4 those letters and see exactly what the words were used in  
5 response.

6 And, yeah, I mean, plaintiff says you're not  
7 authorized. They're telling the Court through their filing  
8 that your clients are not authorized to use that mark.

9 Now, on the free speech issue, they can talk all they  
10 want about this injustice from the National Libertarian Party  
11 and they can hold themselves out as libertarians and talk about  
12 the libertarian ideology, bring people into the fold, promote  
13 their candidates, talk about their candidates. It's just the  
14 use of the mark. There's nothing limiting their political  
15 speech at all.

16 And, in fact, I encourage everybody I know to engage  
17 in their political speech of whatever their views are. So ...

18 But do you agree that your client has since the cease  
19 and desist letter, which I think was this past January of 2023,  
20 has your client continued to collect donations as the  
21 Libertarian Party?

22 MR. CURCIO: Yes, Your Honor.

23 THE COURT: And would you agree that there's been  
24 confusion among the public about whether your client is the  
25 duly authorized Michigan chapter of the Libertarian Party?

1 MR. CURCIO: No, I don't believe there is confusion  
2 about that. Our clients have been very upfront with donors and  
3 everyone through communications to the party listener, which  
4 they have, because they were the previously elected leadership  
5 of the party prior to the June 22 convention. There's been  
6 numerous communications to the full membership of the party  
7 regarding the nature of the leadership dispute indicating that  
8 the LNC supports the Chadderdon faction over the Saliba  
9 faction, and then soliciting donations specifically for the  
10 defense of this lawsuit and other legal proceedings pertaining  
11 to that dispute.

12 And if you look -- I believe it's the very last  
13 exhibit attached to our response brief, we've provided a full  
14 accounting of all monies received from the date the cease and  
15 desist letter was sent to the date that our response brief was  
16 filed and the reasons for those donations. Most of them are to  
17 what is called the legal defense fund, which is to defend this  
18 suit as well as to prosecute the declaratory judgment action  
19 that's pending in Washtenaw County Circuit Court.

20 We've also attached affidavits about the social media  
21 campaigns that were used to induce that fundraising and believe  
22 we've been very transparent with the membership of the party  
23 about what the funds are being used for and why they're being  
24 solicited. So we don't believe there's confusion to that  
25 regard.

1 THE COURT: Well, I just opened up your website.

2 "Peace, Prosperity and Freedom. All of your freedoms.  
3 All of the time. Common sense on the issues."

4 How would I know that this is not the National  
5 Libertarian Party's authorized affiliate?

6 MR. CURCIO: If you go to the Donate tab, there's  
7 a disclaimer that will pop up. And that's in evidence  
8 at -- let's see.

9 I believe it's Exhibit 14.

10 THE COURT: I see a notice of ongoing governance  
11 dispute.

12 MR. CURCIO: Yes.

13 THE COURT: What about the submission of new evidence  
14 of confusion that was filed on August 17th?

15 MR. CURCIO: That has to do with filings to state  
16 election authorities. We don't believe that that's use in  
17 commerce. There's similar cases about the registration of  
18 entity names is not a violation of the Lanham Act from the  
19 district court in the Sixth Circuit. One of them may be cited  
20 in our brief. I can't recall.

21 But we would rely on that line of cases to say that  
22 submitting filings to authorities is not use in commerce that's  
23 covered by the Lanham Act. If my clients, in fact, don't have  
24 the legal authority to do that, they're perhaps violating  
25 election laws or those types of things.

1           And in fact, this LNC chair, McArdle, has filed an FEC  
2 complaint about federal -- similar federal campaign filing  
3 that's pending with the FEC. We would argue those are the  
4 appropriate forms to address that type of conduct if it is,  
5 in fact, illegal as the plaintiff's allege, and that  
6 trademark -- it doesn't amount to a trademark violation.

7           THE COURT: Okay. Anything else?

8           MR. CURCIO: No, Your Honor. I think I'll stand on my  
9 briefs for the remaining points.

10          THE COURT: Okay.

11          MR. CURCIO: I'm sorry. One more point that was not  
12 addressed in the briefs.

13          THE COURT: Sure.

14          MR. CURCIO: If this Court is inclined to issue an  
15 injunction, and it seems like that may be, we would ask for  
16 a -- again, we don't believe that's appropriate for the reasons  
17 stated in the brief.

18          THE COURT: I understand.

19          MR. CURCIO: But if you are so inclined, we would ask  
20 that a bond be set. Under Federal Rule of Procedure 65(c), we  
21 believe that our fundraising totals as indicated in Exhibit 23  
22 of our response brief showed that, basically, a four-month  
23 window of fundraising where \$20,000 approximately was raised,  
24 somewhere between 19,000 and 20,000. This case could go on  
25 quite awhile if it's appealed or just further proceedings in

1 this court far beyond four months. We would ask for a bond of  
2 at least 20,000 be set based on those figures.

3 THE COURT: Okay. Well, let me -- we'll get back to  
4 that.

5 Mr. Zito, is there anything you want to say in  
6 response to what's been argued?

7 MR. ZITO: For want of going ahead and repeating some  
8 of the things we've already said, I believe their website  
9 itself shows the confusion. The website says we are the  
10 Libertarian Party. But if you read the note, we're not the  
11 Libertarian Party, and there's a different Libertarian Party  
12 that might be the Libertarian Party, but we're the Libertarian  
13 Party.

14 The website itself confuses everyone who reads it. We  
15 also showed you an excerpt from a video that's on their website  
16 where one of their members came up and said, "I'm very  
17 confused."

18 And also they're not looking at the right people.  
19 It's not the people that you reach out to donate, it's the  
20 voter on the street that you never met who then goes to the  
21 voting booth and sees two Libertarian Party candidates. He's  
22 confused as to which one is actually the Libertarian Party  
23 candidate. So, no. There's confusion. I don't think -- and  
24 we don't even need to show that level of confusion because of  
25 the incontestability, but there's confusion anyway.

1 I also think the fact that the registrar of the state  
2 board of elections was confused into thinking they were the --  
3 that's confusion. It is an FEC violation in addition, but it's  
4 confusion under the Lanham Act. So I don't think that's an  
5 issue.

6 Regarding the bond, we expect to post a bond when you  
7 have a preliminary injunction. So that's not a problem. I  
8 believe he asked for 20,000.

9 THE COURT: 20,000, he asked for.

10 MR. ZITO: I think that's reasonable. I don't think  
11 that there will be that cost because I'm assuming they're not  
12 going to stop fundraising for their legal defense. So in the  
13 end, we're not agreeing that --

14 THE COURT: No, you don't have to agree.

15 MR. ZITO: There would be a loss.

16 THE COURT: Right.

17 MR. ZITO: They would have to show that some other  
18 time. We're not agreeing that there's ever going to be any  
19 loss, but we anticipated a bond, Your Honor.

20 THE COURT: The exhibit that you have drawn my  
21 attention to that I'm looking at with the donations, are they  
22 all to the defense? Most of -- everything I see -- well,  
23 there's a lot of defense fund but then there's some convention  
24 registrations.

25 MR. CURCIO: Yes, Your Honor. They're not all to the

1 defense fund.

2 THE COURT: Okay.

3 MR. CURCIO: And the 20,000 total -- first off, it's  
4 not quite 20,000. It's somewhere between 19 and 20. That's  
5 the total number including both the convention registrations  
6 and legal defense fund.

7 THE COURT: Okay.

8 MR. CURCIO: And there may be a few other  
9 miscellaneous categories as well.

10 THE COURT: There are a few other miscellaneous.  
11 You've got a couple of donations directly to you, it looks  
12 like, as the lawyer.

13 MR. CURCIO: Yes. The affidavit of Defendant Thornton  
14 explains what each of these items means. Most of them, even if  
15 they don't say legal defense fund are things that are -- well,  
16 that Anedot slash Legal Fund Page, that's also going into the  
17 legal defense fund, just through a different channel.

18 THE COURT: And that's A-n-e-d-o-t slash legal defense  
19 fund?

20 MR. CURCIO: Yes.

21 THE COURT: Well, having had a chance to read the  
22 briefs and to hear the argument today, in terms of a  
23 preliminary injunction, I am required by Sixth Circuit law, the  
24 *ACLU Fund of Michigan versus Livingston County* case from 2015  
25 sets it out very clearly. I'm to balance four factors in

1 deciding whether to grant a preliminary injunction.

2 First, whether the movant has a strong likelihood of  
3 of success on the merits.

4 Second, whether the movant would suffer irreparable  
5 injury absent the injunction.

6 Third, whether the injunction would cause substantial  
7 harm to others.

8 And fourth, whether the public interest would be  
9 served by issuance of an injunction. And I'm reminded by that  
10 case that preliminary injunctions are extraordinary and drastic  
11 remedies, never awarded as of right and that the parties  
12 seeking the injunction bears the burden of justifying that  
13 relief.

14 And I believe that in this case all four factors weigh  
15 in favor of granting the requested relief and entering a  
16 preliminary injunction.

17 And that's specifically because in the trademark  
18 context, the likelihood of success on the merits is a factor  
19 that the Court -- the Sixth Circuit has referred to as often  
20 decisive.

21 And I'll say this about preliminary injunctions:  
22 Often, even a modest likelihood of success on the merits or  
23 even very small, can be outweighed by irreparable injury and so  
24 an injunction might be entered if there's irreparable injury  
25 with very low likelihood of success on the merits but in this

1 particular type of case I'm required to look first at the  
2 likelihood of success on the merits.

3 And, specifically, in the *PGP, LLC versus TB* -- I  
4 think it's two. *LLC*, Sixth Circuit in 2018, the Court held in  
5 that trademark case that: "If the movant is likely to succeed  
6 on an infringement claim, irreparable injury is ordinarily  
7 presumed and the public interest will usually favor injunctive  
8 relief."

9 So, specifically, I'm to look at -- to prove a  
10 trademark infringement action, the plaintiff is required to  
11 show that it owns a trademark.

12 It has shown that. The defendant agrees with that.

13 Two, that the infringer used the mark in commerce  
14 without authorization. Here, you agree you used the mark. You  
15 don't believe it's in commerce, but you understand you're using  
16 it after a cease and desist letter has been sent. Now, as I  
17 understand the argument, you say this isn't commerce and you  
18 say look to the bylaws to determine if it's authorized. But  
19 what I'm looking at is what's filed as evidence here.

20 I know I have the bylaws, but -- which is that there  
21 is a registered mark. It's being used by the defendant. I  
22 believe in commerce, in the sense of that word as it applies in  
23 a political party situation. And it's being used without  
24 authorization.

25 Three, that the use of the alleged infringing

1 trademark is likely to cause confusion among consumers  
2 regarding the origin of the goods or services offered by the  
3 parties.

4 And so looking at this, we've already discussed that  
5 it's undisputed. That plaintiff owns the Libertarian Party  
6 trademark and it's -- we've already discussed that.

7 I've already reviewed the *Washington State Republican*  
8 *Party versus Washington State Grange*, which holds that the  
9 Lanham Act does cover this type of service offered by a  
10 political party.

11 And I guess I -- even though the Sixth Circuit hasn't  
12 had the occasion to address this -- and maybe this will be the  
13 case where they do get to address this, from my perspective it  
14 only makes sense to follow what the Ninth Circuit said. If  
15 you're -- as you are, you're using a mark that looks exactly  
16 like the plaintiff's mark and you're holding yourself out on a  
17 ballot -- well, let's leave the ballot out.

18 But in terms of fundraising and promoting ideas on the  
19 website. And the website -- setting aside the fundraising part  
20 of the website, it just talks about Peace, Prosperity and  
21 Freedom. Now, if that -- and the common sense approach to  
22 issues that the libertarians have.

23 And it's got this interesting VIN diagram that has  
24 left wing positions such as government regulated economy, using  
25 imminent domain for private gain, high taxes. And then it

1 has -- and that's got the donkey.

2           And then it's got the right wing positions. War on  
3 drugs, surveillance state. And then it's got the libertarian  
4 positions.

5           This is really important information. And if those  
6 aren't the libertarian positions from the National Libertarian  
7 Party's perspective, this would be chaos. If everybody could  
8 claim -- if somebody could claim to be the Republican Party and  
9 say we are for women's right to choose, we are for transgender  
10 treatment of minors, we are for -- when, in fact, the  
11 Republican Party isn't for that. It just seems to me that it  
12 would create chaos and that there's a good reason for the  
13 Lanham Act to protect these marks so that the public can  
14 know -- have confidence when they look at a website and it says  
15 it's the Libertarian Party and looks just like the National  
16 Libertarian Party, that those really are the positions of that  
17 party.

18           So -- okay, where was I? I got carried away. In  
19 terms of irreparable harm, in trademark infringement cases --  
20 and this is a quote from *Lucky's Detroit versus Double L*. And  
21 it's a Sixth Circuit 2013 case.

22           "A likelihood of confusion or possible risk to the  
23 requesting party's representation satisfies the irreparable  
24 injury requirement."

25           And here I do find that there's both a likelihood of

1 confusion and risk to the plaintiff's reputation. The National  
2 Libertarian Party the plaintiff points out that we're coming up  
3 to a big election in our country and I guess my job is to not  
4 be a part of any of that, but they argue that that makes it  
5 sort of more urgent and that the harm could be more irreparable  
6 if votes are lost for their candidates because your -- I don't  
7 know what -- we'll call it the knockoff Libertarian Party. I  
8 don't know what to call it exactly.

9           What am I supposed -- the defendant. Because the  
10 defendant is running your own candidates. If they aren't  
11 really the candidates of the Libertarian Party, that could be a  
12 problem. But I don't think I even have to get involved in  
13 whether there's an election coming up or not to reach this  
14 irreparable harm factor

15           Harm to others and the public interest, I think weighs  
16 in favor of plaintiff in this case. They argue that you will  
17 not be harmed if you can no longer identify yourself as the  
18 Libertarian Party of Michigan because you can still present the  
19 valuable opinions that you have and voters will decide whether  
20 they prefer those opinions, want to vote for those opinions,  
21 donate to those opinions or donate to the Libertarian Party.  
22 So in terms of the public interest, I think that also weighs in  
23 favor of the plaintiff.

24           In the *Lorillard Tobacco, Company versus Amouri's*  
25 *Grand Foods* case, Sixth Circuit in 2006 -- and that's

1 L-o-r-i-l-l-a-r-d versus A-m-o-u-r-i. There the Court held  
2 that preventing consumer confusion and deception in protecting  
3 the trademark holder's property interest in the mark is in the  
4 public interest.

5 So for those reasons I am granting plaintiff's motion  
6 for a preliminary injunction. And there's no opposition to a  
7 \$20,000 bond being posted. I believe you pay that to the clerk  
8 of court. Is that who you pay that to?

9 MR. ZITO: Yes, typically. Either the percentage of  
10 the bond or the full bond to the clerk of the Court, yes.

11 THE COURT: We have -- let me look at the proposed  
12 order right now that you sent. The order will be for the  
13 reasons set forth -- I will not type this all up into an  
14 opinion but let me look -- hold on -- at the proposed order.

15 The bond needs to be added to this so we will -- can  
16 you submit this to us in a Word document through utilities on  
17 CM/ECF?

18 Mr. Zito or Mr. Rodriguez?

19 MR. ZITO: Say again. I'm sorry.

20 THE COURT: Ordinarily, proposed orders -- I'm glad  
21 you included it as an exhibit. But before they're entered,  
22 they're submitted as a Word document under utilities in CM/ECF  
23 so that we can doctor it up.

24 Because I want to put that we held a hearing today and  
25 oral argument was heard from both sides and that an oral

1 decision was set forth on the record and that a bond is  
2 ordered.

3 MR. ZITO: We'll get that to you shortly after the  
4 hearing.

5 THE COURT: Okay. All right. Is there anything else  
6 from the plaintiff?

7 MR. ZITO: Nothing further.

8 THE COURT: Anything else from the defendant?

9 MR. CURCIO: Nothing further, Your Honor.

10 THE COURT: Well, thank you for the opportunity to  
11 work on this case so far. And the case will continue.

12 And we have an answer to the complaint that was filed  
13 July 31st. So what we'll do is set up a scheduling conference.

14 And in light of the fact that you're here from out of  
15 town, Mr. Zito?

16 MR. ZITO: Yes.

17 THE COURT: From Washington D.C., we'll do that by  
18 Zoom so no one has to travel for a 20-minute discussion of  
19 setting dates in the case.

20 MR. ZITO: Thank you, Your Honor.

21 THE COURT: All right. Well, thank you very much.

22 THE LAW CLERK OF THE COURT: All rise.

23 Court is adjourned.

24 (At 1:39 p.m., matter concluded.)

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C E R T I F I C A T E

I, Darlene K. May, Official Court Reporter for the United States District Court, Eastern District of Michigan, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability, from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

August 28, 2023  
Date

/s/ Darlene K. May  
Darlene K. May, CSR, RPR, CRR, RMR  
Federal Official Court Reporter  
Michigan License No. 6479

# EXHIBIT 8



February 16, 2023

Joseph Brungardt  
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*Via Email*

**Re: The Libertarian Party of Michigan**

Mr. Joe Brungardt:

The national Libertarian Party (“LP”) has a vested interest in protecting its rights and the rights of its affiliate parties, including the Libertarian Party of Michigan (“LPM”). It has come to our attention that you are holding yourself out to the public and members of the LPM as the Chair of the “Libertarian Party of Michigan”. This is patently false.

The presently recognized Chair of the Michigan affiliate is Andrew Chadderdon and his legitimately elected successors, as affirmed by the LPM Judicial Committee and explicitly authorized by the LPM Bylaws. On or about December 13, 2022, the LPM Judicial Committee (in accordance with the LPM Bylaws) ruled that the actions taken at the July 9, 2022, Candidate Nominating Convention which led to your initial selection as LPM Chair are invalid.

Your claim that Michigan corporate law provides otherwise is irrelevant to the identity and leadership of the legitimate affiliate. Likewise, your recent correspondence to LPM members advertising an unauthorized and illegitimate convention was also incorrect.

Rumors have circulated that LPM’s Judicial Committee removed officers with their decision. Your state affiliate’s Judicial Committee did not “remove” any officer or director. Their decision invalidated a motion of no confidence that removed Andrew Chadderdon as chair because the removal and election in controversy was not validly noticed. Individuals cannot be removed from positions to which they were not validly elected. Thus, the act of voiding an invalid removal is not a removal. It is the national LP’s understanding that LPM’s judicial committee decision has been affirmed by counsel retained by the rightful LPM.

Absent a decision from the LNC or the national Judicial Committee to the contrary, national Platform Committee appointments and national delegate entitlements, along with ballot access, remain with the Party presently chaired by Mr. Chadderdon, and his legitimately elected successors.

In these pursuing statements and activities (holding yourself out to be chair, holding yourself out to be LPM, soliciting for donations, and other similar activities), you have violated LPM’s bylaws, the national Libertarian Party’s bylaws, and made unauthorized use of Libertarian Party trademarks, including but not

limited to the trademarked name “Libertarian Party.” Further, neither the Libertarian National Committee (“LNC”) nor the LPM has authorized you to make use of its trademark(s) in order to promote a different political party, and any such use is hereby expressly prohibited. We are therefore sending you this letter in an attempt to resolve this matter without the need for legal action. We demand that you immediately cease and desist from making further unauthorized use of Libertarian Party trademark(s) and fraudulently advertising a non-Libertarian Party convention as one of the Party.

In particular, the LNC has registered trademarks on the following:

- “Libertarian Party” (Reg. No. 2,423,459);
- “The Party of Principle” (Reg. No. 2,423,458);
- Libertarian Party Logo (Reg. No. 6,037,046).

Your unauthorized use of Libertarian Party trademark(s) and false claims of official position and calling of an illegitimate convention harms the LNC and LPM by willfully misleading members of the public and the LPM into believing that your alleged chairmanship and advertised convention is affiliated with the Libertarian Party, when in fact no such affiliation or authorization exists. Consequently, to avoid legal action in this matter, we demand that you immediately take any and all actions necessary to prevent your further infringement on our legal rights and interests. This includes, without limitation, that you cease and desist from using the trademarked name “Libertarian Party” in your organization in any published materials, including your mailing list, Facebook and social media pages, or any other electronic forum, as well as any other communications, whether electronic, print, audio or any other medium, including but not limited to campaign literature, brochures, advertisements, email or any other communication.

Further, it has been communicated to us by the Chair of the Libertarian Party of Michigan as well as by membership that their contact information secured in CiviCRM was potentially used to further these false representations. As you are aware, all users of CiviCRM are required to sign a Non Disclosure Agreement (“NDA”) which limits the use of this data to legitimate Party business authorized by the affiliate or the national Party.

You are advised not to destroy or otherwise spoliage any evidence of your actions relating to any potential NDA violations, and/or the dissemination of confidential information, pursuant to Va. Code § 8.01-379.2:1. You have, “a duty to preserve evidence that may be relevant to reasonably foreseeable litigation.” If this conflict results in litigation and you have “disposed of, altered, concealed, destroyed, or not preserved” evidence, you may place yourself at risk of an unfavorable finding by a jury, or a default judgment.

“‘The textbook definition of ‘spoliation’ is ‘the intentional destruction of evidence[.]’ . . . However, spoliation issues also arise when evidence is lost, altered or cannot be produced.’” Wolfe v. Virginia Birth-Related Neuro, 40 Va. App. 565, 581 (Va. Ct. App. 2003) The law on this matter is clear in the state of Virginia and in the District of Columbia, which have overlapping jurisdiction regarding the LNC’s legal affairs. “[T]here now exists in the District of Columbia an independent action for negligent or reckless spoliation of evidence”. Holmes v. Amerex Rent-A-Car, 710 A.2d 846, 854 (D.C. 1998)

Based on the foregoing, we demand that you and your agents cease using the LP’s registered trademarks and return all property belonging to the LP within 10 days of the date of this letter. Furthermore, we

**LPM**  
**2/16/23**  
**Page 3 of 3**

request you immediately terminate any further misrepresentation that you are affiliated with the LP.  
Thank you for your attention to this matter.

Angela McArdle, Chair

Libertarian National Committee

# EXHIBIT 9



Andrew Chadderdon &lt;andrew.chadderdon@gmail.com&gt;

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## A Message to the Membership from the Libertarian Party of Michigan.

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**Michigan Libertarians** <michiganlibertarians@gmail.com>  
To: Michigan Libertarians <michiganlibertarians@gmail.com>  
Bcc: andrew.chadderdon@gmail.com

Thu, Feb 2, 2023 at 8:51 AM



Dear Members,

I am sure many of you have become aware of the LPM Executive Committee meeting that took place the evening of January 31, 2023. The reason this meeting took place is because many of the officers elected on July 9, 2022 learned that our party has recently been operating in a manner that is inappropriate given our status as a Michigan Nonprofit Corporation. The resultant actions that took place after the Judicial Committee released its report regarding Mr. Chadderdon's appeal of the July 9 Convention, have been found to be unauthorized, and void.

This obviously lends itself to confusion and difficulty as we navigate through the decisions that must be made to rectify the actions that followed the Judicial Committee's decision.

There are several questions at hand. This letter hopes to address each of those questions.

### **1. Why were the actions taken by certain members of the Libertarian Party of Michigan following the Judicial Committee decision?**

Certainly, many asked the question, "What does the Judicial Committee report mean?" While some took it to mean that the board of the Libertarian Party of Michigan was reverted to its form before the July 9<sup>th</sup> Convention, there are two main issues with that.

First, the Libertarian Party of Michigan is a membership organization, and it is not possible for a committee to remove a member of its board that was elected by vote of the members. There is not authorization in our bylaws for that. There is no authorization within Robert's Rules of Order to accomplish that. And perhaps most importantly, the Nonprofit Corporation Act 162 of 1982 specifically authorizes only the members to have the authority to remove a member of the board that was elected by the members. The Act does allow bylaws to specify other methods, but our bylaws do not provide authority to any Committee to remove member-elected board members.

Second, the Libertarian Party of Michigan has never authorized the Judicial Committee or any other committee to overrule the actions of its members as represented by its delegates at convention. The members of this party have the ultimate authority, and that authority is vested in its delegates to all Conventions of the Libertarian Party of Michigan.

Therefore, we are now taking actions to rectify the inappropriate, and unauthorized actions of certain members that took place following the Judicial Committee report.

### **2. What was the appropriate action following the Judicial Committee report?**

What should have occurred, following the Judicial Committee report, would have been for the Executive Committee to call a Special Convention, for the purpose of allowing the members to act on the Judicial Committee report. Given the confusion surrounding the Judicial Committee's report, we did not call an Executive Committee meeting to take this action

because unfortunately, we didn't properly understand our responsibilities. After seeking legal counsel, and the advice of many long-standing members in the party to understand further the precedence, we now understand what the appropriate action would have been.

### **3. What is the impact of the Judicial Committee report?**

The impact of the Judicial Committee report is to offer guidance to the Executive Committee and members on how to proceed to better align with the bylaws of the Libertarian Party of Michigan per their interpretation and reporting on specific cases.

Since the Judicial Committee report ruled that the bylaws were violated at the convention in July, it would be incumbent upon the Executive Committee to seek the rectify such violations in a manner that preserves the integrity of the party, allows the members to assert their rights, and maintains the appropriate functioning of the party until any bylaw violations can be appropriately rectified.

However, the Judicial Committee has no authority to overrule the delegates of a convention body. Therefore, should the Executive Committee believe that the Judicial Committee is overstepping its authority, it is incumbent upon the Executive Committee to assert the rights of its members in opposition to the Judicial Committee if necessary.

### **4. What proof do you have that this is the legally correct action of the party?**

In addition to being the state affiliate of the Libertarian Party in Michigan, the LPM is also incorporated as a Nonprofit Corporation in the State of Michigan and is bound by the laws governing such organizations. The members of the LPM Executive Committee are legally the directors of the corporation. Only the directors of the corporation can act on behalf of the corporation. Members of the Judicial Committee are not directors of the corporation.

According to the Michigan NONPROFIT CORPORATION ACT 162 of 1982, the Judicial Committee does not have the authority to remove an officer elected by the members of the organization.

450.2535 Removal of officer; suspension of authority to act; contract rights; resignation of officer; notice. Sec. 535. (1) An officer elected or appointed by the board may be removed by the board with or without cause. An officer elected by the shareholders or members may be removed, with or without cause, only by vote of the shareholders or members. The authority of the officer to act as an officer may be suspended by the board for cause.

### **5. How do we move forward as a party to a unite and fight for liberty in our lifetime?**

The Executive Committee has, as prescribed in our bylaws, authorized and issued a Call to our Regular Convention for April 1, 2023 at the Hilton Garden Inn at [633 North Canal Road](#) in Lansing, MI for party members to elect all officers and choose the party's direction. A call was sent for volunteers for a bylaws committee that will address issues in our bylaws that have left the LPM open to the conflicts that we have seen over the past several months. The LPM is committed to fully supporting the efforts underway by several dedicated volunteers targeting opportunities and recruiting Libertarian candidates to win local elections in 2023.

We request that all parties respect the right and authority of the members of the LPM to proceed with the convention on April 1 in Lansing to decide on the leadership and the business of the party.

### **6. Who are the members of the Libertarian Party of Michigan Executive Committee?**

Chair - Joe Brungardt

First Vice Chair - Mike Saliba

Second Vice Chair - Mary Buzuma

Secretary - Daniel Ziemba

Treasurer - Vacant

District 1 - Ryan Roberts

District 2 - Vacant

District 3 - Jordan Martin

District 4 - Rick Thelen

District 5 - Dave Canny

District 6 - Rafael Wolf

District 7 - Brian Ellison

District 8 - Jon Elgas

District 9 - Greg Stempfle

District 10 - Kyle McCauley

District 11 - Bruce Jaquays

District 12 - Daniel Muehl-Miller

District 13 - Jami Van Alstine

District 14 - Scotty Boman

**7. If I have concerns, who should I speak with?**

If you have concerns, I encourage you to speak with your District Representative. You are certainly welcome to reach out to any member of the board, but your District Representative is responsible for taking up your concerns and speaking on your behalf to the board at any of its meetings.

Thank you for being a member of the Libertarian Party of Michigan. And look to upcoming announcements and information as it relates to the discoveries outlined here, and the appropriate actions to be taken looking forward.

Sincerely,

**Joe Brungardt**

Chair

Libertarian Party of Michigan



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