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Attorney for Plaintiffs

2012 JUL 19 AM 10:55

CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
SANTA ANA

BY \_\_\_\_\_

U.S. DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION – RONALD REAGAN COURTHOUSE

**DELEGATES TO THE REPUBLICAN  
NATIONAL CONVENTION AS  
FOLLOWS:**

**Alaska National Delegate,  
BARBARA ANDERSEN; . . .**  
(See attachment pages)

**Plaintiffs,**

vs.

**REPUBLICAN NATIONAL  
COMMITTEE;  
REINCE PRIEBUS, Chairman of the  
Republican National Committee; . . .**  
(See attachment pages)

**Defendants.**

**CASE NO. SACV 12 - 00927 DOC (JPRx)**

**FIRST AMENDED COMPLAINT FOR:**

- 1. DECLARATORY JUDGMENT;**
- AND**
- 2. INJUNCTIVE RELIEF;  
Request for Preliminary Injunction;  
Request for Permanent Injunction  
(Rule 65 FRCP)**

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DELEGATES TO THE REPUBLICAN  
NATIONAL CONVENTION AS FOLLOWS:  
Arizona National Delegate, Matt Papke  
Arizona National Delegate, Anna Larsen  
Arizona National Delegate, Blythe Guvenen  
Arizona Alternate National Delegate, Alex Judd  
Arizona Alternate National Delegate, Cassandra  
Mooneyham  
Arizona Alternate National Delegate, Joanne  
Diggins  
Arizona Alternate National Delegate, Paul Diggins  
Georgia National Delegate, Sahar Hekmati  
Georgia Alternate National Delegate, Amanda  
Parsons  
Georgia National Delegate, Cheryl Dalton  
Louisiana State/Pending National Delegate, Scott  
Chiavetta  
Massachusetts National Delegate, John Aaron  
McKeon  
Maine National Delegate, Cody Whitaker  
Maine National Delegate, Matthew McDonald  
Alaska National Alternate Delegate, Tim Dietz  
Alaska National Alternate Delegate, Tom Idleman  
Alaska Second National Alternate Delegate,  
Vincent Fisher

1	Alaska National Alternate Delegate, Danny Golde	)
2	Alaska National Alternate Delegate, Tom Idleman	)
3	Alaska National Alternate Delegate, Justin Carro	)
4	Arizona National Delegate, Kenneth J. Biehl	)
5	Arizona National Delegate, Janelle Neil	)
6	Arizona National Delegate, Thurane Aung Khin	)
7	Arizona National B Delegate, Razi Ann Berry	)
8	Arizona National B Alternate Delegate, Joni Leckey	)
9	Arizona National B Alternate Delegate, David	)
10	Fitzgerald	)
11	Arizona National B Delegate, James Dutton	)
12	Arizona National B Delegate, JoAnn Dutton	)
13	Arizona National B Delegate, Cathy Vallecorsa	)
14	Arizona National B Delegate, Pace Ellsworth	)
15	Arizona National Delegate, Dr. Mark Carducci	)
16	Arizona National B Alternate Delegate, Morgana	)
17	Gallaway	)
18	Arizona National A Alternate Delegate, Gregory S.	)
19	Weisman	)
20	Arizona National B Alternate Delegate, Gianluca	)
21	Zanna	)
22	Arizona National B Delegate, Daniel Forrester	)
23	Arkansas National Delegate, Zachary Smart	)
24	Colorado National Delegate, Robert Eskenberry	)
25	Colorado Alternate National Delegate, Judy Spady	)

1	Florida Pending National Delegate, Frank Allegro	)
2	Indiana State/Pending National Delegate, William	)
3	Hathaway	)
4	Louisiana Alternate National Delegate, David	)
5	Abadie	)
6	Louisiana National Delegate, Kevin Hussey	)
7	Louisiana National Delegate, Emil Albrecht	)
8	Louisiana National Delegate, Chester T. "Catfish"	)
9	Kelley	)
10	Louisiana Alternate National Delegate, Ryan	)
11	Thames	)
12	Louisiana National Delegate, David Nata	)
13	Michigan State Delegate David Wallin	)
14	Michigan State Pending National Delegate Mrs.	)
15	David Wallin	)
16	Nevada National Delegate, James Ayala	)
17	Nevada National Delegate, Cynthia S. Kennedy	)
18	Nevada National Delegate, Dr. Mark Carducci	)
19	Nevada National At Large Delegate, Blake	)
20	Buffington	)
21	Nevada Alternate National Delegate, Juanita Cox	)
22	Nevada National Delegate, Jay Lake	)
23	Nevada Alternate National Delegate, Robert	)
24	Terhune	)
25	Nevada National Delegate, Wayne Terhune	)

1	Nevada National Delegate, Patrick Kerby	)
2	Nevada National Delegate, Tory Crockett	)
3	Nevada National Delegate, Wiselet K. Rouzard	)
4	New Mexico Alternate National Delegate, Lance	)
5	Klafeta	)
6	New Mexico Alternate National Delegate, Charles	)
7	D. Melton	)
8	New Mexico National Delegate, Emily Ruch	)
9	New Mexico National Delegate, Patrick Marron	)
10	New Mexico Alternate National Delegate, Gary	)
11	Miles	)
12	Oklahoma National Slate Delegate, Dax Ewbank	)
13	Oklahoma Alternate National Delegate, Vickie	)
14	Babcock	)
15	Oklahoma Alternate National Slate Delegate,	)
16	Gregory S. Hendrix	)
17	Oklahoma Alternate National Slate Delegate, Toni	)
18	Samanie	)
19	Oklahoma National Slate Delegate, Trina Burfield	)
20	Oklahoma Alternate National Delegate, Jason	)
21	Timm	)
22	Oklahoma Alternate National Slate Delegate, Gena	)
23	Brooks	)
24	Oklahoma National Slate Delegate, Marc Collins	)
25	Oklahoma Alternate National Slate Delegate,	)

1	Thomas Ryan	)
		)
2	Oklahoma National Slate Delegate, JJ Prachyl	)
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3	Oklahoma Alternate National Slate Delegate,	)
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4	Katherine Chadrick	)
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5	Oklahoma Alternate National Slate Delegate,	)
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6	Joanna Francisco	)
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7	Oklahoma National Slate Delegate, Nancy	)
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8	Humphreys	)
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9	Oklahoma National Slate Delegate, Carlos Garza	)
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10	Oklahoma National Slate Delegate, Tyler Thulin	)
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11	Oklahoma National Slate Delegate, Jennifer Senn	)
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12	Oklahoma Alternate National Delegate, Porter	)
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13	Davis	)
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14	Oklahoma National Slate Delegate, Bob Davies	)
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15	Oklahoma Alternate National Delegate, Terri	)
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16	Vivion	)
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17	Oklahoma National Slate Delegate, Jake Peters	)
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18	Oklahoma National Slate Delegate, Matthew Ball	)
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19	Oklahoma Alternate National Slate Delegate,	)
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20	Richard Grimes	)
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21	Oklahoma Alternate National Slate Delegate,	)
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22	Andrew Macdonald	)
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23	Oklahoma Alternate National Slate Delegate,	)
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24	Nathan Davis	)
		)
25	Oklahoma Alternate National Delegate, Diane	)

1	Engel Thomas	)
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2	Oklahoma Alternate National Delegate, Joshua	)
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3	Foos	)
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4	Oklahoma Alternate National Delegate, Jerry	)
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5	Essary Jr	)
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6	Oklahoma Alternate National Slate Delegate, Doug	)
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7	Landers	)
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8	Oklahoma Alternate National Slate Delegate,	)
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9	Destiny R. Engle	)
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10	Oklahoma Alternate National Slate, Laura Killian	)
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11	Oklahoma Alternate National Slate Delegate,	)
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12	Robert C Kessler	)
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13	Oklahoma National Slate Delegate, Daniel Hensch	)
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14	Oklahoma National Slate Delegate, Leslie Todd	)
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15	Bigham	)
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16	Oklahoma Alternate National Slate Delegate, John	)
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17	Casimir Kucewicz, Jr.	)
		)
18	Oregon National Delegate, Duane Taylor	)
		)
19	Oregon Alternate National Delegate/National	)
		)
20	Elector to Electoral College, Kevin Renfrow	)
		)
21	Oregon At Large National Delegate, Lyn Riverstone	)
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22	Oregon Alternate National Delegate, Jason Payne	)
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23	Oregon At Large National Delegate, Larry Ericksen	)
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24	Oregon At Large National Delegate, Diana	)
		)
25	Hengerer	)

1	Texas National At Large Delegate, Alan Johnson	)
2	Texas National Delegate, Jay Stang	)
3	Texas National Delegate, Hector Medina	)
4	Texas Congressional District Delegate, Mike Reyes	)
5	Texas National Delegate, Chris J. Brown	)
6	Texas Alternate National Delegate, Shawn	)
7	Mendoza	)
8	Texas Alternate National Delegate, Edward Beck	)
9	Texas Alternate National Delegate, Isabel Gonzalez	)
10	Alabama State Delegate, Loretta Roughton	)
11	Alaska State Delegate, Daryl Lanzon	)
12	Arizona State Delegate, Virginia Guest	)
13	Arizona State Delegate, Pepper Draper	)
14	Arizona Alternate State Delegate, Annette	)
15	Hardman	)
16	Arizona State Delegate, Stacey Salvaggio	)
17	Arizona State Delegate, Gary Benkendorfer	)
18	Arizona State Delegate, Devin Tate	)
19	Arizona State Delegate, Gabrielle Tate	)
20	Arizona State Delegate, Seraphim Larsen	)
21	Arizona State Delegate, Cary Lockwood	)
22	Arizona State Delegate, David Petersen	)
23	Arizona State Delegate, Dara Vanesian	)
24	Arizona State Delegate, Karen Johnson	)
25	Arizona Pending Delegate, Jake Reed	)



1	Arizona State Delegate, Dr. Gary Miller	)
2	Arizona State Delegate, Lee Draper	)
3	Arizona State Delegate, Tom Platt	)
4	Arizona State Delegate, Mary Platt	)
5	Arizona State Delegate, Lorrie Mills-Morse	)
6	Arizona State Delegate, Marko Trickovic	)
7	Arizona State Delegate, Ashley W. Pritchard	)
8	Arizona State Delegate, Pat Petrini	)
9	Arizona State Delegate, Emily Sabo	)
10	Arizona State Delegate, Renea Rolwes	)
11	Arizona State Delegate, Cyndi Nichols	)
12	Arizona State Delegate, Erica Gardner	)
13	Arizona State Delegate, Jason C. Tillmann	)
14	Arizona State Delegate, Clair Van Steenwyk	)
15	Arizona State Delegate, Jeff Bales	)
16	Arizona State Delegate, Richard Mooneyham	)
17	Arizona State Delegate, William Goode	)
18	Arizona State Delegate, Delmas E. Dawley	)
19	Arizona State Delegate, Joan Lewis	)
20	Arizona State Delegate, Shondean Coochise	)
21	Arizona State Delegate, Crystal Coochise	)
22	Arizona State Delegate, Mervin Fried	)
23	Arizona State Delegate, Al Diccio	)
24	Arizona State Delegate, Craig Urling	)
25	Arizona State Delegate, Ken R. Rineer	)

1	Arizona State Delegate, Michael Eilertsen	)
2	Arizona State Delegate, Harold Shull	)
3	Arizona State Delegate, Jeanne Manwiller	)
4	Arizona State Delegate, Samuel Diggins	)
5	Arizona State Delegate, Laura Hatton	)
6	Colorado State Delegate, Timothy Branthoover	)
7	Colorado State Delegate, Bill Holness	)
8	Colorado County Delegate, Jobadiah Weeks	)
9	Iowa County Delegate, Edward True	)
10	Illinois State Delegate, Matthew Blick	)
11	Illinois State Delegate, Brien Poutry	)
12	Illinois State Delegate, James Benzik	)
13	Georgia District Delegate, Claudio Avendano	)
14	Georgia District Delegate, Barbara Dunne	)
15	Georgia District Delegate, Donald Woodward	)
16	Georgia District Delegate, Shirley Woodward	)
17	Georgia District Delegate, Nancy Holtzclaw	)
18	Georgia District Delegate, Bob Holzclaw	)
19	Georgia District Delegate, Jimmy Dalton	)
20	Georgia District Delegate, Geralyn Daniel	)
21	Georgia District Delegate, Sonja Casey	)
22	Georgia District Delegate, David James	)
23	Georgia District Delegate, Gerel Barlett	)
24	Georgia County Delegate, Aaron Guyton	)
25	Georgia County Delegate, Pasty Cuson	)

1	Georgia District Delegate, Lynn Warburton	)
2	Georgia District Delegate, Randy Beacham	)
3	Georgia District Delegate, Charles Flanagan	)
4	Georgia District Delegate, Nancy Fabbri	)
5	Georgia District Delegate, Louie Fabbri	)
6	Georgia District Delegate, Larry S. O' Bryant	)
7	Georgia District Delegate, Mark Alarcon	)
8	Georgia County Delegate, Kalynn Alarcon	)
9	Georgia District Delegate, Ted Metz	)
10	Georgia District Delegate, Benjamin Mihalski	)
11	Georgia District Delegate, Christopher Lamey	)
12	Georgia District Delegate, Valorie McLain	)
13	Georgia District Delegate, Marilyn Watts	)
14	Georgia District Delegate, Lane Watts	)
15	Georgia District Delegate, Teresa B. Swensson	)
16	Georgia State Delegate, Carl A. Swensson	)
17	Georgia District Delegate, Amanda M. Eskew	)
18	Georgia District Delegate, Richard C. Eskew	)
19	Michigan Alternate State Delegate, Michael	)
20	Chaffee	)
21	Missouri State Delegate, Matthew Hay	)
22	Maine State Delegate, Michael Ferreira	)
23	Arizona State Delegate, Laura Hatton	)
24	Texas State Delegate, Matt Sistruck	)
25	Alabama Delegate, Loretta Roughton	)

1	Alabama Resident, Michael Ramzy	)
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2	Alaska Delegate, Daryl Lanzon	)
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3	Alaska Delegate, Barbara Andersen	)
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4	Arizona Delegate, Virginia Guest	)
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5	Arizona Delegate, Pepper Draper	)
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6	Arizona Delegate, Annette Hardman	)
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7	Arizona Delegate, Stacey Salvaggio	)
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8	Arizona Delegate, Gary Benkendorfer	)
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9	Arizona Delegate, Matt Papke	)
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10	Arizona Delegate, Devin Tate	)
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11	Arizona Delegate, Gabrielle Tate	)
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12	Arizona Delegate, Seraphim Larsen	)
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13	Arizona Delegate, Anna Larsen	)
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14	Arizona Delegate, Cary Lockwood	)
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15	Arizona Delegate, David Petersen	)
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16	Arizona Delegate, Dara Vanesian	)
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17	Arizona Delegate, Karen Johnson	)
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18	Arizona Delegate, Jake Reed	)
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19	Arizona Delegate, Blythe Guvenen	)
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20	Arizona Delegate, Dr. Gary Miller	)
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21	Arizona Delegate, Lee Draper	)
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22	Arizona Delegate, Tom Platt	)
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23	Arizona Delegate, Mary Platt	)
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24	Arizona Delegate, Lorrie Mills-Morse	)
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25	Arizona Delegate, Marko Trickovic	)

1	Arizona Delegate, Ashley W. Pritchard	)
2	Arizona Delegate, Pat Petrini	)
3	Arizona Delegate, Emily Sabo	)
4	Arizona Delegate, Joey Hardman	)
5	Arizona Delegate, Renea Rolwes	)
6	Arizona Delegate, Cyndi Nichols	)
7	Arizona Delegate, Alex Judd	)
8	Arizona Delegate, Erica Gardner	)
9	Arizona Delegate, Jason C. Tillmann	)
10	Arizona Delegate, Clair Van Steenwyk	)
11	Arizona Delegate, Jeff Bales,	)
12	Arizona Delegate, Richard Mooneyham	)
13	Arizona Delegate, Cassandra Mooneyham	)
14	Arizona Delegate, William Goode	)
15	Arizona Delegate, Delmas E. Dawley	)
16	Arizona Delegate, Joan Lewis	)
17	Arizona Delegate, Shondean Coochise	)
18	Arizona Delegate, Crystal Coochise	)
19	Arizona Delegate, Mervin Fried	)
20	Arizona Delegate, Al Diccio	)
21	Arizona Delegate, Craig Urling	)
22	Arizona Delegate, Ken R. Rineer	)
23	Arizona Delegate, Michael Eilertsen	)
24	Arizona Delegate, Harold Shull,	)
25	Arizona Delegate, Jeanne Manwiller	)

1	Arizona Delegate, Joanne Diggins	)
2	Arizona Delegate, Samuel Diggins	)
3	Arizona Delegate, Paul Diggins	)
4	Arizona Delegate, Laura Hatton	)
5	Colorado Delegate, Timothy Branthoover	)
6	Colorado Delegate, Robert Eskenberry	)
7	Colorado Delegate, Jobadiah Weeks	)
8	Colorado Alternate Delegate, Judy Spady	)
9	Colorado Delegate, Bill Holness	)
10	Iowa Delegate, Edward True	)
11	Illinois Delegate, Matthew Blick	)
12	Illinois Delegate, Brien Poutry	)
13	Illinois Delegate, James Benzik	)
14	Florida Delegate, Gerri Weits	)
15	Georgia Delegate, Sahar Hekmati	)
16	Georgia Delegate, Claudio Avendano	)
17	Georgia Delegate, Amanda Parsons	)
18	Georgia Delegate, Barbara Dunne	)
19	Georgia Delegate, Donald Woodward	)
20	Georgia Delegate, Shirley Woodward	)
21	Georgia Delegate, Nancy Holtzclaw	)
22	Georgia Delegate, Bob Holzclaw	)
23	Georgia Delegate, Cheryl Dalton	)
24	Georgia Delegate, Jimmy Dalton	)
25	Georgia Delegate, GERALYN DANIEL	)

1	Georgia Delegate, Sonja Casey	)
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2	Georgia Delegate, David James	)
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3	Georgia Delegate, Gerel Barlett	)
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4	Georgia Delegate, Aaron Guyton	)
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5	Georgia Delegate, Pasty Cuson	)
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6	Georgia Delegate, Lynn Warburton	)
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7	Georgia Delegate, Randy Beacham	)
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8	Georgia Delegate, Charles Flanagan	)
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9	Georgia Delegate, Nancy Fabbri	)
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10	Georgia Delegate, Louie Fabbir	)
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11	Georgia Delegate, Larry S. O' Bryant	)
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12	Georgia Delegate, Mark Alarcon	)
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13	Georgia Delegate, Kalynn Alarcon	)
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14	Georgia Delegate, Ted Metz	)
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15	Georgia Delegate, Benjamin Mihalski	)
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16	Georgia Delegate, Christopher Lamey	)
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17	Georgia Delegate, Valorie McLain	)
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18	Georgia Delegate, Marilyn Watts	)
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19	Georgia Delegate, Lane Watts	)
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20	Georgia Delegate, Teresa B. Swensson	)
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21	Georgia Delegate, Carl A. Swensson	)
		)
22	Georgia Delegate, Amanda M. Eskew	)
		)
23	Georgia Delegate, Richard C. Eskew	)
		)
24	Louisiana Delegate, Scott Chiavetta	)
		)
25	Massachusetts Delegate, Renato D'Amico	)

1	Massachusetts Delegate, John Aaron MeKeon	)
2	Michigan Delegate, Michael Chaffee	)
3	Michigan Delegate, Tammy Cech	)
4	Michigan Delegate, William Bevan	)
5	Missouri Delegate, Lynn Kempen	)
6	Missouri Delegate, Matthew Hay	)
7	South Carolina Delegate, John Perna	)
8	New Jersey Delegate, Nathan Mooney	)
9	Nevada Delegate, Jacqlyn Smith	)
10	Nevada Delegate, F. Marie Hardenbrook	)
11	Nevada Delegate, Kristene Honzik	)
12	Texas Delegate, Matt Sistruck	)
13	Alabama Resident, Jason Williams	)
14	Maine Delegate, Michael Ferreira	)
15	Maine Delegate, Michael McDonald	)
16	Georgia Delegate, Ying Li	)
17	Arizona Delegate, Cody Whitaker	)
18	Arizona Delegate, Laura Hatton	)
19	California Delegate, David Duffina	)
20	California Delegate, Chris Saraceni	)
21	California Delegate, John Joseph Vargo	)
22	Colorado National Delegate, Florence Sebern	)
23	Iowa National Delegate, Roger Leahy	)
24	Maine National Delegate, Landon St. Peter	)
25	Maine National Delegate, Bryan Daugherty	)



1	Nevada At-Large National Delegate, Blake	)
		)
2	Buffington	)
		)
3	Nevada State Delegate, James M. Benthin	)
		)
4	New Mexico Alternate National Delegate, Barbara	)
		)
5	Miller	)
		)
6	Oklahoma Alternate National Slate Delegate, Glen	)
		)
7	Sherwin	)
		)
8	Oklahoma State Delegate, Scott Esk	)
		)
9	Oregon At-Large National Delegate, Lucas Willms	)
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10	Oregon Alternate National Delegate, Elaine Smith	)
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11	Texas Alternate, National Delegate Jason Marshall	)
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12	Kute	)
		)
13	Texas National Delegate, Brad McCally	)
		)
14	Vermont Alternate National Delegate, Edward	)
		)
15	Pomicter, MD	)
		)
16	California Resident, Francois Chaquette	)
		)
17	Nevada State Delegate Van Pete Claytor	)
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18	Nevada State Delegate Todd Smith	)
		)
19	California Resident Francois Chaquette	)
		)
20	Nevada State Delegate Nick Riley	)
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21	Nevada State Delegate Sandra Bellizzi	)
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22	Nevada State Delegate Mila Farrell	)
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23	Nevada State Delegate Brian Doyal	)
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24	Nevada State Delegate Christopher McMasters	)
		)
25	Nevada State Delegate Mark Russell	)

1 Nevada State Delegate Robert Walker )  
2 Nevada State Delegate Mitra Akhavan )  
3 California State Delegate Paul Henson )  
4 Nevada State Delegate Tyrone Nemeth )  
5 Nevada State Delegate Chad Kortan )  
6 Nevada Alternate Delegate Thomas Hoops )  
7 Nevada Delegate Patrick Kerby )  
8 Nevada State Delegate James M. Benthin )  
9 Nevada State Delegate Eric Rainey )  
10 Nevada State Delegate Washoe County Delegate )  
11 Nevada State Delegate James N. Ayala )  
12 Missouri State Delegate Michael L. Smith )  
13 California State Delegate James L. Rushing )  
14 Nevada State Delegate Heidi Waterman )  
15 Nevada State Delegate Kenneth Bent )  
16 )  
17 **Plaintiffs,** )  
18 **vs.** )  
19 )  
20 Republican National Committee )  
21 Reince Priebus, as Chairman of the Republican )  
22 National Committee, )  
23 Alabama Republican Party )  
24 Bill Armistead, as Chairman of the Alabama )  
25 Republican Party Chairman )

1	Alaska Republican Party	)
2	Randy Ruedrich, as Chairman of the Alaska	)
3	Republican Party Chairman	)
4	Republican Party of American Samoa	)
5	Mr. Victor Tofaeono, as Chairman of the	)
6	Republican Party of American Samoa	)
7	Arizona Republican Party	)
8	Tom Morrissey, as Chairman of the Arizona	)
9	Republican Party	)
10	Arkansas Republican Party	)
11	Doyle Webb, as Chairman of the Arkansas	)
12	Republican Party	)
13	California Republican Party	)
14	Tom Del Beccaro, as Chairman of the	)
15	California Republican Party	)
16	Colorado Republican Committee	)
17	Ryan Call, as Chairman of the Colorado	)
18	Republican Committee	)
19	Republican Party of Connecticut	)
20	Jerry Labriola, Jr, as Chairman of the	)
21	Republican Party of Connecticut	)
22	Delaware State Republican Party	)
23	John Sigler, as Chairman of the Delaware State	)
24	Republican Party	)
25	District of Columbia Republican Party	)

1 Bob Kabel, as Chairman of the District of  
2 Columbia Republican Party  
3 Republican Party of Florida  
4 Lenny Curry, as Chairman of the Republican  
5 Party of Florida  
6 Georgia Republican Party  
7 Sue P. Everhart, as Chairwoman of the  
8 Georgia Republican Party  
9 Republican Party of Guam  
10 Mike Benito, as Chairman of the Republican  
11 Party of Guam  
12 Hawaii Republican Party  
13 David Chang, as Chairman of the Hawaii  
14 Republican Party  
15 Republican Party of Idaho  
16 Norm Semanko, as Chairman of the  
17 Republican Party of Idaho  
18 Illinois Republican Party  
19 Pat Brady, as Chairman of the Illinois  
20 Republican Party  
21 Indiana Republican Party  
22 Eric Holcomb, as Chairman of the Indiana  
23 Republican Party  
24 Republican Party of Iowa  
25 Matt Strawm/AJ Spiker, as Chairman of the

1	Republican Party of Iowa	)
		)
2	Republican Party of Kansas	)
		)
3	Amanda Adkins, as Chairman of the	)
		)
4	Republican Party of Kansas	)
		)
5	Republican Party of Kentucky	)
		)
6	Steve Robertson, as Chairman of the	)
		)
7	Republican Party of Kentucky	)
		)
8	Republican Party of Louisiana	)
		)
9	Roger Villere, as Chairman of the Republican	)
		)
10	Party of Louisiana	)
		)
11	Maine Republican Party	)
		)
12	Charlie Webster, as Chairman of the Maine	)
		)
13	Republican Party	)
		)
14	Republican Party of Maryland	)
		)
15	Alex X. Mooney, as Chairman of the	)
		)
16	Republican Party of Maryland	)
		)
17	Massachusetts Republican Party	)
		)
18	Robert Maginn, as Chairman of the	)
		)
19	Massachusetts Republican Party	)
		)
20	Michigan Republican Party	)
		)
21	Robert Schostak, as Chairman of the Michigan	)
		)
22	Republican Party	)
		)
23	Republican Party of Minnesota	)
		)
24	Pat Shortridge, as Chairman of the Republican	)
		)
25	Party of Minnesota	)

1	Mississippi Republican Party	)
2	Joe Nosef, as Chairman of the Mississippi	)
3	Republican Party	)
4	Missouri Republican Party	)
5	David Cole, as Chairman of the Missouri	)
6	Republican Party	)
7	Montana Republican Party	)
8	Wes Deschamps, as Chairman of the Montana	)
9	Republican Party	)
10	Nebraska Republican Party	)
11	Mark Fahleson , as Chairman of the Nebraska	)
12	Republican Party	)
13	Republican Party of New Hampshire	)
14	Nevada Republican Party	)
15	Michael McDonald, as Chairman of the	)
16	Nevada Republican Party	)
17	Republican Party of New Hampshire	)
18	Wayne MacDonald, as Chairman of the	)
19	Republican Party of New Hampshire	)
20	New Jersey Republican Party	)
21	Mayor Samuel Raia, as Chairman of the New	)
22	Jersey Republican Party	)
23	Republican Party of New Mexico	)
24	Monty Newman, as Chairman of the	)
25	Republican Party of New Mexico	)

1 Republican Party of New York State )  
2 Edward F. Cox, as Chairman of the Republican )  
3 Party of New York State )  
4 North Carolina Republican Party )  
5 Robin Hayes, as Chairman of the North )  
6 Carolina Republican Party )  
7 North Dakota Republican Party )  
8 Stan Stein, as Chairman of the North Dakota )  
9 Republican Party )  
10 Republican Party of the Northern Marianas )  
11 Islands )  
12 Gov. Benigno Fitia, as Chairman of the )  
13 Republican Party of the Northern Marianas )  
14 Islands )  
15 Ohio Republican Party )  
16 Robert T. Bennett, as Chairman of the Ohio )  
17 Republican Party )  
18 Oklahoma Republican Party )  
19 Matt Pinnell, as Chairman of the Oklahoma )  
20 Republican Party )  
21 Oregon Republican Party )  
22 Allen Alley, as Chairman of the Oregon )  
23 Republican Party )  
24 Republican Party of Pennsylvania )  
25 Rob Gleason, as Chairman of the Republican )

1	Party of Pennsylvania	)
		)
2	Republican Party of Puerto Rico	)
		)
3	Hon. Carlos Mendez, as Chairman of the	)
		)
4	Republican Party of Puerto Rico	)
		)
5	Rhode Island Republican Party	)
		)
6	Mark Zaccaria, as Chairman of the Rhode	)
		)
7	Island Republican Party	)
		)
8	South Carolina Republican Party	)
		)
9	Chad Connelly, as Chairman of the South	)
		)
10	Carolina Republican Party	)
		)
11	South Dakota Republican Party	)
		)
12	Tim Rave, as Chairman of the South Dakota	)
		)
13	Republican Party	)
		)
14	Tennessee Republican Party	)
		)
15	Chris Devaney, as Chairman of the Tennessee	)
		)
16	Republican Party	)
		)
17	Texas Republican Party	)
		)
18	Steve Munsteri, as Chairman of the Texas	)
		)
19	Republican Party	)
		)
20	Utah Republican Party	)
		)
21	Thomas Wright, as Chairman of the Utah	)
		)
22	Republican Party	)
		)
23	Vermont Republican Party	)
		)
24	Jack Lindley, as Chairman of the Vermont	)
		)
25	Republican Party	)



1 Republican Party of Virginia )  
2 Hon. Pat Mullins, as Chairman of the )  
3 Republican Party of Virginia )  
4 Washington State Republican Party )  
5 Kirby Wilbur as Chairman of the Washington )  
6 State Republican Party )  
7 Republican Party of West Virginia )  
8 Mike Stuart, as Chairman of the Republican )  
9 Party of West Virginia )  
10 Republican Party of Wisconsin )  
11 Brad Courtney, as Chairman of the Republican )  
12 Party of Wisconsin )  
13 Republican Party of Wyoming )  
14 Tammy Hooper, as Chairman of the )  
15 Republican Party of Wyoming )  
16 And Does 1 Through 10 inclusive. )  
17 **Defendants .** )

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Plaintiffs are 121 National Delegates, Alternate National Delegates, and 205 State Delegates who elected National Delegates all with standing to be Plaintiffs in this case pursuant to Federal Law discussed herein. The National Delegates and Alternate National Delegates are listed on Attachment 1 to the Motion to Intervene filed with the Court. The remaining Plaintiffs listed in the original filed Complaint on June 11, 2012, include six National Delegates and 117 State Delegates. All National Delegate Plaintiffs are elected to vote in a Federal Election as part of the Republican National Convention commencing during the week of August 27, 2012, for the purpose of nominating a candidate for President of the United States and a candidate for Vice President of the United States.

Defendant, Republican National Committee (hereafter RNC) and its Chairman, Reince Priebus, conduct business in all states within the Ninth Circuit of the Federal Court.

All other Defendants are State Republican Party Organizations participating in a Federal Election for the purpose of nominating a candidate for President of the United States and a candidate for Vice President of the United States.

1 A National Convention of a political party that convenes for the purpose of selecting  
2 nominees for Federal Office such as President and Vice President of the United States is subject to  
3 the Voting Rights Statutes commencing with 42 USC 1971 and US Supreme Court Decisions  
4 regarding delegates and their right to be unbound to vote their conscience free from any intimidation  
5 from any person or entity.

6 Plaintiffs come to Federal Court to seek the guidance of the Court regarding the Federal  
7 Question as to whether Plaintiffs are free to vote their conscience on the first and all ballots at the  
8 Federal Election known as the Republican National Convention or whether Plaintiffs are bound to  
9 vote for a particular candidate as instructed by Defendants' State Party Bylaws, or State Laws, or the  
10 preference of political operatives seeking affidavits of loyalty to a particular candidate under penalty  
11 of perjury.

12 Plaintiffs do not seek any reimbursement for Court Fees and Plaintiffs do not seek any  
13 award of Attorney Fees. Plaintiffs seek only the guidance of the court and Injunction Relief as set  
14 forth herein.

15 Plaintiffs will not appeal the guidance of this Court if guidance is given as to what law  
16 governs.

#### 17 THE FEDERAL LAW

18 The Federal Laws are as follows:

19 11 CFR 100.2(e): Defining a national convention as a "Federal Election" for the  
20 purpose of electing a candidate for federal office. Which states:

21  
22 "(e) Caucus or Convention. A caucus or convention of a political party  
23 is an election if the caucus or convention has the authority to select a  
24 nominee for federal office on behalf of that party."

25  
26 Hence, State Delegates have standing as Plaintiffs to seek the guidance of the Court.

27  
28 and

1 42 USC 1971 - Sec. 1971. Voting rights. Which states:  
2

3 “No person, whether acting under color of law or otherwise, shall  
4 intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce  
5 any other person for the purpose of interfering with the right of such  
6 person to vote or to vote as he may choose, or of causing such other person  
7 to vote for, or not to vote for, any candidate for the office of President.”  
8

9 Notwithstanding the clarity of the above Federal Laws the Republican National Committee  
10 and its Chairman, Reince Priebus, and Defendants are acting to obstruct, intimidate, and harass  
11 Delegates from voting their conscience. These Defendants have intentionally violated Federal Laws  
12 and Supreme Court Decisions by seeking to bind Delegates to the Candidate of Defendants’ choice  
13 and these Defendants have refused to follow Federal Law.

14 No candidate can be assured that they are the nominee until the Delegates vote because the  
15 Delegates have a statutory and Constitutional Right to vote their conscience.

16 For purposes of the Federal question before the Court, all RNC Rules are irrelevant  
17 because of the Doctrine of Pre-emption pursuant to Article 2 of the U.S. Constitution, the  
18 Supremacy Clause, as well as a plethora of Federal Statutory Law and Case Law make the Federal  
19 Laws dispositive of the Federal question before the Court. All State Party Rules and State Laws are  
20 irrelevant.

21 Plaintiffs allege that in almost every state in the United States Defendants engaged in a  
22 scheme to intimidate and harass Delegates who were supporting a Candidate that Defendants did not  
23 approve of. This harassment included the use of violence, intimidating demands that Delegates sign  
24 affidavits under penalty of perjury with the threat of criminal prosecution for perjury as well as  
25 financial penalties and fines if the Delegate fails to vote as instructed by Defendants rather than vote  
26 the Delegate’s conscience as mandated by the US Statutes and US Supreme Court Decisions.

27 Defendants have further harassed and intimidated Plaintiffs with untimely Rule changes  
28 designed to deny a quorum or to manipulate Delegates supporting a particular Candidate to be

1 deprived of a fair election in furtherance of a scheme to deny Plaintiffs the right to vote their  
2 conscience on all ballots.

3 Defendants have used threats of violence against Plaintiffs who support a Candidate  
4 Defendants do not approve of to harass and intimidate said Delegates from voting their conscience.

5 Defendants have unlawfully used State Bylaws and in some cases State Laws to harass and  
6 intimidate Delegates from voting their conscience.

7 Defendants have refused to Certify Delegates who were properly elected to support a  
8 certain Candidate that Defendants did not approve of.

9 Defendants have altered the voting ballot results to fraudulently reflect an outcome that is  
10 inconsistent with the actual voting ballot results for the purpose of certifying a fraudulently selected  
11 slate of Delegates to support the Candidate of Defendants choice rather than the Delegates properly  
12 elected all to prevent Plaintiffs from voting their conscience.

13 For the reasons stated herein Plaintiffs will suffer irreparable harm if the evidence of the  
14 wrongful conduct of the Defendants related to the above voting and Delegate selection issues are not  
15 preserved by the Court. Therefore, Plaintiffs request a Preliminary Injunction ordering Defendants  
16 to preserve all ballots cast at their State Conventions / Caucuses including all voting machines, the  
17 computer programs for all voting machines, any and all records related to the counting of the  
18 ballots, and any and all records related to any Rules, Rule changes made within 30 days of the  
19 Convention / Caucuses, including the day of the Convention / Caucus. Defendants did this as part  
20 of a scheme to prevent Plaintiffs from voting their conscience.

21 The fact that the Republican Party is a private organization becomes legally irrelevant  
22 when the party convenes a National Convention for the purpose of selecting a candidate for Federal  
23 Office, in this case, President and Vice President of the United States. For all purposes the  
24 convention is an "election" subject to Supreme Court case decisions and Federal Statutory Law.

25 The Convention of a national political party is a "Federal Election" subject to the laws  
26 established by the United States Supreme Court and the Legislative Branch of the Federal  
27 Government when signed into law by the President of the United States.  
28

1 U.S. Supreme Court Decisions and Federal Statutory Law preempt any contradictory Party  
2 Rule or State Law that attempts to deny a Delegate the right to vote in accordance with their own  
3 conscience free from any attempt to bind the Delegate to vote for a particular candidate.  
4

5 42 USC 1971(e) the word "vote" means all action necessary to make a vote  
6 effective.  
7

8 The United State Supreme Court held in *Morse v. Republican Party of Va.* 517 U.S. 186  
9 (1985) that an interference in the right of a Delegate to vote in accordance with the Delegate's own  
10 conscience undermines the effectiveness of the vote. Several Supreme Court cases similarly hold.  
11 The High Court held that all Congressional Statutes in Law must be fully implemented.  
12

13 Section 108.7 Effect on State Law (2 U.S.C. 453).  
14

15 (a) The provisions of the Federal Election Campaign Act of 1971, as  
16 amended, and rules and regulations issued thereunder, supersede and  
17 preempt any provision of State law with respect to election to Federal  
18 office.  
19

20 Section 100.2 Election (2 U.S.C. 431(1)).  
21

22 (a) Election means the process by which individuals, whether opposed or  
23 unopposed, seek nomination for election, or election, to Federal office.  
24 The specific types of elections, as set forth at 11 CFR 100.2 (b), (c), (d),  
25 (e) and (f) are included in this definition.  
26

27 (b) General election. A general election is an election which meets either  
28 of the following conditions:

1 (1) An election held in even numbered years on the  
2 Tuesday following the first Monday in November is a  
3 general election.

4  
5 (2) An election which is held to fill a vacancy in a Federal  
6 office (i.e., a special election) and which is intended to  
7 result in the final selection of a single individual to the  
8 office at stake is a general election. See 11 CFR 100.2(f).

9  
10 (c) Primary election. A primary election is an election which meets one of  
11 the following conditions:

12  
13 (1) An election which is held prior to a general election, as  
14 a direct result of which candidates are nominated, in  
15 accordance with applicable State law, for election to  
16 Federal office in a subsequent election is a primary  
17 election.

18  
19 (2) An election which is held for the expression of a  
20 preference for the nomination of persons for election to the  
21 office of President of the United States is a primary  
22 election.

23  
24 (3) An election which is held to elect delegates to a national  
25 nominating convention is a primary election.

26  
27 (4) With respect to individuals seeking federal office as  
28 independent candidates, or without nomination by a major

1 party (as defined in 26 U.S.C. 9002(6)), the primary  
2 election is considered to occur on one of the following  
3 dates, at the choice of the candidate:  
4

5 (i) The day prescribed by applicable State law as the  
6 last day to qualify for a position on the general  
7 election ballot may be designated as the primary  
8 election for such candidate.  
9

10 (ii) The date of the last major party primary  
11 election, caucus, or convention in that State may be  
12 designated as the primary election for such  
13 candidate.  
14

15 (iii) In the case of non-major parties, the date of the  
16 nomination by that party may be designated as the  
17 primary election for such candidate.  
18

19 (5) With respect to any major party candidate (as defined at  
20 26 U.S.C. 9002(6)) who is unopposed for nomination  
21 within his or her own party, and who is certified to appear  
22 as that party's nominee in the general election for the office  
23 sought, the primary election is considered to have occurred  
24 on the date on which the primary election was held by the  
25 candidate's party in that State.  
26  
27  
28

///



1 Code of Federal Regulations 38:

2  
3 (e) Caucus or Convention. A caucus or convention of a political party is an  
4 election if the caucus or convention has the authority to select a nominee  
5 for federal office on behalf of that party.  
6

7 In a Memorandum prepared by legal counsel for the RNC, legal counsel agrees with the  
8 legal arguments that Delegates are free to vote their conscience on all ballots. [A true and correct  
9 copy is attached hereto as Exhibit A.]

10 This Federal Lawsuit is made necessary because the RNC and its Chairman are violating  
11 these laws and are promoting and tolerating efforts to bind Delegates to a particular candidate  
12 instead of protecting Delegates from the intimidation Delegates are being subjected to in States  
13 throughout the Nation. Indeed, the RNC and its Chairman, and Defendants rely upon the violation  
14 of these laws to intimidate Delegates in support of the RNC's position that Governor Romney is the  
15 nominee of the Party when Governor Romney does not have the minimum number of delegates and  
16 no vote has yet taken place and the Convention has not begun. There is no historical precedent that  
17 Delegates must be bound. In 2008, at the Republican National Convention which nominated  
18 John McCain for President, a Delegate who was purportedly bound to vote for Governor Romney  
19 exercised his independent conscience on the first ballot and cast his vote for John McCain.  
20 Defendant RNC recognized the right of the Delegate to vote his conscience and registered the vote  
21 for John McCain. Hence, the precedent is that the RNC does not recognize a rule of bound  
22 Delegates as evidenced by Exhibit A to this Complaint and the practice in 2008 at the National  
23 Convention.

24 Plaintiffs are Delegates elected to nominate The Republican Nominee for President of The  
25 United States at a Convention to be held commencing the week of August 27, 2012, in Tampa,  
26 Florida.

27 Although U. S. Supreme Court Cases hold that a Convention for this purpose is subject to  
28 Federal Law, The Republican National Committee and State Republican Parties have intimidated all

1 Delegates to become bound to one candidate thereby denying all Delegates their Constitutional and  
2 Statutory Right to vote their conscience.

3 Many Delegates are required to sign Affidavits under Penalty of Perjury declaring the  
4 Delegate agrees to be bound to one candidate. Fines and criminal prosecutions are threatened  
5 against Delegates if they fail to vote as told rather than vote their conscience.

6 Delegates who refuse to sign the Affidavit are told they may not serve as Delegates,  
7 although they were duly elected. Plaintiff Renato D'Amico is a Massachusetts duly elected  
8 National Delegate who refused to sign an Affidavit presented by Defendant Republican Party of  
9 Massachusetts swearing under penalty of perjury that he would vote for Governor Romney although  
10 this Plaintiff was elected to vote for Ron Paul. Said Defendant has no Party Rule that permits such  
11 an Affidavit nor such an ultimatum, nor has said Defendant ever required such an Affidavit in the  
12 past. Said Plaintiff requests an order of this Court restoring said Plaintiff as a duly elected Certified  
13 National Delegate to the Massachusetts Delegation to the National Convention in Tampa this  
14 August 2012.

15 In Massachusetts at least 17 Delegates duly elected were ordered to sign under penalty of  
16 perjury an affidavit swearing allegiance to vote for Governor Romney. When the Delegates refused,  
17 as was their right under Federal Law, all 17 or more Delegates were unlawfully removed from their  
18 status as Certified Delegates. Plaintiff Renado D'Amico is a duly elected National Delegate from  
19 the State of Massachusetts who was unlawfully removed from the State Delegation when he refused  
20 to sign the unlawful affidavit. Plaintiffs request an order of this Court reinstating Plaintiff Renado  
21 D'Amico to his duly elected position as a Certified National Delegate from the State of  
22 Massachusetts and further requests that all Massachusetts Delegates be reinstated who were  
23 removed solely for refusing to sign the unlawful Affidavit.

24 Certain Delegates have already been denied their credentials because they will not sign  
25 such an affidavit.

26 Plaintiffs seek a remedy for a Court Order compelling The RNC and Each State Party  
27 Defendant To Inform In Writing by serving a copy of the Order the Court makes Notifying every  
28 Delegate that in accordance with United States Supreme Court Decisions and Federal Statutes all

1 Delegates at all times are free to vote their conscience for any candidate they choose by their own  
2 conscience on all ballots.

3 Plaintiffs further seek an Order that any Delegate who has been denied their seat on their  
4 State Delegation for refusing to submit to surrender their free will to vote their conscience be  
5 restored to their Delegation and certified.

6 Plaintiffs further seek an Order Prohibiting the RNC and Each State Party Defendant from  
7 attempting to intimidate with threats of fines or criminal prosecution of any delegate who chooses to  
8 vote their conscience on the First or any subsequent ballot pursuant to Federal Civil Procedures  
9 Rule 65.

10 Plaintiffs allege there has been a systematic campaign of election fraud at State  
11 Conventions including programing a voting machine in Arizona to count Ron Paul votes as  
12 Governor Romney votes; ballot stuffing, meaning the same person casting several ballots in several  
13 states; altering and falsifying ballot totals for each candidate; the use of violence at several State  
14 Conventions; altering procedural rules to prevent votes being cast for Ron Paul, all as acts of  
15 intimidation to prevent National Delegates from voting their conscience.

16 For the reasons stated in the previous paragraph, Plaintiffs seek an order of the Court that  
17 each named Defendant maintain all ballots cast, all documents reflecting the counting of votes and  
18 vote totals, all voting machines and their computer programs until further order of the Court to  
19 protect the sanctity of the evidence of election fraud that has taken place in several of the States.

20 Plaintiffs do not seek any award of attorney fees or court costs or monetary relief of any  
21 kind. Given that Plaintiffs only ask that the Rule of Law set forth in United States Supreme Court  
22 Cases and Federal Statutes be ordered to be complied with and that all of the ballots and voting  
23 machines as set forth in the previous paragraphs be preserved until further order of the Court.  
24 Hence, Defendants have no financial issues to defend and no meritorious legal issues that  
25 Defendants could submit to this Court that are contra to the legal Points and Authorities presented.

26 Plaintiffs are suffering irreparable harm because their right to vote in accordance with their  
27 conscience on the first and all ballots of the Convention is being impeded by threats of monetary  
28 fines, criminal sanctions, and / or removal from their status as a Certified Delegate to participate in

1 the Convention unless they submit to State Party Rules, State Laws, or the demands of political  
2 operatives requiring signatures on affidavits promising to be bound to a particular candidate under  
3 penalty of perjury, all in violation of U.S. Federal Statutes and Supreme Court Rulings.

4 Since the filing of the Complaint Plaintiffs have been harassed with threats to withdraw as  
5 Plaintiffs or they will be subjected to further harassment and intimidation or they will be removed  
6 from their status as Certified Delegates to the National Convention.

7 Without the Orders requested from this Court, Plaintiffs will be denied their right to vote in  
8 accordance with their conscience on the first and all ballots of the Federal Election that is the  
9 Convention of the Republican Party set to commence during the week of August 27, 2012, in  
10 Tampa, Florida.

11 Plaintiffs, for the reasons set forth herein, and the reasons set forth in the Affidavits filed  
12 with this Court are living in great fear for their personal safety now and at the Convention. Bones  
13 have been broken. A gun has been used to threaten a Plaintiff to vote as ordered while inside of a  
14 school. Plaintiffs have been followed. Plaintiffs have been threatened with future life-time  
15 harassment if Plaintiffs do not vote as directed. Plaintiffs have been threatened to remove their  
16 names from this lawsuit or face adverse consequences. Plaintiffs request an order of this Court that  
17 the Court retain jurisdiction until a substantial time past the Convention and into the future to  
18 protect the personal safety of Plaintiffs and to assure that any order this Court makes is complied  
19 with by Defendants.

20 Hence, the Federal Question is whether Plaintiffs are free to vote their conscience for the  
21 Candidate of their choice on the first and all ballots notwithstanding any attempt by Defendants to  
22 bind Plaintiffs, or whether Plaintiffs are bound to particular Candidates pursuant to local State Party  
23 Rules or any State Law, or Rule of the RNC.

24 Plaintiffs seek an order reinstating the Massachusetts Plaintiff and all Massachusetts  
25 Delegates that were wrongfully removed from their Delegation after being duly elected as National  
26 Delegates.

27 Plaintiffs pray for further relief as set forth in the Prayer.  
28

PRAYER

WHEREFORE, Plaintiffs pray, and respectfully request that the Court enter judgment:

1. For Declaratory Judgment that pursuant to the US Statutes cited and US Supreme Court Decisions a Court Order issue declaring that all Delegates to the Federal Election also known as the Republican National Convention in August 2012 be unbound from any Candidate and free to vote their conscience on the first and all ballots.
2. For an Order that all Defendants serve on every Delegate within their jurisdiction a hard copy of the Federal Court Order not later than a date set by the Court with proof of compliance to be filed with the Court.
3. For a Preliminary Injunction enjoining all Defendants to preserve all ballots cast at their State Conventions / Caucuses including all voting machines, the computer programs for all voting machines, any and all records related to the counting of the ballots, and any and all records related to any Rules, Rule changes made within 30 days of the Convention / Caucuses, including the day of the Convention / Caucus.
4. For a Permanent Injunction enjoining all Defendants to preserve all ballots cast at their State Conventions / Caucuses including all voting machines, the computer programs for all voting machines, any and all records related to the counting of the ballots, and any and all records related to any Rules, Rule changes made within 30 days of the Convention / Caucuses, including the day of the Convention / Caucus.
5. For any Order the Court deems just to carry out the intent of the Court including, but not limited to, ordering a hand recount of ballots, or where the sanctity of the ballots are untrustworthy, ordering a new Convention for the Delegates to re-vote

1 with knowledge that all Delegates shall be unbound and free to vote their  
2 conscience at the Federal Election known as the Republican National Convention in  
3 August 2012.


4  
5 6. Plaintiffs do not request any reimbursement for costs of this Federal Case nor any  
6 reimbursement for legal fees.

7  
8 7. Plaintiffs request the Court to retain jurisdiction over this case throughout the  
9 entirety of the Convention being held in Tampa, Florida in August 2012 for the purpose of  
10 assuring that the Orders of this Court are complied with, and to retain jurisdiction for a  
11 substantial time post Convention to protect the safety of Plaintiffs.

12  
13 8. Plaintiffs request an Injunction, Preliminary and Permanent, that all Defendants  
14 cease and desist from intimidating, or harassing Plaintiffs or all Delegates in any way  
15 because of their participation in or support for this Federal Case.

16  
17 9. Plaintiffs are in fear of their personal safety due to violence that has already  
18 occurred and request the Court to order the attendance of U.S. Marshals at the Convention  
19 in Tampa, Florida in August 2012 to assure the safety of Plaintiffs inside the convention  
20 hall and to assure compliance with Court Orders made.

21  
22  
23 DATED: July 9, 2012

  
\_\_\_\_\_  
24 RICHARD C. GILBERT, ESQ.  
25 State Bar No. 85912  
26  
27  
28

# PLAINTIFFS' EXHIBIT - A

RNC Associate Counsel's Opinion on Rule 38 of the RNC Rules barring the "unit rule"

**MEMORANDUM**

**SUBJECT: RULE NO 38 - UNIT RULE**

**FROM: RNC COUNSEL**

**TO: NANCY LORD**

**DATE: AUG 20, 2008**

---

This Memorandum is based on your request to examine the Republican Party Rules history relating to the so-called "Unit Rule" provision currently found at Rule 38 which states, "No delegate or alternate delegate shall be bound by any attempt of any state or congressional district to impose the unit rule".

This language was initially adopted at the 1964 Republican National Convention, paraphrasing the words of the proponent of the amendment, in order to codify in party rules the actual practice followed in past conventions, namely to allow delegates to vote as they chose even if state law bound them to vote for a specific candidate.

This amendment which modified then Rule 18(a) was initiated by the RNC Rules Committee and adopted by the full RNC at its pre-convention meeting. That '64 language stated, "No Delegate or Alternate shall be bound by any attempt of any State or Congressional District, the District of Columbia, Puerto Rico or the Virgin Islands to impose the unit rule." Based upon a review of the transcripts of the RNC debate on the "Unit Rule", proponents of the '64 amendment argued that their amendment to Rule 18 merely reflected current practice and adopting this Rules change would simply memorialize what was the historical Convention practice, not create a new policy.

During the debate on the "Unit Rule" amendment, there was some concern raised that the new language would be interpreted by some to prohibit the individual states from adopting rules that would bind or allocate delegates to specific candidates. The proponents, however, gave assurances that it was not their intention to effect any "legal or "moral" obligation of the delegates.

Based upon the concern raised that this provision would be erroneously read to prohibit states to bind or allocate delegates a concerted effort was made to defeat the amendment. That effort to reject the addition of the new "Unit Rule" language based on that concern, failed, 59 to 41.

In 1976 the no "Unit Rule" language was modified by the RNC Rules Committee, effectively requiring the 1976 Convention to record delegate votes based on the results of "any binding Presidential Primary or direct election of delegates bound or pledged pursuant to state law." The Convention Rules Committee and the Convention itself accepted this RNC modification without any debate. The additional Rule 18(a) language applicable to the 1976 Republican Convention read as follows, "...however, that in any event, the vote of each state for the nomination for President shall be announced and recorded (or in the absence of an announcement shall be



recorded) in accordance with the results of any binding Presidential Primary or direct election of delegates bound or pledged pursuant to state law. No delegate or alternate shall be bound by any attempt of any state or Congressional district to impose the unit rule.”

The '76 language was deleted in 1980 effectively reverting back to the 1964 language and the current language regarding the “Unit Rule” now found in Rule 38 is consistent with the 1980 language.

Dear Blake and Sean,

Thank you so much for the memorandum [above] regarding the history of the Rule 38.

After studying it, I still have unanswered questions.

From the memo, I am clear that:

1. Rule 38 was not intended "to prohibit the individual states from adopting rules that would bind or allocate delegates to specific candidates".

What I need clarified is the following:

1. Do the RNC Rules require a state's delegation to follow its state laws or state party rules in the matter of binding of their national delegates to vote for a particular candidate? (I believe the answer is no; the RNC Rules are silent on this issue. My understanding is that any "legal" or "moral" obligation of the delegates, under either state law or state party rules, is simply that -- a state party matter. The RNC will not get involved in any such issue unless it deems that there is a violation of Rule 38 - an attempt to invoke the "Unit Rule" - during the time of the national convention.)

2. Do the RNC Rules prohibit a state party from changing its rules regarding the binding of their national delegates after the 2nd Tuesday in the September the year before the convention but before the national convention begins? (I believe the answer is no - the RNC Rules are again silent on this issue.)

3. Do the RNC Rules allow a national delegate to cast their vote for anyone they choose at the national convention, regardless of any vote-binding rules in their state or regardless of whether or not that "candidate" has been officially nominated under the RNC "majority of delegates from five states" rule? (I believe the answer is yes. I cite the actual rolling roll call of the states vote in 2000 as an example. In several states, even though George W. Bush had for many months been the presumptive nominee, several states, including Arkansas (19 for Bush, 5 for Alan Keyes) in the 2nd session on Monday evening, Massachusetts (35 for Bush, 1 for McCain, and 1 abstention) in the 3rd session on Tuesday evening,

4. Is the process of the "rolling roll call of the states" the process by which it is determined which candidates have met the RNC "majority of delegates from five states" rule in order to have their name officially placed in nomination? In other words, or as a corollary, do only those candidates who receive a "majority of delegates from five states" votes during the "rolling roll call of the states" become an official nominee, while any candidates receiving votes who did not receive the required majority of five states' votes simply fall to the floor, having not met the threshold?

Is there any way that you can clarify the answers to these questions in writing before tomorrow morning?

Nancy Lord  
Utah Republican Republican National Committeewoman

From: Jennifer Sheehan - Legal  
To: Nancy Lord  
Cc: Sean Cairncross - Legal ; Blake G. Hall  
Sent: Friday, August 22, 2008  
Subject: RE: The Unit Rule

Mrs. Lord:

I am going to attempt to clearly answer your questions as listed below.

1. You are correct - the answer is no. The national convention allows delegates to vote for the individual of their choice, regardless of whether the person's name is officially placed into nomination or not.
2. National Party Rule No. 15(e) does prohibit State Parties from changing their delegate selection and allocation process that the State Party had to submit to the RNC no later than Sept. 4, 2007. However, the time frame for submitting a challenge to the national convention delegation based upon these Rules has expired, as any delegate contests had to be filed by August 2, 2008.
3. Yes - see #1 above.
4. Your question is mixing two separate issues. The first issue involves the nominating process, which requires the majority of delegates from five states to put a candidate's name into the official nominating process. The delegates from these five states must sign a nominating form

that is then submitted to the Secretary of the Republican National Convention. After the Secretary receives these forms, the candidates are announced who have been officially placed into the nominating process and are therefore eligible to accumulate votes from the national convention delegates.

The Rules require that a roll call be taken from each state who announces the number of votes that its delegates cast for any eligible candidates, as well as for any person someone would like to cast a vote for in the roll call. You are correct that a person does not have to be officially nominated in order to receive votes, however, this vote is essentially pointless as it will not count towards the official tally.

Therefore to clarify, a candidate must receive the support of the majority of five state delegations in order to be officially placed into the nomination. Only candidates that have been officially nominated can accumulate votes that will count towards the majority of delegates necessary to officially nominate the Republican nominee for President. The Republican nominee for President must receive at least 1191 votes from the national convention delegation in order to receive the official nomination.

Please let me know if you have additional questions or need further clarifications related to this process.

Sincerely,

Jennifer Sheehan  
Associate Counsel  
Republican National Committee

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Attorney for Plaintiffs

U.S. DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION – RONALD REAGAN COURTHOUSE

**DELEGATES TO THE REPUBLICAN  
NATIONAL CONVENTION AS  
FOLLOWS:**

**Alaska National Delegate,  
BARBARA ANDERSEN; et al.,**

**Plaintiffs,**

vs.

**REPUBLICAN NATIONAL  
COMMITTEE; et al.,**

**Defendants.**

**CASE NO. SACV 12 - 00927 DOC (JPRx)**

**CERTIFICATE OF SERVICE**

I Richard C. Gilbert, certify that I caused to be served:

**PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF ; REQUEST FOR PRELIMINARY  
INJUNCTION; REQUEST FOR PERMANENT INJUNCTION (RULE 65 FRCP).**

on the following party(ies) in said action:

<b>CHARLES H BELL JR</b> BELL McANDREWS & HILTACHK LLP 455 CAPITOL MALL STE 600 SACRAMENTO CA 95814 Tel: 916-442-7757 Fax: 916-442-7759 Email: <a href="mailto:cbell@bmhlaw.com">cbell@bmhlaw.com</a>	Lead Attorney Attorney to be noticed <i>Assigned 07/02/2012</i>
<b>BRIAN T HILDRETH</b> BELL McANDREWS & HILTACHK LLP 455 CAPITOL MALL STE 600 SACRAMENTO CA 95814 Tel: 916-442-7757 Fax: 916-442-7759 Email: <a href="mailto:bhildreth@bmhlaw.com">bhildreth@bmhlaw.com</a>	Attorney to be noticed <i>Assigned 07/06/2012</i>

X BY FACSIMILE: on July 10, 2012, I caused such documents to be transmitted from facsimile telephone number 714-667-2388 to ALL INTERESTED PARTIES at the facsimile telephone number(s) listed. There was no error reported by the machine. I caused the transmitting machine to issue a transmission report showing the transmission was complete and without error.

X BY ELECTRONIC MAIL: on July 10, 2012, by causing true copies of a PDF version of said documents to be sent to the e-mail address of each party listed.

I declare that I am a member of the bar of this Court, the service was made, and this Certificate of Service is executed this 10<sup>TH</sup> day of July 2012, at Santa Ana, California.

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RICHARD C. GILBERT, ESQ.

State Bar No. 85912