

**Affidavit of
Charles Edward Lincon, III**

EXHIBIT “2”

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 09-Civ-81255-DIMITROULEAS/SNOW

MARSHA G. RIVERNIDER, :
ROBERT H. RIVERNIDER, and :
CHARLES EDWARD LINCOLN, III, :

Plaintiffs, :

vs. :

U.S. BANK NATIONAL ASSOCIATION, :
As Trustee for the C-Bass Mortgage Loan :
Asset-Backed Certificates, Series 2006-CBS, :
and all John & Jane Does, 1-10, :

Defendants. :

AFFIDAVIT OF CHARLES EDWARD LINCOLN, III

I, Charles Edward Lincoln, III am over the age of eighteen (18) and am a Plaintiff in the above-entitled-and-numbered cause. I have personal knowledge of the facts stated herein and when called to do so, I can and will competently testify to the same in open court.

I declare the following facts to be true and correct:

1. On January 12, 2010 I was present for and testified in the Order to Show Cause hearing regarding fraud perpetrated upon this Court, as alleged by Dr. Orly Taitz, Esquire.

2. The Order to Show Cause hearing arose from a document filed on October 30, 2010 by Dr. Taitz. Said document was the Plaintiff's First Amended Motion for Dr. Orly Taitz, Esquire, to substitute in as counsel for me and Bob and Marsha Rivernider since we had filed this case as *pro se* Plaintiffs; we also moved and sought an enlargement of time for Dr. Taitz to complete her application by obtaining local counsel to support her appearance in this Court *pro hac vice*.

3. As this Court is aware, and as Dr. Taitz admitted in open court, Orly agreed to represent us in this case at my urgent and insistent request.

4. Dr. Taitz' agreement to appear in this case was generally and specifically based on and related to my agreement (formulated in June 2009) with Dr. Taitz as an "exchange of services" by which I would immediately perform extensive legal research and drafting for her in exchange for her promise to represent me in the future as attorney-and-counselor in all litigation, anywhere arising in the United States, subject to her ability to obtain admission *pro hac vice*, which concerned or touched upon any of the properties over which I have trusteeship and act as property manager. Dr. Taitz also offered to represent me in several other matters not concerning my trusteeship and property management business interest, and she made a large number of other promises, which she simply did not keep.

5. Dr. Taitz filed a Motion on October 23, 2009 to substitute counsel for the *pro se* Plaintiffs; to appear *pro hac vice*; and for additional time to respond to the Defendants Motion to Dismiss. Dr. Taitz's Motion was denied by the Court on the same date for Dr. Taitz's failure to follow and satisfy this Court's Local Rules concerning attorney appearance.

6. In the Order of dismissal, the Court Ordered the re-filing of Dr. Taitz' Motion to appear and substitute counsel for the *pro se* Plaintiffs; to appear *pro hac vice*; and for additional time to respond to the Defendants Motion to Dismiss by October 30, 2009.

7. Dr. Taitz's Motion was re-filed on October 30, 2009, but the Court also denied this amended motion on November 2, 2009 noting that once again Dr. Taitz failed to comply with the Federal Rules of Civil Procedure and this Court's Local Rules. In addition, the Court noted that Dr. Taitz continued filing Motions without being admitted to practice before the Court.

8. I had drafted, prepared, and presented to Dr. Taitz both the motions of October 23 and October 30, doing so on both occasions in my dual capacity as Dr. Taitz' law clerk for all cases even though I was also her client in this particular case (and several others).

9. Dr. Orly Taitz took the stand and testified under oath on January 12, 2010. Dr. Taitz testified that she did **not** authorize me to sign her name on the Amended Motion to substitute counsel for the *pro se* Plaintiffs; to appear *pro hac vice*; and for an enlargement of time filed on October 30, 2009. I signed Dr. Taitz' name to the October 30, 2009, Amended Motion on this occasion only because Orly was extremely busy (October 29 was the date that Judge Carter's order dismissing *Barnett v. Obama* was entered in the Central District of California, Santa Ana Division) and I was about to leave for a weekend with my son in Kalispell and Glacier National Park in Montana (airfares for which Dr. Taitz had paid).

10. Not only did Dr. Taitz claim that she never authorized me to sign for her, but Dr. Taitz testified on January 12, 2010, in tis Court that she **never** authorized anyone to sign her name. Dr. Taitz' statements are completely and categorically false as explained herein below and in the affidavit of Lisa Ostella.

11. From approximately Saturday May 30, 2009 through the evening of Wednesday November 4, 2009, I worked as Dr. Taitz law clerk, research assistant, and personal assistant. From exactly the evening of Wednesday, June 24 through the evening of Wednesday, November 4, 2009, Dr. Taitz and I were involved romantically (emotionally and sexually).

12. After October 12, 2009, but on and before October 23, 2009, Dr. Taitz told me several times that her husband had learned about our relationship after it was published on the web by Lucas Daniel Smith and that her husband had become extremely rough and abusive and threatened her and given her ultimatums requiring her to terminate all cooperation with me. I

asked her if she wanted to break up on several occasions, but she insisted “no, no, no” she wanted our relationship to last “for a very long time” and insisted that we would “always” be together, that we had too much in common and that she wanted me near her and in her life.

13. I had previously asked Dr. Taitz to tell her husband and not hide her relationship with me. We were spending way too much time together, even in California, and we travelled together much too much to keep it a secret---I thought he must have suspected long before Lucas Daniel Smith published it. Still, throughout the second half of October, after our last trip to New York City, tensions were growing from the increasing pressure Dr. Taitz was suffering at home.

14. After we were “discovered” I urged Dr. Taitz to leave her husband, but she explained he would require her to surrender title and claim to all her property---although I knew that no California divorce court would ever require her to do that---the California Rule being 50%/50% community property split no matter what the reasons for divorce or separation might be. Orly called me on my cell phone and told me in an uncharacteristically sad, soft, and subdued voice at 9:56 PM on the night of Wednesday, November 4, 2009, that she had to terminate our relationship and could never speak to me or have anything else to do with me again.

15. Since our split on November 4, 2009, Dr. Taitz has progressively become more-and-more vindictive and hateful towards me, and the strength and level of her vitriol have been growing and increasing ever since. Her attorney Dr. Jonathan Levy warned me several times to expect this, and to expect her specifically to attempt to prosecute me or somehow make criminal charges against me, and he warned that I should be cautious and not provoke her, in that I was vulnerable to such charges because of my background.

16. Based on what Dr. Orly Taitz told me, including what she told me about her husband’s abuse and threats, and the sequence of all the other circumstantial evidence, I firmly believe that

the sole reason that Orly has denied authorizing the October 30, 2009, First Amended Motion is that she had promised her husband to cut off ties with me, and that after some vacillating followed by her final decision actually to do so, Orly wanted to pretend or “give the impression” that she had actually broken off her relationship with me on the date or at the time when she had promised her husband she would do so.

17. This is the only explanation I can think of for her behavior, because I cannot imagine why she would or should have refused to renew the effort to get additional time in the Rivernider case, and I cannot imagine any harm that the First Amended Motion to Substitute Counsel and for an Enlargement of Time filed October 30, 2009, caused her which was not already there from the October 23, 2009 Motion.

18. It was less than one week after this break-up that Dr. Taitz claimed she was **not** aware of my signing her name on the October 30, 2009 Motion and even that the Motion was necessary or filed at all, even though we had indeed discussed the matter several times prior to filing it.

19. In fact, Dr. Taitz has not only authorized but specifically instructed me to sign her name on legal pleadings and filings in this and at least two other cases. In *Cook v. Simitech, et al* U.S. District Court, Southern District of Florida, Case No. 8:09-cv-01382-RAL (eaj); and *Liberi, et al v. Taitz, et al*, U.S. District Court, Eastern District of Pennsylvania, Case No. 09-cv-01898-ECR, just as Dr. Taitz instructed me to sign her name on the Corrected Motion to substitute counsel for the *pro se* Plaintiffs; to appear *pro hac vice*; and for an enlargement of time filed with this Court October 30, 2009. I believe I may have signed her name to one or more of the documents filed in *Cook v. Good et al.* in the Middle District of Georgia (09-cv-00082 LC) also.

20. In the *Cook v. Simitech, et al* U.S. District Court, Southern District of Florida, Case No. 8:09-cv-01382-RAL (eaj) case, Dr. Taitz left the Country for a summer vacation in Eastern

Europe (England, Romania and Moldova) and Israel on or about Sunday, August 2, 2009. Dr. Taitz had directed me to prepare and draft a Motion to recuse Judge Richard A. Lazarra after Judge Lazarra had dismissed this *Cook v. Simtech* case simultaneously with the filing of post-judgment motions.

21. At the instruction of Dr. Taitz, I did so, and we passed several versions back and forth in the last week of July, 2009, when I was staying with her (as Orly's guest, under Orly's name, where the front desk staff knew and referred to me as "Mr. Taitz", solely because of our registration status) at the Courtyard by Marriot Hotel in Foothills Ranch near Rancho Santa Margarita, Orange County, California.

22. Dr. Taitz signed the Attorney Certification on August 1, 2009 prior to her departure for Europe and Israel; see **EXHIBIT "A"**, however, at that time the Motion to Recuse was incomplete. Upon completion of the Motion to Recuse Judge Lazarra, I emailed the finalized document to Dr. Taitz, she gave her approval of the Motion and directed me to sign her name, which I did, see **EXHIBIT "B"**.

23. As you can see by comparing the signatures on Exhibit "A" which is Dr. Taitz's signature and my signing of Dr. Taitz's signature on Exhibit "B", the signatures are far different. Again, I was directed by Dr. Taitz to sign her name, otherwise the Motion would never have been filed. Dr. Taitz gave numerous radio interviews regarding this case and Judge Lazarra's actions, she published the Motions on her Blog, and to the best of my knowledge she publicly reaffirmed and supported every single filing.

24. In the *Liberi, et al v. Taitz, et al*, U.S. District Court for the Eastern District of Pennsylvania, Case No. 09-cv-01898 ECR, Dr. Taitz is being sued by Mr. Berg, his Assistant, and Lisa Ostella, Dr. Taitz past Assistant/Webmaster. Plaintiffs in this Case filed for a

temporary emergency injunction as a result of Dr. Taitz publishing Plaintiff Lisa Liberi's full social security number, date of birth, mother's maiden name, place of birth and other private confidential information all over the internet and by mass emailing.

25. Dr. Taitz prepared an affidavit; signed said affidavit; and had said affidavit notarized on August 1, 2009, see **EXHIBIT "C"**.

26. Dr. Taitz also directed me to prepare and file a Motion for Sanctions against Mr. Berg, Plaintiffs counsel in this case as well as a Motion to Dismiss the Temporary Restraining Order. Unfortunately, these two (2) Motions were not complete upon Dr. Taitz's departure for London.

27. Once again, Dr. Taitz directed me to complete the Motions and sign her name to them, which I did, see my signing of Dr. Taitz's name on the Motion for Sanctions attached hereto as **EXHIBIT "D"** and my signing of Dr. Taitz in her Motion to Dismiss Plaintiffs Temporary Restraining Order attached hereto as **EXHIBIT "E"**.

28. These documents were reviewed and fully approved by Dr. Taitz and again I was directed and instructed (without hesitation, doubt, or qualification of any kind) by Dr. Taitz to sign her name. Staying in constant communication and contact with Orly, insofar as her travels would permit me to do so, I printed out the final version of these documents just before I filed them with the U.S. District Court for the Eastern District of Pennsylvania on Monday August 3, 2009.

29. In the *Liberi* case, I had trouble serving the documents to Mr. Berg and sent an email confirming the filing of the documents to Mr. Philip J. Berg on August 3, 2009, with a cc copy to Dr. Taitz, with the legal documents attached which I was instructed to sign Dr. Taitz's name to, see **EXHIBIT "F"**. I did not hear from Mr. Berg, so I sent him another email on August 4, 2009 and Dr. Taitz was cc'd on the email also, see **EXHIBIT "G"**.

30. In addition, I prepared a letter to Judge Robreno and faxed it to Judge Robreno in chambers on August 6, 2009 informing him that Dr. Taitz was out of the Country. I requested a continuance of the hearing set for August 7, 2009 due to Dr. Taitz's unavailability.

31. I again emailed a copy of this letter to Mr. Berg, counsel for the Plaintiffs; Dr. Taitz; and the other Plaintiffs, see **EXHIBIT "H"**. I was unable to reach Dr. Taitz in order to file a Motion for a Continuance.

32. During this time, I was not a licensed attorney in Pennsylvania (and never was), I could not sign her name and file documents in the Court without her review of the documents and permission to sign, and I never attempted to do so. In fact, I maintained almost daily e-mail and telephone contact with Dr. Taitz while she was in Europe and Israel (except for a few days in Moldova when she was completely incommunicado for whatever reasons). I sometimes received more than 6-10 e-mails from her in a single day. I neither had the desire nor any reason to do anything "behind her back" and I never did.

33. I sent an email out and carbon copied Dr. Taitz on August 3, 2009 at 8:00 a.m. explaining I was in Philadelphia and would be heading back to Boston in a couple of hours. I then received an email from Dr. Taitz on August 3, 2009 stating she was in London; her email was to remind me to file the documents in Philadelphia for her, as August 3, 2009 was the deadline.

34. I then received a second email from Dr. Taitz stating she was in Tel Aviv and she was concerned about the case against her in Pennsylvania. See the chain of emails from/to me from Dr. Taitz attached hereto and incorporated in by reference as **EXHIBIT "I"**. Again, Dr. Taitz concern regarding the filings was of the filing of the documents which she instructed me to sign her name to.

35. During the January 12, 2010 hearing, Dr. Taitz testified under oath that she paid to fly me from California to Pennsylvania to file these documents; that was only partially correct; the previous week I drove down from Cambridge, Massachusetts, to meet Dr. Orly Taitz in New York City to spend a few days with her at a hotel on upper Broadway for her interview with Steve Colbert (and several other interviews). We spent a pleasant couple of days around Central Park although it was hot as blazes at the end of July.

36. I had not even wanted to leave Cambridge where my son was in summer school but she begged and insisted that I come down and said how sad and depressed she would be in NYC without me. When I arrived, I asked her to return to Cambridge with me to work at the Harvard Law Library before her trip to Israel but instead she insisted that I go out to Rancho Santa Margarita in California with her, and that is where (back in the Courtyard by Marriot in Foothills Ranch) I ended up on the last weekend of July/first of August.

37. I flew back from California to New York City on the night of August 1-2, 2009. I drove from New York to Philadelphia and stayed at the Holiday Inn in the Historic District. The Holiday Inn in the Historic District has a very good computer room with excellent laser printers where I completed some of the documents on Sunday August 2 and Monday August 3 before filing them, and obviously, Orly was not around to sign any of those that I finished at the last moment, although I sent her e-mail copies of everything, every draft, and neither filed nor signed anything without her *imprimatur/nihil obstat*.

38. My emails to Mr. Berg clearly show the fax number of the hotel where I stayed in Cambridge, the Inn at Harvard, on Massachusetts Avenue at Harvard.

39. I had been in Massachusetts since June 21, 2009, as Dr. Taitz obviously knew, because I left her in California the first time to return to Cambridge on July 16, 2009, passing by Austin to pick up my son Charlie on his way to Harvard Summer School.

40. Even before Dr. Orly Taitz and I were romantically involved I had suggested that she spend the summer in Cambridge with me because the library facilities at Harvard Law were incomparable for researching the complex issues which might arise from a constitutional suit of the magnitude and complexity which she proposed in her attempt to show that Barack Obama had unlawfully usurped the Presidency.

41. In early July, Major Stefan Frederick Cook decided to step forward to challenge his deployment to Afghanistan due to improper chain of command. There were immediate problems with the *Cook* case, and I emailed Dr. Taitz twice on July 8, 2009, once from my computer and once from my PDA giving Dr. Taitz my hotel room number and fax number in Massachusetts, see **EXHIBIT "J"** attached hereto.

42. On August 7, 2009, back in Cambridge, MA, I received an email from Dr. Taitz asking me to call her dental office and inform her Office Manager, Lila, that hers and another employee's paychecks were on Dr. Taitz's desk. Dr. Taitz instructed me to have Lila and/or the other employee sign Dr. Taitz's name to the two (2) checks so the two (2) employees could deposit them in their ATM at their bank.

43. In the email Dr. Taitz stated if Lila or the other employee were uncomfortable signing Dr. Taitz's name to their payroll checks, then they could federal express the two (2) checks to her in Israel, she would sign them and send them back. See Dr. Taitz's email attached hereto and incorporated in by reference as **EXHIBIT "K"**.

44. As you can see from the above and the attached Exhibits, Dr. Taitz not only dictated to me to sign her name to legal pleadings, but she also instructed her staff in her dental office to sign her (Dr. Taitz) name to sign and deposit their own payroll checks.

45. Dr. Taitz's testimony that she never asked anyone to sign her name for her, is either knowing and intentionally perjured testimony or else amounts to a reckless disregard of the truth for the sole purpose of attacking and discrediting me.

46. The difference between the October 30, 2009 filing in this case, and the instances described in the above cases, regarding which she never made any complaint or objection simply because they did not predate her promise to her husband to terminate her relationship with me. But the simple truth is that as in all these instances, Dr. Taitz instructed me and gave me authorization to sign her name to the October 30, 2009 Amended Motion to substitute counsel for the *pro se* Plaintiffs; to appear *pro hac vice*; and for an enlargement of time to respond to U.S. Bank's Motion to Dismiss.

47. Dr. Taitz perjured herself in her testimony before this Court as outlined above. If any sanctions are warranted, I submit that Dr. Taitz should be sanctioned for her false allegations of forgery and for perjuring herself before this Court.

48. Dr. Taitz' irresponsible, unethical and dishonest statements leading to this Court's Order to Show Cause and the hearing on January 12, and the subsequent preparation of this brief, have already cost me in excess of the \$12,700.00 (all of which I had to borrow) which it cost me to attend the January 12, 2010 hearing, to retain legal representation therein regarding Dr. Taitz's false allegations, and to cover airfare for myself, Mr. Berg, and all witnesses; room, board, and traveling expenses for myself and all witnesses. In addition, I have suffered loss of time and delays on other projects.

49. As clearly outlined herein, Dr. Orly Taitz, Esquire was apprised at all times of all motions and pleadings I prepared for her. The reasons she was informed is because I did everything that I did only upon her approval and instruction, and I only signed her name to pleadings which were then filed in the different Courts when she was not available to sign them personally.

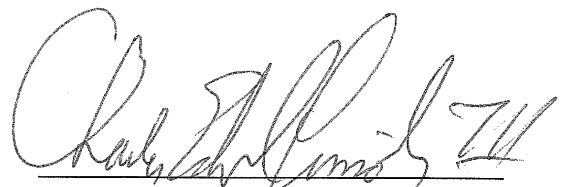
50. Dr. Orly Taitz and I were in constant communication by telephone and e-mail throughout our relationship, even during the last week, even on the last day. I would estimate that Orly called me 4-5 times for every time I called her, and she often complained that I was difficult to contact even when we spoke a dozen times a day.

51. Dr. Orly Taitz was fully informed and in complete agreement with all of my activities, insofar as I was ever aware, except that (after losing the house at 4 Via Corbina due to inattention to certain details, such as the existence of an eviction case which was never served on me, while she was in direct contact with the attorney filing it, Mr. Steven D. Silverstein), Orly wanted me to move into a less expensive "Extended Stay America" Hotel near her office in Rancho Santa Margarita so that we could be close together all day and she could disappear for meetings and trysts with me during the day without the addition of driving time to her absence from her office, although she actually offered me (and blocked off and started redecorating) a large part of her office for mortgage redemption purposes as well. Orly told me over and over again that she was basically willing to do anything for me except leave her husband. Even in late October, even after Lucas Daniel Smith's October 12, 2009, declaration was circulated on the web, Orly always, and convincingly told me to accept her remaining with her husband as little more than a mild inconvenience for the benefit of her children, and to regard the glass as "half-full" rather than "half-empty", because we had so much in common, and so much fun when we were together, all of which seemed true at the time.

52. I just did a search on my rocketmail.com e-mail account and it appears that I exchanged between 2,500 and 3,000 e-mails (some may be partial duplicates) with Dr. Orly Taitz between May 30 and November 4, 2009. The idea that I could or would have done anything behind her back is absurd, like her charge me of my signing a routine (even if improperly framed and ultimately futile) non-substantive procedural motion without her permission on October 30, 2009, or like her charge that she did not approve of my renting the car that we drove around Philadelphia and New York City and for which she paid a week's parking at the Empire Hotel while I went on the spur of the moment with her to California in late July, rather than returning to Cambridge, Massachusetts where I wanted us to be, and right before I filed a whole slew of documents which I had to sign because she went to Europe and Israel on vacation with her husband and sons before completing all the documents.

I declare under the Penalty of Perjury of the Laws of the United States that the above-and-foregoing statements of fact are true and correct.

Signed and executed this Monday, the 18th day of January 2010 in West Palm Beach, Palm Beach County, in the State of Florida.

A handwritten signature in black ink, appearing to read "Charles Edward Lincoln, III". The signature is written in a cursive, somewhat stylized font.

Charles Edward Lincoln, III
Plaintiff

NOTARY ACKNOWLEDGMENT OF INDIVIDUAL

STATE OF FLORIDA §

PALM BEACH COUNTY §

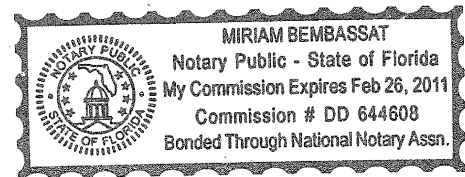
The foregoing affidavit was acknowledged before me, Miriam Bembassat,
Name of Notary
in my official presence, on this Monday the 18th day of January 2010, by Charles Edward Lincoln, III, who appeared in person before me and, who whereupon, having produced satisfactory legal identification at my place of business at FedEx Office, 2381 Palm Beach Lakes Boulevard in West Palm Beach, Florida 33409, did then and there take the oath which I duly administered to him as I am, by the laws of the State of Florida, authorized to do.



Notary Public, West Palm Beach,
Palm Beach County, State of Florida

My Commission Expires: 2/26/2011

Commission # DD 644608



NOTARIAL SEAL
Affixed Above

EXHIBIT “A”

ATTORNEY'S CERTIFICATE OF GOOD FAITH

I, Orly Taitz, am an attorney licensed to practice law in the State of California, before the Supreme Court of the United States, and other Federal District Courts. I am in the process of seeking admission *pro hac vice* in the United States District Court for the Middle District of Florida, but have yet to obtain a firm commitment from any resident attorney to serve as local counsel.

I am the attorney for the Plaintiff in this case, Major Stefan Frederick Cook, and I have reviewed the law and the circumstances underlying Judge Richard A. Lazzara's conduct in connection with this cause.

I agree that a reasonable person would be likely, if not almost certain, to conclude that Judge Richard A. Lazzara's rapid, in fact "lightening like", disposition of this case was a result of preconceived, extrajudicial notions and pervasive bias based either on politics or on some other external factor having nothing to do with Major Cook's Complaint, Application(s) for Temporary Restraining Order, and Motion to Reinstate the same, because nothing in Judge Lazzara's orders contained in Documents 3 and 6 suggests that the Honorable Judge even read the first page of any of these documents, much less the prayer(s) for relief.

For these reasons I certify, as counsel of record for Plaintiff Major Stefan Frederick Cook, that his Motion to Recuse and Affidavit in support thereof are both submitted in good faith. The Plaintiff's Motions are certainly and surely not submitted for purposes of delay, because nothing could be faster, nor anything more unreasonable and "injudicious" than Judge RICHARD A. LAZZARA's complete suppression of Major Cook's complaint and issues, effectively by slamming the courthouse door in his and my faces, within 4 days.

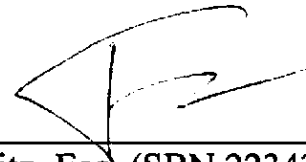
Major Cook's case is well-grounded in law and facts, and his allegations are by no means concerned exclusively, merely, or simply with the birth records of *de facto* President Obama, but in fact stand as a challenge to the United States Army regarding the procedures for verification of the lawful and constitutional status of orders issued, and the relationship between an officer's obligation to obey "lawful" orders and his duty to preserve, protect, and defend the Constitution of the United States against all enemies, foreign and domestic.

I believe and submit that Judge Richard A. Lazzara's handling of this case appears to me, as an officer of the court, to be politically motivated rather than legally justifiable, and for that reason I am submitting and advancing Plaintiff Major Cook's Motion to Recuse this Judge Pursuant both to 28 U.S.C. §144 and 28 U.S.C. §455(a).

I have executed, made, and signed this Certificate of Good Faith as a Declaration under Penalty of Perjury, as allowed by 28 U.S.C. §1746, and I do accordingly certify, verify, and state under penalty of perjury that the foregoing Certificate of Good Faith is true and correct.

Done on Saturday, August 1, 2009, in Rancho Santa Margarita, Orange County, California.

By: _____



Dr. Orly Taitz, Esq. (SBN 223433)
Attorney for the Plaintiffs
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

EXHIBIT “B”

FILED

Orly Taitz, Esq
Attorney & Counselor at Law
26302 La Paz, Suite 211
Mission Viejo Ca 92691
ph. 949-683-5411
fax 949-586-2082
California Bar ID No. 223433

2009 JAN -6 PM 12:27
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
801 North Florida Avenue, #218
Tampa, Florida 33602-3800

MAJOR STEFAN FREDERICK COOK, §
Plaintiff, §
v. §
SIMTECH, INC., §
LARRY GRICE, CEO OF SIMTECH, §
DEFENSE SECURITY SERVICES, §
COLONEL LOUIS B. WINGATE, §
DR. ROBERT M. GATES, UNITED §
STATES SECRETARY OF DEFENSE, §
BARACK HUSSEIN OBAMA, *de facto* §
PRESIDENT of the UNITED STATES, §
Defendants. §

Civil Action Number:

8:09-cv-01382-RAL-EAJ

Motion to Recuse the Honorable
RICHARD A. LAZZARA

TRIAL-BY-JURY DEMANDED
Pursuant to 28 USC §1861 and
Seventh Amendment for all fact
issues in Verified Complaint

MOTION TO RECUSE THE HONORABLE
RICHARD A. LAZZARA PURSUANT TO 28 U.S.C. §§144 and 455(a)

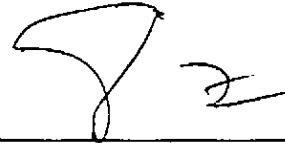
Plaintiff Major Stefan Frederick Cook files this Motion to Recuse pursuant to 28 U.S.C. §§144 and 455(a), in support of both theories of recusal. The basic reason for this Motion to Recuse is that Judge RICHARD A. LAZZARA has unconstitutionally denied Plaintiff's access to the courts by and through a coordinated government course of action. Compare *Christopher v. Harbury*, 536 U.S. 403, 122 S.Ct. 2179; 153 L.Ed. 2d 413; 2002 (2002). Plaintiff's undersigned counsel has filed a certificate of good faith as required by 28 U.S.C. §144 in addition to Plaintiff's own affidavit and that of Plaintiff's expert witness.

concerning chain of command and the procedural means by which an officer may uphold his oath of office and statutory duty to uphold the Constitution of the United States and to obey ONLY lawful orders.

Respectfully submitted,

Saturday, August 1, 2009
Lughnasadh

By: _____



Dr. Orly Taitz, Esq. (SBN 223433)
Attorney for the Plaintiffs
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

CERTIFICATE OF SERVICE

The above-and-foregoing ***Motion to Recuse the Honorable Richard A. Lazzara, M.D. Florida, pursuant to 28 U.S.C. §§144 and 455(a)*** was served by facsimile and/or U.S. Mail (postage prepaid) on Thursday, August 6, 2009, on the following parties:

Colonel Thomas D. MacDonald
Garrison Commander, Fort Benning, Georgia
Hugh Randolph Aderhold , Jr.
PO Box 1702
Macon , GA 31202-1702
478-621-2728
Email: Randy.Aderhold@usdoj.gov

Col. Louis B. Wingate
**U. S. Army Human Resources Command-St. Louis
1 Reserve Way, St. Louis, MO 63132 .**

Dr. Robert M. Gates, Secretary of Defense, by and through the Pentagon:
1000 Defense Pentagon Washington, DC 20301-1000

MAJOR REBECCA E. AUSPRUNG
Department of the Army
U.S. Army Litigation Division
901 North Stuart Street, Suite 400
Arlington, VA 22203-1837
Tele: 703-696-1614
Email: Rebecca.Ausprung@us.army.mil

President Barack Hussein Obama,
At
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

by and through the Attorney General of the United States, Eric Holder, at

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

and Maxwell Wood, United States Attorney for the Middle District of Georgia, at

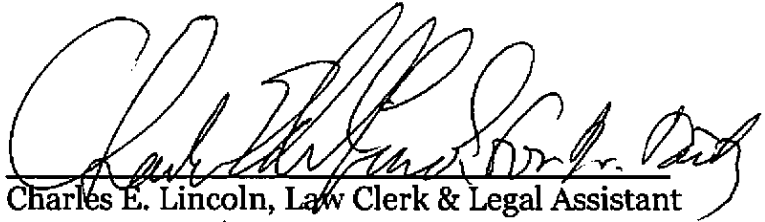
U.S. Attorney's Office □ Gateway Plaza □ 300 Mulberry Street, 4th
Floor □ Macon, Georgia 31201 □ Tel: (478) 752-3511

***Motion to Recuse the Honorable Richard A. Lazzara,
M.D.Fla., pursuant to 28 U.S.C. §§144 and 455(a)***

And also at:

Columbus Division 1246 First Avenue SunTrust Building, 3rd Floor
 Columbus, Georgia 31901 Tel: (706) 649-7700.

A. Brian Albritton
United States Attorney for the
Middle District of Florida
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
Phone: (813) 274-6000
Fax : (813) 274-6358



Charles E. Lincoln, Law Clerk & Legal Assistant
To Attorney Orly Taitz, Esquire,
For the Plaintiff Major Stefan Frederick Cook

And by Local Counsel:

Inger Garcia-Armstrong
For the Plaintiff Major Stefan Frederick Cook

EXHIBIT “C”

Dr. Orly Taitz, *pro se*
Orly Taitz Law Offices
26302 La Paz, Suite 211
Mission Viejo, California 92691
(949) 683-5411
dr_taitz@yahoo.com

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA**

**Lisa Liberi, et al.,
Plaintiffs,**

v.

**Orly Taitz, et al.
Defendants**

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Civil Action No. 2:09-cv-01898-ER

**DEFENDANTS ONLY TAITZ' & DEFEND OUR FREEDOMS FOUNDATION'S
OBJECTIONS TO ORDERS in Documents 81-82,
OBJECTIONS AND RESPONSE TO APPLICATION FOR TRO in Document 83,
and MOTION FOR DISMISSAL OF TRO OR
EMERGENCY MOTION FOR CONTINUANCE**

THIS CASE SHOULD BE SUMMARILY DISMISSED NOW

Following the June 26, 2009, hearing in this court, the posture of this case was clear: Plaintiffs had not satisfied their burden of pleading or proof regarding question of proper jurisdiction or venue in the Eastern District of Pennsylvania. These basic prerequisites to maintaining an action have yet to be satisfied. Furthermore, to the degree that this Court expressed its concern regarding possible publication of Plaintiff Lisa Liberi's social security number, even if legal and permissible as Defendants contend, Defendant Orly Taitz shows by her sworn testimony in the form of an affidavit (Exhibit A) that from the date of hearing she did not publish or republish Ms. Liberi's full social security number.

Defendants Dr. Orly Taitz' and Defend our Freedoms Foundations' Objections to Orders In Documents 81-82, Objections and Response to Application for TRO in Document 83, and Motion for Summary and Final Dismissal with prejudice of TRO or Emergency Motion for Continuance of August 7, 2009, hearing until after August 23, 2009. 1

Exhibit A:
Affidavit of Dr. Orly Taitz
Concerning Management &
Editing of Dossier #6

Affidavit of Orly Taitz, August 1, 2009

I, Orly Taitz attest to following

1. My name is Orly Taitz. I am over the age of 18 and am an attorney licensed to practice law in the State of California and before the United States Supreme Court.
2. I have never been convicted of any felony, nor any crime of moral turpitude, and have never been diagnosed with or treated for any psychiatric disease or psychological disorder of any kind.
3. I make all the statements in this affidavit upon my own personal knowledge and observations or on my own belief after diligent investigation and inquiry.
4. First, in relation to the grounds alleged by the Plaintiffs in support of their Application for TRO, I have never threatened Phil Berg, Lisa Liberi and /or any other plaintiff or possible witness in this action with anything other than legal sanctions as authorized by law subject to approval by this court.
5. All allegations as to treats or witness intimidation contained in the Plaintiffs' request for TRO are completely false and I categorically and unequivocally deny each and every one of them;
6. If, as Plaintiffs appear to allege in their new Application for TRO, certain unnamed attorneys have advised certain unnamed witnesses not to appear voluntarily in this case to discuss certain unnamed and undescribed events on behalf of the Plaintiffs, I do not see how that is my fault or attributable to me or anyone associated with me.
7. I never knowingly or intentionally provided any untrue information about Liberi, Berg or any other plaintiffs in this action. I have concerns which I consider legitimate, and I discuss them on my blog, and sometimes I make reports to relevant law enforcement authorities, as is my First, Fifth, and Ninth Amendment right.
8. To the best of my knowledge and well-informed belief, formed after diligent inquiry, all of the information and statements I have disseminated on, by and through my blog and public appearances concerning Liberi and/or Berg is and are truthful and obtained from public records.

9. All allegations to the contrary, as stated above, contained in the Plaintiffs' most recent request for TRO appear to me to be completely false, frivolous and/or malicious, for example:
 10. I never offered Liberi a job or any opportunity to work for me.
 11. There was never any discussion nor any reason for me to hire her.
 12. I was present at the June 25, 2009, hearing in Liberi et al v Taitz et al.
 13. Plaintiffs knowingly and intentionally misrepresented and misquoted what was stated at that hearing.
 14. The plaintiffs appear to claim or imply that your honor had stated from the bench that I was somehow already enjoined from publishing private information concerning Lisa Liberi.
 15. As I understood the order as announced by your honor, the Court strongly recommended that I not further publish the full social security number of Liberi in future, but your honor recognized and stated that there is nothing that can be done in relation to what was posted in the past and particularly stressed that no restrictions can be placed on publishing any other information, such as dates of birth, place of birth, names of parents as it would be an impermissible restriction on freedom of speech, absent some showing of clear and present danger to the public at large.
 16. In any event, I now here again declare and affirm under oath that I have not published Liberi's full social security number and did not violate this Court, guidelines as recommended by your honor on June 25 and in the subsequent order.
 17. On April 17, before this case was even filed, when I noticed that a full social security number was published, (later found not to be Liberi's), I edited the information and created a new dossier #6I redacted this mistake and sent this updated dossier to the law enforcement. See my attachment/dossier excerpt exhibit to this affidavit.
 18. Lisa Liberi again misstated the facts knowingly, intentionally, and materially, in her affidavit, claiming that I update the posts or somehow "refresh" the website as a whole every 3 hours.
 19. In reality, I don't routinely refresh or update the posts on my blog at all, last time dossier #6 was updated, was April 17.

20. There was an autosave due to power failure on June the 3rd. See attachment update record of dossier #6. I have thousands of posts and comments on my blog, and as your honor correctly stated, I cannot go back and correct what was done months ago.
21. The only reason for this request for TRO, is trying to obfuscate the fact that Liberi is using two social security numbers simultaneously: 462-45-xxxx, as stated in her Declaration in Support of motion to recuse the Office of the District of County of San Bernardino and in her current affidavit to this honorable court, where she claims to have a different number 622-19-xxxx.
22. Liberi's real motivation is to avoid investigation by the social security administration, IRS and avoid going back to prison to serve out the remainder of her eight year prison term and to grant her Application for TRO is accordingly devoid of public interest or public policy implications, and in essence has nothing whatsoever to do with "equity".
23. At June 25 hearing attorney for the plaintiffs Philip Berg was questioned by your honor on what basis did he file this action against me in the eastern district of Pennsylvania, what is the basis for the personal jurisdiction against me.
24. Berg has consistently misstated facts to this honorable court, which he could not possibly believe to be true, such as when he stated on the record that Orly Taitz has filed a lawsuit against Pennsylvania Senator Arlen Specter and represented other clients in this state.
25. I protested out loud in court that none of these factual statements were true.
26. Your honor ordered Berg to provide evidence in the form of facts and affidavits, showing personal jurisdiction over me.
27. Berg knew that he lied, that I never filed any lawsuits in Pennsylvania and I believe and submit he had an ethical duty to dismiss his genuinely frivolous action. Instead he came up with 77 pages of misleading or downright false distractions and evasions, utilizing what can only be manufactured facts and twisted facts in his renewed Application for TRO, none of which show any connection between the undersigned Defendant, her foundation, or

any agent of hers in or with the state of Pennsylvania prior to her court appearance on or about June 25, 2009.

28. Berg's most serious allegation, that certain witnesses are being intimidated, is at best utterly unsubstantiated and, if it is addressed to me, or anyone who did anything within my knowledge, it is perfectly false.
29. If Berg had been telling the truth, about my having practiced law in Pennsylvania in any capacity, he should not need any witnesses, he simply could download from the public records all the information on legal actions, which he claims I filed in his home state.
30. The sole reason he could not obtain such records, is not because some unnamed witnesses were intimidated by people acting on my behalf, but because Berg shamelessly prevaricated, since he knows that I never filed any lawsuits in Pennsylvania, had never even previously visited Pennsylvania before and I submit in good faith that the courts of Pennsylvania have absolutely no personal jurisdiction over me.
31. Moreover, Berg's May 2009 complaint failed to outline, raise, or even suggest any substantial federal questions giving rise to any right to legal or equitable relief.
32. And as discussed on June 25, 2009, this Federal Court had no diversity jurisdiction in the case as Ostella and Sundquist were both from the state of NJ and Liberi, while currently residing in NM, according to my research into the question may still be under the continuing jurisdiction of California, as probationer.
33. While Liberi claims to be in danger, I am the one who is constantly receiving threats. Prior to June 25 hearing I received threats to "kill me and burn my body for the world to see".
34. After that there appeared to be some inexplicable problems suggesting or indicative of tampering with my car, where a clamp was removed and fumes emissions hose was disconnected, which caused a dangerous condition where the engine could catch fire and the combustible fumes could've exploded, endangering my life and lives of my 3 children.

35. At the same time, preparing for the June 25 hearing in this honorable court, I read the transcripts from Liberi's August 4, 2004 bail hearing before Judge Pacheco in California Superior Court. See transcripts pp115-116.
36. The state of California put investigator Liebrich on the stand, where he testified that Liberi's sister Cheryl Richardson has revealed to the police Liberi's prior 19 charges .
37. Investigator Liebrich testified that in a recorded phone conversation in jail Liberi told her husband that she will have her sister arrested and then spread through the jail system rumor that she was quote unquote "a rat" and she told her husband Brent, "you know what they do to rats in jail".
38. Investigator Liebrich explained that if an inmate is a snitch, there is " a contract, a green light" on him, he is attacked and killed in jail.
39. These matters sound exotic, but unfortunately, there is substantial evidence that such crimes in the California prison system are relatively routine and commonplace, so that Lisa Liberi's threats suggest both sophisticated and well-informed criminal knowledge and intent.
40. Less then a year after this conversation Liberi's sister was dead. The official cause of death was drug overdose. Please see attached Liberi's declaration from May 6 2006, where under penalty of perjury she states that her sister passed away July 24, 2005 (page 7, line 27).
41. I was concerned that if Liberi could envision and possibly mastermind a "contract," "a green light" on her own sister, she could mastermind a contract, a green light on me and my children.
42. After June 25 hearing I have asked Attorney Berg to talk to me and presented all this information to him. I advised Berg that his continued carrying of this lawsuit endangers me and my whole family.
43. I have asked Berg to stop carrying on with this pattern of consistent prevarication and manufactured charges and cooperate with the police and FBI in investigating these serious matters.
44. He refused, however at that point, at the latest, I submit that he was on notice that I was very concerned about my own safety and security, and his response, apparently, was to make a bad situation worse.

45. Your honor, regarding the August 7, 2009, hearing set in this case: I am seeking a continuance as I will not be able to attend the hearing, as I will be in Kischinev (Moldova, a part of the Former Soviet Union).

46. My aged parents, are celebrating their 50th wedding anniversary and I have promised my parents and children that I would take them back to visit the old country and I promised my father that we will make this trip to visit the grave of his father. Forcing me to cancel this trip would injure three generations of my family for a trip carefully planned for many years. This is a unique and once in a lifetime opportunity for three generations of my family to come together "in the old country".

FURTHER THIS AFFIANT SAITH NAUGHT.

Signed, done, and executed before a Notary Public in Orange County, California, on Saturday, August 1, 2009.



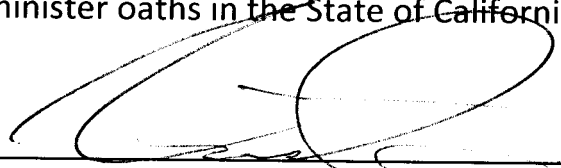
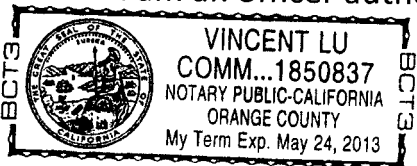
Orly Taitz, Esq
Attorney & Counselor at Law
26302 La Paz, Suite 211
Mission Viejo Ca 92691
ph. 949-683-5411
fax 949-586-2082
California Bar ID No. 223433

by Orly Taitz
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

NOTARY'S JURAT

The affiant Orly Taitz appeared in person before me on this Saturday, August 1, 2009, and having been administered her oath by me, she did depose herself and stated that she acknowledged, verified, and affirmed under oath the truth of each and every statement made in her affidavit above.

I am an officer authorized to administer oaths in the State of California.



Notary Public, Orange County, California

Notary's Seal and Expiration Date above:

EXHIBIT “D”

Dr. Orly Taitz, *pro se*
Orly Taitz Law Offices
26302 La Paz, Suite 211
Mission Viejo, California 92691
(949) 683-5411
dr_taitz@yahoo.com

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**Lisa Liberi, et al.,
Plaintiffs,**

v.

**Orly Taitz, et al.
Defendants**

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Civil Action No. 2:09-cv-01898-ER

MOTION FOR SANCTIONS FOR VIOLATIONS OF RULE 11(b)

Defendants Dr. Orly Taitz and Defend our Freedoms Foundation, Inc., file this Motion for Sanctions for Violations of Rule 11(b) of the Federal Rules of Civil Procedure, having served the same 21 days before by facsimile transmission and regular mail delivery, as required by Rule 11(c)(2), on Philip J. Berg, individually as a Plaintiff and as attorney for Lisa Liberi, the Law Officers of Philip J. Berg, Evelyn Adams, Lisa M. Ostella and Go Excel Global, for signing and presenting to the Court the Complaint for Damages which initiated this cause against the several Defendants on May 4, 2009. Philip J. Berg, Lisa M. Ostella, and Evelyn Adams also violated Rule 11(b) by their signatures on the several verifications of this Complaint executed (respectively) on May 4, April 25, and April 25, 2009.

First, and most specifically, the Complaint, and every subsequent document (motion, response, and notice) signed and filed and presented to the court in this case by Philip J. Berg, violated Rule 11(b)(1) because the Complaint, and every subsequent

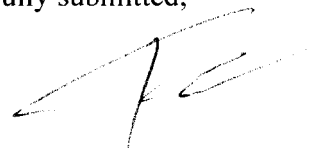
Philip J. Berg has chosen---at least 21 days after service by facsimile and regular mail of this Motion on him pursuant to Rule 11©(2)---not to avail himself of the “safe harbor” provisions. He has chosen to stand by his objectively unreasonable contentions that (a) Defendant Orly Taitz has invaded the Plaintiffs’ privacy or disclosed their private information and (b) that these “offenses”, if proven, would entitle Plaintiffs to file and recover in FEDERAL Court, (c) given the lack of Federal jurisdiction by diversity of citizenship or the existence of substantial federal questions when scrutinized under the standards of *Bell Atlantic v. Twombly*, 550 U.S. 544; 127 S. Ct. 1955 at 1964-65; 167 L.Ed.2d 929 (2007).

PRAYER FOR RELIEF

Wherefore, Defendant Orly Taitz prays for Rule 11 Sanctions Under Rule 11(c)(4) sufficient to deter Plaintiff Philip J. Berg and others similarly situated from the repetition of his conduct in this case and also to compensate Defendant Orly Taitz for her reasonable expenses and actual losses in the amount of \$25,000.00 incurred as a result of Plaintiff Philip J. Berg’s conduct in filing the Complaint in this case plus 36 additional documents (affidavits, motions, responses, notices) not counting returns of summons. Defendants Evelyn Adams and Lisa M. Ostella should be sanctioned for their signing and verification of the complaint pursuant to Rule 11(b)(1) and 11(b)(3). Lisa Liberi should be sanctioned only pursuant to 11(b)(1) unless it turns out that she also filed a verification of the facts (none was served on the Defendant nor appears in PACER) in which case she too should be sanctioned under Rule 11(b)(3).

Respectfully submitted,

_____, July _____, 2009


By: _____
Dr. Orly Taitz, *pro se*, individually and a/k/a
Law Offices of Orly Taitz,
WWW.ONLYTAITZESQ.COM,
a/k/a WWW.REPUBX.COM,
a/k/a ORLY TAITZ, INC.
Defendant, *in propria persona* and on behalf
of Defend Our Freedoms Foundations, Inc..
Dr. Orly Taitz, President,
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

CERTIFICATE OF SERVICE

A true and correct copy of the above-and foregoing Motion for Sanctions for Violations of Rule 11 was served as required by Rule 11(c)(2) by Defendant Dr. Orly Taitz for herself and on behalf of Defend our Freedoms Foundations, Inc, more than 21 days prior to filing with the United States District Court via facsimile transmission and FedEx overnight delivery upon the attorney of record for all the plaintiffs:

Law Offices of
PHILIP J. BERG, Esquire
555 Andorra Glen Court, Suite 12
Lafayette Hill, Pennsylvania 19444-2531

Telecopier (Facsimile): 610-834-7659
E-mail: philjberg@gmail.com

The filing of this Motion with the United States District Court is Defendant's certificate that after at least 21 days, neither Plaintiff Philip J. Berg nor any of his named clients withdrew their endorsement of the Complaint and subsequently filed documents or offered any compensation to the Defendant(s) for her/their costs and expenses.

If this Motion has been filed with the United States District Court, it was also "re-served" again on the Plaintiff and Attorney for (other) Plaintiffs Philip J. Berg on the day of filing with the U.S. District Clerk, namely _____ day, the _____ day of July, 2009.

By: _____
Dr. Orly Taitz, *pro se*
Defendant, *in propria persona* and on behalf
of Defend Our Freedoms Foundations, Inc..
Dr. Orly Taitz, President,
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

EXHIBIT “E”

Dr. Orly Taitz, *pro se*
Orly Taitz Law Offices
26302 La Paz, Suite 211
Mission Viejo, California 92691
(949) 683-5411
dr_taitz@yahoo.com

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA**

**Lisa Liberi, et al.,
Plaintiffs,**

v.

**Orly Taitz, et al.
Defendants**

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Civil Action No. 2:09-cv-01898-ER

**DEFENDANTS ONLY TAITZ' & DEFEND OUR FREEDOMS FOUNDATION'S
OBJECTIONS TO ORDERS in Documents 81-82,
OBJECTIONS AND RESPONSE TO APPLICATION FOR TRO in Document 83,
and MOTION FOR DISMISSAL OF TRO OR
EMERGENCY MOTION FOR CONTINUANCE**

THIS CASE SHOULD BE SUMMARILY DISMISSED NOW

Following the June 26, 2009, hearing in this court, the posture of this case was clear: Plaintiffs had not satisfied their burden of pleading or proof regarding question of proper jurisdiction or venue in the Eastern District of Pennsylvania. These basic prerequisites to maintaining an action have yet to be satisfied. Furthermore, to the degree that this Court expressed its concern regarding possible publication of Plaintiff Lisa Liberi's social security number, even if legal and permissible as Defendants contend, Defendant Orly Taitz shows by her sworn testimony in the form of an affidavit (Exhibit A) that from the date of hearing she did not publish or republish Ms. Liberi's full social security number.

Defendants Dr. Orly Taitz' and Defend our Freedoms Foundations' Objections to Orders In Documents 81-82, Objections and Response to Application for TRO in Document 83, and Motion for Summary and Final Dismissal with prejudice of TRO or Emergency Motion for Continuance of August 7, 2009, hearing until after August 23, 2009. 1

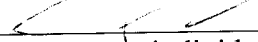
CONCLUSIONS & MOTION FOR CONTINUANCE

Sadly for all concerned, the Plaintiffs in this case simply do NOT have any viable causes of action against these Defendants. Accordingly, there is no need to balance the equities or hardships, except regarding the questions of sanctions and whether the Court will require Defendant Dr. Orly Taitz to return from Israel where she had planned to spend her August 2009 vacation for a very long time prior to receiving the notice of setting of the hearing now set for Friday August 7, 2009 (See Affidavit, Exhibit B).

WHEREFORE, Defendant Orly Taitz moves and requests either that this application for TRO be set for a telephone (or if necessary, an in court) hearing on Friday July 31, 2009, or else that the hearing be continued until after August 23, 2009, or, all Defendants' first choice (and the greatest and most efficient uses of judicial power and time), that these Plaintiffs' case be finally and summarily dismissed without allowing any further evasive or diversionary tactics to mask the complete emptiness and vacuity of the Plaintiffs' allegations of fact or legal contentions raised against these Defendants.

Respectfully submitted,

Friday, July 31, 2009

By: 
Dr. Orly Taitz, *pro se*, individually and a/k/a
Law Offices of Orly Taitz,
WWW.ONLYTAITZESQ.COM,
a/k/a WWW.REPUBX.COM,
a/k/a ORLY TAITZ, INC.
Defendant, *in propria persona* and on behalf
of Defend Our Freedoms Foundations, Inc..

Defendants Dr. Orly Taitz' and Defend our Freedoms Foundations' Objections to Orders In Documents 81-82, Objections and Response to Application for TRO in Document 83, and Motion for Summary and Final Dismissal with prejudice of TRO or Emergency Motion for Continuance of August 7, 2009, hearing until after August 23, 2009. 29

Dr. Orly Taitz, President,
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

CERTIFICATE OF SERVICE

A true and correct copy of the above-and foregoing Objections to Orders in Documents 81-82, Objections and Response to Application for TRO in Document 83, and Motion for Dismissal of TRO or else Emergency Motion for Continuance was submitted by Defendant Dr. Orly Taitz for herself and on behalf of Defend our Freedoms Foundations, Inc, was served on July 31, 2009, by facsimile transmission and FedEx overnight delivery upon the attorney of record for all the plaintiffs:

Law Offices of
PHILIP J. BERG, Esquire
555 Andorra Glen Court, Suite 12
Lafayette Hill, Pennsylvania 19444-2531

Telecopier (Facsimile): 610-834-7659
E-mail: philjberg@gmail.com

AS WELL AS counsel for certain Defendants, and all other Defendants in propria persona:


Mr. Ted Hoppe, Esquire
Hoppe & Martin
423 McFarlan Road, Suite 100
Kennett Square, PA 19348
Phone: (610) 444-2001
Fax: (610) 444-5819
By e-mail: thoppe@hoppemartin.com

Neil Sankey
The Sankey Firm, Inc. a/k/a The Sankey Firm
Sankey Investigations, Inc.
2470 Stearns Street #162
Simi Valley, CA 93063
Phone: (805) 520-3151 and (818) 366-0919
Cell Phone: (818) 212-7615
FAX: (805) 520-5804 and (818) 366-1491
Email: nsankey@thesankeyfirm.com

Defendants Dr. Orly Taitz' and Defend our Freedoms Foundations' Objections to Orders In Documents 81-82, Objections and Response to Application for TRO in Document 83, and Motion for Summary and Final Dismissal with prejudice of TRO or Emergency Motion for Continuance of August 7, 2009, hearing until after August 23, 2009. 30

Linda Sue Belcher
201 Paris
Castroville, Texas 78009
Home Phone: (830) 538-6395
Cell Phone: (830) 931-1781
Email: Newwomensparty@aol.com and
Email: starrbuzz@sbcglobal.net

Ed Hale
Caren Hale
Plains Radio
KPRN
Bar H Farms
1401 Bowie Street
Wellington, Texas 79095
Phone: (806) 447-0010 and (806) 447-0270
Email: plains.radio@yahoo.com and
Email: barhfarms@gmail.com and ed@barhfarms.net

By: 
Dr. Orly Taitz, *pro se*
Defendant, *in propria persona* and on behalf
of Defend Our Freedoms Foundations, Inc..
Dr. Orly Taitz, President,
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

EXHIBIT “F”

Von: Charles Lincoln <charles.lincoln@rocketmail.com>
An: philjberg@obamacrimes.com
CC: Dr. Orly Taitz <dr_taitz@yahoo.com>
Gesendet: Montag, den 3. August 2009, 14:46:51 Uhr
Betreff: Monday Filings with Judge Robreno in EDPA

Dear Mr. Berg:

I attempted to fax the attached Defendants' Obejctions and Response to Application for TRO (together with all attachments, which I was unable to attached) filed today in U.S. District Court on behalf of Dr. Orly Taitz and two out of three proposed orders in Civil Action No.: 2:09-cv-01898-ER. The fax transmission came back 000/068 pages transmitted on account of "No Answer." The fax number I have for you is 610-834-7659. If you confirm receipt of the attached documents, I will provide you with the third proposed order submitted today concerning a continuance of Friday's hearing together with a letter and proposed motion from Dr. Taitz to the Honorable Eduardo C. Robreno, the presiding judge in this case.

Dr. Taitz chose not to comment in her response regarding anything concerning me in your appendix. I would simply like to say that if Dr. Taitz has not felt it essential to make any disclosures concerning my background on HER blog or website, it would be because I make all those disclosures on MY OWN blog and website: <http://charleslincoln3.wordpress.com/about>.

You might want to keep in mind also that the alleged incident concerning the incorrect social security number in my application for a non-interest-bearing checking account at Wells Fargo Bank in Austin took place in November 1996 and even my indictment on that charge celebrates its tenth anniversary on Pearl Harbor Day this year---December 7, 2009---and I never spent even a single day, hour, or minute in custody because of those charges, either following the indictment or the plea bargain whereby I gave up my Texas license, and in fact during the time between the plea bargain and sentencing I had leave of court to travel to Germany for the Wagnerian Bayreuth Festspiel. My "orange days" were still ahead of me, and all resulted from my challenges to the legitimacy of certain judges' orders entered without jurisdiction, rather than any cognizable "crime." As my (now estranged) wife Elena commented: "they just wanted to take your license" after the local disposition of the complaint in *Atwater v. Lago Vista* and related cases, although *Atwater* was eventually heard and we lost only by a 5-4 vote in the Supreme Court, over Justice Sandra Day O'Connor's strenuous dissent.

Also, as you may be aware, there are rules, somewhere in the Federal Rules of Evidence, concerning the use of convictions over ten years old for impeachment purposes---and you're awfully near that time limit, although technically within it. You make other misrepresentations concerning my history and background in your Court filings, but due to "litigation privilege", the best I can do is suggest you NOT make the same misrepresentations in published matter OUTSIDE of court filings.


If you have any questions, please feel free to contact me at 512-923-1889 or 860-599-5557. My fax number is 617-520-3711, but needs cover sheet to attention Charles E. Lincoln #423.

If you want to receive the entire filing by fax, please send me YOUR CORRECT FAX NUMBER.


Yours very truly,

Charles Edward Lincoln (512) 923-1889

4 attachments — [Download all attachments](#)

 **July 30 DrOrTz Objections & Response to TRO Docs 81-83.doc**
144K [View as HTML](#) [Open as a Google document](#) [Download](#)

 **PROPOSED ORDER DENYING TRO.doc**
35K [View as HTML](#) [Open as a Google document](#) [Download](#)

 **PROPOSED ORDER DISMISSING CASE.rtf**
37K [View as HTML](#) [Open as a Google document](#) [Download](#)

 **PROPOSED ORDER GRANTING CONTINUANCE.doc**
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EXHIBIT “G”

From: **Charles Lincoln** <charles.lincoln@rocketmail.com>
Date: Tue, Aug 4, 2009 at 2:27 PM
Subject: WG: Monday Filings with Judge Robreno in EDPA
To: philjberg@gmail.com
Cc: "Dr. Orly Taitz" <dr_taitz@yahoo.com>, thoppe@hoppemartin.com,
nsankey@thesankeyfirm.com, starrbuzz@sbcglobal.net, ed@barhfrarms.net,
barfarms@gmail.com, plans.radio@yahoo.com, James Sundquist
<rock.salt@verizon.net>, Peyton Yates Freiman <freimanthird@gmail.com>, Peyton
Yates Freiman <galileo_30@hotmail.com>

Dear Mr. Berg:

This is my second attempt to send you documents filed by Dr. Orly Taitz in the Eastern District of Pennsylvania yesterday.

If you are on Court Electronic Filing & Notification, you may not need a fax, but if you do, please advise (I do not have the exhibits in electronic/.pdf format).

I attempted to fax you yesterday from Philadelphia but your number 610-834-7659 did not answer. Today I am serving notice of Dr. Taitz' filings on all parties for whom I have e-mails, and I noticed I had a second e-mail address for you, after not having heard from you yesterday. Please advise about your correct fax number.

Also, since Dr. Taitz is currently in Europe, I would like to ask whether there is any way you can agree or stipulate to her motion for continuance of the hearing set for this Friday, August 7, 2009.

Yours very truly,

Charles E. Lincoln

You can reach me most quickly through my Personal Assistant Peyton Yates Freiman 512-923-1889 or call me direct at 512-968-2500. Current Fax: 617-520-3711 (Attention Charles Lincoln #423).

EXHIBIT “H”

From: **Charles Lincoln** <charles.lincoln@rocketmail.com>
Date: Thu, Aug 6, 2009 at 1:54 PM
Subject: RE: Defendant Taitz in 09-cv--01898-ECR Hearing August 7, 2009
To: philjberg@gmail.com, "Dr. Orly Taitz" <dr_taitz@yahoo.com>, thoppe@hoppemartin.com, nsankey@thesankeyfirm.com, starrbuzz@sbcglobal.net, ed@barhfrarms.net, barfarms@gmail.com, plans.radio@yahoo.com, James Sundquist <rock.salt@verizon.net>
Cc: Peyton Yates Freiman <freimanthird@gmail.com>, Peyton Yates Freiman <galileo_30@hotmail.com>, T Patrick Murray <tpatrickmurray@gmail.com>, Kathy Ann Garcia-Lawson <garcialawson@hotmail.com>

This letter was sent by fax to Judge Robreno regarding the hearing for tomorrow. I have not heard from Dr. Taitz since yesterday morning as of 2:54PM on Thursday

 **Dr_Orly_Taitz_Esq_to_Eduardo_C_Robreno_August_5_2009.doc**
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EXHIBIT “I”

Von: Orly Taitz <dr_taitz@yahoo.com>
An: Charles Lincoln <charles.lincoln@rocketmail.com>
Gesendet: Montag, den 3. August 2009, 18:25:03 Uhr
Betreff: Re: AW: Video link

Charles, I am now in Tel Aviv and going to Kischinev. Did you file everything ok in PA? I couldn't see on Paser, did the judge postpone? Linda Starr said that the judge refused their request for 30 days postponement. I tried to call you numerous times, but there is something wrong with your phone, it doesn't accept foreign phone calls. Can you please check with your carrier? I can't reach you. Is there anything from judge Carter

Orly Taitz DDS Esq

26302 La Paz ste 211
Mission Viejo Ca 92691

29839 S. Margarita Pkwy
Rancho Santa Margarita Ca 92688

ph. w 949-586-8110 c-949-683-5411
fax 949-586-2082

Von: Charles Lincoln <charles.lincoln@rocketmail.com>
An: Orly Taitz <dr_taitz@yahoo.com>
CC: Orly Taitz <orly.taitz@gmail.com>
Gesendet: Montag, den 3. August 2009, 10:45:21 Uhr
Betreff: AW: From Holiday Inn/Philadelphia ("our town")

Have a safe trip---I am writing to you from Philadelphia in the business room of the Holiday Inn/Historic District of Philadelphia where, as you know "IT ALL BEGAN" (during June-July of 1776; and on June 24-26 2009) where I'm trying to finish everything up, print it all out for filing today, so have no fear, no fear Dr. Taitz---because I am here for you, your humble and devoted servant.

And "Please don't forget" that you were going to cover the expenses of this trip, but didn't set aside any money for it in the calculations on Saturday---but I was able to make it here anyhow because the parking charges in at the Empire Hotel in New York, 44 West 6rd Street, were already on your credit card so all I paid was the valet's tip. The total expenses of this excursion---aside from Charlie's continuing anger at me for leaving him alone in Cambridge---are as expected around \$150-\$160....including a nice-view 8th floor room at "our first" hotel and gasoline. Food I would have bought anywhere the same, regardless...

You complain that I've cost you \$11K (even on Saturday you seemed to be complaining), but remember that with a LICENSED attorney of my background, experience, and qualifications, to have me full time or very nearly so for two months would have probably cost you \$111K (including all expenses, but seriously---DON'T COMPLAIN TO ME EVER AGAIN!!!!!! about money anyhow---It's only because I'm mad about you and crazy in love with you, you know. If you're really a Mata-Hari in (very effective and convincing) disguise....as a couple of people have asked me over the past 36 hours.... you should ask your host government to take care of key WPCs---"Witless Patriotic Collaborators" such as myself.....
Whoever you are you are a deep mystery, you are a one of a kind enigma, and you are totally fascinating....

Von: Orly Taitz <dr_taitz@yahoo.com>
An: Charles Lincoln <charles.lincoln@rocketmail.com>
Gesendet: Montag, den 3. August 2009, 05:12:55 Uhr
Betreff:

Charles
please don't forget to file in Philly today. i am now in London getting on my plane
Orly

Orly Taitz DDS Esq

26302 La Paz ste 211
Mission Viejo Ca 92691

29839 S. Margarita Pkwy
Rancho Santa Margarita Ca 92688

ph. w 949-586-8110 c-949-683-5411
fax 949-586-2082

--- On **Mon, 8/3/09**, **Charles Lincoln** <charles.lincoln@rocketmail.com> wrote:

From: Charles Lincoln <charles.lincoln@rocketmail.com>
Subject: AW: Video link
To: synaptictsunami@gmail.com
Cc: "Dr. Orly Taitz" <dr_taitz@yahoo.com>, "Peyton Yates Freiman" <freimanthird@gmail.com>
Date: Monday, August 3, 2009, 8:00 AM

I am in Philadelphia right now but will start heading back to Boston in not more than 2-3 hours max. I look forward to hearing from you again!

Date: Sun, 2 Aug 2009 22:55:57 +0000
From: charles.lincoln@rocketmail.com
Subject: AW: AW: Almost done for all practical purposes.
To: roaddog727@hotmail.com; dr_taitz@yahoo.com; orly.taitz@gmail.com
CC: freimanthird@gmail.com

I still have to give priority to the BERG case in Philadelphia where Orly's responses are DUE BY COURT ORDER tomorrow. Judge LAZZARA dismissed your case initially on July 23, but that was the TRO not the Complaint. The Complaint was dismissed on July 27. Counting from the 23rd, you'd have until at least Wednesday and the TENTH business day (not counting weekends) after filing of the order would be THURSDAY.

EXHIBIT “J”

From: Charles Lincoln <charles.lincoln@rocketmail.com>
Subject: Final Draft I hope---Ready for Exhibits? Ready for Signing?
To: "Dr. Orly Taitz" <dr_taitz@yahoo.com>
Date: Wednesday, July 8, 2009, 12:33 PM

Orly:

I cannot download that exhibit from Neal Sankey either---I am sorry I had not tried before. I hope this is now ready for final processing. Has Anyone heard from Major Stefan Cook? My fax number here is 617-520-3711 please send to attention Charles E. Lincoln #423.

Date: Wed, 8 Jul 2009 19:33:17 +0000
From: charles.lincoln@rocketmail.com

Subject: Final Draft I hope---Ready for Exhibits? Ready for Signing?
To: dr_taitz@yahoo.com

Orly:

I cannot download that exhibit from Neal Sankey either---I am sorry I had not tried before. I hope this is now ready for final processing. Has Anyone heard from Major Stefan Cook? My fax number here is 617-520-3711 please send to attention Charles E. Lincoln #423.

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EXHIBIT “K”

Von: Orly Taitz <dr_taitz@yahoo.com>

An: Charles Lincoln <charles.lincoln@rocketmail.com>

Gesendet: Freitag, den 7. August 2009, 0:38:51 Uhr

Charles

can you please call my office 949-683-5411. tel Lila that her check and Rita's check are on my desk, to endorse and deposit them as they are through the ATM machine. If they can wait, to Fed Ex it to Israwl Lubman 18/6, Rischon Le Zion, Israel. I will sign and fed ex back. It is very important, my phone doesn't work here and there is limited Internet access

Can you prepare the new rogatory motion for carter, I will file it from here.

What's going on in Philly?

Orly Taitz DDS Esq

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fax 949-586-2082