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9 **IN THE US DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 DR. ORLY TAITZ, ESQ
12 Plaintiff,

13 vs.

14 KATHLEEN SEBELIUS,
15 In her capacity of Secretary of
16 Health and Human Services et.al.
17 Defendant.
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19
20
21

) Case No.: **SACV-12-1092 DMG (JC)**
)
) VIOLATION OF 14TH AMENDMENT
) EQUAL PROTECTION RIGHTS,
) ESTABLISHMENT CLAUSE
) ARTICLE 2 SEC 1 OF COSTITUION
) INJUNCTIVE RELIEF, STAY
) DECLARATORY RELIEF
RICO, PREDECATE CRIMES:
FRAUD, AIDING AND ABETTING
FORGERY AND UTTERING OF
FORGED DOCUMENTS TO
COMMIT ELECTIONS FRAUD

7TH AMENDMENT JURY
DEMANDED

22
23 **NOTICE OF MOTION FOR STAY/ PRELIMINARY INJUNCTION AND**
24 **RELATED JUDICIAL NOTICE FILED IN CONJUNCTION WITH THE**
25 **MOTION FOR STAY/PRELIMINARY INJUNCTION**
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1 To all parties in the case, you are notified that on Tuesday, September 18,
2 2012, 9:30 am, at Courtroom 20, U.S. District Court for the Central District of
3 California, Western Division, 312 North Spring Street, Los Angeles, CA 90012.
4 Plaintiff will argue her Motion for Stay and Preliminary Injunction before
5 Honorable Judge Jacqueline Chooljian.

6 Plaintiffs contacted the Office of The U.S. Attorney in Santa Ana,
7 California, and spoke with clerk Pat Miles at (213) 894-2879, that Plaintiff Orly
8 Taitz would like to do Meet and Confer regarding the Motion for Stay/Preliminary
9 Injunction and for Judicial Notice filed in conjunction with Motion for
10 Stay/Preliminary Injunction.

11
12
13 Respectfully submitted,



14
15 August 15, 2012

16
17 By /s/ Dr. Orly Taitz

18 Dr. Orly Taitz ESQ

19 Plaintiff Pro Se
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7TH AMENDMENT JURY
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23 **MOTION FOR STAY/ PRELIMINARY INJUNCTION**
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25 Plaintiff Pro Se Dr. Orly Taitz (hereinafter "Taitz") hereby moves this Court
26 to enter a stay/preliminary injunction to assessment of the penalty tax under
27 PPACA against her. Plaintiffs asserts that such penalty tax violates Plaintiff's
28

1 constitutional and statutory rights for Free Exercise of Religion, Free Speech, Due
2 process rights, and rights provided by RFRA. In support of this motion Plaintiff
3 submits an accompanying brief and a proposed order.

4 Plaintiffs contacted the Office of The U.S. Attorney in Santa Ana,
5 California, and spoke with clerk Pat Miles at (213) 894-2879, that Plaintiff Orly
6 Taitz would like to do Meet and Confer regarding the Motion for Stay/Preliminary
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8 Stay/Preliminary Injunction.

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13 August 14, 2012

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16 by/s/ Orly Taitz
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18 Plaintiff Pro Se
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24 **BRIEF IN SUPPORT OF MOTION**
25 **FOR STAY/PRELIMINARY IINJUNCTION**
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INTRODUCTION

The case Taitz v Sebelius et al was filed in The United States District Court Central District of California on July 5, 2012.

On 06.28.2012 Supreme Court of the United States issued a ruling in National Federation of Independent Business. et al. v. Kathleen Sebelius, Secretary of Health and Human Services. et al., Department of Health and Human Services, et al. v. Florida. et al.: Florida. et al. v. Department of Health and Human Services. et al. 567 U.S. 2012 (docket 11-393, 11-j98. 11-400). In a narrow 5- 4 decision against some 26 states and the National Federation of Independent Businesses, Supreme Court ruled that even though the healthcare bill and individual mandates within it, violate the Commerce clause, it is valid under taxing powers of Congress.

The complaint is incorporated herein by reference. The complaint challenges the religious discrimination embedded in the Patient Protection and Affordable Care Act 26 USC §5000A (Hereinafter PPACA) is unconstitutional asserting that it violates Plaintiff’s rights protected by the U.S. Constitution and federal statutes. PPACA states:

1. H. R. 3590 “Patient Protection and Affordable Care Act” (PPACA) Section 1411 (5)(A) Exemptions from individual requirements state:

“Sec 5000A. Requirements to maintain minimum essential coverage“
Section 1411 5(A)

(5) EXEMPTIONS FROM INDIVIDUAL RESPONSIBILITY REQUIREMENTS

In the case of an individual who is seeking an exemption certificate under section 1311(d)(4)(H) from any requirement or penalty imposed by section 5000A, the following information:

1 (A) In the case of an individual seeking exemption based on the
2 individual's status as a member of an exempt religious sect of
3 division..."

4 As such according to PPACA 26U.S.C. §§ 5000A(d)(i) and (ii) members of
5 a religious sect or division who object to insurance or acceptance of insurance are
6 exempt from the individual mandate to purchase such insurance or pay a hefty
7 penalty tax.

8 Party seeking a preliminary injunction must show: 1) a likelihood of
9 success on the merits, 2) a thread of irreparable harm, 3) which outweighs any
10 harm to the non-moving party, 4) and that the injunction would not adversely
11 affect the public interest (See Awad v Ziriax, 670 F.3d 1111, 1125 (10th Cir.
12 2012)). Each element favors injunctive relief requested by the Plaintiff.

13 14 **1. Likelihood of Success on the Merits**

15 16 ***a) Violation of the United State Constitution***

17 PPACA violates the free exercise of religion protected by First Amendment
18 of the U.S. Constitution. In Church of the Lukumi Babalu Aye, Inc v City of
19 Hialeah, 508 U.S. 520, 547 (1993) the court established that "at minimum, the
20 protections of the Free Exercise Clause pertain in the law at issue discriminates
21 against some or all religious beliefs or regulates or prohibits conduct because it is
22 undertaken for religious reasons." (Lukumi, 508 U.S. at 532). The court continues
23 stating that when the "object of a law is to infringe upon or restrict practices
24 because of their religion motivation, the law is not neutral, and it is invalid unless
25 it is justified by a compelling interest and is narrowly tailored to advance that
26 interest." (Lukumi, 508 U.S. at 533).

27 In recent decision in Newland et. al. v Sebelius, case No: 1:12-cv-1123-
28 JLK, the court granted Plaintiff's Motion for Preliminary Injunction where

1 Plaintiffs sought an injunction from providing coverage under PPACP and from
2 any penalty tax under PPACP due to the Plaintiffs aversion against abortifacient
3 drugs, contraception and sterilization.

4 Similarly, case at hand Taitz v Sebelius is seeking a stay and injunction
5 against PPACA on the grounds that it violates her First Amendment right of free
6 exercise of religion, violates First Amendment Establishment Clause, Fifth
7 Amendment Due Process Clause and Fourteenth Amendment Equal Protection
8 Clause, as well as RFRA as PPACA gives preference to citizens of certain
9 religions by exempting them from payment of the Healthcare tax. “The Free
10 Exercise of Religion Clause protects religious observers against **unequal**
11 **treatment**, and inequality results when a legislature decides that the governmental
12 interests it seeks to advance are worthy of being pursued only against conduct
13 with a religious motivation.” (Lukumi, 508 U.S. at 542-43). Nothing can be
14 described as more than “unequal treatment” other than requiring citizens to pay
15 additional tax due to the fact that they are members of a certain religion.

16 In Addition to violation of the Free Exercise of Religion clause, PPACA
17 violates the Establishment clause, as it encourages individuals to adhere to certain
18 religions in order not to be penalized. For example according to Sharia law
19 insurance is forbidden, as it is seen as a form of gambling and usury. Plaintiff does
20 not belong to a religion that is exempt. So in order to avoid being severely
21 penalized she would have to convert to another religion, such as Islam. Such
22 discrimination between citizens is akin to an establishment of religion.

23 Additionally it shows clear discrimination and lack of equal protection in
24 violation of the 14th amendment.

25 ***b) Violation of RFRA***

26 In addition to violation of First, Fifth and Fourteens Amendments, PPACA
27 violates RFRA which prohibits government from creating laws that will place
28 substantial burdens a person's free exercise of their religion. RFRA provides:

1 (a) In general

2 Government shall not substantially burden a person's exercise of
3 religion even if the burden results from the rule of general applicability,
4 except as provided in subsection (b) of this section.

5 (b) Exception

6 Government may substantially burden a person's exercise of religion
7 only if it demonstrates that application of the burden to the person –

8 (1) Is in furtherance of a compelling governmental interest; and

9 (2) Is the least restrictive means of furthering that compelling governmental
10 interest. 42 USC 2000bb-1. Under RFRA a strict scrutiny is applied. O Centro
11 Espirita 546 US at 424 n.1., Employment Division v Smith, 494 U.S. 872 (1990).

12
13 In United States v Hardeman, 297 F.3d 1127 (10th Cir. 2002) the court
14 established that to justify a substantial burden on Plaintiff's free exercise of
15 religion, the government must show that its application of the act furthers
16 "interests of the highest order." While the government may have interest of
17 promoting the public health, it damages the vital interests of the significant
18 amount of the US citizens. "Law cannot be regarded as protecting an interest of
19 the highest order when it leaves appreciable damage to that supposedly vital
20 interest unprohibited." Church of the Lukumi Babalu Aye, Inc v City of Hialeah,
21 508 U.S. 520, 547 (1993).

22 Additionally, the whole PPACA was turned into a sham when 190 million
23 people were exempt. With so many exemptions predicted cost of Health insurance
24 is expected to rise and not to go down, which defeats the whole purpose of the
25 law.

26 The new tax exempts over 190 million from paying the tax without
27 penalizing them. It means that only one third of the population will be subject to
28 penalty tax, which represents a substantial burden. A burden is created when law

1 coerces a person or a group “to choose between following the precepts of [their]
2 religion and forfeiting benefits, on the one hand, and abandoning one precepts of
3 [their] religion in order to accept [government benefits], on the other hand.”
4 Sherbert v. Verner, 374 U.S. 404 (1963). PPACA imposes a clear burden as in
5 order to receive governmental benefits (exemption from paying a tax) Plaintiff
6 must change the religion.

7 The Supreme Court has found “a fine imposed against appellant” is a
8 quintessential burden. Shebert, 374 U.S. 403-04. Such burden is envisioned in
9 PPACA.

10 In addition, Defendants fail to use the least restrictive means because the
11 government could create exemptions on other basis then religion. The government
12 could allow for free portability of insurance across the state lines or health care
13 tort reform, which would make Health Insurance more affordable without
14 discrimination based on religion. Instead, by creating PPACA, Defendants used
15 their own liberate discretion to promote a particular religion such as Muslim
16 religion on all Americans by exempting them from penalty tax.

17 Additionally PPACA cannot withstand the strict scrutiny test and cannot
18 show a compelling governmental interest in dividing citizens based on religion.
19 Defendants cannot establish that their coercion of Plaintiffs is “in furtherance of a
20 compelling governmental interest.” RFRA, with “the strict scrutiny test it
21 adopted,” *OCentro Espirita*, 546 U.S. at 430, imposes “the most demanding test
22 known to constitutional law.” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997).
23 A compelling interest is an interest of “the highest order,” *Lukumi*, 508 U.S. at
24 546, and is implicated only by “the gravest abuses, endangering paramount
25 interests,” *Thomas v. Collins*, 323 U.S. 516, 530 (1945). Defendants cannot
26 propose such an interest “in the abstract,” but must show a compelling interest “in
27 the circumstances of this case” by looking at the particular “aspect” of the interest
28 as “addressed by the law at issue.” *Cal. Democratic Party v. Jones*, 530 U.S. 567,

1 584 (2000); *O Centro Espirita*, 546 U.S. at 430–32 (RFRA’s test can only be
2 satisfied “through application of the challenged law ‘to the person’—the
3 particular claimant”); *see also Lukumi*, 508 U.S. at 546 (rejecting the assertion
4 that protecting public health was a compelling interest “in the context of these
5 ordinances”). The government must “specifically identify an ‘actual problem’ in
6 need of solving” and show that coercing Plaintiffs is “actually necessary to the
7 solution.” *Brown v. Entm’t Merchs. Ass’n*, 131 S. Ct. 2729, 2738 (June 27,
8 2011). If Defendants’ “evidence is not compelling,” they fail their burden. *Id.*
9 at 2739. To be compelling, the government’s evidence must show not merely
10 a correlation but a “caus[al]” nexus between their Mandate and the grave
11 interest it supposedly serves. *Id.* The government “bears the risk of
12 uncertainty . . . ambiguous proof will not suffice.” *Id.*

13 The government cannot show that there is a compelling interest in assessing a
14 hefty tax on Christians and Jews, while exempting Muslims, would serve a
15 compelling governmental interest of making the Health care more affordable. If
16 anything, it would make it more expensive for ones who pay for it, as it would
17 create an excuse for others not to pay for the health care, but use the benefits. The
18 only interest that would be served, would be turning citizens towards conversion
19 into religions that are exempt.

20 Religious exemptions violate Equal Protection Clause, Establishment Clause,
21 Free Exercise of Religion clause.

22 When Supreme Court of the United States reviewed an application for stay in
23 relation to the 10th Circuit Court of Appeals decision in *O Centro Espirita* 314F 3
24 d 463, it noted:

25 "Courts have routinely rejected religious exemptions from laws regulating
26 controlled substances employing tests similar to that required by RFRA. *See*
27 *United States v. Greene*, 892 F.2d 453, 456-57 (6th Cir.1989); *Olsen v. DEA*, 878
28 F.2d 1458, 1461-62 (D.C.Cir.1989); *Olsen v. Iowa*, 808 F.2d 652, 653 (8th

1 Cir.1986); *United States v. Rush*, 738 F.2d 497, 512-13 (1st Cir.1984); *United*
2 *States v. Middleton*, 690 F.2d 820, 824 (11th Cir.1982); *see also Employment Div.*
3 *v. Smith*, 494 U.S. 872, 905, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990) (O'Connor,
4 J., concurring). Even after enactment of RFRA, religious exemptions from or
5 defenses to the CSA have not fared well. *See United States v. Brown*, 72 F.3d 134,
6 1995 WL 732803 (8th Cir.1995); *United States v. Jefferson*, 175 F.Supp.2d 1123,
7 1131 (N.D.Ind.2001). Moreover, as noted by the government here, permission for
8 sacramental use of peyote was granted by Congress *after* enactment of RFRA,
9 suggesting Congressional doubts that RFRA was sufficient (alone) to grant an
10 exemption. Gov't Reply Br. at 9 (citing 42 U.S.C. § 1996a)."

11 In O Centro Espirita 546 U.S. 423 425 the Supreme Court found no compelling
12 governmental interest even when regulation of potent hallucinogenic drugs was
13 concerned.

14 "At minimum, the protections of the Free Exercise Clause pertain if the law
15 at issue discriminates against some or all religious beliefs or regulates or
16 prohibits conduct because it is undertaken for religious reasons." *Lukumi*, 508
17 U.S. at 532. When the "object of a law is to infringe upon or restrict practices
18 because of their religious motivation, the law is not neutral, and it is invalid
19 unless it is justified by a compelling interest and is narrowly tailored to
20 advance that interest." *Id.* at 533. The object of a law can be determined by
21 examining its text and operation. *Id.* at 534–35.

22 "The Free Exercise Clause protects religious observers against unequal
23 treatment", *Id.*, at 542-543.

24 "A law lacks facial neutrality if it refers to a religious practice without a
25 secular meaning discernible from the language or context." *Lukumi*, 508 U.S. at
26 533.

27 Since the individual mandate flagrantly discriminates between religions
28 allowing exemptions to some religions, it is unconstitutional and it violates the

1 Free Exercise of Religion, due Process and Establishment clause based on Lukumi
2 analysis.

3 As the individual mandate is not generally applied and is not neutral in relation
4 to religion, it is viewed under the strict scrutiny test and it fails the test by
5 flagrantly discriminating between religions. The Government “must treat
6 individual religions and religious institutions ‘without discrimination or
7 preference.’” *Colo. Christian U. v. Weaver*, 534 F.3d 1245, 1257 (10th Cir. 2008);
8 *Larson v. Valente*, 456 U.S. 228 (1982); *see also Wilson v. NLRB*, 920 F.2d 1282
9 (6th Cir. 1990) (holding that section 19 of the National Labor Relations Act,
10 which exempts from mandatory union membership any employee who “is a
11 member of and adheres to established and traditional tenets or teachings of a bona
12 fide religion, body, or sect which has historically held conscientious objections
13 to joining or financially supporting labor organizations,” is unconstitutional
14 because it discriminates among religions and would involve an impermissible
15 government inquiry into religious tenets), *cert. denied*, 505 U.S. 1218 (1992).

16 Under Wilson v NLRB the individual mandate is unconstitutional under the 1,
17 5th, 14th Amendments.

18 In *Weaver* the Tenth Circuit held unconstitutional a discrimination among-
19 religions policy that is very similar to the Mandate. The discrimination among
20 religions in that case attempted to treat “pervasively sectarian” education
21 institutions differently than other religious institutions, based on whether: the
22 employees and students were of one religious persuasion; the courses sought to
23 “indoctrinate”; the governance was tied to particular church affiliation; and similar
24 factors. *Id.* at 1250–51.

25 Individual mandate under PPACA is unconstitutional under *Weaver*, as it
26 violates 1st, 5th and 14th Amendments, specifically freedom of religion clause,
27 Establishment Clause, due Process Clause and Equal protection Clause.
28

1 The First Amendment protects the right to “decide what not to say.” *Hurley v.*
 2 *Irish-Am. Gay, Lesbian, & Bisexual Group of Boston*, 515 U.S. 557, 573 (1995)
 3 (internal quotation marks omitted). Thus, “[l]aws that compel speakers to utter or
 4 distribute speech bearing a particular message are subject to the same rigorous
 5 scrutiny” as those “that suppress, disadvantage, or impose differential burdens
 6 upon speech because of its content.” *Turner Broad. Sys., Inc. v. FCC*, 512 U.S.
 7 624, 642 (1994). Here, the individual mandate forces individuals to report to the
 8 government their religious affiliation in order to get an exemption from the
 9 PPACA tax. This represents a violation of both the First Amendment Freedom of
 10 speech clause as well as the First Amendment Freedom of Religion clause.

11 Irreparable Harm

12
 13
 14 In *Kikumura v Hurley*, 242 F.3d 950, 963 (10th Cir. 2001), the Court
 15 decided that the potential violation of Plaintiff’s constitutional and RFRA rights
 16 threatens irreparable harm. In the case at hand PPACA provision violates both
 17 Constitutional and RFRA rights of US citizens as it precludes them from freedom
 18 of exercising the religion protected by the First Amendment and places enormous
 19 burden on a person's free exercise of their religion. Absent injunctive relief,
 20 Plaintiff would suffer imminent irreparable harm.

21 The First Amendment in its pertinent part states that “***Congress shall make***
 22 ***no law respecting an establishment of religion, or prohibiting the free exercise***
 23 ***thereof.*”** Contrary to the fundamental rights embellished into the history of
 24 United States, Congress passed the law 26 USC §5000A “Patient Protection and
 25 Affordable Act” (PPACA) that directly interferes with the freedom of religion.

26 Exemption for religious purpose under PPACA segregates citizens just at it
 27 previously segregated them by race and gender which was found unconstitutional
 28 by earlier decisions by US Supreme Court (see *Brown v. Board of Education*

1 (1954) (racial segregation) and *Reed v. Reed* (1971) (discrimination by sex)). In
 2 Equal Protection Clause it is directly stated: “*No State shall make or enforce any*
 3 *law which shall abridge the privileges or immunities of citizens of the United*
 4 *States.*” By providing religion exemption under PPACA, the State enforces the
 5 law that leads to segregation, will infringe on the rights of the US citizens, such as
 6 the Plaintiff, while providing privileges others.

7

8 Harm to Non-moving Party

9 Should an injunction enter, non-moving party will be prevented from
 10 “enforcing regulations that Congress found it in the public interest to direct that
 11 agency to develop and enforce.” *Cornish v Dudas*, 40 F. Supp. 2d 61, 61 (D.D.C.
 12 2008). Such potential interest cannot be compared with great harm that Plaintiffs
 13 will suffer in the absence of injunction since Plaintiff’s constitutional and
 14 statutory rights would be violated. Moreover, the new law PPACA itself is in
 15 direct violation of the US Constitution, First, Fifth, Fourteenth Amendments,
 16 RFRA and therefore cannot serve public interest. Thus, there can be no harm to
 17 non-moving party.

18

19 Public Interest

20 In his decision in *Newland v Sebelius*, the court stated that while
 21 government acting in the public interest and works toward improvement of
 22 nation’s health, this interest is undermined by creation great number of
 23 exemptions. In addition, the court provided that: “these interests are countered, and
 24 indeed outweighed, by the public interest in the free exercise of religion.” In the
 25 case *Taitz v Sebelius*, Taitz argues that expectance of PPACA “religion” provision
 26 will interfere with free of exercise of religion since PPACA will place enormous
 27 burden on members of some religions like Christians and Jews while relieve the
 28 burden from members of other regions like Muslims by exempting them from

1 paying additional tax and providing free coverage for their medical expenses. This
2 exemption constitutes clear discrimination which cannot be counted toward public
3 interest. Therefore, absence of preliminary injunction will not only not serve the
4 public interest but indeed will damage rights of US citizens and provide great
5 opportunity for discrimination.

6
7 WHEREFORE, for the reasons set above the application for stay/
8 temporary injunction should be granted.

9
10 Respectfully submitted,

11
12 August 14, 2012

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16 by/s/ Orly Taitz

17 Dr. Orly Taitz ESQ.

18 Plaintiff Pro Se
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Pro se plaintiff

**IN THE US DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DR. ORLY TAITZ, ESQ

Plaintiff,

vs.

KATHLEEN SEBELIUS,
In her capacity of Secretary of
Health and Human Services et.al.

Defendant.

) Case No.: **SACV-12-1092 DMG (JC)**
)
) VIOLATION OF 14TH AMENDMENT
) EQUAL PROTECTION RIGHTS,
) ESTABLISHMENT CLAUSE
) ARTICLE 2 SEC 1 OF COSTITUTION
) INJUNCTIVE RELIEF, STAY
) DECLARATORY RELIEF
RICO, PREDECATE CRIMES:
FRAUD, AIDING AND ABETTING
FORGERY AND UTTERING OF
FORGED DOCUMENTS TO
COMMIT ELECTIONS FRAUD

7TH AMENDMENT JURY
DEMANDED

PROPOSED ORDER

Plaintiff herein Dr. Orly Taitz, ESQ brought a legal actions seeking
invalidation of the individual mandate contained in the APPA USC §5000A to
the fact that PPACA contains a provision, which exempts members of certain
religions from paying a hefty PPACA penalty tax, while members of other

1 religions are severely penalized. Tax states that such delineation between the U.S.
2 citizens is illegal and unconstitutional based on the First Amendment of the U.S.
3 Constitution Freedom of Religion Clause, Establishment Clause, 5th Amendment
4 Due Process clause and 14th Amendment Equal Protection clause.

5 Additionally Plaintiff provided evidence that Barack Hussein Obama, who
6 signed PPACA into law is using forged identification papers: a forged birth
7 certificate, forged Selective service Certificate and a fraudulently obtained
8 Connecticut Social Security number xxx-xx-4425, which was assigned to another
9 individual, resident of Connecticut, born in 1890. She alleges that Obama got into
10 the position of the US President by fraud and by use of forged identification
11 papers and as such PPACA is not valid in its entirety, as it was illegally signed
12 into law by an individual, who was never eligible for the position.

13 Plaintiff is seeking an immediate stay/preliminary injunction from APPA
14 penalty tax pending hearing of her complaint on the merits.

15 A similar stay was recently granted in the state of Colorado in Newland,
16 Hercules industries v Sebelius 1:12-cv-01123. Stay/Preliminary injunction is
17 granted when the moving party can satisfy the following requirements.

- 18 1. Irreparable harm. In this case the Plaintiff will be penalized and will suffer
19 an immediate irreparable harm of immediate penalty and religious
20 discrimination, as she will have to pay a penalty tax, why members of other
21 religions will be exempted.
- 22 2. Balance of hardships. Defendants cannot show any hardship in applying the
23 injunction
- 24 3. Public Interest. Penalizing members of some religions, while exempting
25 others represents a violation of public interest and represents a clear
26 religious discrimination.
- 27 4. Less restrictive means. PPACA already exempts 190 million people. When
28 two thirds of the U.S. population is exempt, clearly there is no need for
penalizing the remaining population. There are clearly other options of
making health care more affordable, such as portability of health insurance

1 through state lines and Medical tort reform. Considering such large number
2 of exemptions and reported cost of Health insurance rising under PPACA it
3 is possible that the newly enacted law will not serve its' purpose and the
4 cost of health insurance on ones who are actually working and paying will
go up and not down.

- 5 5. Plaintiffs are likely to succeed on the merits. The individual mandate within
6 PPACPA appear to be unlawful on its' face as it violates 1st, 5th 14th
7 Amendments and RFRA. Exempting members of one religion, while
8 severely penalizing members of other religions represents flagrant violation
9 of the Free Exercise of Religion Clause of the 1st amendment, Equal
10 protection Clause, due process clause, RFRA and constitute an
11 Establishment of religion. As such the plaintiffs are likely to succeed on the
merits.

12 Based on all of the above the motion for emergency stay/preliminary
13 injunction is **GRANTED**.

14
15 Signed _____

16
17 Dated _____

Proof of Service

I, Yulia Yun, over 18 years old and not a party to this case, declare under penalty of perjury that I served Notice of Motion and Motion for Stay/Preliminary Injunctions in this case on the parties by sending a true and correct copy of the above documents in by the US mail on August 15, 2012 at the addresses below:

Kathleen Sebelius
Barack Hussein Obama
Michael Astrue
Eric Holder
William Chatfield

were served by mailing a copy to:

The US Attorney's Office
Central District of California
411 West Fourth Street
Santa Ana, California 92701

The rest of the parties were served by mailing a true and correct copy of the above pleadings to their addresses respectively:

Nancy Pelosi
Democratic Party Headquarters
430 South Capitol St. SE
Washington DC, 2003

Brian Schatz
1050 Ala Monana Blvd. #2660
Honolulu, HI 96814

Lynne Matusow
1050 Ala Monana Blvd. #2660
Honolulu, HI 96814

Alvin Onaka
Department of attorney General
425 Queen Street
Honolulu, HI 96813

Alice Travis Germond
Democratic Party Headquarters
430 South Capitol St. SE
Washington DC, 2003

"Obama for America"
P.O. Box 803638,
Chicago, IL, 60680

August 15, 2012

Yulia Yun

A handwritten signature in black ink, appearing to read 'Yulia Yun', written over the date 'August 15, 2012'. The signature is fluid and cursive, with a long vertical stroke extending downwards from the bottom of the signature.