

1 MICHAEL J. STRUMWASSER (CA BAR NO. 58413)
2 FREDRIC D. WOOCHER (CA BAR NO. 96689)
3 AIMEE DUDOVITZ (CA BAR NO. 203914)
4 STRUMWASSER & WOOCHER LLP
5 10940 Wilshire Boulevard, Suite 2000
6 Los Angeles, California 90024
7 Telephone: (310) 576-1233
8 Facsimile: (310) 319-0156

FILED/ENDORSED
Fee Exempt
Per Gov't. Code § 6103
FEB 11 2009
By: [Signature]
DEPUTY CLERK

9 *Attorneys for Respondents President Barack Obama, Vice President Joe Biden, Jaime Alvarado,*
10 *William Ayer, Joe Baca, Jr., Ian Blue, Roberta Brooks, Nathan Brostrom, Mark Cibula, Robert*
11 *Conaway, Ray Cordova, Lawrence DuBois, James Farley, John Freidenrich, Mark Friedman,*
12 *Bobby Glaser, Audrey Gordon, Ilene Haber, Robert "Bob" Handy, Mary Hubert, Aleita*
13 *Huguenin, Richard Hundrieser, Fred Jackson, Patrick Kahler, Mary Keadle, LeRoy King, Vinz*
14 *Koller, Mark Macarro, Alma Marquez, Ana Delgado Mascarenas, Betty McMillion, Michael*
15 *McNerney, Gwen Moore, Jeremy Nishihara, Gregory Olzack, Nancy Parrish, Lou Paulson, Joe*
16 *Perez, Anthony Rendon, Frank Salazar, David Sanchez, Larry Sheingold, Lane Sherman,*
17 *Stephen Smith, Juadina Stallings, Kenneth Sulzer, Aaruni Thakur, Norma Torres, Silissa*
18 *Uriarte-Smith, Sid Voorakkara, Greg Warner, Karen Waters, Sanford Weiner, Gregory*
19 *Willenborg, Kelley Willis, James Yedor, and Christine Young*

20 ROBERT F. BAUER (WDC BAR NO. 938902) (*Pro Hac Vice pending*)
21 607 Fourteenth Street, N.W.
22 Washington, D.C. 20005
23 Telephone: (202) 628-6600
24 Facsimile: (202) 434-1690

25 *Attorney for Respondents President Barack Obama and Vice President Joe Biden*

26 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
27 **FOR THE COUNTY OF SACRAMENTO**

28 AMBASSADOR DR. ALAN KEYES, et al.,
Petitioners,
v.
CALIFORNIA SECRETARY OF STATE
DEBRA BOWEN, et al.,
Respondents.

Case No. 34-2008-8000096-CU-WM-GDS
**NOTICE OF MOTION AND MOTION TO
QUASH OF PRESIDENT BARACK
OBAMA, VICE PRESIDENT JOE BIDEN,
AND 55 CALIFORNIA ELECTORS, OR
IN THE ALTERNATIVE, FOR AN
ORDER THAT THE DEPOSITION OF
THE CUSTODIAN OF RECORDS OF
OCCIDENTAL COLLEGE NOT BE
TAKEN**
Hearing Date: March 13, 2009
Time: 9:00 a.m.
Dept.: 31
Judge: Hon. Michael P. Kenny
Action Filed: November 13, 2008

BY FAX

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE THAT on March 13, 2009, at 9:00 a.m., or as soon thereafter as
3 counsel may be heard by the Honorable Michael P. Kenny in Department 31 of the above-entitled
4 Court, located at 720 Ninth Street, Sacramento, California, Respondents President Barack Obama,
5 Vice President Joe Biden, and California Electors Jaime Alvarado, William Ayer, Joe Baca, Jr., Ian
6 Blue, Roberta Brooks, Nathan Brostrom, Mark Cibula, Robert Conaway, Ray Cordova, Lawrence
7 DuBois, James Farley, John Freidenrich, Mark Friedman, Bobby Glaser, Audrey Gordon, Ilene
8 Haber (erroneously named and served as "Ilene Huber"), Robert "Bob" Handy, Mary Hubert, Aleita
9 Huguenin, Richard Hundrieser, Fred Jackson, Patrick Kahler, Mary Keadle, LeRoy King, Vinz
10 Koller, Mark Macarro, Alma Marquez, Ana Delgado Mascarenas, Betty McMillion, Michael
11 McNerney, Gwen Moore, Jeremy Nishihara, Gregory Olzack, Nancy Parrish, Lou Paulson, Joe
12 Perez, Anthony Rendon, Frank Salazar, David Sanchez, Larry Sheingold, Lane Sherman, Stephen
13 Smith, Juadina Stallings, Kenneth Sulzer, Aaruni Thakur, Norma Torres, Silissa Uriarte-Smith, Sid
14 Voorakkara, Greg Warner, Karen Waters, Sanford Weiner, Gregory Willenborg, Kelley Willis,
15 James Yedor, and Christine Young (collectively, "55 California Electors"), by their attorneys, will
16 and hereby do move for an order quashing the subpoena by Petitioners Ambassador Dr. Alan Keyes,
17 Dr. Wiley S. Drake, Sr., and Markham Robinson ("Petitioners") directed to third-party Occidental
18 College demanding unrestricted access to President Barack Obama's "academic and housing
19 records." In the alternative, Respondent moving parties seek an order from this Court that the
20 deposition of the custodian of records of Occidental College not be taken. This Motion is made
21 pursuant to Code of Civil Procedure sections 1987.1, 2025.410, and 2025.420 on the ground that the
22 subpoena and the associated notice to the consumer were improperly served, and on the ground that
23 the subpoena is vague and overbroad, and seeks information that is neither relevant to this lawsuit
24 nor reasonably calculated to lead to the discovery of admissible evidence.

25 This Motion is based on this notice, the concurrently filed supporting memorandum and
26 declaration of Frederic D. Woocher, all pleadings and papers on file in this action, and upon such
27 other matters as may be presented to the Court at the time of the hearing.

28

1 Pursuant to Local Rule 3.04, the Court will make a tentative ruling on the merits of this
2 matter by 2:00 p.m., the court day before the hearing. To receive the tentative ruling, you can access
3 the Court's Web site at www.saccourt.com or arrange to obtain the tentative ruling from the Clerk
4 of Department 31. If you do not call the Court and the opposing party by 4:00 p.m. the court day
5 before the hearing, no hearing will be held.

6

7 DATED: February 11, 2009

STRUMWASSER & WOOCHELLP
Michael J. Strumwasser
Fredric D. Woocher
Aimee Dudovitz

8

9

10

By: 

Michael J. Strumwasser

11

12

*Attorneys for Respondents President Barack
Obama, Vice President Joe Biden, and the
California Electors*

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28