

1 **UNITED STATES JUSTICE FOUNDATION**
2 **GARY G. KREEP; SBN 066482**
3 **932 "D" Street, Suite 2**
4 **(Email: usjf@usjf.net)**
5 **Ramona, California 92065**
6 **Tel: (760) 788-6624**
7 **Fax: (760) 788-6414**

8 Attorney for Plaintiffs, Markham Robinson
9 and Wiley S. Drake

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **SANTA ANA (SOUTHERN) DIVISION**

13 CAPTAIN PAMELA BARNETT,
14 et al.,

15 Plaintiffs,

16 vs.

17 BARACK HUSSEIN OBAMA, et
18 al.,

19 Defendants

CIVIL ACTION NO:
SACV09-00082-DOC (Anx)

**EX PARTE APPLICATION FOR
ORDER VACATING VOLUNTARY
DISMISSAL; PROPOSED ORDER**

20 **EX PARTE APPLICATION FOR ORDER VACATING THE VOLUNTARY**
21 **DISMISSAL OF PLAINTIFFS MARKHAM ROBINSON AND WILEY S.**
22 **DRAKE**

23 Plaintiffs Markham Robinson and Dr. Wiley S. Drake (hereinafter referred to
24 as "PLAINTIFFS"), through their attorney, Gary G. Kreep, hereby respectfully submit
25 this ex parte application to the Court for an order vacating the Notice of Voluntary
26 Dismissal without Prejudice (hereinafter referred to as "NOTICE") that was filed by
27 Dr. Orly Taitz on August 1, 2009 on the following grounds:

28 (1) Prior to filing NOTICE, Dr. Orly Taitz refused to sign PLAINTIFFS'

1 Requests for Substitution of Attorney, which were mailed to her office on
2 July 24, 2009 (See Exhibits "1" and "2", copies of which are attached hereto
3 and made a part thereof).

4 (2) PLAINTIFFS were not notified of Dr. Taitz's plan to file NOTICE on
5 their behalf (See Declarations of Markham Robinson and Dr. Wiley S.
6 Drake, submitted herewith).

7 (3) PLAINTIFFS did not consent to being dismissed from the case, and they
8 intended to remain as plaintiffs in the matter (See Declarations of Markham
9 Robinson and Dr. Wiley S. Drake).

10 This motion is made ex parte because there is a risk that PLAINTIFFS'
11 interests might be prejudiced and irreparably harmed if PLAINTIFFS are not able to
12 remain in the case with their preferred counsel as their representative. Prior to the
13 filing of this motion, PLAINTIFFS were both named as plaintiffs and then unilaterally
14 dismissed by Dr. Taitz without their knowledge or consent. Since PLAINTIFFS and
15 their rights will be directly affected by the resolution of this case, an ex parte
16 application is necessary in order to ensure that PLAINTIFFS can promptly and
17 effectively protect their rights as the case moves forward. Furthermore, there is no
18 risk that the opposing parties in this case will be prejudiced by the granting of the
19 order ex parte since the application deals only with the PLAINTIFFS' participation as
20 plaintiffs in this case, a status which they had prior to the above-discussed action of
21 Dr. Taitz.

22 //

23 //

24 //

25 //

26 //

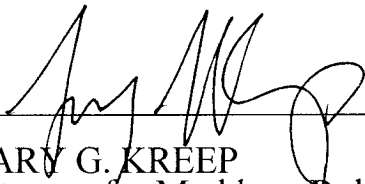
27 //

28 //

1 This application is based on the attached memorandum of points and
2 authorities, and the attached declarations of Markham Robinson, Dr. Wiley S.
3 Drake, and Elliot Wilson.

4
5 Respectfully submitted,

6 Dated: August 19, 2009

7
8 
9 GARY G. KREED
Attorney for Markham Robinson and
Dr. Wiley S. Drake

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28