

Dr. Orly Taitz ESQ

29839 Santa Margarita ste 100

Santa Margarita CA 92688

Ph 949-683-5411 Fax 949-766-7803

Orly Taitz

) 13-cv- 001878

V

)Honorable Judge Hollander presiding

Carolyn Colvin

)

In her capacity as commissioner of Social Security administration)

OPPOSITION TO MOTION TO DISMISS

MOTION FOR SUMMARY JUDGMENT IN FAVOR OF THE PLAINTIFF

MOTION SHOULD BE GRANTED AS INFORMATION PROVIDED BY THE DEFENSE IN THE MOTION TO DISMISS OR FOR SUMMARY JUDGMENT IS NOT CORRECT AND NOT TRUE

On 06.25.2013 Plaintiff Taitz appealed refusal by the Defendant to release a SS-5, Social Security application for Harrison (Harry) Bounel, born in 1890. Taitz attached a copy of the 1940 census records showing Bounel's residence in Bronx, New York, showing him to be 50 years old in 1940, therefore his date of birth being 1890. Taitz submitted a copy of SSA "120 year rule", which states that SS-5 for individuals who are 120 year old or older, considered to be "extremely aged individuals" should be provided without proof of death.

On 08.19.2013 Plaintiff received a lengthy response from the defendant discussing multiple unrelated issues and trying to bury the issue at the core of the complaint.

Defense provided as exhibit B a 08.07.2013 response from the SSA and as exhibit D a 08.12.2013 affidavit from FOIA officer Dawn Wiggins, who claims that she could not find any records for Mr. Harry Bounel.

Taitz submits herein as Exhibit 1, a true and correct copy of a 11.16.2013 letter(Reference number S9H: A17967) from the same FOIA officer, Dawn Wiggins, which shows that Ms. Wiggins and SSA have in their possession the records for Mr. Bounel. At the time Ms. Wiggins refused to provide the records claiming privacy. However, on 04.26.2013 Taitz submitted a new request to Wiggins advising her that Bounel was born in 1890, therefore according to "120 year rule" exception, privacy does not apply. Taitz believes

that Defendant is playing games, as Defendant and FOIA officer, Ms. Wiggins, are well aware that the Social Security number of Mr. Bounel was fraudulently used by a high ranking official and their current claims that they cannot find records, which they found on 11.16.2012, are a part of a cover up, which should not be aided and abetted by this court.

This court should order Defendant to provide Plaintiff with the SS-5 for Harry Bounel, which Defendant admitted to having in her possession in her 11.16.2013 letter Reference S9H A170967.

Conclusion

This court should deny Motion to Dismiss or for Summary Judgment by the Defendant and grant a Motion for Summary Judgment by the Plaintiff and should order Defendant to release the SS-5 for Harry Bounel, which Defendant admitted to having in her possession on 11.16.2012 Ref S9H A170967, since according to 1940 Census submitted as exhibit 1 to this complaint, Mr. Bounel was born in 1890 and under SSA "120 year rule", SS-5 of "extremely aged individuals" of 120 years old or older have to be released to the public without consent or proof of death of such extremely aged individual.

Respectfully



/s/ Dr. Orly Taitz ESQ

Declaration of Orly Taitz

Exhibit 1, 11.16.2012 letter from SSA FOIA officer Dawn Wiggins is a true and correct copy of the aforementioned 11.16.2012 letter Reference number S9H A170967.

/s/ Orly Taitz



Proof of Service

08.19.2013

I, Lila Dubert, attest that I am over 18 years old and I served parties listed below with a copy of attached motion on 08.19.2013

Rod Rosenstein

US Attorney

36 S Charles Str. 4th floor

Baltimore, MD 21201



/s/ Lila Dubert

Proposed order

Orly Taitz

) 13-cv- 001878

v

)Honorable Judge Hollander presiding

Carolyn Colvin

)

In her capacity as commissioner of Social Security administration)

Defendant is ordered to release the SS-5 for Harry Bounel, which Defendant admitted to having in her possession by an through a letter by FOIA officer Dawn Wiggins sent on 11.16.2012 and referenced as S9H A170967, since according to 1940 census Mr. Bounel was born in 1890 and under SSA "120 year rule", SS-5 of "extremely aged individuals" of 120 years old or older have to be released to the public without consent or proof of death of such extremely aged individual.

Signed Ellen L. Hollander, U.S. District Court Judge

EXHIBIT 1



SOCIAL SECURITY

Refer to
S911 A17867

November 16, 2012

This letter is in response to your Internet request for a Statement for Mr. Harry Bournel.

The Privacy Act of 1974 (5 U.S.C. § 552a) restricts disclosure of the information you requested. The only exception that might permit us to disclose these records to you without consent would be the exception for disclosure required by the Freedom of Information Act (FOIA) (5 U.S.C. § 552).

When we receive a request from a member of the public to release personal information about another individual from our records, we must balance the individual's privacy interest in withholding the information against the public interest in disclosing the information. We must determine whether disclosure would affect a personal privacy interest. There is clearly a substantial privacy interest in the personal details furnished to the Government. The only public interest we may consider is if the information sought would shed light on the way an agency performs its statutory duties. We may not consider the identity of the requester or the purpose for requesting the information. While there clearly is a public interest in knowing how the Social Security Administration administers the Social Security Act, disclosing records containing personal information about named individuals would not shed light on how the agency performs its statutory duties. Therefore, disclosing this information would be a clearly unwarranted invasion of personal privacy, and the FOIA (5 U.S.C. § 552(b)(7)) does not require disclosure.

If you disagree with this decision, you may request a review. Mail your appeal within 30 days after you receive this letter to the Social Security Administration, Office of Privacy and Disclosure, 617 Almyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Mark the envelope "Freedom of Information Appeal."

Sincerely,

Dawn S. Wiggitt
Freedom of Information Officer

FedEx Tracking Number

8022 7169 0420

Form ID No.

0200

Sender's Copy

1 From Please print and press hard.

Date 08.19.10 Sender's FedEx Account Number SENDER'S FEDEX ACCOUNT NUMBER ONLY

Sender's Name Only Teite Phone ()

Company Law office of Only Teite

Address 2983 9 S. Marguerite, st 100 Dept./Floor/Suite/Room

City RSM State CA ZIP 92688

2 Your Internal Billing Reference

First 24 characters will appear on invoice. OPTIONAL

3 To

Recipient's Name Clerk of the Court Phone ()

Company USDC

Address 4228 US Court House HOLD **Weekday** FedEx location address REQUIRED. **NOT available for FedEx First Overnight.** Dept./Floor/Suite/Room

Address 101 Lombard str HOLD **Saturday** FedEx location address REQUIRED. **Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.**

City Baltimore State MD ZIP 21201

4 Express Package Service

* To most locations.

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs. For packages over 150 lbs., use the new FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging

* Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. **Fee applies.**

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. **Fee applies.**

Does this shipment contain dangerous goods?

One box must be checked.

No **Yes** As per attached Shipper's Declaration. **Yes** Shipper's Declaration not required. **Dry Ice** Dry Ice, 9, UN 1845 _____ x _____ kg

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender Acct. No. in Section 1 will be billed. **Recipient** **Third Party** **Credit Card** **Cash/Check**

FedEx Acct. No. Credit Card No.

Exp. Date

Total Packages Total Weight Total Declared Value¹

_____ lbs. \$ _____ .00

¹Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

644



Easy new Peel-and-Stick airbill. No pouch needed.

Apply airbill directly to your package. See directions on back.