

1 Robert Imhoff-Dousharm  
3314 Holly Dr  
2 San Jose, CA 95127  
650-686-1100  
3 imhoffdousharm@gmail.com

4 JUDICIAL COMMITTEE

5 LIBERTARIAN PARTY OF CALIFORNIA

6 ROBERT & JENNIFER IMHOFF-DOUSARM

7 Plaintiffs,

8 vs.

9 HONOR “MIMI” ROBSON, CHAIR – LIBERTARIAN  
PARTY OF CALIFORNIA,

10 Defendant

RESPONSE TO RESPONDANTS FILED  
DOCUMENTS

11 Robert & Jennifer Imhoff-Dousharm, henceforth referred to as “Plaintiffs” in this motion, have  
12 reviewed the initial response from Mrs. Robson, and several interested parties, henceforth referred to as  
13 “Respondents”. This document serves as our response to points raised in their two responses.

14 **Investigation**

15 The Plaintiffs believe no formal investigation occurred prior to attending the Executive Committee  
16 meeting on August 10<sup>th</sup>, 2019, nor while in Executive Session, as outlined in the following points:

- 17
- 18 1. An email was received from Joshua Smith (EC At-Large) on August 7<sup>th</sup>, 2019 to asking that  
19 Plaintiffs attend meeting to “review” a complaint by an *anonymous person*. That email clearly  
20 stated we were not required to actually attend the meeting.
  - 21 2. Mrs. Imhoff responded to email asking Mr. Smith call Plaintiffs to provide further details of  
22 complaint, so we may be better prepared. Mr. Smith never called or emailed back.
  - 23 3. Mr. Imhoff called Mr. Smith around 9:30 PM on August 7<sup>th</sup>, 2019 to get more details. Mr.  
24 Smith did not answer, and a voicemail was left asking for a call back. Mr. Smith never called  
25 back.
  - 26 4. Mr. Imhoff called K. Brent Olsen (EC Vice Chair), around 9:30 PM on August 7<sup>th</sup>, 2019 to  
27 get more details. Mr. Olsen did not answer, and a voicemail was left asking for a call back.  
28 Mr. Olsen never called back.

- 1                   5. Mr. Imhoff called Brandon Nelson (EC N. Region), around 9:30 PM on August 7<sup>th</sup>, 2019 to  
2                   get more details. Mr. Nelson did not answer, and a voicemail was left asking for a call back.  
3                   Mr. Nelson never called back.
- 4                   6. Mr. Imhoff called Steve Haug (EC Treasurer) on August 7<sup>th</sup>, 2019. Mr. Haug had no  
5                   knowledge of complaint at that time. Mr. Imhoff asked that, if he does gain knowledge of  
6                   complaint, that he please call Mr. Imhoff back. Mr. Haug never called back.
- 7                   7. The Plaintiffs only discovered who the complaint came from, after calling someone who most  
8                   likely was the complainant, Emily Tilford on the same night, August 7<sup>th</sup>, 2019. Mrs. Tilford  
9                   never answered the phone, however, shortly after a call was attempted, an email from Mrs.  
10                  Tilford was received by all Officers of the Libertarian Party of Santa Clara County, explaining  
11                  that she had submitted a complaint to the Libertarian Party of California, against the  
12                  Plaintiffs. This email from Mrs. Tilford was the first indication of any concerns she had with  
13                  the Plaintiffs.
- 14                 8. At no point between August 7<sup>th</sup>, and August 10<sup>th</sup>, 2019, did anyone from the Executive  
15                  Committee attempt to follow-up with the Plaintiffs, or provide context to be prepared for  
16                  anything more than a discussion about the complaint.
- 17                 9. On August 10<sup>th</sup>, 2019, both Plaintiffs were asked to be present at an Executive Session of the  
18                  Executive Committee.
- 19                 10. The Plaintiffs attended Executive Session for no more than 10 minutes.
- 20                 11. The Plaintiffs were informed after Executive Session that they had been suspended for cause.
- 21                 12. The Plaintiffs were never provided with charges or evidence to support the cause.
- 22                 13. The Plaintiffs were never brought back into Executive Session to be informed of the exact  
23                  cause which resulted in suspension.

**Bylaw 5 Section 5**

In response to the question of procedure required to suspend. Plaintiffs would refer the Judicial  
26 Committee to the following two RONR passages:

- 27                   1. Article IX **Amendment of Bylaws *Some Principles of Interpretation*** Section 5

1 A provision granting certain privileges, carries with it a right to a part of the privileges, but  
2 prohibits a greater privilege. (RONR pp 590:9)

3 **2. Chapter XX Steps in a Fair Disciplinary Process**

4 Most ordinary societies should never have to hold a formal trial, and their bylaws need not be  
5 encumbered with clauses on discipline. For the protection both of the society and of its  
6 members and officers, however, the basic steps which, in any organization, make up the  
7 elements of fair disciplinary process should be understood. Any special procedures  
8 established should be built essentially around them, and the steps should be followed in the  
9 absence of such provisions. (RONR pp 656:18)

10 Passage one above clarifies that a partial privilege, the right for Executive Committee to suspend  
11 members, does not prohibit the greater privilege afforded to The Party and its members to a fair disciplinary process.

12 Passage two above explicitly notes that procedures should not typically been seen written into the  
13 bylaws themselves, but rather, in a procedure to accompany the bylaw. Such procedure was introduced into evidence  
14 by Gail Lightfoot. The existence of document submitted by Ms. Lightfoot affirms “Fair Disciplinary Process” is  
15 required by the Executive Committee historically, when considering suspension of a member. If submitted  
16 procedure from Ms. Lightfoot cannot be honored, because the respondent proves it no longer exists as standing  
17 order, then The Party must use the default procedures noted in Chapter XX of RONR.

18 It is the absolute responsibility of the Judicial Committee, during the appeal process, to weigh  
19 whether an inaction by the Executive Committee resulted in a bylaw being improperly used. The Executive  
20 Committee’s inaction was failure to execute a fair disciplinary process when they attempted to apply a suspension  
21 per the bylaw, under rights which they hold; and allow due process, which members are afforded. The Plaintiffs ask  
22 that the Judicial Committee agree, and restore their membership to the Libertarian Party of California, in good  
23 standing.

Dated this 4<sup>th</sup> day of September, 2019.



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Robert Imhoff-Dousharm



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Jennifer Imhoff-Dousharm