

ORLY TAITZ, ESQ
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IN THE NINTH CIRCUIT COURT OF APPEALS

Case # 13-15627

GRINOLS ET AL

V

ELECTORAL COLLEGE ET AL

MOTION TO MODIFY THE APPEAL

Appellants herein have filed an appeal of the order of the lower court to deny the default judgment against one of the defendants in the above captioned case. The appeal is not due yet. Meanwhile the lower court has dismissed the whole case on a 12b motion. In the interest of judicial economy the appellants are requesting to modify the Appeal herein and file one appeal of both the denial of the default judgment and the dismissal of the case by the lower court. Additionally, appellants recently found out that an appeal was filed in a related case *Peace and Freedom Party and Peta Lindsey v Secretary of State Debra Bowen* Court of Appeals # 13-15085 and lower court # 2:12-cv-00853. See docket of the related case Exhibit 1. Both cases revolve around 2012 election and inclusion or exclusion of candidates on the ballot by the Secretary of State of California Debra Bowen. Appellants believe that in the interest of Judicial economy and in the interest of Justice it would be beneficial to hear both cases jointly.

Conclusion

Based on all of the above, 9th Circuit court of Appeals should allow the Appellants to file one appeal and should hear it in conjunction with the related case.

Respectfully submitted,

/s/ Orly Taitz,

Counsel for the Appellants

Exhibit 1

If you view the you will be charged for 1 Pages \$0.10

General Docket United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 13-15085 **Docketed:** 01/14/2013
Nature of Suit: 3441 Civil Rights Voting
 Peta Lindsay, et al v. Debra Bowen
Appeal From: U.S. District Court for Eastern California, Sacramento
Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0972-2 : [2:12-cv-00853-GEB-AC](#)
Trial Judge: Garland E. Burrell, Junior, Senior District Judge
Date Filed: 04/03/2012

Date	Date Order/Judgment	Date NOA	Date Rec'd
Order/Judgment: 12/11/2012	EOD: 12/11/2012	Filed: 01/10/2013	COA: 01/11/2013

- 01/14/2013 [1](#) DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 01/22/2013. Appellants Richard Becker, Peta Lindsay and Peace and Freedom Party opening brief due 04/22/2013. Appellee Debra Bowen answering brief due 05/22/2013. Appellant's optional reply brief is due 14 days after service of the answering brief. [8472093] (GR)
- 01/14/2013 [2](#) Filed certificate of record on appeal. RT filed in DC [8472095] (GR)
- 02/04/2013 [3](#) Filed order MEDIATION (EPM)The Court of Appeals' records do not indicate that appellants have filed a Mediation Questionnaire in accordance with Circuit Rule 3-4. Within seven (7) days of the filing of this order,

appellants shall: (a) file a Mediation Questionnaire (available on the court's website, www.ca9.uscourts.gov); (b) dismiss the appeal voluntarily pursuant to Fed. R. App. P. 42(b); or (c) show cause in writing why this appeal should not be dismissed pursuant to Ninth Cir. R. 42-1. Failure to comply with this order will result in dismissal pursuant to Ninth Cir. R. 42-1. [8499232] (KKW)

- 02/05/2013 [4](#) Filed (ECF) Appellants Richard Becker, Peta Lindsay and Peace and Freedom Party Mediation Questionnaire. Date of service: 02/05/2013. [8501383] (REB)
- 02/14/2013 [5](#) Filed order MEDIATION (VLS):This case is under consideration for inclusion in the Mediation Program. Within 14 days of the date of this order, counsel for all parties intending to file briefs in this matter are requested to inform Stephen Liacouras, Circuit Mediator, in writing, by email at stephen_liacouras@ca9.uscourts.gov, of their clients' views on whether the case is appropriate for settlement discussions or mediation [8514279] (KKW)
- 03/27/2013 [6](#) Filed order MEDIATION (SL): Case not selected for mediation program. Counsel interested in obtaining settlement assistance or program information should contact the Mediation Office. [8566690] (KKW)
- 04/22/2013 [7](#) Submitted (ECF) Opening Brief for review. Submitted by Appellants Richard Becker, Peta Lindsay and Peace and Freedom Party. Date of service: 04/22/2013. [8599635] (REB)

Exhibit 2

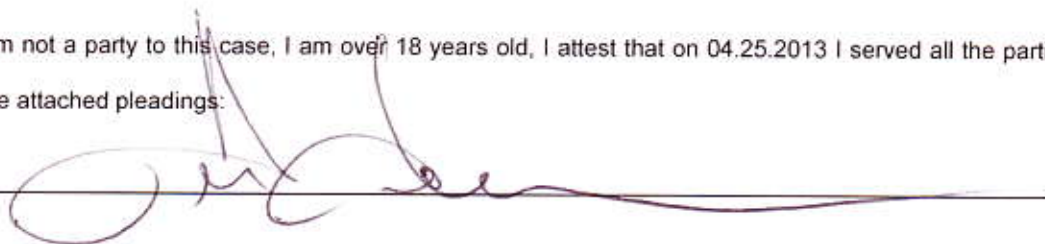
Affidavit of Attorney Orly Taitz

I, Orly Taitz, am a counsel for the Appellants in the above captioned case and I attest that following is true and correct to the best of my knowledge and informed consent.

1. Appeal at hand was filed in relation to the order denying default judgment in the above captioned case and on April 22, 2013 presiding judge dismissed the case against all parties on a 12 b motion, as such it would serve the interest of judicial economy to file one appeal on both issues.
2. Case *Peace and Freedom Party and Peta Lindsey v Secretary of State Debra Bowen Appeals # 13-15085* is a related case currently before this court. It would serve judicial economy to hear both cases together.

Orly Taitz

I, Lila Dubert, am not a party to this case, I am over 18 years old, I attest that on 04.25.2013 I served all the parties in this case with the attached pleadings:



Lila Dubert

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Defendant

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Defendant

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