

January 26, 2012 hearing in Farrar v Obama and produce a book of birth records with the original birth certificate of Mr. Barack Obama, as well as corresponding microfiche film.

ARGUMENT

Today this Honorable court denied a motion to quash subpoenas filed by the defendant. It is presumed the defendant will testify in court and will provide his alleged copy of his birth certificate. Due to affidavits provided by a number of experts, this alleged document is not valid. The only way to definitively ascertain the validity of a copy, is to examine the original.

HI rule 338-18 governs release of birth records as follows:

§338-18 Disclosure of records. (a) To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record, except as authorized by this part or by rules adopted by the department of health.

(b) The department shall not permit inspection of public health statistics records, or issue a certified copy of any such record or part thereof, unless it is satisfied that the applicant has a direct and tangible interest in the record. The following persons shall be considered to have a direct and tangible interest in a public health statistics record:

- (1) The registrant;
- (2) The spouse of the registrant;
- (3) A parent of the registrant;
- (4) A descendant of the registrant;
- (5) A person having a common ancestor with the registrant;
- (6) A legal guardian of the registrant;
- (7) A person or agency acting on behalf of the registrant;
- (8) A personal representative of the registrant's estate;

- (9) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction;
- (10) Adoptive parents who have filed a petition for adoption and who need to determine the death of one or more of the prospective adopted child's natural or legal parents;
- (11) A person who needs to determine the marital status of a former spouse in order to determine the payment of alimony;
- (12) A person who needs to determine the death of a nonrelated co-owner of property purchased under a joint tenancy agreement; and
- (13) A person who needs a death certificate for the determination of payments under a credit insurance policy.

(c) The department may permit the use [of] the data contained in public health statistical records for research purposes only, but no identifying use thereof shall be made.

(d) Index data consisting of name and sex of the registrant, type of vital event, and such other data as the director may authorize shall be made available to the public.

(e) The department may permit persons working on genealogy projects access to microfilm or other copies of vital records of events that occurred more than seventy-five years prior to the current year.

(f) Subject to this section, the department may direct its local agents to make a return upon filing of birth, death, and fetal death certificates with them, of certain data shown to federal, state, territorial, county, or municipal agencies. Payment by these agencies for these services may be made as the department shall direct.

(g) The department shall not issue a verification in lieu of a certified copy of any such record, or any part thereof, unless it is satisfied that the applicant requesting a verification is:

- (1) A person who has a direct and tangible interest in the record but requests a verification in lieu of a certified copy;
- (2) A governmental agency or organization who for a legitimate government purpose maintains and needs to update official lists of persons in the ordinary course of the agency's or organization's activities;
- (3) A governmental, private, social, or educational agency or organization who seeks confirmation of a certified copy of any such record submitted in support of or information provided about a vital event relating to any such record and contained in an official application made in the ordinary course of the

agency's or organization's activities by an individual seeking employment with, entrance to, or the services or products of the agency or organization;

- (4) A private or government attorney who seeks to confirm information about a vital event relating to any such record which was acquired during the course of or for purposes of legal proceedings; or
- (5) An individual employed, endorsed, or sponsored by a governmental, private, social, or educational agency or organization who seeks to confirm information about a vital event relating to any such record in preparation of reports or publications by the agency or organization for research or educational purposes. [L 1949, c 327, §22; RL 1955, §57-21; am L Sp 1959 2d, c 1, §19; am L 1967, c 30, §2; HRS §338-18; am L 1977, c 118, §1; am L 1991, c 190, §1; am L 1997, c 305, §5; am L 2001, c 246, §2]

Cross References

Rulemaking, see chapter 91.

Under rule 338-18(9) access to the original records is allowed

- (9) A person whose right to inspect or obtain a certified copy of the record **is established by an order of a court of competent jurisdiction;**

This court is a court of competent jurisdiction.

Plaintiff's attorney has travelled to the state of HI 5 times at her own expense to obtain access to the original birth records under Federal Subpoena and under UIPA (unified Information practices Act) which is equal to the state of HI freedom of information act.

Director of Health Loretta Fuddy by and through her attorney, Deputy Attorney General Jill Nagamine is refusing to cooperate.

The only way to obtain cooperation, is through a letter rogatory from this court to the circuit court in the state of Hawaii, requesting commission for the Plaintiff's attorney Orly Taitz, which would extend the jurisdiction of the Administrative court of the state of GA to the state of HI.

Plaintiff's attorney has already instituted a legal action Taitz v Fuddy under UIPA and Agency appeal. The case is currently presided by Honorable Judge Rhonda Nishimura.

Georgia statute 9-26-11 states

“A commission or letters rogatory shall be issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate. Officers may be designated in notices or commissions either by name or by descriptive title and letters rogatory may be addressed “To the Appropriate Judicial Authority in....”

Plaintiffs counsel is respectfully requesting this court for an emergency letter rogatory to Honorable judge Nishimura to either extend the subpoena from this court or to issue subpoena for the Director of Health Loretta Fuddy to appear at the January 26 2012 hearing and provide the book of records with Mr. Obama's original 1961 birth certificate and the corresponding microfiche film.

Respectfully submitted

/s/ Dr. Orly Taitz, ESQ

01.20.2012

I, Orly Taitz, attest that I served the plaintiff on 01.20.2012 by and through his counsel Michael Jablonski at Michael.Jablonsi@comcast.net

/s/ Orly Taitz

01.20.2012