

**IN THE SUPERIOR COURT
MARION COUNTY**

DR. ORLY TAITZ, ESQ KARL SWIHART EDWARD KESLER BOB KERN V ELECTIONS COMMISSION SECRETARY OF STATE OF INDIANA	) FIRST AMENDED COMPLAINT) INJUNCTIVE RELIEF) PETITION FOR EMERGENCY) STAY UNDER AOPA) PETITION FOR) DECLARATORY RELIEF) COMPLAINT FOR FRAUD NEGLIGENCE BREACH OF FIDUCIARY DUTY
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COMMON LAW 7TH

AMENDMENT JURY TRIAL

DEMANDED

Petitioners herein are seeking injunctive relief in removing from the ballot in the state of Indiana a Democrat Party Presidential candidate Barack Hussein Obama, II (Hereinafter "Obama") due to elections fraud, due to Obama's use of forged/altered/fraudulently obtained identification records, his use of a Connecticut Social Security number 042-68-4425, issued in 1977 in the state of Connecticut to another individual, born in 1890, due to Obama's use of a computer generated forgery as a copy of his birth certificate, due to Obama's lack of constitutional eligibility

PARTIES

1. Dr. Orly Taitz, ESQ -Plaintiff, with business address at 29839 Santa Margarita, ste 100, RSM, Ca 92688 submitted a complaint of elections fraud, use of forged identification papers, use of a name that is not legally his by candidate Barack Obama

2.Plaintiffs Karl Swihart, 460 Austin Drive

Avon, IN 46123 1-317-513-5706

Edward Kesler,

3070 S. Leisure Place

West Terre Haute, IN 47885 1-812-239-9135

Frank Weyl,

701 N. Brentwood Lane

Muncie, IN 47304 1-765-286-7266

-plaintiffs pro se, residents of the state of IN, registered voters in the state of Indiana, submitted to the Secretary of State and elections commission a challenge to candidate Obama.

5. Bob Kern,

1040 N. Delaware St.

Indianapolis, IN 46202 1- 317-426-5607

plaintiff pro se Candidate for the U.S. Congress from the Democratic party, prior winner of a Democratic party primary for U.S. Congress in the state of Indiana, resident and registered voter in the state of Indiana. Candidate Kern previously had to go through lengthy committee hearings and legal court challenge due to the fact that he legally changed his name and the name on the ballot was different from his name in his birth certificate. Candidate Kern submitted an elections fraud complaint against Presidential candidate Barack Obama, due to the fact that Obama is using a name, which is not legally his, using a forged birth certificate and a stolen Social security number. Complaint by candidate Kern, as complaints by all other candidates were ignored by the Secretary of State and the Elections Commission. Presidential candidate Obama was allowed on the ballot in spite of overwhelming evidence of fraud and forgery in Obama's documents. 14th and first amendment rights of all the plaintiffs were violated.

6. Secretary of State of Indiana - agency respondent

200 W. Washington St., Room 201

Indianapolis, IN 46204

Phone Number: 317-232-6531

7. Elections commission- respondent

200 W. Washington St.,

Indianapolis, IN 46204

JURISDICTION

Legal action at hand is an appeal of the decision of the elections commission and the Secretary of State of Indiana to place on the ballot candidate Barack Obama in spite of lack eligibility and in violation of Indiana code IC-3-8-1--6

ALLEGATIONS

Indiana Statute IC 3-8-1-6 states the following:

President or Vice President

Sec.6 (a) A candidate for the office of the President or Vice President of the United States must have the qualifications provided in Article 2, Section 1, clause 4 of the Constitution of the United States.

Petitioner seeks declaratory and injunctive relief, stay of ballot allocation and **a stay of the certification of any and all votes** for candidate Barack Obama due to his use of the last name, which is not legally his, and his use of forged identification papers as a basis for his eligibility for the US Presidency.

Plaintiffs seek for this court to declare that candidate Barack Obama is not eligible to be on the ballot due to the fact, that recently obtained passport records show his legal name to be Barack Obama Soebarkah, not the name listed on the list of the nominees. One cannot be on the ballot under a name, that is not legally his. Additionally, Obama's school records from Indonesia, released by the Associated

Press, list him under the last name Soetoro (last name of his step father, Indonesian citizen, Lolo Soetoro). (Exhibit 11, Transcript of the trial of Farrar v Obama, Exhibit 12 Case file). There is no evidence of Obama ever legally changing his name from Soetoro or Soebarkah to Obama. Same school records show his citizenship to be Indonesian, which makes him ineligible as well.

He does not satisfy the “natural born citizen” constitutional requirement for President to be on the ballot due to his foreign citizenship and allegiance to three other nations and due to the precedent of Minor v Happersett (88 U.S. 162 1875). Not only is Obama not qualified to be on the ballot, but evidence, provided in the complaint, shows that candidate Obama does not possess any valid U.S. identification papers needed for the natural born status, that in his tax returns and in his Selective Service certificate, he is using a Connecticut Social Security number 042-68-4425, which according to E-Verify and SSNVS (Social Security Number Verification Systems) was never issued to Barack Obama. (Full unredacted number is provided in these pleadings, as it is being fraudulently used by Obama). Additionally, multiple expert affidavits show Obama's recently released alleged copy of his long form birth certificate to be a computer-generated forgery, created by cutting and pasting bits and pieces from different documents and filling in the blanks with computer graphics, and not a valid document. (Exhibits 3, 8, 9). Plaintiffs are seeking injunctive relief preventing the Secretary of

State of Indiana and the elections commission from placing Obama's name on the ballot in the Democrat 2012 primary, as well as 2012 general election.

FIRST CAUSE OF ACTION

DECLARATORY RELIEF

In 2008, when Mr. Obama ran for the U.S. Presidency, he was never vetted and he never provided any valid documentary evidence of his natural born status.

2. A natural born citizen would be expected to have valid U.S. identification papers, such as a valid long form birth certificate and a valid Social Security number, which was lawfully obtained by presenting a valid birth certificate to the Social Security administration and which can be verified through official U.S. Social Security verification services, such as E-Verify and SSNVS. The most glaring evidence of Obama's lack of natural born status and legitimacy for the US Presidency, is Obama's lack of most basic valid identification papers, such as a valid Social Security Number ("SSN") and his use of a fraudulently obtained Social Security Number from the state of Connecticut, a state where he never resided, and which was never assigned to him according in part to SSN verification systems "E-Verify" and SSNVS.

3. Reports from licensed investigator Susan Daniels ("Daniels") show that for most of his life Obama used a Connecticut Social Security Number 042-68-4425 issued in 1977, even though he was never a resident of the State of

Connecticut. In 1977 Social Security numbers were assigned according to the state where the Social Security applications were submitted. In 1977 Obama was nowhere near Connecticut, but rather a young student at the Punahoa school in Hawaii, where he resided.

3. Additionally, according to the review performed by licensed investigators Sankey and Daniels, and as publicly available, national databases revealed another birth date associated with this number, a birth date of 1890. In or around 1976-77, due to changes in the Social Security Administration, many elderly individuals who never had Social Security numbers before, had to apply for their Social Security numbers for the first time in order to obtain Social Security Benefits. It appears that the number in question was assigned to an elderly individual in Connecticut around March of 1977. The death of this elderly individual was never reported, and from around 1980 this number was fraudulently assumed by Barack Obama. *See Exhibit 1* attached hereto, Affidavit of Susan Daniels.

4. Petitioner Taitz was a delegate at the Continental Congress Convention in 2009, where she had a discussion on the matter of Barack Obama's fraudulent use of the aforementioned Connecticut SSN with a recently retired Senior Deportation Officer from the Department of Homeland Security ("DHS"), Mr. John Sampson ("Sampson"). Sampson provided Dr. Taitz with an affidavit

attesting to the fact that indeed, according to national databases, Obama is using a Connecticut SSN even though there is no reasonable justification or explanation for such use by one who resided in Hawaii in and around the time the Social Security number in question was issued. *See Exhibit 2* attached hereto, Affidavit of John Sampson.

5. In 2010 Obama posted online on WhiteHouse.gov his 2009 tax returns. Those responsible for posting those returns did not “flatten” the PDF file thereof, so all the layers of modification of the file became visible to the public. One of the pages contained Obama’s full SSN 042-68-4425. Taitz received an affidavit from Adobe Illustrator program expert Mr. Chito Papa (“Papa”) attesting to the fact that the tax returns initially posted by Obama contained the Connecticut SSN 042-68-4425. While the file was later “flattened” and the SSN can no longer be seen, thousands of U.S. Citizens and individuals around the world were able to obtain the original file with the full SSN. *See Exhibit 7* attached hereto, Affidavit of Chito Papa.

6. Counsel herein, Taitz checked an official site for Selective Service SSS.gov. She entered the name “Barack Obama” along with his publicly available alleged date of birth “08.04.1961” and Connecticut SSN 042-68-4425 (which Obama is using in his tax returns as indicated above). Taitz received a verification

showing that Obama registered for Selective Service using the Connecticut SSN. *See Exhibit 4* attached hereto, Selective Service Verification.

7. Taitz received an affidavit from a witness named Linda Jordan (“Jordan”), who ran an E-verify check for SSN 042-68-4425. According to E-Verify, there is no match between Obama’s name and the SSN he used on his tax returns and Selective Service application. *See Exhibit 5* attached hereto, Affidavit from Linda Jordan.

8. Taitz received an affidavit from an elections clerk in Honolulu, Hawaii, who checked in both Honolulu hospitals and there are no birth records for Barack Obama in any of them. *Exhibit 6 Affidavit of Tim Adams*

9. Recently Obama’s uncle Onyango Obama was arrested for drunk driving and found to be using for employment a Social Security Number even though he is an illegal alien and not allowed to work. Obama’s Aunt Zeutuni Obama was stealing taxpayer dollars by living in subsidized housing and using an Indiana-issued Social Security Number, even though she is an illegal alien and was never a resident of the State of Indiana. Therefore, there is a pattern of multiple members of Obama's family using fraudulently obtained Social Security numbers, and Obama's behavior is true to that pattern of Social Security fraud and immigration fraud.

10. Obama's close associate, William Ayers, in his book *Fugitive Days*, admitted to creating over a hundred fraudulent Social Security Numbers using names of deceased infants who did not get their Social Security numbers before their deaths. As he states in *Fugitive Days*, "After the Baltimore fiasco, stealing ID was forbidden. Instead we began to build ID sets around documents as flimsy as a fishing license or a laminated card available in a Times Square novelty shop called "Official ID." We soon figured out that the deepest and most foolproof ID had a government-issued Social Security card at its heart, and the best source of those were dead-baby birth certificates. I spent impious days over the next several months tramping through rural cemeteries in Iowa and Wisconsin, Illinois and North Dakota, searching for those sad little markers of people born between 1940 and 1950 who had died between 1945 and 1955. The numbers were surprising: two in one graveyard, a cluster of fourteen in another. Those poor souls had typically been issued birth certificates—available to us at any county courthouse for a couple of bucks and a simple form with information I could copy from the death announcement at the archive of the local paper—but they had never applied for a Social Security card. Collecting those birth certificates became a small industry, and within a year we had over a hundred. For years I was a paper-made Joseph Brown, and then an Anthony Lee, remarkably durable identities. My on-paper official residences: a transient hotel in San Francisco and a warehouse in New

York.” *William Ayers, Fugitive Days*. Association and close friendship with Ayers is an additional indication and circumstantial evidence of Social Security fraud by Obama, and his lack of valid identification documents to prove not only natural born status, but any status for that matter.

11. For nearly three years after his inauguration Obama refused to provide to the public his long form birth certificate. On April 27, 2011, when Obama posted his alleged long form birth certificate online, just as with his tax returns, he originally did not flatten the file, which means that anyone with an Adobe Illustrator program on his computer could see layers of alterations in this alleged “birth certificate” which looked like a complete fraud and hoax. Multiple long form birth certificates from 1961 are available. In those years green safety paper was not available and was not used. Other birth certificates, as one for Susan Nordyke, born the next day on August 5, 1961, in the same hospital, and signed by the registrar on August 11, 1961, show white paper with yellow aging stains, clear borders, raised seal and a lower serial number. (Exhibit 9)Obama’s alleged birth certificate is on a safety paper, which was not used in 1961, does not have a clear border, no raised seal, and the serial number is higher than the numbers issued later by the same Registrar. *See Exhibit 3, 9*.

12. According to the affidavit from Adobe Illustrator expert Papa (Exhibit 3, hereto), the released image digital file showed layers of alteration of the alleged

birth certificate. It showed a signature of Obama's mother, Stanley Ann D. Soetoro (her married name by her second husband), where it looks as though "Soetoro" was erased, whited out and computer graphics used to add "unham Obama" and a signature "Stanley Ann Dunham Obama" was created by pasting and filling the blanks with computer graphics.

13. Taitz received an affidavit from scanning machines expert Douglas Vogt. ("Vogt") *See Exhibit 8 hereto*, Affidavit of Douglas Vogt. Vogt attests to further evidence of forgery, such as different types of ink used. Some of the document shows as "gray scale" scanning, some as black and white scanning, and some as color scanning. It shows different types of letters and variations in kerning, meaning some letters are encroaching into the space of other letters which is possible only with computer graphics, not with a typewriter used in 1961. Numerous other parameters lead to the same conclusion, that the document in question is not a copy of a 1961 typewritten document, but a computer-generated forgery, created by cutting and pasting bits and pieces from different documents and filling in the blanks with computer graphics.

14. It appears that Obama used a Social Security number of a deceased elderly individual, as well as a birth certificate number of a deceased infant, to fabricate his false identity. Research pointed to the fact that one Virginia Sunahara was born in Honolulu on August 4, 1961 and passed away the next day. Recently

her surviving family member demanded to see her long form birth certificate, but the department of Health provided Mr. Sunahara only with a computer generated short form birth certificate with a serial number, which was suspiciously out of sequence from all the other numbers issued to infants born August 4, 1961.

15. In spite of numerous demands, Director of Health Loretta Fuddy refused to allow the inspection of the original birth certificate of either Obama or Sunahara in lieu of the alleged certified copy, and the Social Security Administration refused to provide even a redacted application for Connecticut SSN 042-68-4425, which Obama is fraudulently using.

16. Based on all of the above, Obama does not have any valid identification papers, which are necessary to be a candidate on the ballot, running for the Presidency of the United States

17. Additionally, the term “Natural Born Citizen,” as it is applied to the U.S. Presidency, means one born in the country to citizen parents. The plaintiffs submit their evidence showing that from the time of the adoption of the Constitution until today the standard was “One born in the country to parents who are citizens do not owe their allegiance to others.” The U.S. Constitution was based in no small measure upon the book *The Law of Nations* by Emer de Vattel, stating that “Natural Born Citizens” are ones born in the “Nations to citizens. (Emer De Vattel, *The Law of Nations*, p. 499, section 212). A similar definition was used by

John A Bingham, drafter of the 14th amendment to the United States Constitution, who stated during Congressional Hearings that a “natural born citizen is born in the U.S. Territories to parents, who didn’t owe allegiance to other sovereignties.” A similar definition was used in the case of *Minor v. Happerset*, 88 U.S. 162 (1875).

18. In 2008 natural born citizenship of John McCain was questioned as well due to his birth in the zone of the Panama Canal. In Joint Senate Resolution 511 the Senate unanimously found Senator McCain to be a “Natural Born” U.S. Citizen. The Senate used the same Vattel two pronged test and found McCain to be eligible for the presidency due to the fact that he was born in the Panama Canal zone to two parents who were U.S. Citizens. Obama’s father was never a U.S. citizen. He never had a green card. He was in the U.S. for a few years on a student visa and, as such, Obama did not satisfy either one of the two prongs of the test for natural born status. Even if this office was to subscribe to a more liberal modern definition of natural born citizen, Obama does not qualify as he never proved his birth in Hawaii and is using a computer-generated forgery instead of a valid long form birth certificate and he is fraudulently using a Social Security Number which was never assigned to him.

19. Lastly, on March 1, 2012 Joe Arpaio, sheriff of Maricopa County, AZ, announced the result of his six months investigation and confirmed above findings by Taitz. Exhibit 10 Transcript of press conference by sheriff Arpaio.

This case shows an unprecedented level of corruption and lawlessness in the federal government and in the government of Hawaii, which allowed Obama to get on the ballot in 2008.

20. Plaintiffs Swihart, Weyl, Kessler filed a verified challenge to the ballot placement of Obama with the elections commission. They attached as exhibits transcripts and case file of the trial in the state of Georgia *Farrar et al v Obama et al*, where attorney Taitz represented plaintiffs and put on the stand 7 witnesses, among them senior deportation officer John Sampson, licensed investigator Susan Daniels, computer expert Felicito Papa, scanning and printing machines expert Douglas Vought, all of whom testified that Barack Hussein Obama is committing elections fraud and is using a name, which is not legally his (in his mother's passport records he is listed under the name Soebarkah, in his school registration in Indonesia he is listed under the name Soetoro), that he is using a computer generated forgery claiming it to be a valid copy of his birth certificate, and a stolen Connecticut Social Security number 042-68-4425, which according to E-Verify and SSNVS was never assigned to Barack Obama.

21. Plaintiffs Taitz and Kern filed verified elections fraud complaints with the Secretary of State of Indiana.(Exhibits8,9). Elections fraud complaints do not require one to be a resident of Indiana. Official elections fraud complaints of the Secretary of State of Indiana allow any individual with knowledge of elections

fraud to come forward and file a verified complaint, which Taitz and Kern did repeatedly.

26. Defendants Swihart, Weyl and Kessler appeared before the elections commission and challenged candidate Obama. Prior to the commission hearing a resident of the state of Indiana wrote an e-mail to the office of the Secretary of State and the elections commission, inquiring if Taitz, an out of state attorney, could represent the petitioners before the commission. She received a response that indeed Taitz could appear. Taitz paid for the airfare and hotel to travel to Indiana. Later the commission changed their mind and stated that Taitz could not appear without a local attorney joining her.

27. At the commission hearing Taitz asked to allow her to testify as a witness and authenticate the transcripts and the file of the eligibility trial against Obama in the state of Georgia that Taitz brought into evidence. Commission refused to allow Taitz to authenticate a file of the hearing, which she personally received from the court in the case, where she personally was an attorney. Commission behaved in an extremely hostile manner to the petitioners. One of the committee members, Chairman Dumezich was verbally abusive. He launched despicable verbal attacks. Members of the audience got incensed by the behavior of the hostile committee members.

28. One of the members of the audience, a Democrat running for Congress, prior winner of the primary election in the Democratic party and a prior delegate to the Democratic party convention, Bob Kern, stood up and yelled at the committee members and demanded that they allow Taitz speak. At that time committee members were at a loss, as they were clearly under the marching orders from the Obama regime not to let Taitz speak. They announce an unscheduled recess and ran away from the chambers, no doubt to get some more marching orders.

29. Committee members came back and gave Taitz a very limited amount of time to speak and refused to enter her exhibits into evidence. They stated that they will only lodge the exhibits in the case file and advised the petitioners to go to court and proceed there, that the court will admit the file. At that point the chair of the commission, as a respondent agency expressly indicated to the petitioners that there will not be any other hearing by the agency that they exhausted any remedies available through the commission and that the petitioners have to go to court.

30. Petitioners submitted two requests for reconsideration (Exhibits 10, 11), however they were advised by the respondent agency that no reconsideration would be conducted and the Petitioners have to go to court. As such the petitioners exhausted all avenues and available remedies with the respondent agency and were justified and seeking a legal resolution.

STAY under AOPA

31. Petitioners reallege and incorporate all prior paragraph as if fully alleged herein.

32. Petitioners are seeking a stay of Obama's ballot designation and ballot inclusion. As the primary election is fast approaching, it might not be possible to remove candidate Obama's name from the ballot. In case removal from the ballot is not possible, alternatively petitioners are seeking a stay of certification of any and all votes for candidate Barack Obama.

33 No monetary remedy will cure unlawful election.

34. Stay will not represent an undue hardship on the candidate Obama, as he does not possess any valid identification papers, was never eligible for the position he is seeking and one cannot be burdened by staying an election to which he was never entitled in the first place.

35. In balancing the hardships, it is clear that the hardship on the petitioners greatly exceeds the hardship on the respondents. Respondents will not suffer any hardship, as they were required to remove the ineligible candidate from the ballot. Due to inaction by the respondents, their negligence in performing their duties, their breach of their fiduciary duties and fraud on the public, they did not fulfill their function and did not remove an ineligible candidate, when they received all evidence of lack of eligibility. As such the respondents will not suffer any hardship due to candidate Obama's lack of eligibility for office ab initio.

36. Issuing a stay by the Superior Court will serve the public interest, as it is in the public interest to have lawful candidates and lawful elected officials. It is in public interest to curb elections fraud.

BREACH OF FIDUCIARY DUTY

37. Plaintiffs reallege and incorporate all prior paragraphs, as if fully alleged herein.

38. Secretary of State and Elections Commission are state officials, elected to safeguard lawful elections.

39. Defendants breached their fiduciary duty by knowingly allowing a candidate Barack Hussein Obama, who is using forged and fraudulent identification papers and who is hiding his identity under names Soetoro and Soebarkah, to appear on the ballot as a lawful candidate for the US President.

40. As a result of the breach of fiduciary duty defendants suffered damages in the form of deprivation of Fourteenth amendment rights of free political speech, through lawful elections, free of fraud, fourteenth amendment right of redress of grievances, they were subjected to humiliation, defamation, slander, ridicule and suffered emotional distress.

NEGLIGENCE

Plaintiffs reallege and incorporate herein all prior paragraphs as if fully pled herein.

41. As top elections officials defendants had a duty of due care, not to allow elections fraud.

42. Defendants breached their duty of due care and acted in a negligent and reckless manner, with depraved disregard of the rights of the Plaintiffs and public at large, by allowing an ineligible candidate Barack Hussein Obama, with forged documents and under a name not legally his, to be a candidate on the ballot, running for the US Presidency.

43. Breach by the Plaintiffs was an actual and foreseeable Proximate cause of damages suffered by the Plaintiffs. Plaintiffs suffered damages in the form of the deprivation of their civil rights, such as Fourteenth amendment right for redress of grievances, free political speech as represented by lawful elections , suffered harassment, humiliation, defamation, slander and emotional distress, as well as economic damages.

FRAUD

Plaintiffs reallege and incorporate herein all prior paragraphs as if fully alleged herein.

44. Defendants received from the Plaintiffs clear undeniable, irrefutable evidence showing candidate Obama not being eligible for the US Presidency and using forged identification papers and a name not legally his to be on the ballot.

45. With unprecedented malice Defendants defrauded citizens of the state of Indiana by allowing Obama to be on the ballot.

46. As a result of the actions by the Defendants Plaintiffs suffered damages, which were foreseeable proximate damages and actual damages, which included violation of civil rights, emotional distress, defamation and slander and financial damages.

PRAYER FOR RELIEF

1. Plaintiffs are seeking a declaratory relief pronouncing candidate Obama not eligible for the position on the ballot as a candidate for the US Presidency due to lack of Constitutional Eligibility and due to his use of forged identification papers as legal basis of his eligibility and due to his use of a name not legally his.
2. Plaintiffs are seeking an emergency injunctive relief in the form of a Stay of placement on the Ballot or alternatively Stay of Certification, pending Permanent Injunction, preventing Obama from being on the ballot.
3. Monetary damages to be determined at jury trial.
4. Any other relief this court finds to be just.

Respectfully Submitted this day of March 21, 2012

We affirm under the penalties for perjury, that the foregoing representations are true to the best of our knowledge and informed belief

/s/ Dr. Orly Taitz, Esq.

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/s/ Bob Kern

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I, Lila Dubert, not a party to the case, served the copy of the First Amended Complaint upon Deputy Attorney General of the State of Indiana, counsel for the Secretary of the State of Indiana at the address listed below.

Jefferson Garn

Deputy Attorney General

Indiana Government Center South, 5th Floor

302 West Washington Street

Indianapolis, IN 46204-2770

Date: _____

by _____