

Filed at 2:14 P M  
DATE 9/11/09  
Pamela J. Swaden  
DEPUTY CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

Dr. Orly Taitz, Esq  
Attorney & Counselor at Law  
29839 S. Margarita Pkwy  
Rancho Santa Margarita CA 92688  
ph. 949-683-5411  
fax 949-586-2082  
California Bar ID No. 223433  
(Renewed Application for Admission *Pro Hac Vice*  
U.S.D.C. Middle District of Georgia Filed 09/04/2009)

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMUS DIVISION  
120 12th Street □ P.O. Box 124 □ Columbus, Georgia 31902

CAPTAIN CONNIE RHODES, M.D. F.S., §  
Plaintiff, § Civil Action No  
v. § 4:09-cv-00106-CDL  
COLONEL THOMAS D. MACDONALD, §  
GARRISON COMMANDER, FORT §  
BENNING, GEORGIA, §  
GEORGE STEUBER, DEPUTY § PLAINTIFF'S REQUEST FOR  
COMMANDER, FORT BENNING, § JUDICIAL NOTICE OF  
DR. ROBERT M. GATES, UNITED § EVENTS IN COLLATERAL  
STATES SECRETARY OF DEFENSE, § PROCEEDINGS RELATING TO  
BARACK HUSSEIN OBAMA, *de facto* § LIKELIHOOD OF SUCCESS  
PRESIDENT of the UNITED STATES, § ON THE MERITS  
Defendants.

**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF  
EVENTS IN COLLATERAL PROCEEDINGS  
RELATING TO LIKELIHOOD OF SUCCESS ON THE MERITS**

Plaintiff Connie Rhodes files this request for Judicial Notice of Events and Filings in Collateral Proceedings, to wit, 09-cv-00082-DOC in the United States District Court for the Central District of California. The litigation in that case is a general complaint filed by American Citizens questioning the general legitimacy of the current *de facto* President, rather than specific military orders and the peculiar situation of commissioned officers arising from their oaths.

With regard to evidence relevant to both cases relating to the current Plaintiff's likelihood of success on the merits, Plaintiff Connie Rhodes attaches and submits Exhibit A: the Declaration of Lucas Daniel Smith and associated document.

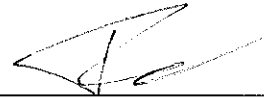
With regard to the progress of the collateral case in California, Plaintiff attaches and submits Exhibit B: the Scheduling Order Entered by Judge David O. Carter, indicating that this case is now set for trial in January 2010.

These two documents have extraordinary significance and relevance, although they were filed in another case, and this Court should take Judicial Notice of the facts reflected herein.

Respectfully submitted,

FRIDAY September 11, 2009

By: \_\_\_\_\_



Orly Taitz, DDS, Esq.  
California Bar ID No. 223433  
FOR THE PLAINTIFF

**Captain Connie Rhodes, M.D. F.S.**

26302 La Paz, Suite 211  
Mission Viejo Ca 92691  
29839 S. Margarita Pkwy  
Rancho Santa Margarita Ca 92688  
Ph. W.: 949-586-8110 Cell: 949-683-5411  
Fax 949-586-2082  
E-MAIL: [dr\\_taitz@yahoo.com](mailto:dr_taitz@yahoo.com)

**CERTIFICATE OF SERVICE**

The above-and-foregoing Request for Judicial Notice of Collateral Proceedigns was served by facsimile and/or hand delivery on Friday, September 11, 2009, on the following parties:

Colonel Thomas D. MacDonald  
Garrison Commander, Fort Benning, Georgia  
Hugh Randolph Aderhold , Jr.  
PO Box 1702  
Macon , GA 31202-1702  
478-621-2728  
Email: [Randy.Aderhold@usdoj.gov](mailto:Randy.Aderhold@usdoj.gov)

Col. Louis B. Wingate  
**U. S. Army Human Resources Command-St. Louis  
1 Reserve Way, St. Louis, MO 63132 .**

Dr. Robert M. Gates, Secretary of Defense, by and through the Pentagon:  
1000 Defense Pentagon Washington, DC 20301-1000

MAJOR REBECCA E. AUSPRUNG  
Department of the Army  
U.S. Army Litigation Division  
901 North Stuart Street, Suite 400  
Arlington, VA 22203-1837  
Tele: 703-696-1614  
Email: [Rebecca.Ausprung@us.army.mil](mailto:Rebecca.Ausprung@us.army.mil)

President Barack Hussein Obama,  
At  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

by and through the Attorney General of the United States, Eric Holder, at

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

and Maxwell Wood, United States Attorney for the Middle District of Georgia, at

U.S. Attorney's Office □ Gateway Plaza □ 300 Mulberry Street, 4th  
Floor □ Macon, Georgia 31201 □ Tel: (478) 752-3511

EXHIBIT A:  
DECLARATION OF  
LUCAS DANIEL SMITH  
and  
Certified Copy of Original  
Birth Certificate

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**Dr. Orly Taitz, Attorney-at-Law**  
**29839 S. Margarita Pkwy**  
**Rancho Santa Margarita CA 92688**  
**ph. 949-683-5411**  
**fax 949-766-7603**  
**California State Bar No.: 223433**  
E-Mail: [dr\\_taitz@yahoo.com](mailto:dr_taitz@yahoo.com)

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA (SOUTHERN) DIVISION

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 (Anx)**

**NOTICE OF FILING 28 U.S.C. §1746 Declaration of**  
**Lucas Daniel Smith with Exhibit and PLAINTIFFS' ATTORNEY'S**  
**NOTICE OF CHANGE OF ADDRESS**

**Come now the Plaintiffs** with this Notice of Filing the 28 U.S.C. §1746 Declaration of Lucas Daniel Smith together with attached Exhibit.

Plaintiffs ask this Court to take notice of the filing of certain potentially critical evidence relevant to their Motion for Issuance of Letters Rogatory, set for hearing in open court on Tuesday, September 8, 2009 at 8:30 a.m. This notice is filed for the convenience of the Court and the parties as a supplement to the evidence filed on August 1, 2009, and August 18, 2009, pertinent to the question of whether "secret" or for whatever reason previously undisclosed but potentially dispositive documents may be available at the present time but are subject to

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3 destruction in the near future. Plaintiffs fear that evidence relating to their  
4 cause may be destroyed as soon as it is identified as relevant to the  
5 questions relating to their lawsuit, and for this reason have asked the Court  
6 to consider allowing the Plaintiffs to take depositions pursuant to the  
7 "spirit" of Rule 27, even though a case has already been filed, but prior to  
8 the Rule 26(f) Conference which normally marks the initiation of formal  
9 discovery under the Federal Rules of Civil Procedure.

10 PLAINTIFFS' ATTORNEY'S NOTICE OF CHANGE OF ADDRESS

11 Counsel for Plaintiffs asks that this Court take note of the fact that  
12 she her office and mailing address has changed. All correspondence and  
13 orders in this court should from this day forward be sent to her at:

14 **29839 S. Margarita Pkwy**

15 **Rancho Santa Margarita CA 92688**

16 **ph. 949-683-5411**

17 **fax 949-766-7603**

18 **California Bar ID No. 223433**

19 Respectfully submitted,

20  
21 Friday, September 4, 2009

22 By: \_\_\_\_\_

23 Dr. Orly Taitz, Esq. (SBN 223433)

24 Attorney for the Plaintiffs

25 29839 S. Margarita Pkwy

26 Rancho Santa Margarita CA 92688

27 ph. 949-683-5411

28 fax 949-586-2082

E-Mail: [dr\\_taitz@yahoo.com](mailto:dr_taitz@yahoo.com)

**PROOF OF SERVICE**

I the undersigned Charles Edward Lincoln, being over the age of 18 and not a party to this case, so hereby declare under penalty of perjury that on this, Friday, September 4, 2009, I provided facsimile or electronic copies of the Plaintiffs' above-and-foregoing Notice of Filing of the 28 U.S.C. §1746 Declaration of Lucas Daniel Smith with attached Exhibit, as a supplement to Plaintiff's

**FIRST AMENDED SPECIAL MOTION FOR ISSUANCE OF LETTERS  
ROGATORY AND FOR LEAVE TO  
CONDUCT PRE-RULE 26(f) DISCOVERY  
TO DEFENDANT HILLARY RODHAM CLINTON, etc., TO PERPETUATE  
TESTIMONY, PRESERVE EVIDENCE, and TRANSMIT  
LETTERS ROGATORY PURSUANT to 28 U.S.C. §§1781(a)(2)-(b)(2)**

to all of the following non-party attorneys whose names 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:

THOMAS P. O'BRIEN

LEON W. WEIDMAN

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

DAVID A. DeJUTE

FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS Friday the 4<sup>h</sup> day of September, 2009.

---

Charles Edward Lincoln, III  
[charles.lincoln@rocketmail.com](mailto:charles.lincoln@rocketmail.com)  
Tel: (512) 923-1889  
Dr. Orly Taitz, Attorney-at-Law  
(California SBN 223433)  
Orly Taitz Law Offices  
Telephone: (949) 683-5411  
E-Mail: [dr\\_taitz@yahoo.com](mailto:dr_taitz@yahoo.com)

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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA (SOUTHERN) DIVISION

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 (Anx)**

**28 U.S.C. §1746 Declaration of Lucas Daniel Smith with Exhibit**

1. My name is Lucas Daniel Smith. I am over 18 years old, am of sound mind and free of any mental disease or psychological impairment of any kind or condition.
2. I am a citizen of the United States of America, I am 29 years old and I was born and raised in the state of Iowa.
3. I have personal knowledge of all the facts and circumstances described herein below in this declaration and will testify in open court to all of the same.
4. On February 19, 2009 I visited the Coast General hospital in Mombasa, Kenya.
5. I visited the hospital accompanied by one more person, a natural born citizen of the Democratic Republic of Congo (formerly known as “Zaire” and before independence as the “Belgian Congo”).
6. I traveled to Kenya and Mombasa in particular with the intent to obtain the original birth certificate of Barack Hussein Obama, as I was told previously that it was on file in the hospital and under seal, due to the



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fact that the prime minister of Kenya Raela Odinga is Barack Hussein Obama's cousin.

7. I had to pay a cash "consideration" to a Kenyan military officer on duty to look the other way, while I obtained the copy of the birth certificate of Barack Hussein Obama.

8. The copy was signed by the hospital administrator.

9. The copy contain the embossed seal.

10. The true and correct photocopy of the Birth certificate obtained, is attached to this affidavit as Exhibit A.

11. I declare, certify, verify, state, and affirm under penalty of perjury under the laws of the United States of America that the foregoing statements of fact and descriptions of circumstances and events are true and correct.

12. I have not received any compensation for making this affidavit.

Further, Declarant saith naught.

Signed and executed in \_\_\_\_\_, \_\_\_\_\_ on this \_\_\_\_\_ day of September, 2009.

By: \_\_\_\_\_  
Lucas Daniel Smith

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“Zaire” and before independence as the “Belgian Congo”).

6. I traveled to Kenya and Mombasa in particular with the intent to obtain the original birth certificate of Barack Hussein Obama, as I was told previously that it was on file in the hospital and under seal, due to the fact that the prime minister of Kenya Raela Odinga is Barack Hussein Obama's cousin.

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12. I have not received any compensation for making this affidavit.

Further, Declarant saith naught.

Signed and executed in on this 3<sup>rd</sup> day of September, 2009.

By:   
Lucas Daniel Smith

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Exhibit A:  
Lucas Daniel Smith's Photocopy of  
Birth Certificate from the  
Coastal Hospital; District of Mombasa  
Kenya, obtained in  
February 2009

COAST PROVINCE GENERAL HOSPITAL

Mombasa, British Protectorate of Kenya.

CERTIFICATE OF BIRTH

*Hellen Mwangi*  
HELLEN MWANGI  
CHIEF ADMINISTRATOR  
COAST PROVINCE GENERAL HOSPITAL  
MOMBASA  
CHILD BEARING THE NAME  
CHIEF ADMINISTRATOR

Certificate No. 32018

BARACK HUSSEIN OBAMA II / Sex M

was born to

STANLEY ANN OBAMA DONHAM 11/29/1942  
Full Name of Mother Maiden Surname Date of Birth

BARACK HUSSEIN OBAMA 1936  
Full Name of Father Date of Birth

on this 4th day of AUGUST, 1961 at 7:24 PM

7 pounds 1 ounce 18 inches 6 inches  
Weight of Child at Birth Length Width Between Shoulders

HONOLULU, HAWAII, UNITED STATES WICHITA, KANSAS, UNITED STATES  
Residence of Mother Birth Place of Mother

KANYADHEANG VILLAGE, NYANZA STUDENT STUDENT  
Birth Place of Father Occupation of Father Occupation of Mother

JAMES O. W. ANG'AWA  
Name of Attending Doctor Signature of Attending Doctor 8/5/1961 Date

JOHN KWAME ODONGO  
Supervisor of Obstetrics  
Signature 8-7-1961 Date



Exhibit B:  
Scheduling Order  
Entered by Judge  
David O. Carter  
September 8, 2009

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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CAPTAIN PAMELA BARNETT, ET. AL.,  
  
Plaintiff(s),  
  
v.  
  
BARACK HUSSEIN OBAMA, ET. AL.,  
  
Defendant(s),

CASE NO. SA CV09-0082-DOC(ANx)

ORDER SETTING SCHEDULING  
CONFERENCE FOR

OCTOBER 5, 2009 at 8:30 a.m.,  
Courtroom 9-D

READ IMMEDIATELY

This action has been assigned to the calendar of Judge David O. Carter. The responsibility for the progress of litigation in the federal courts falls not only upon the attorneys in the action, but upon the Court as well. Accordingly, the Court issues this Order.

In order "to secure the just, speedy, and inexpensive determination of every action," Fed. R. Civ. P. 1, all counsel shall familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.<sup>1</sup> All civil actions or proceedings will be pre-tried according to Federal

<sup>1</sup>Copies of the Local Rules are available at: <www.cacd.uscourts.gov>.

1 Rules of Civil Procedure 16 and 26 and applicable Local Rules.

2 Unless there is a likelihood that upon motion by a party the Court would order that any or all  
3 discovery is premature, the Court encourages the parties to begin discovery before the Scheduling  
4 Conference. The parties shall comply fully with the letter and spirit of Rule 26(a) and thereby obtain and  
5 produce most of what would be produced in the early stages of discovery, because at the Scheduling  
6 Conference the Court will impose tight deadlines to complete discovery.

7 **RULE 26(f) CONFERENCE OF PARTIES**

8 Counsel shall confer pursuant to Federal Rule of Civil Procedure 26(f). This conference shall occur  
9 at least twenty-one (21) days before the Scheduling Conference set by the Court.

10 **RULE 26(f) REPORT**

11 The parties shall file their Rule 26(f) report with the Court no later than fourteen (14) days prior to  
12 the Scheduling Conference set by the Court. The report shall contain the following:

- 13 (1) a short factual summary of the case and of claims and defenses;
- 14 (2) a short synopsis of the principal issues in the case;
- 15 (3) a statement of whether parties are likely to be added and whether the pleadings are likely to  
16 be amended (counsel should note that the Court sets a deadline of ninety (90) days after the  
17 date the Scheduling Order is issued for the joinder of parties and the amendment of  
18 pleadings; any motions to join parties or for leave to amend must be filed within sixty (60)  
19 days of the day the Scheduling Order is issued to allow them to be determined prior to the  
20 90-day deadline);
- 21 (4) a statement as to issues which any party believes may be determined by motion and a listing  
22 of then-contemplated law and motion matters;
- 23 (5) a statement of what settlement discussions have occurred and what settlement procedure is  
24 recommended, pursuant to Local Rules 16-15 through 16-15.9 (specifically excluding any  
25 statement of the terms discussed and specifically including, if mediation is chosen, the  
26 particular mediator who has been chosen);
- 27 (6) a discovery plan, which should set forth discovery phases, the order of discovery, and any  
28 limitations on discovery;

- 1 (7) a statement of whether trial will be by jury or to the Court and a realistic estimated length of  
2 trial (mindful that the Court generally conducts a **four (4) day timed jury trial**, where each  
3 side is given ten (10) hours, excluding jury selection, opening statement and closing  
4 argument);
- 5 (8) a statement of any other issues affecting the status or management of the case; and
- 6 (9) four **proposed, specific dates** as follows:
- 7 (a) a discovery cut-off date;
- 8 (b) a final motion cut-off date, **which should be a Monday and will be the last day on**  
9 **which motions will be heard** (counsel should note that motions will need to be filed  
10 several weeks in advance of this date as required by Local Rule 6; ordinarily the  
11 motion cut-off should be approximately forty-five (45) days after the discovery cut-  
12 off);
- 13 (c) a date for the Final Pretrial Conference, **which should be a Monday**; and
- 14 (d) a date for trial, **which should be a Tuesday**.

15 After the parties have selected these dates, *continuances are rarely granted* due to the  
16 Court's heavy case load and in fairness to other litigants before the Court.

17 A report that does not comply with Rule 26(f) and this Order may subject the party or parties  
18 responsible to sanctions under Local Rule 83-7. Counsel for all parties participating in the conference of  
19 parties should sign the report.

#### 20 **SCHEDULING CONFERENCE AND SCHEDULING ORDER**

21 As indicated in this Order, this case has been placed on the Court's calendar for a Scheduling  
22 Conference pursuant to Rule 26(f) in this Court at 8:30 a.m. The parties shall be represented at the  
23 Scheduling Conference by **lead counsel**. A continuance of the Scheduling Conference will be granted  
24 rarely and only for good cause and will not be granted if a continuance would result in the Scheduling  
25 Conference being set after the time limit for the Court to issue a Scheduling Order under Rule 16(b).

26 The Court usually issues Scheduling Orders pursuant to Rule 16(b) at or after the Scheduling  
27 Conference.



1 **SETTLEMENT PROCEDURES**

2 A settlement procedure appropriate to the particular case will be used in every civil action. *See*  
3 Local R. 16-14.4. In their Rule 26(f) report, counsel are to recommend a specific settlement procedure  
4 provided for in Local Rule 16-14.4. Available alternatives include:

- 5 (1) appearance before a retired judicial officer or other private or non-profit dispute resolution  
6 body for settlement or mediation proceedings (if chosen, the particular mediator selected  
7 should be indicated);
- 8 (2) appearance before an attorney selected from the Attorney Settlement Officer Panel;
- 9 (3) if one of the parties is a public entity, a settlement conference before the magistrate judge  
10 assigned to this case; or
- 11 (4) such other settlement mechanism proposed by the parties and approved by the Court.

12 The report to the Court concerning settlement procedures should be preceded by a thorough and frank  
13 discussion among the attorneys for the parties.

14 **MOTION MATTERS**

15 In motion matters, counsel should note the timing and service requirements of Local Rules 6 and 7  
16 and their sub-parts, including:

- 17 (1) Rule 6-1 (twenty-one (21) days notice for all motions unless served by mail, in which case  
18 twenty-four (24) days is required) (notice of motion and moving papers to be filed twenty  
19 (20) days before the hearing date);
- 20 (2) Rule 7-9 (responses to all motions fourteen (14) calendar days before the hearing date); and
- 21 (3) Rule 7-10 (reply, if any, to all responses seven (7) calendar days before the hearing date).

22 Counsel must comply with the timing requirements of the Local Rules so that chambers can properly  
23 prepare for motion matters.

24 **COURT APPEARANCES**

25 Parties shall be represented at all court appearances by lead counsel. Personal appearance is  
26 required at all court appearances.

27 Under no circumstances should counsel, or a party if the party is appearing *pro se*, fail to appear at a  
28 court appearance unless the appearance has been waived by prior order of the Court. Even if a settlement

1 has been reached, counsel for all parties, or the party if appearing *pro se*, must appear at Court appearances  
2 until a stipulation of dismissal signed by all parties has been lodged with the Court.

3 **OTHER**

4 Counsel are required to electronically file all papers in accordance with General Orders 08-02 and  
5 08-11.

6 All appropriate inquiries should be directed to Kristee Hopkins, Deputy Court Clerk, at  
7 (714) 338-4543. Counsel should not attempt to contact chambers directly. Counsel should list their  
8 facsimile transmission numbers and email addresses on their papers in order to facilitate communication by  
9 the Deputy Court Clerk.

10 Plaintiff shall serve a copy of this Order on any as-yet unserved Defendants when  
11 Plaintiff serves the Complaint on them.

12  
13 IT IS SO ORDERED.

14 DATED: September 8, 2009



DAVID O. CARTER  
United States District Judge