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OFFICE OF STATE ADMINISTRATIVE HEARINGS

STATE OF GEORGIA

DAVID FARRAR,	:	
LEAH LAX,	:	
CODY JUDY,	:	**DOCKET #: OSAH-SECSTATE-**
THOMAS MacLAREN	:	**CE-1215136-60-MALIHI**
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	**PRE-TRIAL ORDER**
	:	
BARACK OBAMA, BRIAN KEMP,	:	
GA SECRETARY OF STATE,	:	
EXECUTIVE COMMITTEE OF THE	:	
DEMOCRAT PARTY OF GA	:	
Defendant.	:	
_____	:	**Filed: December 9, 2011**

COMES NOW the Plaintiffs and file the following Pre-trial Order:

(1) The name, address, phone number, fax number and E-mail address of the attorney(s) (or Pro se party) who will conduct the hearing is as follows:

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(2) The estimated time required for hearing:

Direct examination:	**6 hours**
Cross examination:	**4 hours**
Total:	**10 hours**

(3) The following motion(s) are pending/anticipated for consideration by the Court:

None anticipated by Plaintiffs.

(4) The issues for determination by the Court are as follows:

A. Whether Barack Obama is eligible for the Presidential Ballot in Georgia.
B. Whether other candidates should be allowed on the Presidential Ballot in Georgia.

(5) The following is an in depth outline of the case and contentions including specific statutes or rules or other source of law upon which each issue is based and any special authorities relied upon (please attach a copy of any case, statute, rule, and/or regulation cited):

1. For the reasons set forth at length in the First Amended Complaint, incorporated herein by this reference, the Plaintiffs contend that Barack Obama is not eligible to be placed on the Ballot in the State of Georgia, and thus challenge his inclusion by the Democratic Party on the Ballot.

2. Further, the Plaintiffs (other than Farrar) request the Court to order their inclusion on the Ballot.

(6) The types of relief sought are stated as follows:

A. Injunctive Relief
B. Declaratory Relief
C. An Order Excluding Barack Obama from the Presidential Ballot in Georgia.

D. An Order Allowing the Plaintiffs (other than Farrar) to be included on the Presidential Ballot in Georgia.

(7) The following facts are stipulated (if any):

At present the Plaintiffs are not aware of any facts to which the Defendants have are are willing to stipulate.

(8) The following is a list of all exhibits that will be tendered at the hearing. Unless noted, the parties have stipulated as to the authenticity of the exhibits and the exhibits listed may be admitted without further proof of authenticity. All exhibits shall be marked by counsel prior to hearing. Parties shall consolidate exhibits by eliminating duplicates and use a common numbering system for joint exhibits so that one set of joint exhibits is presented to the Judge. Exhibits shall be pre-marked by the parties sequentially starting with "P-1" for the Plaintiff's exhibits, and "D-1" for the Defendant's exhibits. A copy of the exhibits shall be given to the opposing party no less than 5 days before the hearing and to the Judge when first identified
in the hearing.

P-1 Affidavit of Susan Daniels
P-2 Affidavit of John Sampson
P-3 Affidavit of Chito Papa
P-4 Selective Service Verification
P-5 Affidavit from Linda Jordan
P-6 Email from Colonel Gregory Hollister
P-7 Copies of purported Birth Certificates and related documents
P-8 Affidavit of Douglas Vogt

(9) The testimony of the following persons may be introduced by depositions:

Plaintiffs are not aware of any testimony to be introduced by depositions, however, Plaintiff does intend to offer the affidavits and/or declarations of Susan Daniels, John Sampson, Chito Papa, Linda Jordan, Douglas Vogt and an email by Gregory Hollister

(10) The following are lists of witnesses and a brief description of each witness' expected testimony and relation to the issues for determination:

Susan Daniels (May offer affidavit from Daniels, a private investigator, regarding the results of various public records searches pertaining to candidate Obama's birth certificate and use of a Connecticut Social Security Number.)

John Sampson (May offer affidavit from Sampson regarding the candidate's use of a Connecticut Social Security Number.)

Chito Papa (May offer affidavit from Papa regarding the "birth certificate" allegedly released online by candidate Obama with particular focus on the use of the "Adobe Illustrator" software Plaintiffs allege was used to fabricate such document.)

Linda Jordan (May offer affidavit from Jordan regarding inability to verify the identity of the candidate through the "E-Verify" System.)

Gregory Hollister (May offer email from Hollister regarding inability to verify the identity of the candidate through the Social Security Number Verification Systems.)

Douglas Vogt (May offer affidavit of Vogt as to the techniques and properties of "scanning" documents, in particular relating to the scanned "birth certificate" at issue in this case.)

Orly Taitz (May testify as to authenticity of certain documents she herself obtained or created.)

(11) The hearing can be avoided if the parties are able to settle the dispute voluntarily. Mediation is available as a possible means of resolving your differences without the necessity of a formal hearing The possibilities of settling the case are:

Plaintiffs are not aware of any present possibility of settling this dispute prior to the hearing.

This is the 9th day of December 2011.

Submitted by:

Dr. Orly Taitz, Esq.

_____
Attorney for Plaintiffs

ORDER

IT IS HEREBY ORDERED THAT the foregoing, including the attachments thereto, constitutes the PRE-TRIAL ORDER in the above case upon filing with the Clerk and supersedes the pleadings that may not be further amended except by order of the Court to prevent manifest injustice.

SO ORDERED, this _____ day of _____, 2011.

_____

MICHAEL M. MALIHI, Judge