

**OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

DAVID FARRAR,

Plaintiff,

Docket Number: OSAH-SECSTATE-CE
1215136-60-MALIHI

v.

BARACK OBAMA,

Defendant.

PRE-TRIAL ORDER

COMES NOW the Plaintiff: David Farrar, and files 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:

A. Dr. Orly Taitz, Esq.
29839 Santa Margarita pkwy, Ste. 100
Rancho Santa Margarita, CA 92688
Tel: 949-683-5411 Fax: 949-766-7603
Email: orlytaitzesq.com

(2) The estimated time required for hearing:

Direct examination: 30 minutes

Cross examination: To be determined following receipt of Defendant's
portion of the Pre- Trial Order

Total:

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

Motion: None

Date filed:

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

A. Is the candidate's proffered birth certificates, authentic state-issued documents that verify his actual, physical birth in Hawaii?

B. Is the candidate an Article II natural born citizen of the United States as established in US. Supreme Court case: Minor vs Happersett 1875 Page 88 U. S. 163

C. O.C.G.A. § 21-2-560 Making of False Statements Generally. Is the candidate's Social Security number, authentic?

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

A. OCGA § 21-2-5 (a) Every candidate for federal and state office who is certified by the state executive committee of a political party or who files a notice of candidacy shall meet the constitutional and statutory qualifications for holding the office being sought.

B. The DPOG Mike Berlon, 11-01-11 Letter “Candidates seeking to be listed on the Democratic Preference Primary Ballot should notify the Executive Committee in writing by October 31, 2011. One candidate has submitted such a letter, and his name will appear on the Democratic Presidential Primary Ballot.”

C. “Under Haynes v. Wells, 273 Ga 106, 538 S.E. 2d 430 (2000), the burden of proof is entirely upon Respondent to establish affirmatively his eligibility for office. It is Respondent's burden to establish that the two residency requirements at issue have been met, not Petitioner's burden to disprove Respondent's residency: Thus, the statutes place the affirmative obligation on Haynes [the challenged candidate] to establish his qualifications for office. Wells [the challenger] is not required to disprove anything regard Haynes' eligibility to run for office, as the entire burden is placed upon Haynes to affirmatively establish his eligibility for office. He failed to make that showing. Hence, his candidacy for the fifth district seat was invalid.” Michael Malihi, Judge

D. "The 'burden of establishing a delegation of power to the United States * * * is upon those making the claim.' Bute v. Illinois, 333 U.S. 640, 653 (1948). And if each of the General Government's powers must be proven (not simply presumed) to exist, then every requirement that the Constitution sets for any individual's exercise of those powers must also be proven (not simply presumed) to be fully satisfied before that individual may exercise any of those powers."

E. Obama's letter to the DNC stating he was qualified to take the Oath of Office of the President of the United States

F. US Constitution Art. II, § I, Cl. 5 “No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.”

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

A. Barack H. Obama's name should not appear on Georgia's March 6, 2011, Primary ballot, or the November 6, 2011 general, as he fails to meet the Constitutional requirements for the Office of the President of the United States.

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

A. Barack Obama Sr.'s date of birth was June 18, 1934

B. Barack Obama Sr. was the father of Barack Obama Jr.

C. Barack Obama Sr. was not a U.S. citizen

D. Barack Obama's letter to the DNC stating he meets all Constitutional requirements to take the Oath of Office of the President of the United States.

(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 listed 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 elimination duplicates and use 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 five (5) days before the hearing and to the Judge when first identified at the hearing.

P-1. Office of Inspector General, Department of Health and Human Services, Birth Certificate Fraud

Conclusions: *Birth Certificates Alone do not Provide Conclusive or Reliable Proof of Identity.*

P-2. Barack-Hussein-Obama-Sr-Immigration-File

P-3 The Honolulu Advertiser First Mention : "In November 2008, The Advertiser reported that the first published mention of the future president appeared in a Sunday Advertiser birth announcement that ran on Aug. 13, 1961: "Mr. and Mrs. Barack H. Obama, 6085 Kalaniana'ole Hwy., son, Aug. 4." The identical announcement ran the following day in the Honolulu Star-Bulletin. Such vital statistics, however, were not sent to the newspapers by the general public but by the Health Department, which received the information directly from hospitals, Okubo said.

Birth announcements from the public ran elsewhere in both papers and usually included information such as the newborn's name, weight and time of birth."

(9) The testimony of the following persons may be introduced by depositions: none by Plaintiff.

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

Opposing counsel may rely on representation by the designated party that she/he will have a witness present unless notice to the contrary is given in sufficient time prior to the hearing to allow the opposing party to subpoena the witness or obtain her/his testimony by other means.

(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: poor.

This the ____ day of _____, 2011

Submitted by:

Attorney for Plaintiff

ORDER

IT IS HEREBY ORDERED THAT the following, 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 have further amended except by order of the Court to prevent manifest injustice.

SO ORDERED, this ____day of _____, 2011

MICHAEL M. MALIHI, Judge

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ORDER

Plaintiff's unopposed request to continue is granted, in part. Plaintiff's Pre-trial order and amended complaint, if any, are due December 9, 2011. Defendant's Pretrial order is due December 19, 2011. If necessary, the hearing will be held January 16-18, 2012 in Atlanta. No other continuances will be granted without good cause.

SO ORDERED, December 1, 2011.


MICHAEL M. MALIHI, Judge