

**MEMORANDUM OF POINTS AND AUTHORITIES****I. INTRODUCTION**

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3 The initial complaint in this matter was filed by Dr. Taitz on January 20, 2009.  
4 Dr. Taitz included the names of Mr. Robinson and Dr. Drake as plaintiffs in the  
5 complaint, with neither Mr. Robinson's nor Dr. Drake's knowledge or consent. On  
6 or before July 13, 2009, PLAINTIFFS decided that they would remain as plaintiffs in  
7 the present case, but that they preferred to be represented by Mr. Kreep (See  
8 Declarations of Markham Robinson and Dr. Wiley S. Drake). On July 20, 2009,  
9 pursuant to PLAINTIFFS' requests, Mr. Kreep prepared a Request for Approval of  
10 Substitution of Attorney and an Order on Request for Approval of Substitution of  
11 Attorney for both Mr. Robinson and Dr. Drake (See Exhibits "1" and "2"). Upon  
12 receiving PLAINTIFFS' signed documents, on July 24, 2009, Mr. Kreep signed the  
13 documents and had his law clerk, Elliot Wilson, mail them, via overnight mail, to Dr.  
14 Taitz for her signature (See Declaration of Elliot Wilson, submitted herewith). On  
15 July 30, 2009, Dr. Taitz sent an email to PLAINTIFFS and informed them that she  
16 was refusing to comply with PLAINTIFFS' request for her to sign the Request for  
17 Approval of Substitution of Attorney (See Exhibit "3", a copy of which is attached  
18 hereto and made a part thereof). On August 1, 2009, Dr. Taitz, without PLAINTIFFS'  
19 knowledge or consent, filed NOTICE with the Court (See Exhibit "4", a copy of  
20 which is attached hereto and made a part thereof). NOTICE does not contain the  
21 signature of Dr. Taitz (See Exhibit "4").

22 In NOTICE, Dr. Taitz alleges that PLAINTIFFS "submit that they have  
23 irreconcilable differences with the strategy of the undersigned counsel", that  
24 PLAINTIFFS "submit that infighting among allies is among the most  
25 counterproductive factors which can possible arise in litigation", that PLAINTIFFS  
26 "would aver that they have never previously dismissed any federal or state-court  
27 action based on or including the same claims as in the present action", and that  
28 PLAINTIFFS "ask this Court to take Notice of and Approve their withdrawal from

1 this action” (See Exhibit “4”). PLAINTIFFS may or may not agree with the above  
2 first three quotes, however, PLAINTIFFS never communicated such claims or  
3 sentiments to Dr. Taitz, and, thus, did not “ask” for, “submit”, or “aver” anything  
4 relating to their dismissal as plaintiffs from this case (See Declarations of Markham  
5 Robinson and Dr. Wiley S. Drake).

6 Due to the fact that Dr. Taitz acted unilaterally to dismiss PLAINTIFFS from  
7 this case, rather than consenting to their being represented by Mr. Kreep, and due to  
8 the fact that PLAINTIFFS wish to remain as plaintiffs in this case and never desired  
9 or intended to be dismissed from the matter, the Court should vacate PLAINTIFFS’  
10 voluntary dismissal from the case, and reinstate Mr. Robinson and Dr. Drake as  
11 plaintiffs, with Mr. Kreep as their counsel of record.

## 12 II. ARGUMENT

13 Pursuant to Federal Rules of Civil Procedure (hereinafter referred to as  
14 “FRCP”) § 60, the Court may vacate PLAINTIFFS’ voluntary dismissal from the  
15 case. FRCP § 60 provides that “[o]n motion and upon such terms as are just, the court  
16 may relieve a party ... from a final judgment, order, or proceeding for ... any other  
17 reason justifying relief from the operation of the judgment.” FRCP § 60(b)(6). In this  
18 case, PLAINTIFFS’ relief from the dismissal is justified. PLAINTIFFS wish to  
19 remain as plaintiffs in the case, and, through their Request for Approval of  
20 Substitution of Attorney, they clearly expressed their intent to Dr. Taitz to do so, prior  
21 to her filing of NOTICE (See Exhibits “1” and “2”). Dr. Taitz refused to cooperate  
22 with PLAINTIFFS’ requests to substitute Mr. Kreep as their attorney, and Dr. Taitz  
23 went behind PLAINTIFFS’ backs in an attempt to have PLAINTIFFS dismissed from  
24 the case to avoid allowing PLAINTIFFS to be represented by an attorney of their  
25 choosing. Since PLAINTIFFS wish to remain named as plaintiffs in the case, and  
26 since they did not consent to Dr. Taitz’s filing of NOTICE dismissing them from the  
27 case, the Court should find that relief is justified, and it should vacate PLAINTIFFS’  
28 dismissal.

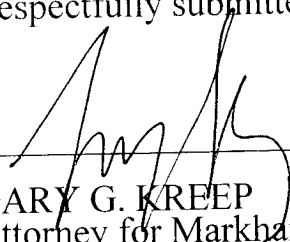
**III. CONCLUSION**

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Based on the reasons set forth above, PLAINTIFFS respectfully request that the Court grant PLAINTIFF's ex parte application to grant an order vacating the voluntary dismissal and reinstate PLAINTIFFS as plaintiffs in this case, with Mr. Kreep as their attorney of record.

Respectfully submitted,

Dated: August 19, 2009

  
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GARY G. KREEP  
Attorney for Markham Robinson and  
Dr. Wiley S. Drake