

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dr. Orly Taitz, Attorney-at-Law
29839 Santa Margarita Parkway
Rancho Santa Margarita CA 92688
Tel: (949) 683-5411; Fax (949) 766-3078
California State Bar No.: 223433
E-Mail: dr_taitz@yahoo.com

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Captain Pamela Barnett, et al.,
Plaintiffs,

v.

Barack Hussein Obama,
Michelle L.R. Obama,
Hillary Rodham Clinton, Secretary of State,
Robert M. Gates, Secretary of Defense,
Joseph R. Biden, Vice-President and
President of the Senate,
Defendants.



Civil Action:

SACV09-00082-DOC-AN
NOTICE OF MOTION AND
MOTION TO TRANSFER
TO Honorable judge
Royce Lamberth- chief
judge of the district court
for the District of Columbia

NOTICE OF MOTION HEARING AND MOTION TO TRANSFER TO THE
DISTRICT OF COLUMBIA

All the parties in the above captioned case are hereby notified of the motion hearing to be held on January 25, 2010, at the Central District Court of California, Santa Ana Division, Judge Honorable David O. Carter, 411 W 4th str. Courtroom 9D, Santa Ana, California, Ronald Reagan Federal Building. Motion to be heard is the Motion to transfer the above captioned case to Honorable judge Royce Lamberth, chief judge of the US district court for the District of Columbia

1
2
3 **MOTION FOR TRANSFER OF THE CASE TO THE HONORABLE ROYCE**
4 **LAMBERTH CHIEF JUDGE OF THE US DISTRICT COURT OF THE**
5 **DISTRICT OF COLUMBIA**
6

7 Pursuant to local rule 7-4 prior to making the motion below the undersigned attorney
8 contacted the US attorneys' office for the Meet and Confer conference and got a
9 response from the assistant US attorney David DeJutte via e-mail on 12.23.09.
10

11 Here come the plaintiffs in this case aside from Willey Drake and Markham
12 Robinson represented by Mr. Kreep and state the following:

- 13 1. During the October 5 motion hearing pursuant to the motion to dismiss due to
14 lack of jurisdiction, the moving parties, the assistant US attorneys David
15 DeJutte and Roger West have argued that they believe that the proper
16 jurisdiction for this case is the District of Columbia.
17
- 18 2. On October 29 this case was dismissed for want of jurisdiction only and was
19 never heard on the merits, as this court noted in the above order that the proper
20 jurisdiction is the District of Columbia court.
21
- 22 3. 28 US Chapter 87 §1391 (b) A civil action wherein jurisdiction is not founded
23 solely on diversity of citizenship may, except as otherwise provided by law, be
24 brought only in (1) a judicial district where any defendant resides, if all
25 defendants reside in the same state, (2) a judicial district where a substantial
26 part of the events or omissions giving rise to the claim occurred, or a
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

4. 28 US Code Chapter 87 § 1404 (a) For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

5. In the interest of judicial economy, for the convenience of parties and witnesses, in the interest of expedient resolution of this case of National importance for “we the people of the United States of America”, in the interest of the National Security and in the interest of Justice, the undersigned counsel respectfully moves the court to transfer this case to Honorable Judge Royce Lamberth, chief judge of the US District Court for the District of Columbia, for the case to be heard **on the merits** as soon as possible.

MEMORANDUM OF POINTS AND AUTHORITIES

28 US Code Chapter 87 § 1404 (a) For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

Precedents of Biochem Pharma Inc v. Emory University 148F. Supp 2d 11, 13 (D.D.C 2001); Osan Ltd. V. Accenture LLP 2005 U.S. Dist. Lexis 27488;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Fleming v Ford Motor Co., 2005 U. S. Dist. Ct. 497559 2006 U.S. Ct Pleading Lexis 24093 have held that a case can be transferred to another district for the convenience of the parties and witnesses and in the interest of justice, and the transfer analysis requires the district court to weigh the private and public factors involved in the case.

The defendants in this case have already argued **for** the transfer during the October 5, 2009 hearing, stating that the proper venue is the District of Columbia therefore they cannot argue against this motion. The October 29 order stated that this was the opinion of the court. The undersigned counsel has filed a motion for clarification seeking to find out whether the October 29 order was an order with the leave to amend. As the latest order clarified that this court is not willing to provide for leave to amend in the Central District of California, the only reasonable solution and conclusion would be the transfer of the case to the US District Court of Columbia, for which the defendants have argued previously and to which the plaintiffs now agree as the only viable alternative. All the defendants are residents of the District of Columbia and officials in the federal government in the DC area, which satisfied both the private and public prongs of the test. Appealing the October 29 order to the circuit court of appeals will delay the hearing of the case for a year to a year and a half. Considering the position and influence of the defendants, it might be even a longer process. Transfer of the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

case to the District of Columbia will resolve any challenges to the jurisdiction on part of the defendants, and would give the plaintiffs an opportunity to start the discovery immediately. This will bring about an immediate resolution of this case, which of course will serve the interest of the parties and public interest. As such the under signed counsel moves this honorable court to transfer the case to the US District Court of Columbia.

PRAYER FOR RELIEF

1. **WHEREFORE**, the undersigned counsel respectfully moves this Honorable court to transfer this case to Honorable Judge Royce Lamberth, chief judge for the US District Court for the District of Columbia, for the case to be heard on the merits in the District of Columbia as soon as possible.

/s/ DR ORLY TAITZ ESQ
By: _____
Dr. Orly Taitz, Esq. (California Bar 223433)
Attorney for the Plaintiffs
29839 Santa Margarita Parkway ste 100
Rancho Santa Margarita CA 92688
Tel.: 949-683-5411; Fax: 949-766-7603
E-Mail: dr_taitz@yahoo.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, the undersigned Orly Taitz, hereby declare under penalty of perjury that on this, December 24, 2009, I provided electronic copies of the Plaintiffs' above-and-foregoing Notice of Filing to all of the following non-party attorneys whose names

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

were affixed to the “STATEMENT OF INTEREST” who have appeared in this case in accordance with the local rules of the Central District of California, to wit:

ROGER E. WEST roger.west4@usdoj.gov (designated as lead counsel for President Barack Hussein Obama on August 7, 2009)

DAVID A. DeJUTTE

FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS 24th day of December, 2009

/s/Orly Taitz

Dr. Orly Taitz Esq
29839 Santa Margarita PKWY
Rancho Santa Margarita CA 92688