

OFFICE OF STATE ADMINISTRATIVE HEARINGS

STATE OF GEORGIA

CARL SWENSSON,

*

Plaintiff

*

V.

*

DOCKET NO.: OSAH-SECSTATE-CE-
1216218-60-MALIHI

BARACK OBAMA,

*

Defendant

*

OFFICE OF STATE ADMINISTRATIVE HEARINGS

STATE OF GEORGIA

KEVIN RICHARD POWELL,

*

Plaintiff

*

V.

*

DOCKET NO.: OSAH-SECSTATE-CE-
1216823-60-MALIHI

BARACK OBAMA,

*

Defendant

*

**MOTION FOR SEVERANCE
AND FOR SEPARATE HEARING**

Now come Plaintiffs Carl Swensson and Kevin Richard Powell, by and through undersigned counsel, and respectfully move the Court for an order severing, as a single unit, their above-captioned cases from the cases of the remaining Plaintiffs David Farrar; Leah Lax; Cody Judy; Thomas Malaren; and Laurie Roth, and granting to Plaintiffs a separate hearing, and Plaintiffs show to the Court the following:

1.

The above-captioned cases are actions in which Plaintiffs are challenging the qualifications of Defendant to appear on the voting ballot in Georgia as a candidate for the Presidency of the United States.

2.

On December 20, 2011, the Court entered an Order consolidating the above-captioned Plaintiffs' cases with each other and with the additional cases brought by Plaintiffs David Farrar; Leah Lax; Cody Judy; Thomas Malaren; Laurie Roth; and David P. Welden. Plaintiffs Swensson and Powell are jointly represented by undersigned counsel, but the remaining Plaintiffs are all represented by other counsel.

3.

The Court's aforesaid December 20, 2011 Order provided that any party might request a separate hearing by December 31, 2011.

4.

On or about December 23, 2011, Plaintiff David P. Welden submitted a Motion For a Separate Hearing, and Plaintiff's Welden's Motion was granted by Order of the Court dated December 27, 2011.

5.

The above-captioned cases of Plaintiffs Swensson and Powell remaining consolidated at this time with the cases of Plaintiffs

David Farrar; Leah Lax; Cody Judy; Thomas Malaren; and Laurie Roth, who are all jointly represented by counsel Dr. Orly Taitz.

6.

Plaintiffs Swensson and Powell, jointly represented by undersigned counsel, wish for their two cases to remain consolidated with each other. However, Plaintiffs Swensson and Powell desire that their cases be severed, and that they jointly be granted a separate trial, from the cases of Plaintiffs Farrar; Lax; Judy; Malaren; and Roth.

7.

Plaintiffs Swensson and Powell are challenging the candidacy of Defendant Obama on the singular ground that Defendant does not meet the "natural born Citizen" requirement of Article II, Section I, Clause 5 of the United States Constitution.

8.

Plaintiffs Farrar; Lax; Judy; Malaren; and Roth, however, are raising issues not only pertaining to the "natural born Citizen" requirement, but also issues of Social Security and elections fraud; identity theft; and issues regarding the placement of additional candidates on the Georgia ballot. Said Plaintiffs are additionally seeking, in addition to Defendant's removal from the Georgia ballot, that Defendant be 'prosecuted' by this Court. Plaintiffs Swensson and Powell are not seeking anything from this Court beyond a ruling that Defendant Obama

does not meet the "natural born Citizen" requirement and that Defendant be declared ineligible to be placed on the Georgia ballot for the Presidency of the United States.

9.

If the cases of Plaintiffs Swensson and Powell are not severed from the cases of Plaintiffs Farrar; Lax; Judy; Malaren; and Roth, the legal positions of Plaintiffs Swensson and Powell may be undermined, both before the Court and in the eyes of the public, and Plaintiffs Swensson and Powell will regardless suffer prejudice to their cases. Additionally, the time for hearing sought by counsel for Plaintiffs Farrar; Lax; Judy; Malaren; and Roth is significantly greater than the time required by counsel for Plaintiffs Swensson and Powell, and the additional time required by counsel for Plaintiffs Farrar, et. al. to present unrelated evidence and argument would result in the 'watering-down' and confusion of the legal arguments submitted by Plaintiffs Swensson and Powell.

WHEREFORE, Plaintiffs Swensson and Powell respectfully request that the Court enter an order severing, as a single unit, their above-captioned cases from the cases of the remaining Plaintiffs David Farrar; Leah Lax; Cody Judy; Thomas Malaren; and Laurie Roth and granting to Plaintiffs Swensson and Powell a separate hearing.

Respectfully submitted, this 30th day of December, 2011.

HATFIELD & HATFIELD, P.C.

A handwritten signature in black ink, appearing to read 'J. Mark Hatfield', is written over a horizontal line.

J. Mark Hatfield
Attorney for Plaintiffs
Georgia Bar No. 337509

201 Albany Avenue
P.O. Box 1361
Waycross, Georgia 31502
(912) 283-3820

CERTIFICATE OF SERVICE

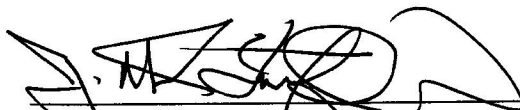
I, J. Mark Hatfield, Attorney for Plaintiffs, do hereby certify that, pursuant to the Order entered in the above-captioned matters regarding electronic service, I have this day served the foregoing Motion For Severance and For Separate Hearing upon:

Michael Jablonski
michael.jablonski@comcast.net

by email addressed thereto in order to insure proper delivery.

This 30th day of December, 2011.

HATFIELD & HATFIELD, P.C.



J. Mark Hatfield
Attorney for Plaintiffs
Georgia Bar No. 337509

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P.O. Box 1361
Waycross, Georgia 31502
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