

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

BRUCE JACOBS, in his personal capacity as a Bernie Sanders Delegate to the Democratic National Convention, a Bernie Sanders Rules Committee Member for the Democratic National Convention, a life-long member of the Democratic Party, and in his capacity as an At Large Committee Member for Precinct 583; and Dr. Mae Christian, in her personal capacity as a life-long member of the Democratic Party, an Elected Committee Member since 1974 and presently representing Precinct 520, and in her capacity as the President of the Miami-Dade Democratic Black Caucus,

GENERAL JURISDICTION DIVISION

CASE NO. _____

Plaintiff,

vs.

JUAN CUBA, in his capacity as Chairman of the Miami-Dade Democratic Executive Committee; STEPHEN BITTEL, in his capacity as State Committeeman of the Miami-Dade Democratic Executive Committee; and the FLORIDA DEMOCRATIC PARTY, a political organization.

Defendant.

_____ /

COMPLAINT

BRUCE JACOBS, in his personal capacity as a Bernie Sanders Delegate to the Democratic National Convention, a Bernie Sanders Rules Committee Member for the Democratic National Convention, a life-long member of the Democratic Party, and in his capacity as an At Large Committee Member for Precinct 583; and Dr. Mae Christian, in her personal capacity as a life-long member of the Democratic Party, an Elected Committee Member since 1974 and presently representing Precinct 520, and in her capacity as the President of the Miami-Dade Democratic Black Caucus, sues

Defendants, JUAN CUBA, in his capacity as Chairman of the Miami-Dade Democratic Executive Committee; STEPHEN BITTEL, in his capacity as State Committeeman of the Miami-Dade Democratic Executive Committee; and the FLORIDA DEMOCRATIC PARTY, a political organization, and alleges:

GENERAL ALLEGATIONS

1. This is an action for declaratory judgment which seeks a determination that the election of Stephen Bittel as Miami-Dade County State Committeeman violated the bylaws of the Miami-Dade County Democratic Party ("MDCDP") and the Florida Democratic Party ("FDP").

2. This is also an action for injunctive relief to require the FDP and the MDCDP enforce their own bylaws and remove Mr. Bittel from the election for State Party Chair to be held on Saturday, January 14, 2017, in Orlando, Florida.

3. Bruce Jacobs ("Mr. Jacobs") was a Bernie Sanders Delegate for the 2016 Democratic National Convention, a Member of the Rules Committee for the 2016 Democratic National Convention, a lifelong member of the Democratic party, an At Large Democratic Executive Committee Member for Miami-Dade County Precinct 583, and is otherwise *sui juris*.

4. Dr. Mae Christian marched with Dr. Martin Luther King Jr. in Selma for voting rights for which she received the Congressional Gold Medal of Honor in February of 2016. She was amongst the first black women to integrate the Miami-Dade and Florida Democratic Party in 1974. She was a delegate to various conventions and worked tirelessly for the Democratic Party for the past fifty-four (54) years and is otherwise *sui juris*.

5. Juan Cuba ("Chairman Cuba") is the Chairman of the Miami-Dade County Democratic Executive Committee ("the DEC"), and is otherwise *sui juris*.

6. Stephen Bittel ("Mr. Bittel") is the State Committeeman for the Miami-Dade County Democratic Executive Committee, and is otherwise *sui juris*.

7. The Florida Democratic Party ("FDP") is a political organization recognized by Florida law (see Fla. Stat. §103.091). The Miami Dade Democratic Executive Committee ("DEC") is chartered and operates under the FDP umbrella, which is the Florida organization of the national Democratic Party representing Democratic candidates and voters throughout the State of Florida within the meaning of Fla. Stat. §103.121 and other provisions of Florida's election laws.

8. Venue is appropriate in Miami-Dade County as the parties are located therein and the dispute arose therein.

9. This Court has jurisdiction pursuant to §§86.011 and 86.021, Florida Statutes.

FACTUAL ALLEGATIONS

10. Mr. Jacobs and Dr. Christian file this lawsuit only after the Miami-Dade County Democratic Party and the Florida Democratic Party steadfastly ignored, avoided, delayed and refused to enforce their Bylaws and Florida Election statutes in the election of Mr. Bittel as Committee Member for Precinct 586, as Miami-Dade County State Committeeman, and in refusing to remove Mr. Bittel from the ballot for the State Party Chair election to be conducted in Orlando, Florida, on January 14, 2017.

11. Mr. Jacobs and Dr. Christian supported former Florida Senator Dwight Bullard ("Senator Bullard") to become State Party Chair. Senator Bullard was an early

Bernie Sanders supporter, a Bernie Sanders Delegate at the Democratic National Convention, and the candidate endorsed by Our Revolution for State Committeeman.

12. Mr. Bittel is a wealthy donor to the Democratic National Committee ("DNC"), appointed to the position of Finance Chair by then Chairwoman Debbie Wasserman Schultz who is mentioned by name in the hacked Democratic National Committee ("DNC") emails exposed by Wikileaks during the presidential election.

13. Those same hacked DNC emails forced Congresswoman Wasserman Shultz to resign as Chairwoman of the DNC after they exposed the improper bias against Senator Bernie Sanders in favor of Hillary Clinton that violated the Democratic Party Bylaws, undermined the integrity of the Democratic Party primary election, undermined the integrity of the Democratic Party as a whole, and significantly contributed to the election of Donald J. Trump as President.

14. Only months after the DNC leadership failure resulted in the loss of the presidential election, the Florida Democratic Party and the Miami-Dade County Democratic Party leadership violated their own bylaws and guidelines to strongarm Stephen Bittel, a wealthy donor with close ties to Congresswoman Wasserman Shultz, into a leadership position in the Miami-Dade DEC in a calculated effort to make him eligible to run for State Party Chair.

15. Chairman Cuba and the FDP have ignored repeated written demands since December 6, 2016, that Mr. Bittel be held to the same rules as every other Democrat who seeks office. They are also ignoring repeated requests for public records in an effort to stonewall discovery of their failure to enforce the bylaws.

16. In response to his most recent written demand, the FDP is forcing Mr. Jacobs to travel to Orlando to argue his complaint on the afternoon of Friday, January 13th, the day before the January 14th election of the State Party Chair.

17. This strategic delay is intended to deny this Honorable Court jurisdiction over the parties with time to provide due process of law and enforce the FDP and MDCDP bylaws, and Fla. Stat. §103.091 (5). The FDP responded to Mr. Jacobs' first letter without a hearing within days. The reason for requiring a hearing in Orlando the afternoon before the election is a pretense to prevent this Court from disqualifying and excluding Mr. Bittel from the State Party Chair election on January 14, 2017.

18. The *Miami Herald* reported that Mr. Bittel had "given tens of thousands of dollars to the county party — and to the state party, which means he had a hand in hiring Chairman Cuba and paying his salary as the Miami-Dade executive director." <http://www.miamiherald.com/news/politics-government/article119335943.html>.

A. The MDCDP Leadership Shenanigans that "Stuffed the Ballot Box" In Violation of the Bylaws and Florida Statute §103.091(5) to Ensure Mr. Bittel Became an Elected Committee Member and the Miami-Dade County State Committeeman So He Could Run for State Party Chair

19. Despite lacking any of the qualifications needed to run for State Party Chair of the FDP, the MDCDP leadership Mr. Bittel set in motion a plan to steamroll himself into a position to run which violated the bylaws of the FDP and the MDCDP.

20. On December 4, 2016, Mr. Bittel had a former aide to Congresswoman Debbie Wasserman Schultz, Stephanie Grutman, engage in an email campaign to "sign up 100 new DEC members before [December 6, 2016]... available to attend a meeting on the evening of Monday December 19 and they need to be people you can trust so that you can ask them to vote for Stephen Bittel." See email attached as Exhibit A.

21. On December 6, 2016, the Miami-Dade DEC conducted its “Reorganizational Meeting” as defined in both the MDCDP Bylaws §3-3.1 (see attached as Exhibit B) and the FDP Bylaws Article V §3.2.1. See attached as Exhibit C.

22. The FDP Chairwoman, Allison Tant, promulgated DEC Reorganizational Meeting Guidelines to assist county DEC’s with complying with the strict bylaws governing reorganizational meetings. See attached as Exhibit D.

23. These guidelines state the “only” (emphasis in original) business that may be conducted at this meeting was the election of officers. The guidelines further instruct that “Prior to or during the Reorganizational Meeting, a DEC may not elect additional precinct or at-large committee members.”

24. In clear violation of the FDP and MDCDP Bylaws and Guidelines, the minutes for the Miami-Dade DEC Reorganizational Meeting on December 6, 2016, reflect that newly elected State Committeeman Bret Berlin (“Mr. Berlin”) made an illegal and improper “motion to suspend the rules to accept the new membership applications ... and elect them as elected precinct members (if vacant) or at-large committee members of the Democratic Executive Committee”

25. Mr. Berlin failed to include the membership applications submitted to personally to him by Kira Willig, a Bernie Sanders Delegate to the Democratic National Convention who could not be trusted to vote for Mr. Bittel.

26. The Miami-Dade DEC Bylaws §3-3.3 state: "The Credentials Committee shall ... submit the names of all verified candidates to the County Executive Committee. **The vacancy shall be filled by a majority vote** of those present at a County Executive Committee meeting **at which a quorum is present.**" Emphasis added).

27. The "Election" of Mr. Bittel as a committee member also violated Florida Statute §103.091(5) which provides:

In the event no county committeeman or committeewoman is elected, or a vacancy occurs from any other cause in any county executive committee, the county chair shall call a meeting of the county executive committee by due notice to all members, and **the vacancy shall be filled by a majority vote of those present at a meeting at which a quorum is present.** Such vacancy shall be filled by a qualified member of the political party residing in the district where the vacancy occurred and for the unexpired portion of the term. (emphasis added.)

28. "Article I, Section 1.1 of the FDP bylaws states that: "Unless otherwise provided in the Charter or Bylaws of the Florida Democratic Party, the most recent edition of Robert's Rules of Order shall govern."

29. This specific situation is unaddressed in the bylaws, so under Robert's Rules Chapter 11thth ed., Chapter XI, § 40, page 349, lines 11-12 it states: "if the chair notices the absence of a quorum, it is his duty to declare the fact."

30. Chairman Cuba had an obligation to call the question once it became clear there was no quorum as "the prohibition against transacting business in the absence of a quorum cannot be waived even by unanimous consent." (Robert's Rules 11thth ed., Chapter XI, § 40, page 348, lines 14-16)

31. At the time Mr. Berlin made his improper Motion to Suspend the Rules at the Reorganizational Meeting, there was no longer a quorum of the 192 duly elected County Executive Committee Members as evidenced by the tally of approximately 54 votes for the runoff election conducted just before Mr. Berlin's Motion.

32. Accordingly, Mr. Bittel was never properly elected by a majority vote of duly elected members of the Miami-Dade DEC at the Reorganizational Meeting at which a quorum was present.

33. In that case, Mr. Bittel was not properly an Elected Committee Member eligible to run for Miami-Dade State Committeeman against Senator Bullard.

B. **Mr. Bittel Could Not Be an Elected Committee Member Because He Drew Opposition From Mr. Richard Lobo and No Election Was Held In Accordance with the Bylaws and Florida Statute §103.091(5)**

34. According to the Reorganizational Meeting minutes, the Miami-Dade DEC elected 137 new precinct members during the reorganizational meeting. These new members included Mr. Bittel, the people Ms. Grutman collected who could be trusted to vote for Mr. Bittel, and Mr. Richard Lobo.

35. In clear violation of the MDCDP bylaws and Florida Statute §103.091(5), a duly authorized "Credentials Committee" consisting of at least one person from each Caucus and Club Chartered in Miami-Dade County never investigated the 137 new precinct members to ensure the applicants were qualified to serve and had knowledge of their responsibilities as committee members. See MDCDP Bylaws §5-5.2.

36. Both Mr. Bittel and Mr. Richard Lobo applied for the same vacant committee member position for precinct 586 which, under the bylaws and Fla. Stat. §103.091 (5), would have required an election wherein a majority of the members present voted for one to be the elected committee member for the duration of the term.

37. Instead, the Reorganizational Meeting minutes reflect Mr. Bittel became an Elected Committee Member for Precinct 586 and Mr. Lobo became an At-Large Committee Member also for Precinct 586.

38. Under the FDP and MDCDP Bylaws and Fla. Stat. §103.091 (5), neither Mr. Bittel or Mr. Lobo could be properly made committee members at the Reorganizational Meeting and only a majority vote at a subsequent meeting could

determine whether Mr. Bittel or Mr. Lobo would become the Elected Committee Member for Precinct 586.

C. **The MDCDP Leadership Compounded Their Errors By Violating the Bylaws and Fla. Stat. §103.091(5) In Attempting to Ratify Their Previous Violations of the the Bylaws and Fla. Stat. §103.091(5).**

39. Under the FDP and MDCDP Bylaws, Mr. Bittel had to first properly become an Elected Committee Member to be eligible to run for a DEC officer position, such as State Committeeman, to be eligible to run for State Party Chair of the FDP.

40. Only days after the Reorganizational Meeting, Chairman Cuba announced that Mr. Berlin resigned his newly elected position as State Committeeman.

41. On Friday, December 10, 2016, Chairman Cuba gave notice of a meeting to elect a new State Committeeman would be held on December 20, 2016.

42. Chairman Cuba further instructed that applications for new Committee Members would be accepted until December 15 resulting in over 150 new applications.

43. Mr. Berlin instructed the new Credentials Committee Chair, Zenia Perez, that "to avoid scandal and lawsuits" she should accept all applications for new committee members in order of receipt when multiple applications are filed for the same precinct vacancy.

44. The FDP and MDCDP Bylaws both require the majority of committee members determine who should fill any vacant Elected Committee Member position. They Bylaws provide for 60 days to permit the proper vetting of potential candidates.

45. It was improper for Mr. Berlin to instruct the Credentials Committee to make that decision based on the time stamp showing receipt of the application.

46. On December 11, 2016, Mr. Jacobs sent his first letter to Chairman Cuba objecting to the acceptance of Mr. Bittel's application at the Reorganizational Meeting. Other Democrats, including Dr. Christian and Stacey Patel sent similar letters.

47. The FDP and the Miami-Dade DEC both acknowledged an "arguable infirmity" with the Motion to Suspend that would be cured at the December 20th meeting.

48. On December 12, 2016, Mr. Bittel sent an email formally announcing his candidacy for State Committeeman of the Miami-Dade DEC with the intention to run for Chair of the FDP with an ironic, yet simple message: "everyone who works hard and plays by the rules should be able to get ahead."

49. At the December 20th meeting, over 400 people attended including members of other County DEC's, members of the media, and the almost 300 new applicants to become committee members that were not committee members eligible to vote at the Reorganizational Meeting.

50. In an effort to prevent scrutiny of their misconduct, Chairman Cuba and others blocked fellow Democrats who travelled hundreds of miles to be present at the Special Election, despite dozens of available seats in the observation area.

51. Article 1, Section 4.1.1 of the FDP Bylaws unequivocally states that "Meetings of the Florida Democratic Party and its components shall be open to all members of the Democratic Party."

52. Chairman Cuba made an attempt to ratify Mr. Berlin's improper motion at the Reorganizational meeting to suspend the rules that violated both FDP bylaws and Robert's Rules on quorum. However, Robert's Rules provide:

"[a]n assembly can ratify only such actions of its officers, committees, delegates, or subordinate bodies as it would have had the right to

authorize in advance...it cannot ratify anything done in violation of...its own bylaws."

53. As Article V, Section 3.2.1 of the current FDP Bylaws limits reorganizational meetings to a precise agenda that leaves no room for new business aside from officer elections, there are no permissible means of ratifying Mr. Berlin's motion which violated the FPD guidelines.

54. Chairman Cuba compounded this error by conducting a voice vote at the December 20th meeting to approve all of the almost 300 new committee members, including Mr. Bittel.

55. At the time of the voice vote, the almost 300 new committee members were allowed to participate before being properly sworn in or being registered with the Miami-Dade County Supervisor of Elections.

56. Chairman Cuba ignored motions for a roll call vote and made no effort to ensure that the only people allowed to vote to approve the almost 300 new committee members, including Mr. Bittel, were those duly elected committee members eligible to vote before the Reorganizational Meeting.

57. It is a clear and egregious violation of the FDP and MDCDP Bylaws that Chairman Cuba permitted applicants for committee membership to vote on whether to accept their own applications for committee membership. Imagine Mr. Jacobs and his law school classmates overwhelmingly voting to make themselves members of the Florida Bar. Only those eligible to vote should have been allowed to vote.

58. Chairman Cuba never conducted a proper vote limited to only those committee members eligible to before the Reorganizational Meeting and could not ratify the vote to make Mr. Bittel an Elected Committee Member.

59. Chairman Cuba disenfranchised Mr. Jacobs and Dr. Christian by allowing Mr. Bittel to run against Senator Bullard for State Committeeman, when he was clearly ineligible under the FDP and MDCDP Bylaws.

60. If the Bylaws are enforced, Mr. Bittel must be disqualified as an Elected Committee Member for Precinct 586 and as the Miami-Dade State Committeeman.

COUNT I

DECLARATORY JUDGMENT

Mr. Jacobs and Dr. Christian adopt and reaver the allegations of paragraphs 1 – 60 as if fully set forth herein.

61. There is a bona fide dispute between the parties and the need for a declaration as to whether Mr. Bittel was eligible to be an Elected Committee Member for Precinct 586

62. There is a bona fide dispute between the parties and the need for a declaration as to whether Mr. Bittel was validly elected as the Miami-Dade County State Committeeman in accordance with the FDP and MDCDP Bylaws.

63. The declaration deals with a present, ascertained state of facts and a present controversy as to those facts.

64. Mr. Jacobs and Dr. Christian have the right to ensure their political party follows its own bylaws and guidelines and maintains the integrity of the election of the State Party Chair for the Democratic Party of which they are members.

65. Mr. Jacobs and Dr. Christian have an actual, present, adverse and antagonistic interest in ensuring the FDP does not violate its own bylaws to allow a wealthy donor to lead the FDP when they believe the FDP is best led by Senator

Bullard, a Bernie Sanders Delegate who was forced to move to Gadsden County to run for State Party Chair after losing the election for State Committeeman to Mr. Bittel.

66. The FDP and MDCDP cannot hold average Democrats to a different standard under the Bylaws than that applied to wealthy donors and then refuse to provide any meaningful remedy when asked to enforce those Bylaws evenly.

67. The antagonistic and adverse interests are all before the court by proper process.

68. The relief sought is not merely giving of legal advice by the courts or the answer to questions propounded from curiosity.

WHEREFORE, Mr. Jacobs and Dr. Christian respectfully request this Honorable Court issue a declaratory judgment that Stephen Bittel is ineligible to hold the position of State Committeeman or run for State Party Chair on January 14, 2017, and any further relief deemed mete and just.

COUNT II

INJUNCTIVE RELIEF

Mr. Jacobs and Dr. Christian adopt and reaver the allegations of paragraphs 1 – 60 as if fully set forth herein.

69. Mr. Jacobs and Dr. Christian will have no adequate remedy at law if the FDP does not enforce its Bylaws and remove Mr. Bittel as ineligible to run for State Party Chair from the election to be held on January 14, 2017.

70. It will cause irreparable harm to Mr. Jacobs and Dr. Christian, their families, their community, and their political party, and the very existence of democracy, if the Florida Democratic Party is led by Mr. Bittel, a wealthy donor to the Democratic

Party, who won his election using political influence to pressure Chairman Cuba and others in party leadership to perpetrate and/or ignore gross violations of the FDP and MDCDP Bylaws.

71. Already, Mr. Jacobs is aware of many dedicated members of the Democratic Party who are walking away in disgust to see the party leadership continue to act in the same manner exposed by hacked DNC emails that showed Bernie Sanders was not treated fairly during the presidential primary.

72. Mr. Jacobs strongly believes the Democratic Party can only be a viable alternative to a Donald Trump presidency if it regains the trust of the voters by rejecting the past pattern of favoring wealthy donors over those that play by the rules.

WHEREFORE, Mr. Jacobs respectfully requests this Honorable Court enjoin the Florida Democratic Party from allowing Stephen Bittel to run for State Party Chair in the election to be held on January 14, 2016, and any further relief deemed mete and just.

Respectfully submitted,

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