

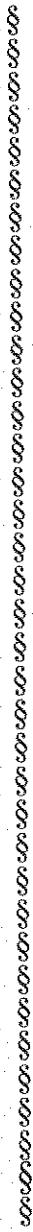
EXHIBIT 1

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Dr. Orly Taitz
Attorney-at-Law
Orly Taitz Law Offices
26302 La Paz, Suite 211
Mission Viejo, California 92691
Telephone: (949) 683-5411
E-Mail: dr_taitz@yahoo.com

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
DEMANDED

*Rule 41(a)(1)(A)(i) Notice by Wiley S. Drake and Markham G. Robinson
Notice of Voluntary Dismissal, SACV09-00082-DOC (ANX),
Filed August 1, 2009*

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Captain David Smithey,
Lt. Commander John Bruce Steidel,
Cmdr. Douglas Earl Stoeppelwerth
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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Wherefore, Plaintiffs Wiley S. Drake and Markham G. Robinson serve notice, pursuant to Rule 41(a)(1)(A)(i) of voluntary dismissal and withdrawal of their names as Plaintiffs in the above-entitled and numbered cause of action, reserving to themselves the right to pursue similar or parallel or distinct litigation in any court of competent jurisdiction, state or federal. Plaintiffs and the undersigned counsel submit that infighting among allies is among the most counterproductive factors which can possibly arise in litigation.

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

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

PRAYER FOR RELIEF

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

*Rule 41(a)(1)(A)(i) Notice by Wiley S. Drake and Markham G. Robinson
Notice of Voluntary Dismissal, SACV09-00082-DOC (ANX),
Filed August 1, 2009*

DR. ORLEY TAITZ
FOR THE PLAINTIFFS
26302 LA PAZ SUITE 211
MISSION VIEJO, CALIFORNIA 92691

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Saturday, August 1, 2009

Respectfully submitted,

By: _____

Dr. Orly Taitz, Esq. (SBN 223433)

Attorney for the Plaintiffs

26302 La Paz, Suite 211

Mission Viejo, California 92691

Telephone (949) 683-5411

E-Mail: dr_taitz@yahoo.com

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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

EXHIBIT 2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. SACV 09-0082-DOC(ANx) Date May 12, 2009
Title ALAN KEYES, PhD, ET AL v BARACK H. OBAMA, ET AL

Present: The Honorable DAVID O. CARTER, U.S. DISTRICT JUDGE

Kristee Hopkins None Present n/a
Deputy Clerk Court Reporter / Recorder Tape No.
Attorneys Present for Plaintiffs: Attorneys Present for Defendants:
Not Present Not Present

**Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE
DISMISSAL FOR LACK OF PROSECUTION**

The Court, on its own motion, hereby ORDERS Plaintiff, to show cause in writing no later than **May 29, 2009** why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

XXX this Court has not received a responsive pleading from, or a proof of service for, various defendants;

Answers by the defendant(s) or plaintiff's request for entry of default

 Filing of a request for the clerk to enter default judgment OR the filing of a motion for entry of default judgment.

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 120 days after the filing of the complaint. Fed. R. Civ. P. 4(m) The Court may dismiss the action prior to the expiration of such time, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the plaintiff's responsibility to respond promptly to all orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time under Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1

NO oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

Initials of Preparer kh : 0

EXHIBIT 3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. SACV 09-0082-DOC(ANx) Date May 27, 2009

Title ALAN KEYES, Phd, ET AL v BARACK H. OBAMA, ET AL

Present: The Honorable DAVID O. CARTER, U.S. DISTRICT JUDGE

| | | |
|-----------------------------------|-----------------------------------|----------|
| Kristee Hopkins | None Present | n/a |
| Deputy Clerk | Court Reporter / Recorder | Tape No. |
| Attorneys Present for Plaintiffs: | Attorneys Present for Defendants: | |
| Not Present | Not Present | |

**Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE RE
DISMISSAL FOR LACK OF PROSECUTION**

The Court, on its own motion, hereby ORDERS Plaintiff, to show cause in writing no later than **June 12, 2009** why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider the filing of one of the following, as an appropriate response to this OSC, on or before the above date:

this Court has not received a responsive pleading from, or a proof of service for, various defendants;

XXX Answers by the defendant(s) or plaintiff's request for entry of default

 Filing of a request for the clerk to enter default judgment OR the filing of a motion for entry of default judgment.

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 120 days after the filing of the complaint. Fed. R. Civ. P. 4(m) The Court may dismiss the action prior to the expiration of such time, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the plaintiff's responsibility to respond promptly to all orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time under Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1

NO oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

Initials of Preparer lmb : 0

EXHIBIT 4

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SA CV09-0082-DOC(ANx) Date June 12, 2009
Title ALAN KEYES, PH.D., ET. AL., -V- BARACK H. OBAMA, ET. AL.,

Present: The Honorable DAVID O. CARTER

Kristee Hopkins Deputy Clerk None Present Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiffs: Not Present Attorneys Present for Defendants: Not Present

Proceedings: [IN CHAMBERS] EXTENDING ORDER TO SHOW CAUSE, AND FINDING AS MOOT PLAINTIFFS' MOTION FOR CLARIFICATION

On May 12, 2009, the Court issued an Order to Show Cause re: Dismissal for Lack of Prosecution, with a response deadline of June 12, 2009. Plaintiffs have attempted to comply with the Court's Order to Show Cause on May 27, 2009 and June 2, 2009 by unsuccessfully seeking entry of default. The Court is also in receipt of a Motion for Clarification re: Notice of Deficiency and Request for Evidentiary Hearing on Default, filed by plaintiffs on June 11, 2009, in which they argue that service had been effected by and through Rule 4(e) of the Federal Rules of Civil Procedures. Plaintiffs are directed to **Rule 4(i)**, which addresses service upon the United States and its agencies, corporation, officers or employees.

In light of plaintiffs' efforts, the Order to Show Cause is extended until **July 13, 2009**, to permit plaintiffs additional time to properly effect service pursuant to **F.R.Civ.P.4(i) as to all defendants**. In addition, Plaintiffs' motion is hereby rendered MOOT due to the Court's extension of the Order to Show Cause.

The Order to Show Cause will stand submitted upon the filing of plaintiffs' response. No response is required if a responsive pleading or proof of service (indicating proper service in full compliance with **F.R.Civ.P.4(i) as to all defendants**) has been filed on or before the date upon which the response is due.

The Clerk shall serve this minute order on counsel for all parties in this action.

Initials of Preparer

kh

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SA CV09-0082-DOC(ANx)

Date June 12, 2009

Title ALAN KEYES, PH.D., ET. AL., -V- BARACK H. OBAMA, ET. AL.,

EXHIBIT 5

1 THOMAS P. O'BRIEN
 United States Attorney
 2 LEON W. WEIDMAN
 Assistant United States Attorney
 3 Chief, Civil Division
 ROGER E. WEST (State Bar No. 58609)
 4 Assistant United States Attorney
 First Assistant Chief, Civil Division
 5 DAVID A. DeJUTE (State Bar No. 153527)
 Assistant United States Attorney

6
 Room 7516, Federal Building
 7 300 North Los Angeles Street
 Los Angeles, California 90012
 8 Telephone: (213) 894-2461/2574
 Facsimile: (213) 894-7819
 9 Email: roger.west4@usdoj.gov
 david.dejute@usdoj.gov

10 Attorney for Defendants

11
 12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14 SOUTHERN DIVISION

| | | | |
|----|---------------------------------|---|---|
| 15 | CAPTAIN PAMELA BARNETT, et al., |) | No. SACV 09-00082 DOC (ANx) |
| 16 | Plaintiffs, |) | <u>NOTICE OF FAILURE BY PLAINTIFFS</u> <u>TO PROPERLY EFFECT SERVICE OF</u> <u>PROCESS; DECLARATIONS OF DAVID</u> <u>A. DeJUTE AND FLABIA DE LA ROSA</u> |
| 17 | v. |) | |
| 18 | BARACK H. OBAMA, et al. |) | |
| 19 | Defendants. |) | |

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1 Defendants, by and through their undersigned counsel, file
2 herewith this Notice to inform the Court that Plaintiffs have, to
3 date, thus far failed and refused to properly serve the United
4 States Attorney's Office, as required by Rule 4(i) of the Federal
5 Rules of Civil Procedure, and as further required by the oral Order
6 of this Court at the hearing on July 13, 2009, and the subsequent
7 Minute Order of this Court dated July 16, 2009.

8 This case was initiated by the filing of the Complaint herein
9 on January 20, 2009. On the same date, the Office of Clerk issued
10 a 60-day Summons upon that Complaint. As the Court was informed at
11 the hearing on July 13, 2009, the Office of the United States
12 Attorney was never served with the Summons and original Complaint.
13 At that hearing, the Court directed that service of the Summons and
14 Complaint be immediately effected by the Plaintiffs, upon a person
15 authorized to accept service at the United States Attorney's
16 Office.

17 Subsequent to the hearing, and at the request of the Court,
18 Assistant United States Attorney David DeJute accompanied
19 Plaintiffs' attorney to the United States Attorney's Office for the
20 purpose of introducing Plaintiffs' counsel to the appropriate
21 person employed by the United States Attorney to accept service.
22 (See attached Declaration of David A. DeJute, Exhibit 1 hereto at ¶
23 3.) Upon arriving at the Office of the United States Attorney,
24 Plaintiffs' counsel announced that she did not have a copy of the
25 Summons. (id. at ¶ 4.) Plaintiffs' counsel further announced that
26 she would immediately go to the Clerk's Office and obtain a copy of
27 the Summons. After approximately one hour, Plaintiffs' counsel
28 returned with the original Complaint, on which she had written by

1 hand "First Amended Complaint" as well as written the names of four
2 additional plaintiffs. She represented that there were no other
3 changes made to the original Complaint. Plaintiffs' counsel failed
4 to return with a Summons issued for either the original Complaint
5 or the first iteration of the First Amended Complaint. (*id.* at ¶
6 5.) Plaintiffs' counsel further represented that she would obtain
7 a Summons on the First Amended Complaint by the next day and
8 properly serve the United States Attorney's Office. (*id.* at ¶ 6.)

9 To date, the United States Attorney's Office has not been
10 served with the Summons and the original Complaint or the first
11 iteration of the First Amended Complaint, or the Summons and First
12 Amended Complaint. See Declaration of Flabia De La Rosa, attached
13 hereto as Exhibit 2.

14 On July 15, 2009, Plaintiffs filed a First Amended Complaint.
15 On or about July 30, 2009, Plaintiffs' counsel caused to be filed
16 six "Proof of Service" forms.¹ Copies of the "Proof of Service"
17 forms are attached hereto as collective Exhibit 3. As can be seen
18 from these forms, the Process Server, one Luis Osuna, declared
19 that, on July 15, 2009 at 3:42 p.m., he delivered "a true copy of
20 the: 1st Amended Complaint" to Flabia De La Rosa, who is a Docket
21 Clerk in the Office of the United States Attorney for the Central
22 District of California. As can be seen from a reading of Ms. De La
23 Rosa's Declaration, Mr. Osuna did indeed appear at the Office of
24 the United States Attorney on July 15, 2009 in the afternoon, with
25 copies of the First Amended Complaint. Ms. De La Rosa notified Mr.

26

27 ¹These forms appear to be State Court forms, as they refer to "CCP
28 1011," presumably a reference to the California Code of Civil
Procedure.

1 Osuna that his attempt to serve the First Amended Complaint was a
2 failure, because he did not also have a Summons to serve with it.
3 (De La Rosa Declaration at ¶ 3.) Ms. De La Rosa informed Mr. Osuna
4 that she would note that the First Amended Complaint was received,
5 but she made it clear that she was only taking it as "courtesy
6 copy," that it was not proper service because it was not
7 accompanied by a Summons, and that he would have to return if he
8 obtained the Summons and re-serve the Summons and First Amended
9 Complaint. Mr. Osuna agreed with Ms. De La Rosa and left. (See De
10 La Rosa Declaration at ¶ 3).

11 On July 15, 2009, Plaintiffs also sent an email, a copy of
12 which is attached hereto as Exhibit 4, in which they requested a
13 waiver of the summons for all defendants on the First Amended
14 Complaint filed on that same day².

15 On July 21, 2009, Defendants responded by letter, a copy of
16 which is attached as Exhibit 5, explaining that Plaintiffs had
17 failed to properly file a First Amended Complaint under the Local
18 Rules and had further failed to serve any Complaint with a Summons
19 as ordered by this Court. Nevertheless, mindful of this Court's
20

21 ²
22 It should be noted that the First Amended Complaint
23 electronically filed on July 15, 2009, differs markedly from the
24 first iteration of the First Amended Complaint provided to counsel
25 by hand on July 13, 2009. It should also be noted that Plaintiffs'
26 counsel appears to be playing fast and loose with the case caption
27 herein. Specifically, a comparison of the list of Plaintiffs in
28 the First Amended Complaint with the list of Plaintiffs in
Plaintiffs' "Notice of 28 U.S.C. § 636 Objections . . ." etc. filed
herein on or about August 18, 2009 reveals that Plaintiffs have,
without leave of Court, inserted the names of three individuals as
Plaintiffs who did not appear in the caption of the First Amended
Complaint. These three individuals are "Representative Casey
Guernsey, Missouri," "Representative Larry Rappaport, N.H.," and
"Carl S. Sneed, D.M.V."

1 preference to move beyond procedural issues, the United States
2 Attorney's Office represented that service would be accepted on
3 behalf of each of the named defendants if Plaintiffs would properly
4 file and serve the First Amended Complaint and Summons.

5 To date, the United States Attorney's Office has not received
6 proper service herein, as required by Rule 4(i), of the Federal
7 Rules of Civil Procedure, of the Summons and Complaint, of the
8 Summons and first iteration of the First Amended Complaint, or of
9 the Summons and First Amended Complaint. See De La Rosa
10 Declaration at ¶ 2.

11 Respectfully submitted,

12
13 DATED: August 19, 2009

14 THOMAS P. O'BRIEN
15 United States Attorney
16 LEON WEIDMAN
17 Assistant United States Attorney
18 Chief, Civil Division

19 /s/ Roger E. West
20 ROGER E. WEST
21 Assistant United States Attorney
22 First Assistant Chief, Civil Division

23 /s/ David A. DeJute
24 DAVID A. DeJUTE
25 Assistant United States Attorney
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DECLARATION OF DAVID A. DeJUTE

I, DAVID A. DeJUTE, do hereby certify, declare and state as follows:

1. I am an Assistant United States Attorney with responsibility for handling the case captioned Barnett, et al. v. Obama, et al., SACV 09-0082 DOC (ANx). I have personal knowledge of the matters asserted in this declaration and, if called as a witness, would and could competently testify thereto.

2. On July 13, 2009, I appeared on behalf of the United States in this matter at the hearing on the Court's Order to Show Cause why the case should not be dismissed for failure to serve the original complaint.

3. At the conclusion of that hearing, at the Court's direction, I accompanied the Plaintiffs' attorney to the United States Attorney's Office to facilitate service of the Summons and original Complaint.

4. Once at the United States Attorney's Office, Plaintiffs' counsel announced that she did not have a Summons and that she would immediately go to the Clerk's Office to obtain one.

5. After approximately one hour, Plaintiffs' counsel returned with the original Complaint, on which she had written by hand "First Amended Complaint" as well as written the names of four additional plaintiffs. She represented that there were no other changes made to the original Complaint. Plaintiffs' counsel failed to return with a Summons issued for either the original Complaint or the first iteration of the First Amended Complaint.

6. On that same day, Plaintiffs' counsel represented to me that she would obtain a Summons on the First Amended Complaint by

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EXHIBIT 1

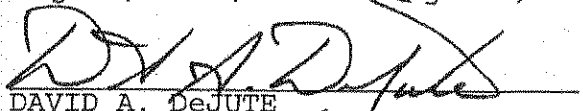
1 the next day and properly serve the United States Attorney's
2 Office. To my knowledge, Plaintiffs' counsel has never obtained a
3 summons on any complaint.

4 7. Instead, on July 15, 2009, I received an email from
5 Charles Lincoln, attached as Exhibit 4, in which he requested a
6 waiver of the summons for all defendants on the First Amended
7 Complaint filed on that same day¹.

8 8. On July 21, 2009, I responded by letter, attached as
9 Exhibit 5, in which I explained that Plaintiffs had failed to
10 properly file a First Amended Complaint under the Local Rules and
11 had further failed to serve any complaint with a summons as ordered
12 by this Court. Nevertheless, mindful of this Court's preference to
13 move beyond procedural issues, I represented that we would accept
14 service on behalf of each of the named defendants *if* Plaintiffs
15 would properly file and serve the First Amended Complaint and
16 Summons. To my knowledge, Plaintiffs have never served the United
17 States Attorney's Office with a properly filed complaint and
18 summons.

19 Under penalty of perjury, and in accordance with 28 U.S.C. §
20 1746, I declare the foregoing to be true and correct to the best of
21 my knowledge and belief.

22 Executed this 19th day of August, 2009, in Los Angeles,
23 California.

24 
25 DAVID A. DeJUTE
26 Assistant United States Attorney

27 ¹ It should be noted that the First Amended Complaint
28 electronically filed on July 15, 2009, differs markedly from the first
iteration of the First Amended Complaint provided to me by hand on
July 13, 2009.

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EXHIBIT 1

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DECLARATION OF FLABIA DE LA ROSA

I, Flabia De La Rosa, hereby declare and verify under penalty of perjury as follows:

(1) I am employed as a Legal Assistant and Civil Process Clerk in the Docket section of the Office of the United States Attorney for the Central District of California. In that capacity, I have responsibility for receiving service of Summonses and Complaints, and other process. I also have access to our office computer system, which, among other things, keeps detailed records of the dates and times of service of process effected upon the office. That system, together with other records maintained by the Dockets section, also records failed attempts at service of process.

(2) To date, the United States Attorney's Office has not received proper service, as required by Rule 4(i), of the Federal Rules of Civil Procedure, of the Summons and Complaint, or of the Summons and First iteration of the First Amended Complaint, or of the Summons and First Amended Complaint.

(3) On the afternoon of July 15, 2009, a process server appeared at our office and attempted to serve upon me a copy of the First Amended Complaint in this case. I told the Process Server that I could not accept service of the First Amended Complaint because it was not accompanied by a Summons, and his attempt to serve it without a Summons was not proper. I further told the Process Server that I would note on the document that the First Amended Complaint was received, but I made it clear to him that I was only taking it as a "courtesy copy." I reiterated that no proper service had been made, and that if he wanted to

1 effect proper service, he would have to return with a Summons and
2 a First Amended Complaint and then serve it upon our office. The
3 Process Server agreed with me, and left.

4 (4) I hereby declare and verify under penalty of perjury
5 that the foregoing is true and correct, and if called as a
6 witness, I am competent to testify thereto.

7 Executed this 19 day of August, 2009, in Los Angeles,
8 California.


FLABIA DE LA ROSA

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EXHIBIT 2

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| | | | |
|---|----------------|---------------------------------|------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Orly Taitz, Esq 26302 La Paz Rd Ste 211 Mission Viejo CA 92691 | | TELEPHONE NO. (949) 683-5411 | FOR COURT USE ONLY |
| ATTORNEY FOR (Name) UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | |
| SHORT TITLE OF CASE BARNETT v OBAMA et al | | | |
| 1729098 | (HEARING) Date | Time | Dept |
| | | | Case Number SACV0900082DOC(Anx) |
| | | | REFERENCE NO. sacv09-00082doc |

PROOF OF SERVICE C.C.P. 1011

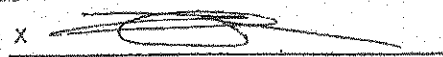
- I DECLARE: I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS 2900 BRISTOL, E106, COSTA MESA, CA 92626 ON: 7/15/2009 AT 3:42:00 PM
- I DELIVERED A TRUE COPY OF THE:
1ST AMENDED COMPLAINT

IN THE MANNER PROVIDED IN (CCP1011) AS FOLLOWS:
 PARTY SERVED: Thomas O'Brien, U.S Attorney

PERSON RECEIVING COPIES: Flabia De La Rosa

ADDRESS: 300 N Los Angeles St Ste 7516
 Los Angeles CA 90012

(BY PERSONAL SERVICE) CAUSING EACH TO BE DELIVERED BY HAND TO THE OFFICES OF EACH IDENTIFIED ADDRESS AND/OR LEAVING THE SAME WITH THE PERSON IN CHARGE AT SAID ADDRESS(ES) DURING THE BUSINESS HOURS BETWEEN 9:00 AM AND 5:00PM.

- 7a. Person Serving: Luis Osuna
- b. DDS Legal Support
 2900 Bristol St
 Costa Mesa, Ca 92626
- c. (714) 662-5555
- d. The fee for service was \$39.50
- e. I am:
- (1) not a registered California process server.
 - (3) X registered California process server:
 - (i) Employee
 - (j) Registration No: 434
 - (k) County: OC/LA
8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Luis Osuna
- 7/23/2009
- X 
 SIGNATURE

PROOF OF SERVICE

9

EXHIBIT 3

19

| | | | |
|---|----------------|---------------------------------|-------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Orly Taitz, Esq 26302 La Paz Rd Ste 211 Mission Viejo CA 92691 | | TELEPHONE NO. (949) 683-5411 | FOR COURT USE ONLY |
| ATTORNEY FOR (Name) | | | |
| Name of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | |
| SHORT TITLE OF CASE BARNETT v OBAMA et al | | | |
| 1736259 | (HEARING) Date | Time | Dept |
| | | | Case Number: SACV0900082DOC(Anx) |
| | | | REFERENCE NO sacv09-00082doc |

PROOF OF SERVICE C.C.P. 1011


- I DECLARE: I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS 2900 BRISTOL, E106, COSTA MESA, CA 92626 ON: 7/15/2009 AT 3:42:00 PM
- I DELIVERED A TRUE COPY OF THE:
1ST AMENDED COMPLAINT

IN THE MANNER PROVIDED IN (CCP1011) AS FOLLOWS:
PARTY SERVED: Roger E. West, U.S. Attorney

PERSON RECEIVING COPIES: Flabla De La Rosa

ADDRESS: 300 N Los Angeles St Ste 7516
Los Angeles CA 90012

(BY PERSONAL SERVICE) CAUSING EACH TO BE DELIVERED BY HAND TO THE OFFICES OF EACH IDENTIFIED ADDRESS AND/OR LEAVING THE SAME WITH THE PERSON IN CHARGE AT SAID ADDRESS(ES) DURING THE BUSINESS HOURS BETWEEN 9:00 AM AND 5:00PM.

- 7a. Person Serving: Luis Osuna
- b. DDS Legal Support
2900 Bristol St
Costa Mesa, Ca 92626
- c. (714) 682-5555
- d. The fee for service was \$24.00
- e. I am:
- (1) not a registered California process server;
 - (3) X registered California process server:
 - (i) Employee
 - (j) Registration No: 434
 - (k) County: OC/LA
8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Luis Osuna
- 7/23/2009
- X 
- SIGNATURE

PROOF OF SERVICE

10

EXHIBIT 3

| | | | |
|---|----------------|---------------------------------|------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Orly Taltz, Esq 26302 La Paz Rd Ste 211 Mission Viejo CA 92691 | | TELEPHONE NO. (949) 683-5411 | FOR COURT USE ONLY |
| ATTORNEY FOR (Name) | | | |
| Name of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | |
| SHORT TITLE OF CASE BARNETT v OBAMA et al | | | |
| 1728098 | (HEARING) Date | Time | Dept |
| | | | Case Number SACV0900082DOC(Anx) |
| | | | REFERENCE NO. sacv09-00082doc |

PROOF OF SERVICE C.C.P. 1011

1. I DECLARE: I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS 2900 BRISTOL, E100, COSTA MESA, CA 92626 ON: 7/15/2009 AT 3:42:00 PM
2. I DELIVERED A TRUE COPY OF THE:
1ST AMENDED COMPLAINT

IN THE MANNER PROVIDED IN (CCP 1011) AS FOLLOWS:
 PARTY SERVED: Thomas O'Brien, U.S Attorney

PERSON RECEIVING COPIES: Flabla De La Rosa

ADDRESS: 300 N Los Angeles St Ste 7516
 Los Angeles CA 90012

(BY PERSONAL SERVICE) CAUSING EACH TO BE DELIVERED BY HAND TO THE OFFICES OF EACH IDENTIFIED ADDRESS AND/OR LEAVING THE SAME WITH THE PERSON IN CHARGE AT SAID ADDRESS(ES) DURING THE BUSINESS HOURS BETWEEN 9:00 AM AND 5:00PM.

7a. Person Serving: Luis Osuna

b. DDS Legal Support
 2900 Bristol St
 Costa Mesa, Ca 92626

c. (714) 662-5555

B. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Luis Osuna

7/23/2009

d. The fee for service was \$39.50
 e. I am:

- (1) not a registered California process server:
- (3) X registered California process server:
 - (i) Employee
 - (ii) Registration No: 434
 - (iii) County: OC/LA

X 
 SIGNATURE

PROOF OF SERVICE

EXHIBIT 3

| | | | |
|--|----------------|---------------------------------|-------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Orly Taitz, Esq 26302 La Paz Rd Ste 211 Mission Viejo CA 92691 | | TELEPHONE NO. (949) 683-5411 | FOR COURT USE ONLY |
| ATTORNEY FOR (Name) Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | |
| SHORT TITLE OF CASE BARNETT v OBAMA et al | | | |
| 1729098 | (HEARING) Date | Time | Dept |
| | | | Case Number: SACV0900082DOC(Anx) |
| | | | REFERENCE NO: sacv09-00082doc |

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- I DECLARE: I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS 2900 BRISTOL, E108, COSTA MESA, CA 92626 ON: 7/15/2009 AT 3:42:00 PM
- I DELIVERED A TRUE COPY OF THE:
1ST AMENDED COMPLAINT

IN THE MANNER PROVIDED IN (CCP1011) AS FOLLOWS:
 PARTY SERVED: Thomas O'Brien, U.S Attorney

PERSON RECEIVING COPIES: Flabia De La Rosa

ADDRESS: 300 N Los Angeles St Ste 7516
 Los Angeles CA 90012

(BY PERSONAL SERVICE) CAUSING EACH TO BE DELIVERED BY HAND TO THE OFFICES OF EACH IDENTIFIED ADDRESS AND/OR LEAVING THE SAME WITH THE PERSON IN CHARGE AT SAID ADDRESS(ES) DURING THE BUSINESS HOURS BETWEEN 9:00 AM AND 5:00PM.

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 Costa Mesa, Ca 92626

c. (714) 662-5555

B. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Luis Osuna
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 - (i) Employee
 - (ii) Registration No: 434
 - (iii) County: OC/LA

X 
 SIGNATURE

PROOF OF SERVICE

EXHIBIT 3

22 12

| | | | |
|---|----------------|---------------------------------|-------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Orly Taitz, Esq 26302 La Paz Rd Ste 211 Mission Viejo CA 92691 | | TELEPHONE NO. (949) 683-5411 | FOR COURT USE ONLY |
| ATTORNEY FOR (Name) In case of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | |
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| | | | Case Number: SACV0900082DOC(Anx) |
| | | | REFERENCE NO. sacv09-00082doc |

PROOF OF SERVICE C.C.P. 1011

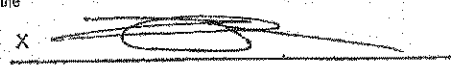
- I DECLARE: I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS 2900 BRISTOL, E106, COSTA MESA, CA 92626
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| | | | |
|---|------------|---|--|
| 7a. Person Serving: | Luis Osuna | d. The fee for service was | \$39.50 |
| b. DDS Legal Support 2900 Bristol St Costa Mesa, Ca 92626 | | e. I am: | |
| c. (714) 682-5555 | | (1) not a registered California process server: | |
| | | (3) X registered California process server: | |
| | | (i) Employee | |
| | | (i) Registration No: | 434 |
| | | (i) County: OC/LA | |
| 8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. | Luis Osuna | X |  |
| 7/23/2009 | | | SIGNATURE |

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EXHIBIT 3

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7/23/2009

d. The fee for service was \$39.50

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 - (iii) County: OC/LA

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EXHIBIT 3

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| ATTORNEY FOR (Name) | | | | |
| Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | | |
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| | | | | REFERENCE NO. sacv09-00082doc |

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1. I DECLARE: I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS 2900 BRISTOL, E108, COSTA MESA, CA 92628
ON: 7/16/2009 AT 3:42:00 PM
2. I DELIVERED A TRUE COPY OF THE:
1ST AMENDED COMPLAINT

IN THE MANNER PROVIDED IN (CCP1011) AS FOLLOWS:
PARTY SERVED: Thomas O'Brien, U.S Attorney

PERSON RECEIVING COPIES: Flabia De La Rosa

ADDRESS: 300 N Los Angeles St Ste 7516
Los Angeles CA 90012

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- 7a. Person Serving: Luis Osuna
- b. DDS Legal Support
2900 Bristol St
Costa Mesa, Ca 92628
- c. (714) 662-5555
- d. The fee for service was \$39.50
- e. I am:
- (1) not a registered California process server:
 - (3) X registered California process server:
 - (i) Employee
 - (ii) Registration No: 434
 - (iii) County: OC/LA

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7/23/2009

X 
SIGNATURE

PROOF OF SERVICE

EXHIBIT 3

| | | | | |
|---|----------------|------|---------------------------------|------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Orly Taitz, Esq 26302 La Paz Rd Ste 211 Mission Viejo CA 92681 | | | TELEPHONE NO. (949) 683-5411 | FOR COURT USE ONLY |
| ATTORNEY FOR (Name) | | | | |
| Inset of Court Name of Jurisdial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA | | | | |
| SHORT TITLE OF CASE BARNETT v OBAMA et al | | | | |
| 1729098 | (HEARING) Date | Time | Dept | Case Number SACV0900082DOC(Anx) |
| | | | | REFERENCE TO sacv09-00082doc |

PROOF OF SERVICE C.C.P. 1011

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c. (714) 662-5555

d. The fee for service was \$39.50

e. I am:

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(3) registered California process server:


(i) Employee

(ii) Registration No: 434

(i) County: OC/LA

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Luis Osuna

7/23/2009

X 
SIGNATURE

PROOF OF SERVICE

EXHIBIT 3

16

26

Dejute, David (USACAC)

From: Charles Lincoln [charles.lincoln@rocketmail.com]
Sent: Wednesday, July 15, 2009 10:37 AM
To: West, Roger (USACAC); Dejute, David (USACAC)
Cc: Dr. Orly Taitz
Subject: Can you arrange Waiver of Service of Summons
Attachments: First Amended Complaint Filed July 15 2009.pdf

Dear Mr. DeJute:

It was a pleasure meeting you on Monday.

Dr. Taitz has asked me whether you are willing to accept this letter as an informal notice of lawsuit and try to arrange a Waiver of Service of Summons with the Federal party Defendants (and the First Lady). Rule 4 suggests that there is a duty to save costs of service of summons and Dr. Taitz and I are headed out to Georgia today, and apparently the U.S. District Court Clerk's Office in Santa Ana did not open until 10:00 a.m. this morning, so we were unable to complete service. Obviously, I know you need a signed copy of the Complaint pursuant to Rule 11, and I can assure you that Dr. Taitz will be faxing you one today or tonight from Georgia at the absolute latest.

EXHIBIT

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U. S. Department of Justice

United States Attorney
Central District of California

David A. DeJute
Assistant United States Attorney
Telephone: (213) 894-2574
Facsimile: (213) 894-7819

Federal Building, Suite 7516
300 North Los Angeles Street
Los Angeles, California 90012

July 28, 2009

Via Email and U.S. Mail

Charles Lincoln
Orly Taitz Law Offices
26302 La Paz, Suite 211
Mission Viejo, California 92691

Re: Keyes v. Obama, SACV 09-0082 DOC (ANx)

Dear Mr. Lincoln:

This letter responds to your email of July 15th requesting that we waive service of the summons for all defendants on the First Amended Complaint, which was electronically filed on that same day. We will do so *if* you properly file and serve that complaint on the U.S. Attorney's Office for the Central District of California.

Under the Local Rules of this District, an amended complaint may not be electronically filed. See General Order 08-02 S C.1. Instead, an amended complaint must be "filed, in duplicate, fees paid, and summons issued and served in the traditional manner rather than electronically." Id. The First Amended Complaint has therefore not been properly filed nor served with a summons, and we cannot accept it on behalf of anyone in its current form.

Moreover, Judge Carter has ordered Plaintiffs to properly serve the First Amended Complaint. See Order dated July 16, 2009. As we discussed at the hearing on July 15th, service is not effective until you have taken an amended complaint, properly filed and with a summons properly issued, to the service window of the U.S. Attorney's Office.

We are mindful that Judge Carter has expressed a strong desire to move beyond these nascent procedural issues. We are therefore prepared to accept service on behalf of each of the named defendants on the First Amended Complaint once it is properly filed and served on this

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EXHIBIT 5

U.S. Attorney's Office. The time will then begin to run under Rule 4(i) to file a responsive pleading on behalf of each of the Federal Defendants to Plaintiffs' First Amended Complaint.

Please let me know if you have any questions.

Very truly yours,

THOMAS P. O'BRIEN
United States Attorney

/S/

DAVID A. DeJUTE
Assistant United States Attorney

EXHIBIT 5

EXHIBIT 6

- [Home](#)

Dr. Orly Taitz Esquire

Defend Our Freedoms Foundation - 29839 Santa Margarita Pkwy, ste 100,
Rancho Santa Margarita CA, 92688 - Copyright 2009

Exposing the Obots dressed as patriots

Posted on | September 15, 2009 |

judge-carter-order

I was very busy flying red eye 5 times in so many days: twice to GA, once to DC and back and didn't have time to respond to all the slander and defamation on the Internet.

Arlene Williams, who has a web site InvestigatingObama.blogspot.com and Phil from TheRightSideofLife were defaming me, claiming that I lied about Judge Carter's order. Please, look at the order page 2 line 3. It states "... Court encourages the parties to begin discovery before the scheduling conference" (scheduling conference is on October the 5th).

why is judge Carter saying that- because I have to give Obama 30 days +3 days for mail and there is no reason to wait. On Sunday I submitted to the department of Justice electronically a proposed schedule of discovery. 33 days fall on October 17, I proposed deposition for October 19th Monday and left 4 weeks open, when I am available every day :weekdays and weekends, I will come to DC if need to be, to accommodate Obama and other defendants and witnesses.

In response US attorneys representing the defendants have filed a motion to stay the discovery, meaning to stop it. The fact that they filed it, doesn't mean anything. It doesn't mean that judge Carter will grant it, that he will say yes. As a matter of fact time and again in court, on the record judge Carter stated that he believes that this case needs to be heard in open court on the merits, that it should not be dismissed on technicality, that there is jurisdiction. So, they can ask to behead me, too and I am sure Obama and his sidekick Eric Holder will love it, but it doesn't necessarily mean that judge Carter is going to say: Yes guys, go for it.

Now, going to saboteurs, wolfs in sheep's clothe, Obots dressed as patriots. You have those sites of investigating Obama by Arlene Williams, therightsideoflife by Phil, people having their little internet blogtalkradio shows and going by names Chalice, Hannen, Evelyn Adams, and a few others. They present themselves as patriots, concentrate movement around themselves, but when there is one real threat to Obama regime, they slander and defame a person who does the real work. After a year of this struggle I am the only attorney with clients who have real standing, I am the only attorney who was able to reach actual court hearings. Until now all the cases were immediately summarily dismissed, so now all these pseudo patriots are attacking one person who is doing the real work and who has the real chance of removing Obama from Office and do it now.

Now look at the attorneys. Berg had two cases dismissed: one that he filed on his own behalf as a voter a year ago and one, filed on behalf of a 70 year old retired officer, where Berg was a middle man between attorney Lawrence Joyce, who has written the complaint and DC attorney John Heminway, who filed the case in DC. As with the first case, the second case was dismissed mostly for lack of standing, as the plaintiff could not demonstrate specific injury, he could not demonstrate that at age 70 he will be called for active duty under Obama. That is why I filed cases on behalf of Major Stefan Cook and Captain Connie Rhodes MD and others and more to come, where they were actually called to active duty in Afghanistan and Iraq and can show real injury.

What did Berg do this year since January? He did nothing against Obama, he spent this whole year attacking me. Look at his web site. It is full of despicable slander and baseless garbage allegations against me. He filed a multimillion dollar garbage law suit against me and instead of concentrating on Obama I have to waste my time on Berg. Recently I saw that he filled out a page of supposedly a subpoena to the consulate of Kenya. It is just a joke. Why?

1. Consul of Kenya has diplomatic immunity and he will simply throw it in the garbage
2. Berg's law suit was in Pa and it has nothing to do with Los Angeles and Central district of CA
3. Berg's suit was dismissed nearly a year ago, he doesn't have any active law suit and can't do any discovery
4. when one appeals a law suit, that was dismissed and closed, the court of Appeals need to see if the judge made a correct decision based on the information available then. They will not entertain any new evidence, any new documents, even if the consul of Kenya were to provide anything.

So, what did Berg do- just another stunt, more busy work, another illusion of activity, while doing nothing productive and simply wasting my time. By the way, the judge in PA was ready to dismiss Berg's law suit against me and ordered Berg to show cause, why his law suit should not be dismissed due to lack of jurisdiction. The very last moment Berg filed 403 pages of more nonsense. Why? So that I will be busy with his garbage and wouldn't have time to deal with Obama.

Last point -Gary Kreep . It is very similar to Berg. Last year when I initiated Keyes v Bowen (secretary of state of CA), Drake and Robinson have recommended that I work with Kreep. Originally I thought it was a good idea, but soon I could see that he only creates an illusion of fighting Obama, but he is not really doing it. When we were supposed to file our case, he went to Vegas for a week and then to DC for the weekend. When we were supposed to be in court, he went to HI for 12 days and showed up 1 day before the electoral college meeting, scheduled the hearing for March, when it was too late to do anything against the Secretary of State and when Superior Court judge Keeney has dismissed it as moot.

I encouraged Alan Keyes, Wiley Drake and Markham Robinson to file an emergency stay in the Supreme Court of CA (2 levels higher), I encouraged them not to waste time, suing 55 democratic party electors, as it was taking a long time to serve them and it was not necessary, I encouraged to utilize Vatel definition of Natural Born Citizen, which was the most beneficial for the plaintiffs. In response Kreep has written to them, encouraging them to fire me. Alan Keyes refused to fire me, but I saw that the case was stuck in the lowest possible court and is going nowhere, so I gathered a new group of plaintiffs and filed a new law suit Lightfoot v Bowen (on behalf of Gail Lightfoot, vice presidential candidate for Ron Paul on the ballot in CA). I filed for a stay in the Supreme Court of CA and from there I went to the Supreme Court of the United States and Chief Justice of the Supreme

Court John Roberts agreed to hear the case in the conference of all 9 justices on January 23. Unfortunately on January 21, one day after inauguration someone has erased the case from the docket of the Supreme Court. Hundreds of people complained, it was reentered on the 22nd. I demanded investigation and I am still waiting for the results of that investigation as to who erased my case from the docket of the Supreme Court.

Regardless, you can see as my case was in the highest court of the land, the first case, were Kreep was involved, was stuck in the lowest possible court, going nowhere.

From November Kreep has sent numerous solicitations, under the name US Justice foundation (the whole foundation is one person-Kreep) He was saying:give me 5,00, give me 2,000 give me what you have,I'll fight for you. I'll file law suits every time Obama signs a law or an executive order. In reality he filed nothing. Absolutely nothing. I was the only one who was filing law suits and getting results.

Now, when there is a possibility of actual judgment, Drake and Robinson make a new deal with Kreep. They will try to create an illusion of doing something productive, but I have been there, done that. I know where it ends. Fool me once shame on you, fool me twice, shame on me.



Category: HOT ITEMS!, Latest News, Legal Actions, Other Criminal or Suspicious Activities, Supporting Documentation

Comments

10 Responses to "Exposing the Obots dressed as patriots"

1. Joe The Blogger
September 15th, 2009 @ 12:12 pm

Orly,

I love it when the good guys (and gals) come out fighting.

2. Bob
September 15th, 2009 @ 12:16 pm

These idiots don't seem to know that there are phases to discovery. It is not just hand over the documents. There has to be prep work. You have to identify who has custody of the documents that you wish to obtain. Then this is presented before the judge at the discovery hearing where the other side can raise objections. The judge decides then issues subpoenas . The judge has ordered (or VERY STRONGLY) suggested that the parties begin the first stage of discovery in order to be prepared for the hearing. So discovery has started.

3. ch
September 15th, 2009 @ 12:59 pm

I hope you attach this great background explanation to your filing for removal of Kreep. It will help Judge Carter see where you are coming from. Far from an "ego conflict", it is self preservation and protection from a sabotage trip. Judge Land may be a "land mine" but Carter sounds like a real judge, and the Reagan court, dedicated to the President who fought

communism, might be the best and God's own chosen battleground.

4. Harry H
September 15th, 2009 @ 1:32 pm

Thank you, Orly, for taking the time to fill us in on obstacles like Berg and Kreep. Once again I admire your fighting spirit and I support your ongoing efforts to right the great wrong that ObamaAxelrod, Inc. has done and is doing to the United States. Every day this imposter pseudo-president illegally holds office is a national disgrace.

Godspeed.

5. Vicki
September 15th, 2009 @ 1:38 pm

Orly,
I discovered months ago that "therightsideoflife by Phil" was not worth reading. He is not an expert on anything and all you will get is his opinion, which isn't worth much in this fight against Obama. Keep up the excellent work, millions are on your side. The true patriots of this great country are smart enough to know who is right.

6. ConcernedOne
September 15th, 2009 @ 2:16 pm

Orly, thanks again for ALL your continued hard work and diligence in trying to get to the truth that everyone deserves to know.

Thank you for any/all updates as to this case as I know many folks, including myself, want to be keep up to date with what is going on and how the case is progressing. Along with your blog - I daily check theobamafile.com and Leo's Donofrios blog as well.

You obviously are very strong willed to be able to deal with all these maggots clinging to your side or dodging the bullets thrown your way. Yes, it's easy to get confused over misinformation on the internet, because we, the readers, don't always know which is truth and which is fabrication, but thanks for clearing things up.

7. amy1
September 15th, 2009 @ 3:06 pm

Orly, This is an excellent post. If this doesnt clear things, nothing will. From a fan of Plains Radio (now calledTexas Broadcasting Network), thank you for all the hard work you have done and are continuing to do. May God bless you and keep you and your family safe.

8. speedy
September 15th, 2009 @ 3:27 pm

These people have nothing better to do than to slam a good lawyer like Orly. There is no reason for all this mud slinging if these people supposedly are on the same side in trying to remove the usurper. Usurper BO has to go and there should be all these roadblocks to reach that objective. I think Orly is doing a great job and is working very hard to get this usurper removed. I wasn't too happy about all the nasty things Berg said about Orly. He has no proof in what he is claiming.

All those others are spouting out a bunch of assumptions without really getting the true facts of what is really happening.

I lost respect for Phil Berg. I felt bad before when his cases were dismissed, but I think he doesn't really have a strong enough case. He seems to go about things the wrong way.

9. MARTIN PINSKY

September 15th, 2009 @ 10:06 pm

The military response to Cook was tepid at best. Rhodes restriction is first sign of military on the move and I have a feeling that something will come into play very soon, that will nullify all this arcane and ornate legalistic posturing.

Watch out for that bog size 13 military shoe coming down without all the niceties and refinements of civil law. It amazes me that with all this applause and accolades for orly not a soul is anticipating the force of the Military now forming their response independent of the perfunctory federal civilian government response.

I started my interest in these proceedings with Berg—Hillary's man— and when he began to hit brick walls along with others in a fruitless pursuit of Obama's qualifications, I began to notice this handsome lady moving beyond their efforts with greater clarity and with more telling effect. She had many setbacks until Judge Carter. Bravo, making headway, optimism, applause, celebration!!

BUT lurking in the wings is a three ton Rhino known as a Uniform code of military justice. there is only two ways for this to go, with two possible interpretations.. the military pursues charges or does not.

If they pursue charges then Orly's clients are summary court marshalled, found guilty of disobeying orders and mutiny and thrown in the brig for 20 years. As they have no jurisdiction over Orly, her buddy that rubber stamp racist fraud Holder will order a special prosecutor to form a federal criminal grand jury—similar to the one that indicted Clinton—the great stain maker?—she will be charged with sedition, inciting to mutiny, inciting to rebellion and other choice legal charges and attendant terminology. the military action against her client first, and then her federal indictment.

Obama's people are mean rotten bastards, but don't discount them as stupid and always put yourself in your enemies shoes . Obama thought nothing of the unprecedented 17 executive orders in 6 months!!!!

When Hitler in '41 attacked Moscow with full force he never had any indication that vast Russian divisions were forming, in ski uniforms and T-34 tanks-

Never underestimate the ruthlessness of people with power determined NOT to relinquish it to a persistent virtual unknown. I do not say this to discourage Orly or her backers and fans, but nothing is as straight forward as the hopeful heart wants it to be. Remember Murphy's law, if it can go wrong it will. The CINC—the president— this unfortunate choice, liar and traitor though diminishing in power, still has considerable megalomania and survival instincts with his Chicago ward community organizers locking arms around him. .

Either the Military will attack, or it won't. If it does then the scenario above transpires, if they don't then our Orly has singlehandedly undermined military support of Obama and essentially

his sidearm—the military - has been neutralized. At that point he is doomed.

I think Obama is a tragic figure emerging from a sad and dysfunctional early life. His days in power will be limited as his life transforms into a predictable Greek Tragedy. The ancient Greek playwrights knew about the times, tides and tragic transience of kings.. But perhaps the Roman bard Virgil said it best:

‘Di, quibus imperium est animarum, umbraeque
silentes
et Chaos et Phlegethon, loca nocte tacentia late,
sit mihi fas audita loqui; sit numine vestro
pandere res alta terra et caligine mersas.’

“Ye gods, who hold the domain of the spirits! ye
voiceless shades! Thou, Chaos, and thou, Phlegethon,
ye broad, silent tracts of night! Suffer me to tell
what I have heard; suffer me of your grace to unfold
secrets buried in the depths and darkness of the earth!”

AENEID liber VI, Virgil

M.L. Pinsky

10. pip
September 16th, 2009 @ 2:14 pm

Jeesh, I can't believe Berg is making such a fool of himself these days. His actions against Orly seem to have overtaken his initial goal which was, to prove Obama is an usurper. Strange how people change, the silly childish man.

Contact Orly!

email: dr_taitz@yahoo.com Urgent? Call: 949-683-5411

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Dr. Orly Taitz Esquire

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From Commander David LaRocque to blogtalkradio talk show host Andrea Shea King

Posted on | September 10, 2009 |

Thursday, September 10, 2009 5:57 AM

From:

“David LaRocque”

[View contact details](#)

To:

andrea@shea-king.com

Andrea,

I am sorry to hear you are having Gary Kreep on your show tonight. Gary Kreep is undermining Orly's case and hurting the nation. It does not serve the interests of our cause to give this troublemaker a forum to spread more disinformation.

You do a great job and you have a well-deserved reputation for conducting a leading forum for responsible discussion of important current issues. I understand your desire to hear all sides of an issue. But Gary Kreep will not contribute to understanding. Rather he will further inflame passions and spread division – just what our adversaries are hoping for.

David F LaRocque

CDR USNR (ret)

Captain TWA (ret)

(jetdriver2)

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Category: [Uncategorized](#)

Comments

One Response to “From Commander David LaRocque to blogtalkradio talk show host Andrea Shea

1. Kevan Corkill
September 14th, 2009 @ 4:42 pm

God Bless YOU! Dr. Orly! 🙏 YOU are a wonderful Patriot! 🙏 Prayers for strength for YOU!
🙏

Contact Orly!

email: dr_taitz@yahoo.com Urgent? Call: 949-683-5411

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Dr. Orly Taitz
Attorney-at-Law
Orly Taitz Law Offices
26302 La Paz, Suite 211
Mission Viejo, California 92691
Telephone: (949) 683-5411
E-Mail: dr_taitz@yahoo.com

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

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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
DEMANDED

*Rule 41(a)(1)(A)(i) Notice by Wiley S. Drake and Markham G. Robinson
Notice of Voluntary Dismissal, SACV09-00082-DOC (ANX),
Filed August 1, 2009*

DR. ORLEY TAITZ
FOR THE PLAINTIFFS
26302 LA PAZ SUITE 211
MISSION VIEJO, CALIFORNIA 92691

1
2
3 Captain David Smithey,
4 Lt. Commander John Bruce Steidel,
5 Cmdr. Douglas Earl Stoeppelwerth
6 Thomas J Taylor,
7 Representative Eric Swafford, Tennessee
8 Captain Neil B. Turner,
9 Richard E. Venable,
10 LCDR Jeff Graham Winthrope, and
11 Lt. Colonel Mark Wriggle,
12 Plaintiffs,
13

v.

10 Barack Hussein Obama,
11 Michelle L.R. Obama,
12 Hillary Rodham Clinton, Secretary of State,
13 Robert M. Gates, Secretary of Defense,
14 Joseph R. Biden, Vice-President and
15 President of the Senate,
16 Defendants.

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

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

20 IRRECONCILABLE DIFFERENCES WITH COUNSEL

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

*Rule 41(a)(1)(A)(i) Notice by Wiley S. Drake and Markham G. Robinson
Notice of Voluntary Dismissal, SACV09-00082-DOC (ANX),
Filed August 1, 2009*

- 2 -

DR. ORLEY TAITZ
FOR THE PLAINTIFFS
26302 LA PAZ SUITE 211
MISSION VIEJO, CALIFORNIA 92691

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

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

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

PRAYER FOR RELIEF

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

*Rule 41(a)(1)(A)(i) Notice by Wiley S. Drake and Markham G. Robinson
Notice of Voluntary Dismissal, SACV09-00082-DOC (ANX),
Filed August 1, 2009*

DR. ORLEY TAITZ
FOR THE PLAINTIFFS
26302 LA PAZ SUITE 211
MISSION VIEJO, CALIFORNIA 92691

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Saturday, August 1, 2009

Respectfully submitted,

By: _____
Dr. Orly Taitz, Esq. (SBN 223433)
Attorney for the Plaintiffs
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

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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

EXHIBIT 9

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Sunday, September 13, 2009

Respectfully submitted,

By: _____
Dr. Orly Taitz, Esq. (California Bar 223433)
Attorney for the Plaintiffs
29839 S. Margarita Pkwy
Rancho Santa Margarita CA 92688
ph. 949-683-5411
E-Mail: dr_taitz@yahoo.com

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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, Friday, September 13, 2009, I provided facsimile or electronic copies of the Plaintiffs' above-and-foregoing Notice of Filing of the Preliminary Letter Concerning Rule 26(f) Conference to all of the following 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 roger.west4@usdoj.gov (designated as lead counsel for President Barack Hussein Obama on August 7, 2009)

DAVID A. DeJUTE david.dejute@usdoj.gov

FACSIMILE (213) 894-7819

GARY KREEP

932 D Street, Suite 3

Ramona , CA 92065

760-788-6624

Email: usjf@usjf.net

DONE AND EXECUTED ON THIS Sunday the 13th day of September, 2009.

Charles Edward Lincoln, III
Tierra Limpia/Deo Vindice
c/o Peyton Yates Freiman
603 Elmwood Place, Suite #6
Austin, Texas 78705

charles.lincoln@rocketmail.com
Tel: (512) 923-1889

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EXHIBIT A:
Preliminary Rule 26(f)
Conference Letter
Regarding Defendants'
Depositions

*Notice of Filing Preliminary Letter Regarding Rule 26(f)
Conference and Notice of Change of Address & Fax of
Plaintiff's Counsel Dr. Orley Taitz Esq.*

~~---4---~~

Dr. Orley Taitz for the Plaintiffs
29839 Santa Margarita Parkway
Rancho Santa Margarita, CA 92688

Dr. Orly Taitz, Esq.

29839 S. Margarita Pkwy, Rancho Santa Margarita, California 92688
Telephone 949-683-5411, Facsimile 949-766-76032

Sunday, September 13, 2009

Messrs. David A. DeJute & Roger West
Office of the United States Attorney
300 N. Los Angeles St., Room 7516
Los Angeles, CA 90012
VIA FACSIMILE: 213-894-7819 david.dejute@usdoj.gov

Mr. Gary Kreep
U.S. Justice Foundation
VIA FACSIMILE:

Dear Mr. DeJute:

I am writing this letter in an effort to comply with both the letter and the spirit of Judge Carter's Orders of September 8, 2009, but also of Rules 26, 29, and 30-34 of the Federal Rules of Civil Procedure in Civil Action 2009cv00082-DOC.

There are two preliminary matters, both relating to Mr. Gary Kreep. First, regarding our scheduled telephone conference tomorrow, I will be available at 1:00 Pacific Daylight Time (4:00 Eastern Daylight Time) to participate by telephone, but my law clerks Messrs. Lincoln and Freiman, along with one of our key fact witnesses, Mr. Lucas D. Smith, will be at your office in person, which you have indicated is acceptable to you.

Also, regarding Mr. Kreep, I am requesting that his agreement and stipulation that he will resign as counsel for co-Plaintiffs Wiley S. Drake and Markham Robinson or else be subject (within ten days) to my motion to disqualify him as co-counsel by reason of conflict of interests which have arisen in prior litigation. *FDIC v. U.S. Fire Insurance Co.*, 50 F.3d 1304, 1311 (5th Cir. 1995).

A number of my clients believe, contend and intend to show by clear and convincing evidence (a) that Gary Kreep's prior representation of him was so substantially related to the current litigation so as to warrant the disqualification of counsel and (b) that the conflicts of interest which exist in this case between Gary Kreep and my clients go the very heart of this litigation in such a manner that it will unduly complicated litigation and ultimately and unjustifiably confuse the jury at final trial. *In re American Airlines, Inc.*, 972 F.2d 605, 614 (5th Cir. 1992).

Let me make it clear that the disqualification of Mr. Kreep will not affect my or my clients willingness to participate in discovery. I would suggest that 90% of

Letter Regarding Rule 26(f) Conference and Other Preliminaries

1

my clients are available on 7 business day's notice for deposition at my office or within 200 miles of their actual residence. I would also suggest that Plaintiff's depositions of the named Defendants should take priority over all other discovery, but that to the extent that discovery will be conducted in Washington, D.C., as outlined below, I would prefer to concentrate the depositions of all Eastern Seaboard Plaintiffs as "time fillers" between the depositions of named Defendants to the degree that the Defendants wish to take their deposition.

And that leads to the key point of this letter, I take Judge Carter's suggestion that discovery should begin prior to the Scheduling Conference quite seriously, and I suggest that the Defendants should do so as well. In particular, I accept that even though (without stipulation), because of the 30 day requirement of Rules 30 and 34 regarding the production of documents at depositions, none of our (Plaintiffs') proposed discovery can actually take place before the October 5, 2009, hearing before Judge Carter. However, in the spirit of Judge Carter's admonition (if it is not a mandatory injunction!) that we attempt to begin discovery expeditiously, prior to October 5, 2009, I see no reason to engage in any sort of unreasonable delay in scheduling the discovery necessary to bring this case to trial until after that hearing and formal scheduling conference.

I should advise that I fully intend to file a Second Amended Complaint on or before Monday, October 5, 2009, which will address many if not all of the jurisdictional and pleading sufficiency issues raised in Defendants' Motion to Dismiss filed last Friday (September 11, 2009).

Rules 30(b)(2) and 34(b)(2) both require 30 days notice. 30 days from the day of this Rule 26(f) Conference is Wednesday, October 14, 2009. I am going to propose to you that I will make myself available (without any reservations, even to include weekends) in a four week block for depositions *duces tecum* for each of the named Defendants, plus two non-party witnesses (Speaker of the House Nancy Pelosi and the Commissioner of Social Security), between Monday October 19, 2009 and Friday November 13, 2009. Furthermore, I will make myself available to take these depositions in Washington, D.C., as well as (obviously) at my office in Rancho Santa Margarita, or at your (Mr. DeJute's) the U.S. Attorneys' Office in Los Angeles. In short, we are willing to schedule these depositions at the Defendants' request and convenience within a four week time span.

What I ask and expect of you as opposing counsel is merely to provide me with the dates, within this very broad range of dates, when each of your clients will be available for deposition and when you might be available for the non-party witness depositions. I do not see how such a broad range of time could not be sufficient for your clients, acknowledging the full weight and breadth of their *de facto* positions and *de facto* official duties, to carve out six hours each for depositions within this one month time-frame. If this one-month wide window is not sufficient, I do not see how you will justify this to the Court.

It is my purpose and intent to use written discovery following depositions only to the extent necessary to supplement the material produced in the depositions, so that within 30 days after the conclusion of the last deposition, I will be ready to make serious plans for trial.

I will file a copy of this letter with the Court under a Notice of Transmission at the same time that I am sending it to you electronically.

Yours very truly,

Dr. Orly Taitz, Esq., for the Plaintiffs
29839 S. Margarita Pkwy
Rancho Santa Margarita, California 92688

Tel: 949-683-5411
Fax: 949-766-7036

dr_taitz@yahoo.com