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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Dr. ORLY TAITZ, ESQ, PRO SE**

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**Plaintiff,**

§

§

**v.**

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**EMERGENCY**

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**MOTION FOR**

**Michael Astrue, Commissioner of the**

§

**RECONSIDERATION**

**Social Security Administration,**

§

**11-cv-00402**

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**Honorable Royce Lamberth**

**Respondent**

§

**Chief Justice presiding**

**REQUEST FOR JUDICIAL NOTICE FILED IN CONJUNCTION WITH  
AN EERGENCY MOTION FOR RECONSIDERATION**

Plaintiff Pro Se Dr. Orly Taitz (hereinafter “Taitz”) hereby requests that the Court take judicial notice of the following document attached as Exhibit 1.

**SOCIAL SECURITY ADMINISTRATION**

**Chief FOIA Officer Report for 2011**

This request is made pursuant to Rule 201 (a), (b)1, (b)2, (c)2 of the Federal Rules of Evidence.

**RULE 201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS**

(a) **Scope.** This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) **Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court’s territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) **Taking Notice.** The court:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

(d) **Timing.** The court may take judicial notice at any stage of the proceeding.

(e) **Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

Social security administration Chief FOIA Officer report is

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Aforementioned report is posted on the official web site of the Social Security administration [www.ssa.gov](http://www.ssa.gov)

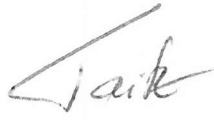
and under 201 C (2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

the report in question is relevant to the proceeding as Petitioner Taitz is seeking reconsideration of the decision by the SSA to deny her release of the SS-5 for the Social Security number 042-68-4425 due to privacy considerations. In her motion for reconsideration Taitz provides newly discovered evidence showing that the Social Security number in question was assigned to Harrison J. Bounel, an immigrant from Russia, born in 1890. *Fed. R. Evid.* Rule 201. Under *Fed. R. Evid.* Rule 201(f) judicial notice may be taken at any stage of the proceeding. *Government of Canal Zone v Burjan*, 596 F.2d 690, 694 (5<sup>th</sup> Circ. 1979).

SSA Chief Foia Officer report in question in Section I, (1) (c) states

- We have revisited longstanding decisions regarding the withholding of certain frequently requested data, to determine if our recommended guidance is still applicable and reflects the presumption of openness. For instance, we issued new guidance for disclosing extremely aged individuals' original Social Security Applications (SS-5) when our records do not indicate a date of death. We developed a new policy that establishes a "120 year rule" and assumes that an individual is alive unless their birth date exceeds 120 years or we have proof of the individual's death. This new policy enabled us to release more information and potentially reduced requests on appeal.
- Since Harrison J. Bounel was born in 1890, he would be 123 years old and according to aforementioned 120 year rule SSA was obligated to release his SS0-5 under FOIA 5US 552.
- **CONCLUSION**
- This court should take the Judicial notice of the SSA Chief FOIA Officer report

Respectfully submitted



/s/ Dr. Orly Taitz ESQ

President of the Defend Our Freedoms Foundation

05.18.2013

cc Inspector General of the Social Security Administration

cc senator Chuck Grassley ranking member of the Senate Judiciary Committee

cc Congressman Bob Goodlatte Chair of the House Judiciary Committee

cc Daryl Issa, Chair of the House Oversight Committee

cc Inspector general of IRS

# SOCIAL SECURITY ADMINISTRATION

## Chief FOIA Officer Report for 2011

### **I. Steps Taken to Apply the Presumption of Openness**

#### **1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.**

The Social Security Administration (SSA) has always taken pride in our level of service to the public. In that tradition, we continue to use the President's Memorandum and the Attorney General's Guidance to ensure that staff throughout the agency understand and implement the presumption of openness when they respond to FOIA requests.

Throughout the year, two agency components, the Office of Disability Adjudication and Review and the Office of Systems, were the subject of a high volume of FOIA requests. We initiated meetings with Agency FOIA coordinators in these offices to discuss the FOIA requests and proactively sought opportunities to promote the open government directive to respond to them.

#### **a. Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.**

We have publicized the President's FOIA Memorandum and the Attorney General's FOIA Guidelines through the following activities:

- The Chief FOIA Officer issued a memorandum to senior staff stating the FOIA policy that agencies must apply a presumption in favor of disclosure when responding to a FOIA request.
- We designed an information packet that we distributed to the agency's FOIA coordinators and posted on our Intranet website. The packet includes several items, including copies of the OPEN Government Act of 2007, the President's FOIA Memorandum and corresponding Attorney General's FOIA Guidelines, and the Chief FOIA Officer's memorandum to senior staff regarding the new FOIA guidance and presumptive disclosure policy. The packet also contains the FOIA response deadlines, the list of SSA FOIA coordinators, and a statement regarding their responsibilities for the FOIA annual report.

**b. What training has been attended and/or conducted on the new FOIA Guidelines?**

- In 2010, the Office of Privacy and Disclosure (OPD) in the Office of the General Counsel (OGC), which serves as SSA's FOIA office, gave presentations on implementing the new FOIA guidelines at the New OGC Employee Training Session in March, the OPD Biennial Conference in July, and the Annual OGC Conference held in September.
- We continue to revise and update our in-house FOIA/Privacy Act training program instituted last year that focuses on the various technical, legal, and "hands-on" issues involved in processing FOIA requests. The training ensures that analysts understand the importance of presumptive disclosures, and allows us to discuss recent disclosure issues and examine new opportunities for preparing future disclosures.
- We continued our commitment to encourage and provide staff the opportunity to attend outside FOIA training. Staff attended FOIA training sponsored or supported by agencies and organizations like the Department of Justice, the American Society of Access Professionals, and the International Association of Privacy Professionals. This training included all aspects of FOIA, including those that focused on a basic FOIA overview, open government principles, presumptive disclosure, and privacy policy. The training also included multiple "hands on" workshops.

**c. How has your agency created or modified your internal guidance to reflect the presumption of openness?**

- We have developed a more collaborative relationship with agency FOIA coordinators. This improved relationship ensures that they have our support when conducting extensive searches to provide the most complete and timely responses possible. This approach includes assisting the coordinators when obtaining and reviewing information to ensure that they apply the presumption of openness.
- We are performing more peer reviews and collaborating with other offices in our agency that continually provide us with documents in response to FOIA requests to ensure that we release the maximum amount of information possible. We are also focusing on the discretionary exemptions, such as exemption 2 and exemption 5.

- We have revisited longstanding decisions regarding the withholding of certain frequently requested data, to determine if our recommended guidance is still applicable and reflects the presumption of openness. For instance, we issued new guidance for disclosing extremely aged individuals' original Social Security Applications (SS-5) when our records do not indicate a date of death. We developed a new policy that establishes a "120 year rule" and assumes that an individual is alive unless their birth date exceeds 120 years or we have proof of the individual's death. This new policy enabled us to release more information and potentially reduced requests on appeal.

**d. To what extent has your agency made discretionary releases of otherwise exempt information?**

- We review every request with the intent to release as much information as possible. We no longer withhold information that would be exempt under exemption 2 (low) of the FOIA. For example, we now release transmittal sheets, route slips, and cover sheets that would cause no harm if released.
- We developed new procedures to review "sensitive" Program Operations Manual System (POMS) with the responsible components. After this review, we released some information from the POMS that we previously had designated as "sensitive."
- In 2009, we formed a workgroup to review our analyses for some of our most frequently requested types of documents. For example, we receive many requests for Appeals Council Working Papers (ACWP). Because of the ACWP workgroup's activity, we proactively released routine information that previously we withheld under exemption 2 (low), such as transmittal sheets, route slips, and cover sheets. In addition, under exemption 5, we released in full additional segregable portions of ACWP documents.

**e. What exemptions would have covered the information that was released as a matter of discretion?**

- We released information in the examples above that we previously withheld pursuant to FOIA Exemption 2 (low) and (high) and FOIA Exemption 5.

**f. How does your agency review records to determine whether discretionary releases are possible?**

- We use peer reviews and legal reviews, and often consult with the owner(s) of the records to apply the presumption of openness. We also review our guidance on release of frequently requested documents to determine if it is consistent with the presumption of openness.

**g. Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.**

- We continuously emphasize to our FOIA coordinators and other agency staff the importance of government openness, and their responsibility to ensure that we are providing the most information to the public. When necessary, we conduct meetings and conference calls with them. In particularly difficult cases, we consult with the Department of Justice to assist us in making decisions on discretionary releases.
- Our management team meets regularly to review the progress of the oldest cases. In these meetings, staff updates our managers on developing, searching, and reviewing cases, and assistance they need to move the cases to closure. We now have a round-table discussion to assist analysts with particularly complex cases. We use a team approach that includes input from managers, senior FOIA analysts, and peers on the best ways to analyze, review, and research requests.
- We work closely with the Office of the Chief Information Officer to be proactive when disclosing information to the public through our Open Government initiatives. We disclose statistical information about SSA's workloads, processing times, and Administrative Law Judge disposition rates.

**2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.**

In our FY 2010 Annual FOIA report, we reported an increase in the number of full releases from 26,344 in FY 2009 to 31,099 in FY 2010. The number of partial grants decreased from 3005 in FY 2009 to 1507 in FY 2010.



We believe that our consistent attention to the openness principle has contributed to our increase in full releases. However, the reduction in partial releases is harder to determine. The reduction in partial releases may be attributed to the type of FOIA requests that we typically receive. For instance, the vast majority of cases we process at SSA request personal information regarding living individuals. The requested records contain medical, health, financial, and other personal information about social security claimants, and often ask for the earnings records for millions of people. We usually withhold this type of information for personal privacy reasons under FOIA Exemption 6. In addition, the Internal Revenue Code protects most of the earnings information we possess and requires us to exempt this information from disclosure under FOIA Exemption 3. These exemptions leave us little or no room for discretionary disclosures.

Therefore, for this portion of the report, we think that the most meaningful statistics relate to the number of cases to which we applied Exemptions 2 and 5, as the FOIA permits agencies more discretion to disclose under these exemptions. For instance, the number of times we applied these exemptions for initial requests decreased between FY 2009 and FY 2010 as follows:

Exemption 2

FY 2009—applied 69 times

FY 2010—applied 66 times

Exemption 5

FY 2009—applied 86 times

FY 2010—applied 75 times

**II. Steps Taken to Ensure that Your Agency has an Effective System in Place For Responding to Requests**

**Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.**

**a. Do FOIA professionals within your agency have sufficient IT support?**

Yes. We have sufficient IT support for the FOIA professionals at our agency. We have a team within our Office of Systems dedicated to providing maintenance and support for our electronic Freedom of Information System (eFOIA). We also have direct access to IT support to post frequently requested documents to our internet sites.

**b. Describe how your agency's FOIA professionals interact with your Open Government Team.**

OPD and the agency's Office of Open Government (OOG) maintain an extremely close working relationship on an ongoing basis. Accordingly, OPD was a key collaborator with OOG in developing the agency's Open Government Plan in FY 2010. OPD FOIA analysts served on several project workgroups and authored significant sections of the plan.

As a main stakeholder in the plan, OPD also played a central role in reviewing and refining various drafts of the plan, which included a scored evaluation by an independent outside reviewer. This evaluation rendered the highest possible score for the sections related to FOIA. Our staff continued to work with OOG on an on-going basis up through the plan's publication on June 24, 2010.

Additionally, OPD senior leadership and FOIA analysts serve on the agency's Open Government Steering Committee. The Committee confers on a regular basis on all aspects of Open Government, and provides ongoing oversight of the agency's Data Inventory and Plan for Releasing High Value Data.

**c. Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.**

We are continuously looking at our case processing system to ensure that we are processing FOIA requests in the most effective and efficient manner, and that we have experienced staff assigned to appropriate requests. To ensure the optimum use of staff within our FOIA office, we streamlined the procedure by which we assign FOIA requests to senior analysts and to the analysts who actually process the requests. Senior analysts now have the major role in the initial development and coordination of FOIA requests sent to our components to obtain requested documents. We continue to provide training to our new analysts to prepare them to handle FOIA requests. In addition, we recently hired an intern to assist the in-take FOIA process and one FOIA analyst to process requests. With the additional staff and the continuous training, we have been able to reduce our backlog from 90 in FY 2009 to 68 in FY 2010.

This fiscal year, we reassessed our process for obtaining requested documents. We stressed that components must have adequate staffing to respond timely and accurately when searching for agency records. We also conducted training for staff in our component offices to ensure they are aware of their responsibilities under the FOIA.

**d. Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.**

We are always looking for ways to enhance the eFOIA case processing system. We are committed to using technology to enhance our capabilities. In 2007, we implemented a new browser-based platform, called eFOIA, which we designed specifically to automate much of the workflow for handling Privacy Act and FOIA requests. In FY 2010, we released four updates to the system with two more systems improvements scheduled for release soon.

**III. Steps Take to Increase Proactive Disclosures**

**Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.**

**a. Has your agency added new material to your agency website since last year?**

Yes. Our FOIA Reading Room page (<http://www.ssa.gov/foia/html/frd.htm>) contains links to information made available to the public by several agency components in the past year. Examples of these releases are testimony given by agency officials before Congress during FY 2010, Office of the Inspector General (OIG) Audit Reports, FY 2010 Press Releases, and Budget Reports.

In addition, our FOIA Reading Room contains a link to data sets and informational holdings the agency has posted to data.gov in support of our Open Government Plan. During FY 2010, the agency released 20 data sets on data.gov containing information not previously available to the public. Many of the data sets contain statistical tables of information compiled in response to an identified public need and demand, particularly from the research community. Previously, the information in these files was available only through a FOIA request.

**b. What types of records have been posted?**

Please see our response to the previous question. We received a high volume of requests for data sets, and we have posted statistical data regarding SSA's work processes, as well as surveys, and reports.

- c. Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.**

Examples include the following:

- Administrative Law Judge (ALJ) disposition data
- Hearing Office Dispositions per ALJ per Day Rate Ranking Report
- Number of Hearings Held In-Person or via Video-Conferencing
- Hearing Office Average Processing Time Ranking Report
- Hearing Office Workload Data
- NETSTAT Report—(the average amounts of time it takes for various appeals to move to various levels)
- SSA State Agency Workload Data

- d. What system do you have in place to routinely identify records that are appropriate for posting?**

Our eFOIA case processing system automatically identifies frequently requested items that we consider for posting to our Reading Room. Senior analysts also flag frequently requested documents and sensitive requests for Reading Room consideration.

- e. How do you utilize social media in disseminating information?**

SSA has begun to utilize social media on many popular sites, including Facebook, Twitter, and YouTube. Our presence on these sites allows wider dissemination of information to the public, including press releases, informational videos on our programs and services, and frequently requested material such as our most popular baby names list.

We have also implemented idea-sharing technology provided by IdeaScale, to inform and obtain feedback from the public on our Open Government initiatives, and have contracted with a cloud-computing provider to implement a more interactive “frequently asked questions” section of our website, “SSA’s Online Answers Knowledgebase.”

**f. Describe any other steps taken to increase proactive disclosures at your agency.**

We continuously search for ways to be more proactive in providing the most access to the public:

- We are in the process of re-designing our FOIA Reading Room to be more user-friendly and to link to other sites that may be of interest to the public.
- We continue to work with our FOIA coordinators throughout the agency to help us identify information that would be of interest to the public and could be posted to our website for public access.
- We continuously post new links on the FOIA Reading Room for information that may be of interest to the public, even if this information is available elsewhere. We have linked to information on the agency's budget and performance information, our international agreements, our Exhibit 300s (major IT investments), and provided information regarding payments under the American Recovery and Reinvestment Act of 2009.

**IV. Steps Taken to Greater Utilize Technology**

**A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology to respond to requests. In 2010 agencies reported widespread use of technology in handling FOIA request. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:**

**1. Electronic receipt of FOIA requests:**

**a. What proportions of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?**

SSA has a centralized FOIA process staffed by FOIA professionals at our headquarters in Baltimore, MD. Our headquarters staff receives and processes all FOIA requests electronically via our eFOIA system. We receive FOIA requests through email, commercial mail services, via fax, or from other SSA components

in paper form and then scan and process them electronically within the eFOIA system.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

N/A

- c. What methods does your agency use to receive requests electronically?**

Our eFOIA system offers an online service via the Internet that allows members of the public to make FOIA requests and pay online. We also use an e-mail account to receive FOIA requests, and we receive requests via FAX.

**2. Electronic tracking of FOIA request:**

- a. What proportion of components within your agency which receive FOIA requests have the capability to receive such requests electronically?**

SSA has a centralized FOIA process at our headquarters in Baltimore, and we have the capability to receive requests electronically.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

N/A

- c. What methods does your agency use to track requests electronically?**

We capture, maintain, and track FOIA requests through our eFOIA system. eFOIA is a web-based work management Intranet and Internet system that we use to control, manage, and process FOIA requests.

**3. Electronic process of FOIA requests:**

- a. What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?**

As answered above, we have a centralized electronic FOIA process.

- b. To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?**

N/A

- c. What methods does your agency use to process requests electronically?**

Our agency uses the eFOIA system to receive, track, manage, and process FOIA requests. In addition to electronic requests we receive via the Internet, we receive other requests through regular mail, commercial mail services, via fax, or from other SSA components in paper form. We electronically scan and process these requests within the eFOIA system.

**4. Electronic preparation of your Annual FOIA report:**

- a. What type of technology does your agency use to prepare your agency's Annual FOIA Report, i.e. specify whether the technology is FOIA-specific or a generic data-processing system.**

We use eFOIA, a modified commercial off the shelf product, to prepare our Annual FOIA Report. The eFOIA system is a web-based system specifically designed to process electronic and paper FOIA requests. Our eFOIA system captures most of the data we need to prepare our annual report.

- b. If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.**

The eFOIA system provides us with an efficient mechanism to manage, track, and control the FOIA workload and to prepare the Annual FOIA Report as required by DOJ.

**V. Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests**

- 1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways. First, report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year. Second, report whether your agency closed in**

**Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.**

Although we have a minimal backlog, we decreased both our initial case backlog and our administrative appeal backlog in FY 2010 as follows:

| Initial Cases | Administrative Appeal Cases |
|---------------|-----------------------------|
| FY 2009—90    | FY 2009—9                   |
| FY 2010—68    | FY 2010—3                   |

We closed the ten oldest pending requests and appeals from FY 2009 in FY 2010.

- 2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation.**

N/A. During FY 2010, our backlog decreased.

- 3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.**

- a. Does your agency routinely set goals and monitor the progress of your FOIA caseload?**

Yes. We conduct bi-weekly meetings with management and senior analysts to set milestones and to monitor our backlog to assess the status of old cases, identify the cause for any delay, and to reduce this workload as quickly as possible.

- b. Has your agency increased its FOIA staffing?**

Yes. We hired an additional full-time analyst and an intern to improve our overall FOIA process.

- c. Has your agency made IT improvements to increase timeliness?**

No. However, we will continue to evaluate the need for system improvements.



**d. Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?**

Yes. The Chief FOIA Officer is instrumental in promoting the importance of FOIA within the agency. He championed our need for additional staff to improve the agency FOIA process, as well as highlighted the importance of the FOIA and Open government to senior staff. He also encourages and ensures that OPD staff is able to attend appropriate training.

**Spotlight on Success**

**Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.**

In the past year, we have increased our presence on social media sites, such as Facebook, YouTube, and Twitter. Our use of these applications provides a new and versatile outlet for communicating our programs and new initiatives, and allowed transparent public dialogue about them. For instance, our postings on Facebook have already generated hundreds of public comments, acting as a valuable outlet for those wishing to either praise our programs and services, or provide critiques of how we might improve.

We continue to explore new and creative ways in which to expand our use of these applications to increase public awareness and transparency.

**Dr. Orly Taitz, ESQ**

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

|  |                                   |
|--|-----------------------------------|
| <b>Dr. ORLY TAITZ, ESQ, PRO SE</b>         | §                                 |
| <b>Plaintiff,</b>                          | §                                 |
|  | §                                 |
| <b>v.</b>                                  | § <b>EMERGENCY</b>                |
|  | § <b>MOTION FOR</b>               |
| <b>Michael Astrue, Commissioner of the</b> | § <b>RECONSIDERATION</b>          |
| <b>Social Security Administration,</b>     | § <b>11-cv-00402</b>              |
|  | §                                 |
|  | §                                 |
|  | § <b>Honorable Royce Lamberth</b> |
| <b>Respondent</b>                          | § <b>Chief Justice presiding</b>  |

**REQUEST FOR A JUDICIAL NOTICE FILED IN CONJUNCTION  
WITH AN EMERGENCY MOTION FOR RECONSIDERATION**

Plaintiff Pro Se Dr. Orly Taitz (hereinafter “Taitz”) hereby requests that the Court take judicial notice of the following document attached as Exhibit 1.

**Sixteenth Census of the United States of America 1940**

**Population schedule**

**State of New York,**

**County -The Bronx,**

**Ward of city-7A-B**

**915 Daly Ave**

**Apartment 311**

**SD No 24 E.D. No-3-1199**

**sheet No 13B**

**Enumerated Apri 16, 1940**

**Released by the U.S. Census in 2011**

This request is made pursuant to Rule 201 (a), (b)1, (b)2, (c)2 of the Federal Rules of Evidence.

**RULE 201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS**

**(a) Scope.** This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

**(b) Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

**(c) Taking Notice.** The court:

(1) may take judicial notice on its own; or

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**(d) Timing.** The court may take judicial notice at any stage of the proceeding.

**(e) Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

**Official census information is:**

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Aforementioned report is easily obtainable from the U.S. Census

and under 201 C (2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

The report in question is relevant to the proceeding as Petitioner Taitz is seeking reconsideration of the decision by the SSA to deny her release of the SS-5 for the Social Security number 042-68-4425 due to privacy considerations. In her motion for reconsideration Taitz provides newly discovered evidence showing that the Social Security number in question was assigned to Harrison J. Bounel, an immigrant from Russia, born in 1890. Part of the new information is 1940 census released to the public in 2011. *Fed. R. Evid.* Rule 201. Under *Fed. R. Evid.* Rule 201(f) judicial notice may be taken at any stage of the proceeding. *Government of Canal Zone v Burjan*, 596 F.2d 690, 694 (5th Circ. 1979).

Aforementioned Census report attached herein as exhibit 1 shows

**Released by the U.S. Census in 2011**

Respectfully submitted

/s/ Dr. Orly Taitz ESQ

President of the Defend Our Freedoms Foundation

05.18.2013

cc Inspector General of the Social Security Administration

cc senator Chuck Grassley ranking member of the Senate Judiciary Committee

cc Congressman Bob Goodlatte Chair of the House Judiciary Committee

cc Daryl Issa, Chair of the House Oversight Committee

cc Inspector general of IRS



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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**Dr. ORLY TAITZ, ESQ, PRO SE**

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**Plaintiff,**

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**v.**

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**EMERGENCY**

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**MOTION FOR**

**Michael Astrue, Commissioner of the**

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**RECONSIDERATION**

**Social Security Administration,**

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**11-cv-00402**

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§ **Honorable Royce Lamberth**

**Respondent**

§ **Chief Justice presiding**



**REQUEST FOR A JUDICIAL NOTICE FILED IN CONJUNCTION  
WITH AN EMERGENCY MOTION FOR RECONSIDERATION**

Report of the Merlins Information systems axiom.com /identity-solutions database generated under the Social Security number 042-68-4425. (redacted report is being posted on the public docket, unredacted report is being filed under seal)

Plaintiff Pro Se Dr. Orly Taitz (hereinafter “Taitz”) hereby requests that the Court take judicial notice of the following document attached as Exhibit 1.

This request is made pursuant to Rule 201 (a), (b)1, (b)2, (c)2 of the Federal Rules of Evidence.

**RULE 201. JUDICIAL NOTICE OF ADJUDICATIVE FACTS**

**(a) Scope.** This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

**(b) Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

**(1)** is generally known within the trial court’s territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

**(c) Taking Notice.** The court:

(1) may take judicial notice on its own; or

(2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

**(d) Timing.** The court may take judicial notice at any stage of the proceeding.

**(e) Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

**Merlins** Information systems [acxiom.com /identity-solutions](http://acxiom.com/identity-solutions) database is a database which provides information to licensed debt collector, investigators and attorneys. It provides a collection of data readily available in public records. by entering a specific Social Security number one can find names of individuals who used this Social Security number according to public records.

Aforementioned report is being provided with an accompanying affidavit of a

professional debt collector Albert Hendershot, who under the penalty of perjury attests to its authenticity.

(1) is generally known within the trial court's territorial jurisdiction; or

(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

and under 201 C (2) must take judicial notice if a party requests it and the court is supplied with the necessary information.

The report in question is relevant to the proceeding as Petitioner Taitz is seeking reconsideration of the decision by the SSA to deny her release of the SS-5 for the Social Security number 042-68-4425 due to privacy considerations. In her motion for reconsideration Taitz provides newly discovered evidence showing that the Social Security number in question was assigned to Harrison J. Bounel, an immigrant from Russia, born in 1890. Part of the new information is 1940 census released to the public in 2011. *Fed. R. Evid.* Rule 201. Under *Fed. R. Evid.* Rule 201(f) judicial notice may be taken at any stage of the proceeding. *Government of Canal Zone v Burjan*, 596 F.2d 690, 694 (5th Circ. 1979).

Aforementioned record is relevant for the request for the judicial notice as it shows that

1. Harrison J Bounel born in 1890 used Social Security number 042-68-4425

2. Barack Obama used Social Security number 042-68-4425 as well.

Official E-Verify and SSNVS reports attached herein show that 042-68-4425 was never issued to Barack Obama, therefore by process of elimination it was assigned to Harrison J. Bounel. Since Harrison J. Bounel was born in 1890 according to 1940 census (attached to the motion) based on 120 year rule, the SS-5 for SSN 042-68-4425 should be released under FOIA 5U.S. 552

## **CONCLUSION**

This court should take the Judicial notice of

Report of the Merlins Information systems [acxiom.com /identity-solutions](http://acxiom.com/identity-solutions) database generated under the Social Security number 042-68-4425.

Respectfully submitted



/s/ Dr. Orly Taitz ESQ

President of the Defend Our Freedoms Foundation

05.18.2013

cc Inspector General of the Social Security Administration

cc senator Chuck Grassley ranking member of the Senate Judiciary Committee

cc Congressman Bob Goodlatte Chair of the House Judiciary Committee

cc Daryl Issa, Chair of the House Oversight Committee

cc Inspector general of IRS

Affidavit of Albert Hendershot

I, Albert Hendershot am a professional debt collector, I am over 18 years old, I have personal knowledge of the facts provided herein and I will be able to competently testify in court of the facts as listed in this affidavit:

1. I personally performed a search with Merlin Information Systems and <http://www.acxiom.com/identity-solutions> database which is routinely used by professional debt collectors
2. I found that both Barack Obama and Harry J. Bounel are listed as holders of the same Connecticut Social Security number 042-68-4425 and resided at the same address 5046 S. Greenwood Ave, Chicago , Illinois, Exhibit 1 attached herein is the true and correct copy of the printout from <http://www.acxiom.com/identity-solutions> database. Exhibit 2 attached herein is the (FOIA) Freedom of Information Act request which was completed for numident 042-68-4425 with Harry Bounel as the name associated with said numident 042-68-4425. Exhibit 2 clearly states that the aforementioned numident belongs to Harry Bounel and not Barack H Obama as detailed in the response from the Social Security Administration dated November 2012.
3. Michelle Obama is listed as a relative of both Harrison (Harry) J. Bounel and Barack Obama.
4. <http://www.acxiom.com/identity-solutions> database shows that the last change in the record of Harry J. Bounel Social security number 042-68-4425 was performed by Michelle Obama in and around November 2009, who is listed as a relative of Harry J. Bounel.

I attest under the penalty of perjury that all of the foregoing is true and correct to the best of my knowledge and informed belief.

Affiant further says naught.

\_\_\_\_\_  
Signed Albert Hendershot

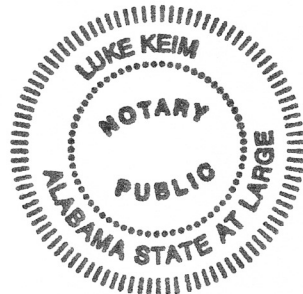


\_\_\_\_\_  
Dated

*Feb 1, 2013*

\_\_\_\_\_  
Signature of the Notary Public

*Luke Keim*



People Search Results (2)

Searched SSN: 042-68-XXXX

Records: 1 to 2 of 2

Personal Information

BOUNEL HARRISONJ  
 Aliases: HARRISONJ  
 BOUNEL

Gender: U  
 SSN: 042 68 XXXX

CSCORE

RELATIVES

BARBACK H OBAMA

Aliases: BARACH H

OBAMA, BARACK H

OBAMA, BARACK

OBAMA, BARACK

OBAMA, OBAMA BARACK

DOB: 08/1961

Gender: M

SSN: 042-68-XXXX

CSCORE

RELATIVES

Cell Phone(s) Available \$

5046 S GREENWOOD AVE

CHICAGO, IL 60615

Single-Family Dwelling

11/2009

227 6TH ST NE

WASHINGTON, DC 20002

Single-Family Dwelling

5046 S GREENWOOD AVE

CHICAGO, IL 60615

Single-Family Dwelling

11/2006

300 MASSACHUSETTS AVE NW

WASHINGTON, DC 20001

Multi-Family Dwelling

5450 S EAST VIEW PARK

CHICAGO, IL 60615

Single-Family Dwelling

09/2006

7436 S EUCLID AVE

CHICAGO, IL 60649

Single-Family Dwelling

10/1997

365 BROADWAY

Apt B1

SOMERVILLE, MA 02145

Multi-Family Dwelling

Not Available

Relatives Search Results (1)

Searched: BOUNEL HARRISONJ

Records: 1 to 1 of 1

Personal Information

|   |  |  |
|---|--|--|
| MICHELLE L OBAMA<br>Aliases: BARACK H<br>OBAMA, MICHELLE E<br>OBAMA, MICHELLE L<br>ROBINSON, MICHELLE<br>OBAMA, MICHELLE<br>ROBINSON, ROBINSON<br>MICHELLE<br>DOB: 01/1964<br>Gender: F<br>SSN: 350-60-XXXX<br>Possible Relationship:<br>Sister/Spouse<br> CSCORE<br> RELATIVES<br>Cell Phone(s) Available \$ | 5046 S GREENWOOD AVE<br>CHICAGO, IL 60615<br>Single-Family Dwelling<br>7436 S EUCLID AVE<br>CHICAGO, IL 60649<br>Single-Family Dwelling<br>5450 S EAST VIEW PARK<br>Apt. 1<br>CHICAGO, IL 60615<br>Single-Family Dwelling<br>5470 S EVERETT AVE<br>Apt. 1S<br>CHICAGO, IL 60615<br>Multi-Family Dwelling<br>5470 S EVERETT AVE<br>Apt. 1S<br>CHICAGO, IL 60615<br>Multi-Family Dwelling<br>180 N LA SALLE ST<br>Apt. 2200<br>CHICAGO, IL 60601<br>3550 S RHODES AVE<br>Apt. 1802<br>CHICAGO, IL 60653<br>Multi-Family Dwelling | 07/2005 -<br>12/2010<br><br>09/2006<br><br>02/2004<br><br>09/1997<br><br>Not Available<br><br>Not Available<br><br>UNLISTED<br>Not Available |
|---|--|--|