

United States District Court
Southern District of Texas
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US DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

TAITZ,) Case # 14-cv-00119
V) HONORABLE ANDREW S. HANEN PRESIDING
JOHNSON, ET AL)

**MOTION TO EXPEDITE DUE TO EXIGENT CIRCUMSTANCES OF
DEADLY EBOLA EPIDEMIC**

**MOTION TO EXPAND STAY/ INJUNCTION TO INCLUDE
STAY/SUSPENSION OF ALL ARRIVALS FROM THE AREAS
AFFECTED BY DEADLY EBOLA EPIDEMIC, QUARANTINE ALL
INDIVIDUALS WHO VISITED COUNTRIES WITH EBOLA EPIDEMIC
IN THE PAST TWENTY ONE (21) DAYS**

**MOTION FOR THIS COURT TO RETAIN JURISDICTION TO ASSURE
COMPLIANCE**

MOTION FOR PRO HAC VICE AND FOR CLASS CERTIFICATION

History of the case

Plaintiff in the case at hand is a California Doctor of Dental Surgery and an attorney and president of Defend our Freedoms Foundation. Defendants are the Secretary of Health and Human Services, Secretary of Homeland Security, U.S. President, and Border Patrol. On July 14, 2014 Plaintiff, Dr. Orly Taitz, ESQ, filed an application for stay/injunction of transportation all over the country of illegal aliens, afflicted with infectious diseases, possessing criminal record in the countries of origin and having no identifications. Plaintiff sought a two months quarantine of such illegal aliens in order to stop transmission of infectious diseases, crime and financial devastation of communities. She also sought a stay in implementation of DACA, (Deferred Action on Child Arrivals) a memorandum by Barack Obama, issued in 2012 and renewed in 2014, which deferred deportation of all illegals, who claimed that they arrived to this country as minors. This memorandum became a magnet for an invasion of thousands of individuals, including 59,000, who possess no IDs and who claim to be minors, even though

many look like they are in their 20s or even 30s. Hon. Andrew Hanen ordered the defendants to respond by August 11, 2014 and show cause why shouldn't he grant the application. Due to recent developments and deadly Ebola epidemic, Plaintiff is seeking to expand the relief sought in the original application.

Argument

1. ILLEGAL ALIENS FROM 75 COUNTRIES, INCLUDING COUNTRIES WITH DEADLY EBOLA EPIDEMIC, CROSSED THE US BORDER

Attached report, Intelligence Analysis for CBP (Customs and Border Protection) EXHIBIT 1, shows that individuals from 75 different countries illegally crossed US –Mexican border. Among them are individuals who came from countries sponsoring terrorism and 71 individuals, who came from countries and regions with deadly Ebola epidemics.

Ebola is a hemorrhagic fever disease without any known vaccination and without a cure. The treatment of Ebola patients consists of providing patients with hydration and electrolytes with the hope that the immune system of the patient will be strong enough to combat the disease. In the past few months 887 individuals in Western Africa: Sierra Leon, Liberia, Guinea and lately Nigeria have died of Ebola and 1600 are currently infected. Typically, death rate from Ebola is 90%. Currently,

with hydration and electrolyte palliative treatment, the death rate is lower, hovering around 50-60%.

Ebola is highly contagious. A hundred (100) doctors and other medical professionals who were wearing the full HazMat gear ended up contracting Ebola and sixty (60) of them died. Previously, it was believed that Ebola can be only contracted by contact with body secretions of an infected individuals, such as saliva, blood, sweat, urine. Currently, CDC suspects that the virus might have mutated and can be airborne and transferred by air.

At the moment, eight individuals are being tested for Ebola in the US. They came into contact with one individual who travelled to Western Africa.

In Nigeria, eight individuals were infected with Ebola after US-Liberian dual citizen travelled by plane three legs of a flight which originated in Liberia. This individual died shortly after his flight. He was en route to U.S.

A number of suspected Ebola cases are reported in the US, specifically WABC reported that an individual who recently came from Western Africa, is currently in isolation at Mount Sinai hospital due to suspected Ebola infection: "Mount Sinai Hospital is performing tests on a patient who had recently traveled to a West African country where Ebola has been reported, the hospital says"

A male patient with high fever and gastrointestinal symptoms came to the hospital's emergency room on Monday morning, officials said. “

<http://7online.com/health/mount-sinai-patient-tested-for-ebola-virus/239663/> Exhibit

4.

In Medieval times, countries were conquered when advancing hordes either sent individuals with the Small Pox (Black Plaque) into the cities or catapulted diseased animals inside the city walls. Today, we are seeing an explosion of terrorist organizations in the Middle East. A number of these organizations are involved in drug trade originating in Western Africa. These organizations are united by the hate of Western nations and Western values, they consider U.S. to be the Great Satan and eager to defeat the U.S. These organizations are using young children and women as suicide bombers. It is not out of realm of possibility that these organizations might use a “shahide,” a martyr, who instead of donning a suicide belt, will get into contact with an Ebola patient and travel to US, infecting hundreds, if not thousands of people at sports events, subways, theaters or clubs. BeforeTheNews.com reports:

“The drug trade in West Africa is tied to Hamas, the Muslim Brotherhood, al-Qaeda and now probably ISIS. This is an ominous discovery because it now opens the possibility that Ebola could be purposely sent to the United States with West African drug couriers. An organization, such as Hamas, could arrange to have a number of West Africans to become exposed to the virus and then fast track them across the southern border under the guise of trafficking in drugs.

In late June of this year, The [London Guardian](#) described the West Africans role in trafficking drug into Europe and South America (i.e. SANCHEZ-Peredes cartel). Therefore, this pathway has been established in the media.

OTHER COUNTRIES ARE SUSPENDING FLIGHTS TO AND FROM REGIONS AFFECTED BY EBOLA

Exhibits 2, 3 provide reports of suspension of flights to the areas with deadly Ebola Epidemics. United Arab Emirates have suspended all flights to the nations with known Ebola cases.

“Dubai-based airline Emirates has suspended its flights to the West African nation of Guinea on concerns about the spread of the Ebola virus there.

The airline — the biggest in the Middle East and one of the world's top carriers of international passengers — suspended its service between Dubai and the Guinean capital of Conakry on Saturday. Emirates says the flights will remain grounded until further notice.

Guinea is one of several West African nations hit hard by an outbreak of Ebola. More than 700 deaths have been reported in the West African nations of Guinea, Liberia and Sierra Leone.

Fast-growing Emirates has become one of the world's busiest airlines, its hub in Dubai now a major global crossroads for air travel. Flights from the airport reach all corners of the globe as Emirates funnels connecting passengers through Dubai.

Emirates began flying to Guinea in October 2013.

Emirates tells The Associated Press it will continue to fly to Senegal, which borders Guinea to the north. The carrier tells the news agency it "will be guided by the updates from international health authorities."

Emirates' move comes after U.S. health officials issued a travel warning Thursday for Liberia, Guinea and Sierra Leone.

"Ebola is worsening in West Africa," Thomas Frieden, director of the Centers for Disease Control and Prevention, said in announcing the advisory against "non-essential" travel to those nations."

<http://www.usatoday.com/story/todayinthesky/2014/08/04/emirates-suspends-guinea-flights-on-ebola-concerns/13564029/>

Today, on August 4, 2014, British Airways announced that they suspended all of their flights to Sierra Leone and Liberia due to the danger to public health.

“British Airways has cancelled flights to Sierra Leone and Liberia, cutting off the only direct links between Britain and the Ebola-infected area of West Africa.

The airline, which operates a direct flight four times a week from London to Sierra Leone and on to Liberia, suspended the flight “due to the deteriorating public health situation in both countries”.

It follows warnings at the weekend from the World Health Organization that the outbreak, which has killed nearly 900 people since February, was spreading faster than it could be controlled. Health officials are believed to be particularly concerned about Liberia, where staff are understood to have fled hospitals in some areas because of fears that they themselves could become infected.

A statement from British Airways sent to travel companies said: “British Airways services from London Heathrow to Freetown and Monrovia will be temporarily suspended from tomorrow, 6 August until 31 August 2014, due to the deteriorating public health situation in both countries.”

The BA move follows some other international airlines serving the two countries, as well as neighbouring Guinea, which is also affected, though others are still operating to all three.

It comes as health officials revealed that an American who died of Ebola in Nigeria last month is now believed to have infected at least eight other people with the disease.

Patrick Sawyer, a Liberian finance ministry employee with joint American and Liberian citizenship, died in the capital, Lagos, shortly after arriving by air.

Nigeria's health commissioner, Jide Idris, said all of the eight suspected Ebola cases in Lagos involved people who had been in contact with Mr. Sawyer. So far, two were confirmed as having the disease, one of them a doctor who had looked after him.

Since Mr Sawyer's case emerged, health officials have tried to find and monitor anyone who came into contact with him, including fellow plane passengers at higher risk because of the enclosed environment.

Six others known to have made contact with Mr Sawyer have been put into quarantine but are not yet showing symptoms. It was not clear whether they had been in touch with Mr Sawyer before or after his plane journey.

A specially-equipped charter plane also transported Nancy Writebol, an Ebola-stricken American aid worker, to the disease hospital in Atlanta, Georgia, where her colleague Dr Kent Brantly was already receiving treatment. There is no cure or vaccine for Ebola, but both US patients have received an experimental serum.

Bruce Johnson, president of the missionary group for which Ms Writebol works, said it was having less effect on her than on Mr Brantly because of her “more weakened condition”.

Ms Writebol arrived at the hospital in Atlanta shortly before 1pm and was wheeled into the hospital strapped onto a gurney and dressed in a protective suit. She did not walk, as Dr Brantly had when he arrived at the hospital last weekend.

Separately, doctors in New York were testing a patient with symptoms similar to those of Ebola - vomiting, diarrhea, fever and sometimes bleeding - who had recently travelled to West Africa, but said it was not likely to be the disease.”

<http://www.telegraph.co.uk/news/aviation/11013996/Ebola-outbreak-BA-suspends-flights-to-Sierra-Leone-and-Liberia-over-virus.html>

So far U.S. government did not suspend any travel to the nations affected by Ebola.

**CONGRESSMAN GRAYSON WROTE AN OPEN LETTER TO
DEFENDANT JEH JOHNSON, SECRETARY OF HOMELAND
SECURITY, DEMANDING BAN ON FLIGHTS FROM AREAS
AFFECTED BY EBOLA, NO KNOWN RESPONSE OR ACTION FROM
JOHNSON SO FAR**

Exhibit 5 is a July 29, 2014 open letter sent by Congressman Alan Grayson to the Secretary of State, John Kerry and the Defendant, Jeh Johnson. Grayson states:

“Dear Secretary Kerry and Secretary Johnson,

I write to request the imposition of a travel ban on the citizens of Guinea, Liberia and Sierra Leon, and any foreign persons who visited one of these nations in the past 90 days prior to arriving in the United States. I also ask that this ban be expended to any other nation that reports originating a case of Ebola virus disease (“Ebola”), and that travel restrictions be removed only when 90 days have passed without a newly reported case.

The current Ebola epidemic spreading throuut West Africa, is the worst in recorded history. According to the World Health organization, through July 23rd there have been 1,201 suspected cases, and 672 deaths attributed to those cases. Unfortunately, these numbers are a week old, they have likely grown. Additionally the ministry of Health of Nigeria reported the first probable Ebola case on Friday, which was attributed to a visiting U.S. citizen. Reportedly, Patrick Sawyer, of Coon Rapids, Minnesota, travelled by air to Lagos, Nigeria, became symptomatic while travelling, as admitted to the hospital on July 20th (upon arrival in Nigeria), and succumbed to the disease of July 25th. This latest development is particularly troubling because Murtala Muhammed International Airport in Lagos is the third busiest airport in Africa, and it offers direct flights to the United States. I urge you

to consider the enhanced danger Ebola now presents to the American people, and therefore request that appropriate travel restrictions be implemented immediately.

I believe that you have the legal authority to implement this request, but if you believe otherwise, please let me know immediately” *id* July 29.2014 letter from Congressman Grayson to the defendant, Secretary of Homeland Security Johnson.

From July 29, 2014 until today August 4, 2014, for approximately a week, there is no known response from the defendant, Secretary of Homeland security Johnson, and no travel restriction were implemented, which requires an action by this court to issue a travel ban on all individuals travelling from the nations with known Ebola cases.

Additionally, any individuals, who arrived in the U.S. legally or illegally, and who visited the nations with known Ebola cases, have to be quarantined for 21 days, which is an incubation period from the time of contraction of the disease to the onset of the symptoms of the disease. Without a ban on travel and quarantine thousands of U.S. citizens will be exposed to this deadly disease and 50-90% of them will die a terrible death.

**THERE ARE PRECEDENTS OF THE U.S. BANNING TRAVEL TO
OTHER NATIONS, AMONG THEM RECENT BAN TO TRAVEL TO TEL**

AVIV

USA Today reported:

“For the first time in more than two decades, major international flights were suspended to Israel's main airport Tuesday because of rocket fire from the Gaza Strip, limiting Israel's access to allies around the world as the latest military confrontation with Hamas deepens.

The move by international carriers and the U.S. Federal Aviation Administration was a reflection of growing anxiety over the vulnerability of global air travel following Thursday's downing of Malaysia Airlines Flight 17 over eastern Ukraine, killing all 298 people aboard.

The FAA imposed a 24-hour ban on flights to Israel after several U.S. airlines acted. Germany's Lufthansa, Italian airline Alitalia and Air France made similar moves before the European Aviation Safety Agency issued an advisory. Israeli airline El Al maintained a regular flight schedule.

Not since 1991, during the Persian Gulf War, has travel from the west been so disrupted to Tel Aviv's Ben Gurion Airport, the primary international gateway to the Jewish nation.

The suspension of flights was at least a temporary victory for Hamas, which has threatened to shut down the airport in the past and, in the most recent fighting, has shown increasing range and prowess at firing rockets from positions in Gaza to disrupt life in Israel.”

<http://www.usatoday.com/story/news/world/2014/07/22/ben-gurion-airport/13015887/> Exhibit 7

Above article shows that the U.S. government and the U.S. President by and through different governmental agencies, ban travel to and from other nations in cases of a concern to public safety.

Similarly, a ban can be imposed by the defendants or the court on travel to nations with deadly diseases, which represent clear and present danger to public health.

The case at hand started with an application for stay/ injunction addressing porous borders and defendants instead of deporting, are transporting all over the U.S. illegal immigrants, many of whom are afflicted with multiple infectious diseases. Exhibits 6 “Illegal Aliens and American medicine” Madeline Pelter Cosman, PhD, Esq, Journal of American Physicians and Surgeons Volume 10, Number 1, Spring 2005, highlights an enormous danger represented by the open borders and lack of deportation of illegals, such as spread of resistant TB, Leprosy, Chagas disease, polio, Hepatitis A, B and C and others. While the court and the defendants were reviewing the original application for stay, DBP reported that 71 individuals from the nations with known Ebola epidemics crossed the U.S. –Mexican border illegally.

Due to grave danger to the public at large, there is good cause for this court to expand the scope of the stay/injunction, which was originally requested and seek not only a quarantine of ones who came here illegally and represent a danger to public health, but also to ban arrivals, illegal or legal, from the areas affected by a deadly Ebola epidemic.

**THE COURT IS REQUESTED TO RETAIN THE JURISDICTION
OVER THIS CASE AFTER THE DECISION ON THE ORIGINAL
STAY/INJUNCTION**

In case the court grants the original injunction, Plaintiff is asking this court to retain the jurisdiction over this case and not to close the case. This request is made for the purpose of the oversight of compliance and due to the fluid situation in relation to the deadly diseases, such as Ebola and resistant Tuberculosis.

This is a serious issue of public concern. Defendant Sylvia Burwell, Secretary of Health and Human Services, does not possess any medical education, training or background and was completely MIA (missing in action) during this whole development of proliferation of Ebola, Tuberculosis and other infectious diseases. Burwell's background and education is in political science. The same is true in regards to other defendants. So far there was no will and no attempt by the defendants to turn around and deport the illegals. The opposite is true, defendants made tremendous efforts to disperse the illegals, many of whom are affected by multiple infectious diseases, all over this nation, as far as Alaska, even though the flight to Alaska is two-three times longer than the flights to the countries of origin of these illegals.

We have seen either total incompetence or intentional violations of Title 18 by the defendants with a goal of flooding the nation with the cheap labor to satisfy the donors and campaign contributors and in order to create Democratic party voters as more than two thirds of the illegals and possibly as much as 90% , vote for the Democrats.

Regardless of the motivation: be it lack of knowledge or intentional action, we have a serious humanitarian crisis and the court supervision will be necessary to make sure the actions are taken and individuals are quarantined and ones, who are here illegally, are either deported or receive a “clean bill of health” from the law enforcement, a medical doctor and a deportation judge.

There are known precedents of the court retaining its’ jurisdiction:

Anago Franchising, Inc. v. Shaz, LLC

United States Court of Appeals, Eleventh Circuit. April 23, 2012 677 F.3d 1272 2012 WL 1380417

“...For district court to retain jurisdiction over settlement agreement where stipulation of dismissal, signed by all parties who have appeared, has been filed, either (1) court must issue order retaining jurisdiction prior to filing of stipulation, or (2) parties must condition effectiveness of stipulation on court's entry of order retaining jurisdiction. Fed.Rules Civ.Proc.Rule 41(a)(1)(A)(ii), 28 U.S.C.A....”

In re Ashley Stewart Holdings, Inc.

United States Bankruptcy Court, D. New Jersey. March 12, 2014 No. 14-14383-MBK.

...32. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order....

Pamela Kincaid, individually and on behalf of those similarly situated v. City of Fresno, California Department of Transportation

United States District Court, E.D. California. July 25, 2008

...The district court retained jurisdiction for five years to ensure compliance....

Retaining the jurisdiction is justified in this case and will be in furtherance of public interest.

Plaintiff requests the court to grant her pro hac vice and certify her as a representative of a class

Plaintiff herein filed the case at hand pro se. Plaintiff is a Doctor of Dental Surgery and an Attorney, licensed in the State of California and admitted to the bar of several federal courts, including Ninth Circuit Court of Appeals, Third Circuit Court of Appeals, Supreme Court of the United states and International Criminal bar in Hague.

In the state of Texas she was allowed to present oral argument pro hac vice without a local sponsoring attorney in Jody A. Brockhausen vs Esparanza Andrade, Office of the Secretary of State; Case: 08-1001-C368 (PDF); Filed in District Court for the 368th Judicial District, Williamson County, Texas.

Taitz is the President of "Defend Our Freedoms" Foundation, California foundation dedicated to the preservation of the Constitutional and Civil freedoms of the U.S. Citizens. Taitz is working pro bono and cannot afford to retain a local sponsoring attorney. However, due to her prior admittance and pro hac vice

allowance in several courts, as described above, she is requesting this honorable court to admit her pro hac vice in this case without a sponsoring attorney.

Should this court allow Taitz to act pro hac vice, she requests a class certification, as well as certification of her as a class representative and as an attorney representing the class. Such class certification is justified for following reasons:

1. There is a distinct class of individuals affected by the conduct of the defendants. Such class represents individuals who are in a close contact with patients carrying infectious diseases, who are being currently dispersed all over the nation by the defendants. This class consists of doctors, nurses, health care professionals and care givers. Taitz and other representatives of this class are in close contact with the patients and are likely to be infected with deadly diseases, such as Ebola and resistant Tuberculosis by doing surgery, handling patient's blood and tissues, being exposed to patient's cough, vomit, sweat, blood and so on.

As previously stated, 60 medical doctors and nurses died in the past several months handling infected patients. As such, there is a distinct class.

2. Class certification will serve judicial economy and will prevent multiple redundant legal actions.

3. Class certification will prevent conflicting legal findings and conflicting decisions by different courts.

4. ..In order to satisfy requirement for certification of class action that named parties will fairly and adequately protect interests of class, class representative must be part of class and possess same interest and suffer same injury as class members. Fed.Rules Civ.Proc.Rule 23(a)(4), 28 U.S.C.A.... Amchem Products, Inc. v. Windsor Supreme Court of the United States June 25, 1997 521 U.S. 591 117 S.Ct. 2231

Defendant, who is a licensed Doctor of Dental Surgery and a licensed attorney will fairly and adequately represent interests of the class, as well as interests of members of her foundation, Defend Our Freedoms Foundation, who happened to be members of the same class. Taitz is a member of the class and possesses the same interests and injury as the other members of the class, as being a doctor and a health care professional, she is exposed to a heightened risk of deadly infectious diseases, including Ebola and resistant Tuberculosis.

Based on all of the above class certification is justified.

CONCLUSION

1. Due to the epidemic of deadly Ebola disease, which has 50-90% death rate and due to the epidemic of the resistant Tuberculosis, this court should expedite the stay/injunction in the above captioned case and expand stay/injunction as follows:

2. This court should stay/suspend any and all arrivals from the countries and regions with known Ebola cases, including, but not limited to Liberia, Sierra Leon, Ivory Cost, Guinea and Nigeria until twenty one (21) days from the last known Ebola patient in the aforementioned region has either passed away or has been cured and declared healthy.
3. This court should an order or a Writ of Mandamus for Defendant Jeh Johnson, Secretary of Homeland Security, to seek a manifest of all passengers arriving in the U.S. by planes, ships, buses or other modes of transportation and seek information from the carriers, whether any of the passengers visited countries or regions with known Ebola cases. Secretary of Homeland Security is to ban embarking on the U.S. bound carriers of any passengers who visited countries with known Ebola cases. Carriers, which fail to prevent embarkation for individuals who visited the Ebola regions in the past 21 days, should be turned back and refused landing rights and disembarkation in the U.S in order to prevent contamination and prevent spread of epidemics.
4. This court should retain jurisdiction over this matter after the ruling on the initial emergency stay and should conduct status/ compliance hearings to ascertain the progress in abating this large invasion of illegal aliens, transportation of illegal aliens by the defendants around the country, spread

of deadly and other infectious diseases, spread of crime and terrorism coming from the outside of the U.S. borders through illegal immigration and legal immigration by infected individuals.

5. This court should grant the plaintiff class action status and allow the plaintiff, California licensed attorney, to serve as an attorney for the class of affected individuals.

Respectfully submitted



/s/ Dr. Orly Taitz, ESQ

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Exhibit 1