

FILED

2011 FEB 22 PM 12: 55

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

1 Charles Edward Lincoln, III  
2 603 Elmwood Place, Suite #6  
3 Austin, Texas 78705  
4 Telephone: (512) 968-2500  
5 E-mail: [charles.lincoln@rocketmail.com](mailto:charles.lincoln@rocketmail.com)

Plaintiff *in propria persona* pending his attorney's admission *pro hac vice*

6 Philip J. Berg, Esquire  
7 Law Offices of Philip J. Berg  
8 555 Andorra Glen Court, Suite 12  
9 Lafayette Hill, PA 19444-2531  
10 (610) 825-3134  
11 Email: [philjberg@gmail.com](mailto:philjberg@gmail.com)

PA ID 09867

Attorney for Charles Edward Lincoln, III pending admission *pro hac vice*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA,**  
15 **SOUTHERN DIVISION**

16 CHARLES EDWARD LINCOLN, III

17 Plaintiff,

18 vs.

19 DAYLIGHT CHEMICAL INFOR-  
20 MATION SYSTEMS, INC., et al,

21 Defendants.

CIVIL ACTION NUMBER:

8:10-CV-01573 AG (PLAx)

22 **Plaintiff's Notice of Motion and**  
23 **Motion to Strike in Part Defendants**  
24 **Appealing Dentistry, Orly Taitz, Inc.**  
25 **and Defend Our Freedoms**  
26 **Foundations, Inc. filings appearing as**  
27 **Docket Entry No.'s 24, 26, 30, 38, 38-**  
28 **1, 42, 43, and 46**

Date of Hearing: March 21, 2011

Time of Hearing: 10:00 a.m.

Location: Courtroom 10D

26 //  
27 //  
28 //

1           **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           **PLEASE TAKE NOTICE** that on March 21, 2011 at 10:00 a.m. or as soon  
3  
4 thereafter as the matter may be heard in the U.S. District Court, Central District of  
5 California, Southern Division located at 411 W. Fourth Street, Santa Ana,  
6 California 92701 in Courtroom 10D, Plaintiff, Charles Edward Lincoln, III  
7 (hereinafter at times "Plaintiff") will move this Court for an Order Striking  
8 Defendants Appealing Dentistry, Orly Taitz, Inc., and Defend Our Freedoms  
9 Foundations, Inc. [hereinafter "Defendants"] following filings:  
10

- 11
- 12           ▪ Defendants Motion to Join in part, filed January 9, 2011, Docket  
13           Entry No. 24 in part (p. 2, ll. 12-28, ¶¶ 1-2 and pp. 3-9, ll. 1-28, ¶¶ 2-  
14           5, Conclusion on pp. 8-9 and Exhibits "1" through "5");
  - 15           ▪ Defendants Request for Judicial Notice filed January 15, 2011,  
16           Docket Entry No. 26, in its entirety;
  - 17           ▪ Defendants January 27, 2011 Response to Ex Parte Application,  
18           Docket Entry No. 30 in part (p. 3, ll. 8-28; p. 4, ll 1-28; p. 5, ll. 1-12;  
19           p. 6, ll. 12-14; p. 7, ll. 2-7, and ¶2 ll. 17-28; p. 8, ll. 1-27; p. 9, ll. 1-28;  
20           p. 10, ll. 1-27; p. 11, ll. 1-28; p. 12, ll. 1-14; and Exhibits "1" through  
21           "4");
  - 22           ▪ Defendants Exhibit "1" attached to their January 31, 2011 Notice of  
23           Motion and Motion to Strike, Dkt. No.'s 38 and 38-1;
  - 24           ▪ Defendants February 15, 2011, Notice of Motion and First Motion for  
25           Sanctions, Docket Entry No. 42 in its entirety;
  - 26           ▪ Defendants February 15, 2011, Brief and Exhibits "1" through "7" in  
27           its entirety appearing as Dkt. No. 43; and  
28

- 1           ▪       Defendants February 16, 2011, Notice of Motion and First Motion for  
2                   Sanctions and Exhibits “1” through “3” in its entirety, appearing as  
3                   Dkt. No. 46.

4           In support hereof, Plaintiff avers as follows:

5           1.       All the filings pertaining to Lisa Liberi and Lisa Ostella in Defendants  
6           Motions, filings, statements and attachments (Exhibits) appearing in or as Docket  
7           Entry No.’s [Dkt No.] 24, 26, 30, 38, 38-1, 42, 43, 46 were filed for an improper  
8           purpose and do **not** relate to this Case whatsoever. Lisa Liberi and Lisa Ostella are  
9           **not** involved in the within action. It should also be noted, Lisa Liberi and Lisa  
10           Ostella are suing Orly Taitz, a Defendant herein and also Counsel for Appealing  
11           Dentistry, Orly Taitz, Inc. and Defend Our Freedoms Foundations, Inc. Orly Taitz,  
12           Esquire is attempting to Obstruct Justice as she is well aware that the case pending  
13           against her by Lisa Liberi and Lisa Ostella, has been Severed and Ordered  
14           Transferred to the U.S. District Court, Central District of CA, Southern Division.  
15           Orly Taitz, Esquire filed this nonsense for no other purpose then to prejudice and  
16           bias this Court against Lisa Liberi, Lisa Ostella and the other Plaintiffs in the case  
17           and/or conflict out the Judges located in this Courthouse prior to this Court’s  
18           receipt of the case from Pennsylvania. See *Liberi, et al v. Taitz, et al*, U.S. District  
19           Court, Eastern District of Pennsylvania; Case No. 09-cv-01898 ECR. Orly Taitz,  
20           Esquire is well aware there is a great chance that Honorable Andrew J. Guilford  
21           could be assigned the matter of *Liberi, et al v. Taitz, et al*. Unfortunately, this is  
22  
23  
24  
25  
26  
27  
28

1 **not** the first time Defendant Orly Taitz has attempted to obstruct justice in the  
2 matter of Liberi, et al v. Taitz, et al. This Court should **not** allow these dishonest  
3 actions of Defendant Orly Taitz.  
4

5 2. Defendant Orly Taitz's recitation of the Case pertaining to Liberi, et  
6 al v. Taitz, et al is falsified; Defendant Taitz has falsified what the case represents;  
7 falsified the contents of documents on file with the Court; contents of pleadings;  
8 contents of the Court's Rulings; the Court's Findings; as well as falsified many of  
9 the statements contained within her filings.  
10  
11

12 3. Defendants Motions appearing as Dkt No's. 24, 38, 38-1, 42, 43, 46  
13 and attachments and Exhibits thereto fail to meet the Federal Rules of Civil  
14 Procedure [*Fed. R. Civ. P.*] Rules 7 and 11(b) as well as this Court's Local Rules  
15 [*L.R.*], 7-3, 7-4, 7-5(a) 7-6; 11 and therefore may **not** be considered pursuant to this  
16 Court's *L.R.* 7-12.  
17  
18

19 4. Defendants Motions and filings appearing as Dkt No.'s 24, 26, 30, 38,  
20 38-1, 42, 43, and 46 as well as the attachments and Exhibits contain attachments  
21 which are unauthenticated in violation of Federal Rules of Evidence [*Fed. R. Evid.*]  
22 901, 902 and 1005; are irrelevant in violation of *Fed. R. Evid.* 401 and 402; are  
23 hearsay, double and triple hearsay statements and documents in violation of *Fed.*  
24 *R. Evid.* 801(c) and 805 and therefore are inadmissible pursuant to *Fed. R. Evid.*  
25 802; and contain information which may be found to be relevant, however, must be  
26  
27  
28

1 excluded as it is probative; and is outweighed by the fact it creates unfair prejudice  
2 to the Plaintiff; it confuses the issues before this Court; is a waste of time; and was  
3 a needless presentation and therefore must be excluded pursuant to *Fed. R. Evid.*  
4 403.  
5

6  
7 5. Furthermore, Defendants Motions and filings appearing as Dkt No.'s  
8 24, 26, 30, 38, 38-1, 42, 43, 46 all attachments and Exhibits thereto are an  
9 insufficient defense, irrelevant, redundant, immaterial, impertinent, and are  
10 scandalous matter and therefore must be stricken pursuant Fed. R. Civ. P. 12(f).  
11

12 6. It should also be noted that the filings by Defendant Orly Taitz  
13 regarding Lisa Liberi; Philip J. Berg, Esquire; Lisa Ostella; and Charles Edward  
14 Lincoln were done with malice and maliciously. As this Court is aware, the false  
15 statements and repeated publication evidence malice. *See Fisher v. Larsen* (1982)  
16 138 Cal.App.3d 627, 640 [188 Cal. Rptr. 216]; *See also Rancho La Costa, Inc. v.*  
17 *Superior Court* (1980) 106 Cal.App.3d 646, 667 [165 Cal. Rptr. 347]. Defendant  
18 Orly Taitz filed her rhetoric, which is **not** a sufficient defense, and is irrelevant,  
19 redundant, immaterial, impertinent, scandalous matter and prejudicial to the parties  
20 case who are **not** related to the within matter with this Court repeatedly, six [6]  
21 times within approximately thirty [30] days. Over-publication is evidence of  
22 malice. *See Rancho La Costa, Inc. v. Superior Court* (1980) 106 Cal.App.3d 646,  
23  
24  
25  
26  
27  
28

1 667 [165 Cal. Rptr. 347] and *Fisher v. Larsen* (1982) 138 Cal.App.3d 627, 640  
2 [188 Cal. Rptr. 216].

3  
4 7. Allowing these inappropriate, impertinent, immaterial, rhetorical,  
5 scandalous filings and statements to stand **not** only prejudice the Plaintiff, but also  
6 prejudices the unrelated case, *Liberi, et al v. Taitz, et al*, and the Plaintiffs in the  
7 case, *Liberi, et al v. Taitz, et al*, which is being transferred to this Court.

8  
9 8. This Motion is made following the conference of counsel, which took  
10 place on February 15, 2011, pursuant to this Court's L.R. 7-3. See the response  
11 received from Defendant Orly Taitz attached hereto as **EXHIBIT "1"**.

12  
13 9. This Motion is based upon this Notice of Motion, Motion, the  
14 attached Memorandum of Points and Authorities in Support hereof; Declaration of  
15 Philip J. Berg, Esquire; Declaration of Charles Edward Lincoln, III; and upon  
16 records on file with this Court and such further oral and/or documentary evidence  
17 that may be presented at the time of the hearing.

18  
19 10. For the reasons stated herein, the following filings and Exhibits by  
20 Defendants must be stricken:

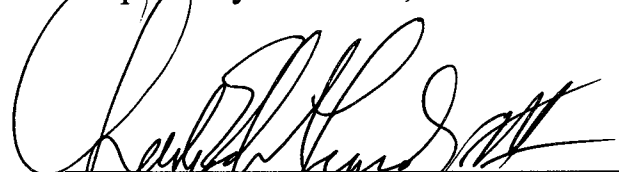
- 21  
22  
23
  - 24 ■ Defendants Motion to Join in part, filed January 9, 2011, Docket  
25 Entry No. 24 in part (p. 2, ll. 12-28, ¶¶ 1-2 and pp. 3-9, ll. 1-28, ¶¶ 2-  
26 5, Conclusion on pp. 8-9 and Exhibits "1" through "5");
  - 27 ■ Defendants Request for Judicial Notice filed January 15, 2011,  
28 Docket Entry No. 26, in its entirety;

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

- Defendants January 27, 2011 Response to Ex Parte Application in part (p. 3, ll. 8-28; p. 4, ll 1-28; p. 5, ll. 1-12; p. 6, ll. 12-14; p. 7, ll. 2-7, and ¶2 ll. 17-28; p. 8, ll. 1-27; p. 9, ll. 1-28; p. 10, ll. 1-27; p. 11, ll. 1-28; p. 12, ll. 1-14; and Exhibits “1” through “4”);
- Defendants Exhibit “1” attached to their January 31, 2011 Notice of Motion and Motion to Strike, Dkt. No. 38-1;
- Defendants February 15, 2011, Notice of Motion and First Motion for Sanctions, Docket Entry No. 42 in its entirety;
- Defendants February 15, 2011, Brief and Exhibits “1” through “7” appearing as Dkt. No. 43, in its entirety; and
- Defendants February 16, 2011, Notice of Motion and First Motion for Sanctions and Exhibits “1” through “3”, appearing as Dkt. No. 46 in its entirety.

11. Plaintiff is also seeking Five Thousand [\$5,000.00] Dollars in Attorney fees for the time Plaintiff’s counsel spent in researching and responding to Defendant Orly Taitz’s inappropriate filings.

Respectfully submitted,

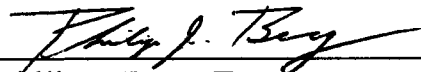


Dated: February 18, 2011

Charles Edward Lincoln, III  
603 Elmwood Place, Suite #6  
Austin, Texas 78705  
Telephone: (512) 968-2500  
E-mail: [charles.lincoln@rocketmail.com](mailto:charles.lincoln@rocketmail.com)  
Plaintiff *in propria persona* pending  
his attorney’s admission *pro hac vice*

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

Dated: February 18, 2011

  
Philip J. Berg, Esquire  
Law Offices of Philip J. Berg  
555 Andorra Glen Court, Suite 12  
Lafayette Hill, PA 19444-2531  
(610) 825-3134  
Email: [philjberg@gmail.com](mailto:philjberg@gmail.com)  
PA ID 09867  
Attorney for Charles Edward Lincoln,  
III pending admission *pro hac vice*



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 "1"**

From: Orly Taitz <orly.taitz@gmail.com>  
Date: Wed, Feb 16, 2011 at 5:22 AM  
Subject: Re: redundant, immaterial, impertinent, or scandalous matter (Meet and Confer)  
To: Charles Lincoln <charles.lincoln@rocketmail.com>  
Cc: William Pallares <pallares@lbbslaw.com>, Bart Becker <BECKER@lbbslaw.com>, philjberg@gmail.com, Jonathan Ross <jross@bglawyers.com>, Arnold Levine <alevine@bglawyers.com>, "Mark I. Melo" <mmelo@bglawyers.com>, jon Levy <jonlevy@hargray.com>

Mr. Lincoln,

you are wrong on all counts. Nothing in these filings is redundant, it is material, it is not scandalous and is not impertinent. On the other hand, your whole complaint can be characterised by exactly these terms.

Mr. Lincoln, even though you are disbarred in 4 states, as a former attorney, you know that attorneys representing other clients cannot agree that another attorney representing other clients must withdraw her filings and that she is liable for the costs. This is the call for the judge to make.

I hope that judge Guilford will agree with my opposition to Mr. Berg's pro hac vice in light of the fact that Mr. Berg is currently subject to disciplinary hearing, scheduled for 02.23.2011, only one week from now and in light of the fact that his paralegal Lisa Liberi is a convicted document forger and her "work" will completely undermine the court. during the 26f conference I advised you that if Mr. berg submits pro hac vice, I will oppose it. Judge Guilford was also deeply concerned about Mr. Berg's qualifications to conduct a case in federal court, as he did not know the most basic cases of Twombly and Iqbal, which might be another reason for disqualification.

I, also, hope that Judge Guilford will sanction you and your attorneys based on my motion for sanctions. At the end it is up to judge Guilford, who so far did not give much credence to your immaterial, redundant, impertinent and scandalous allegations, contained in your complaint.

If you are willing to dismiss your complaint with prejudice immediately, I will seriously consider not filing a counter complaint against your and Mr. Peyton Freiman, Mr. Charles Lincoln, IV, Ms Elena Kourembana, Ms. Garcia-Lawson, Ms. Lisa Ostella and a number of other individuals, who are liable to me, my husband and my office. Based on your multiple arrests for theft, your felony conviction in TX, legal actions brought against you by your prior employers, you surely know that your actions and actions of your associates might be viewed by the judge not only giving rise to civil liability, but also criminal liability and can be forwarded by the presiding judge to Mr. Tony Rackaukas, District attorney for Orange County for criminal prosecution. as such, I urge you to stop threatening me and stop trying to turn my attorney and attorney for my husband against me, but rather use your money wisely and retain a good criminal defense attorney for yourself and your associates.

**EXHIBIT "1"**



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

**Mark I Melo**  
Bradley and Gmelich  
700 N Brand Blvd 10th Fl  
Glendale, CA 91203-1202  
Email: [mmelo@bglawyers.com](mailto:mmelo@bglawyers.com)

Attorney for Defendants, Yosef Taitz and  
Daylight Chemical Information Systems, Inc.

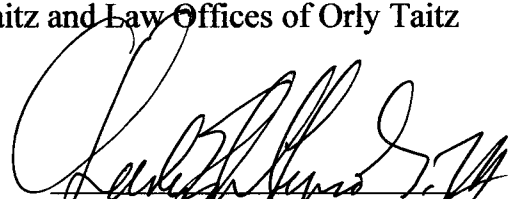
**Orly Taitz**  
Orly Taitz Law Offices  
26302 La Paz, Ste 211  
Mission Viejo, CA 92691  
Email: [dr\\_taitz@yahoo.com](mailto:dr_taitz@yahoo.com)

Attorney for Defendants, Appealing Dentistry; Defend our  
Freedoms Foundations, Inc.; and Orly Taitz, Inc.

**William Edward Pallares**  
Lewis Brisbois Bisgaard and Smith LLP  
221 North Figueroa Street 12th Floor  
Los Angeles, CA 90012-2601  
Email: [pallares@lbbslaw.com](mailto:pallares@lbbslaw.com)

Attorney for Defendants, Orly Taitz and Law Offices of Orly Taitz

Dated: February 18, 2011



Charles Edward Lincoln, III  
603 Elmwood Place, Suite #6  
Austin, Texas 78705  
Telephone: (512) 968-2500  
E-mail: [charles.lincoln@rocketmail.com](mailto:charles.lincoln@rocketmail.com)  
Plaintiff in *propia persona* pending  
his attorney's admission *pro hac vice*