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9 and Wiley S. Drake

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **SANTA ANA (SOUTHERN) DIVISION**

13 CAPTAIN PAMELA BARNETT,) CIVIL ACTION NO:
14 et al.,) SACV09-00082-DOC (Anx)
15 Plaintiffs,) **DECLARATION OF GARY G. KREEP**
16 vs.) **IN SUPPORT OF PLAINTIFFS' EX**
17 BARACK HUSSEIN OBAMA, et) **PARTE APPLICATION FOR ORDER**
18 al.,) **VACATING VOLUNTARY**
19 Defendants) **DISMISSAL**

20 **DECLARATION OF GARY G. KREEP IN SUPPORT OF**
21 **PLAINTIFFS' EX PARTE APPLICATION FOR ORDER VACATING**
22 **VOLUNTARY DISMISSAL**

23 I, Gary G. Kreed, hereby declare as follows:

24 1. That I am the attorney for Plaintiffs Markham Robinson and Wiley S.
25 Drake (hereinafter referred to as "PLAINTIFFS") in this case, that I am admitted to
26 practice before all Courts of this State, and that, if called upon to do so, I could, and
27 would, competently testify as follows:
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1 2. That, on August 19, 2009, on behalf of PLAINTIFFS, I filed with this
2 Court an application to file under seal PLAINTIFFS' Ex Parte Application for
3 Order Vacating Voluntary Dismissal.

4 3. That the Ex Parte Application requested that the Court vacate the
5 dismissal of PLAINTIFFS from the case, which was caused by Dr. Taitz's filing of
6 a Notice of Voluntary Dismissal on behalf of PLAINTIFFS, on August 1, 2009,
7 without their consent or knowledge.

8 4. That, on August 21, 2009, in an order issued by Judge David O.
9 Carter, the Court denied PLAINTIFFS' request to file their Ex Parte Application
10 under seal; the Court also declined to resolve, on an ex parte basis, PLAINTIFFS'
11 application; and the Court scheduled a hearing on September 8, 2009, in order to
12 resolve the issues relating to PLAINTIFFS' Ex Parte Application, Defendants'
13 Notice of Failure by Plaintiffs to Properly Effect Service of Process, and Plaintiffs'
14 Motion for Review of Magistrate Judge Arthur Nakazato's August 6, 2009 Order
15 Striking Filed Documents from the Record and Motion to Recuse Magistrate Judge
16 Arthur Nakazato under 28 U.S.C. § 455(a).

17 5. That it is my understanding that this Court is now treating
18 PLAINTIFFS' Ex Parte Motion as a Noticed Motion.

19 6. That, once reinstated as plaintiffs in this case, PLAINTIFFS plan to
20 file an amended complaint herein.

21 7. That, since PLAINTIFFS wish to remain as plaintiffs in this case and
22 plan to file an amended complaint, and since the Court will consider Defendants'
23 Notice of Failure by Plaintiffs to Properly Effect Service of Process at the hearing
24 scheduled for September 8, 2009, I am requesting, on behalf of PLAINTIFFS, that
25 the Court not take any action relating to Defendants' Notice that would be
26 detrimental to PLAINTIFFS' interest in this matter before PLAINTIFFS are
27 reinstated as plaintiffs in this case and have the opportunity to file PLAINTIFFS'
28 amended complaint.

1 8. That I know of no prejudice that will result to any party as a result of
2 this request, as until August 1, 2009, PLAINTIFFS were parties herein.

3 9. This request is made in good faith and for the reasons set forth above
4 and not for the purpose of any delay.

5 I declare under penalty of perjury that the foregoing is true and correct and
6 that this declaration was executed on August 26, 2009, at Ramona, California.

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