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SUPREME COURT OF CALIFORNIA

IN RE ORLY TAITZ,
PLAINTIFF,
VS.
DAMON DUNN,
DEFENDANT

)
) **CASE NO.:**
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) **WRIT OF MANDATE &**
) **APPLICATION FOR STAY**
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Parties

Applicant- Dr. Orly Taitz - is a candidate on the ballot in the California 2010 primary election for the Republican nomination for the position of Secretary of State of California.

Respondent-Debra Bowen, is a current Secretary of State of CA and a Democratic candidate, running for re-election for the position of the secretary of State.

Jurisdiction

The Supreme court has original jurisdiction in mandamus pursuant to Article 6 section 10 of the California Constitution, and will exercise this jurisdiction in appropriate cases: "When the issues presented are of great public importance and must be resolved promptly" *County of Sacramento v Hickman* 66 Cal 2d 841,845

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3 (1967), 59 Cal Rptr.609.428 P. 2d 593, *Mooney v Pickett* (1971), 4 Cal 3d 669 675,
4 94 Cal Rptr. 279, 483 P2d 1231). If this criteria is satisfied, the existence of an
5 alternative appellate remedy will not preclude this courts original jurisdiction.

6 The application at hand is also governed by section 44 of the Code of Civil
7 Procedure, which gives precedence to elections contests over any other civil matters
8 in appellate review. The case at hand is a contest of the June 8, 2010 Republican
9 primary and request for stay of certification of votes for Republican candidate for the
10 position of the Secretary of State of California Damon Dunn (hereinafter Dunn).
11 Canvassing of the election results ended on July 6, 2010. Applicant Taitz had only a
12 5 day window of opportunity until end of the day today, July 11, 2010 to contest the
13 results of the canvassing prior to certification by the Secretary of State.

14 Taitz has filed a valid contest of election and civil legal action for fraud, voter fraud,
15 elections fraud, voter registration fraud, in the Superior Court of CA, Laguna Hills
16 division. On June 24, Superior Court judge Hon Corey Cramin issued an order of
17 expedited hearing for June 28, 2010 on Order to Show cause on Damon Dunn based
18 on the Taitz Motion for Stay of certification of election results. On June 28, 2010 the
19 Hon. Judge Cramin transferred Taitz v Dunn to Orange County Central, Unlimited
20 Division, due to want of Jurisdiction. On July 1, 2010 Hon Judge Jeffrey Glass in
21 Unlimited jurisdiction has denied motion for stay due to want of jurisdiction, which
22 created a need for the current application to the Supreme Court of CA. Applicant Dr.
23 Orly Taitz, ESQ (hereinafter Taitz) is seeking a temporary stay of certification of
24 votes for Dunn pending resolution of jury trial before Hon. Jeffrey Glass in the
25 Superior Court of Ca, Orange County Central Division. (Exhibit complaint and
26 motion pleadings in Taitz v Dunn et al)

27 Contest includes violation of CEC 18203, 18500, 18501, 18502, 18002 and possibly
28 8001 by Dunn as well as violation of section 8 of Motor Voter act, Help America

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3 Vote Act and Voter Registration Act by the Secretary of State, if stay is not granted.

4 18203. Any person who files or submits for filing a nomination
5 paper or declaration of candidacy knowing that it or any part of it
6 has been made falsely is punishable by a fine not exceeding one
7 thousand dollars (\$1,000) or by imprisonment in the state prison for
16 months or two or three years or by both the fine and imprisonment.

8 18500. Any person who commits fraud or attempts to commit fraud,
9 and any person who aids or abets fraud or attempts to aid or abet
10 fraud, in connection with any vote cast, to be cast, or attempted to
11 be cast, is guilty of a felony, punishable by imprisonment for 16
months or two or three years.

12 18501. Any public official who knowingly violates any of the
13 provisions of this chapter, and thereby aids in any way the illegal
14 casting or attempting to cast a vote, or who connives to nullify any
15 of the provisions of this chapter in order that fraud may be
16 perpetrated, shall forever be disqualified from holding office in
this state and upon conviction shall be sentenced to a state prison
for 16 months or two or three years.

17 18502. Any person who in any manner interferes with the officers
18 holding an election or conducting a canvass, or with the voters
19 lawfully exercising their rights of voting at an election, as to
20 prevent the election or canvass from being fairly held and lawfully
21 conducted, is punishable by imprisonment in the state prison for 16
months or two or three years.

22 18002. Every person charged with the performance of any duty under
23 any law of this state relating to elections, who willfully neglects
24 or refuses to perform it, or who, in his or her official capacity,
25 knowingly and fraudulently acts in contravention or violation of any
26 of those laws, is, unless a different punishment is prescribed by
27 this code, punishable by fine not exceeding one thousand dollars
(\$1,000) or by imprisonment in the state prison for 16 months or two
or three years, or by both.

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Allegations and legal basis

- 1.Taitz ran in the 2010 Republican primary election for Secretary of State of California against candidate Damon Dunn.
- 2.Dunn lived in three other states prior to moving to CA.
3. Only last year, a few months prior to officially announcing his intention to run, Dunn registered to vote in the state of CA for the first time.
4. Section 16 of the voter registration card requires mandatory disclosure of prior voter registration.
5. Dunn left section 16 of voter registration card blank inducing voters of CA, the Registrar of Voters and Taitz to believe that he never registered to vote before.
6. Taitz checked PublicRecords.com and found that Dunn registered previously in two other states: Texas and Florida, and that he registered as a Democrat.
7. Taitz personally visited the office of Duval County FL, where Dunn was registered, and met with the director of voting Jean Marie Atkins.
8. Taitz obtained from Atkins a copy of Dunn's voter registration, that showed him registered as a Democrat.
- 9 .Additionally, Atkins gave Taitz a letter, stating that Dunn contacted Duval County Registrar's office on July 10, 2009, three months after filling out his voter registration card, and demanded to delete from the database his voter registration card. He was told, that voter registration card is a permanent record and could not be deleted.
10. At no time did Dunn contact the Registrar of Voters in CA to advise the Registrar, that he did not provide in his voter registration card material information regarding his prior voter registration in TX and FL. In March

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3 2010 Dunn took an oath of office, as an official candidate on the ballot, and
4 under penalty of perjury he swore to uphold the Constitution and the laws of
5 the state of CA. At the time, he knew that he defrauded the voters of the state
6 of CA by not disclosing his prior voter registration in FL and TX and the fact
7 that he registered previously as a Democrat, while running in CA as a
8 Republican. As such Dunn violated 18002, 18500, 18501, 18502, 18203 and
9 possibly 8001, and was not eligible for office under 18501.

10 11. Having a valid voter registration is a prerequisite in order for one to run
11 for the position of Secretary of State or any other position for that matter.
12 Fraud, committed in filling out voter registration card, invalidates the card,
13 and therefore invalidates the candidate.

14 12. Concerned with eligibility problems of Dunn, TV reporter William
15 Wagener of the program "On Second Thought" interviewed sponsors of the
16 candidate Damon Dunn.

17 13. Several sponsors spoke on camera and stated that they did not nominate
18 Dunn, and that this nomination is fraud. Wagener has shown on his TV
19 program and posted on the Internet a video clip "Nomination Fraud"
20 depicting those interviews.

21 14. Most of the nominations for Dunn were obtained in the retirement
22 community of **Leisure World**, where many residents have problems
23 hearing, seeing, Alzheimer's disease, senility and so on. Many sponsors,
24 contacted in order to verify their sponsorship, could not remember, if they
25 signed the nomination or not. Many stated that, while they gathered at their
26 clubhouse, they were given numerous petitions to sign, that maybe Dunn's
27 nomination was among those petitions, and they signed without knowing.
28 Nomination obtained by fraud or misrepresentation invalidate the

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3 nomination. Those actions constituted violations of 18203, 18500, 18501,
4 18502, 18002.

5 15. Taitz submitted a complaint, alleging voter registration fraud to the
6 Registrar of Voters of Orange County, Mr. Neil Kelley. (Exhibit 2, Complaint
7 and exhibits)

8 16. Above mentioned complaint was forwarded by the Registrar of voters to
9 the Secretary of State of Ca.

10 17. An additional complaint was forwarded to the Secretary of State of CA and
11 Attorney General of the state Jerry Brown by Mr. Danny L. Kepner of
12 Pensacola Fl firm of Shell, Fleming and Menge. There has been no action on
13 that complaint.

14 18. Irregularities in ballot counting made reported results questionable. The Office of
15 the Secretary of State has released two tallies: total number of ballots cast by the
16 county reporting status and total ballots reported by parties. County reporting states
17 that out of 16,977,031 registered voters, 33.4%, roughly a third, cast ballots and a
18 total of 5,712,802 ballots were cast. Different tally by parties shows a total of
19 4,002,789 ballots cast. Total number of ballots by county and by party is supposed to
20 be the same; however there is a 1,710,013 discrepancy between the two, which
21 means that 1,710,013 ballots were never processed. This amount is so enormous, that
22 it can change results of any race.

23 19. While previously secretaries of state required ID verification of voters, Secretary
24 of State Bowen directives are, not to require voter ID. Bowen repeatedly stated in
25 interviews, that ID verification is not necessary as it might intimidate or
26 disenfranchise voters. Recent interviews given by the whistle blower of the
27 Department of Justice, John Christian Adams, attest to the fact, that it appears to be a
28 nationwide policy of the ruling Democratic Party, not to verify voter IDs, not to

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3 purge from the databases voter registrations of deceased individuals, individuals
4 who are voting illegally, individuals who are no longer in the state "But Mr. Adams
5 leveled an even more explosive charge beyond the Panther case. He testified that last
6 year Deputy Assistant Attorney General Julie Fernandes made a jaw-dropping
7 announcement to attorneys in Justice's Voting Rights section. She said she would not
8 support any enforcement of a key section of the federal "Motor Voter" law —
9 Section 8, which requires states to periodically purge their voter rolls of dead people,
10 felons, illegal voters and those who have moved out of state. According to Mr.
11 Adams, Justice lawyers were told by Ms. Fernandes: "We're not interested in those
12 kind of cases. What do they have to do with helping increase minority access and
13 turnout? We want to increase access to the ballot, not limit it." See
14 [[http://online.wsj.com/article/SB10001424052748703636404575353052562578046.](http://online.wsj.com/article/SB10001424052748703636404575353052562578046.html)

15 [html](#)]

16 In the environment of the Secretary of State of California and the Department
17 of Justice of the United States of America acting along the party lines and
18 intentionally violating Section 8 of Motor Voter Registration Act in order to
19 obtain majority of votes by not upholding the law, none of the results of the
20 June 8 2010 primary election or any future elections will be valid. As such
21 there is a need for stay pending resolution of those issues.

22 20 While the Secretary of State decertified some of the electronic voting
23 machines, other electronic machines and specifically ballot counting
24 machines are widely used in CA. Among them is Sequoia, which was
25 investigated by the Department of Treasury in regards to foreign ownership,
26 based on complaint of Congresswoman Caroyne Malloney. Sequoia was
27 purchased in 2005 by Smartmatic inc, whereby the president of Smartmatic
28 Antonio Mijica is a citizen of Venezuela, who was denied visa to the US in

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3 2005. Mujica is also the president and co-owner of another voting machine
4 equipment from Venezuela, Bizta. This company is co-owned by the
5 Communist Dictatorship government of Hugo Chavez of Venezuela.
6 While in the midst of the investigation by the US Department of Treasury,
7 Smartmatic sold Sequoia to a US company, Smartmatic still owns intellectual
8 rights to Sequoia, voters are denied access to the software and there is no
9 transparency in the programming. Even though Sequoia was sold to a US
10 company, as any other software, it can contain and most probably contains
11 multiple back doors (trap doors), which can provide access to any and all
12 personal information of CA voters, such as names, addresses, ages, social
13 security numbers and drivers license numbers of Ca voters and it gives an
14 opportunity to ones with access to software to manipulate results of the
15 elections at any time, any way. Not only this situation puts into question
16 results of the election, it also represents clear and present danger to the
17 citizens of Ca (Exhibit 3 Press release regarding investigation of
18 Sequoia/Smartmatic) Taitz, also, provides an affidavit from electronic
19 voting machine expert, test and evaluation Engineer with 35 years of
20 experience, Vincent Pertoso. Mr. Pertoso provided an expert opinion that
21 absent manual count, electronic count cannot be viewed as a correct
22 reflection of actual voting.

23 **Irreparable harm will be done to Taitz and public at large if the**
24 **injunctive relief is not granted.**

25 Taitz's name will not be posted on the ballot for general election and
26 therefore there will bill be irreparable harm to her and her ability to run in
27 the General election, if injunctive relief is not granted. Additionally, Taitz and
28 her children were subjected to harassment and intimidation which will not

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3 end until this contest is resolved. (Exhibit 2 criminal complaint filed by Taitz
4 with the office of the Registrar of voters of CA)

5 There will be irreparable harm to public at large, in that public will have no
6 ability to vote for eligible Republican candidate and will be in danger of
7 having a Secretary of State, who defrauded the public by obfuscating his own
8 voter registration records and trying to destroy his prior voter registration
9 records, where he is listed as a candidate of a different party.

10 **A Stay is necessary, as no financial award can compensate for**
11 **damages and no alternative is available.**

12 If stay is not granted name of Dunn will be posted on the General election
13 ballot, Taitz will not be a named candidate on the ballot and will not be able
14 to compete in general election.

15 **There is no actual or potential harm to Bowen or Dunn if**
16 **injunctive relief is granted.**

17 Evidence shows that Dunn, committed fraud, which invalidated his voter
18 registration and as a consequence his candidacy on the ballot. On June 17,
19 2010 Taitz filed in Superior Court of Ca in Laguna Hills a legal action for
20 fraud against Dunn and contest of election due to fraud committed. On June
21 24 Taitz filed an ex parte Motion for stay of certification of votes. On June 24
22 Superior Judge Corey Cramin scheduled an Order to Show Cause hearing on
23 the motion to Stay. On June 28, 2010 Judge Cramin transferred above action
24 to Orange County central division in Santa Ana, to unlimited jurisdiction due
25 to want of jurisdiction. On July 1 at the Motion to Stay the Certification of
26 the votes for Dunn, where both parties were represented Hon Jeffrey Glass,
27 Superior Court Judge of Unlimited Jurisdiction has ruled that he did not
28 have sufficient Jurisdiction to order the stay of State wide election pending

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3 trial. As such, Taitz filed this emergency extraordinary brief for stay in the
4 Supreme court of CA after going through the proper channels in the state
5 Superior courts and due to the fact that the certification of votes by the
6 Secretary of State is due on July 16 and there is very limited time left for
7 handling of this matter. Taitz is relying on the precedent of McKinney v city
8 of San Diego, 21 Cal, Rptr.3d 773 (2004) 124 App.4th where similar stay was
9 granted. Stay is requested simply to preserve the status quo pending
10 resolution of jury trial in Taitz v Dunn .

11 **Balancing of Hardships**

12 In Balancing of Hardships test, there cannot be any demonstrated damage to
13 the respondent in narrow remedy sought of staying certification of election
14 results for one candidate in one primary contest. This remedy does not
15 impair in any way normal cause of work and duties of the Secretary of State
16 of CA.

17 **Public Policy**

18 Granting stay of certification is in the best interest of public at large, as it will
19 give the public an opportunity to vote for a candidate, who is properly vetted
20 and eligible and it will guard the public from voting for a candidate who
21 committed fraud. If Dunn could hide and try to destroy his own voter
22 registration records, he can definitely do it to records of other voters. Public
23 at large, voters of the state of CA, are in imminent danger of unknowingly
24 electing a candidate who may commit massive voter registration fraud.
25 Voters of CA will have their civil rights infringed upon, specifically their 14th
26 Amendment right of equal protection and right to vote in fair and lawful
27 election.

28 **Prayer**

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WHEREFORE,

Applicant respectfully requests a Writ of Mandate and stay of Certification of votes for June 8, 2010 Primary contest for Republican Nomination for the position of the secretary of State of CA for candidate Damon Dunn, pending resolution of the Civil trial in Taitz v Dunn et al in Superior Court of CA.

Verification

I, Orly Taitz, attest under penalty of perjury and under the laws of the State of California, that I have performed reasonable investigation and all of the allegations in the above complaint are true and correct.

Respectfully submitted,

/s/ ORLY TAITZ, ESQ.

By: _____
Dr. Orly Taitz, Esq. (California Bar 223433)

July 13, 2010

PROOF OF SERVICE

I declare under penalty of perjury that true and correct copy of the above was served on July 13, 2010 on

Debra Bowen
Secretary of State of CA
1500 11th str
Sacramento CA 94244

/s/ Orly Taitz

Exhibit

Complaint in Taitz v Dunn filed in the Superior Court of CA

Exhibit 2

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Criminal complaint filed by Taitz with the Registrar of Voters of Orange County

exhibit 3

Press release by the office of Congresswoman Carolyn Maloney regarding Sequoia software ties to the Communist dictatorship government of Hugo Chavez of Venezuela
affidavit of Electronic Voting Machine Expert Vincent Pertoso brought to demonstrate that absent paper ballot count electronic ballot count cannot be viewed as a correct reflection of voter count