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CIRCUIT COURT FOR THE FIRST CIRCUIT HONOLULU, HAWAII

	) PETITION FOR A WRIT OF MANDAMUS
DR. ORLY TAITZ, ESQ	) REQUEST FOR INSPECTION OF RECORDS
PLAINTIFF	UNDER UNIFIED INFORMATION PRACTICES ACT
	) STATUTE 92F, STATE OF HAWAII
V	) CIVIL 11-1-1731-08
	) HON. RHONDA NISHIMURA PRESIDING
LORETTA FUDDY IN HER OFFICIAL CAPACITY AS	) FILED AUGUST 10, 2011
DIRECTOR OF THE DEPARTMENT OF HEALTH	) AGENCY APPEAL
STATE OF HAWAII,	) DATE OF HEARING:
DR. ALVIN T. ONAKA,	) January 6, **2012, 9:00 AM**
	)**Reply to opposition to Amended**
IN HIS OFFICIAL CAPACITY AS	)**EMERGENCY MOTION FOR REHEARING**
THE REGISTRAR, DEPARTMENT OF HEALTH	) MOTION TO STAY FINAL ORDER PENDING
STATE OF HAWAII	) REHEARING

Dr. Orly Taitz, Esq. ("Taitz") hereby replies to Defendants' Opposition to Motion for Rehearing/Reconsideration as follows:

Rule 60. Relief From Judgment or Order

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment**, order**, or proceeding for the following reasons: (1) **mistake**, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) **fraud** (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) **any other reason justifying relief from the operation of the judgment**. The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. Hawaii Rules of Civil Procedure Rule 60.

As noted in Defendants' Opposition, the court retains the inherent power to reconsider an earlier ruling at any time prior to the entry of final judgment. According to *Cho v. State,* 115 Haw. 373, 384, 168, P.3d 17, 28 (2007), "it is axiomatic that the trial courts retain inherent authority to revise interim or interlocutory orders any time before entry of judgment. See *Abada v. Charles Schwab & Co.*, 127 F. Supp. 2d 1101, 1102 (S.D. Cal. 2000). Interlocutory orders and rulings made pre-trial may be considered and reversed for any reason the trial judge deems sufficient, even in the absence of new evidence or an intervening change in or clarification of controlling law at any time prior to final judgment when the initial order was clearly erroneous or would work manifest injustice."

The Court in *Cho* also stated, "We agree with the State to the extent that the trial court has inherent power to reconsider interlocutory orders. See, e.g., *Fayetteville Investors v. Commercial Builders, Inc.*, 936 F.2d 1462, 1469 (4th Cir.1991) ("An interlocutory order is subject to reconsideration at any time prior to the entry of a final judgment."); b); "[r]ather, the motion must be considered to be directed to the court's Peterson v. Lindner, 765 F.2d 698, 704 (7th Cir.1985) (motions for reconsideration of interlocutory order cannot be properly characterized as a motion under FRCP Rule 60(inherent power to modify or rescind interlocutory orders prior to final judgment") (citation omitted). "Of course, if the order [is] interlocutory, [the trial court] ha[s] the power to reconsider

it at any time before final judgment." Id. (citation omitted). *Cho v. State*, 115 Haw. 373, 384, 168 P.3d 17, 28 (2007).

Moreover, Hawaii law is clear that, "The trial court's ruling on a motion for reconsideration is reviewed under the **abuse of discretion standard**." *Ass'n of Apartment Owners of Wailea Elua v. Wailea Resort Co.*, 100 Hawai'i 97, 110, 58 P.3d 608, 621 (2002) (citation omitted). An abuse of discretion occurs if the trial court has "clearly exceeded the bounds of reason **or disregarded rules or principles of law or practice to the substantial detriment of a party litigant**." (emphasis added) *Amfac, Inc. v. Waikiki Beachcomber Inv. Co.*, 74 Haw. 85, 114, 839 P.2d 10, 26 (1992).

The moving party asserts new **facts, clear error and manifest injustice** occurred in this instance. This is not an attempt to simply "relitigate" the matters presented at the hearing on the original motion. Instead, it is a request for reconsideration based on the principals of **new facts, clear error and manifest injustice:**

1. Rule 60 (b) **NEW FACTS**

a. OBAMA BALLOT CHALLENGE PROCEEDED TO THE SUPREME COURT OF NEW HAMPSHIRE, MIGHT BE IN THE SUPREME COURT OF THE U.S. BY THE DATE OF THE JANUARY 6 HEARING

Plaintiff herein attorney Orly Taitz provided the court with evidence, that she is not an idle petitioner, seeking inspection of the original birth certificate of the person of interest Barack Hussein Obama. She is an attorney, who is representing over 200 clients challenging Obama's legitimacy to the US Presidency due to his use of a stolen CT Social Security number 042-68-4425, as well as his use of an alleged copy of Hawaiian birth certificate, found to be a forgery by experts. Several of Taitz's clients are Presidential candidates and she filed ballot challenges and contesting Obama's ballot designation on the ballot. Presidential candidates, clients of Taitz are as follows: former UN ambassador Alan Keyes, who was a presidential nominee of the American Independent party in 2008 and several current presidential candidates: Democrats: Leah Lax and Cody Robert Judy, Republican Thomas MacLeran and representative from the American Independent party in 2012 Laurie Roth. As Taitz explained in the amended motion for reconsideration, challenges are filed all over the nation. Each time there is a hearing in this court, the status of the trials against Obama, conducted by Taitz is changing. It is akin to *Roe v Wade* 410 US 113, 125, 93 S. Ct. 705, 35 L.Ed.2d 147 (1973).This is an issue, which repeatedly comes before the court but so far eluded any single hearing on the merits. At the time of the submittal of the motion, Taitz submitted a challenge in the first primary state of New Hampshire. In opposition defendant stated, that the challenge in New Hampshire was denied by the Ballot

Law commission and their decision is final. Defense misrepresented the matter by intentionally not mentioning the fact, that when the ballot law commission or any other agency in the state of New Hampshire acts outside the norm and in violation of law and precedent, Supreme Court of New Hampshire can assume original jurisdiction and retrial the case. Taitz submits exhibit 2 Appeal to the Supreme Court of NH and a petition for stay. By the time this case is heard, the case might be in the Supreme Court of the United States. This case continues.

B. SUBPOENA SIGNED BY THE DEPUTY CHIEF ADMINISTRATIVE JUDGE OF THE STATE OF GA IS ISSUED IN THE ADMINISTRATIVE COURT IN GA, TAITZ IS SEEKING RECIPROCAL SUBPOENA ENFORCEMENT IN HI

Second case among 50 planned all over the United States, is a ballot challenge, which was forwarded to the administrative court in GA. Farrar, Lax, Judy, MacLeran Roth v Obama, Brian Kent, Secretary of State of GA and Democrat party of Georgia 1215136-60, Deputy Chief Judge of the Administrative Court of GA Michael Malihi presiding. Attorney Orly Taitz is representing all of the above plaintiffs. Case is scheduled for trial for January 26, 2012. Subpoena for deposition and production of documents of witness Director of Health of HI Fuddy, as well as subpoena to appear at trial and produce records was served on Fuddy directly and through her attorney Deputy Attorney General of HI Nagamine. Exhibit 1

The whole defense in this case and prior order on Motion to Dismiss was is based on one rule HRS 338-18

§338-18 Disclosure of records. (a) To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record, except as authorized by this part or by rules adopted by the department of health.

(b) The department shall not permit inspection of public health statistics records, or issue a certified copy of any such record or part thereof, unless it is satisfied that the applicant has a direct and tangible interest in the record. The following persons shall be considered to have a direct and tangible interest in a public health statistics record:

(1) The registrant;
(2) The spouse of the registrant;
(3) A parent of the registrant;
(4) A descendant of the registrant;
(5) A person having a common ancestor with the registrant;
(6) A legal guardian of the registrant;
(7) A person or agency acting on behalf of the registrant;
(8) A personal representative of the registrant's estate;
(9) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction;
(10) Adoptive parents who have filed a petition for adoption and who need to determine the death of one or more of the prospective adopted child's natural or legal parents;
(11) A person who needs to determine the marital status of a former spouse in order to determine the payment of alimony;
(12) A person who needs to determine the death of a nonrelated co-owner of property purchased under a joint tenancy agreement; and
(13) A person who needs a death certificate for the determination of payments under a credit insurance policy.

The new evidence, which was previously unavailable, is a valid subpoena, signed by the Deputy Chief administrative judge of GA, ordering defendant Fuddy to produce the documents in question and appear for deposition and trial. This

represents an order of a court of competent jurisdiction. This satisfies the requirement 338-18(9)

(9) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction;

Taitz is asking this court for Reciprocal Subpoena enforcement, which is typically a formality, as subpoenas from sister states are honored around the nation. As trial is scheduled for January 26, the time is of the essence, and Taitz has filed an Emergency Motion for reciprocal Subpoena Enforcement. Based on 338-18(9) Defendant is obligated to produce the documents in question, therefore the Motion for Reconsideration needs to be granted. Additionally, within the same motion Taitz is requesting Reciprocal enforcement of a subpoena for an application, filed by Obama in order to obtain his COLB (certificate of Live Birth), as well as a subpoena for a long form birth certificate of one Virginia Sunahara, born August 4, 1961 and deceased August 5 1961. As stated in the complaint, according to experts, a copy of the birth certificate posted by Obama on the Internet, is believed to be a forgery. Consequently, there is a question of where did the number of the forged birth certificate come from. Complaint filed by Taitz in august of 2011, contains record of Obama's close friend, domestic terrorist William Ayers, admitting in his book Fugitive Days to use of the birth certificate numbers of deceased infants in order to create fraudulent Social Security numbers. There is a suspicion, that the number originally assigned to Sunahara, was used. Recently, as

Sunahara's family requested a long form birth certificate, such request was denied without any valid basis, and consequently only a short form COLB was provided, which showed a number suspiciously out of order from all the numbers, issued at the time. As such, subpoenas include not only subpoena for inspection of Obama's original long form birth certificate, microfiche of the record and application for COLB, but a subpoena for deceased Virginia Sunahara's long form birth certificate as well.

2. Rule 60(b)-Misrepresentation by the Defendant, claiming that agency appeal at hand is not a properly filed agency appeal.

Plaintiff has shown that indeed current action was a properly filed agency appeal. During the October 12, 2011 hearing Defendants claimed that her pleadings do not constitute agency appeal and that appeal would not be proper under the circumstances. There is absolute zero substance behind this statement. In her motion Taitz stated, that after the hearing she, together with Channel 8 reporter and another witness, walked to the Health Department and inquired, whether the Health Department has any specific forms and procedures necessary for the agency hearing. Nobody in the health department had any such forms and procedures. Request for inspection of Obama's birth certificate , which was filed by Taitz and which was denied by registrar Onaka, was not an "agency hearing", that is

typically done by the Health Department, and therefore current complaint represents proper appeal. Defendants did not provide a grain of evidence to show, that there was any specific requirement for agency appeal, that had to be satisfied and that was not satisfied by Taitz. as such, this was a completely bogus argument. As such Plaintiff requests to reverse decision by this court, that current action does not represent an agency appeal. Not reversing this ruling would constitute an error and would go against clear evidence of fact and would represent abuse of judicial discretion.

3. Rule 60(b) New Evidence

After October 12 hearing in this case, on October 17, 2011, Taitz received an adverse ruling in Taitz v Ruemmler 11-cv-421 RCL USDC District of Columbia. this ruling was based on finding by presiding judge Lamberth wrote "The President released his long form birth certificate on April 27, 2011 and posted a copy on White House web site. The certificate confirms Presidents' birth in Honolulu, HI. See Michael D. Sheer "With Document, Obama Seeks to end "Birther" issue ".The New York Times, Apr. 28, 2011, at A1." This was a freedom of information case, where the Plaintiff Taitz was seeking to inspect the alleged certified copies of Obama's 1961 long form birth certificate, which were shown to the media and to the nation by former White House counsel Robert Bauer. Taitz was adversely affected by this ruling, she lost that legal challenge and shortly after above ruling on November 9, 2011 she filed an emergency petition for agency hearing. This

petition was served on the Director of Health Fuddy, registrar Onaka and Deputy Attorney general Nagamine. Taitz was seeking to examine the original document in light of the alleged certified copy, which was introduced by reference in the case by the presiding judge, federal judge Royce Lamberth, and which was part of his final ruling. Demand for an emergency agency hearing is as follows:

DEMAND FOR EMERGENCY AGENCY HEARING REGARDING REQUEST FOR INSPECTION OF THE ORIGINAL RECORD IN CUSTODY OF THE DIRECTOR OF HEALTH IN LIEU OF THE ALLEGED CERTIFIED COPY INTRODUCED BY CHIEF JUDGE OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA ROYCE C. LAMBERTH IN A CONTESTED HEARING IN TAITZ V RUEMMLER 11-CV-421 RCL USDC DISTRICT OF COLUMBIA

Dear Director Fuddy, Registrar Onaka, Deputy Attorney General Nagamine. Petitioner herein is requesting an emergency agency hearing in the department of Health of the State of Hawai'i on her request for inspection of the original 1961 long form birth certificate of Barack Hussein Obama, II, in lieu of an alleged copy of the above document, which was introduced sua sponte by federal judge Royce C. Lamberth in a contested hearing in the matter of Taitz v Ruemmler, filed by the petitioner Dr. Orly Taitz, ESQ against White House Counsel Kathy Ruemmler.

Recently, Judge Royce Lamberth of the USDC District of Columbia issued an order in Taitz v Ruemmler 11-cv-421 RCL USDC DC where he stated "The President released his long form birth certificate on April 27, 2011, and posted a copy on the White House Web site. The certificate confirms the President's birth in Honolulu Hawaii. See Michel D. Sheer, "With Document, Obama seeks to end "Birther issue", The new York Times, Apr 28, 2011, at A1"(Exhibit 12 order by Judge Lamberth).

Previously Petitioner herein provided director Fuddy, Registrar Onaka and Deputy Attorney General Nagamine with expert affidavits, showing, that alleged true and correct copy of Obama's certified 1961 long form birth certificate represents a computer generated forgery and not a copy of an original 1961 document. Evidence rules of the state of Hawaii are similar to Federal rules of Evidence. State of Hawai'i Title 8, statute 91-10(2) states "Documentary evidence may be received in the form of copies of excerpts, **if the original is not readily available**, provided that upon request parties shall be given an opportunity to compare with the original." Original, referred to in this petition, is readily available and is kept in the department of Health of Hawai'i.

Federal Rule of Evidence 1002 states that "[t]o prove the content of a writing, recording or photograph, **the original** writing, recording, or photograph is

required, except as otherwise provided in these rules or by Act of Congress." With regard to duplicates and public or official records, the rules state in pertinent part as follows:

A "duplicate" is a counterpart produced by the same impression as the original,... or by mechanical or electronic re-recording,... or by other equivalent techniques which accurately reproduce the original. Federal Rule of Evidence 1001(4).

A duplicate is admissible to the same extent as an original unless **(l) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original. Federal Rule of Evidence 1003. (emphasis added)**

Petitioner is not requesting disclosure of any information, which was not previously disclosed . Petitioner is requesting inspection of the original document in lieu of the alleged certified copy , which was provided by Mr. Obama to the public and which was used by Judge Lamberth in his opinion in a contested case, heard in the U.S. District court for the District of Columbia, and in light of multiple affidavits of experts, previously provided to the agency, which deem the alleged copy to be a computer generated forgery.

Recently Taitz received a letter from Nagamine, which was dated November 16, 2011, where Nagamine stated "Your request for an agency hearing is denied ". Not

only the request for an agency hearing was denied, Nagamine threatened Taitz, wrongly calling Taitz's petition frivolous and tried to harass and intimidate Taitz with sanctions and attorneys' fees. Current motion for reconsideration is not frivolous, but properly justified based on new evidence, new facts, previously not available.

2. Conflict of Interest

In her amended motion for reconsideration Taitz provided information, showing that Deputy attorney Nagamine has personal/ family ties to the family of Barack Obama, who is the subject of this complaint. Taitz provided evidence that based on reports Nagamine's husband, Todao Nagamine is a family attorney for Obama family and he handled Mr. Obama's sister's divorce from her first husband. It appears Deputy attorney General Nagamine, who represents the defendants, is acting based on her family ties to Obama and is engaged obstruction of Justice . This is even more evident, as recently Taitz served Fuddy with subpoena to appear at trial in GA and deposition. Nagamine responded stating that her client will not comply with the subpoena, duly issued and signed by the Deputy Chief judge of the Administrative court of the state of GA, even though such compliance was consistent with 338-18(9).

In her opposition Nagamine had an opportunity to oppose an argument of conflict of interest with specific facts. She could provide a sworn affidavit from her and her husband, that they do not have ties to Obama family and that her husband did not act as a family attorney for Obama-Soetoro family and did not handle Obama's sister's divorce. Nagamine never provided any

opposition to the facts and the Plaintiff requests this court to rule, that the Deputy Attorney General of Hawaii has personal family ties to Obama, that there is a clear conflict of interest. Nagamine was supposed to act for the benefit of the people of Hawaii, not as a personal criminal defense attorney for Obama. Not to acknowledge this fact would show **manifest injustice and an abuse of judicial discretion,** which is a clear basis and justification for the motion for reconsideration at hand.

5.**Rule 60(b) Fraud**

Reconsideration is justified as Nagamine has made up a statute for document authentication, which does not exist and goes against any rule of evidence within the statutes of the state of Hawaii, Federal Rules of Evidence, best evidence rule any evidence rules of the civilized society. She stated: "...I have this record here, was Barack Hussein Obama, II here born in Hawaii? And the answer, the verification would be yes. Or: Do you have a record? Yes. Verification is not somebody coming in and going through ancient records that are held in the vault of the department of Health. Verification is yes or no, do you have it, don't you have it. That all it is" (Court Reporter transcript, October 12, 2011 hearing in Taitz v Fuddy, Onaka.)"

Taitz was shocked to hear that such an insanity can actually be a statute in the code of the state of Hawaii. After the hearing she researched and never found a statute claimed to exist by Nagamine. In her motion for reconsideration Taitz correctly noted that the order issued by this court was based on error of law and fact and based on a fraudulent statement by the attorney for the defendants and that the reversal of prior ruling in necessary in order to avert manifest injustice.

In her opposition, Nagamine was supposed to provide a specific statute within the code of the state of Hawaii, which would confirm her allegation, her claim of a "yes" or "no" statute . Nagamine never provided any statute, that would confirm her allegations. As such Taitz requests to reverse prior ruling on October 12, 2011 hearing due to the fact, that the **Deputy Attorney General of Hawaii Nagamine made up a statute that does not exist and which goes against the rules of evidence and rules of document authentication of the state of Hawaii, federal rules of evidence and best evidence rule, and which was the basis of the erroneous ruling**. Reversing this order is necessary to prevent manifest injustice. Moreover, Nagamine should be sanctioned by this court for making up a statute, that does not exist.

Additionally, if this court does not reverse this order and does not allow Taitz and her document experts to examine the original document allegedly on file, the consequences of this ruling will be devastating for the state of Hawaii as a whole. Today the state of Hawaii enjoys the full faith and credit by 49 other states, as well as faith and credit by the federal government and private individuals . This happens because other states know, that the state of Hawaii has the same or similar rules of evidence and document authentication and verification as other 49 states which are similar to universal best evidence rule and that an original is provided in lieu of an alleged certified copy, for purpose of authentication and verification, particularly in light of evidence of forgery, rules of evidence, which are universally practiced in civilized societies. What Nagamine argued, represents not a form of document authentication and verification, which is described in title8, rule 91-10(2) of Hawaii HRS, and which is common practice in 49 other states, but rather some La Cosa Nostra rule, made up by Nagamine.

What Nagamine argued during November 12 hearing amounts to a rule, where a corrupt governmental official of the state of Hawaii can release a forgery to the public, and when the public or parties, detrimentally affected by this forgery or civil rights attorney are seeking to see the original in lieu of the alleged certified copy, the same corrupt official, who released the forgery in the first place, gets to do authentication and verification, by just saying yes or no. Nobody is allowed to see the original in the vault. If that is the case, why does the state of Hawaii even have vaults with documents? How do we know, there is anything in the vault? If this ruling stands, the other 49 states, other nations, federal government and public at large will know that no document coming from the state of Hawaii can be trusted, can be relied upon, as Hawaii does not do authentication of documents. The state of Hawaii will be a pariah in the civilized society, as no state, no nation, no individual will accept any document, any piece of paper coming from the state of Hawaii. It will be a common knowledge, that Hawaii has no law, no document authentication, only mob rule. Clearly, no state and the federal government and people of this nation will accept as true an alleged copy of Obama's long form birth certificate as it was never authenticated, as the only thing we can conclude, is that there is no genuine 1961 original long form birth certificate for Barack Hussein Obama, II in the vault of the health department of the state of Hawaii. For that reason it is particularly important for this court to provide Reciprocal Subpoena Enforcement, for Fuddy to comply with the subpoena from competent jurisdiction from the state of GA, and appear at trial as a witness and submit to pretrial deposition and examination of records.

6. Rule 60(b) Mistake of law and fact

Defendants excuse of use of Statute 338 HRS is not justified. HRS 338 relates only to disclosure of documents, which are kept private for the benefit of individuals. The intent of the legislature is clear. Confidantiality exists for the benefit of the individuals, who want their birth information to be kept private. For example, a person who was born illegitimate, would want this information kept private. In case at hand Obama specifically consented to release of the information and did this in his letter to defendant Fuddy, which he made public. Information was already published and no disclosure of private information is requested. Taitz requested only examination of the original for authentication and verification in lieu of the alleged certified copy in light of sworn expert affidavits deeming the alleged copy to be a computer generated forgery.

Defendants did not provide a shred of evidence, which would justify reliance on HRS 338 as an excuse to violate UIPA (Unified Information Practices Act) and refuse authentication of the document in question. Defendants argument, that Taitz is supposed to provide justification for use of UIPA is misguided. Transparency in government is presumed. Inspection of a document in lieu of the alleged copy is obligatory based on UIPA and based on HRS 91-10(2), best evidence rule and FRE, as the evidence in question relates to a case brought in federal court and relates to eligibility in a federal election. Defendants are the ones, who have to provide a justification, why they are allowed to violate UIPA and why are they allowed to refuse authentication. They used an excuse of privacy under HRS 338, which is not relevant after Obama's release of the document in question. As such reconsideration was properly requested and should be granted as there was an error of law and of interpretation of law. Not revering such ruling will constitute abuse of judicial discretion and manifest injustice.

Additionally, Obama made this issue personal. In response to legitimate challenge in NH, Juliana Smoot, deputy campaign manager for Barack Obama reelection campaign, personally attacked plaintiff herein Taitz and State Representatives , who have the integrity of character to stand up and uphold their oath of office. Using proxes, such as his campaign manager, Obama subjects Taitz to attacks, ridicule and persecutions. Recently she was subject to multiple attacks by media thugs and street thugs, her car was tampered with, her mail boxes were vandalized, her computers, e-mail boxes, web sites were hacked and vandalized repeatedly, her whole family was subjected to attacks. Exhibit 3.

Taitz, plaintiff, herein was personally harmed and not only her clients, but she personally has tangible interest in authentication of the document in question in order to stop attacks on her personally. One cannot release a forgery, refuse to show the original and personally attack a civil rights attorney, seeking to provide her clients with zealous representation and uncover the truth and preserve integrity of the elections process for her clients and the nation as a whole.

5. Lastly, opposition filed on behalf of the defendants represents a form of intimidation, harassment, voter intimidation and intimidation of a civil rights attorney and federal whistle blower, who is exposing corruption and criminality in the highest positions of power. Defendants are claiming that the motion for consideration and entire claim frivolous. Taitz provided clear justification of the complaint and her motion for reconsideration.

Calling request for authentication of a document of one running for the position of the U.S. president, clearly does not represent a frivolous argument. It is a reasonable request and it is

the most important matter of the national security. Denying such request is frivolous. the fact that defense even suggest that this is a frivolous argument, suggests a breathtaking level of corruption of the officials, who find it frivolous to seek authentication of a vital record, in light of an alleged certified copy, which is found to be a forgery by experts.

A copy of these pleadings and transcript of October 12, 2011 hearing is being forwarded to Congressman Harper, the chair of House Sub- Commission on elections, Congressman Lamar Smith, Chair of the U.S. House Commission on the Judiciary and congressman Darrel Issa, Chairman of the U.S. House Oversight Commission, as well as FEC, Inspector General of the Department of justice, equal rights Commission, as well as commission InterAmerican Commission for Human rights and the Human rights Defenders Commission of the United Nations.

If October 12, 2011 ruling is not reversed, most basic human right of American citizens to vote in a lawful election, candidates' basic rights to compete in lawful elections, as well as the constitutional right for meaningful redress of grievances free from fraud and forgery will be violated under a color of authority.

Outrageous accusations by the defendants

Defendants by and through their attorney Jill Nagamine brought multiple outrageous accusations.

a. Nagamine claims that current motion is frivolous. This is the most absurd accusation, without any merit. Not only it is not frivolous, but Taitz **is obligated to bring this motion, or otherwise she would be liable to her clients.**

As stated previously, Taitz is an attorney, who is representing over 200 clients, challenging Barack Obama. Those clients are candidates for President: Democrats, Republicans and members of American Independent party, as well as state representatives from multiple states around the nation, as well as members of US military going up in rank to Major General. Moreover, one of her clients, former UN ambassador Alan Keyes, was a runner up in the senatorial election against Obama in IL. After Obama released his tax returns and alleged copy of his birth certificate, evidence showed him using a Social Security number, which was never assigned to him, as well as a birth certificate, which is forged according to experts. For example, somebody like Taitz client Ambassador Keyes can show damage of lost salary of a senator and benefits and retirement, as a person who ran against Keyes was not legitimate not only for the position of the President, but also for the position of the senator. If Taitz would not engage in zealous representation, she would be liable. Therefore her actions are not frivolous, but proper and necessary.

b. Defense misrepresents prior eligibility cases. Not one judge in this nation ever stated, that Barack Hussein Obama is a legitimate President.

Not one judge in this nation ever stated that Obama has a right to use a CT Social Security number 042-68-4425, which he is using, but which was not assigned to him according to e-

verify and SSNVS. Not one single judge ever stated that Obama has a valid Social Security number.

Not one single judge in the nation stated that Obama has a valid birth certificate, and that the alleged copy, he posted on line is not a forgery.

Prior cases were dismissed on technicalities, such as lack of jurisdiction and lack of standing. Defense improperly brings unrelated cases in order to prejudice the court and is misrepresenting prior cases. This case, the issue of Barack Obama's eligibility for the U.S. presidency is yet to be heard on the merits.

It took several years for Watergate to get to the point of discovery. It took three years for the Plaintiff to gather evidence and for the ObamaForgeryGate to reach the point of discovery.The trial is scheduled on January 26, 2012 in Georgia, Taitz is properly seeking 60(b) motion for reconsideration and seeking to enforce a subpoena from a court of competent jurisdiction.

Conclusion

60 (b) Motion for reconsideration should be granted due **to new evidence,** specifically a subpoena from the court of competent jurisdiction, from the deputy Chief judge of the Administrative court of GA for defendant Fuddy to appear at trial and at pretrial deposition and produce documents, requested in subpoena. This new evidence complies with HRS 338-18(9). Additionally, 60 (b) motion should be granted due to misrepresentation by the defendants, as well as fraud by the

defendants' attorney, Deputy Attorney General Nagamine, when during October 12, 2011 hearing she made up a law that does not exist and that is diametrally opposite of the laws of evidence of the state of HI, of the beast evidence rule and the Federal rules of evidence. Defendants did not provide any legal basis why this court should flagrantly violate HI statute 91-10(2), best evidence rule and federal rules of evidence in relation to a document crucial in federal Presidential election and refuse inspection of the original in lieu of a certified copy and in light of the sworn affidavits showing such copy to be a forgery. Plaintiff met her burden of showing that original decision of the court was based on misrepresentation, fraud, that new evidence was provided which justifies reversing of the decision in question.

Respectfully submitted,

Dr. Orly Taitz, Esq.

December 29, 2011

Dr. Orly Taitz, Esq.

I. Lila Dubert, am not a party to above captioned action, attest, that I served the defendants on December 29, 2011 by certified mail through their attorney Jill Nagamine,
Deputy Attorney General Jill Nagamine at 465 South King str., Room 200, Honolulu, HI 96813-2913

Signed

Dated

EXHIBIT 1

IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

Farrar, Roth, Lax, Judy, MacLeran , Petitioner,	:	Docket No.: OSAH-1215136-60 MALIHI
v.	:	
Obama, Brian Kemp-Secretary of State of GA, Executive Committee of the Democrat Party of GA	:	
Respondent.	:	

SUBPOENA

TO: Loretta Fuddy, Director of Health, State of Hawaii
1250 Punchbowl Ave, Room 325, Honolulu, HI 96813

YOU ARE HEREBY COMMANDED, to appear in court on behalf of X☐ **Petitioner** ☐ **Respondent** to be:

X☐ Sworn as a Witness

X☐ Produce the Document on the Attached List:

1. Original typewritten 1961 birth certificate #10641 for Barack Obama, II, issued 08.08.1961, signed by Dr. David Sinclair, Stanley Ann Dunham Obama and registrar Lee, stored in the Health Department of the State of HI from 1961 until now, as well as the microfiche roll for August 1961, containing above document, as well as an original application to COLB (certificate of live birth) within the log with consecutive numbers. 2. Original typewritten 1961 birth certificate for deceased Virginia Sunahara, born August 4, 1961, deceased August 5, 1961, as well as microfiche roll with the original birth certificate of Virginia Sunahara.
Pretrial deposition will be conducted on January 9, 2012 at 1250 Punchbowl Ave, Room 325, Honolulu, HI 96813, 10 am.

The court date, time and location are:

DATE: January 26

TIME: 9 am

LOCATION: Fulton County Justice Center Building, 161 Pryor street, Courtroom G-40, Atlanta, GA30303, Hon Michael Malihi presiding

You are required to attend from day to day and from time to time until the hearing is completed or you have been released by the judge.

HEREIN FAIL NOT UNDER PENALTY OF LAW BY AUTHORITY OF THE ASSIGNED JUDGE.

Michael M. Malihi

Michael M. Malihi
Deputy Chief Judge

Revised 4/27/11

IF YOU HAVE QUESTIONS, CONTACT:	PROOF OF SERVICE
Name:Orly Taitz, ESQ Attorney for Petitioners Telephone:949-683-5411 This section must be completed by the person issuing the subpoena.	This subpoena was served on:12.29.2011 ☐ personally X☐by registered or certified mail ☐by delivery to a commercial delivery company for statutory overnight delivery by: Telephone: *A copy of the return receipt for registered or certified mail or a copy of the receipt provided by the commercial delivery company must be attached if not personally served. * This section must be completed by the person issues the subpoena.

EXHIBIT 3

Exhibit 3

RELEASE THE MUGS

By Julianna Smoot, Deputy Campaign Manager on November 19, 2011

Yesterday, four Republicans in the New Hampshire State House allowed a hearing requested by Orly Taitz, the notorious dentist-lawyer-birther who wants President Obama officially removed from the state's primary ballot.

So in honor of conspiracy theorists everywhere, we're re-releasing the campaign's limited-edition "Made in the USA" mugs.

There's clearly nothing we can do to satisfy this crowd—or anyone else who insists on wasting time and energy on nonsense like this.

But when it starts to make your head hurt, I've found the best remedy is to have some tea in my "Made in

the USA" mug.

Works like a charm. I recommend Earl Grey.

BAMA.COM

MADE in the USA

http://www.barackobama.com/news/entry/release-the-mugs