

Dr. Orly Taitz ESQ

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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2013 AUG 21 AM 10:02

CLEARED
AT BALTIMORE
BY: [Signature]

Orly Taitz

) 13-cv- 001878

V

)Honorable Judge Hollander presiding

Carolyn Colvin

)

In her capacity as commissioner of Social Security administration)

OPPOSITION TO MOTION TO DISMISS

MOTION FOR SUMMARY JUDGMENT IN FAVOR OF THE PLAINTIFF

MOTION SHOULD BE GRANTED AS INFORMATION PROVIDED BY THE DEFENSE IN THE MOTION TO DISMISS OR FOR SUMMARY JUDGMENT IS NOT CORRECT AND NOT TRUE

On 06.25.2013 Plaintiff Taitz appealed refusal by the Defendant to release a SS-5, Social Security application for Harrison (Harry) Bounel, born in 1890. Taitz attached a copy of the 1940 census records showing Bounel's residence in Bronx, New York, showing him to be 50 years old in 1940, therefore his date of birth being 1890. Taitz submitted a copy of SSA "120 year rule", which states that SS-5 for individuals who are 120 year old or older, considered to be "extremely aged individuals" should be provided without proof of death.

On 08.19.2013 Plaintiff received a lengthy response from the defendant discussing multiple unrelated issues and trying to bury the issue at the core of the complaint.

Defense provided as exhibit B a 08.07.2013 response from the SSA and as exhibit D a 08.12.2013 affidavit from FOIA officer Dawn Wiggins, who claims that she could not find any records for Mr. Harry Bounel.

Taitz submits herein as Exhibit 1, a true and correct copy of a 11.16.2013 letter(Reference number S9H: A17967) from the same FOIA officer, Dawn Wiggins, which shows that Ms. Wiggins and SSA have in their possession the records for Mr. Bounel. At the time Ms. Wiggins refused to provide the records claiming privacy. However, on 04.26.2013 Taitz submitted a new request to Wiggins advising her that Bounel was born in 1890, therefore according to "120 year rule" exception, privacy does not apply. Taitz believes

that Defendant is playing games, as Defendant and FOIA officer, Ms. Wiggins, are well aware that the Social Security number of Mr. Bounel was fraudulently used by a high ranking official and their current claims that they cannot find records, which they found on 11.16.2012, are a part of a cover up, which should not be aided and abetted by this court.

This court should order Defendant to provide Plaintiff with the SS-5 for Harry Bounel, which Defendant admitted to having in her possession in her 11.16.2013 letter Reference S9H A170967.

Conclusion

This court should deny Motion to Dismiss or for Summary Judgment by the Defendant and grant a Motion for Summary Judgment by the Plaintiff and should order Defendant to release the SS-5 for Harry Bounel, which Defendant admitted to having in her possession on 11.16.2012 Ref S9H A170967, since according to 1940 Census submitted as exhibit 1 to this complaint, Mr. Bounel was born in 1890 and under SSA "120 year rule", SS-5 of "extremely aged individuals" of 120 years old or older have to be released to the public without consent or proof of death of such extremely aged individual.

Respectfully



/s/ Dr. Orly Taitz ESQ

Declaration of Orly Taitz

Exhibit 1, 11.16.2012 letter from SSA FOIA officer Dawn Wiggins is a true and correct copy of the aforementioned 11.16.2012 letter Reference number S9H A170967.

/s/ Orly Taitz



Proof of Service

08.19.2013

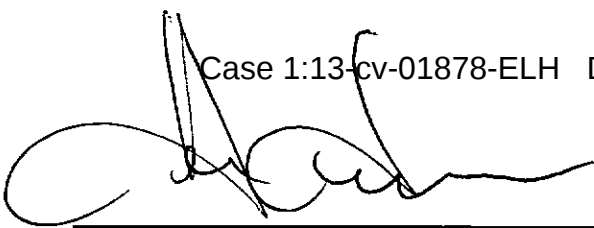
I, Lila Dubert, attest that I am over 18 years old and I served parties listed below with a copy of attached motion on 08.19.2013

Rod Rosenstein

US Attorney

36 S Charles Str. 4th floor

Baltimore, MD 21201



/s/ Lila Dubert

Proposed order

Orly Taitz

) 13-cv- 001878

v

)Honorable Judge Hollander presiding

Carolyn Colvin

)

In her capacity as commissioner of Social Security administration)

Defendant is ordered to release the SS-5 for Harry Bounel, which Defendant admitted to having in her possession by an through a letter by FOIA officer Dawn Wiggins sent on 11.16.2012 and referenced as S9H A170967, since according to 1940 census Mr. Bounel was born in 1890 and under SSA "120 year rule", SS-5 of "extremely aged individuals" of 120 years old or older have to be released to the public without consent or proof of death of such extremely aged individual.

Signed Ellen L. Hollander, U.S. District Court Judge