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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
) MOTION TO STRIKE
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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 motion to strike,

SUMMARY OF THE OPPOSITION

Motion to strike is a part and parcel of the case filed
by the Plaintiff, which this court already found to be
mostly without merit, and whereby this court already
dismissed 12 out of 13 causes of action, leaving one
minor cause of action, which actually represents a
state claim.

Motion to strike is equally without merit, it includes mostly a compilation of defamatory statements and needs to be denied as frivolous. Proposed order compiled by the Plaintiff is totally inappropriate. Request of attorneys fees is ridiculous, as at the moment the plaintiff is represented pro se and does not have an attorney. In regards to sanctions, actually the Plaintiff needs to be sanctioned for bringing forward this frivolous motion and wasting the time of the court.

A. PLAINTIFF'S MOTION TO STRIKE ALL INFORMATION REGARDING LISA OSTELLA IS FRIVOLOUS AND WAS MADE IN BAD FAITH WITH INTENT TO HARASS.

Plaintiff wants to remove from the pleadings all mention of Lisa Ostella. This request is absolutely ridiculous for two reasons:

1. Plaintiff Lincoln filed an affidavit by Lisa Ostella in this case. He brought this affidavit to support his position in this case.
2. Plaintiff alludes in his first cause of action for Malicious prosecution to the fact that Taitz responded to US District judge Dimitroleous in USDC for the Southern District of Florida presiding over *Lincoln, Rivernider, Rivernider v US Bank* and related to him that the signature on the pleading in question was not hers. Originally Plaintiff, Charles Lincoln, claimed that Taitz signed the document and lied about it.

Later, when Taitz hired a document expert, who issued a statement, that the document in question was not signed by Taitz, Lincoln and his attorney at a time, Philip Berg concocted a new story, and Lincoln admitted that indeed he forged Taitz signature, but claimed that Taitz allowed him to forge her signature. Lincoln brought as a character witness Lisa Ostella and she claimed that Taitz allowed her to forge her signature too.

Due to the fact that the **Plaintiff brought Lisa Ostella into the case**, rebuttal is not only allowed, but is necessary and imperative. If Taitz would not provide the facts and documents available in rebuttal, it would constitute legal malpractice in relation to "Defend Our Freedoms Foundation", Appealing Dentistry and Orly Taitz, inc. Clearly this court will not direct Taitz to commit legal malpractice and not provide necessary rebuttal.

Additionally, Taitz is an officer of this court, and as she sees crimes being committed, she has a duty to report those to the court.

Crimes indeed were committed. During the 12. 20. 2010 hearing in *Liberi et al v Taitz et al*. Ostella admitted to the following facts:

a. she admitted that she locked Taitz out of the old website for the "Defend Our Freedoms" foundation. Ostella admitted that she replaced Taitz pay-pal with her own, whereby if supporters of the foundation were

to donate, the money will not go to the foundation, but rather will go to Ostella. While Ostella claims, that after she did it, nobody donated any money, this claim sounds very hollow. Even if one were to believe that nobody donated after the switch, it does not negate the fact, that an attempt was made to defer funds from the foundation. This shows that there is a probable cause to believe, that indeed there was an attempt to divert funds from the foundation.

b. At the same hearing Ostella admitted that she cut and pasted Taitz signature from one document to many others, whereby forging Taitz signature, but Ostella claimed that Taitz allowed her to forge her signature, but could not provide any proof That Taitz allowed her to forge her signature.

It seems the Plaintiff in this case, Lincoln and his accompish Ostella believe that they can commit crimes with impunity, all they need to do is file frivolous law suits with intent to harass, typical SLAPP law suits and the victims will be silenced. Taitz is a victim. Her foundation is a victim. Not only it was appropriate to provide information in regards to Ostella, but Taitz also asks this honorable court to forward the pleadings and documentary evidence regarding Ostella and Lincoln, that were provided to this court, to the District Attorney of Orange County Tony Rackaucas, as well as Attorney General of California and Attorney General of New Jersey, where

Ostella resides with the request for investigation and prosecution of both Lisa Ostella and Charles Edward Lincoln for Uttering and Forgery of signature of an attorney and investigation and prosecution of Lisa Ostella for suspected embezzlement or theft or attempted theft from "Defend Our Freedoms" foundation.

B. Plaintiff's motion to strike all information regarding Lisa Liberi is totally frivolous and made in bad faith.

Lisa Liberi is a paralegal for attorney Philip Berg, whom Plaintiff Lincoln chose to act as his attorney. Berg is a PA attorney, he filed Pro Hac Vice, which was opposed by the Defendants due to the fact that Berg is subject to Disciplinary hearing by the Supreme Court of PA. Defendants forwarded to this court summary of 10 felony convictions for forgery and theft of Lisa Liberi. Integrity of this court is undermined by the fact that proposed attorney is working with a recently convicted document forger, who is on probation. For that reason none of the documents submitted by Berg to this court can be viewed as valid.

On 02.28.2011 Taitz provided to this court Petition for Discipline filed by the Superior Court of PA. It shows that Berg and Liberi submitted a response to the disciplinary committee of the Supreme Court of PA a response where they claim that Liberi is actually working in Berg's office in PA. In reality Liberi is not allowed to live in PA, as she is currently on

probation, allowed to live only in CA or NM, but not PA. This shows fraud on the Disciplinary Board and the probation department. Additionally, Liberi is currently receiving SSA checks as a disabled person. According to the affidavits submitted Liberi is not disabled, but rather is working for Berg since 2006. Defendants ask this court not only to deny the Plaintiff's motion to strike, but also to forward to Michael Astrue, commissioner of the Social Security administration pleadings and documentary evidence provided by the defendants to this court for the purpose of investigation and prosecution of felon on probation Lisa Liberi and her attorney and employer Philip Berg for suspected Social Security fraud, as Liberi is currently on disability, receiving disability checks, yet according to her sworn verification forwarded to Taitz by the Disciplinary Board of PA, Liberi and Berg swear that Liberi is employed and working as legal assistant for Philip Berg, which shows that she is not disabled.

C ALL THE DOCUMENTS FILED ARE RELEVANT TO THE CASE AT HAND AND PROPER.

The documents in question are all relevant to this case and relevant to the administration of Justice.

As Philip Berg applied for Pro Hac Vice to be admitted as an attorney in this case, it is relevant to bring before the court documentary evidence, that show that Philip Berg was repeatedly sanctioned by federal

judges. It is relevant and proper to show that Philip Berg is using as his paralegal a recently convicted document forger.

It is relevant to show that the individuals, who are associated with attorney Berg either have criminal record or exhibited behavior that is criminal.

All of the documents provided were properly authenticated, were court records and relevant.

Additionally, Taitz provides affidavits of a licensed investigator Neil Sankey, Exhibit 1 and 2 and Petition from the Disciplinary Board Exhibit 3, which show that Philip berg's statements have little veracity and credibility and his pro hac vice should not be granted.

D. Evidence brought in relation to Charles Lincoln is proper, authenticated and relevant.

Charles Lincoln file a complaint that contains 13 causes of action and which contains numerous highly prejudicial, inflammatory and irrelevant statements made regarding the Defendants.

It is proper to introduce evidence, that Charles Lincoln has a history of multiple arrests for theft, that he is a convicted felon, that his felony conviction stemmed from the fact that he collected several thousand dollars from his client, gave the client a bogus court receipt and instead deposited the money in his own bank account with altered Social Security number. It is relevant to this case to show

that Lincoln is a vexatious plaintiff, who was sanctioned \$60,500 by the state court in TX and \$150,000 by the Chief Judge of the US District court in TX. It is relevant to show that Lincoln's behavior was so outrageous, that 11 judges joined in a motion to sanction him. This shows that there is no veracity in Lincoln's statements.

As Lincoln accused Taitz of malicious prosecution, when she honestly reported to Judge Dimitroleous that the signature on the pleadings was not hers, it was proper, not malicious and not defamatory, to provide a sworn affidavit from a licensed Texas attorney Andrea Athalay, who stated that Lincoln has forged her signature in 12 cases, when he collected money from the clients, forged her signature, filed cases with courts and later abandoned the clients. Athalay stated that Lincoln caused her severe emotional anguish and serious financial losses.

Conclusion

Wherefore,

1. the Defendants move this honorable court to deny the Plaintiff's motion to strike and deny Charles Lincoln,

pro se Plaintiff's request for attorney's fees as frivolous.

2. The defendants move this court to forward the pleadings and documentary evidence provided to this court to the District Attorney of Orange county Tony Rackaucas, as well as Attorney General of CA, Attorney General of NJ and Attorney General of PA for investigation of Charles Lincoln, Lisa Ostella, Lisa Liberi and Philip Berg.

3. forward to Rene Ford, Director of San Bernardino, CA probation Department the pleadings and documentary evidence provided in this case for emergency revocation of probation of felon Lisa Liberi.

4. Forward to Michael Astrue, commissioner of the Social Security administration pleadings and documentary evidence provided by the defendants to this court for the purpose of investigation and prosecution of felon on probation Lisa Liberi and her attorney and employer Philip Berg for suspected Social Security fraud, as Liberi is currently on disability, receiving disability checks, yet according to her sworn verification forwarded to Taitz by the Disciplinary Board of PA, Liberi and Berg swear that Liberi is employed and working as legal assistant for Philip Berg, which shows that she is not disabled.

5. Sanction Plaintiff Charles Lincoln \$5,000 for filing a frivolous motion to strike and for using this motion

as a vehicle of further slander and defamation of attorney Taitz.

Respectfully submitted

/s/Orly Taitz

Dr.Orly Taitz, ESQ

03.01.2011

FEDERAL COURT PROOF OF SERVICE

I certify under penalty of perjury and under the laws of CA that I served the parties to this action with above pleadings via ECF and/or mail on 02.28.2011

Dated this 03.01.2011
/s/Orly Taitz

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