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IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT
LARAMIE COUNTY, WYOMING

JOE MARTINEZ; PHILLIP SCHEEL; MERI ANN DORMAN; and CLAY VAN ANTWERP, Plaintiffs, v. WYOMING REPUBLICAN PARTY, WYOMING REPUBLICAN PARTY STATE CENTRAL COMMITTEE; and the WYOMING REPUBLICAN PARTY DISPUTE RESOLUTION COMMITTEE, Defendants.	Docket Number: 2025-CV-0203239

DEFENDANTS' MOTION TO DISMISS

COMES NOW, Wyoming Republican Party, Wyoming Republican Party State Central Committee, and the Wyoming Republican Party Dispute Resolution Committee, Defendants, by

and through their attorney, Caleb C. Wilkins of Coal Creek Law LLP, and hereby file Motion to Dismiss stating in support thereof as follows:

A. The Plaintiffs have failed to join a necessary party; therefore, pursuant to Wyo. R. Civ. P. Rule 19 and Rule 12(b)(7), the Court should dismiss the instant action.

As a preliminary matter, Plaintiffs have failed to join the obvious necessary party in this case, the Hot Springs Central Committee – i.e., the Hot Springs County Republican Party. While Plaintiffs seek to simply overlook this inconvenient fact, Plaintiffs ask this Court to, "acknowledge Plaintiffs Van Antwerp and Dorman as the duly elected Vice Chairman and secretary respectively, of the Hot Springs County Republican Party" and to "not regard or acknowledge Bradyn Harvey as the Chairman of the Hot Springs County Republican Party…." *Complaint* at ¶59. In fact, Plaintiffs' entire *Complaint* rests upon the foundation that Plaintiffs' preferred candidates must be elected members of the Hot Springs Party and acknowledged as the same. *See passim Complaint* at ¶¶37-39, 49-50, 57, 59-60, *Prayer for Relief* ¶¶1-2. Absent an adjudication that such individuals hold elected office in the Hot Springs Party, Plaintiff's case must necessarily fail. Despite this obvious fact, Plaintiffs have chosen to purposefully exclude the Hot Springs Party even though Plaintiffs petition this Court to oust the sitting Hot Springs County Republican Party leadership and replace the existing leadership with one or more of the Plaintiffs.

Without doubt, the Hot Springs Party is a necessary party to this case, and this case cannot proceed without it. Wyo. R. Civ. P. Rule 19 provides in relevant part:

> (1) *Required Party*. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:
>
> (A) in that person's absence, the court cannot accord complete relief among existing parties; or
>
> (B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:
>
> (i) as a practical matter impair or impede the person's ability to protect the interest; or

> (ii) leave an existing party subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because of the interest.

Wyo. R. Civ. P. 19(a)(1). The Court has provided the following guidance as to indispensable and required parties to a case:

> "An indispensable party has been defined as one without whose presence before the court a final decree could not be made without either affecting his interest or leaving the controversy in such a condition that its final determination might be wholly inconsistent with equity and good conscience. Whether or not a person is an indispensable party cannot be determined by a prescribed formula because the facts peculiar to each case are determinative of that question."

Albrecht v. Zwaanshoek Holding En Financiering, B.V., 762 P.2d 1174, 1178 (Wyo. 1988). In the event an indispensable party cannot be joined or is not joined, the court should dismiss the case. *Berenergy Corp. v. BTU W. Res., Inc.*, 2018 WY 2, ¶ 43, 408 P.3d 396, 405 (Wyo. 2018).

The addition of the Hot Springs Party will in no way deprive this Court or subject matter jurisdiction, and there is no question that the Hot Springs Party is subject to service of process in this state. As such, the Hot Springs Party is a "required party" under Rule 19. Additionally, the Court cannot accord any relief to the existing parties in the absence of the Hot Springs Party as the grant of any relief to existing parties would be an adjudication of the Hot Springs Party's rights and leadership. *See Albrecht* at 1178. As such, the Hot Springs Party is a required party under both Rule 19(a)(1)(A) and Rule 19(a)(1)(B).

Rule 19 requires that a plaintiff, when asserting a claim for relief yet failing to include a known required party, affirmatively plead the reasons for failing to join such party. Wyo. R. Civ. P. 19(c). Despite the obvious fact that the Hot Springs Party is a required party, Plaintiff has failed to comply with such requirement. When a plaintiff fails to join a necessary party, courts require dismissal of the case. *Grove v. Pfister*, 2005 WY 51, ¶ 7, 110 P.3d 275, 279 (Wyo. 2005). For this reason, the Court must dismiss this matter unless and until Plaintiff joins all necessary parties.

B. The Plaintiff's *Complaint* seeks relief without a statutory basis for this Court's exercise of subject matter jurisdiction; therefore, the Court should dismiss this action pursuant to Wyo. R. Civ. P. Rule 12(b)(1).

Wyo. R. Civ. P. Rule 12(b)(1) establishes that "…a party may assert [the defense] of lack of subject matter jurisdiction…" by motion. On the issue of subject matter jurisdiction, the Wyoming Supreme Court holds:

> "Subject matter jurisdiction is 'the power to hear and determine cases of the general class to which the proceedings in question belong.'" *Weller v. Weller*, 960 P.2d 493, 495 (Wyo. 1998) (citation omitted). "either exists or it does not, and a court should be satisfied that it possesses subject matter jurisdiction before it makes a decision in a case." *Id.* "Subject matter jurisdiction is not a subject of judicial discretion." *Id.* If the district court lacks subject matter jurisdiction, then "action taken by that court, other than dismissing the case, is considered to be null and void." *Id.* at 496.

Devon Energy Production Company, LP v. Grayson Mill Operating, LLC, 2020 WY 28, ¶11, 458 P.3d 1201, 1205 (Wyo. 2020). Plaintiffs treat subject matter jurisdiction as a foregone conclusion generally referencing *Conrad v. Uinta County Republican Party*, 2023 WY 46, 529 P.3d 482 (Wyo. 2023) and the Wyoming Declaratory Judgments Act to establish subject matter jurisdiction in this case. However, the subject matter jurisdiction analysis in this case is not that simple.

In this case, the Court is deprived of subject matter jurisdiction because the Plaintiffs have failed to pursue the appropriate statutory remedies prior to seeking judicial relief in an election contest. Unlike *Conrad v. Uinta County*, where the plaintiffs pursued relief under Title 22 prior to filing suit, the Plaintiffs in the instant case have made no attempt to pursue prerequisite remedied under Title 22. Since the Plaintiff bears the burden to demonstrate subject matter jurisdiction, such omission is fatal. *See Devon Energy*, 2020 WY 28, ¶11, 458 P.3d 1201, 1205 (Wyo. 2020).

As relevant here, Title 22 provides an statutory remedy reading in relevant part:

Except as otherwise provided in this section, any person may file a written

> complaint with the secretary of state regarding any violation of the Election Code by any statewide or legislative candidate, committee or organization or any violation of W.S.22-25-106(d) by a county party central committee. If the secretary of state finds that the complaint has merit and suspects a violation of the Election code, he shall refer the complaint to the Wyoming attorney general for investigation and prosecution. The attorney general may prosecute the complaint in the district court for the district in which the violation was alleged to occur or in the district court for Laramie county if the violation is reasonably believed to occur in more than one (1) judicial district.

Wyo. Stat. Ann. § 22-26-121(a). The Election Code further provides "[t]he secretary of state or the county clerk may refer any suspected violation of the Election Code to the appropriate prosecuting authority, as provided in this section." Wyo. Stat. Ann. § 22-26-121(d). As noted below, this statutory remedy, while permissive in nature, is a required prerequisite to filing suit in this matter.

In *Rock v. Langford*, 2013 WY 61, 301 P.3d 1075 (Wyo. 2013), the Wyoming Supreme Court reviewed a District Court decision granting summary judgment to a petition for declaratory judgment in a challenge to a ballot initiative matter. The Supreme Court reversed the District Court's *Order Granting Summary Judgment* in that case based on its finding that the District Court lacked subject matter jurisdiction. *See id.* The Court found that Wyo. Stat. Ann. § 22-17-106 imposes strict time limits on election challenges which must be met to invoke subject matter jurisdiction, and because appellants had failed to meet such requirements, subject matter jurisdiction had never vested in the trial Court. *Id.* at ¶ 42, 1085. Importantly, the Court cautioned District Courts to avoid "…interject[ing] themselves in essentially political controversies…". *Id.,* quoting *Bush v. Gore,* 121 S.Ct. 525 (2000).

The controversy in *Rock v. Langford* turned in large part on a determination of whether the suit was, in fact, an election contest. On such determination, the Wyoming Supreme Court quoted and adopted the standard of the Supreme Court of Alaska in election matters, holding that:

> The purpose of an election contest is to ascertain whether the alleged impropriety in fact establishes doubt as to the validity of the election result. For this reason, whether a cause of action should be deemed an election contest turns on the remedy sought. If the plaintiff's proposed remedy would defeat the public interest in the stability and finality of election results, it is appropriate to deem the cause of action an election contest and to require compliance with the procedures for such contests. ***A cause of action is deemed not to be an election challenge only if the remedy will not affect the stability and finality of the election result.***

Id. at ¶ 27, 1082-83, quoting *Braun v. Borough*, 193 P.3d 719, 731-32 (Alaska 2008) (Emphasis added).

This rule is dispositive in the instant case. Here, as in *Rock v. Langford,* the Plaintiffs bring the instant suit as a declaratory judgment action, asking this Court to reach into the internal affairs of the Wyoming Republican Party and substitute its discretion for that of the Party leadership. Should Plaintiffs prevail, the recent officer elections of the Wyoming Republican Party and the Hot Springs County Party could well be upended. Thus, it is beyond reasonable dispute that a favorable decision for Plaintiffs would "affect the stability and finality of the election result," therefore the instant controversy is an election contest subject to the rule established in *Rock v. Langford.*

C. This Court Should Abstain From Premature and Improper Review Of Internal Matters of a Political Party

It is a longstanding rule that courts are loathe to interfere in the judgments of political parties. This doctrine dates to Corpus Juris, the predecessor to Corpus Juris Secundum, and one of the oldest legal commentaries available today. Corpus Juris provides:

> Except to the extent that jurisdiction is conferred by statute or that the subject has been regulated by statute, the courts have no power to interfere with the judgements of the constituted authorities of established political parties in matters involving party government and discipline, or to determine disputes within a political party as to the regularity of the election of its executive officers. As elections belong to the political branch of the government, the courts will not be astute in seeking to find ground for interference, but will seek rather to maintain the integrity and

> independence of the several departments of the government by leaving questions as to party policy, the regularity of conventions, the nomination of candidates, the constitution, powers, and proceedings of committees, to be determined by the tribunals of the party. Thus, the action of a state convention in deciding between two contesting delegations and the regularity of the state or district conventions or other meetings at which they were selected is regarded as conclusive.

20 C.J., Elections, § 158 (1920). *See also* 29 C.J.S. Elections § 175. The commentator then explains:

> … the court is not interested in determining the correctness of parliamentary rulings or tactics adopted in a political convention, but only in whether the convention was organized as the law required…

Id. The commentator further opines:

> Since a political organization is an unincorporated voluntary association in which no rights of property or personal liberty are involved, a court of equity ordinarily has no jurisdiction to interfere by injunction to control its actions or those of its officers and committees, in the absence of statutory authority therefore.

Id. "Where questions of procedure in conventions are involved which are regulated not by law but by the party usages, the officer called on to determine them should follow the decision of the regularly constituted party authorities, and the courts in reviewing his determination should not interfere." *Id.* at § 158, footnote 30[a], citing *In Re Fairchild*, 151 N.Y. 359, 45 N.E. 943.

The courts have consistently echoed the commentator's words stating:

> We think it is not inappropriate here to observe that courts are very reluctant to interfere with party matters and, unless there is a clear violation of a jurisdictional requirement, will lay no hands on such matters. As was observed by the Kentucky Supreme Court… 'The settlement of such question, in the nature of things, should be left to party authority; and therefore we will not scan too closely party rules which undertake, however imperfectly, to confer authority on its various committees to manage party affairs to the best interests of the organization, not deny such authority, even if it be conferred in terms somewhat general.'

Bridges v. McCorvey, 254 Ala. 677, 682, 49 So. 2d 546, 550 (1950) citing *Moody v. Trimble*, 109 Ky. 139, 58 S.W. 504, 505 (1900). Other courts have stated that, "… the courts, with rare unanimity, express a reluctance to assume jurisdiction of questions of a purely political nature."

Smith v. McQueen, 232 Ala. 90, 92, 166 So. 788, 789 (1936). Stated differently,

> [W]hatever free hand the judiciary may otherwise have in interpreting a contract between two natural persons, the courts are enjoined by precedent not to 'interfere with the internal operations of a voluntary organization' and not to 'substitute their own construction of rules, regulations, bylaws, constitutions, or other formal agreements for that of the organization where the organization's interpretations are not contrary to the law or public policy.'

Gilbert v. Alabama Democratic Party, 301 So. 3d 816, 819 (Ala. 2020), citing *Brotherhood's Relief & Comp. Fund v. Rafferty*, 91 So. 3d 693, 696 (Ala. Civ. App. 2011). As a result, courts have generally ruled that they cannot substitute their own judgement for that of party executive committees. 29 C.J.S. Elections § 175, footnote 6; *see Battipaglia v. Executive Committee of Democratic County Committee of Queens County*, 20 Misc. 2d 226, 191 N.Y.S.2d 288 (Sup 1959). Plaintiffs ask this Court to substitute its judgment for that of the registered republicans of Hot Springs County and the State of Wyoming. Should this Court accept Plaintiffs' invitation to commandeer the Wyoming Republican Party's internal affairs, the Court would indeed be injected into an essentially political controversy and would be forced to assume the role of "…kingmaker…without…clear, objective standards that might insulate [it] from charges of political meddling". *Rock v. Lankford.* 2013 WY 61, ¶ 26*,* 301 P.3d 1075, 1083, quoting Steven F. Huefner, *Remedying Election Wrongs,* 44 Harv. J. on Legis. 265, 306 (2007). The Court should decline such invitation under the doctrine of abstention unless and until the Plaintiffs have exhausted all possible remedies and demonstrate a clear and compelling basis for review.

D. Conclusion

In the event Plaintiff remedies the procedural and jurisdictional defects noted above and continues to claim an actionable violation of Wyo. Stat. Ann. § 22-4-105, Defendants intend to challenge the constitutionality of said statute. As noted in *Conrad v. Uinta County*, the Court specifically did not rule on the constitutionality of § 22-4-105 rather going out of its way to note

that its ruling did not opine on the constitutionality of the same. *Conrad v. Uinta County Republican Party,* 2023 WY 46, ¶ 30, 529 P.3d 482, 494 (Wyo. 2023). However, such larger constitutional challenge is both unnecessary and inappropriate currently as this Court does not have subject matter jurisdiction over this matter. Unless and until Plaintiffs name all necessary parties and exhaust statutory remedies under *Lankford*, this Court must abstain from substituting its own judgment for that of Wyoming Republicans.

WHEREFORE, Defendants respectfully request that this Court dismiss the Plaintiffs' *Complaint* and their *Petition for Temporary Injunction.*

Dated this 29th day of May 2025.

WYOMING REPUBLICAN PARTY; WYOMING REPUBLICAN STATE CENTRAL COMMITTEE; WYOMING REPUBLICAN DISPUTE RESOLUTION COMMITTEE

By: */s/ Caleb C. Wilkins*

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May 2025, a true and correct copy of the foregoing **DEFENDANTS' MOTION TO DISMISS** was served as set forth below:

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