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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA (SOUTHERN) DIVISION

Captain Pamela Barnett,
Lt. Colonel Richard Norton Bauerbach
Captain Robin D. Biron
Colonel John D. Blair,
Mr. David L. Bosley,
Ms. Loretta G. Bosley,
Captain Harry G. Butler,
Representative Glenn Casada, Tennessee
Jennifer Leah Clark,
Representative Timothy Comerford, NH
Charles Crusemire,
Representative Cynthia Davis, Missouri
Chief Warrant O. Thomas S. Davidson
Wiley S. Drake,
Matthew Michael Edwards,
Lt. Jason Freese,
Mr. Kurt C. Fuqua,
Officer Clint Grimes,
Representative Casey Guernsey, Missouri
Julliett Ireland,
D. Andrew Johnson,
Israel D. Jones,
Timothy Jones,
Alan Keyes, Ph.D.,
Commander David Fullmer LaRoque,
Gail Lightfoot,
Lita M. Lott,
Major David Grant Mosby,
MSGT Steven Kay Neuenschwander,
Representative Frank Niceley, Tennessee
Retired Senator Jerry O'Neil, Montana,
SFC E7 Robert Lee Perry,
Representative Larry Rappaport, NH
Colonel Harry Riley,
Markham Robinson,
Sergeant Jeffrey Wayne Rosner,
MSGT Jeffrey Schwilk,



Civil Action No.:
SACV09-00082-DOC (Anx)

TRIAL-BY-JURY
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Captain David Smithey,
Lt. Commander John Bruce Steidel,
Cmdr. Douglas Earl Stoepfelwerth
Thomas J Taylor,
Representative Eric Swafford, Tennessee
Captain Neil B. Turner,
Richard E. Venable,
LCDR Jeff Graham Winthrope, and
Lt. Colonel Mark Wriggle,
Plaintiffs,



v.

Barack Hussein Obama,
Michelle L.R. Obama,
Hillary Rodham Clinton, Secretary of State,
Robert M. Gates, Secretary of Defense,
Joseph R. Biden, Vice-President and
President of the Senate,
Defendants.

PLAINTIFF WILEY S. DRAKE & MARKHAM G. ROBINSON
RULE 41(a) NOTICE OF VOLUNTARY DISMISSAL without PREJUDICE

Plaintiffs Wiley S. Drake and Markham G. Robinson have communicated through their preferred counsel Gary G. Kreep that they do not wish to be represented by the undersigned counsel and that they do not wish to work with her any more, in that they initially disapproved of filing in Federal Court.

IRRECONCILABLE DIFFERENCES WITH COUNSEL

These Plaintiffs submit that they have irreconcilable differences with the strategy of the undersigned counsel. For her part, the undersigned counsel for all other Plaintiffs respectfully submits and states in good faith that she cannot effectively work or cooperate with these Plaintiffs’ proposed counsel Gary G. Kreep, and that no involuntary association of counsel in a complex and highly contentious case such as the present, highly emotionally charged and politically sensitive litigation is likely to yield positive results. One of the plaintiffs filing notice herein has made public comments with which the undersigned counsel does not agree.

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3 Wherefore, Plaintiffs Wiley S. Drake and Markham G. Robinson serve notice,
4 pursuant to Rule 41(a)(1)(A)(i) of voluntary dismissal and withdrawal of their names
5 as Plaintiffs in the above-entitled and numbered cause of action, reserving to
6 themselves the right to pursue similar or parallel or distinct litigation in any court of
7 competent jurisdiction, state or federal. Plaintiffs and the undersigned counsel
8 submit that infighting among allies is among the most counterproductive factors
9 which can possibly arise in litigation.

10 According to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure
11 Plaintiffs may voluntarily dismiss their cause of action without a court order by filing
12 their Notice of Dismissal before the opposing party serves either an answer or a
13 motion for summary judgment. No opposing party has served either an answer or a
14 motion for summary judgment in the present case. No opposing party has filed a
15 counterclaim, nor has any opposing party filed any motion adverse to the interests of
16 these plaintiffs whatsoever.

17 These Plaintiffs file their Notice of Voluntary Dismissal without Prejudice,
18 and would aver that they have never previously dismissed any federal or state-court
19 action based on or including the same claims as in the present action, so that pursuant
20 to Rule 41(a)(1)(B) there is no reason or cause for considering that these plaintiffs'
21 notice of voluntary dismissal should or could operate as an adjudication on the merits
22 of any aspect of their claims.

23 PRAYER FOR RELIEF

24 WHEREFORE, Plaintiffs WILEY S. DRAKE and MARKHAM G.
25 ROBINSON ask this Court to take Notice of and Approve their withdrawal from this
26 action and voluntary dismissal of their names from the list of Plaintiffs, without
27 prejudice to their refileing their claims at some future date in any court of competent
28 jurisdiction, state or federal.

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Saturday, August 1, 2009

Respectfully submitted,

By: _____

Dr. Orly Taitz, Esq. (SBN 223433)

Attorney for the Plaintiffs

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Mission Viejo, California 92691

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PROOF OF SERVICE

I the undersigned Charles Edward Lincoln, being over the age of 18 and not a party to this case, so hereby declare under penalty of perjury that on this Wednesday July 15, 2009, I provided facsimile copies of the Plaintiffs’ above-and-foregoing “Rule 41(a)(1)(A)(i) NOTICE OF VOLUNTARY DISMISSAL without prejudice” filed by and on-behalf of Plaintiffs WILEY S. DRAKE and MARKHAM G. ROBINSON upon those attorneys who have appeared in this case in accordance with the local rules of the Central District of California, to wit:

THOMAS P. O’BRIEN

LEON W. WEIDMAN

ROGER E. WEST

DAVID A. DeJUTE

FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS 1st day of August, 2009

Charles Edward Lincoln