

AUG 05 2024

DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO 1437 Bannock Street Denver, Colorado 80202	DENVER, COLORADO COUNTER CLERK _____ COPY _____
Petitioner: CARYN ANN HARLOS v. Respondents: LIBERTARIAN PARTY OF COLORADO, a Colorado non-profit corporation and HANNAH GOODMAN, as Chair of the non-profit corporation	▲ COURT USE ONLY ▲
Caryn Ann Harlos, <i>pro se</i>  	Case Number: 24CV578 Division: 259
SUPPLEMENTAL REQUEST FOR PERMANENT, AND OR IN THE ALTERNATIVE, TEMPORARY INJUNCTION	

COMES NOW, Petitioner Caryn Ann Harlos ("HARLOS"), who alleges as follows:

I. REAFFIRMATIONS

1. Petitioner reaffirms and realleges the General Allegations in Section III, paragraphs 7 through 27 of the original Petition to avoid repetition herein.
2. Petitioner, when appropriate, will refer to Exhibits attached to original Petition, renumber from last number used therein, and not re-attach to avoid repetition herein.

II. REQUEST FOR TEMPORARY AND/OR PERMANENT INJUNCTION FOR RETALIATION AS AGAINST THE CHASE/TER MAAT SIGNATORY PRESIDENTIAL ELECTORS

3. On or about August 3, 2024, members of the Party were told that "disciplinary action" to remove their intra-party voting rights was likely which would render them unable to vote for a new Board or to engage in any future derivative action due to their action in signing acceptance of nomination forms ("Acceptances") for the official Libertarian nominees of Chase Oliver and Mike ter Maat.
4. Under 1-4-302(1) while a political party "may" nominate presidential electors, it is not required that they do so, leaving the obvious conclusion that the ultimate responsibility lies with the candidates themselves as per the letter from the Colorado Secretary of State's office (see Exhibit 10 to the original Petition – Email from the Secretary of State).

5. Additionally, per the email from the Colorado Secretary of State's office any vacancies in the ten electors can be filled by any remaining electors. There are at least two ready and willing to serve and nominated at the Libertarian Party of Colorado's ("LPCO" Annual Convention, Wayne Harlos and Sean Vadney (*see* Exhibit 18 to HARLOS' Motion for Emergency Temporary Restraining Order – Draft minutes of the LPCO 2024 Annual Convention and Exhibit 20 -- signed Acceptance of Nomination of Wayne Harlos).

6. At the time of the signing of these Acceptances, the Secretary of State had not issued its opinion that they would be accepted for the Libertarian Party ballot line and these signatures could have been used to qualify Oliver/ter Maat as write-in candidates.

7. In either event, it is apparent that the Respondent Libertarian Party of Colorado ("LPCO") is using threats of First Amendment violations and misapplication of Colorado law to silence dissent and avoid potentially losing internal Party positions under its Bylaws by disenfranchising members who so not support them.

III. REQUEST FOR TEMPORARY AND/OR PERMANENT INJUNCTION FOR RETALIATION AS AGAINST THE PETITIONER

8. On or about August 3, 2024, members of the Party were told that the same action might be undertaken for the Petitioner as retaliation for filing the instant action.

9. This again is a statutory right of the Petitioner and threats of First Amendment and exercise of lawful rights should not be permitted to silence legal action and a legal request for records which would be profanely against public policy unless the Court finds that that this action could not be interpreted as anything less than frivolous and sheerly intended to harass.

IV. REQUEST FOR TEMPORARY AND/OR PERMANENT INJUNCTION FOR INTERFERENCE WITH SIGNATORIES OF ACCEPTANCE OF NOMINATION FORMS IF REQUIRED TO BE SUBMITTED BY RESPONDENT, LIBERTARIAN PARTY OF COLORADO

10. On August 1, 2024, after emailing the LPCO that he was ready and will to sign his Acceptance form, duly nominated Presidential Elector Wayne Harlos was given the form by LPCO Executive Jim Wiley but when Mr. Harlos attempted to fill out the form completely was physical prevented from doing so by Mr. Wiley (*see* Exhibit 21 – Unsworn Affidavit of Wayne Harlos).

V. REQUEST FOR TEMPORARY AND/OR PERMANENT INJUNCTION FOR ACTION BY LIBERTARIAN PARTY VACANCY COMMITTEE AS IN VIOLATION OF COLO. REV. STAT. §1-4-1304

11. Candidates for general election in Colorado are governed by **Colo. Rev. Stat. §1-4-1304** which is mirrored by the **LPCO Bylaws Article XI** (*see* Exhibit 1 to the original Petition) as follows:

(2) Nominations by a minor political party, to be valid, must be made in accordance with the party's constitution or bylaws. No nomination under this section is valid for any general election unless the nominee:

(a) Is a registered elector;

(b) Was registered as affiliated with the minor political party that is making the nomination, as shown in the statewide voter registration system, no later than the first business day of the January immediately preceding the general election for which the person was nominated, unless otherwise provided in the constitution or bylaws of the minor political party; and

(c) Has not been registered as a member of a major political party at any time after the first business day of the January immediately preceding the general election for which the person was nominated, unless otherwise provided in the constitution or bylaws of the minor political party.

(3) Any minor political party nominating candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than four days after the assembly was held at which the candidate was designated. The certificate of designation must state the name of the office for which each person is a candidate and the candidate's name and address, the date on which the assembly was held at which the candidate was designated, must designate in not more than three words the name of the minor political party that the candidate represents, and must certify that the candidate is a member of the minor political party. The candidate's name may include one nickname, if the candidate regularly uses the nickname and the nickname does not include any part of a political party name. The candidate's affiliation as shown in the statewide voter registration system is prima facie evidence of party membership.

Despite having no authority to nominate Presidential or Vice-Presidential candidates as detailed in the original Petition, neither Robert F. Kennedy, Jr. nor Nicole Shanahan meet any of these requirements.

VI. STANDARDS REQUIRED FOR GRANTING OF PRELIMINARY AND/OR PERMANENT INJUNCTION

12. In exercising its discretion, the trial court must find that the moving party has demonstrated: (1) A reasonable probability of success on the merits; (2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; (3) that there is no plain, speedy, and adequate remedy at law; (4) that the granting of a preliminary injunction will not disserve the public interest; (5) that the balance of equities favors the injunction; and (6) that the injunction will preserve the status quo pending a trial on the merits. *Rathke v. MacFarlane*, 648 P.2d 648 (Colo. 1982); *Wakabayashi v. Tooley*, 648 P.2d 655 (Colo. 1982); *Am. Television & Communications Corp. v. Manning*, 651 P.2d 440 (Colo. App. 1982); *Iowa Nat. Mut. Ins. Co. v. Cent. Mortg. & Inv.*, 708 P.2d 480 (Colo. App. 1985); *Bloom v. NCAA*, 93 P.3d 621 (Colo. App. 2004); *Gitlitz v. Bellock*, 171 P.3d 1274 (Colo. App. 2007).

13. A preliminary injunction would preserve the status quo. The status quo is clearly the inclusion of the duly nominated Libertarian Party Presidential and Vice-Presidential ticket on the Colorado Libertarian ballot line as indicated by the official communication from the Secretary of State.

14. There is a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief. The voting process is under tremendous scrutiny in today's political climate. The LPCO Bylaws and the LPN Bylaws are clear on the selection process of the Libertarian Presidential and Vice-Presidential candidates. Colorado voters will be irreparably harmed if this process is permitted to be sabotaged and recklessly disregarded by the LPCO and GOODMAN.

15. The preliminary injunction is necessary to prevent harm. Although the Secretary of State has clearly indicated that absent a withdrawal of candidacy from the Official Libertarian Ticket, the submission for the Colorado Libertarian Presidential and Vice-Presidential ballot line is complete (see Exhibit 10 – Email from Colorado Secretary of State dated July 24, 2024), the LPCO and GOODMAN have indicated that they intend to continue to pursue putting RFK, Jr. and Nicole Shanahan on this ballot line despite RFK, Jr.'s overwhelming rejection at the Libertarian Party national convention, including earning zero votes from Colorado delegates (see Exhibit 17 – Article dated July 24, 2024 from CPR News).

16. There is no plain, speedy, and adequate remedy at law. The Secretary of State has already issued an opinion upon which the membership and public, including HARLOS, should be able to rely upon the contractual agreement and with the rapidly approaching deadlines for finalization of the candidates to appear on the November general election ballot.

17. The granting of a preliminary injunction will not disserve the public interest. Colorado voters will not be harmed by RFK, Jr. and Nicole Shanahan not appearing on the Libertarian Party ballot line as they have already collected and turned in enough petition signatures to appear on the Colorado general election ballot as Independents. Colorado voters are harmed by less choice, not more. Colorado Libertarians, and HARLOS in particular, is harmed by having her political agency and freedom of political association shamelessly and lawlessly stripped away by a rogue Board of Directors and Chair of the LPCO.

18. The balance of equities favors the injunction. The membership, including HARLOS, has a right to be able to count on the contractual agreement between the membership and the LPCO, and the balance of power lies squarely on the side of the LPCO Board who has scoffed at the Bylaws, claiming Bylaws pale in the light of "relevance" and "doing things differently, whether or not the rules permit it."¹ Equity demands that the members are not left impotent when those in "control" deprive them of their rights.

19. There is reasonable probability of success on the merits on the part of the movant: The contractual obligations as set forth in the General Allegations are clear and the importance to the public of choice and political freedom of association is so overwhelmingly paramount that there is little doubt or ambiguity on this issue. The lawlessness and disregard of the LPCO and GOODMAN toward the rights of the members of the LPCO is established by clear and

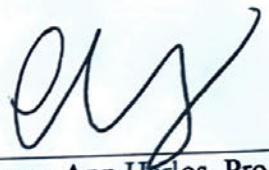
¹ For examples, the behavior of the LPCO Board and its supporters in discounting the importance of contractual relationship binding the Party can be found in the open comment portion of this meeting: <https://www.youtube.com/watch?v=r4-NMouncqc>, particularly the LPCO Executive Director Jim Wiley beginning at timestamp 12:33 who openly admitted there is now a "power exchange" (non-consensual) from the membership to the Board who will make the Party to what it will inevitably be with the implication that bylaws are no obstacle in this naked Game of Thrones game. Many of the comments that follow are also instructive in their utter disregard for the Party principles and bylaws.

convincing evidence as well as their determination to pursue continuation of this posture.

20. If the Court does not find that the HARLOS has met the standards for a preliminary injunction, and particularly in light of the very short time for the submission of Certificates of Nomination for the 2024 Colorado general election ballot (September 5, 2024), the less demanding standards applicable for permanent injunctions can be considered. *Henson v. Hoth*, 258 F. Supp. 33 (D. Colo. 1966). A trial court has broad discretion to formulate the terms of injunctive relief when equity so requires. *Colo. Springs Bd. of Realtors v. State*, 780 P.2d 494 (Colo. 1989).

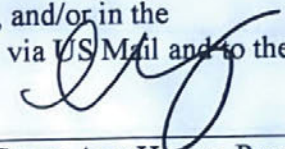
WHEREFORE, HARLOS requests that this Court issue a preliminary or permanent injunction against the LPCO and GOODMAN enjoining them properly permitting the nominated Presidential Electors from signing their Certificates of Nomination and engaging in retaliation against the previously signed electors and the Petitioner for exercising their legal rights and chilling their First Amendment protected speech.

Dated August 5, 2024.


Caryn Ann Harlos, Pro Se

CERTIFICATE OF SERVICE

Petitioner affirms that this Supplemental Request for Permanent, and/or in the Alternative, Temporary Injunction has been mailed to the Respondents via US Mail and to the Respondents' email of statechair@lpcolorado.org on August 5, 2024.


Caryn Ann Harlos, Pro Se

Presidential Electors' Acceptance of Nomination

Office Use Only:

Complete, sign, and return this form to the Colorado Secretary of State.
The electors listed on this form must be registered voters in the state of Colorado.

I accept the nomination to represent the following Presidential
and Vice-Presidential candidates as a presidential elector.

President

Chase Oliver

Vice President

Mike Ter Maat

Elector Information

1. Name

Wayne Harlos

Residence Address

Mailing Address

E-Mail Address

Business Phone #

Signature

Wayne Harlos

Date

8-4-24

2. Name

Residence Address

Mailing Address

E-Mail Address

Business Phone #

Residence Phone #

Signature

Date

3. Name

Residence Address

Mailing Address

E-Mail Address

Business Phone #

Residence Phone #

Signature

Date

Exhibit 28

**AFFIDAVIT OF WAYNE HARLOS GIVEN UNDER PENALTY OF PERJURY BY THE
COLORADO UNSWORN DECLARATION ACT (ARTICLE 27)**

1. My name is Wayne Harlos, I am over the age of 18 years old, and I live at [REDACTED]
[REDACTED].
2. I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.
3. I am a due-paying voting member of the Libertarian Party of Colorado, a non-profit Colorado membership corporation and political party as well as a Lifetime voting member of the national Libertarian Party.
3. I have been Chairman of the Libertarian Party of Colorado for two terms (4 years) and Vice-Chair for one term (2 years) and a member for several years prior to that.
4. The Libertarian Party of Colorado has always during my time and to the best of my knowledge always put on its ballot line the Presidential and Vice-Presidential candidates of the national Party and certainly did so in 2016 and in 2020. I was a Colorado delegate at both of those presidential nomination conventions as well as the one in 2024.
5. I was a duly nominated Presidential elector at the March 20204 Libertarian Party of Colorado state annual convention.
6. At a meeting of the Libertarian Party of Douglas County on August 1, 2024, the unelected "Executive Director" of the Libertarian Party of Colorado, James Wiley, offered to let me sign my acceptance of nomination of Presidential Elector as I have never AND DO NOT AT THIS TIME RESIGN from my duly elected Presidential elector position bound to the candidates nominated at the national Libertarian Party convention.
8. When I went to fill out the acceptance of nomination form and sign, indicating that I was an elector for the duly nominated candidates which are required by the Libertarian Party of Colorado's affiliation status with the national Libertarian Party, Mr. Jim Wiley physically obstructed me with his hand preventing me from executing this document. I believe this was a crass interference with a duly elected presidential elector to subvert the electoral process in Colorado to install "Robert F. Kennedy, Jr." against the will of the delegates assembled in the national Libertarian Party, against my will as a registered Libertarian voter and duly elected Presidential elector, and against the wishes of many of the Colorado registered Libertarians assembled at that meeting, many of whom voted for me as presidential elector (Ironically Including Mr. Jim Wiley to the best of my knowledge). Mr. Jim Wiley has never been elected by the LPCO membership to any position in the Libertarian Party of Colorado.

Exhibit 21

9. Therefore, attached please find my executed acceptance of nomination as Presidential Elector for Chase Oliver and Mike ter Maat, I reiterate the I do not now, nor do I intended to resign from my duly elected position, unless it is to yield to the electors **already submitted by the Oliver/ter Maat campaign** in order to make secure their place on the Colorado Libertarian ballot line which does not belong to Jim Wiley nor a Board that does not follow its Bylaws, Robert F. Kennedy, Jr., who lost spectacularly at the national Libertarian Party Convention (eliminated with only 19 votes - none of them from Colorado - in the first round), but to the Libertarian voters of Colorado.

10. I certify that a copy of this Affidavit will be emailed to the Libertarian Party of Colorado and hand-delivered, if possible and necessary, to their meeting on August 12, 2024.

p

Executed on the ^{WFO 4} 12th day of August, 2024.
(date) (month) (year)

at Castle Rock Co
(city or other location, and state or country)

Wayne Harbo
(printed name)

Wayne Harbo
(signature)