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November 20, 2012

VIA FEDERAL EXPRESS

The Honorable Henry T. Wingate
Judge, United States District Court
Southern District of Mississippi
United States Courthouse
501 E. Court Street
Suite 2.500
Jackson, MS 39201

Re: November 16, 2012 Hearing in *Orly Taitz, et al. v. Democrat [sic]*
Party of Mississippi, et al., 3:12-CV-280 HTW-LRA

Dear Judge Wingate:

In the MDEC's Amended Memorandum in Support of Judgment on the Pleadings [ECF 18, "JOP Memo"] and in its Reply in Support of Motion for Judgment on the Pleadings [ECF 53, "JOP Reply"], the MDEC set forth a variety of reasons that Plaintiff's RICO claim must fail as a matter of law.

During the November 16, 2012 hearing, in a discussion about whether certain documents constitute identification documents for purposes of the RICO predicate act statute upon which Plaintiffs rely – an issue not addressed in the briefs and upon which the MDEC did not (and does not) rely in its Motion for Judgment on the Pleadings – undersigned counsel stated that birth certificates, social security cards, and selective service registration documents were not "identification documents" under the RICO predicate act statute..

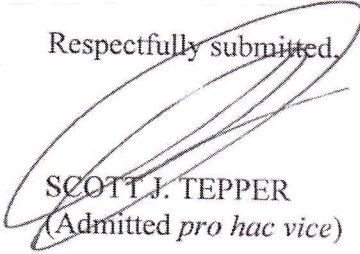
Following the hearing, undersigned counsel determined that that statement, although made in good faith, was inaccurate insofar as at least some courts have held that such documents may be considered "identification documents" under one or more predicate act statutes in certain circumstances. *See, e.g., United States v. Lopez*, 704 F.2d 1382, 1385 (5th Cir. 1983); *United States v. Dimas-Flores*, 458 F. App'x 366, 368 (5th Cir. 2012). Of course, whether such documents were to qualify as identification documents under the various predicate act statutes is irrelevant even if Plaintiff were able to allege adequately the required elements of potentially applicable predicate act statutes because – as set forth in the MDEC's

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briefing and otherwise discussed at the hearing – Plaintiffs have failed to adequately allege the elements necessary to plead a RICO claim. See JOP Memo at 21-24 and JOP Reply at 6-11.

Respectfully submitted,



SCOTT J. TEPPER
(Admitted *pro hac vice*)

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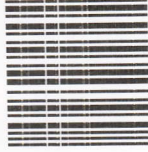


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