

Dr. Orly Taitz, ESQ  
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Attorney for Plaintiffs

**IN THE SUPERIOR COURT  
MARION COUNTY**

DR. ORLY TAITZ, ESQ	)	Case No.: 49D14-1203-MI-012046
KARL SWIHART	)	
EDWARD KESLER	)	
BOB KERN	)	
FRANK WEYL	)	
VALERIA RIPLEY	)	
PLAINTIFFS,	)	
v.	)	
	)	
ELECTIONS COMMISSION;	)	
SECRETARY OF STATE OF INDIANA;	)	
DEPUTY ATTORNEY	)	
GENERAL JEFFERSON GARN;		
ASSISTANT ATTORNEY		
GENERAL KATE SHELBY;		
1310 RADIO/WTLC		
AMOS BROWN, IN HIS CAPACITY OF		
THE TALK SHOW HOST OF THE 1310 RADIO/WTLC		
DEFENDANTS.		

**MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS  
SECRETARY OF STATE AND ELECTION COMMISSION**

**MOTION TO RECONSIDER AND RESCIND PRIOR ORDER FOR  
ENLARGEMENT OF TIME FOR DEFENDANTS ELECTIONS  
COMMISSION AND SECRETARY OF STATE DUE TO THE FACT THAT  
THE ORDER FOR ENLARGEMENT OF TIME WAS OBTAINED BY  
FALSE PRETENSES, DUE TO MISREPRESENTATION OF FACTS AND  
FRAUD ON THE COURT BY THE DEFENDANTS IN THEIR MOTION**

1. Plaintiffs seek reconsideration and rescission of the order to enlarge time, which was granted to Plaintiffs Secretary of State and the Elections Commission due to misrepresentation of facts, concealment of facts, fraud on the court.
2. Due to the fact that the defendants did not file an answer or any other responsive pleading to the Second Amended Complaint (Hereinfter "SAC") within 23 days after they received the Second Amended Complaint by Certified mail on September 11<sup>th</sup>, Plaintiffs are seeking a default judgment against these two defendants.
3. Plaintiffs are seeking a Declaratory relief and Injunctive relief to be granted to them based upon the Pleadings and exhibits in the Second Amended Complaint and due to the default of the defendants Secretary of State and the Elections Commission to file timely responsive pleadings.



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\_/s/Orly Taitz ESQ Attorney for Plaintiffs

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/s/ Gregg Black ESQ Indiana Sponsoring Attorney

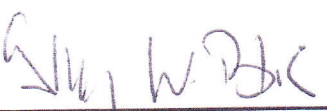
10.17.2012

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\_/s/Orly Taitz ESQ Attorney for Plaintiffs

 W.B.K. 2957-32 18 Dec 12

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/s/ Gregg Black ESQ Indiana Sponsoring Attorney

10.17.2012

**BRIEF IN SUPPORT OF THE MOTION TO RECONSIDER AND  
RESCIND THE MOTION FOR ENLARGEMENT OF TIME AND TO  
GRANT THE PLAINTIFFS A DEFAULT JUDGMENT AGAINST THE  
DEFENDANTS SECRETARY OF STATE AND ELECTIONS  
COMMISSION**

1. Defendants Election Commission and Secretary of state were under a standing prior order from Honorable Sherry Reid to respond to the Second Amended complaint within 23 days.

2. Defendants received Second Amended Complaint on September 11 by certified mail Exhibit 1 Certified Mail Receipt.

3. Defendants Secretary of State and Elections Commission were obligated to file an answer or other responsive pleading by October 4<sup>th</sup>, 2012.

4. Attorney for the defendants, Assistant Attorney General Kate Shelby (Hereinafter “Shelby”) filed a motion for enlargement of time, where she stated that the summons were not received until September 19<sup>th</sup>

5. Shelby knew that summons were needed **only for other defendants**, there was **no need for summons** for Secretary of State and Elections Commission.

6. Shelby knew that she received the Second Amended Complaint on the 11<sup>th</sup> of September 2012 and that she is obligated to respond by October 4<sup>th</sup> 2012.

7. Shelby knew that there was no justification for request for enlargement of time for aforementioned two defendants.



8. Shelby knew that this is the case of National security and the complaint related to election fraud allegations and evidence that candidate for the U.S. President Barack Obama is using forged I.D.s and a name not legally his.

9. Shelby has hidden from Honorable Judge Reid the truth and did not disclose to her that Secretary of State and Elections Commission received Second Amended Complaint by Certified Mail on September 11<sup>th</sup> and there was no need for summons for them, since they were part of the case at hand since March, 2012 and Shelby was an attorney on the case since March, 2012.

10. Shelby obtained enlargement of time by false pretenses, by concealment of truth, misrepresentation and fraud on the court. An order obtained based on fraud on the court is invalid ab initio.

Due to all of the above order for enlargement of time should be rescinded and Default Judgment entered against two defendants: Secretary of State and Elections Commission. This court was harsh on the plaintiffs and have penalized them for not submitting their Agency Appeal within 30 days and actually dismissed a cause of action, Agency Appeal, due to the fact that certified agency transcript was not submitted within 30 days. Plaintiffs are seeking Equal Protection under the law, guaranteed to them under the 14<sup>th</sup> Amendment. Plaintiffs are seeking a Default Judgment in their favor and an order of Declaratory Relief and Injunctive Relief requested by them against Defendants Secretary of State and Elections Commission. Any other forms of relief and other causes of action against other parties to be determined at a further hearing.

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Attorney for Plaintiffs, pro hac vice in Indiana

\_\_\_\_/s/Gregg Black Indiana Sponsoring Attorney

Exhibit 1

Certified Mail Receipt

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/> Jody Clapper <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  Kate Shelby office of the Attorney General 546 Flood 302 West Washington Street Indianapolis, IN 46204		B. Received by (Printed Name) JODY CLAPPER	C. Date of Delivery 9/11/12
2. Article Number (Transfer from s) 7012 0470 0000 5943 0512		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

### CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been duly served upon all parties and/or counsel of record listed below, by United States mail, first -class postage prepaid, on this \_\_\_\_ day of 2012

Jefferson Garn

Deputy Attorney general,

Kate Shelby

Assistant Attorney General

Kenneth Joel

Deputy Attorney General

302 West Washington str.

Indianapolis, IN 46204-2770

Attorney for Plaintiffs, pro hac vice in Indiana

Gregg W. Black 2757-32 18 Oct '12

/s/Gregg Black Indiana Sponsoring Attorney

Exhibit 1

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Jefferson Garn

Deputy Attorney general,

Kate Shelby

Assistant Attorney General

Kenneth Joel

Deputy Attorney General

302 West Washington str.

Indianapolis, IN 46204-2770

Amos Brown

1310 Radio WTLC

21 East Saint Joseph str.

Indianapolis, IN 46204

Gregory W. Black

POBox 845

1647 East Main str., ste A

Plainfield, IN 46168

Karl Swihart

460 Austin Dr.

Avon, IN 46123

Edward Kesler



3070 S. Leisure Place  
West Terre Haute, IN 47885

Frank Weyl

701N. Brentwood

Muncie, IN 47304

Bob Kern

12547 Crystal Pointe Dr. Indianapolis, IN 46236

Valeria Ripley

14334 Tonkel Rd.

Fort Wayne IN 46845

A handwritten signature in blue ink, appearing to read "Orly Taitz", is written above the typed name.

/s/ Dr. Orly Taitz ESQ Counsel for Plaintiffs

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AMOS BROWN, IN HIS CAPACITY OF  
THE TALK SHOW HOST OF THE 1310 RADIO/WTLC  
DEFENDANTS.

## ORDER

Motion for reconsideration of enlargement of time for defendants Secretary of State and Elections Commission and default judgment for Secretary of State and Elections Commission Is hereby GRANTED, so ORDERED

Honorable Sherry K. Reid, Superior Court Judge

Dated \_\_\_\_\_