

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**DR. ORLY TAITZ, ESQ., BRIAN FEDORKA,  
LAURIE ROTH, LEAH LAX, and TOM  
MacLERAN**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:12-cv-280 HTW-LRA**

**DEMOCRAT PARTY OF MISSISSIPPI,  
SECRETARY OF STATE MISSISSIPPI,  
BARAK HUSSEIN OBAMA, OBAMA  
FOR AMERICA, Nanci PELOSI,  
DR. ALVIN ONAKA, LORETTA FUDDY,  
MICHAEL ASTRUE, JOHN DOES, JOHN  
DOES 1-100**

**DEFENDANTS**

**DEFENDANT MISSISSIPPI DEMOCRATIC PARTY EXECUTIVE COMMITTEE'S  
ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

COMES NOW the Mississippi Democratic Party Executive Committee ("MDEC"), and hereby files its Answer and Affirmative Defenses to the Plaintiff's First Amended Complaint ("Complaint") in this action, and hereby states the following, to wit:

**ANSWER**

The MDEC responds to the allegations set forth in the First Amended Complaint paragraph by paragraph, as follows, to wit:

The three unnumbered paragraphs appearing on the top half of page 2 of the Complaint are introductory in nature, indicating that the Plaintiffs are seeking declaratory relief, injunctive relief and treble damages. These averments do not appear to set forth any facts or law requiring admission or denial by the MDEC. However, to the extent any allegations are raised entitling the Plaintiffs to the relief they

are seeking, the MDEC specifically denies any and all such allegations and, likewise, denies that the Plaintiffs are entitled to any relief whatsoever.

### **PARTIES**

1. All allegations set forth in paragraph 1 of the Complaint are denied.
2. The MDEC is without sufficient information to determine whether Brian Fedorka is a citizen and legal voter in Mississippi, and therefore denies this allegation.
3. The MDEC is without sufficient information to admit or deny the allegations contained in paragraph 3 regarding Leah Lax, and therefore denies such allegations.
3. [sic] The MDEC is without sufficient information to admit or deny the allegations contained in paragraph 3 [sic] regarding Laurie Roth, and therefore denies such allegations.
4. The MDEC is without sufficient information to admit or deny the allegations contained in paragraph 4 regarding Tom MacLaren, and therefore denies such allegations.
5. The MDEC admits that Barack Hussein Obama is seeking the Democratic nomination for President of the United States in the 2012 general election for President of the United States and, further, states that President Obama is currently the duly elected President of the United States, but denies all other allegations contained in paragraph 5.
6. The MDEC admits that Obama for America is a duly registered principal campaign committee for Barack Hussein Obama, who is a candidate for President of the United States in the 2012 general election, in accordance with federal and state campaign laws, but denies all other allegations.
7. The MDEC admits that Delbert Hosemann is the duly elected Secretary of State of Mississippi, whose authority and obligations regarding elections are established by law, that he has been sued only in his official capacity, and that the Plaintiffs have alleged no federal or state RICO cause of

action against him individually. The MDEC denies that the Plaintiffs are entitled to any relief whatsoever against the Secretary of State, and therefore denies any and all other allegations contained in paragraph 7 of the Complaint.

8. The MDEC admits that the Mississippi Democratic Party is a political party organized under the laws of the State of Mississippi for purposes of matters relating to the 2012 Party Presidential Preference Primary Ballot and 2012 General Election Ballot, but denies all other allegations set forth in paragraph 8.
9. Admitted.
10. Admitted.
11. Admitted.
12. The Defendant admits that Nancy Pelosi, who in 2008 was Speaker of the United States House of Representatives, served as permanent chair of the 2008 Democratic National Convention and that, on information and belief, Speaker Pelosi, along with the Secretary of the Convention, would have signed the official certification of nomination of Barack Obama for President of the United States and Joe Biden for Vice President of the United States. The MDEC denies any and all other allegations contained in paragraph 12 of the Complaint.
13. Denied.

## **JURISDICTION AND APPLICABLE LAW**

### **RICO**

The allegations set forth in pages 4-12 are mere recitations of federal and state law and do not require a response by the MDEC. Alternatively, the MDEC denies the allegations set forth on pages 4-12 of the Complaint.

**STATEMENT OF FACTS AND ALLEGATIONS RELEVANT TO ALL CAUSES OF ACTION**

1. All allegations contained in paragraph 1 are denied.
2. The MDEC is without sufficient information to admit or deny what transpired at a press conference held by the sheriff of Maricopa County, Arizona, and therefore denies all allegations set forth in paragraph 2.
3. Denied.
2. [sic] The MDEC denies all allegations in paragraph 2 [sic].
3. [sic] This paragraph calls for a legal conclusion and does not require an admission or denial. The MDEC affirmatively states that Barack Hussein Obama meets all qualifications to be a candidate for President of the United States in the State of Mississippi and, otherwise, to hold the Office of President. Alternatively, all allegations are denied.
4. Denied.
5. Denied.
6. Denied.
7. Admitted.
8. Admitted.
9. Admitted.
10. Denied.
13. [sic] Denied.
14. [sic] Denied. The undersigned counsel received an email on April 1, 2012 from Orly Taitz, but denies the allegations as stated.

15. [sic] Denied.

16. [sic] Denied. Alternatively, the allegations contained in paragraph 16 [sic] state a legal conclusion which the MDEC is not required to provide a response.

**FIRST CAUSE OF ACTION**

**DECLARATORY RELIEF**

1. Denied.

2. Denied. Moreover, this paragraph should be stricken under *Fed. R. Civ. P.* 12(f).

3. Denied.

3. [sic] Denied.

4. The MDEC is without sufficient information to admit or deny the allegations contained in paragraph 4 and therefore denies them.

5. Other than President Obama posting his 2009 tax returns on the White House web page, the allegations in paragraph 5 are denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. The MDEC is without sufficient information to admit or deny the allegations contained in paragraph 15 and therefore denies them.

16. Denied.

17. The allegations contained in this paragraph call for legal conclusions that do not require any admission or denial. Alternatively, the MDEC denies all allegations contained in paragraph 17.

18. Denied.

### **INJUNCTIVE RELIEF**

#### **A. EMERGENCY PRELIMINARY INJUNCTION**

The MDEC denies that the Plaintiffs are entitled to an emergency preliminary injunction, or any other equitable or other relief as suggested under the heading “A,” and further denies all allegations under the heading “A,” contained in pages 25-27

#### **B. Permanent injunction.**

The MDEC denies that Plaintiffs are entitled to a permanent injunction or any other relief whatsoever and denies all allegations under the heading “B” contained in page 28.

### **RICO**

The paragraphs under the heading “RICO” merely recite the statutes and therefore do not require an admission or denial. The MDEC otherwise denies all allegations under this heading.

#### **OBAMA FOR AMERICA-RACKETEERING INFLUENCED CORRUPT ORGANIZATION**

The MDEC admits that Obama for America is a principal campaign committee for President Obama’s candidacy for the Office of President of the United States. All other allegations contained under this heading are denied.

**DE-FACTO RICO ENTERPRISE, "ASSOCIATION-IN-FACT" RICO ENTERPRISE**

Denied.

**PATTERN OF ONGOING RACKETEERING ACTIVITY**

Denied.

**RICO**

**FRAUD**

**FRAUD COMMITTED BY OBAMA**

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.

**Fraud Committed by Defendant Obama for America**

Denied.

**FRAUD COMMITTED BY DEFENDANT LORETTA FUDDY**

Denied.

**FRAUD COMMITTED BY DEFENANT ALVIN ONAKA**

Denied.

**FRAUD COMMITTED BY DEFENANT ASTRUE**

Denied.

**FRAUD COMMITTED BY DEFENANT DEMOCRATIC PARTY OF MISSISSIPPI**

Denied.

**FRAUD COMMITTED BY DEFENANT PELOSI**

Denied.

**MAIL WIRE FRAUD**

**DEFENDANT OBAMA**

Denied.

**PRELIMINARY LIST OF FORGED DOCUMENTS THAT WERE UTTERED BY OBAMA**

- a. Denied.
- b. Denied.
- c. Denied.
- d. Denied.
- e. Denied. All other allegations contained in this paragraph and under this heading are denied.

**OBSTRUCTION OF JUSTICE**

**Obstruction of Justice by Defendant Obama**

Denied.

**OBSTRUTION OF JUSTICE BY DEFENDANT FUDDY**

Denied.

**RETALIATION AGAINST A WITNESS, VICTIM OR AN INFORMANT**

**BY DEFENDANT OBAMA**

Denied.

**RETALIATION AGAINST A WITNESS, VICTIM OR INFORMANT**

**BY DEFENDANT OBAMA FOR AMERICA**

Denied.

**RETALIATION AGAINST A WITNESS, VICTIM OR AN INFORMANT**

**BY DEFENDANT DEMOCRATIC PARTY OF MISSISSIPPI**

Denied.

**RETALIATION AGAINST A WITNESS, VICTIM OR AN INFORMANT**

**BY DEFENDANT JOHN DOES AND JANE DOES**

Denied.

**PRAYER FOR RELIEF**

The MDEC denies the averments contained the the Plaintiff's Prayer for Relief contained on pages 43-44, including subparagraphs 1-5, and specifically denies that the Plaintiffs are entitled to any relief whatsoever. Any and all averments and allegations contained in the First Amended Complaint that have not been specifically admitted are hereby denied.

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief may be granted.

**SECOND DEFENSE**

The Courts lack subject matter jurisdiction over the Petition.

**THIRD DEFENSE**

The Complaint should be dismissed for lack of standing, lack of ripeness, mootness, and/or as the Complaint otherwise asserts no justiciable right to relief.

**FOURTH DEFENSE**

The Complaint should be dismissed for failure to comply with *Fed. R. Civ. P.* 8 and 9(a) & (b) and/or *Miss. R. Civ. P.* 8 and 9(a) & (b).

**FIFTH DEFENSE**

The MDEC pleads all defenses which it is, or may become, entitled to assert pursuant to and/or arising under *Miss. Code Ann.* §§ 23-15-961, 23-15-963, 23-15-1089, including, but not limited to, Plaintiffs' failure to comply with the jurisdictional and procedural requirements of those statutes, as well as any other applicable provisions of the Mississippi Election Code, and/or federal statutes.

**SIXTH DEFENSE**

Some or all of Petitioner's claims are barred by estoppel, ratification, collateral estoppel, waiver, and/or laches.

**SEVENTH DEFENSE**

The MDEC pleads all defenses which it is, or may become, entitled to assert pursuant to and/or arising under 18 U.S.C. § 1961 *et seq.*, and any other federal statute or the Constitution.

**EIGHTH DEFENSE**

The MDEC pleads all immunity defenses which are, or may become available to it, under state and/or federal law, including, but not limited to the defenses of qualified and absolute immunity.

**NINTH DEFENSE**

The MDEC pleads all defenses which it is, or may become, entitled to pursuant to *Fed. R. Civ. P.* 8(c) and/or 12(b), as well as *Miss. R. Civ. P.* 8(c) and/or 12(b).

WHEREFORE, PREMISES CONSIDERED, the Mississippi Democratic Party Executive Committee respectfully requests that its foregoing Answer and Affirmative Defenses to Plaintiffs' First Amended Complaint be received and hereby moves the Court to dismiss Plaintiffs' claims and assess all costs of this action to Plaintiffs.

THIS the 27th day of April, 2012.

Respectfully submitted,

**THE MISSISSIPPI DEMOCRATIC PARTY  
EXECUTIVE COMMITTEE**

By: /s/ Samuel L. Begley  
Samuel L. Begley (MSB No. 2315)

**OF COUNSEL:**  
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(601)969-5547 (Facsimile)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date set forth hereinafter, a true and correct copy of the above and foregoing document was electronically filed with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Harold E. Pizzetta, Esq.  
Justin L. Matheny, Esq.  
Office of the Attorney General  
550 High Street, Suite 1200  
P.O. Box 220  
Jackson, MS 39205

Scott J. Tepper  
Garfield & Tepper  
1801 Century Park East, Suite 2400  
Los Angeles, CA 90067-2326  
scottjtepper@msn.com

The undersigned further certifies that on the date set forth hereinafter, a true and correct copy of the above and foregoing document was caused to be served via U.S. mail and/or email on the following:

The Honorable Barbara Dunn  
Hinds County Circuit Court Clerk  
P.O. Box 327  
Jackson, MS 39205

Orly Taitz, Esq.  
29839 Santa Margarita Parkway, Suite 100  
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And to the following persons by email:

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Tom MacLeran  
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THIS the 27th day of April, 2012.

/s/ Samuel L. Begley  
SAMUEL L. BEGLEY