

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
March 14 2011
ALAN J. HARRIS, CLERK
BY: [Signature] Deputy

DR. ORLY TAITZ ESQ. PRO SE
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Orly.taitz@gmail.com

CALIFORNIA SUPERIOR COURT
ORANGE COUNTY
CENTRAL JUSTICE CENTER

ORLY TAITZ, }
PLAINTIFF, }
VS. }
DAMON DUNN, }
DEFENDANT }
CASE NO.: 30-2010-00381664
MOTION FOR LEAVE OF
COURT TO FILE SUR-
REPLY TO MOTION FOR
JUDGMENT ON THE
PLEADINGS
Date: March 14, 2011
Time: 2:00 PM
Dept C-33
Judge Hon Jeffrey T. Glass

Plaintiff Orly Taitz submits attached short Sur-Reply in opposition to reply by the defense due to multiple statements that were clear misrepresentation of the facts and law by the defense. such misrepresentations were used to prejudice the court against the Plaintiff and present her and her case in false light. Attached Sur-Reply contains affidavit by the Plaintiff Orly Taitz, explaining and highlighting flagrant misrepresentations made by the Defense attorney Brian Hildreth and following exhibits:

1. Return receipt, Certificate of service of the Opposition brief received by the Defense on March 4, 2011 at the new address of the defendant's attorney Mr. Hildreth
2. Transcript of the 01.10.2011 CMC hearing in Taitz v Dunn, where on the record Defendant's attorney Brian Hildreth states completely the opposite to what he stated at 07.01.2011 hearing.
3. Campaign flier by the Secretary of State of CA Debra Bowen, specifically attacking candidate Orly Taitz, but not candidate Damon Dunn, which shows animus by the secretary of State against Taitz and explains her inaction in disqualifying Dunn.

Plaintiff asserts that misrepresentations and misstatements in the reply brief justify the sur-reply in order to avert prejudice against the Plaintiff.
Respectfully submitted,

Orly Taitz
Plaintiff

pro se

Orly Taitz

29839 Santa Margarita pkwy, ste 100, RSM, CA 92688

Certificate of service

I, Orly Taitz, attest that a true and correct copy of the above motion was served on the defendant on 03.11.2011

Orly Taitz
29839 Santa Margarita Pkwy
Rancho Santa Margarita CA
92688

1 stated that according to elections code Taitz is not entitled to expedited trial, which might
2 have cost her the right to participate in general election or even win such election and
3 which only increased potential damages by the Defendant, client of Hildreth.
4 15. The court, indeed noticed this controversy, when the court stated addressing to Hildreth
5 The court: I think it was the plaintiff's application for an expedited trial. Maybe I
6 shouldn't have denied it. An expedited trial under 1650 should have been granted. Is that
7 what you are telling me counsel? Ms. Taitz: He opposed it. The court: I am sorry.
8 Counsel? Mr. Hildreth: You certainly could have granted it under 16520."
9 16. Similarly, Hildreth repeatedly refused all Taitz requests for deposition of his client.
10 17. In his current motion for judgment on the pleadings Hildreth again misrepresents the case
11 and he uses his own bad faith in refusing to submit to deposition as an excuse or
12 justification to state that Taitz did not provide sufficient facts to show fraud on part of his
13 client.

14 **Number of pages**

15 California rules of Civil Procedure allows 20 pages on response briefs for Summary
16 Judgment.

17 **Rule 313. Memorandum of points and authorities**

18 (d) [Length of memorandum; requirements for lengthy memorandum] Except in a
19 summary judgment or summary adjudication motion, no opening or responding memorandum of
20 points and authorities shall exceed 15 pages. In a summary judgment or summary adjudication
21 motion, no opening or responding memorandum of points and authorities shall exceed 20 pages

22 Current brief for Judgment on the Pleadings is akin to the brief for Summary Judgment,
23 whereby 20 pages are allowed. Plaintiff's brief was 20 and a half pages, only a few lines
24 more than 20 pages. Additionally, due to recent eye sight problems Taitz used a larger font
25 14. When changed to smaller fonts, which are allowed, the brief is between 16-18 pages.
26 There was nothing "inexcusable" in this matter. It seems inexcusable, that Mr. Hildreth
27 would waste the court time, declare some sort of jihad and write a motion to strike a brief due
28 to a few lines over the limit. It only shows that there is no legitimate reason to Dismiss the

case on the pleadings. Defendant clearly committed fraud, damages were significant and
Defense is grabbing at straws.

3 **Time of service and service of process form.**

4 As stated before the opposition brief was filed and sent on March 1st. Defense got it on
5 March 4th due to the fact that Mr. Hildreth moved and did not notify the court and defense.
6 The opposition brief arrived a day or two later due to actions by the defense, not the Plaintiff.
7 The defense was not harmed in any way by any minor technical omissions and Motion to
8 Strike the Opposition Brief or part of the Opposition Brief has no merit and should not be
9 granted.

10 **NEGLIGENCE BY THE SECRETARY OF STATE DID NOT EXCUSE FRAUD BY**

11 **DUNN**

12 The main argument by the Defense, is that the Secretary of state Deborah Bowen did not act
13 to remove Dunn from the ballot, therefore he is scot free.

14 Plaintiff presents a campaign flier by the Secretary of State Deborah Bowen, who ran for
15 office at the same time as Taitz and Dunn (Exhibit 3). In this flier "Help Debra fight back
16 against right wing opponent, contribute" Bowen barely mentions the defendant Damon Dunn,
17 but repeatedly mentions the plaintiff Taitz, as a right wing ideolog and attorney who needs to
18 be defeated. It is that Bowen did nothing to demand that Dunn provide a new fully filed out
19 voter registration form, which would make his registration untimely for this run, for a
20 number of reasons.

21 It is possible that Bowen was simply negligent, or she considered Dunn, who was a former
22 football player, a weaker opponent than Taitz, maybe Democrat party preferred Dunn, a
23 lifelong Democrat, to be facing Democrat Bowen in general election, rather than
24 conservative long time Republican Taitz. Maybe, Bowen's attacks on Taitz and policy of
25 doing nothing against Dunn, was a way for the Democrat party to hedge the bets. At any rate
26 inaction by Bowen did not excuse fraud y Dunn. Defense reasoning is akin to one forging a
27 car registration or a deed to the house, saying, just because police did not act yet, the rightful
28 owner of the vehicle or a house is not entitled to relief and restitution.

1 Defense improperly limits election contest to State law and improperly omits requirements
2 of HAVA and Voter Registration act.
3 Defense is arguing that because the state of CA is interesting in whether the voter is
4 registered somewhere else in CA and not somewhere else in the country, there was no
5 elections fraud and no voter fraud.

6 *In reality the Voter registration card contains a mandatory disclosure of whether a voter*
7 *registered in another state for a specific reason, to make sure that the voter does not register*
8 *in multiple states in violation of HAVA (Help America Vote Act), Voter Registration Act*
9 *and Moto Voter Registration Act. the fact that Dunn did register somewhere else in CA,*
10 *might have been good enough to satisfy one provision, but his fraud by omission to state*
11 *registration in two other states, clearly violated the HAVA and VRA.*

12 **PUBLIC POLICY**

13 It is noteworthy that the Defendant ran for the position of the Secretary of State of CA,
14 highest election official of the state. The scrutiny and standard in safeguarding against fraud
15 by an individual running for such an important position is much higher than the scrutiny in
16 relation to other voters. Dunn is in public eye. his latest press releases state that he became a
17 lecturer and a visiting scholar. If voter fraud and elections fraud is swept under the rug and
18 not heard on the merits, it undermines the whole premise of fair elections.

19 **FRAUD COMMITTED**

20 As explained in the complaint defendant committed multiple acts of fraud

- 21 1. Nominators stated that they did not nominate him for the position
- 22 2. Defendant did not provide mandatory disclosure of the fact that he registered in two other
23 states to vote and that he registered as a Democrat, while he ran as a Republican in CA
- 24 3. Defendant committed further act of fraud in contacting the registrar in FL and demanding
25 to delete from the database his voter registration, where he was registered as a Democrat.
- 26 All of these acts showed that the defendant committed multiple acts of fraud.
- 27 The public at large reasonably believed that the defendant was not committing fraud.

28 Affidavit of Orly Taitz Motion for leave of court to file surreply

1 If all the above facts were revealed it is reasonable to believe and it is most certain that most
2 California Republicans would not have voted for Dunn in CA Republican primary.

3 Taitz was a candidate who spent over \$50,000 competing against a candidate who was
4 defrauding her and the public.

5 **Taitz was a foreseeable plaintiff as she was in the zone of danger of individuals affected
6 by fraud committed by Dunn.**

7 Taitz was not required to provide evidentiary proof of each and every element of fraud in her
8 complaint. Evidentiary proof is to be produced at trial and it is up to the jury to decide,
9 whether the Plaintiff provided sufficient evidence to prove each and every element of her
10 allegation. Defense improperly brings forward cases related to final determination and
11 attempted to use them in relation to Judgment on Pleadings only, which he seeks.

12 **Wherefore,**

13 Motion for Judgment on the Pleadings did not meet the required burden and did not prove
14 that there are no disputed facts in the complaint and therefore should be denied.

15
16
17
18
19 Orly Taitz
20 29839 Santa Margarita
21 pkwy. ste 100, RSM, CA 92688

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I, Orly Taitz, am a plaintiff in Taitz v Dunn. I am a member of the bar of this court and I am admitted to practice before this California Court. I make this declaration of my personal knowledge of the facts stated herein and could and would competently testify to them if called to do so.

1. On March 1, 2011 I filed an opposition to Defendant's Motion for Judgment on the pleadings and on the same day I mailed a copy of such pleadings to the defendant's attorney Brian Hildreth.
2. I mailed such copy by Certified mail with return receipt(Exhibit 1), which was received back by me.
3. Return receipt shows that the address of Attorney Hildreth changed and it was delivered to his new address on March 4th 2011.
4. Attorney Hildreth did not notify the court and me timely of his change of address.
5. Hildreth filed his change of address only on 03.07.2011, a week after I mailed him my opposition. I received his change of address notice 8 days after I mailed to him my opposition.

6. Due to the change of address my opposition filed on 03.01.2011 and mailed to Hildreth on the same day, was received by him 3 days later on 03.04.2011 and not on 03.02.2011 or 03.03.2011, as it would, if he were to notify me and the court of his change of address.

7. Not only Hildreth did not timely notify the court and me about the change of address, he acted with **malice** and on 03.07.2011 filed a motion to strike my opposition due to the fact that he did not get opposition on 03.02.2011 or 03.03.2011, as he expected.

8. In his Motion to strike Hildreth is de facto trying to prejudice the court against me and is asking the court to de facto sanction me by striking my pleadings, while he is actually committing fraud on the court and misrepresentation by knowingly not disclosing in his 03.07.2011 Motion to strike and his 03.07.2011 affidavit the fact that by that time he already got the opposition and that it arrived a day later than expected because he, himself, failed to notify the court and Taitz timely of his change of address.

9. This incident is only one of serious of similar incidents, where Hildreth attempted to prejudice the court against me and wrote or stated things that were not true.

10. Prior to 01.10.2011 Hildreth unilaterally filed a case management statement, where he claimed that we had a meet and confer and he completely misrepresented the case and remedies sought in that statement.

11. Hildreth and I never had a meet and confer, Hildreth knew about it and made a fraudulent statement.

12. On July 1, 2010 we had a motion hearing, where I asked for expedited handling of the case, due to the fact that part of the case was an election contest.

13. At the time Hildreth argued that I am not entitled to expedited handling, since I will have a remedy later on in the form of a special election or annulment of the results of the election. Based on the argument by Hildreth the court denied the motion for expedited handling of the case and expedited trial.

14. At 01.10.2011 case management conference Hildreth argued "If I could refer the court to elections code section 16520, it says that upon filing of the election contest, the presiding judge is required to schedule hearing between 10 and 20 days after the date". (exhibit 2

Transcript of 01.10.2011 case management conference)As 01.10.2011 statement by Hildreth is diametrically opposite to the 06.01.2010 statement, it shows that Hildreth was indeed making a fraudulent statement on 07.01.2010, when he stated that according to elections code I am not entitled to expedited trial, which might have cost me the right to participate in general election or even win such election and which only increased potential damages by the client of Hildreth.

15. The court, indeed noticed this controversy, when the court stated addressing to Hildreth "The court: I think it was the plaintiff's application for an expedited trial. Maybe I shouldn't have denied it. An expedited trial under 1650 should have been granted. Is that what you are telling me counsel? Ms. Taitz: He opposed it. The court: I am sorry, Counsel? Mr. Hildreth: You certainly could have granted it under 16520."

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Affiant further says not.

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse side of this card.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
*4532913824
Stacy Sperry*

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressed
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7010 1060 0000 4J55 4133
PS Form 3871, February 2004 Domestic Return Receipt 102355-02-00-1040

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE - CENTRAL JUSTICE CENTER
DEPARTMENT C-33

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NO. 30-2010-00381664

HONORABLE GEOFFREY I. GLASS, JUDGE PRESIDING
REPORTER'S TRANSCRIPT OF PROCEEDINGS
JANUARY 11, 2011

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF(S): DR. ORLY TAITZ
SELF REPRESENTED LITIGANT

FOR THE DEFENDANT(S): BRIAN T. HILDRETH
ATTORNEY AT LAW
(APPEARING TELEPHONICALLY)

JENNIFER S. LEWIS, CSR NO. 9476, RPR, CRR
OFFICIAL COURT REPORTER

1 SANTA ANA, CALIFORNIA - JANUARY 11, 2011
2 MORNING SESSION
3 -000-
4 THE COURT: ONLY TAITZ VERSUS DAMON DUNN.
5 MR. HILDRETH: YOUR HONOR, THIS IS BRIAN HILDRETH
6 REPRESENTING DEFENDANT, DAMON DUNN.
7 MS. TAITZ: ONLY TAITZ, REPRESENTING HERSELF.
8 THE COURT: WHAT'S THAT?
9 MS. TAITZ: ONLY TAITZ, REPRESENTING MYSELF.
10 THE COURT: ALL RIGHT. IS THERE ANYTHING WE NEED
11 TO DO OTHER THAN TRY THIS -- TRY WHATEVER IS LEFT?
12 MS. TAITZ: WELL, WE DO NEED TO SCHEDULE, OF
13 COURSE, THE CASE FOR TRIAL. BUT I ALSO WOULD ASK,
14 YOUR HONOR, TO DIRECT THE COUNSEL FOR THE DEFENDANT TO
15 COOPERATE. I HAVE TRIED TO SCHEDULE THE DEPOSITION OF THE
16 DEFENDANT. I'VE GIVEN THEM BASICALLY ANY DATE, ANY TIME,
17 AND THEY'RE JUST REFUSING TO COOPERATE. AND I NEED YOUR
18 ASSISTANCE.
19 THE COURT: THAT SOUNDS LIKE A MOTION TO COMPEL OR
20 SOMETHING LIKE THAT. THAT HAS TO BE DONE BY NOTICE.
21 MS. TAITZ: OKAY.
22 MR. HILDRETH: YOUR HONOR, THIS IS BRIAN HILDRETH
23 REPRESENTING DAMON DUNN.
24 IF I COULD REFER THE COURT TO ELECTIONS CODE
25 SECTION 16520, IT SAYS THAT UPON FILING OF THE ELECTION
26 CONTEST, THE PRESIDING JUDGE IS REQUIRED TO SCHEDULE THE

1 HEARING BETWEEN TEN AND 20 DAYS AFTER THE DATE. AND SO WE
 2 WOULD REQUEST THAT A HEARING BE SET TO RESOLVE THIS MATTER
 3 WITHIN TEN OR 20 DAYS.
 4 MS. TAITZ: THIS IS A FRAUD CASE, NOT JUST AN
 5 ELECTION CONTEST. THERE ARE MULTIPLE CAUSES OF ACTION. SO
 6 HE IS JUST PLAYING GAMES.
 7 THE COURT: WELL, I'M SORRY. THE CASE WAS FILED
 8 IN JUNE. YOU'RE SUPPOSED TO HAVE YOUR HEARING 20 DAYS AFTER
 9 THAT?
 10 MR. HILDRETH: CORRECT.
 11 THE COURT: HOW COME YOU DIDN'T ASK FOR THAT IN
 12 THE NUMEROUS HEARINGS WE HAD BEFORE? OR DID YOU?
 13 MR. HILDRETH: NO. I MEAN, I THINK WE WERE
 14 WAITING TO SEE HOW THE CASE DEVELOPED. AT THIS POINT, THE
 15 CASE IS OBVIOUSLY MOOT, SINCE DAMON DUNN DID NOT WIN THE
 16 GENERAL ELECTION. SO CONSENTING HIS ELECTION AS THE PRIMARY
 17 NOW IS ESSENTIALLY MOOT.
 18 MS. TAITZ: MAY I RESPOND, YOUR HONOR?
 19 THE COURT: OKAY. LET'S TRY TO SORT THIS OUT.
 20 I'VE GOT A CIVIL ACTION CLAIMING ELECTIONS
 21 FRAUD, ELECTION CONTEST, VOTER FRAUD, INJUNCTIVE DEC RELIEF.
 22 THERE'S A LOT OF INFORMATION THERE.
 23 AND I'VE GOT A REQUEST TO REQUIRE THE PARTIES
 24 TO COOPERATE IN DISCOVERY.
 25 AND I'VE ALSO GOT A REQUEST TO SET A HEARING
 26 UNDER ELECTIONS CODE 16520 WITHIN 20 DAYS OF TODAY'S DATE.

1 AND IF I LOOK AT THE ELECTIONS CODE --
 2 WHICH IS NOT MENTIONED IN YOUR CASE
 3 MANAGEMENT STATEMENT, COUNSEL. I DON'T SEE IT MENTIONED
 4 HERE. WHERE IS THAT? I MISSED IT.
 5 MR. HILDRETH: IT WAS NOT MENTIONED IN THE CASE
 6 MANAGEMENT CONFERENCE -- CASE MANAGEMENT STATEMENT.
 7 THE COURT: OKAY. I HAVEN'T SEEN IT MENTIONED
 8 ANYWHERE, SO -- WELL, THERE'S AN APPLICATION FOR -- I THINK
 9 IT WAS THE PLAINTIFF'S APPLICATION FOR AN EXPEDITED TRIAL.
 10 MAYBE I SHOULDN'T HAVE DENIED THAT. AN EXPEDITED TRIAL
 11 UNDER 16520 SHOULD HAVE BEEN GRANTED. IS THAT WHAT YOU'RE
 12 TELLING ME, COUNSEL?
 13 MS. TAITZ: HE OPPOSED IT.
 14 THE COURT: I'M SORRY.
 15 COUNSEL?
 16 MR. HILDRETH: YOU CERTAINLY COULD HAVE GRANTED IT
 17 UNDER 16520.
 18 THE COURT: WELL, IF I'VE DENIED IT BEFORE,
 19 WHAT -- HOW IS THAT REQUEST AN APPROPRIATE REQUEST NOW?
 20 MR. HILDRETH: I'M JUST POINTING IT OUT TO THE
 21 COURT AGAIN. SO IF MS. TAITZ WOULD LIKE TO HAVE THE HEARING
 22 ACTUALLY BE HEARD AND NOT SUBJECT TO A MOTION TO DISMISS,
 23 THEN THAT SEEMS TO BE HER VEHICLE TO GET THIS HEARING ON
 24 CALENDAR.
 25 THE COURT: WELL, OKAY. LET'S -- I'M NOT -- OKAY.
 26 WHAT I JUST HEARD WAS THAT THE DEFENSE WAS GOING TO BE READY

1 TO GO TO TRIAL IN 20 DAYS.
 2 OKAY. SO WHEN WILL YOU BE READY TO GO TO
 3 TRIAL?
 4 MS. TAITZ: WELL, SINCE THEY DID NOT COOPERATE --
 5 THE COURT: I'VE JUST ASKED THE QUESTION. I DON'T
 6 NEED ANY REASONS. AND YOU CAN MAKE MOTIONS TO COMPEL. AS A
 7 MATTER OF FACT, YOU HAD FIVE MONTHS TO CONDUCT -- SIX MONTHS
 8 TO CONDUCT DISCOVERY.
 9 MS. TAITZ: I DID. I FILED A MOTION. THERE WAS A
 10 TECHNICAL ERROR. AND THAT WAS RIGHT BEFORE THE ELECTION.
 11 AND, ACTUALLY, AT THAT TIME MR. HILDRETH
 12 TRIED TO INTIMIDATE ME. HE TRIED TO FILE A RESPONSE ASKING
 13 FOR SANCTIONS. AND THEN HIS OWN RESPONSE WAS NOT FILED
 14 PROPERLY BECAUSE HE HAD WRITTEN IT TO THE WRONG COURT, TO
 15 LAGUNA HILLS COURT INSTEAD OF SANTA ANA. SO WE HAVE A WHOLE
 16 HISTORY HERE.
 17 THE COURT: DR. TAITZ -- DR. TAITZ -- HOLD ON,
 18 DR. TAITZ. YOU'VE BEEN TRYING TO FILE A MOTION TO COMPEL
 19 THEM TO COOPERATE FOR FIVE MONTHS?
 20 MS. TAITZ: I HAVE FILED A MOTION.
 21 THE COURT: WELL, WHEN IS IT GOING TO BE HEARD,
 22 THEN?
 23 MS. TAITZ: MR. HILDRETH --
 24 THE COURT: WHEN IS IT GOING TO BE HEARD?
 25 MS. TAITZ: I WILL REFILE IT.
 26 THE COURT: WELL, WAIT A MINUTE. YOU TOLD ME YOU

1 FILED IT. WHEN IS THAT MOTION?
 2 MS. TAITZ: I SUBMITTED THIS TO THE COURT. THERE
 3 WAS A TECHNICAL ERROR AND --
 4 THE COURT: SO LET ME BACK UP AND MAKE SURE WE'RE
 5 IN SYNC. HAVE YOU SET A HEARING ON ANY MOTIONS THAT
 6 ARE GOING TO BE HEARD AT THIS TIME?
 7 MS. TAITZ: NO.
 8 THE COURT: OKAY. SO YOU'RE GOING TO DO THAT --
 9 MS. TAITZ: YES.
 10 THE COURT: -- TO GET THE DEPOSITION OR SOMETHING
 11 TAKEN CARE OF?
 12 MS. TAITZ: YES.
 13 THE COURT: BESIDES THAT DEPOSITION, WHAT ELSE
 14 HAVE YOU GOT?
 15 MS. TAITZ: PROBABLY THERE WILL BE SEVERAL
 16 DEPOSITIONS.
 17 THE COURT: OKAY. WE'RE INTO THIS SEVEN MONTHS.
 18 HOW COME WE DON'T KNOW NOW?
 19 MS. TAITZ: WE ALSO HAD AN ISSUE OF ELECTIONS.
 20 THE ELECTION WAS IN NOVEMBER AND THERE WAS --
 21 THE COURT: WAIT A MINUTE. I DIDN'T SLOW THIS
 22 CASE DOWN BECAUSE OF THE ELECTION.
 23 MS. TAITZ: I KNOW YOU HAVEN'T. YOUR HONOR, I
 24 WILL BE READY. I HAVE JUST HEARD MOST CASES HAVE BEEN
 25 SCHEDULED FOR JUNE FOR TRIAL. I WILL BE READY BY THEN.
 26

1 THE COURT: THAT'S ACTUALLY NOT CORRECT. THOSE
 2 CASES WERE ...
 3 LET'S GO BACK TO COUNSEL ON THE PHONE.
 4 ARE YOU MAKING A REQUEST UNDER 16520, OR ARE
 5 YOU SAYING THAT MS. TAITZ -- DR. TAITZ SHOULD BE DOING THAT?
 6 MR. HILDRETH: NO. I'M MAKING THE REQUEST NOW
 7 THAT THE HEARING BE SET ON THIS TO RESOLVE IT BETWEEN TEN
 8 AND 20 DAYS FROM TODAY'S DATE.
 9 THE COURT: OKAY. THAT REQUEST IS NOT APPROPRIATE
 10 AT THE CMC. IT NEEDS TO BE DONE WITH NOTICE. SO THAT
 11 REQUEST IS DENIED. WHETHER YOU'RE ENTITLED TO IT OR NOT,
 12 LET'S BRING IT TO MY ATTENTION IN SOME FASHION WHERE WE'LL
 13 ALL BE PREPARED TO DISCUSS IT.
 14 MR. HILDRETH: SURE.
 15 THE COURT: AND BY THE WAY, IF THAT WAS -- I'LL
 16 HAVE TO LOOK AT IT. IT DOESN'T SEEM TO ME THAT THE CODE
 17 WOULD ALLOW SOMEBODY TO JUST PULL THE TRIGGER AT ANY POINT
 18 DURING THE LITIGATION AND SAY, WELL, WE HAVE A HEARING IN
 19 TEN TO 20 DAYS. IT MAY BE THAT'S WHAT THE ELECTION CODE
 20 SAYS, BUT I'VE ALREADY DENIED ONE REQUEST. WHETHER IT WAS
 21 BASED ON THAT CODE SECTION OR NOT, I DON'T RECALL.
 22 BUT I DID -- AND BY THE WAY, I DID -- I'M
 23 SORRY. I DID DENY A REQUEST FOR AN EXPEDITED TRIAL, IN
 24 PART, BECAUSE OF YOUR OPPOSITION TO IT. SO I THINK THAT
 25 MATTER HAS BEEN RESOLVED. BUT WE'LL SEE, IF YOU WANT TO
 26 BRING IT TO MY ATTENTION.

1 UNLESS, DR. TAITZ, YOU WOULD BE READY IN A
 2 MONTH OR SO. I CAN GIVE YOU A TRIAL IN A MONTH OR SO.
 3 MS. TAITZ: NO.
 4 THE COURT: GET THIS RESOLVED.
 5 MS. TAITZ: NO.
 6 THE COURT: JUNE 6TH.
 7 MS. TAITZ: THAT'S FINE.
 8 THE COURT: 10:00 A.M.
 9 AND WHATEVER MOTIONS GET HEARD. I UNDERSTAND
 10 THAT THERE'S A VARIETY OF ISSUES THAT HAVE TO BE RESOLVED,
 11 BUT I'M NOT GOING TO START DECIDING THEM UNLESS YOU ALL TELL
 12 ME IT'S TIME FOR ME TO DECIDE THEM. SO -
 13 MS. TAITZ: YOUR HONOR --
 14 THE COURT: -- WE'LL HOLD OFF ON THAT.
 15 MS. TAITZ: -- ONE MORE ISSUE.
 16 I REPEATEDLY REQUESTED A TRANSCRIPT OF THE
 17 PRIOR HEARING. AND I DON'T RECALL IF IT WAS THIS LADY OR
 18 SOMEBODY ELSE. I THINK IT WAS ANOTHER LADY WHO DID
 19 TRANSCRIBING. SHE STATED THAT SHE WILL CALL, SHE WILL GIVE
 20 ME THE QUOTE AND --
 21 THE COURT: I DON'T DEAL WITH THAT. THAT'S NOT MY
 22 JOB TO GET YOU A TRANSCRIPT.
 23 MS. TAITZ: OKAY.
 24 THE COURT: THANK YOU VERY MUCH.
 25 JUNE 6, TEN O'CLOCK, IS YOUR TRIAL DATE.
 26 MR. HILDRETH: THANK YOU, YOUR HONOR.

1 THE CLERK: IS THIS A COURT TRIAL, YOUR HONOR?
 2 THE COURT: I THINK IT'S A COURT TRIAL. DEC
 3 RELIEF.
 4 MS. TAITZ: NO. JURY TRIAL. IT'S A JURY TRIAL.
 5 THE COURT: WHAT MATTERS DO YOU THINK YOU ARE
 6 ENTITLED TO A JURY ON?
 7 MS. TAITZ: FRAUD.
 8 THE COURT: WELL, WAIT A MINUTE. IT'S ELECTION
 9 FRAUD, ISN'T IT?
 10 MS. TAITZ: IT'S NOT JUST ELECTION. IT SAYS
 11 FRAUD --
 12 THE COURT: WAIT A MINUTE. SO YOU -- FRAUD
 13 AGAINST YOU?
 14 MS. TAITZ: YES.
 15 THE COURT: OKAY. WE'LL HAVE TO DECIDE.
 16 SOME OF THE ISSUES YOU'RE NOT ENTITLED TO A
 17 JURY ON. DO YOU UNDERSTAND THAT?
 18 MS. TAITZ: YEAH.
 19 THE COURT: INJUNCTION, DEC RELIEF --
 20 MS. TAITZ: ABSOLUTELY.
 21 THE COURT: -- SOME OF THE ELECTION STUFF, I'M NOT
 22 SURE YOU'RE ENTITLED TO THAT ON.
 23 SO WE'LL SET IT FOR A COURT TRIAL -- JURY
 24 TRIAL. LET'S SAY TEN DAYS, BECAUSE -- I ASSUME I CAN
 25 WHITTLE THAT DOWN, BUT WE'LL SEE.
 26 MS. TAITZ: THANK YOU, YOUR HONOR.

1 THE COURT: JUNE 6TH.
 2 (PROCEEDINGS CONCLUDED.)
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STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

REPORTER'S CERTIFICATE

I, JENNIFER S. LEWIS, CSR NO. 9476, RPR,
CRR, OFFICIAL COURT REPORTER, DO HEREBY CERTIFY THAT THE
FOREGOING REPORTER'S TRANSCRIPT, PAGES 1 THROUGH 9, IS A
FULL, TRUE AND CORRECT TRANSCRIPTION OF MY SHORTHAND NOTES
THEREOF, AND A FULL, TRUE AND CORRECT STATEMENT OF THE
PROCEEDINGS HAD IN SAID CAUSE.

DATED AT SANTA ANA, CALIFORNIA, THIS 9TH
DAY OF JANUARY, 2011.

DATE _____ JENNIFER S. LEWIS, CSR NO. 9476
OFFICIAL COURT REPORTER

EXHIBIT 3

From: Bill Van Allen (bvallen@hvcrr.com)
To: DR_taitz@yahoo.com,
Date: Wed, March 17, 2010 4:17:51 PM
Cc:
Subject: FW: Debra Bowen attacks Orly Taitz fund raiser presser sent to BAN / Richard Winger

Shirley,
 Karen Bulech,
 Susan Abrams,
 Secretary of State Debra Bowen 2010



Dear Richard,

The fact of Republican's refusal to support Debra Bowen for California Secretary of State is never not another sign of a serious and ongoing process - **Only Taitz, the leader of the so-called "patriot" movement that has spent years challenging President Obama's administration, is running against Debra for Secretary of State.**

As we know, wealthy developer Debra Bowen, who says we can't see her face at Karl Hovde's hearing, is also running for the Republican nomination. Whatever people in the primary did not know, she has already received of their ability to raise money and lobby the issues through their natural right voice network.



Our Party's candidacy would be anybody if it weren't so serious. The primary election for Secretary of State is being held on March 2, 2010. Debra Bowen is running for Secretary of State. She has the ability to raise large sums of money from across the country. We must make sure she has the resources to beat them.

We can't let fringe conspiracy theorists use this office to put a foot in the door and undermine our democracy.

Debra's opponents are not connected and have the ability to raise large sums of money from across the country. We must make sure she has the resources to beat them.

Who is it who represents the interests of the state? The Secretary of State is the one who represents the state government and is responsible for the integrity of our citizens. As a result of the 2008 election, and in Ohio for years after, we need public servants who work in this position, not people with a political agenda.

Debra has long served the people of California with integrity. We should not let the Secretary of State's office fall to a conspiracy theorist like Orly Taitz.

Whose side do you want to challenge President Obama's leadership and right to be President of the United States?

Thank you for your support. We must do our best to elect Debra, and fight against the right-wing radicals backing her opponents.