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5 Attorney FOR "DEFEND OUR FREEDOMS" FOUNDATION,  
6 ORLY TAITZ, INC, "APPEALING DENTISTRY"

7 CHARLES LINCOLN, ) CASE NO.: 8:10-CV-01573-AG  
8 PLAINTIFF, ) DEFENDANTS' ORLY TAITZ INC  
9 VS. ) AND APPEALING DENTISTRY  
10 DAYLIGHT CHEMICAL, et al ) CONDITIONAL REQUEST TO  
11 DEFENDANT ) VACATE MOTION FOR SANCTIONS  
12 ) Date: March 21, 2011  
13 ) Time: 10 AM  
14 ) Hon Andrew Guilford  
15 ) Courtroom 10D  
16 )

17 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

18 PLEASE TAKE NOTICE Defendants Orly Taitz, inc and Appealing Dentistry (collectively  
19 "Defendants") are filing this **conditional request to vacate** motion for sanctions against Charles  
20 Lincoln, Philip J. Berg and Gary Kreep

21  
22 The court was very generous with the Plaintiff in this action, Charles Lincoln. In spite of the fact  
23 that the court found no jurisdiction in Federal court and no value in 12 out of 13 causes of action  
24 and dismissed all but one minor state cause of action, the court gave the plaintiff an extra month  
25 to file a second amended complaint. **The second amended complaint was not filed.** The  
26 defense wanted to remind the court that the remaining cause of action against one defendant Orly  
27 Taitz for quantum meruit is for \$47,000 amount, which is less than \$75,000 required to maintain  
28 a legal action in the federal court. Though the defense argues that Plaintiff was paid for the

1 services he provided, that the amount he claims of \$47,000 is an outrageous invented number  
2 and the Plaintiff actually owes the Defendants a full refund and damages for tremendous damage  
3 the Plaintiff caused the Defendants, even if the court would put all of these arguments aside and  
4 rules solely on the amount claimed in the First Amended Complaint and assumes as true the  
5 allegation by the Plaintiff, that the defendant owes him \$47,000, it is still below \$75,000 required  
6 to maintain a legal action in the Federal court and the **court is simply without jurisdiction to**  
7 **maintain this action any further.** Considering highly offensive nature of the complaint,  
8 maintaining it, only serves as further harassment and causes tremendous emotional distress.  
9 Additionally, while the Plaintiff claimed hardship in denial of Pro Hac Vice for PA attorney  
10 Philip Berg, the Defense wanted to remind the court that The Plaintiff, himself is an attorney.  
11 Even though he is disbarred, he can represent himself, he has necessary education, as he is a  
12 graduate of the University of Chicago 1992, has nearly 20 years of experience and he maintained  
13 some 70 legal actions in Federal courts, where he was a party. Plaintiff filed his complaint and  
14 First Amended Complaint **pro se**, as he believed that he does not need another attorney and he  
15 was capable to file a second amended complaint by the deadline of March 16, 2011 ordered by  
16 the court. Additionally, the Plaintiff still has his local attorney Gary Kreep and he could get  
17 assistance of Philip Berg in drafting and assistance of Gary Kreep in drafting and filing  
18 electronically. There was no excuse or justification for the Plaintiff not to file the second  
19 amended complaint.

20 If the court decides sua sponte to dismiss this case under 41B and 12 B(1) and 12B(6) before  
21 March 21, 2011 motion hearing, than the motions become moot and the defense does not wish  
22 to waste the time of the court any further with motions. If the court does not dismiss this case  
23 before March 21, 2011 motion hearing, than the defense is ready to argue on it's opposition to  
24 Motion to Strike filed by the Plaintiff and argue it's own motion for sanctions against the  
25 Plaintiff, his former attorney Philip J. Berg and his local attorney Gary Kreep.

26 Respectfully submitted

27 /s/ Dr. Orly Taitz, ESQ

28 03.18.2011

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**FEDERAL COURT PROOF OF SERVICE**

I certify under penalty of perjury and under the laws of CA that I served the Plaintiff and his  
counsel via ECF and or mail on 03.18.2011

Dated this 03.18.2011  
/s/Orly Taitz

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