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CHARLES LINCOLN,

PLAINTIFF,

VS.

DAYLIGHT CHEMICAL, et al

DEFENDANT

)CASE NO.: 8:10-CV-01573-AG DEFENDANTS' DEFEND
)OUR FREEDOMS FOUNDATION, ORLY TAITZ INC AND
)APPEALING DENTISTRY
)AMENDED OPPOSITION TO PRO HAC VICE OF
)ATTORNEY PHILIP BERG
)
)
)
)
)

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to federal rules of Civil Procedure Rule 10(c), Defendants Defend Our Freedoms Foundation, Orly Taitz, inc and Appealing Dentistry (collectively "Defendants") are filing this amended opposition to Pro Hac Vice and adding a Table of Content to the pleading, exceeding 10 pages.

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/s/Orly Taitz

1 Dr.Orly Taitz, ESQ

2 02.21.2011

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FEDERAL COURT PROOF OF SERVICE

6 I certify under penalty of perjury and under the laws of CA that I served this amended

7 Opposition to Pro Hac Vice on all the parties in this case on 02.21.2011 via ECF

8

and/or mail

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/s/Orly Taitz

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CHARLES LINCOLN,) CASE NO.: 8:10-CV-01573-AG
PLAINTIFF,) DEFENDANTS' DEFEND OUR
VS.) FREEDOMS FOUNDATION, ORLY
DAYLIGHT CHEMICAL, et al) TAITZ INC AND APPEALING
DEFENDANT) DENTISTRY opposition to
) application to pro hac vice
) filed by Pennsylvania
) attorney Philip J. Berg
)
)

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:
PLEASE TAKE NOTICE Defendants "Defend Our Freedoms
Foundation", Orly Taitz, inc and "Appealing Dentistry"
(collectively "Defendants") are filing this opposition
to Plaintiff's application for pro hac vice for out of
state attorney Philip J. Berg.
On Friday evening after the end of the work day the
plaintiff in this case filed a pro hac vice application
for Pennsylvania attorney Philip J. Berg. As it was the
end of the day, both attorneys for Law office of Orly
Taitz and for Daylight Chemical already left their

offices for the weekend and are unable to respond before Monday the 02.14.2011 motion hearing, even though they intended to object Mr. Berg's application. Plaintiff stated previously that Mr. Berg is intending to appear, but there was no application until Friday evening. Additionally during Rule 26f conference there was no attorney on the case and Lincoln participated pro se. Now, at 12:30 at night, **only a few hours before** the scheduled motion hearing Lincoln e-mailed Taitz a new Rule 26f statement, filed out by attorneys Berg and Kreep, which states the case significantly differently from the First Amended Complaint.

As the motion hearing is in a few hours and both counsel are not available, Taitz is filing this opposition without counsel on the case and opposes this application to pro hac vice on the following grounds:

1. Pro hac vice application requires good standing and good moral character of the attorney. Attorney Berg is not in good standing with the PA bar, as he is currently subject to disciplinary proceedings. The Disciplinary Board has already scheduled a three judge panel hearing for Philip Berg for 02.23.2011 only nine days from now. Exhibit 1
2. Berg was previously repeatedly sanctioned by the Federal court in PA for filing frivolous legal actions.

In Re Berg, 2008 Bankr. LEXIS 322 (ED PA 2008); *Holsworth v. Berg*, 2005 U.S. Dist. LEXIS 15393 (ED PA 2005).

A July 25, 2005 article from The Legal Intelligencer, "Lawyer Slapped With \$10K in Sanctions for 'Laundry List of Unethical Actions' sums the situation here up:

"Finding that a Pennsylvania lawyer had committed a "laundry list of unethical actions," a federal judge has imposed more than \$10,000 in sanctions and ordered the lawyer to complete six hours of ethics training.

U.S. District Judge J. Curtis Joyner's 10-page opinion in *Holsworth v. Berg* is packed with criticism of the conduct of attorney Philip Berg of Lafayette Hill, Pa. "Other attorneys should look to Mr. Berg's actions as a blueprint for what not to do when attempting to effectively and honorably perform the duties of the legal profession," Joyner wrote. "This court has grown weary of Mr. Berg's continuous and brazen disrespect toward this court and his own clients. Mr. Berg's actions ... are an enormous waste of judicial time and resources that this court cannot, in good conscience, allow to go unpunished," Joyner wrote. In the suit,

Berg is accused of legal malpractice by former clients who claim his failure to respond to an ERISA claim against them led to a default judgment. But the sanctions against Berg stem from his decision to file a third-party counterclaim of fraud against a pension fund that had sued his former clients, according to court papers. Joyner blasted Berg for filing the fraud claim, calling it an "irresponsible decision" because the claim was "utterly barren of any scintilla of legal principles." Berg's motion was rejected and a default judgment of more than \$5,300 was entered against his clients. The judgment swelled to more than \$10,000 when Carpenters Health later successfully moved for a supplemental judgment to recover more than \$4,700 in attorney fees for its efforts in responding to Berg's untimely motions. Holsworth and his wife later filed a legal malpractice suit against Berg in the Philadelphia County Court of Common Pleas, alleging that Berg negligently failed to represent them in the Carpenters Health case. A year later, in February 2005, Berg moved

to join Carpenters Health as a third-party defendant in the malpractice suit, demanding more than \$20,000 in damages. In his counterclaim, Berg alleged that the ERISA suit filed by Carpenters Health in 2001, which led to the malpractice claim against him, was "a fraud upon the court and a fraudulent taking from the Holsworths." Carpenter Health's lawyers removed the case to federal court and filed a motion to dismiss the claim. Joyner agreed, finding that Berg's fraud claim was "frivolous" and was motivated by an intent "to harass Carpenters Health and the Holsworths, as well as to delay and disrupt the administration of justice." The claim was fatally flawed, Joyner found, because Berg had no standing to bring suit against Carpenters Health and had "failed to conduct even a minimally reasonable inquiry before filing his complaint." Granting summary judgment in favor of Carpenters Health, Joyner said he found it "wholly unnecessary" even to consider the facts of the ERISA case because it was "abundantly clear" that Carpenters Health was

entitled to a judgment as a matter of law. Joyner invited Carpenters Health to file a motion for Rule 11 sanctions. When it did, Joyner found that Berg "continued his trend of unprofessional conduct "... "Berg's fraud claim, Joyner said, was "inadequately pled, not grounded in fact, time-barred, and utterly irrelevant to the pending malpractice action against him."..."In his sanctions order, Joyner ordered Berg to reimburse Carpenters Health the \$10,668 in attorney fees and costs it incurred in defending the claim. He also ordered Berg to complete six credits of ethics courses certified by the Pennsylvania Board of Continuing Legal Education, and recommended that Berg be investigated by the Pennsylvania Bar Association's Committee on Legal Ethics and Professional Responsibility."

Similarly Berg demanded disbarment of the Supreme court Justices Sandra Day O'Connor, Antonin Scalia and Clarence Thomas. http://en.wikipedia.org/wiki/Philip_J._Berg
http://en.wikipedia.org/wiki/Philip_J._Berg

In October 2004, Berg filed Rodriguez v. Bush 04-4952 Eastern District of PA, accusing the President of the United States and 155 other parties of complicity in the 9/11 attacks.

This 237-page civil lawsuit included allegations pursuant to the **RICO (Racketeer Influenced and Corrupt Organizations Act) against The United States Of America, the Federal Emergency Management Agency, the Department of Homeland Security, George Herbert Walker Bush, George Walker Bush, Richard Cheney, Donald H. Rumsfeld, and numerous others, totaling 156 defendants in the U.S. District Court for the Eastern District of Pennsylvania.**

This lawsuit made hundreds of allegations "...; that phone calls made by some of the victims, as reported by their family members, were not actually made but were "faked" by the government using "voice morphing" technology; that a missile, not American Airlines Flight 77, struck the Pentagon; that United Airlines Flight 93 was shot down by the U.S. military; that the defendants had foreknowledge of the attacks and actively conspired to bring them about; that the defendants engaged in kidnapping, arson, murder, treason, conspiracy, trafficking in narcotics, embezzlement, securities fraud, insider trading, identity and credit card theft, blackmail, trafficking in humans, and the abduction and sale of women and

children for sex. "

http://en.wikipedia.org/wiki/Philip_J._Berg

Rodriguez v Bush was dismissed on all counts against all plaintiffs.

3. By Berg's own admission he employs as a paralegal one Lisa Liberi, who has been charged of 23 counts of forgery of documents and theft and in plea bargain convicted in 10 counts of forgery in theft in 2008 in San Bernardino CA Exhibit 2. She is currently on probation under supervision of San Bernardino CA Probation department Exhibit 3. Having a convicted forger as a paralegal undermines integrity of the court. In 2004-2006, when Liberi was incarcerated, she filed multiple frivolous legal actions. Her first legal action Liberi v Sheriff's department et al 5:04-cv-01524-VAP was a 30 million dollar case against multiple individuals, including District attorneys' office, her prior attorneys, judges, sheriffs' department, policemen and detectives and many others. It was a frivolous legal action, which caused an enormous emotional distress and financial hardships to many, it was dismissed after her attorney was sanctioned multiple times and after her attorney dropped Liberi as a client. Not satisfied, Liberi filed pro se yet another **frivolous RICO law suit for \$280 million against the San Bernardino County, CA, West**

Valley Correctional facility, district attorneys, police officers, police detectives, numerous law enforcement officials Lisa Liberi v West Valley Center et al 2:05-cv-03015-VAP-SGL. In a similar modus operandi she accused multiple innocent individuals of committing crimes. Her legal action was dismissed. As shown in these examples, Both Liberi and Berg have a history and modus operandi of filing multimillion dollar law suits for the sole purpose of harassment. They caused immeasurable financial and emotional damage to the defendants.

4. Berg and Kreep (local attorney contact) have a long standing vendetta against Taitz, whereby an effort was made by Berg and Kreep to defame Taitz and undermine her cases. Four convicted felons: Charles Lincoln, Lisa Liberi, Lucas Smith and Larry Sinclair were used in a concerted effort to provide perjured affidavits in an effort to destroy her litigation efforts dealing with legitimacy of Barack Hussein Obama.

In a nut shell Berg and Kreep are known as establishment or controlled opposition attorneys. Berg is a liberal Democrat and Clinton supporter, Kreep is supposedly a conservative. All three: Berg, Kreep and Taitz, along with many other attorneys filed legal actions seeking ascertainment of legitimacy of Barack Hussein Obama (hereinafter "Obama") to U.S. presidency. Both Berg and Kreep used in their pleadings a

definition of natural Born citizen, which is actually most beneficial to the defense and concentrated on one issue: birth certificate. Taitz, on the other hand, followed a theory most beneficial to the plaintiffs. She has been working with top investigators and a retired senior deportation officer from the department of Homeland Security and uncovered that Obama is using a Connecticut Social Security number, which he could not legally obtain while residing in HI. Taitz made nearly 40 trips all over the nation, lobbying for this issue and assembled a group of 200 top members of the U.S. military, State Representatives and others and brought her actions to court. Media has named Taitz the leader of the movement. Instead of supporting her Berg and Krep attacked her, defamed and slandered her in the eyes of the clients, in the media and in the eyes of judges, including judge Carter in this district. Berg instituted a \$800 million dollars frivolous legal action against her for the sole purpose of harassment. He claimed that his paralegal and he were defamed by Taitz' publication of an investigator's report of Liberi's criminal record. He claimed that she was a different Lisa Liberi from PA not Lisa Liberi, a convicted felon from CA. When Taitz demanded to see Liberi's PA drivers license, Berg refused to present it, making a baseless accusation that attorney Taitz tried to hire a hit man to kill Liberi and kidnap children of his web master

Lisa Ostella. Judge Robreno in Eastern District of PA ruled that there was no basis for the allegations and found Berg, Liberi and Ostella not believable as witnesses. Exhibit 5 Order by Judge Robreno, Exhibit 6 59 E motion by Taitz.

At this time Taitz is being attacked by both the Plaintiff, Charles Lincoln, and his proposed attorney Philip Berg, both of whom have a lengthy history of filing frivolous legal actions for purpose of harassment and lengthy history of sanctions.

Plaintiff Charles Lincoln has a long history of filing frivolous law suits and filing documents, that according to his criminal indictment and motions by the government, forged. Exhibit 7, Criminal number A-99-CR-275-WS United States v Lincoln

Governments' Response describe multiple arrests of Charles Lincoln for theft, as well as a scheme, where Lincoln de facto stole from his own clients when he tendered his law clients a bogus court receipt and instead deposited funds in his personal bank account under a bogus Social Security number. After lincoln was convicted and resigned from the Texas bar in a plea bargain agreement, he continued filing frivolous law suits.

Lincoln filed so many frivolous law suits in federal and state courts in TX, that he was sanctioned \$60,500 in the state court and later \$150,000 by Chief Judge of the Western District of TX Hon. Walter Smith. A motion

for sanctions against Lincoln was filed by the attorney General of TX Greg Abbott on behalf of multiple judges, who were continuously harassed by Lincoln and other parties, who were his de facto clients. Lincoln's sanctions included not only aggregate \$210,500, but an order from Chief District Judge Walter Smith, whereby Lincoln is forbidden to file any legal actions in any federal courts in the state of TX and forbidden to remove from State courts any cases to Federal courts until Lincoln pays in full \$150,000 of sanctions assessed by Chief Judge Walter Smith.

Your Honor has reviewed the First Amended Complaint in this case and issued a tentative ruling to dismiss 12 out of 13 causes of action and the defendants move this court not to give the Plaintiff leave to amend due to his extensive history of filing frivolous law suits for purpose of harassment. While defendants vehemently deny the allegations brought by the Plaintiff and assert that not only the defendants do not owe anything to the Plaintiff, but the Plaintiff actually owes refund of moneys paid and damages, even if the court were to treat arguendo the remaining cause of action as true, this remaining cause of action cannot be sustained in Federal court due to lack of subject matter jurisdiction and therefore the whole case needs to be dismissed.

If arguendo this court does not dismiss the remaining cause of action, Defendants, also move this court to

extend the order by Chief Judge Walter Smith from the Western District of TX and preclude Lincoln from proceeding with this remaining cause of action and any and all other causes of actions or other law suits in this federal court until he pays \$150,000 of sanctions assessed against him by the Chief District Judge Hon Walter Smith in TX.

Defendants are greatly concerned that their 4, 5th and 9 th Amendment Due Process rights will be detrimentally affected if pro hac vice is granted to Berg and if this duo of legal terrorists is allowed a leave to amend a complaint that was already amended.

SUMMARY

- 1. Due to all of the above Defendants vehemently oppose pro hac vice application for Philip Berg and respectfully move this court to deny Application for Pro Hac Vice submitted by Philip J. Berg**
- 2. Defendants move this court not to grant the Plaintiff a leave to amend his First Amended Complaint.**
- 3. Defendants respectfully move this court to extend to the Central District of CA a sanctions order issued on March 25, 2008 by the Chief District Judge Walter Smith in TX in case W-08CA-010 , whereby Lincoln is precluded from proceeding in this jurisdiction with this case or any other case until he pays \$150,000 assessed against him in U.S. District Court for the Western District of TX, which was extended to Eastern, Southern and Northern District of TX.**

02.14.2011

/s /Orly Taitz, ESQ
Counsel for Orly Taitz, inc, "Defend Our Freedoms
Foundation" and "Appealing Dentistry"

PROOF OF SERVICE

I certify that above pleadings were served by ECF and/
or mail on 02.14.2011 on

Gary Kreep
932 D. str. ste 2

disciplinary hearing filed on the web site of the Disciplinary Board of PA

2. A summary of criminal convictions of Lisa Liberi is a true and correct copy of such summary posted on the web cite for the San Bernardino CA Superior Court

3. A letter from the San Bernardino District Attorney is a true and correct letter received by Taitz via e-mail and mail

4. A 12.23.2010 order by Judge Eduardo Robreno is a true and correct copy of such order issue in Liberi v Taitz 09-1898 Eastern District of PA

5. Rule 59E motion is a true and correct copy of such motion filed by Taitz in 09-1898 Eastern district of PA Liberi v Taitz

6. Criminal number A-99-CR-275-WS United States v Lincoln Governments' Response is a true and correct copy of such response filed in the case

7. Third party defendants Judges Higginbotham and Mac Master motion for sanction against Charles Lincoln and Daniel Simon is a true and correct copy of such motion filed in Greg Abbott v Daniel Simon 06:08-CV-10 WSS.

8. March 25, 2008 order by Judge Walter Smith in W-08CA-010 granting \$150,000 sanctions against Lincoln and preclusion from filing in federal courts in TX, is a true and correct order filed in this case.

Affiant further says not

/s/ Dr. Orly Taitz, ESQ

02.14.2011

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Taitz

Affidavit of Orly Taitz

I certify under penalty of perjury and under the laws of CA, that I, Orly Taitz, over 18 years old, do not suffer from any mental impairment and have personal knowledge of the following:

1. A copy of the Disciplinary hearing for Attorney Philip J. berg is a true and correct copy of such