

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

partial or complete summary judgment nor prepare themselves to defend any such motions under Rule 56 by the defendants without conducting discovery, in particular, the depositions duces tecum of Defendants:

(1) Barack Hussein Obama and Michelle L. R. Obama (who, whether they have any personal knowledge concerning Mr. Obama’s actual place of birth or not [the Court suggested in Court on October 5, 2009, that few individuals recall any details concerning the circumstances of their own birth or immediate post-natal citizenship and residence], both have separate and independent personal knowledge of Mr. Obama’s life & medical history and records in his actual or constructive possession, his history of applications for passports and/or compliance with Selective Service Registration requirements, his personal physicians’, hospitals’, and educational records, as well as his presidential records and personal papers and archives which may have effectively been sealed at his sole discretion as a matter of executive privilege by Executive Order 13489 entered on January 21, 2009, whether such order was designed or intended to expand or contract access to previous Presidents’ records); these defendants also have direct and personal knowledge concerning Mr. Barack Hussein Obama’s recent residence and employment history and causes or justifications for the use of one or more social security numbers in relationship to such residence and employment history.

(2) Hillary Rodham Clinton, who as Secretary of State is in charge of the extent United States Passport Agency and other governmental records concerning Barack Hussein Obama’s citizenship and other relevant records, as well as having personal knowledge of what private disclosures Barack Hussein Obama may have made to her and other Democratic Party leaders

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

and officials of the Democratic National Committee during the 2008 Presidential Campaign.

(3) Joseph R. Biden, who has parallel but independent access to many of the same sources of information as Hillary Clinton, as well as closer access to the President as his life history and personal information during the 2008 campaign.

(4) Robert M. Gates who as Secretary of the Department of Defense is custodian of all records concerning Mr. Obama's history of security clearances, his selective service registration, his level of Department of Defense clearance (if any), and, together with Defendants Michelle L.R. Obama, Hillary Rodham Clinton and Joseph R. Biden, parallel but independent information concerning Mr. Obama's private discussions and disclosures to other Democrats during the 2009 elections.

(5) Non-party witnesses around the United States who must be subpoenaed and summoned to appear for depositions duces tecum on not less than 33 days written notice unless the Court specifically shortens the time to notice and/or subpoena each and every party or non-party witness.

There is no possibility of agreement or stipulation regarding the initiation of discovery in this case. The Plaintiffs have corresponded and conferred with counsel for the Defendants this 7th day of October, 2009, by electronic mail, and submit the Defendants' paired responses as Exhibits A & B. Because the Defendants' position has been clarified, this Emergency Motion is submitted to the Court for resolution.

There is simply no time for an ordinary time-table for setting hearings upon notice, and this Motion is accordingly submitted to the Court upon an emergency and expedited basis. If a hearing is required, Plaintiffs'

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

undersigned counsel is available at anytime upon 2 hours notice to appear in person in Court in Santa Ana, or upon 5-10 minutes notice for appearance at anytime by telephone at any telephone conference.

In the alternative, if the Court is unwilling to vacate its order granting limited stay of discovery completely, Plaintiffs pray that all proposed discovery be certified as relevant to the questions of standing, jurisdiction, and venue, on the grounds that Executive Order 13489 may have caused particular injury to each of the Plaintiffs in that it radically curtailed all Plaintiffs' ability to exercise their rights under the Freedom of Information Act and their reserved Ninth Amendment as heirs to and beneficiaries of the sovereignty of this nation to the exercise of their right to petition for writ of quo warranto.

WHEREFORE, Plaintiffs request a speedy resolution of their Motion for Relief from Limited Stay of Discovery entered on September 16, 2009, by Document 66, so that Plaintiffs can prepare for and abide by this Court's scheduling order confirmed on October 7, 2009, by Document 81.

Wednesday, October 7, 2009

Respectfully submitted,

/s/ ORLY TAITZ, ESQ.
By: _____
Dr. Orly Taitz, Esq. (California Bar 223433)
Attorney for the Plaintiffs
29839 Santa Margarita Parkway
Rancho Santa Margarita CA 92688
Tel.: 949-683-5411; Fax: 949-766-7036
E-Mail: dr_taitz@yahoo.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, October 7, 2009, I provided facsimile or electronic copies of the Plaintiffs’ above-and-foregoing Notice of Filing of the 28 U.S.C. §1746 Declaration of Charles Edward Lincoln to all of the following non-party attorneys whose names were affixed to the “STATEMENT OF INTEREST” 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
- FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS Wednesday the 7th day of October, 2009.

/s/Charles Edward Lincoln, III

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A:
Roger West’s First
Response to Plaintiffs’
Request for Agreement:
“NUTS”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit B:
Roger West's
Clarification of
First Response