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Counselor for the Plaintiffs

US District Court

For the Eastern District of California

James Grinols, Robert Odden, in their capacity)Case # 12-cv-02997

as Presidential Electors)

Edward C. Noonan, Thomas Gregory MacLeran,)

Keith Judd in their capacity as)

candidates for the U.S. President)

Orly Taitz in her capacity as candidate for office)

in the state of CA; Edward Noonan and Orly Taitz

in their capacity as registered voters in CA)

v Electoral College, President of the Senate,)

Governor of California, Secretary of State)

of California, U.S. Congress ,)

aka Barack (Barry) Soetoro,)

aka Barack Hussein Soebarkah,)

aka alias Barack Hussein Obama,)
aka alias Barack A. Obama,)
aka alias Harrison (Harry) J. Bounel)
aka alias S. A. Dunham)
in his capacity)
as an individual and candidate for)
the U.S. President)

and John Does and Jane Does 1-300

**60(B) MOTION FOR RECONSIDERATION OF THE DENIAL OF MOTION FOR DEFAULT JUDGMENT
FOR DEFENDANT BARACK OBAMA**

**Motion to stay all other proceedings in this case pending adjudication of the 60(b) motion at
hand**

**Request for an expedited hearing on the motion at hand on March 21,2013 as an expedited
hearing or an ex parte hearing**

RULE 60. RELIEF FROM A JUDGMENT OR ORDER

(b) GROUND FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and
just terms, the court may relieve a party or its legal representative from a final judgment, order,
or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

60 B MOTION FILED DUE TO NEW INFORMATION AND ERROR OF FACT

Defendant Obama refuses service at his residence and U.S. Attorney's office is served out of necessity, due to consent of the defendant and based on a prior order of a Federal Judge David O. Carter from the U.S. District Court for the Central District of California

Plaintiffs are providing this court with new information.

1.Exhibit 1, Sworn notarized affidavit of Daniel Williams, professional process server from "Same Day Process" service in Washington DC. Orly Taitz, plaintiff's attorney has employed "Same Day Service" for service of process. Mr. Williams attests that he attempted to serve Defendant Barack Obama (Hereinafter "Obama") at his residence and was told by the Secret Service that Mr. Obama refuses to accept service of process at his residence at 1600

Pennsylvania Ave, Washington DC and demands legal papers to be served through the Department of Justice/U.S. Attorneys' office. As such service of process of Mr. Obama at his residence is excused and service through the U.S. Attorneys' office is acceptable due to impossibility to serve Mr. Obama at his residence and due to his express consent and instruction to serve him through the U.S. Attorneys' office.

2. Exhibit 2, 06.11.2009 Motion for clarification filed by Orly Taitz, attorney for Plaintiffs in a related case Keyes et al v Obama 09-cv-082 USDC Central District of California with attached affidavit from server Mary McKiernan attesting that Mr. Obama is refusing to accept service of process at his residence at the White House and demands to be served through the Department of Justice/U.S. Attorneys' office. In *Keyes* Taitz sued on behalf of a Presidential candidate from American Independent Party in 2008 election, former U.S. Ambassador Dr. Allen Keyes and his electors. Later they were joined by a number of high ranking officers of the U.S. military and state Representatives from multiple states around the nation. In *Keyes* U.S. District and the 9th Circuit Court of Appeals ultimately decided that the presidential candidates and electors indeed have standing to sue, however since the case was filed on the inauguration day, a few hours after Obama was inaugurated, the court ruled that he already took office and the case was filed too late for the court to have jurisdiction. The case at hand, *Grinols*, was filed two and a half months before Obama was inaugurated and therefore not only the plaintiffs have standing, but the court also has jurisdiction.

In regards to the service of process, after Taitz filed the motion for clarification on 06.11.2009, the day later, on 06.12.2009 the court issued an order Exhibit 3, which demanded Obama to be served not under rule 4e, but under Rule 4i through the U.S. Attorneys' office.

In *Keyes* On 07.13.2009 the court held a hearing on Plaintiff's motion for Default Judgment against Obama or in the alternative, if the court were to refuse to grant a default hearing, Plaintiffs sought to certify the question for interlocutory appeal, as plaintiffs argued that Obama was sued for his actions prior to the election, as an individual, who committed fraud and used forged IDs, as such Obama had to be sued as an individual under Rule 4e, not as a governmental official performing his governmental duties under Rule 4i. No other candidate for office would be entitled to representation by the U.S. Attorney and at the taxpayer expense, as such Obama is not above the law and he was not entitled to service and taxpayer paid representation for fraud and use of forged IDs as a candidate as well. Transcript of the hearing is attached herein as Exhibit 4. U.S. Attorney appeared at the hearing, but stated that he did not represent Mr. Obama, he represented United States of America. At the hearing presiding judge, David O. Carter, demanded that Taitz serve the government "the way they want to be served", that she serve Obama through the U.S. Attorney. Moreover Judge Carter threatened that if Taitz does not do that, he will dismiss the case and it will linger in the 9th Circuit for a long time, which would be Taitz fault, on the other hand, if Taitz agrees to serve Obama through the U.S. Attorney the case will be heard on the merits, he will get to the bottom of the matter and it will be done expeditiously. Taitz followed the order of Judge Carter and served Obama yet again through the U.S. Attorneys' office. After Taitz served the U.S. Attorney, he filed a motion to dismiss on technical grounds, due to lack of jurisdiction and standing, and the case was dismissed by Judge Carter noting that the candidate and elector had standing but there was no jurisdiction as the case was filed after Obama was inaugurated. The case was never heard on the merits. Even though it was subsequently dismissed due to filing on Inauguration day, *Keyes* serves as a precedent and shows that indeed Taitz acted properly in

serving Obama through the US Attorneys' office due to necessity and pursuant to a prior express order by the Federal judge.

Exhibits 1-4 show that indeed Obama refuses service at his residence. Service through the U.S. Attorney was done due to necessity and due to consent by Obama, who through the Secret Service employees at the White House is directing process servers to serve him through the Department of Justice/U.S. Attorneys' office, additionally prior order by Judge Carter, when Obama refused service at his residence, to serve him through the U.S. Attorney shows that Obama was properly served, he had an obligation to respond within 21 days, he did not do so and the Default Judgment has to be granted. Based on the new information contained herein the 60 B motion should be granted and prior order denying Default Judgment should be reversed.

STAY OF OTHER PROCEEDINGS IS JUSTIFIED

Obama is the main defendant in this case. Plaintiffs are seeking a Declaratory Judgment stating that certification of votes for Obama was done based on fraudulent representation by Obama, whereby Obama submitted his certificate of candidate, claiming to be a qualified candidate for the U.S. President based on fraud and use of forged IDs, while being an Indonesian candidate and not being qualified. As decision in regards to other defendants is integrally related and dependant on decision on Obama, Plaintiffs are asking this court to STAY other hearings and specifically STAY the Motion Hearing on the Motion to Dismiss scheduled for April 18 until this court renders its decision on this motion to reconsider Request (Motion) for Default Judgment against Defendant Obama.

Request (Motion) to expedite the decision on the 60 B Motion at hand and hear it either exparte or hear it expeditiously on the Motion Day, on Thursday, March 21st at 2pm.

This is the matter of the most egregious crime ever committed against the United States of America and People of the United states of America and the most serious breach of the U.S. National Security, namely usurpation of the U.S. Presidency by a citizen of Indonesia, born in Kenya, Barack (Barry) Soebarkah, aka Barack (Barry) Soetoro, aka Harrison J. Bounel, aka Barack Hussein Obama, using all forged IDs and a stolen CT Social Security number as a basis of eligibility and as a basis of his U.S. citizenship. Plaintiffs submitted with their original complaint and subsequent pleadings some 150 pages of sworn affidavits of top law enforcement officers and experts, showing Obama committing massive fraud and using a stolen Social Security number xxx-xx-4425, forged birth certificate and a forged selective service certificate. This represents suspension of all civil rights an deprivation of all civil rights of the U.S. citizens, as the top position in the executive branch is being usurped by a foreign citizen, who has no allegiance to this nation and who is using forged and stolen IDs as a basis of his eligibility.

Rule 1003 of Federal Rules of Evidence states:

A duplicate is admissible to the same extent as the original **unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate.**

Moreover the Committee on the Judiciary expects the courts to be liberal in finding that a genuine question of authenticity was raised.

NOTES OF COMMITTEE ON THE JUDICIARY, HOUSE REPORT NO. 93-650

The Committee approved this Rule in the form submitted by the Court, with the expectation **that the courts would be liberal in deciding that a “genuine question is raised as to the authenticity of the original.”**

Some 200 pages of sworn affidavits of top law enforcement officials showed that indeed **there is a genuine question about the authenticity of the original, all of the affidavits attest to the fact that the copies provided to the public represent crude laughable forgeries and both main Social Security verification agencies, E-Verify and SSNVS, show Obama blatantly acting outside the law and using a Social Security ID, which was never assigned to him,** and so far not one single judge or jury has ever seen any original IDs for Obama and for over four years now there was no authentication of any IDs for Obama. So far all of the legal challenges brought against Obama were dismissed based on technicalities, often conflicting technicalities. As such in the interest of Public Policy, in the interest of protecting the US. National Security and ending the usurpation of the position of the U.S. President and Commander in chief it is imperative to hear this motion expeditiously

CONCLUSION

Rule 60B motion at hand should be granted as Plaintiffs provided the court sworn affidavits from two servers of process attesting to the fact that Defendant Obama refuses to accept service of process at his residence. Service through the U.S. Attorney was done due to necessity and due to consent by Obama, who through the Secret Service employees at the White House is directing process servers to serve him through the Department of Justice/U.S.

Attorneys' office, additionally prior order by Judge Carter, when Obama refused service at his residence, directed to serve Obama through the U.S. Attorney, and it shows that Obama was properly served, he had an obligation to respond within 21 days, he did not do so and the Default Judgment has to be granted. Based on the new information contained herein the 60 B motion should be granted and prior order denying Default Judgment should be reversed.

Additionally other proceedings in this case should be stayed, as the adjudication on Defendant Obama is central to the case and will influence the adjudication regarding other defendants.

Above motion should be heard either *ex parte* or expeditiously at the previously scheduled hearing on March 21, 2013, the original hearing date. This is the case of the utmost importance for the public and for the nation as a whole. Plaintiffs provided this court with undeniable and irrefuted evidence showing Barack Obama being a citizen of Indonesia, not a natural born U.S. citizen, no evidence of him ever legally becoming the U.S. citizen and all evidence showing him defrauding the Plaintiffs, other defendants and the nation as a whole, by running for the U.S. Presidency using last name not legally his, forged IDs and a stolen CT SSN, which does not pass E-Verify and SSNVS. It is in public interest for this court to grant the Default Judgment expeditiously and for the plaintiffs to conduct the post judgment discovery and obtain the original IDs for Barack Obama, if they even exist.

Respectfully submitted

/s/ Orly Taitz, ESQ

Counsel for Plaintiffs

Declaration of Orly Taitz

I, Orly Taitz, attest and declare that

1. Attached affidavit of Daniel Williams is a true and correct copy of such affidavit received by me.
2. Attached Affidavit on Mary McKiernan is a true and correct copy of such affidavit received by me.
3. Attached Transcript of 07.13.2009 hearing before Judge Carter is a true and correct copy of such transcript received by me from the court reporter.

/s/ Orly Taitz

cc cc U.S. and International media

cc House Committee on the Judiciary

Congressman Bob Goodlatte -Chairman

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cc Congressman Gregg Harper (R-MS)

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Bob Brady, Pennsylvania, Ranking Member

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cc Congressman Dana Rohrabacher

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