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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**HONORABLE DAVID O. CARTER, JUDGE PRESIDING**

- - - - -

ALAN KEYES, PH.D., ET AL., )  
 )  
Plaintiffs, )  
 )  
vs. ) No. SACV 09-0082 DOC  
 ) Item No. 6  
BARACK H. OBAMA, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
Hearing on Motions  
Santa Ana, California  
Monday, July 13, 2009

Debbie Gale, CSR 9472, RPR  
Federal Official Court Reporter  
United States District Court  
411 West 4th Street, Room 1-053  
Santa Ana, California 92701  
(714) 558-8141

09cv0082 Obama 2009-07-13 Item 6

1 **APPEARANCES OF COUNSEL:**

2  
3 FOR THE PLAINTIFFS:

4 ORLY TAITZ, DDS, ESQUIRE  
5 Defend Our Freedoms Foundation  
6 26302 La Paz  
7 Suite 211  
8 Mission Viejo, California 92691  
9 (949) 683-5411

10 FOR THE UNITED STATES OF AMERICA:

11 U.S. DEPARTMENT OF JUSTICE  
12 UNITED STATES ATTORNEY'S OFFICE  
13 BY: DAVID A. DeJUTE  
14 Assistant United States Attorney  
15 300 North Los Angeles Street  
16 Suite 7516  
17 Los Angeles, California 90012  
18 (213) 894-2574

19 ALSO PRESENT:

20 Charles Lincoln, Law Clerk for Ms. Taitz  
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I N D E X

**PROCEEDINGS**

**PAGE**

Motion by Plaintiffs for Reconsideration of  
Order to Show Cause or, in the alternative, to  
Certify Question for Appeal

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1                   **SANTA ANA, CALIFORNIA, MONDAY, JULY 13, 2009**

2                                   **Item No. 6**

3                                   (9:50 a.m.)

09:49    4                   THE COURT: Alan Keyes v. Barack Obama.

09:50    5                   Who represents Alan Keyes?

09:50    6                   MS. TAITZ: I am. I am, Your Honor.

09:50    7                   THE COURT: Who are you?

09:50    8                   MS. TAITZ: My name is Orly Taitz.

09:50    9                   THE COURT: Have a seat and pull the microphone  
09:50   10                  closer so I can hear you.

09:50   11                  MS. TAITZ: Yes.

09:50   12                  THE COURT: You have a soft voice.

09:50   13                  MS. TAITZ: Can you hear me now?

09:50   14                  THE COURT: Yeah, I can hear you now.

09:50   15                  MS. TAITZ: Can you hear me, Houston?

09:50   16                  THE COURT: Just like that ad, "Can you hear me  
09:50   17                  now?"

09:50   18                  MS. TAITZ: I'm Orly Taitz. I'm a pro bono  
09:50   19                  attorney, as well, and I'm representing Ambassador Keyes.

09:50   20                  THE COURT: Pleasure to meet you.

09:50   21                  Who's with you today?

09:50   22                  MR. LINCOLN: Law clerk. Charles Lincoln.

09:50   23                  THE COURT: Nice meeting you. It's a pleasure.

09:50   24                  And on behalf of Barack Obama?

09:50   25                  MR. DeJUTE: Not on behalf of Barack Obama yet,

09:50 1 Your Honor.

09:50 2 On behalf of the United States, David A. DeJute,  
09:50 3 Assistant U.S. Attorney.

09:50 4 THE COURT: Okay. And where are you located?

09:50 5 MR. DeJUTE: In Los Angeles at the U.S. Attorney's  
09:50 6 Office.

09:50 7 THE COURT: Okay. And once again your name,  
09:50 8 slowly.

09:50 9 MR. DeJUTE: My first name is David. My last  
09:50 10 name, "DeJute," D-E, capital J-U-T-E.

09:51 11 THE COURT: Thank you very much. Why don't you  
09:51 12 have a seat also. Move the microphone closer.

09:51 13 This is a motion for reconsideration. And it  
09:51 14 really doesn't matter which party I hear from first.

09:51 15 MS. TAITZ: First of all, I would like to object  
09:51 16 to the U.S. Attorney's Office representing Mr. Obama.  
09:51 17 Mr. Obama was served as an individual. He was served on the  
09:51 18 inauguration date for something that was done before the  
09:51 19 election, specifically, obfuscating all of his vital  
09:51 20 records.

09:51 21 Mr. Obama has presented a computerized image of a  
09:52 22 short-form birth certificate. And, in spite of numerous  
09:52 23 legal actions -- and to the best of my knowledge, there were  
09:52 24 over a hundred such actions -- Mr. Obama has never  
09:52 25 provided -- never consented to release of original records

09:52 1 or certified copies of the original records.

09:52 2 I have gathered statements from experts, one of  
09:52 3 them Sandra Ramsey Lines.

09:52 4 THE COURT: I'm sorry. Senator?

09:52 5 MS. TAITZ: Sandra Ramsey Lines. She's one of the  
09:52 6 top forensic document experts showing that there are  
09:52 7 numerous signs of forgery on the Certification of Live Birth  
09:52 8 that was presented on the internet.

09:52 9 THE COURT: Okay.

09:52 10 MS. TAITZ: The serial number is obliterated. For  
09:52 11 that reason alone, this piece of paper is worthless. It's a  
09:53 12 computer image of a worthless piece of paper because if  
09:53 13 there is no serial number it means absolutely nothing.  
09:53 14 Aside from that, there are a number of statements from  
09:53 15 experts showing that there is forgery in that document.

09:53 16 I have additionally provided information in  
09:53 17 terms -- from federal agent Mr. Steven Kaufman (*phonetic*)  
09:53 18 from Texas, showing that there are numerous signs of forgery  
09:53 19 in Certification of Live Birth -- I'm sorry -- in Selective  
09:53 20 Service Certificate of Mr. Obama.

09:53 21 I personally have filed several legal actions.  
09:53 22 One of them was *Lightfoot v. Bowen*. One of the plaintiffs  
09:53 23 is right here. And every time when a subpoena for  
09:53 24 production of records was issued, Mr. Obama -- Mr. Obama's  
09:54 25 attorneys have filed a motion to quash any such subpoenas.

09:54 1 And Your Honor's -- from what I understand, you  
09:54 2 were the judge that decided that there is a prevailing right  
09:54 3 of public to know -- I believe it was in Bob Citron's case.  
09:54 4 If the public has a right to know --

09:54 5 THE COURT: I got reversed by the California  
09:54 6 Supreme Court, by the way.

09:54 7 MS. TAITZ: Well, they were wrong.

09:54 8 THE COURT: It involved transcripts concerning the  
09:54 9 bankruptcy, and --

09:54 10 MS. TAITZ: Exactly.

09:54 11 THE COURT: -- as an aside, since you raised that,  
09:54 12 it was a very interesting case. Because I'm well aware that  
09:54 13 Grand Jury transcripts are normally kept secret. I thought,  
09:54 14 though, that the -- there have to, on occasion, be great  
09:54 15 exceptions. And the public has to have transparency. And  
09:54 16 what was of great concern to this Court was that the whole  
09:55 17 process involving the auditor/controller and these reverse  
09:55 18 derivatives in the Grand Jury process had lead to a  
09:55 19 resolution, a plea bargain of this case right before alleged  
09:55 20 indictments were to be handed down involving Merrill Lynch.

09:55 21 MS. TAITZ: And I can tell you, if the issue of  
09:55 22 derivatives would have been transparent then, since '94,  
09:55 23 maybe we wouldn't be going into bankruptcy today.

09:55 24 THE COURT: It's amazing how that thought occurred  
09:55 25 to me the other day; that we're right back in a circle, with

09:55 1 a tremendous amount of the County's investments, over  
09:55 2 18 percent in, if not reverse derivatives, something that is  
09:55 3 not understandable.

09:55 4 Now, I have no comment on that. It's not in front  
09:55 5 of me. But that's why transparency is so important.

09:55 6 MS. TAITZ: Exactly. And specifically on the  
09:56 7 issue of Mr. Obama's legitimacy for presidency. Moreover, I  
09:56 8 have worked with Mr. Neal Sankey, S-A-N-K-E-Y. He is a  
09:56 9 licensed investigator with 20 years of experience with  
09:56 10 Scotland Yard and over 15 years of experience in this  
09:56 11 country. And the fact that is the most troubling in this  
09:56 12 case is that, according to national databases -- the most  
09:56 13 well-accepted database is LexisNexis and ChoicePoint --  
09:56 14 there are 140 different addresses all over the country for  
09:56 15 "Barack Hussein Obama" and those addresses are connected to  
09:56 16 39 different social security numbers.

09:56 17 And what is even more troubling, that the social  
09:56 18 security number that is used most commonly is one that  
09:57 19 starts with 046. Mr. Obama has used it in Somerville,  
09:57 20 Massachusetts, when he went to Harvard. He used it in  
09:57 21 Chicago, and he used it in Washington DC. This social  
09:57 22 security number was issued in the state of Connecticut, even  
09:57 23 though Mr. Obama has never lived in the state of  
09:57 24 Connecticut. And even more troubling, it shows that the  
09:57 25 owner of the social security is 119 years old, which means



09:57 1 either he's very well preserved, or we have a serious  
09:57 2 problem here that this might be a social security number of  
09:57 3 a deceased person.

09:57 4 Aside from that, Mr. Obama's grandmother, Madelyn  
09:57 5 Payne Dunham was a volunteer in Oahu Circuit Court Probate  
09:57 6 Department.

09:57 7 THE COURT: In Oahu?

09:57 8 MS. TAITZ: Circuit Court, Probate Department.

09:57 9 And that's where one can obtain social security numbers of  
09:58 10 the deceased individuals.

09:58 11 So this is an extremely important issue for the  
09:58 12 national security of this country as a whole.

09:58 13 Aside from that, the state of Hawaii has never  
09:58 14 produced a copy of Mr. Obama's birth certificate due to the  
09:58 15 fact that Mr. Obama refused to sign a consent for such a  
09:58 16 copy. All they stated: That there is a document on file.

09:58 17 And the problem with that, that is -- the State of  
09:58 18 Hawaii is unique. Like no other state in the nation, they  
09:58 19 have a Statute No. 338 that allows foreign-born children of  
09:58 20 Hawaiian residents to obtain Hawaiian birth certificates.  
09:58 21 Moreover, 338-5 allows one to obtain a birth certificate  
09:58 22 based on a statement of one relative only, without any  
09:59 23 corroborative evidence from any hospital. And as a matter  
09:59 24 of fact, what Mr. Obama has posted on the internet, it's a  
09:59 25 document that he obtained only last year during the campaign

09:59 1 that shows no signatures, zero signatures, no name of the  
09:59 2 hospital, no name of the doctor, zero corroborating evidence  
09:59 3 that he was really born in this country.

09:59 4 And since State of Hawaii allows foreign-born  
09:59 5 children to get such birth certificates --

09:59 6 THE COURT: Out of curiosity, I haven't delved  
09:59 7 into the merits. We're still in the procedural phase. And  
09:59 8 this is a curiosity. It has nothing to do with this motion,  
09:59 9 in a sense.

09:59 10 Senator McCain, his opponent, was also born  
09:59 11 outside of the United States.

09:59 12 MS. TAITZ: There is a difference because he was  
09:59 13 born in the zone of Panama Canal, which was a U.S. territory  
10:00 14 at the time.

10:00 15 THE COURT: Whereas, Kenya would not be, or  
10:00 16 Indonesia or whatever?

10:00 17 MS. TAITZ: Not as far as I know -- unless it's  
10:00 18 going to be a 58th state.

10:00 19 THE COURT: So it's not the personage; it's not  
10:00 20 the parents, because there's no contesting that Obama's  
10:00 21 mother is a United States citizen? It's the location  
10:00 22 outside --

10:00 23 MS. TAITZ: Well --

10:00 24 THE COURT: -- the confines of the United States  
10:00 25 or the territories of the United States, the question of

10:00 1 whether he was born in Kenya?

10:00 2 MS. TAITZ: Well, there are two questions  
10:00 3 Your Honor. You're right in that the mother indeed was a  
10:00 4 U.S. citizen. Nobody questions that. You're right in that  
10:00 5 the question -- there is a serious question as to  
10:00 6 Mr. Obama's place of birth. As a matter of fact, the  
10:00 7 Ambassador of Kenya confirmed that he was born in Kenya in  
10:00 8 an interview that was recorded.

10:00 9 But there is yet another issue, and that's meaning  
10:00 10 of what is natural-born citizen. If you recall, just last  
10:01 11 year, when Senator Leahy has announced a nonbinding  
10:01 12 Resolution 511 that was signed by all 100 senators, it was  
10:01 13 stated that Mr. Obama -- I'm sorry -- Mr. McCain is a  
10:01 14 natural-born citizen. And they used two-prong test.  
10:01 15 Because (A) he was born in the zone of Panama Canal, the  
10:01 16 U.S. Territory; but (B) both -- both of his parents were  
10:01 17 U.S. citizens. They didn't state at least one. And I have  
10:01 18 actually traced the meaning -- what is the meaning, because,  
10:01 19 as -- as you know, Constitution does not provide exact  
10:01 20 meaning of natural-born citizen.

10:01 21 And I have a website. I have a lot of followers.  
10:01 22 Get something like eight and a half million hits every  
10:01 23 month. So I ask the followers to send "Black" Dictionaries  
10:01 24 going to first edition. And then I also got Vattel's "Law  
10:02 25 of Nation," because I was trying to ascertain what was the

10:02 1 meaning of the natural-born citizen at the time the  
10:02 2 Constitution was written.

10:02 3 What I found out, that Black Law Dictionary, as  
10:02 4 many people are quoting today, didn't exist for some hundred  
10:02 5 years until after Constitution was written. What existed,  
10:02 6 and what was widely used by the populous, was "The Law of  
10:02 7 Nation." It's a legal treatise written by a well-known  
10:02 8 advocate, well-known attorney and diplomat Emmerich de  
10:02 9 Vattel, which states that natural-born citizen is one when  
10:02 10 is born in the country to parents, both of them citizens of  
10:02 11 this country.

10:02 12 THE COURT: And yet at the time of our first  
10:02 13 President, or at least in George Washington, a significant  
10:02 14 number of persons who could have become president or serve  
10:02 15 in this country did not have parents born here.

10:02 16 MS. TAITZ: Well, you are right about that.  
10:03 17 However, the Constitution provides a grandfather clause. As  
10:03 18 you recall, it states a natural-born citizen is one -- I'm  
10:03 19 sorry -- that the President has to be either natural-born  
10:03 20 citizen, or citizen at the time of adoption of the  
10:03 21 Constitution. So they fit the clause. And I guess, unless  
10:03 22 Mr. Obama is over 200 years old, he's got a problem. He's  
10:03 23 close. He's 119, but not over 200.

10:03 24 THE COURT: Well, most of the Presidents look like  
10:03 25 they've aged that much in office. Now, let me hear from

10:03 1 your opposition for that moment. I'm going to give you  
10:03 2 another opportunity.

10:03 3 Counsel?

10:03 4 MR. DeJUTE: Thank you, Your Honor.

10:03 5 THE COURT: Pleasure. Why don't you -- well, you  
10:03 6 can be seated also, if I can hear you from that microphone,  
10:03 7 or you can use the --

10:03 8 MR. DeJUTE: I don't think well seated, your  
10:03 9 honor.

10:03 10 THE COURT: All right.

10:03 11 MR. DeJUTE: With respect to -- just briefly --  
10:03 12 opposing counsel's statements, you know, she said a lot of  
10:04 13 facts. I'm aware of her website. I'm aware of the  
10:04 14 opposition's website.

10:04 15 THE COURT: Maybe I should get on it?

10:04 16 MR. DeJUTE: Perhaps, Your Honor. Although --

10:04 17 THE COURT: I'm just kidding you, Counsel.

10:04 18 MR. DeJUTE: -- I think that it's fair to say  
10:04 19 that -- from my understanding, there is no factual validity  
10:04 20 in what she's been saying. I've done a lot of reading back  
10:04 21 and forth.

10:04 22 THE COURT: Isn't that why we're here? Right now,  
10:04 23 we're here on a procedural process, in a sense.

10:04 24 MR. DeJUTE: Well, I think I agree with you. The  
10:04 25 reason we're here is not to talk about the substance of the

10:04 1 case.

10:04 2 THE COURT: Correct.

10:04 3 MR. DeJUTE: We're here to talk about whether  
10:04 4 Barack Obama, in his individual capacity, was served.

10:04 5 You know, Dr. Taitz suggests that --

10:04 6 THE COURT: Now, just a moment. I want to cut  
10:04 7 through a lot of this. We could spend months on whether he  
10:04 8 was properly served or not. We could spend months. But  
10:04 9 this service took place in Illinois?

10:04 10 MS. TAITZ: No. Washington DC, Your Honor.

10:04 11 THE COURT: Washington DC?

10:04 12 MR. DeJUTE: Well, if I could just interpose one  
10:05 13 comment?

10:05 14 THE COURT: Yeah.

10:05 15 MR. DeJUTE: Dr. Taitz misspoke when she said he  
10:05 16 was served on inauguration day. The declaration that she  
10:05 17 submitted, with respect to her motion, states that service  
10:05 18 was attempted on February 10th, you know, well after he was  
10:05 19 inaugurated and at the White House.

10:05 20 THE COURT: A curiosity: Between the two of you,  
10:05 21 why wasn't service perfected before the inauguration?

10:05 22 In other words -- hold on for just a second.  
10:05 23 We've got all day. We've got all night. Okay? And it may  
10:05 24 have nothing to do with anything. But if I didn't want a  
10:05 25 President to come into office, and I thought that that

10:05 1 person did not have the legal right to be President of the  
10:05 2 United States, why wouldn't I file prior to inauguration to  
10:05 3 stop the harm?

10:05 4 MS. TAITZ: And I sure did, Your Honor. I filed  
10:05 5 numerous legal actions prior to inauguration. One was filed  
10:05 6 in November. It was --

10:06 7 THE COURT: Just a moment. Where?

10:06 8 MS. TAITZ: In the State of California, in the  
10:06 9 Supreme Court of the State of California.

10:06 10 THE COURT: Just a moment. Why?

10:06 11 MS. TAITZ: That was -- *Lightfoot v. Bowen* was  
10:06 12 filed to stop certification of the electoral votes. It  
10:06 13 was -- "Bowen," as you know, Secretary of State --

10:06 14 THE COURT: Just a moment. Why didn't you go to  
10:06 15 Washington DC and file it?

10:06 16 See, what I'm worried about is that there are a  
10:06 17 lot of places in the country that can accept service on  
10:06 18 behalf of the United States. But there's nothing like  
10:06 19 Washington DC to get this case above the radar; in other  
10:06 20 words, so people are aware of it.

10:06 21 MS. TAITZ: Oh, I went to Washington DC. As a  
10:06 22 matter of fact, I reached the Supreme Court of the  
10:06 23 United States, and Chief Justice John Roberts agreed to hear  
10:06 24 my case in conference. He distributed *Lightfoot v. Bowen*  
10:06 25 for conference of all nine justices.

10:07 1 THE COURT: What date?

10:07 2 MS. TAITZ: Uh, well, I filed in November, but he  
10:07 3 scheduled it for January the 23rd.

10:07 4 THE COURT: Oh, I see.

10:07 5 MS. TAITZ: And the issue there was that the case  
10:07 6 was right there on the docket before the inauguration; and  
10:07 7 then the next day after inauguration, the case disappeared.  
10:07 8 Somebody erased it. And I have confronted Justice Scalia  
10:07 9 when he was --

10:07 10 THE COURT: Thank you very much. We'll come back  
10:07 11 to you. Then, Counsel, please proceed.

10:07 12 MR. DeJUTE: Thank you.

10:07 13 With respect to that last point, Your Honor: Why  
10:07 14 is this case here and not in Washington DC? Dr. Taitz has  
10:07 15 suggested that she's filed other cases. One involved the  
10:07 16 Pennsylvania Democratic primary, dismissed on standing,  
10:07 17 because the individual plaintiff was not harmed. Another  
10:07 18 one in -- somewhere in the East Coast with a retired  
10:07 19 Lieutenant Colonel, because he was concerned that he  
10:07 20 wouldn't properly be able to serve his Commander-in-Chief,  
10:07 21 again, dismissed on standing. Looked at the website, and  
10:07 22 the suggestion was made, "Let's find a candidate."  
10:08 23 Ambassador Keyes was a candidate in the California primary  
10:08 24 election. And so the suggestion would be, "we can get past  
10:08 25 the standing issue if we can find a viable candidate who ran



10:08 1 against Barack Obama with the allegation that  
10:08 2 President Obama is not eligible under Article II."

10:08 3 THE COURT: I see.

10:08 4 MR. DeJUTE: We could talk all day about the  
10:08 5 facts, Your Honor. And it's easy to make, you know,  
10:08 6 negative aspersions. It's hard to disprove them when we're  
10:08 7 here on, you know, an Order to Show Cause why the case  
10:08 8 shouldn't be dismissed without effecting proper service.

10:08 9 It's clear Your Honor doesn't like to stand on  
10:08 10 technicalities. And we're prepared for a substantive  
10:08 11 discussion. But I think we're entitled to be served  
10:08 12 properly first.

10:08 13 I think Your Honor's previous orders suggested the  
10:08 14 method by which the United States or Barack Obama proceed  
10:09 15 properly under Rule 4(i). I don't think there can be any  
10:09 16 serious question that the lawsuit is suing an officer of the  
10:09 17 United States in his official capacity. The lawsuit seeks  
10:09 18 to declare Barack Obama ineligible to be President, and  
10:09 19 thereby prevent him from continuing in office. He's not an  
10:09 20 officer of the United States. He's "the" officer of the  
10:09 21 United States. And I think he's entitled to service in that  
10:09 22 capacity. And I can assure you the United States Attorney's  
10:09 23 Office for the Central District has never been served with  
10:09 24 this matter. On that ground alone, effective service has  
10:09 25 not been made.

10:09 1 THE COURT: The United States Attorney's Office,  
10:09 2 though, could be served in Los Angeles. It could be served  
10:09 3 here in Orange County, couldn't they?

10:09 4 MR. DeJUTE: I'm not sure if it could be served in  
10:09 5 Orange County. I believe so. I know it -- for certain, it  
10:09 6 could be served in Los Angeles.

10:09 7 THE COURT: What I'm driving at is this. I'll  
10:09 8 come back to what I just said to prior counsel.

10:10 9 The law abhors closed courtroom doors. And the  
10:10 10 process and technicality of how counsel get here can be  
10:10 11 exacerbating. And I intend on that prior case to cut  
10:10 12 through that nonsense. And I intend on this case to cut  
10:10 13 through that nonsense.

10:10 14 MR. DeJUTE: I'm not surprised, Your Honor.

10:10 15 THE COURT: There's no reason that this case can't  
10:10 16 be here, or Washington DC, or wherever. I don't care where  
10:10 17 it is. By the same token, it sounds to me like there hasn't  
10:10 18 been a forum for this for some significant period of time.

10:10 19 And somehow there has to be a forum someplace.  
10:10 20 Now, how are we going to accomplish that?

10:10 21 MS. TAITZ: Your Honor --

10:10 22 THE COURT: No. Believe it or not, I wasn't  
10:10 23 speaking to you. I'll come back to you in just a moment.  
10:10 24 And when I want to hear from you, I'll look at you and  
10:10 25 smile. I'm not smiling right now.

10:10 1 MR. DeJUTE: He's not smiling at me either.

10:10 2 I think I can answer the question, Your Honor.

10:10 3 THE COURT: No, no. I've done this on so many

10:11 4 cases: Why can't she simply serve you today in court?

10:11 5 MR. DeJUTE: Because I'm not authorized to accept

10:11 6 service.

10:11 7 THE COURT: Well, go get somebody who is.

10:11 8 MR. DeJUTE: Well, the people that are authorized

10:11 9 to accept service --

10:11 10 THE COURT: Do you see what I'm hearing? I'm

10:11 11 hearing a big run-around, a big circle.

10:11 12 MR. DeJUTE: Uh --

10:11 13 THE COURT: No. Hold on for a second.

10:11 14 You can go get somebody in here.

10:11 15 And you can serve him.

10:11 16 And then we can cut through whether it's

10:11 17 Pennsylvania, Washington DC -- this is taking too much time.

10:11 18 And this is taxpayer money. This isn't your money; this is

10:11 19 taxpayer money we're spending right now. And this is a

10:11 20 process and procedure that's going to come to an end.

10:11 21 Who's authorized to accept service?

10:11 22 MR. DeJUTE: The civil clerk.

10:11 23 THE COURT: Just a moment.

10:11 24 *(Court and court clerk confer.)*

10:11 25 THE COURT: They're authorized downstairs to

10:11 1 accept service. Go serve 'em.

10:11 2 MS. TAITZ: Are you --

10:11 3 THE COURT: Because, if you don't, what's going to  
10:11 4 happen is we're going to end up getting involved in this  
10:11 5 continuing process of whether this was valid service or not.  
10:12 6 And you're gonna end up litigating process and procedure for  
10:12 7 the term of this administration.

10:12 8 So if you want to get to the merits between the  
10:12 9 two of you, just get proper service. And serve  
10:12 10 downstairs -- and they're authorized to take it -- and do it  
10:12 11 now.

10:12 12 Now, if you don't -- if you want to spend your  
10:12 13 time going through this process, then you can come back and  
10:12 14 visit me every week if you would like to, and we'll have lot  
10:12 15 of hearings.

10:12 16 Now, you continue on.

10:12 17 MR. DeJUTE: Well, I think it's time for me to  
10:12 18 say: I concur with Your Honor.

10:12 19 THE COURT: Yeah. Now, let me hear from your  
10:12 20 opposition 'cause I'm smiling at her.

10:12 21 I'm just kidding you, Counsel. Now, Counsel, your  
10:12 22 turn.

10:12 23 MS. TAITZ: Well, since you are smiling at me now,  
10:12 24 I would continue on the issue of taxpayer's money. The  
10:12 25 whole point is Mr. Obama does not get to use our taxpayer's

10:12 1 money to cover up --

10:12 2 THE COURT: No, no, Counsel. I'm not going to let  
10:13 3 you go there. This is a waste of time. You could properly  
10:13 4 serve -- and I'm trying to help you cut through the  
10:13 5 bureaucratic nonsense. You can have authorized service that  
10:13 6 can take place in this building today.

10:13 7 If you want to continue procedurally, I won't cut  
10:13 8 you off again. But I can guarantee you that process is  
10:13 9 gonna be almost never ending, because you've already failed.  
10:13 10 You failed in Pennsylvania.

10:13 11 MS. TAITZ: I never filed in Pennsylvania.

10:13 12 THE COURT: You failed in --

10:13 13 *(To the Court Reporter:)* When I'm speaking,  
10:13 14 you'll take me.

10:13 15 You've failed in Washington. And I'm offering you  
10:13 16 a vehicle and avenue to have this resolved on the merits.  
10:13 17 Now, you're so used to doing battle, you're about to do  
10:13 18 battle with me. I'd suggest you don't, and I suggest you  
10:13 19 rethink it. So I'm going to take a recess. You're going to  
10:13 20 go calm down and go think about this. If you still want to  
10:13 21 proceed in this fashion, so be it.

10:13 22 MS. TAITZ: May I respond?

10:13 23 THE COURT: No, not now. I'm going to take a  
10:13 24 recess, so you have a chance. I've got all day. In other  
10:13 25 words, I'm not pushing you out of court.

10:13 1 MS. TAITZ: Well, can I talk to the U.S. Attorney?

10:13 2 THE COURT: We're in recess. We'll be back in  
10:13 3 10 minutes.

10:13 4 *(Recess held at 10:13 a.m.)*

10:25 5 *(Proceedings resumed at 10:25 a.m.)*

10:25 6 THE COURT: We're back on the record. Let me  
10:25 7 suggest to both of you a process that might get to the  
10:25 8 merits of this.

10:25 9 I'm smiling at you.

10:25 10 On January 20th, 2009, at 3:26 p.m. you brought  
10:25 11 suit against Defendant Obama, Condoleezza Rice in her  
10:25 12 capacity as the former Secretary of State, Robert Mueller in  
10:25 13 his capacity as the Director of the Federal Bureau of  
10:26 14 Investigation, and Michael Hager as the former Director of  
10:26 15 the Office of Personnel Management.

10:26 16 You've alleged that Obama does not meet the  
10:26 17 qualifications required for the Office of the President, as  
10:26 18 specified by Article II, Section 1, Clause [5], of the  
10:26 19 United States Constitution. More specifically, you've  
10:26 20 alleged that the defendant has not shown that he is a  
10:26 21 natural-born citizen of the United States.

10:26 22 And the way we're proceeding, we're never going to  
10:26 23 get to that issue, or at least it's going to take an  
10:26 24 abhorrent amount of time. And if you're really interested  
10:26 25 in this issue, I'm actually showing you a kindness, a way to

10:26 1 get this before a Court quickly, rather than the way that  
10:26 2 this is proceeding.

10:26 3 MS. TAITZ: May I respond?

10:26 4 THE COURT: No, not yet. You've got all night,  
10:26 5 believe it or not. You can have until 8:00 o'clock tonight,  
10:26 6 for all I care, so there's no rush. Okay?

10:26 7 You've argued that there's evidence to show that  
10:26 8 the President was actually born in Kenya and not Hawaii,  
10:26 9 thus making him ineligible to be President of the  
10:26 10 United States.

10:26 11 You've also argued that the President was a  
10:27 12 citizen of Indonesia and he's not gone through the proper  
10:27 13 immigration procedures to regain his United States  
10:27 14 citizenship. In other words, you pointed the Court to two  
10:27 15 different countries potentially that he was either born or a  
10:27 16 citizen of.

10:27 17 In the lawsuit, you appear to be -- the issue  
10:27 18 appears to be the issuance of an -- well, your primary  
10:27 19 objective appears to be the issuance of an injunction  
10:27 20 requiring the President to present any and all documentation  
10:27 21 that he is a natural-born citizen of the United States --  
10:27 22 and you've ably argued today that that's never been  
10:27 23 forthcoming to you, frustratingly so -- and, if he's unable  
10:27 24 to prove citizenship, to have him removed from office.

10:27 25 So if there's an import to this, if there's a

10:27 1 danger, then it would appear to me that you want to  
10:27 2 accomplish that as quickly as possible, not what's happening  
10:27 3 now in this procedural time-consuming circle that everybody  
10:28 4 seems to be going in.

10:28 5 Now, you specifically plead for relief in the form  
10:28 6 of declaratory relief, where the Court will determine  
10:28 7 whether or not the President is a natural-born citizen of  
10:28 8 the United States within the definition of the  
10:28 9 U.S. Constitution; second, a stay of the January 20th, 2009,  
10:28 10 Inauguration of the President due to plaintiffs' substantial  
10:28 11 likelihood of success on the merit -- which has already  
10:28 12 passed now, and getting older; a written mandamus requiring  
10:28 13 Defendants Rice, Hager, and Mueller to produce or compel  
10:28 14 documents proving the President's current citizenship; and  
10:28 15 attorneys fees and costs of the suit.

10:28 16 In the motion before the Court, you've stated that  
10:28 17 you're dismissing Counts 2 and 3 of the Complaint, and  
10:28 18 dismissing all the defendants, except the President. And  
10:28 19 I'll ask you about that in a moment, courteously, to make  
10:28 20 sure that's still your position.

10:28 21 MS. TAITZ: Yes.

10:28 22 THE COURT: On May 12th, this Court issued an  
10:28 23 Order to Show Cause for lack of prosecution, as the Court  
10:29 24 had not received proof of service on various defendants in  
10:29 25 this suit. On May 18th, plaintiffs' filed proof of service



10:29 1 on the President, through Maryann McKernian (*phonetic*), as I  
10:29 2 understand it, who's a mail clerk in Streamwood, Illinois --

10:29 3 MS. TAITZ: No.

10:29 4 THE COURT: -- who's allegedly authorized to  
10:29 5 accept service on behalf of the Department of Justice.

10:29 6 MS. TAITZ: No, no. Uh, she is not a mail clerk.  
10:29 7 She went to the White House --

10:29 8 THE COURT: Oh, I'm going to get there. Believe  
10:29 9 it or not, I read this stuff. Okay. So hang with me for a  
10:29 10 moment.

10:29 11 After service, it's my understanding that she  
10:29 12 literally went to the White House. Now, this gets even more  
10:29 13 bizarre: That she gets on a plane and she flies to the  
10:29 14 White House, and she gives this to a Secret Service agent.

10:29 15 MS. TAITZ: Yes.

10:29 16 THE COURT: That's a baffling process, in and of  
10:29 17 itself: To have somebody get on a plane and give it to a  
10:29 18 Secret Service agent.

10:30 19 Now, on June 1st, 2009, the Court notified  
10:30 20 plaintiffs that their purported proof of service was  
10:30 21 deficient under 4(i)(3), hereinafter "Rule 4(i)(3)."

10:30 22 And it states, Subsection (3):

10:30 23 "Officer or Employee Sued Individually.

10:30 24 "To serve a United States officer or employee sued  
10:30 25 in an individual capacity for an act or omission occurring

10:30 1 in connection with duties performed on the United States'  
10:30 2 behalf, whether or not the officer or employee is also sued  
10:30 3 in an official capacity, a party must serve the  
10:30 4 United States and also serve the officer or employee under  
10:30 5 Rule 4(e), (f), or (g)."

10:30 6 In this motion you've argued that "the above  
10:30 7 portion of Federal Rule of Civil Procedure is inapplicable  
10:30 8 as Federal Rule of Civil Procedure 4(e), hereinafter 4(e),  
10:30 9 should be applied instead."

10:31 10 This provision states in subsection (e):

10:31 11 "Serving an Individual Within a Judicial District  
10:31 12 of the United States.

10:31 13 "Unless federal law provides otherwise, an  
10:31 14 individual, other than a minor and incompetent person or  
10:31 15 person who's waiver has been filed, may be served in a  
10:31 16 judicial district of the United States by:

10:31 17 "First, following state law for serving a summons  
10:31 18 in an action brought in courts of general jurisdiction in  
10:31 19 the state where the district court is located or where the  
10:31 20 service is made; or,

10:31 21 "Two, doing any of the following:

10:31 22 "(a) Delivering a copy of the summons and of the  
10:31 23 complaint to the individual personally.

10:31 24 "(b) Leaving a copy of each at the individual's  
10:31 25 dwelling or usual place of abode with someone of suitable

10:31 1 age and discretion who resides there; or,

10:31 2 "(c) Delivering a copy of each to an agent  
10:31 3 authorized by appointment or by law to receive service of  
10:32 4 process."

10:32 5 You've argued that the Court's June 12th, 2009,  
10:32 6 order finding that service under Rule 4(e) was insufficient  
10:32 7 and requiring service under 4(i) is "manifestly erroneous."  
10:32 8 In the alternative, you move and request that this Court  
10:32 9 exercise its discretion to certify the following question  
10:32 10 for interlocutory appeal.

10:32 11 Now, let me just stop for a moment.

10:32 12 Assuming I was willing to do that, assuming I  
10:32 13 ruled against you for a moment, do you know how long that  
10:32 14 process is going to take? A significant period of time for  
10:32 15 the Ninth Circuit to serve. And what I'm hearing is that  
10:32 16 you want access to a Court immediately to re- -- now, hold  
10:32 17 on. You've got lot of time, believe it or not. You seem  
10:32 18 rushed. Don't be rushed -- that is a cumbersome and lengthy  
10:32 19 process. And it's gonna go further up on review, trust me,  
10:32 20 from the Ninth Circuit.

10:32 21 So the end result is you're fighting all of these  
10:32 22 technicalities. You can literally go down -- I'm providing  
10:32 23 you that option -- serve the United States. Jurisdiction  
10:33 24 takes place today. There's nothing appealable. And you're  
10:33 25 in court. That's what I don't understand.

10:33 1 So if this harm is being done, it seems to me that  
10:33 2 you're stretching this process procedurally. But I'm not a  
10:33 3 lawyer. I'm not a lawyer. So I'm gonna give you the  
10:33 4 option, and you can argue. And sometimes we're dead right.  
10:33 5 In other words, we're right but we're not doing too well.  
10:33 6 And that's what I'm afraid you're in right now; and that is,  
10:33 7 I'm afraid tentatively, on a motion for reconsideration,  
10:33 8 that you may lose on this. If I don't grant interlocutory  
10:33 9 appeal, you have to either take it up or start over. And  
10:33 10 that's an incredible waste of time on this issue.

10:33 11 So now I'm done. You can proceed any way you'd  
10:33 12 like to. And I'm going to give you the lectern, or you can  
10:34 13 remain seated and just tell me what your thoughts are, and  
10:34 14 how you'd like to proceed.

10:34 15 MS. TAITZ: Well, first of all, what I would like  
10:34 16 to do is I would motion to strike from the record that  
10:34 17 appearance of U.S. Attorney because he admitted that he is  
10:34 18 not representing the President. And there is absolutely no  
10:34 19 reason for him to even be at the defendant's table. And due  
10:34 20 to the fact that the U.S. Attorney does not represent the  
10:34 21 President -- but clearly the President was served;  
10:34 22 otherwise, where did he get the pleadings and knew about  
10:34 23 this hearing. The President knew that there is a hearing  
10:34 24 today and decided not to show up and not to bring an  
10:34 25 attorney who would represent him.

10:34 1 And due to the fact that U.S. Attorney does not  
10:34 2 represent anybody in this case and has nothing to do with  
10:34 3 this case, and the President ignored the proceedings and  
10:34 4 showed disrespect to this proceedings, there's absolutely no  
10:35 5 way not to give me a default.

10:35 6 But in order to be fair to Mr. Obama -- and the  
10:35 7 issue, again, has -- again, has absolutely nothing to do  
10:35 8 with the U.S. Attorney's Office, because I served Mr. Obama  
10:35 9 on Inauguration Day as an individual. I served him on the  
10:35 10 Inauguration Day clearly for something that he did before he  
10:35 11 became the President -- as an individual -- so there is  
10:35 12 absolutely no reason for him to be served through U.S.  
10:35 13 Attorney's Office. There is absolutely no reason for any of  
10:35 14 those people to pay this gentleman to sit here and defend  
10:35 15 undefensible (*sic*) -- to defend Mr. Obama committing fraud  
10:35 16 in order to get into the White House. We should not be  
10:35 17 paying this. This is a very important issue.

10:35 18 If -- if -- if today Mr. Obama decides to divorce  
10:35 19 his wife, will the U.S. Attorney spend my taxpayer's money  
10:36 20 to defend him in a divorce? No. If there is a parking  
10:36 21 ticket, and Mr. Obama didn't pay -- as he, as a matter of  
10:36 22 fact, did not pay numerous parking tickets -- I don't  
10:36 23 remember how many -- and paid only during the election -- do  
10:36 24 I need to pay for his time to sit here and -- and defend  
10:36 25 undefensible -- and that's what I've seen all over the

10:36 1 country. Since the moment Mr. Obama was elected, he simply  
10:36 2 ignores service.

10:36 3 And I want to present -- and I don't know if you  
10:36 4 had a chance to see the motion that I have filed. And if  
10:36 5 you have time, I would like to read it. But there is a  
10:36 6 pattern of stonewalling by Mr. Obama. He is being served as  
10:36 7 an individual for something that he did before he became the  
10:36 8 President. We should not be paying the U.S. Attorney's  
10:36 9 Office to represent him. U.S. -- uh, he -- U.S. Attorney's  
10:36 10 Office is not representing anybody.

10:37 11 And since there is nobody to even object, there is  
10:37 12 nobody here who represents Mr. Obama to object to a default,  
10:37 13 how can you not give me a default? There is absolutely no  
10:37 14 reason not to give me a default. I mean, you have to. You  
10:37 15 have no -- no other option.

10:37 16 But moreover, in order to speed up the process,  
10:37 17 what I have seen happening around the country time and  
10:37 18 again, Mr. Obama is pushing everybody to U.S. Attorney's  
10:37 19 Office, and then the attorneys who usually work pro bono has  
10:37 20 to fight with a whole "might" of U.S. Attorney's Office,  
10:37 21 Department of Justice, who are not interested in uncovering  
10:37 22 the truth, who are not interested in pursuing justice.  
10:37 23 They're just interested in defending Mr. Obama. And that is  
10:37 24 the problem.

10:37 25 If I agree today to serve U.S. Attorney's Office,

10:37 1 I can tell you, Your Honor, we'll get absolutely nowhere.

10:37 2 There is a case in New Jersey --

10:37 3 THE COURT: Just a moment.

10:38 4 This Court probably moves quicker than any court  
10:38 5 in the country.

10:38 6 MS. TAITZ: Well --

10:38 7 THE COURT: No. I'll say that again. This Court  
10:38 8 does not worry too much about procedure. I like an open  
10:38 9 courtroom door concerning the merits. You're being given a  
10:38 10 gift. You're in a very, very quick Court. If this matter  
10:38 11 is before this Court, I can guarantee you I will know very,  
10:38 12 very quickly the merits of this situation.

10:38 13 My concern is, I don't know that you're correct.

10:38 14 Okay? I've had my say. You do what you want. But as soon  
10:38 15 as you're finished --

10:38 16 *(To the U.S. Attorney:)* -- then I'm going to hear  
10:38 17 from you, Counsel.

10:38 18 Okay.

10:38 19 MS. TAITZ: And my point, Your Honor -- well, can  
10:38 20 I read my motion?

10:38 21 THE COURT: You can. Counsel, read your motion.  
10:38 22 But read it slowly so I get a good record of it. And if you  
10:38 23 have an extra copy, give it to my court reporter.

10:38 24 MS. TAITZ: Yes. I have a whole big file for you,  
10:38 25 Your Honor.

10:38 1 THE COURT: All right.

10:39 2 MS. TAITZ: And I have -- uh, uh, there's a motion  
10:39 3 was e-filed. I called you. It's in your box, as well.

10:39 4 THE COURT: Certainly.

10:39 5 MS. TAITZ: And I have all the documents.

10:39 6 But what I wanted to show you, that is -- there is  
10:39 7 indeed (*inaudible*).

10:39 8 THE COURT: Would you turn the microphone back on.

10:39 9 MS. TAITZ: Uh, uh.

10:39 10 THE COURT: Would you turn your microphone back  
10:39 11 on. Somehow you've --

10:39 12 MS. TAITZ: Can you hear?

10:39 13 THE COURT: Yes.

10:39 14 MS. TAITZ: What I have presented in my motion is  
10:39 15 that there is a whole pattern of stonewalling by Mr. Obama,  
10:39 16 simply unwillingness to accept service.

10:39 17 THE COURT: Just a moment.

10:39 18 If that's true, I'm shortening this process  
10:39 19 dramatically by suggesting that you simply file this or  
10:39 20 you're going to have a never ending series of appeals. And  
10:39 21 it will take a significant period of time. You're not  
10:39 22 hearing that.

10:39 23 MS. TAITZ: No, I'm hearing it.

10:39 24 THE COURT: You are absolutely bent that you're  
10:39 25 right concerning jurisdiction. And I've already ruled



10:40 1 against you on one occasion. This is a motion for  
10:40 2 reconsideration; and, therefore, you have a substantial  
10:40 3 chance of having the same ruling.

10:40 4 In talking to you this way, you're being basically  
10:40 5 told that we're going to get to the merits of this very  
10:40 6 quickly. The government's just asking for what they believe  
10:40 7 is proper service.

10:40 8 I'm suggesting that, even if I was wrong on my  
10:40 9 initial ruling, it's gonna take significant time to go  
10:40 10 through the Ninth Circuit and maybe the Supreme Court. And  
10:40 11 if you believe that this harm is being done, if Obama should  
10:40 12 not be President, look at the passage of time.

10:40 13 You could be in court very quickly. But the way  
10:40 14 you're proceeding, frankly, whether it's this Court or  
10:40 15 another court, it's going to be a lengthy process. Because  
10:40 16 even if I rule in your favor, they're going to, in fact,  
10:40 17 appeal.

10:40 18 So valid service could be accomplished between the  
10:41 19 two of you in a matter of minutes.

10:41 20 MS. TAITZ: Uh, Your Honor -- but again, they have  
10:41 21 no standing to appeal because they don't represent anybody.

10:41 22 THE COURT: I've had my say. Counsel, you  
10:41 23 continue, then.

10:41 24 MS. TAITZ: But what I would like to suggest is  
10:41 25 that, again, since -- according to the U.S. Attorney, he

10:41 1 stated he is not representing anybody in this case, and  
10:41 2 Mr. Obama did not show up, what I wanted to suggest is  
10:41 3 having a default, and having discovery -- post default  
10:41 4 discovery, or maybe having 60-day mediation in the post  
10:41 5 default discovery.

10:41 6 And I have prepared a list of documents, vital  
10:41 7 records, that I'm looking for. If Mr. Obama, who clearly  
10:41 8 was served, who sent U.S. Attorney here, would like to  
10:41 9 object -- personally, he's an attorney, or through his  
10:41 10 personal attorney -- would like to object to service, he  
10:41 11 would have an opportunity to do so during the period of the  
10:42 12 post default discovery. And this is -- this will shorten  
10:42 13 the process.

10:42 14 But serving today will give 60 days of wasted  
10:42 15 time. They've been served. They've got all the papers,  
10:42 16 time and -- I have here eight certified mail receipts.

10:42 17 I have here documents from Arizona where very  
10:42 18 similar case was filed against Mr. McCain and Mr. Obama.  
10:42 19 Mr. McCain responded. There was a different issue.  
10:42 20 Mr. Obama stonewalled, simply ignored the proceeding,  
10:42 21 disrespected the Court.

10:42 22 And on July the 6th, Mr. Clark Hambling (*phonetic*)  
10:42 23 has filed a motion for default -- very similarly filed a  
10:42 24 motion for default. And, next day, U.S. Attorney's Office  
10:42 25 has filed this Statement of Interest. Statement of Interest

10:43 1 does not show that they represent anybody in this -- in this  
10:43 2 case.

10:43 3 But all it shows -- that, in fact, Mr. Obama was  
10:43 4 served, and he has chosen not to respond. And now he's  
10:43 5 staring at two motions for default: One from Arizona, one  
10:43 6 from California, and maybe more coming. And, uh, now I  
10:43 7 guess he's deciding what to do.

10:43 8 I prepared, Your Honor, statements from a number  
10:43 9 of citizens from all over the country -- from Utah, from  
10:43 10 Pennsylvania, from Florida, from different states -- where I  
10:43 11 asked them to help me in serving Department of Justice. And  
10:43 12 I have eight certified mail receipts. I have affidavits  
10:43 13 from citizens from different states that have submitted the  
10:43 14 paperwork, that have sent certified mail, they have called  
10:43 15 to follow up. I have here -- and I will give you all of  
10:43 16 those documents. I have here a lady that called twelve  
10:44 17 times Mr. Holder. They stonewall. They do not respond.  
10:44 18 And that is the problem.

10:44 19 And -- and from what I've seen, from the cases --  
10:44 20 specifically from -- not my cases. Pennsylvania and  
10:44 21 New Jersey and other states, the moment U.S. Attorneys  
10:44 22 becomes involved, the citizens of this country have to waste  
10:44 23 their taxpayer money to pay for the U.S. Attorney's Office  
10:44 24 for -- to defend something that Obama did before the  
10:44 25 election. Clearly has nothing to do with U.S. Attorney's

10:44 1 Office.

10:44 2 And -- and all U.S. Attorney's Office does --  
10:44 3 they're not interested on the case -- on the merits.  
10:44 4 They're not interested if he is qualified or not. They  
10:44 5 would find some technicalities saying there is no  
10:44 6 standing -- even though, this case, we have a presidential  
10:44 7 candidate, and I have *amicas curia* from another presidential  
10:44 8 candidate, and we have a vice presidential candidate --  
10:45 9 stating anything, just finding technicalities to throw cases  
10:45 10 out of court.

10:45 11 If I serve them today, there will be 60 days for  
10:45 12 them to respond. In those 60 days, God knows what's gonna  
10:45 13 happen in this country. And then they're gonna file for  
10:45 14 extension, as it was in New Jersey, where they've been  
10:45 15 filing extension after extension after extension -- half a  
10:45 16 year of extensions, and then motions for dismiss -- for  
10:45 17 dismissal.

10:45 18 THE COURT: There aren't going to be any  
10:45 19 extensions here.

10:45 20 MS. TAITZ: Well, um --

10:45 21 THE COURT: There aren't going to be any  
10:45 22 extensions here.

10:45 23 There aren't going to be any extensions here.

10:45 24 Did you hear me?

10:45 25 MS. TAITZ: Yeah. I hear.

10:45 1 THE COURT: All right.

10:45 2 MS. TAITZ: I was wondering is there any way for  
10:45 3 Your Honor to order 60-day mediation?

10:45 4 THE COURT: Why would I order mediation? He's  
10:45 5 either valid or invalid. He's either the President or not.  
10:46 6 What's there to mediate?

10:46 7 MS. TAITZ: In -- well, mediation --

10:46 8 THE COURT: If he doesn't meet the criteria, he's  
10:46 9 not the President of the United States. It's just that  
10:46 10 simple. And if he does meet the criteria, he is. So what's  
10:46 11 the mediation? You want to make him Vice President?

10:46 12 MS. TAITZ: No, no. In terms of documents that  
10:46 13 need to be produced, I have a list of documents that I'm --  
10:46 14 I'm seeking. And during this period of time, instead of  
10:46 15 waiting for the U.S. Attorney's Office for -- for 60 days to  
10:46 16 just respond to service, we can -- uh, if we have a default,  
10:46 17 uh, today -- if we have default judgment today, specifically  
10:46 18 because, as I said, U.S. Attorney didn't even state that  
10:46 19 they represent the President, and President did not send his  
10:46 20 attorney, there is full reason to -- to grant the default.

10:46 21 And during the 60-day default, uh, um, discovery  
10:46 22 I -- I -- I have here motion of all the documents that I'm  
10:47 23 speaking for. If Mr. Obama feels that for some reason he  
10:47 24 does not want to release any of those documents, he would  
10:47 25 have an opportunity to object. His attorney -- I'm sure he

10:47 1 will send an attorney who will object, who will state,  
10:47 2 "Okay. We're prepared to show a certified copy of this  
10:47 3 document, but not of this one. This is private and this is  
10:47 4 public." This way, we'll be able to get to the merits.

10:47 5 Your Honor, I have here a letter from somebody who  
10:47 6 is a captain in the U.S. Army, stating that she --

10:47 7 THE COURT: I'm just going to joke with you,  
10:47 8 Counsel: I was in the Marine Corps, so I don't pay  
10:47 9 attention to the U.S. Army.

10:47 10 I'm just joking with you. I do. Army's terrific.

10:47 11 MS. TAITZ: Well, Your Honor, I have currently 170  
10:47 12 plaintiffs -- from Marines, from Army -- one of them, as a  
10:47 13 matter of fact, Lieutenant Colonel Wiggins (*phonetic*) from  
10:47 14 U.S. Marines. I have Major General Childers (*phonetic*) from  
10:47 15 U.S. Army. I have Brigadier General from Air Force. I do  
10:48 16 have a lot of members of the military. And they're all  
10:48 17 greatly concerned about what is going on. They're being  
10:48 18 sent to -- to Afghanistan where they're sitting ducks, where  
10:48 19 they've been given orders not to shoot back, not to return  
10:48 20 fire.

10:48 21 As a matter of fact, we're going on Thursday to  
10:48 22 Georgia where a Major, who is employed by Southern Command,  
10:48 23 is stating he cannot be deployed to Afghanistan in two days  
10:48 24 because he doesn't know if this President is legitimate --  
10:48 25 if he's legitimate as the Commander-in-Chief, and if his

10:48 1 orders are legitimate.

10:48 2 What -- I mean, let's see. What would be the  
10:48 3 fastest way to obtain the documents?

10:48 4 And, again, Mr. Obama did not state a right to  
10:48 5 privacy that he could -- that the documents cannot be  
10:48 6 produced. All he is saying, that it's good enough to  
10:48 7 produce a computerized image of the documents instead of an  
10:49 8 actual document or a certified copy, in which case, what can  
10:49 9 he object to?

10:49 10 We're not asking for any money. We -- so there  
10:49 11 will be no damage in that. And all we are asking for is to  
10:49 12 see that the original documents are -- indeed comply with  
10:49 13 the computerized copies that -- that he has, uh, submitted.

10:49 14 Why -- I mean -- I see absolutely no possible  
10:49 15 justification not to give default, specifically because  
10:49 16 there is nobody objecting. Who is here objecting to  
10:49 17 default? He is not representing the President. And the  
10:49 18 President did not show up and didn't send his attorney. So  
10:49 19 there is nobody to object to -- to my motion for default.  
10:49 20 And here is the motion (*reading*):

10:49 21 "This Court has jurisdiction over Count 1 of  
10:49 22 Plaintiff's complaint filed January 20th, 2009, Declaratory  
10:49 23 Judgment, regarding Barack H. Obama's status as natural born  
10:50 24 citizen and resultant constitutional qualifications to serve  
10:50 25 as President."

10:50 1 THE COURT: Slower, and move the microphone  
10:50 2 closer. And, if you have a copy, you might give it to the  
10:50 3 court reporter.  
10:50 4 MS. TAITZ: It's already in your box, Your Honor.  
10:50 5 THE COURT: Well, that's nice. You might give it  
10:50 6 to the court reporter.  
10:50 7 MR. DeJUTE: Can I interpose an objection on the  
10:50 8 speaking motion, Your Honor?  
10:50 9 THE COURT: Certainly.  
10:50 10 MR. DeJUTE: That motion was filed today. I got  
10:50 11 the electronic notice of it.  
10:50 12 THE COURT: Well, I know that. I'm not going to  
10:50 13 resolve it.  
10:50 14 Counsel, I don't have that motion before the Court  
10:50 15 because it was filed today also.  
10:50 16 But you want to read, so I've got lots of time.  
10:50 17 MS. TAITZ: Sure.  
10:50 18 THE COURT: We can read day and night, if you'd  
10:50 19 like to. It's not going to get resolved until I read it.  
10:50 20 You filed it today.  
10:50 21 MS. TAITZ: Yes.  
10:50 22 THE COURT: So there's no value to it until I read  
10:50 23 it.  
10:50 24 MS. TAITZ: Absolutely.  
10:50 25 THE COURT: So you're just doing this for



10:50 1 yourself.

10:50 2 MS. TAITZ: *(No audible response.)*

10:50 3 THE COURT: In other words, I haven't read it yet  
10:50 4 'cause I got it today. I've been on the bench. So until I  
10:50 5 read that, I don't know why you're reading it into the  
10:50 6 record.

10:51 7 But if it makes you feel better, read.

10:51 8 MS. TAITZ: Okay. We do have a number of  
10:51 9 observers here in the courtroom that would like to report to  
10:51 10 the public what is happening in the courtroom and -- and I  
10:51 11 think it is important.

10:51 12 THE COURT: I'm giving you all the time in the  
10:51 13 world.

10:51 14 MS. TAITZ: Sure.

10:51 15 THE COURT: Now, I've got a 12:00 o'clock, and  
10:51 16 then I've got a criminal calendar at 1:30, so you'll  
10:51 17 probably be back at 5:00. Okay?

10:51 18 So start reading.

10:51 19 MS. TAITZ: "This Court has jurisdiction over  
10:51 20 Count 1 of the Plaintiffs' complaint filed January 20th,  
10:51 21 2009, for declaratory judgment regarding Barack H. Obama's  
10:51 22 status as a natural-born citizen and resultant  
10:51 23 Constitutional qualifications to serve as President,  
10:51 24 pursuant to the Freedom of Information Act, 5 USC,  
10:52 25 Paragraph 552(a)(4)(B), and 42 USC, Paragraphs 1983, 1988,

10:52 1 Civil Rights Action, and venue is proper in the Central  
10:52 2 District of California, Santa Ana Division, is the District  
10:52 3 and division in which Plaintiff Wiley S. Drake lives,  
10:52 4 Buena Park, Orange County, California.

10:52 5 "This matter is justiciable under FOIA 5 USC,  
10:52 6 paragraph 552(a)(b), 552(b)(2)" (sic) "1988."

10:52 7 THE COURT: Now, we don't have any disagreement  
10:52 8 that this may be the proper jurisdiction.

10:52 9 MS. TAITZ: "Under FOIA, an agency such as the  
10:52 10 Executive Office of the President and the White House,  
10:52 11 Title 3 CFR, must disclose the information sought -- sought  
10:52 12 by the requester unless the agency can invoke one of nine  
10:52 13 exceptions specified in that Act. See 5 USC 552" (sic)  
10:52 14 "1988." Some of these exemptions protecting personal  
10:53 15 privacy apply to medical and personnel records.

10:53 16 "However, it has been for many years recognized  
10:53 17 that the medical and personnel records of the *de facto*  
10:53 18 or" --

10:53 19 THE COURT: We can't get a good record of what  
10:53 20 you're reading, so if it's inaccurate, that's your  
10:53 21 responsibility.

10:53 22 Do you want to start over again?

10:53 23 MS. TAITZ: No, I'll continue.

10:53 24 THE COURT: Slower.

10:53 25 MS. TAITZ: -- "such as Barack Hussein Obama

10:53 1 today, and even for candidates for the Presidency of the  
10:53 2 United States are matters of public interest and concern.

10:53 3 "The issue in this case is whether the public  
10:53 4 interest in a limited number of personnel records on Barack  
10:53 5 Hussein Obama is sufficient to compel disclosure of one  
10:53 6 particular document whose existence has been acknowledged  
10:53 7 and confirmed many times, but which, for whatever as yet  
10:53 8 undisclosed reasons, neither the private candidate Barack  
10:54 9 Hussein Obama or the *de facto* President Barack Hussein Obama  
10:54 10 has been willing to disclose; namely, the 'vault' or 'long  
10:54 11 form' Hawaii birth certificate, and all related hospital or  
10:54 12 medical documents, which Plaintiffs contend will finally  
10:54 13 confirm or denounce Barack Hussein Obama's Article II  
10:54 14 qualifications to serve and faithfully and execute the  
10:54 15 Office of President of the United States.

10:54 16 "The public had before the election and still has  
10:54 17 today a compelling interest in the disclosure of this one  
10:54 18 single bit of critical documentation and all related records  
10:54 19 and proof. The public's interest is undergirded by two  
10:54 20 lines of decisions from U.S. Supreme Court. The first line  
10:54 21 concerns the public's right to the performance of an agency  
10:54 22 manager, such as an -- including the President as manager of  
10:54 23 the entire Executive Branch under FOIA. The second line of  
10:55 24 decisions concerns the vital role in our democratic society  
10:55 25 played by disclosing facts and track records of candidate

10:55 1 for public office.

10:55 2 "Against this enormous public interest in favor of  
10:55 3 disclosing the records on Barack Hussein Obama, the present  
10:55 4 defendant, Barack Hussein Obama, is -- by default, has  
10:55 5 raised absolutely nothing, nor have the U.S. Attorneys who  
10:55 6 attempt to appear as nonparties, neither as representing  
10:55 7 Obama, nor any intervening party, nor as '*amesca*' (*sic*)  
10:55 8 *curiae* on their own behalf, with their highly irregular  
10:55 9 statement of interest, the statutory or rule-based  
10:55 10 justification for which does not appear" to be (*sic*) "on the  
10:55 11 face of this bizarre filing.

10:55 12 "The Defendant's substantive default is complete  
10:56 13 after repeated notification and service.

10:56 14 "Since the FOIA exceptions that permit an agency  
10:56 15 to withhold information are narrowly construed, the Court  
10:56 16 has no statutory basis to rule for anything except full  
10:56 17 production of the limited number of constitutionally  
10:56 18 significant documents from the *de facto* Chief Executive  
10:56 19 Officer of the United States. It is a matter of public  
10:56 20 record that Barack Hussein Obama, both as the Presidential  
10:56 21 candidate and the *de facto*, has never denied the relevance  
10:56 22 of his birth certificate, but, in fact, repeatedly produced  
10:56 23 an unsigned, unofficial document directly and through the  
10:56 24 Democratic National Committee.

10:56 25 "Accordingly, even if -- if Barack Hussein Obama

10:56 1 were deemed to have appeared and answered or objected to  
10:56 2 service by and through the U.S. Attorney's Office, which he  
10:57 3 plainly did not do, Barack Hussein Obama would be equitably  
10:57 4 and quite possibly judicially estopped by his conduct in  
10:57 5 prior litigation from raising any FOIA objection to all  
10:57 6 elements of his personal and medical records under FOIA. As  
10:57 7 shown in Exhibit B, in prior proceedings, another  
10:57 8 United States Attorney in the State of California, to wit,  
10:57 9 Lawrence G. Brown and Yoshinori H.T. Himel, agreed to the  
10:57 10 production of documents informally rather than by subpoena,  
10:57 11 Exhibit B."

10:57 12 And, Your Honor, I have already subpoenaed, and --  
10:57 13 uh, those records. And here is the stipulation that I've  
10:57 14 already achieved with the U.S. Attorney's Office in a prior  
10:57 15 case on behalf of Ambassador Keyes, and that stipulation  
10:57 16 converting subpoena into demand. And what's happened with  
10:58 17 U.S. Attorney's Office, they have agreed -- they have agreed  
10:58 18 to cooperate and --

10:58 19 THE COURT: All right. Now, Counsel, the problem  
10:58 20 you're running into is that this was filed today. Opposing  
10:58 21 Counsel does not have this. I have this for the first time.  
10:58 22 My clerk just handed it to me. And counsel now is going to  
10:58 23 have time to respond to this.

10:58 24 So your reading, quite frankly, is of no  
10:58 25 consequence. I'm going to read this, and he's going to have

10:58 1 time now to respond.

10:58 2 MS. TAITZ: The only -- well, um --

10:58 3 THE COURT: Therefore, I'm going to order you both

10:58 4 back next Monday.

10:58 5 MS. TAITZ: Okay.

10:58 6 MR. DeJUTE: Very well, Your Honor.

10:58 7 THE COURT: Now, just a moment.

10:58 8 Let's see if we can make sure.

10:59 9 MR. DeJUTE: Before you set any dates,

10:59 10 Your Honor --

10:59 11 THE COURT: No. Just a moment, Counsel.

10:59 12 Well, next week's not available.

10:59 13 But, anyway, Counsel?

10:59 14 MR. DeJUTE: Thank you, Your Honor.

10:59 15 I would just suggest that, before you set any

10:59 16 dates for the motion for default, we have to have a case or

10:59 17 controversy before this Court. And that means that service

10:59 18 has to be properly effected.

10:59 19 I'm prepared to respond, as Your Honor said I

10:59 20 could, if you wish me to do that now.

10:59 21 Counsel has --

11:00 22 THE COURT: Service has to be appropriate.

11:00 23 MR. DeJUTE: Service has to be appropriate.

11:00 24 The motion for default is not properly before this

11:00 25 Court because this Court has noticed a motion or a hearing

11:00 1 for reconsideration on the Court's ruling that service was  
11:00 2 improper, and so that's what's before this Court.

11:00 3 Briefly, we are not here representing Barack Obama  
11:00 4 because it's our position that he was not properly served.  
11:00 5 His default can't -- it's no disrespect. His default simply  
11:00 6 cannot be taken because you can't take the default of  
11:00 7 someone who wasn't served.

11:00 8 THE COURT: Counsel's raised the question: Then  
11:00 9 why are you here --

11:00 10 MR. DeJUTE: And I can answer that.

11:00 11 THE COURT: -- and that's because he's President  
11:00 12 of the United States. That's why you can make your  
11:00 13 appearance.

11:00 14 MR. DeJUTE: Well, we're making the appearance on  
11:00 15 behalf of the United States. Counsel suggests it's not  
11:00 16 pursuant to any statute. The first line of what we filed  
11:00 17 points her to the statute: 28 USC, Section 517. And it  
11:00 18 says that the United States can appear in any matter in any  
11:00 19 civil court when there's an interest involving the  
11:01 20 United States.

11:01 21 Whether or not Barack Obama is properly The  
11:01 22 President is an interest of the United States as determined  
11:01 23 by the Attorney General. And I would simply suggest that  
11:01 24 this is not a case of a divorce proceeding. This is not a  
11:01 25 case of a traffic ticket. This is a case in which

11:01 1 plaintiffs allege that he is not properly obligated to hold  
11:01 2 the Office.

11:01 3 THE COURT: I agree. I think it's as simple as  
11:01 4 this:

11:01 5 *(To Plaintiffs' counsel:)* If there's not going to  
11:01 6 be a refiling, Counsel, I'm simply going to decide on this  
11:01 7 Motion for Reconsideration concerning jurisdiction.

11:01 8 And what you're speaking to are the merits, again.  
11:01 9 I've given you a vehicle, an avenue to get into court. I  
11:01 10 think that this is going to end up being a nonending series  
11:01 11 of appeals, quite frankly. And the way you're both  
11:01 12 proceeding is going to take an extreme amount of time. And  
11:01 13 I wish this would be resolved on its merits quickly. And  
11:01 14 he's either not President or he is.

11:02 15 But, apparently, you're both bent on taking the  
11:02 16 long way around this. So that's what we'll do.

11:02 17 MR. DeJUTE: I can --

11:02 18 THE COURT: Counsel, you're not ordered to -- I  
11:02 19 wasn't smiling at you, was I?

11:02 20 MR. DeJUTE: I'm sorry, Your Honor.

11:02 21 THE COURT: No. Good.

11:02 22 Now, this latest motion, Counsel, I agree: It  
11:02 23 doesn't come to the Court the day of a hearing and then get  
11:02 24 credence with the Court.

11:02 25 And number two, it's putting the horse before the



11:02 1 cart. And we're not going to get to the merits of this  
11:02 2 unless I have proper service. Already I've held on one  
11:02 3 occasion that I don't believe it is. I'll relook at that  
11:02 4 issue again. But I think I'm going to stop the reading of  
11:02 5 this document because it goes to the merits, which is what  
11:02 6 I'd like to get to; but, apparently, we're not going to be  
11:03 7 able to.

11:03 8 MR. DeJUTE: May I make one comment, Your Honor?

11:03 9 THE COURT: No.

11:03 10 Now, I don't think that there's anything further  
11:03 11 that's beneficial to this Court today. And I'm going to  
11:03 12 stop the reading of your document just because, first, I  
11:03 13 haven't read it; second, I can read it; three, serve it  
11:03 14 beforehand if you want me to read that. I was here all  
11:03 15 weekend. Would have been happy to have read it this  
11:03 16 weekend. But not on the day of the hearing.

11:03 17 MS. TAITZ: Uh, well --

11:03 18 THE COURT: No. Thank you very much, counsel. I  
11:03 19 didn't think I had given you permission to speak yet,  
11:03 20 either.

11:03 21 So I want you two to have a very brief  
11:03 22 conversation. That's not a request; it's an order.

11:04 23 Get up out of your seats.

11:04 24 Get up out of your seat. Approach each other. Go  
11:04 25 through those double doors and decide between the two of you

11:04 1 what gets this case into court as quickly as possible in a  
11:04 2 practical sense.

11:04 3 Counsel, I was speaking. You two will have a  
11:04 4 conversation first. In other words, I'm giving you both  
11:04 5 control right now before I step in with a heavy hand.

11:04 6 How do you get the case into court quickly, which  
11:04 7 is what each of you want. Okay. Good-bye. I'll see you in  
11:04 8 a few moments. Good-bye.

11:04 9 MR. DeJUTE: We've had that discussion,  
11:04 10 Your Honor.

11:04 11 THE COURT: Go outside the door for a moment.  
11:04 12 You're having it again. And then come on back in after  
11:04 13 you've had a brief discussion. I want to make sure you've  
11:04 14 thoroughly discussed this.

11:04 15 *(Counsel exit the courtroom.)*

11:04 16 *(Pause in the proceedings at 11:04 a.m.)*

11:04 17 *(Proceedings resumed at 11:06 a.m.)*

11:06 18 THE COURT: Okay. Would the CSO get them.  
11:06 19 They've had time.

11:06 20 COURT SERVICES OFFICER: Yes, Your Honor.

11:06 21 THE COURT: Thank you, Counsel, for your courtesy.  
11:06 22 I don't care what the resolution is. I just wanted another  
11:06 23 brief discussion between the two of you. I assume you  
11:06 24 haven't reached a resolution.

11:06 25 MS. TAITZ: Yes, we did. Actually, we did.

11:06 1 THE COURT: I'm sorry?

11:06 2 MR. DeJUTE: I suggested, Your Honor, that if the  
11:06 3 Plaintiffs were to serve the U.S. Attorneys Office properly,  
11:06 4 we would respond within 60 days and not seek an extension.

11:06 5 THE COURT: I think that, between the two of you,  
11:06 6 it would get it into the court the fastest possible way  
11:06 7 because, if you don't do that, there's going to be a series  
11:06 8 of appeals no matter what. You're going to tie this case up  
11:06 9 in the Ninth Circuit for nine months to a year -- I mean, in  
11:06 10 a practical sense.

11:07 11 But, Counsel, I'll look to both of you.

11:07 12 MR. DeJUTE: No, I have no statement.

11:07 13 THE COURT: No extensions, 60 days, proper  
11:07 14 service, and we're all done with all the legal nonsense.  
11:07 15 We're right into court.

11:07 16 MS. TAITZ: Well -- okay. Well, what we suggested  
11:07 17 to the counsel, and I believe -- I guess what we're gonna do  
11:07 18 is, if he accepts service today, we will send a FOIA request  
11:07 19 for a 30-day response.

11:07 20 MR. DeJUTE: I haven't seen it, Your Honor. I  
11:07 21 haven't -- they may do anything they wish.

11:07 22 THE COURT: That's not an agreement that he's  
11:07 23 going to comply with that. But get the case into court, for  
11:07 24 goodness sakes.

11:07 25 MS. TAITZ: Okay.

11:07 1 THE COURT: I mean, if he's not President, he  
11:07 2 shouldn't be President; if he is, he should be. And we need  
11:07 3 to resolve this on the merits.

11:07 4 I'm sorry. Is the young lady back here helping  
11:07 5 me?

11:07 6 MEMBER OF THE AUDIENCE: No.

11:07 7 THE COURT: No. Good. Don't help me. You can  
11:07 8 sit there very quietly now.

11:07 9 So, Counsel, if you want me to resolve this, I  
11:07 10 will. I suggest to you tentatively that the ruling would be  
11:08 11 unfavorable to you. Okay?

11:08 12 MS. TAITZ: Well, I --

11:08 13 THE COURT: And, therefore, if you can file today,  
11:08 14 it resolves all the jurisdictional issues. It will spin  
11:08 15 through the labyrinth, but it will come right back to this  
11:08 16 Court.

11:08 17 MR. DeJUTE: You misspoke. Not "file."

11:08 18 THE COURT: I said if you "file" it?

11:08 19 THE CLERK: "Serve."

11:08 20 MR. DeJUTE: "Serve."

11:08 21 THE COURT: I mean "serve it." My apologies. If  
11:08 22 you serve it, it will come right back to this Court and  
11:08 23 we'll expedite it. He's representing no extensions, and we  
11:08 24 move pretty quick here.

11:08 25 MS. TAITZ: Okay.

11:08 1 THE COURT: Pretty quick for both of you.

11:08 2 So don't be shocked. When you come back to this

11:08 3 Court, I'm going to be putting a lot of pressure on both of

11:08 4 to you produce. And, therefore, if you need, you know,

11:08 5 help -- or you need help -- expect this case to move. So

11:08 6 get the support in here because you'll be surprised.

11:08 7 Now, I'm not joking for just a moment.

11:08 8 How late have we been on the record with both

11:08 9 counsel arguing a matter?

11:08 10 *(To the reporter:)* You start first.

11:08 11 COURT REPORTER: 1:00 a.m.

11:09 12 THE COURT: Kristee.

11:09 13 THE CLERK: 1:00 a.m. and weekends.

11:09 14 THE COURT: Clerks.

11:09 15 LAW CLERKS: *(In unison:)* 1:00 a.m. and weekends.

11:09 16 THE COURT: "And weekends."

11:09 17 So that means Saturdays I work. I've had the

11:09 18 Aryan Brotherhood, 30 defendants, with 30 murders, and we

11:09 19 worked every weekend. Every Saturday they were in here with

11:09 20 25 marshals.

11:09 21 So if you want this case expedited, I'll expedite

11:09 22 it, and I'll get the documents in front of this Court, I

11:09 23 mean immediately. There's no question about that.

11:09 24 *(To Plaintiffs' counsel:)* Because, if you're

11:09 25 correct, then from your perspective and the country's

11:09 1 perspective, he's not President.

11:09 2 (To U.S. Attorney:) If you're correct, we set this  
11:09 3 aside immediately. It's done, and the country isn't sitting  
11:09 4 there wondering who the Commander-in-Chief is or who the  
11:09 5 President of the United States is.

11:09 6 And I just want to thank both of you because,  
11:09 7 without following this process -- which, quite frankly, I'm  
11:09 8 leaning on you to do -- this is a never-ending series of  
11:09 9 appeals. It's gonna go to the Ninth Circuit, the Supreme  
11:10 10 Court, back, we're gonna be back here literally a year to a  
11:10 11 year and a half from now.

11:10 12 Why? It's not fair to the public.

11:10 13 Okay. So you're going down and serve?

11:10 14 MS. TAITZ: Uh, yeah. And, uh --

11:10 15 THE COURT: No, no. Yes?

11:10 16 MS. TAITZ: Yes. And --

11:10 17 MR. LINCOLN: The law clerk will see to it, sir.

11:10 18 THE COURT: When? By 12:00 o'clock?

11:10 19 MR. LINCOLN: No.

11:10 20 THE COURT: By 12:00 o'clock?

11:10 21 MR. LINCOLN: I think we'll have to make copies of  
11:10 22 one thing.

11:10 23 THE COURT: By 1:30?

11:10 24 MS. TAITZ: *(Inaudible)* amend the complaint.

11:10 25 MR. LINCOLN: We may amend later. She's asking

11:10 1 about that. We'll serve the current copy now.

11:10 2 THE COURT: Current copy now.

11:10 3 MS. TAITZ: I have it with me.

11:10 4 THE COURT: Just a moment. See how quickly we're  
11:10 5 going to move?

11:10 6 Counsel is going to walk with you down to the  
11:10 7 U.S. Attorney's Office.

11:10 8 Correct?

11:10 9 MR. DeJUTE: If you order, sir.

11:10 10 THE COURT: I'm ordering it.

11:10 11 MS. TAITZ: It's ready for him.

11:10 12 THE COURT: And that takes care of all the  
11:10 13 problems.

11:10 14 In other words, we're not -- otherwise, he leaves  
11:10 15 court. You serve downstairs. You're both ordered to go  
11:11 16 down to the U.S. Attorney's Office right now, get the proper  
11:11 17 service in place. We'll spin it through the mechanism. It  
11:11 18 will be back to me probably within a day or two.

11:11 19 What it does is goes back on the wheel, but  
11:11 20 because I had the case --

11:11 21 THE CLERK: They're not refiling. They're just  
11:11 22 serving.

11:11 23 THE COURT: They're just serving. That's right.  
11:11 24 My apologies. You're just serving so it stays right here.  
11:11 25 And so it saves a day.

11:11 1 So you're gonna file immediately?

11:11 2 MR. LINCOLN: I believe -- we have to make a copy,

11:11 3 like I said, Your Honor. And we have to do -- does the --

11:11 4 does -- the U.S. Attorney, do they waive service of the

11:11 5 summons? Do we have to get a summons issued?

11:11 6 MR. DeJUTE: I don't think I'm authorized to waive

11:11 7 summons. But I can tell you, we will not stand on fact

11:11 8 *(inaudible)* --

11:11 9 MR. LINCOLN: Your Honor, do we order that we get

11:11 10 a summons done?

11:11 11 MR. DeJUTE: I think I've said you don't need a

11:12 12 summons.

11:12 13 MR. LINCOLN: Okay.

11:12 14 MR. DeJUTE: I'm not authorized to do so, but we

11:12 15 will not "not respond" because there's not a summons.

11:12 16 MS. TAITZ: Okay. Well, here you go.

11:12 17 *(Indicating)*. Now we've just served.

11:12 18 THE COURT: No. Just go down to the

11:12 19 U.S. Attorneys Office, so it's in the proper area. I'm

11:12 20 going to follow all the rules so it's done. It's a proper

11:12 21 service at the U.S. Attorney's Office.

11:12 22 MR. DeJUTE: If I may inquire, Your Honor. The

11:12 23 motion sought to dismiss Counts 2 and 3, and all other

11:12 24 defendants other than Barack Obama.

11:12 25 I simply want to inquire whether or not that is



11:12 1 how we should respond?

11:12 2 THE COURT: Yeah, I forgot.

11:12 3 You were going to dismiss Count 2 and 3 and the  
11:12 4 other defendants?

11:12 5 MS. TAITZ: Yes, yes.

11:12 6 THE COURT: Your disagreement's really with Obama.

11:12 7 MS. TAITZ: Yes, exactly.

11:12 8 THE COURT: Is that still acceptable?

11:12 9 MS. TAITZ: Yes, yes.

11:12 10 THE COURT: Then, why don't I simply -- first of  
11:12 11 all, I'll remember that. And if not, on the next occasion,  
11:12 12 because you're refileing the original document, I'll simply  
11:12 13 make that --

11:12 14 MR. DeJUTE: Just "serving" it, Your Honor?

11:12 15 MS. TAITZ: "Serving."

11:12 16 THE COURT: Thank you very much, Counsel.

11:12 17 I'll simply make that notation, and I'll strike  
11:13 18 that at the time. So even if they're serving the original  
11:13 19 document, I don't think we have to worry about Mr. Mueller,  
11:13 20 et al.

11:13 21 MR. DeJUTE: *(Inaudible.)*

11:13 22 COURT REPORTER: Can you either speak louder or  
11:13 23 turn on your microphone.

11:13 24 MR. DeJUTE: Only obligation's to respond to Obama  
11:13 25 and Count 1?

11:13 1 THE COURT: Only to Obama and Count 1.

11:13 2 Is that your understanding, also: Obama and

11:13 3 Count 1?

11:13 4 MS. TAITZ: Yeah.

11:13 5 MR. LINCOLN: But we do reserve the right to

11:13 6 amend, right, Your Honor? For -- one free amendment before

11:13 7 the answer?

11:13 8 THE COURT: Yes, you do. And not only that, I use

11:13 9 my discretion, even -- it's one free amendment, but also I'm

11:13 10 pretty liberal about amendments. I just am encouraging the

11:13 11 two of you to move on this case. And once I've got it back

11:13 12 in the proper format, we'll go quickly. Okay.

11:13 13 So therefore, I don't know why you need FOIA

11:13 14 requests. I mean, go ahead and file 'em if you want to.

11:13 15 But the Court's going to be making orders, which will

11:13 16 probably be a lot quicker than your FOIA request. Right?

11:14 17 Well, now, Counsel, I want to thank both of you.

11:14 18 I think we finally got it in a posture that we can decide it

11:14 19 on the merits. And I really appreciate it. If I was

11:14 20 discourteous to each of you, I apologize. It's just

11:14 21 frustrating watching what's happening here.

11:14 22 And now, I think we've got a vehicle to get this

11:14 23 before the Court as quickly as possible and not waste

11:14 24 people's time.

11:14 25 Thank you very much.

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MR. LINCOLN: God save this Honorable Court.

THE COURT: Thank you very much, Counsel -- or  
clerk. Appreciate it.

*(At 11:14 a.m., proceedings were adjourned.)*

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CERTIFICATE

I hereby certify that pursuant to Section 753,  
Title 28, United States Code, the foregoing is a true and  
correct transcript of the stenographically reported  
proceedings held in the above-entitled matter and that the  
transcript page format is in conformance with the  
regulations of the Judicial Conference of the United States.

Date: September 12, 2009

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