	Case 8:09-cv-00082-DOC-AN Document 4	3 Filed 08/20/2009 Page 1 of 10
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3	Dr. Orly Taitz, Attorney-at-Law	
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5	Mission Viejo, California 92691 Telephone: (949) 683-5411	
6	E-Mail: <u>dr_taitz@yahoo.com</u>	
7	UNITED STATES	DISTRICT COURT
		STRICT OF CALIFORNIA THERN) DIVISION
8		
9	Captain Pamela Barnett, Lt. Colonel Richard Norton Bauerbach	8 8
10	Captain Robin D. Biron	§ Civil Action No.:
11	Colonel John D. Blair, Mr. David L. Bosley,	 Civil Action No.: SACV09-00082-DOC (Anx) NOTICE OF MOTION and MOTION HEARING DATE: MONDAY, September 14, 2009 8:30 A.M. before Judge Carter Ronald Reagan Courthouse 11th Floor, Santa Ana, California FIRST AMENDED MOTION
	Ms. Loretta G. Bosley,	
12	Captain Harry G. Butler, Representative Glenn Casada, Tennessee	8 8
13	Jennifer Leah Clark,	
14	Representative Timothy Comerford, NH Charles Crusemire,	 § NOTICE OF MOTION and § MOTION HEARING DATE:
15	Representative Cynthia Davis, Missouri Chief Warrant O. Thomas S. Davidson	§ MONDAY, September 14, 2009
	Chief Warrant O. Thomas S. Davidson Matthew Michael Edwards,	 § 8:30 A.M. before Judge Carter § Ronald Reagan Courthouse
16	Sergeant Jason Freese,	§ 11 th Floor, Santa Ana, California
17	Mr. Kurt C. Fuqua, Officer Clint Grimes,	§ FIRST AMENDED MOTION
18	Representative Casey Guernsey, Missouri	§ FOR ISSUANCE OF
19	Julliett Ireland, D. Andrew Johnson,	§ LETTERS ROGATORY and § INITIATION OF DISCOVERY
	Israel D. Jones,	§ PRIOR TO RULE 26(f)
20	Timothy Jones, Alan Kayas, Ph D	 § CONFERENCE, and Rule 27 § APPLICATION FOR
21	Alan Keyes, Ph.D., Commander David Fullmer LaRoque,	§ Depositions to Perpetuate the
22	Gail Lightfoot, Lita M. Lott,	§ Testimony and Preserve§ Documentary Evidence in the
23	Major David Grant Mosby,	§ United States Departments of
	MSGT Steven Kay Neuenschwander, Representative Frank Niceley, Tennessee	 the State and of Defense, by Notices of Deposition <i>duces</i>
24	Retired Senator Jerry O'Neil, Montana,	§ <i>tecum</i> to Secretary of State
25	SFC E7 Robert Lee Perry,	§ Hillary Rodham Člinton and Secretary of Defense Robert M
26	Representative Larry Rappaport, NH Captain Connie Rhodes, M.D.,	 FOR ISSUANCE OF LETTERS ROGATORY and INITIATION OF DISCOVERY PRIOR TO RULE 26(f) CONFERENCE, and Rule 27 APPLICATION FOR Depositions to Perpetuate the Testimony and Preserve Documentary Evidence in the United States Departments of the State and of Defense, by Notices of Deposition <i>duces</i> <i>tecum</i> to Secretary of State Hillary Rodham Clinton and Secretary of Defense Robert M. Gates, as well as other non-party witnesses including the ambassadors of the U.K.G.B., Indonesia, and Kenya.
27	Colonel Harry Riley, Sergeant Jeffrey Wayne Rosner,	§ party witnesses including
	MSGT Jeffrey Schwilk,	 § the ambassadors of the § U.K.G.B., Indonesia, and Kenya.
28	Captain David Smithey,	ş

First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition To Defendant Hillary Rodham Clinton, Robert M. Gates, et al.

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3	Major Carl S. Snedden, DVM,§EMERGENCY,Lt. Commander John Bruce Steidel,§EXPEDITED HEARING &		
4	Cmdr. Douglas Earl Stoeppelwerth § DECISION REQUESTED		
5	Thomas J Taylor,§BY SPECIAL COURT ORDERRepresentative Eric Swafford, Tennessee§PRIOR TO MOTION DAY		
6	Captain Neil B. Turner,§Richard E. Venable,§		
7	LCDR Jeff Graham Winthrope, and § Lt. Colonel Mark Wriggle, §		
8	Plaintiffs, §		
9	v. §		
10	Major Carl S. Snedden, DVM,EMERGENCY,Lt. Commander John Bruce Steidel,SCmdr. Douglas Earl StoeppelwerthSThomas J Taylor,BY SPECIAL COURT ORDERRepresentative Eric Swafford, TennesseeBY SPECIAL COURT ORDERCaptain Neil B. Turner,SRichard E. Venable,SLCDR Jeff Graham Winthrope, andSLt. Colonel Mark Wriggle,SV.SBarack Hussein Obama,SMichelle L.R. Obama,S		
11	Hillary Rodham Clinton, Secretary of State, §		
12	Joseph R. Biden, Vice-President and §		
13	President of the Senate, § Defendants. §		
14	FIRST AMENDED MOTION FOR LEAVE TO		
15	<u>CONDUCT PRE-RULE 26(f) CONFERENCE DISCOVERY</u> TO DEFENDANT HILLARY RODHAM CLINTON, ROBERT M. GATES		
16	and CERTAIN NON-PARTY WITNESSES, including		
17	Ambassadors of the United Kingdom, Indonesia, and Kenya, TO PERPETUATE TESTIMONY, PRESERVE EVIDENCE, and to		
18	TRANSMIT LETTERS ROGATORY PURSUANT to 28 U.S.C. §§1781(a)(2)-(b)(2)		
19	On or about July 29, 2009, the undersigned counsel for Plaintiffs acquired		
20	possession of a color copy of one certain document (attached as Exhibit A to this		
21	motion), regarding which there are no ready means of authentication except by		
22	recovery of the original document. The original version of this Motion was filed on		
23	Saturday, August 1, 2009, but summarily stricken by Magistrate Judge Arthur		
24	Nakazato on Thursday, August 6, 2009 (see objections filed today, August 18, 2009).		
25	The undersigned believes that all substantive issues addressed by Nakazato in his		
26	Order striking pleadings have resolved (Specifically those relating to Local Rules 6-1		
27	& 7-4 on "Notice of Motion" language and 11-3.3 on pagination and 11-3.8(a)		
28	statement of the undersigned's California Bar number).		

First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition -2 -To Defendant Hillary Rodham Clinton, Robert M. Gates, et al. 1

As should be apparent from the nature and content of the document attached as Exhibit A, if authenticated, and shown to be genuine, the contents of this document will significantly narrow and shorten the discovery and pre-trial litigation period necessary in this case, and might lead to an early resolution by settlement or transfer of these proceedings to the United States House of Representatives and Senate according the procedures outlined in the Constitution. A firestorm of comment in the electronic media has accompanied the notice of the filing of this image and Magistrate Judge Nakazato's August 6, 2009, dismissal. It is suspected that this firestorm was, in part, a motivation for Judge Nakazato's unauthorized action (of reviewing an order *sua sponte* without an order of transfer or reference of any kind from the presiding district judge, or else the consent and agreement of the parties).

It is also apparent (and hearsay evidence available to Plaintiffs' counsel aggravates her concerns) that political pressure may be brought to bear to destroy all relevant evidence, whether such evidence exists within or outside the borders of the United States of America. The events of the past three weeks have aggravated rather than quieted the Plaintiffs' fears. It seems, quite honestly, that this complaint questioning Obama's eligibility and legitimacy, and all related litigation initiated by the undersigned counsel for Plaintiffs', is the target of a concerted governmental effort to deny Plaintiffs full and meaningful access to the courts as described in *Christopher v. Harbury*, 536 U.S. 403; 122 S. Ct. 2179; 153 L. Ed. 2d 413 (2002).

28 U.S.C. §1781(a)(2) and/or 28 U.S.C. §1782(b)(2) constitute the statutory authorizations outlining the procedures by which to transmit letters rogatory and other requests to the proper authorities abroad in Kenya, Indonesia, and the United Kingdom of Great Britain and Ireland.

For two classes of evidence at issue here, namely all requests for relevant passport materials and other documents existing within the United States of America,

First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition - 3 – To Defendant Hillary Rodham Clinton, Robert M. Gates, et al. as well as all requests to be made through diplomatic channels to foreign tribunals, Defendant HILLARY RODHAM CLINTON is the Secretary of State of the United States of America, and accordingly, Secretary Clinton is the first and primary proper target of letters rogatory to be submitted pursuant to 28 U.S.C. §1781(a)(2).

For all evidence relating to the eligibility and competence of Barack Hussein Obama to serve as commander in chief of the United States Armed Forces, Secretary of Defense ROBERT M. GATES.

In light of the national importance of the matters herein raised, Plaintiffs request that Judge David O. Carter instruct the Clerk of Court and Courtroom Deputies of his chambers to set by special order an EXPEDITED SPECIAL HEARING of this cause prior to ordinary Motion date of September 14, 2009.

FIRST, Plaintiffs pray that this court authorize Plaintiffs to issue two special subpoenas for deposition *duces tecum* to Secretary of State HILLARY RODHAM CLINTON and Secretary of Defense ROBERT M. GATES, who should be be cited to appear within 21 days of pursuant to (or in the letter and spirit of) Rule 27 of the Federal Rules of Civil Procedure (even though this action has been filed and served, many months will pass before the Rule 26(f) Conference can be held to plan for discovery among the parties).

The purpose of Rule 27, even though designed for pre-filing discovery, is fulfilled and relevant here, in that some (above-noted) hearsay evidence exists that an individual involved in the examination of passport files at the United States Department of State relating to and involving certain 2008 Presidential candidates may have been killed in relation to such inquiry. Last year it was announced by former secretary of State Candoleeza Rice that there was tampering with the passport records of three major presidential candidates and the question of tampering was investigated by the inspector general.

First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition -4 – To Defendant Hillary Rodham Clinton, Robert M. Gates, et al. Lt. Quarles Harris, Jr., was one of the suspects in passport tampering scandal. Washington post has announced that he was cooperating with the FBI and shortly thereafter he was found dead, shot in the head, sitting in his parked car. This case remains open and unresolved. Under such circumstances, "perpetuation of evidence" becomes a more and more significant and time-sensitive issue.

Furthermore, because of the constitutional role of the President as Commander-in-Chief of the United States Armed Forces, Plaintiffs submit that ROBERT M. GATES' records relating to the November 2008 election and January 2009 inauguration of the President and the capacity and eligibility of Barack Hussein Obama to serve as Commander-in-Chief of the Armed Forces should also be summoned to appear for deposition *duces tecum*. It is difficult to envision any question of greater national security importance than the citizenship and potentially divided loyalties and inherent honesty of the Commander-in-Chief.

SECOND, Plaintiffs pray that this court will send a request for letters rogatory pursuant to 28 U.S.C.§1781(a)(2) to Defendant HILLARY RODHAM CLINTON and other relevant officers in the United States Department of State to issue and transmit letters rogatory through proper diplomatic channels to the following foreign offices of public record and vital statistics:

For the Republic of Kenya:

KENYA The Principal Civil Registrar Dept. of Civil Registration Office of the President PO Box 49179 Nairobi, Kenya

Tel: 227461

And/or

First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition - 5 – To Defendant Hillary Rodham Clinton, Robert M. Gates, et al. DR. ORLEY TAITZ FOR THE PLAINTIFFS 26302 LA PAZ SUITE 211 MISSION VIEJO, CALIFORNIA 92691

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2		
3	Office of the Principal Registrar	
4	Deputy Registrar	
4	Births, Deaths, and Marriages for the	
5	Coast Province of Kenya (or its modern successor, equivalent jurisdiction) in and for	
6	MOMBASA, KENYA	
7	(formerly British East Africa)	
	and/or	
8	KENYA HIGH COMMISSION	
9	45 PORTLAND PLACE	
10	LONDON W1B 1AS <u>mailto:info_uk@kenyahighcommission.net</u> TEL NO. 020 7636 2371	
11	TEL ING. 020 7050 2571	
	E-MAIL: INFO.UK@KENYAHIGHCOMMISSION.NET	
12	INFO.UK@KENYAHIGHCOMMISSION.NET	
13	HTTP://WWW.KENYAHIGHCOMMISSION.NET/	
14	SEARCHCERTAPPFORMS.HTML	
15	And/or	
16		
	<u>www.direct.gov.uk</u> General Register Office	
17	http://www.gro.gov.uk/gro/content/certificates/contact_us.asp	
18	Certificate Services Section	
19	http://www.direct.gov.uk/en/TravelAndTransport/Passports/	
20	WhoiseligibleforaBritishpassport/DG_174145	
	General Register Office PO Box 2	
21	SOUTHPORT	
22	PR8 2JD	
23	Tel: +44 (0) 845 603 7788 (8am to 8pm Monday to Friday. Saturday 9am to	
24	4pm).	
	THIRD and in the alternative, Plaintiffs pray that this court issue and transmit	
25	letters rogatory and requests directly to each of the above-and-foregoing listed	
26	foreign offices or agencies (or to the relevant tribunals with appropriate jurisdiction	
27		
28	in the relevant countries) without the intervention or assistance of Defendant	

HILLARY RODHAM CLINTON and/or other officers of the Department of State and/or the Department of Justice of the United States of America.

It is urgent that this request be prosecuted prior to the normal onset of discovery in this case, again, according to the general letter and spirit of Rule 27 of the Federal Rules of Civil Procedure regarding the perpetuation of testimony. There has never been a constitutional challenge to the identity and eligibility of a sitting President of the United States and so there are no direct precedents regarding this matter, but it is fairly safe to say that the potential consequences and fallout from this present filing being made public will be severe and significant, even though the undersigned counsel makes absolutely no pre-judgment or prediction regarding the actual authenticity of the document of which only a color copy taken by a camera at an odd angle, which is attached herein as Exhibit A.

PRAYER FOR RELIEF

For all of the above-and-foregoing reasons, Plaintiffs pray that this court will grant leave to the Plaintiffs to conduct the aforementioned special discovery immediately and prior to the normal Rule 26(f) Conference, pursuant to Rule 27 and all or some subset of the procedures authorized in 28 U.S.C. §§1781(a)(2)-1781(b)(2). Although the urgency of this request cannot be overstated, 21 days is the normal time for service of such a request as this under Rule 27 of the Federal Rules (and 24 days required for Notice of Motion under the Local Rules of the Central District of California, so that the regular setting would be Monday, September 14, 2009), but the undersigned counsel reminds the Court that she was out of the United States from August 2, 2009, to August 23, 2009, but is available for a hearing in this matter as soon as August 24, 2009 and any day thereafter.

An expedited hearing and granting of this motion is respectfully requested.

First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition -7 – To Defendant Hillary Rodham Clinton, Robert M. Gates, et al.

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3	Wednesday, August 19, 2009	Respectfully submitted,
4	() callesaay, 11agast 19, 2009	
5		D
6		By: Dr. Orly Taitz, Esq. (SBN 223433)
7		Attorney for the Plaintiffs
8		26302 La Paz, Suite 211 Mission Viejo, California 92691
9		-
10		Telephone (949) 683-5411 E-Mail: <u>dr_taitz@yahoo.com</u>
11		E-IMail. <u>df_taitz@yail00.com</u>
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First Amended Motion for Letters Rogatory and to Initiate Discovery before Rule 26(f) Conference by Notice of Deposition To Defendant Hillary Rodham Clinton, Robert M. Gates, et al.

3	PROOF OF SERVICE	
4	I the undersigned Charles Edward Lincoln, being over the age of 18 and not a	
5	party to this case, so hereby declare under penalty of perjury that on this Wednesday	
6	August 18, 2009, I provided facsimile copies of the Plaintiffs' above-and-foregoing	
7		
8	FIRST AMENDED SPECIAL MOTION FOR ISSUANCE OF LETTERS ROGATORY AND FOR LEAVE TO CONDUCT PRE-RULE 26(f) DISCOVERY TO DEFENDANT HILLARY RODHAM CLINTON, ROBERT M. GATES,	
9		
10	and	
11	CERTAIN NON-PARTY WITNESSES including the Ambassadors of the United Kingdom of Great Britain & Ireland, the Republic of Indonesia, and the	
12	Republic of Kenya, TO PERPETUATE TESTIMONY, PRESERVE EVIDENCE, and TRANSMIT	
13	LETTERS ROGATORY PURSUANT to 28 U.S.C. §§1781(a)(2)-(b)(2)	
14	to all of the following non-party attorneys whose names were affixed to the	
15	"STATEMENT OF INTEREST" who have appeared in this case in accordance with	
16	the local rules of the Central District of California, to wit:	
17	THOMAS P. O'BRIEN	
18	LEON W. WEIDMAN	
19	ROGER E. WEST roger.west4@usdoj.gov (designated as lead counsel for President	
20	Barack Hussein Obama on August 7, 2009)	
21	DAVID A. DeJUTE	
22	FACSIMILE (213) 894-7819	
23	DONE AND EXECUTED ON THIS WEDNESDAY the 18 th day of August,	
24	2009	
25		
26		
27	Charles Edward Lincoln, III	
28	<u>charles.lincoln@rocketmail.com</u> Tel: (512) 923-1889	
	First Amended Motion for Letters Rogatory and to Initiate	
	Discovery before Rule 26(f) Conference by Notice of Deposition-9 -FOR THE PLAIN IFFSTo Defendant Hillary Rodham Clinton, Robert M. Gates, et al9 -26302 LA PAZ SUITE 211	

