

Motion submitted one week earlier. The bottom line is that the court seems more interested in investigating facts tangential to the Plaintiffs' case than to the Plaintiffs' case itself. It seems apparent that the key issues in the Plaintiffs' case against U.S. Bank have been and are going to be continually and unduly clouded by the conflict between Lincoln and Taitz, to which Robert H. Rivernider and Marsha Rivernider are not parties and in which they have no imaginable interest.

Plaintiff Charles Edward Lincoln remains willing and able to appear on January 12-13, 2010 to discuss his "issues" with Dr. Orly Taitz, if Ordered so to appear by the Court, but he requests leave of court to examine witnesses by deposition prior to that date, and requests leave of Court to examine Dr. Orly Taitz in particular by subpoena if necessary issued to her for a deposition to be held in California.

WHEREFORE, the Court has indicated that Dismissal is the Maximum sanction which the Court might seek against these Plaintiffs, all three plaintiffs hereby file this Notice of Voluntary Dismissal and request that their Complaint be dismissed without prejudice pursuant to Rule 41(a), which states:

Rule 41. Dismissal of Actions

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) **Without a Court Order.** Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

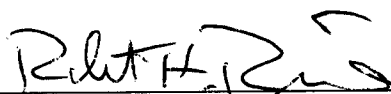
(B) **Effect.** Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

As noted, Defendant has filed no answer, counterclaim, or motion for summary judgment in this case. The Court should accordingly allow Plaintiffs to dismiss voluntarily and without prejudice subject only to the recall of Charles Edward Lincoln who will appear if required by Court Order on January 12-13, 2010, before Judge Snow so long as Orly Taitz is also compelled to appear, and subject to Lincoln's request to depose his former attorney prior to this hearing.

Respectfully submitted,

Tuesday, December 29, 2009

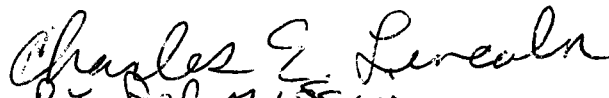
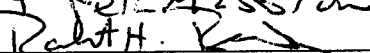
By: _____


Robert H. Rivernider, Plaintiff, *in propria persona*
9246 Delemar Court, Wellington FL 33414
Telephone: (561) 315-2487

And By: _____


MARSHA G. RIVERNIDER, Plaintiff, *pro se*
9246 Delemar Court, Wellington, FL 33414

And By: _____


BY PERMISSION

Charles Edward Lincoln, III
c/o Peyton Yates Freiman
Tierra Limpia/Deo Vindice
603 Elmwood Place, Suite #6
Austin, Texas 78705

Facsimile: (561) 691-1423

Telephone: (512) 968-2500;
FAX: (561) 691-1423
E-Mail: charles.lincoln@rocketmail.com


CERTIFICATE OF SERVICE


Plaintiffs served a true and correct copy of this above-and-foregoing First Amended Petition for Declaratory Judgment and Complaint for Damages by Facsimile Transmission and/or First Class U.S. Mail to the several attorneys of record for Defendant US BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE C-BASS MORTGAGE LOAN ASSET BACK CERTIFICATES, SERIES 2006-CBS, whose actions and standing are herein complained of, to wit Case No. CA-08-036061-AW, in the Circuit Court in and for Palm Beach County, Florida, to wit:

LAUREN ANN CASCINO, Esquire
BETH A. NORROW, Esquire
Butler & Hosch, P.A.
3185 South Conway Road, Suite E
Orlando, Florida 32812
Facsimile: (407) 381-5577

BENJAMIN K. McCOMAS, Esquire
AKERMAN SNTERFITT
Las Olas Center II
350 East Las Olas Boulevard, Suite 1600
Fort Lauderdale, Florida 33301-2229
FACSIMILE: (954) 463-2224

Dr. Orly Taitz
Law Offices of Orly Taitz
29839 Santa Margarita Parkway, Suite 100
Rancho Santa Margarita, California 92672
FACSIMILE: (949) 766-7036

By: 
Robert H. Rivernider, Plaintiff, *in propria persona*
9246 Delemar Court, Wellington FL 33414
Telephone: (561) 315-2487

And By: 
MARSHA G. RIVERNIDER, Plaintiff, *pro se*
9246 Delemar Court, Wellington, FL 33414

***Exhibit A: FedEx Failure to Deliver
Package from Charles E. Lincoln***

Bangladesh Home | Customer Service | Site Index | Search Go!



International Shipping

Ship >

Track >

Manage My Account >

Customs Tools >

Detailed Results

[Printable Version](#)

[Help](#)

Enter tracking number

Detailed Results	Notifications
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Tracking no.: 871300540949

[E-mail notifications](#)

In transit



Delivery exception
LAKE WORTH, FL

Shipment Dates

Ship date Dec 28, 2009

Destination

Shipment Facts [Help](#)

Service type: Priority Envelope

Shipment Travel History [Help](#)

Select time zone:

Select time format: [12H](#) | [24H](#)

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Dec 29, 2009 12:55 PM	Delivery exception	LAKE WORTH, FL	Incorrect address - Street name/number
Dec 29, 2009 8:43 AM	On FedEx vehicle for delivery	LAKE WORTH, FL	
Dec 29, 2009 8:22 AM	At local FedEx facility	LAKE WORTH, FL	
Dec 29, 2009 7:34 AM	At dest sort facility	WEST PALM BEACH, FL	
Dec 29, 2009 4:43 AM	Departed FedEx location	MEMPHIS, TN	
Dec 29, 2009 12:33 AM	Arrived at FedEx location	MEMPHIS, TN	
Dec 28, 2009 9:30 PM	Left FedEx origin facility	IRVINE, CA	
Dec 28, 2009 5:05 PM	Picked up	SAN CLEMENTE, CA	Tendered at FedEx Kinko's, now FedEx Office