

# **EXHIBIT “1”**

**AFFIDAVIT OF PROCESS SERVER**

**United States District Court**

**RECEIVED**  
JAN 26 2009  
District of Columbia  
Clerk, U.S. District and  
Bankruptcy Courts

**Philip J. Berg, Esquire, on his own behalf and on behalf of the  
Government of the United States of America**

Attorney:

Plaintiff

Philip J. Berg, Esq.  
555 Andorra Glen Ct., Suite 12  
Lafayette Hill, PA. 19444

vs

**Barack Hussein Obama, Jr.**

Defendant

**Case Number: 1.08-cv-01933**

Legal documents received by Same Day Process Service on November 10th, 2008 at 8:00 AM to be served upon **U.S. Attorney at 501 3rd St., NW, Washington, DC. 20001**

I, Michael Jones, swear and affirm that on **November 10th, 2008 at 1:40 PM**, I did the following:

Served **Government Agency** by delivering a conformed copy of this **Summons in a Civil Case; Notice of Right to Consent to Trial Before United States Magistrate Judge; Initial ECF Order; ECF Attorney/Participant Registration Form; Complaint; Exhibits**, to **Lakesha Carroll as Docket Clerk & Authorized Agent** of the within named agency, to wit: **U.S. Attorney** and informing that person of the contents of the documents.

**Description of Person Accepting Service:**

Sex: Female Age: 35 Height: 5'5 Weight: 140 Skin Color: Black Hair Color: Black Glasses: Y

**Supplemental Data Appropriate to this Service:**

I declare under penalty of perjury under the laws of the that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

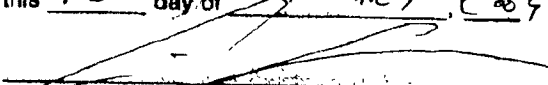
  
\_\_\_\_\_  
Michael Jones  
Process Server

Same Day Process Service  
1322 Maryland Ave., NE  
Washington, DC 20002

(202) 398-4200

Internal Job ID: 0000014602

District of Columbia: SS  
Subscribed and Sworn to before me,  
this 15<sup>th</sup> day of January, 2009

  
\_\_\_\_\_  
Michael Molash, Notary Public, D.C.  
My commission expires July 14, 2012



# **EXHIBIT “2”**

**AFFIDAVIT OF PROCESS SERVER**

**United States District Court**

District of Columbia

**RECEIVED**

**JAN 26 2009**

**Philip J. Berg, Esquire, on his own behalf and on behalf of the  
Government of the United States of America**

Attorney:

Plaintiff

Philip J. Berg, Esq.  
555 Andorra Glen Ct., Suite 112  
Lafayette Hill, PA 19444  
**Clerk, U.S. District and  
Bankruptcy Courts**

vs

**Barack Hussein Obama, Jr.**

Defendant

**Case Number: 1:08-cv-01933**

Legal documents received by Same Day Process Service on November 10th, 2008 at 8:00 AM to be served upon U.S. Attorney General, Department of Justice at 950 Pennsylvania Ave., NW, Washington, DC. 20530

I, Michael Jones, swear and affirm that on **November 10th, 2008 at 2:05 PM**, I did the following:

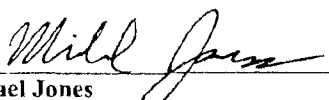
Served **Government Agency** by delivering a conformed copy of this **Summons in a Civil Case; Notice of Right to Consent to Trial Before United States Magistrate Judge; Initial ECF Order; ECF Attorney/Participant Registration Form; Complaint; Exhibits**, to **Tony Duntzler** as **Authorized Agent** of the within named agency, to wit **U.S. Department of Justice** and informing that person of the contents of the documents.

**Description of Person Accepting Service:**

Sex: Male Age: 35 Height: 5'10 Weight: 175 Skin Color: Black Hair Color: Black Glasses: N

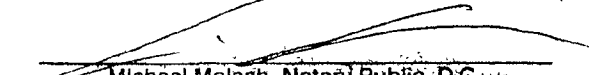
**Supplemental Data Appropriate to this Service:**

I declare under penalty of perjury under the laws of the that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

  
\_\_\_\_\_  
Michael Jones  
Process Server

District of Columbia SS  
Subscribed and Sworn to before me,  
this 15<sup>th</sup> day of January, 2009

Same Day Process Service  
1322 Maryland Ave., NE  
Washington, DC 20002

  
\_\_\_\_\_  
Michael Molash, Notary Public, D.C.  
My commission expires July 14, 2012

(202) 398-4200

Internal Job ID: 0000014603



## **EXHIBIT “3”**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
PHILLIP J. BERG, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BARACK HUSSEIN OBAMA JR., )  
 )  
Defendant. )  
\_\_\_\_\_

UNDER SEAL

Civil Action No. 08-1933 (RWR)

ORDER TO SHOW CAUSE

Relator served the summons and complaint on the United States Attorney General on November 10, 2008. Under 31 U.S.C. § 3730(b)(4), within 60 days after it receives both the Complaint and the material evidence and information, the Government shall either elect to intervene and proceed with the action or notify the court that it declines to take over the action. The government has not moved to intervene or moved for an extension of the time period in which it may elect to intervene. In addition, the relator has moved to unseal the case and proceed. Accordingly, it is hereby

ORDERED that the government show cause in writing by February 17, 2009 why its silence should not be deemed consent to allow the relator to conduct the action.

SIGNED this 4<sup>th</sup> day of February, 2009.

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\_\_\_\_\_  
RICHARD W. ROBERTS  
United States District Judge

# **EXHIBIT “4”**



U.S. Department of Justice

Jeffrey A. Taylor  
United States Attorney

*District of Columbia*

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*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

February 12, 2009

**By Federal Express**

Philip J. Berg, Esq.  
555 Andorra Glen Court  
Suite 12  
Lafayette Hill, PA 19444  
Tel. 610/825-3134

RE: **United States ex rel. Berg v. Obama** (1:08-1933)

Dear Mr. Berg:

I am writing with regard to the above-referenced qui tam action. The Government has not yet been served with the complaint and written disclosure statement as required by 31 U.S.C. § 3730(b)(2). Accordingly, the sixty-day period in which the United States may decide whether to intervene in this action has not yet begun to run. See 31 U.S.C. § 3730(b)(2). Once the complaint and written disclosure statement have been properly served on the Attorney General and the United States Attorney in accordance with Fed.R.Civ.P. 4(i), we will take further steps to investigate the allegations in the qui tam complaint.

This matter is assigned to Assistant United States Attorney Keith Morgan at the above address and to Department of Justice Trial Attorney Sara McLean who can be reached at United States Department of Justice - Civil Division, PO Box 261, Ben Franklin Station, Washington, DC 20044 (tel. 202/307-0475, fax. 202/616-3085). Please ensure that we receive copies of any other filings past or future in the qui tam action.



Very truly yours,

JEFFREY A. TAYLOR  
United States Attorney

By:

  
\_\_\_\_\_  
KEITH V. MORGAN  
Assistant United States Attorney

cc: SARA MCLEAN  
Civil Division  
United States Department of Justice