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FILED
DISTRICT COURT
10 MAR -5 PM 2:09
 THIRD JUDICIAL DISTRICT
 SALT LAKE COUNTY
 BY _____
 DEPUTY CLERK

IN THE THIRD JUDICIAL DISTRICT COURT, IN AND FOR
 SALT LAKE COUNTY, STATE OF UTAH, SALT LAKE DEPARTMENT

MIKE RIDGWAY, NANCY LORD,
 BENJAMIN SMITH, MIKE TAYLOR,
 LOWELL NELSON, TRACY SHAW,
 STEVE DIAMOND, DREW
 CHAMBERLAIN and BART GRANT

Plaintiffs,

vs.

UTAH STATE REPUBLICAN PARTY,
 SALT LAKE COUNTY REPUBLICAN
 PARTY, UTAH COUNTY REPUBLICAN
 PARTY, DAVID HANSON IN HIS
 CAPACITY AS CHAIRMAN OF THE
 UTAH REPUBLICAN PARTY, and
 IVAN DEBUISE IN HIS CAPACITY AS
 EXECUTIVE DIRECTOR OF THE UTAH
 REPUBLICAN PARTY

Defendants.

**MOTION FOR TEMPORARY RESTRAINING
 ORDER**

Civil No: 1004 03772
 The Honorable Judge: Peuler

PURSUANT to Rule 65A of the Utah Rules of Civil Procedure, plaintiff moves the court for a temporary restraining order enjoining Defendants in the next statewide Republican Party caucuses and State Convention from violating the Utah Republican Party Constitution

(hereinafter the "Party Constitution") in seating "automatic delegates" in violation of Article XII of the Party Constitution.

1. A temporary restraining order is the appropriate legal remedy to enjoin the breach of the Party Constitution. No remedy exists in the Constitution.
2. Plaintiffs will suffer immediate irreparable harm unless the court issues a temporary restraining order and permanent injunction preventing defendants from seating automatic delegates at the State Convention. The Plaintiffs will be deprived of their right to vote for delegates and, for those Plaintiffs who are members of the State Central Committee, they will be deprived of their lawful right to govern the Utah Republican Party.
3. The threat of injury to Plaintiffs outweighs whatever damage a temporary restraining order may cause Defendants. If a temporary restraining order is granted, the Defendants will simply have to recalculate the seats and notify the counties and precincts.
4. Issuance of a temporary restraining order will not be adverse to the public interest.
5. There is a substantial likelihood that plaintiff will prevail on the merits of the claims, or the case presents serious issues which should be the subject of further review and litigation.
6. This Application is supported by a complaint.

WHEREFORE, Plaintiffs move the Court for an order restraining the Defendants from

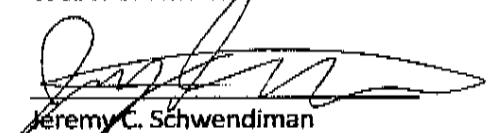
1. For a declaration by the court that the Republican Party and its Constituent County Units must follow its own Constitution, Bylaws, and Rules of Order.
2. For a declaration by the court that the Republican Party officers must also follow the Republican Party Constitution when in their capacity as Officers of the party.
3. For a declaration by the court that the GOP Constitution does not allow "automatic delegates".
4. For an order commanding Defendants, prior to March 18th, to recalculate the delegate allocations for the county and state delegates.
5. For an order commanding that 100% of such delegate seats, prior to March 18th, be allocated to each precinct to be filled by vote of the caucus in complete conformity with the Republican voting strength formula delineated in the Utah GOP Constitution.
6. For an order commanding that Defendants notify and properly instruct precinct hosts and chairs prior to caucus night of such delegate allocation modifications which will affect them on caucus night.
7. That the court grant any other relief it deems needful and proper.

Accordingly, the plaintiffs' Motion for a Temporary Restraining Order should be granted.

DATED and signed this 5 day of MARCH, 2010.

Respectively Submitted,

Weber & Schwendiman LLP



Jeremy C. Schwendiman
Attorney for Respondent

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 CAPACITY AS CHAIRMAN OF THE
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 IVAN DEBUISE IN HIS CAPACITY AS
 EXECUTIVE DIRECTOR OF THE UTAH
 REPUBLICAN PARTY

COMPLAINT

Civil No: 100903772
 The Honorable Judge: Peuler

COME NOW, the Plaintiffs, MIKE RIDGWAY, NANCY LORD, BENJAMIN SMITH, MIKE TAYLOR, LOWELL NELSON, TRACY SHAW, STEVE DIAMOND, DREW CHAMBERLAIN and BART GRANT by and through their attorneys of record, and for their first complaint against the

Defendants. Plaintiffs do hereby sue Defendants for declaratory relief, injunctive relief, and for costs and attorney fees associated with this suit. This suit is instituted under the law of contracts and under the Utah GOP Constitution, its Bylaws, and its Rules of Order as duly recorded with the State of Utah. The purpose of this lawsuit is to ensure proper distribution of the 3500 Utah Republican Party delegate seats to Utah's approximately 1800 Precincts prior to the March 23rd, 2010 caucus so that the Republicans in the various Precincts may use their power of choice to elect whom they will to those seats. Defendants have, in the past, violated the foregoing authorities so that the delegate seats were improperly allocated to "Automatic Delegates" instead of to the Precincts as the GOP Constitution, Bylaws, and Rules of Order demand.

The defendants threaten to again subvert the pact of freedom embodied in the GOP Constitution this election cycle. They have given no sign that they will properly allocate the delegates and have explicitly indicated that they will not. Unless enjoined, the Defendants will injure the Plaintiffs and many other members of the Utah Republican Party by denying them their fair number of electable delegate seats and moreover depriving them of a free and fair election.

PARTIES AND JURISDICTION

1. At all times material to this action, all Plaintiff's were and are citizens of the Great State of Utah.
2. At all times material to this action, all Defendants were and are citizens of the Great State of Utah.

3. The Utah Republican Party was and is a political party organized and existing under the laws of Utah. It has transacted and continues to regularly transact business and political activities in Utah. Its headquarters are in the state of Utah.
4. Jurisdiction over Defendants is proper before this court.
5. All Plaintiffs are members of the Utah Republican Party.
6. Plaintiffs Nancy Lord, Ben Smith, Steve Diamond, Lowell Nelson and Tracy Shaw are current members of the State Central Committee, the primary governing body of the Utah Republican Party.
7. All other Plaintiffs on this complaint are former members of the State Central Committee.

FACTS

8. Delegates chosen by the Utah Republican Party will, in turn, choose the Utah Republican Party's nominees for United States Senate and House of Representatives among other positions.
9. The Utah Republican Party has a specific delegate selection process, carefully planned, and duly recorded with the State of Utah under Utah Code Annotated 20A-8-401.
10. The Utah Republican Party has a legal duty to abide by its own Constitution and Bylaws.
11. The Officers of the Utah Republican Party have a legal duty to abide by the Utah GOP Constitution and Bylaws when in the course of their duty as Officers.

12. The Utah Republican Party Constitution (included herein as "Exhibit A" and hereinafter referred to as "The Utah GOP Constitution") Article XII provides a scheme of three enumerated and delineated procedures by which delegates may be chosen.
13. First, a delegate may be elected at a precinct caucus meeting. Utah GOP Constitution Art. XII Sec. (1)(a).
14. Second, a delegate may be elected at a county convention to fill a seat which was not filled at a precinct caucus meeting. Utah GOP Constitution Art. XII Sec. (1)(d).
15. Third, a delegate may be appointed by a precinct chair to fill the vacancy of a previously elected but subsequently disqualified or ineligible delegate. Utah GOP Constitution Art. XII Sec. (2)(d)
16. The Utah GOP Constitution provides for no alternative procedure by which a delegate may be chosen.
17. The Utah Republican Party has adopted Robert's Rules of Order which provides that, where a list of delimited items are set forth, alternative items are precluded. Since the avenues for delegate selection were delimited, other alternative avenues are precluded. Roberts Rules pg. 571. The Latin phrase for this rule of construction is "expressio unius est exclusio alteres" and is also part of the common law.
18. Under the Utah GOP Constitution, every single delegate seat is to be distributed to the precincts where they are to be filled, by vote, at precinct caucuses. Utah GOP Constitution Art. XII Sec. (1)(a).
19. Each precinct is guaranteed the right to elect the number of delegates equal to the number of seats distributed to it. Utah GOP Constitution Art. XII Sec. (1)(b)(2).

20. In case of any ambiguity in the Utah GOP Constitution with regard to delegate selection the Utah GOP Constitution refers to the Utah Code as of January 1, 1994 which also does not allow "automatic delegates".
21. Defendants have, in the past, and will, unless enjoined this election cycle, institute a regime by which "automatic delegates" are appointed to delegate seats in derogation of the proper delegate selection process of the Utah Republican Party.
22. Automatic delegate seats are granted outside of the three delineated methods for delegate selection outlined in the Utah GOP Constitution.
23. If Defendants are not enjoined, Republican elected officials would be automatically deemed to fill delegate seats which would otherwise have been distributed to the precincts for vote.
24. Furthermore, some seats would be distributed by party officers or others to persons who may appoint individuals to fill those seats instead of the precincts.
25. Plaintiffs, on information and belief, believe that, at current count, Defendants have subtracted approximately 5-20%, depending on county, for automatic delegate seats that should be allocated to the precincts.
26. Plaintiffs, on information and belief, believe that the number of seats which will be withheld from the precincts in Utah and Salt Lake Counties is between 140 and 180 of 1828 that should be allocated to the precincts.
27. Plaintiffs, on information and belief, believe that, at current count, the ratio of automatic delegate seats to elected delegate seats is roughly 10%.

28. The ratio of automatic delegate seats are sufficient to alter the party's nomination for important Federal and State candidacies.
29. As the Republican Party is the dominant party in Utah, there is a high likelihood that any candidate who receives the republican nomination will ultimately attain to the office which he seeks.
30. The results of the delegates' nominations are likely to influence election results.
31. Plaintiffs will be irreparably harmed because their political power will be significantly diminished by the loss of the right to elect delegates in the party of which they are members.
32. The Plaintiffs' party will be irreparably harmed if the Defendants are not enjoined from going forward with their stated intention of diverting these 140-180 delegate seats from the state precincts. The makeup of the delegates will foster a self perpetuating environment of patronage and corruption. Appointed automatic delegates will elect candidates who continue to appoint automatic delegates. Such a culture is irreparable.
33. The Utah Republican Party is required, by law, to record, with the Lieutenant Governor of Utah, a process by which grievances against the political party may be resolved. Utah Code Annotated 20A-8-401. The Utah Republican Party has no such process.
34. Plaintiff's have attempted all other means to resolve this dispute within the party including challenging automatic delegates at meetings and speaking directly to the persons in charge of delegate allocation, Chairman David Hansen and Executive Director Ivan Dubois.

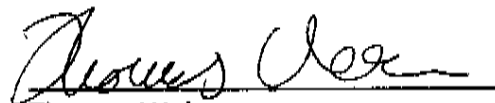
35. Proper allocation of the delegate seats may be accomplished by a recalculation and by notifying the various counties and precincts of their proper number of delegate seats for the upcoming March 23rd caucuses. These communications are easily effectuated by means of electronic communication available to the parties.
36. Enforcement of the GOP Constitution would be in the public interest. A plurality of Utahns are members of the Republican Party, but do not understand the principles involved in delegate selection and do not have the time or money to pursue their rights.
37. Enforcement of these rules would reinforce our State and Country's democratic ideals.
38. Injunction would be instructive that, although the Republican Party is a private organization, it is beholden to its members and perhaps more importantly, its own Bylaws.

WHEREFORE, Plaintiffs pray for judgment and relief as follows:

1. For a declaration by the court that the Republican Party and its Constituent County Units must follow its own Constitution, Bylaws, and Rules of Order.
2. For a declaration by the court that the Republican Party officers must also follow the Republican Party Constitution, Bylaws, and Rules of Order when in their capacity as Officers of the party.
3. For a declaration by the court that the GOP Constitution does not allow "automatic delegates".

4. For an order commanding Defendants, prior to March 18th, to recalculate the delegate allocations for the county and state delegates.
5. For an order commanding that 100% of such delegate seats, prior to March 18th, be allocated to each precinct to be filled by vote of the caucus in complete conformity with the Republican voting strength formula delineated in the Utah GOP Constitution.
6. For an order commanding Defendants to notify and properly instruct precinct hosts and chairs prior to caucus night of such delegate allocation modifications which will affect them on caucus night.
7. That Plaintiffs be granted attorneys' fees and costs associated with prosecuting this suit.
8. That the court grant any other relief it deems needful and proper.

Respectfully submitted,



Thomas Weber
Weber & Schwendiman
Attorney for Plaintiffs