

HONORABLE MICHAEL MALIHI

DEPUTY CHIEF JUDGE OSAH

STATE OF GEORGIA

DAVID FARRAR, :
LEAH LAX, :
CODY JUDY, : DOCKET #: OSAH-SECSTATE-
THOMAS MacLaren : CE-1215136-60-MALIHI
:
Plaintiffs, :
v. :
:
:
BARACK OBAMA :
:
Defendant. :
_____ --: :

EMERGENCY REQUEST FOR leave of court to petition the Fulton county Superior Court for a letter rogatory to seek from the state of HI under Rule 616-1-2 production of an original birth certificate of the defendant in lieu of a copy proffered by the defense in 01.25.2012 letter to Secretary of State Kemp and carbon copied to this court.

ARGUMENT

Current request for leave of court is filed for a limited purpose of seeking a letter rogatory to the judicial authority in the state of Hawaii, seeking production of an alleged original birth certificate. This request is done in accordance with rule 616-1-2 and in light of the fact, that in the 01.27.2012 order this court ruled, that it has no jurisdiction to issue a letter rogatory to the state of HI. This request is done in parallel with current proceedings and with the reservation of rights of the plaintiffs to file a summary of points of law and facts by February 1, as ordered by this court.

On January 25, 2012 Defendant by and through his attorney sent a letter to the Secretary of State of GA Brian Kemp and carbon copied this letter to this court and to the plaintiffs. The letter contained mostly gratuitous attacks on the plaintiff's counsel and on the court and had as an attachment a computer image of an alleged long form birth certificate of the Defendant. The letter in question was seeking to remove this case from this court. Secretary of State Kemp denied the request. Defendant never showed up in court for trial. The trial was conducted in his absentia. Defendant never introduced into evidence any documents proving his natural born US citizen status. However, the image attached with the aforementioned letter, was used with improper purpose to influence this court, the Secretary of State of GA, media and public at large. Aforementioned letter was widely quoted in the media and the image in question was included in multiple

telecasts. Taitz, Plaintiffs attorney, had to endure multiple threatening and harassing phone calls, e-mails and messages as a result of this letter.

Rule 616-1-2 states:

Chapter 616-1-2 Administrative Rules of Procedure

purpose of resolving the differences so as to make the record conform to the truth.

(f) Documents and things produced for inspection during the examination of the witness shall,

upon the request of a party, be marked for identification and attached to and filed with the

deposition, and may be inspected and copied by a party. Copies may be substituted for originals

if each party is given an opportunity to compare the proffered copy with the original to verify its correctness. (emphasis added)

As the defendant sent aforementioned letter to this court, claiming it to be a copy of his original birth certificate, and in light of the testimony at trial by experts Felicito Papa, Douglas Vogt and senior deportation officer John Sampson, stating that aforementioned image is a forgery, there is a need to examine the original under 616-1-2.

As this court ruled on January 27, 2012, that it does not have jurisdiction to issue a letter rogatory, Plaintiffs respectfully request a leave of court to file a petition for a letter rogatory with the Superior court of the Fulton county, Georgia. Such letter will seek

reciprocal cooperation by the First Circuit court of Hawaii in issuing subpoena for the original birth certificate in question.

Plaintiffs assert, that this limited request will not interfere with their planned submission of the summary of points and authorities of law and fact by the February 1 deadline as ordered by this honorable court.

Plaintiffs submit that such letter rogatory and ultimate retrieval of the original birth certificate, if it is valid and if it even exists, will be beneficial for the ultimate resolution of the matter in case of any appeals and in order to assure consistency of judgment and elections in all 50 states.

Respectfully submitted

/s/ Dr. Orly Taitz, ESQ

counsel for the Plaintiffs 01.30.2012

I, Orly Taitz, attest that I served above pleadings on the defendant through his counsel Mr. Jablonski at michael.jablonski@comcast.net

/s/ Orly Taitz

01.30.2012