


**IN THE SUPERIOR COURT  
MARION COUNTY**

DR. ORLY TAITZ, ESQ	)	Case No.: 49D14-1203-MI-012046
KARL SWIHART	)	
EDWARD KESLER	)	
BOB KERN	)	
FRANK WEYL	)	
VALERIA RIPLEY	)	
PLAINTIFFS,	)	
v.	)	
	)	
ELECTIONS COMMISSION;	)	
SECRETARY OF STATE OF INDIANA;	)	
DEPUTY ATTORNEY	)	
GENERAL JEFFERSON GARN;	)	
ASSISTANT ATTORNEY	)	
GENERAL KATE SHELBY;	)	
1310 RADIO/WTLC	)	
AMOS BROWN, IN HIS CAPACITY OF	)	
THE TALK SHOW HOST OF THE 1310 RADIO/WTLC	)	
DEFENDANTS	)	

**FILED**  
SEP 07 2012  
  
CLERK OF THE MARION COUNTY COURT

**PROPOSED ORDER**

This cause has come before the Court upon the request of Dr. Orly Taitz  
ESQ, counsel for Plaintiffs, for the oral argument on the Motion for Preliminary  
Injunction. Being fully advised, it is now ORDERED that the request be, and  
hereby is, GRANTED and the Motion is set to be heard on September 12, 2012 at  
1:30 pm  
9:00am.

Date SEP 07 2012

So Ordered.

Signed S.K. Reid

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**IN THE SUPERIOR COURT  
MARION COUNTY**

DR. ORLY TAITZ, ESQ	) Case No.: 49D14-1203-MI-012046
KARL SWIHART	) SECOND AMENDED COMPLAINT
EDWARD KESLER	) COMPLAINT FOR:
BOB KERN	) 1. FRAUD
FRANK WEYL	) 2. NEGLIGENCE
VALERIA RIPLEY	) 3. BREACH OF FIDUCIARY DUTY
PLAINTIFFS,	) 4. DEFAMATION OF CHARACTER
	) 5. VIOLATION OF 14TH
	) AMENDMENT
v.	) DECLARATORY RELIEF
	) INJUNCTIVE RELIEF
ELECTIONS COMMISSION;	) COMMON LAW 7TH
SECRETARY OF STATE OF INDIANA;	) AMENDMENT JURY TRIAL
DEPUTY ATTORNEY	) DEMANDED
GENERAL JEFFERSON GARN;	
ASSISTANT ATTORNEY	
GENERAL KATE SHELBY;	
1310 RADIO/WTLC	
AMOS BROWN, IN HIS CAPACITY OF	
THE TALK SHOW HOST OF THE 1310 RADIO/WTLC	
DEFENDANTS.	

## **SECOND AMENDED COMPLAINT**

Petitioners herein are seeking injunctive relief in removing from the ballot in the state of Indiana a Democratic 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 xxx-xx-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, and use of a name that is not legally his by candidate Barack Obama.
2. Karl Swihart, plaintiff 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.  
460 Austin Drive

Avon, IN 46123

Phone Number: 317-513-5706

3. Plaintiff Edward Kesler, plaintiff 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.

3070 S. Leisure Place

West Terre Haute, IN 47885

Phone Number: 812-239-9135

4. Plaintiff Frank Weyl, plaintiff 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.

701 N. Brentwood Lane

Muncie, IN 47304

Phone Number: 765-286-7266

5. Bob Kern, 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. 14<sup>th</sup> and 1<sup>st</sup> Amendment rights of all the plaintiffs were violated.

1040 N. Delaware St.

Indianapolis, IN 46202

Phone Number: 317-426-5607

6. Valeria Ripley – Plaintiff Pro Se, residents of the state of IN, registered voter in the state of Indiana, submitted to the Secretary of State and elections commission a challenge to candidate Obama.

14334 Tonkel Road

Fort Wayne, IN 46845

7. Secretary of State of Indiana - agency respondent

200 W. Washington St., Room 201

Indianapolis, IN 46204

Phone Number: 317-232-6531

8. -Elections commission: Daniel a. Dumezich Chairman, S. Anthony Long,  
Sarah Steele -Riordan and Bryce Bennett- respondents

200 W. Washington St.,

Indianapolis, IN 46204

9. Deputy Attorney General Jeffrey Garn - respondent

Office of the Attorney General

I.G.C.S -5<sup>th</sup> Floor

302 West Washington Street

Indianapolis, IN 46204

10. Assistant Attorney General Kate Shelby – respondent

Office of the Attorney General

I.G.C.S -5<sup>th</sup> Floor

302 West Washington Street

Indianapolis, IN 46204

11. 1310 Radio/WTLC - respondent

21 East Saint Joseph Street

Indianapolis, IN 46204

(317) 266-9600

12. Amos Brown, in his capacity of the talk show host of the 1310 AM

Radio/WTLC – respondent.

21 East Saint Joseph Street

Indianapolis, IN 46204

(317) 266-9600

## **JURISDICTION AND VENUE**

Defendants, employees of State Government of the State of Indiana, are residents of the state of Indiana, Marion County and are being sued under the state law.

Defendants 1310 AM Radio/WTLC and its employee, talk show host Amos Brown are residents of Indianapolis, Indiana, within the jurisdiction of the Marion County Superior court.

## **FIRST CAUSE OF ACTION**

### **BREACH OF FIDUCIARY DUTY**

#### **a) By Secretary of State of Indiana, the Elections Commission, Deputy Attorney General Garn, Assistant Attorney General Shelby**

13. Defendants, Secretary of State of the State of Indiana and the Elections Commission of the State of Indiana are under a duty to assure lawful elections.

14. Plaintiffs provided them with the information that the 2012 election will be unlawful due to newly discovered evidence, showing that the Presidential Candidate Barack Hussein Obama is not qualified to be on the ballot for following reasons:



1. President of the United States has to be natural born Citizen of the United States.

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, specifically U.S. President have to be a natural born citizen.

A natural born U.S. citizen would be expected to have valid identification papers. Plaintiffs provided Defendants Secretary of State, Elections Commission and later Deputy Attorney General Garn and Assistant Attorney General Shelby plaintiffs evidence in the form of sworn affidavits, attesting to the fact that Candidate for the U.S. President Obama is not eligible for the position and is using forged identification papers.

15. IC 3-6-4.1-14 specifies the Duties of Election board owed to the voters and states in its pertinent part:

**Powers and duties**

Sec. 14. (a) In addition to other duties prescribed by law, the commission shall do the following:

(1) Administer Indiana election laws.

(2) Adopt rules under IC 4-22-2 to do the following:

(A) Govern the **fair, legal, and orderly** conduct of elections,

16. The members of Elections Commission were presented with the evidence showing that candidate for U.S. Presidency Barack Hussein Obama used forged identification documents and therefore cannot be legally on the ballot. The evidence is as follows:

17. 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.

18. 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, valid Social Security which can be verified through official U.S. Social Security verification services, such as E-Verify and SSNVS.

19. 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 the number which was never assigned to him according in part to SSN verification systems "E-Verify" and SSNVS.

20. Plaintiffs presented a report from a licensed investigator Susan Daniels (“Daniels”) which showed that for most of his life Obama used a Connecticut Social Security Number xxx-xx-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. (*Exhibit 1*)

21. 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.

22. Plaintiff and Attorney herein 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.

23. 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 xxx-xx-4425. Taitz received an affidavit from Adobe Illustrator program expert Mr. Felicito Papa (“Papa”) attesting to the fact that the tax returns initially posted by Obama contained the Connecticut SSN xxx-xx-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 3* attached hereto, Affidavit of Felicito Papa.

24. 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 xxx-xx-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.

25. Taitz received an affidavit from a witness named Linda Jordan (“Jordan”), who ran an E-verify check for SSN xxx-xx-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.

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

27. 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.

28. 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 U.S. citizenship or U.S. residency status for that matter.

29. 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 a 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 7, 9.*

30. According to the affidavit from Adobe Illustrator expert Papa (*Exhibit 7, hereto*), the released image digital file showed layers of alterations 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 "Dunham Obama" and a signature "Stanley Ann Dunham Obama" was created by pasting and filling the blanks with computer graphics.

31. 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. Similarly, a typesetting expert Paul Irej, who possesses fifty years of experience in typesetting, issued an affidavit, attesting to the fact Obama's alleged birth certificate is a forgery, as it



represents a compilation of bits and pieces of different documents with different typesetting (Exhibit 10. Affidavit and accompanying article by typesetting expert Paul Irely, attesting to forgery in Obama's alleged birth certificate)

32. 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.

33. 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 xxx-xx-4425, which Obama is fraudulently using.

34. Sheriff Joseph Arpaio of Maricopa County, Arizona provided a sworn affidavit, result of his 6 month investigation, where he confirmed all the findings by Taitz and stated that Obama's Birth Certificate, Selective Service certificate and Social Security number are forged. (*Exhibit 11, Sworn affidavit of Sheriff Joseph*

*Arpaio, attesting to forgery in Obama's birth certificate, Selective Service certificate and Social Security card)*

35. Acton-Dystal advertising literary agency which represents Barack Obama, kept on its' web site for 16 years Obama's biography, which was submitted to the agency by Obama. In this biography Obama states that he was born in Kenya. Only in 2007, when Obama decided to run for the U. S. Presidency, and had to come up with a lie that he was born in the U.S., this biography was removed from the web site. *(Exhibit 12 Barack Obama's biography attesting to his birth in Kenya, advertised by his literary agent Acton Dystal from 1991-2007)*

36. During March 25, 2010 debates on the new Constitution, Minister of Lands of Kenya James Orengo stated:" Those who fear devolution are living in the past. They are being guided by their ethnic consideration and objectives. They are living in the past. If America was living in a situation where they feared ethnicity and did not see itself as a multiparty state or nation, how could a young man born here in Kenya, who is not even a native American, become the President of America?" *(Exhibit 13, p31of the Transcript of the March 25, 2010 Assembly speech of the minister of lands of Kenya James Orengo, referring to Barack Obama's birth in Kenya)*

37. California Bar deemed the issue of Obama's forged ID's to be the matter of National Security which needs to be decided by the courts. (*Exhibit 14 Letter from the California Bar*)

38. Recently Alabama Supreme Court heard a similar case. McInnish v Chapman 87140552 Alabama Supreme court. Unfortunately, the case was filed by a pro se plaintiff, who mistakenly skipped the lower court and went straight to a higher court to appeal the decision by the Secretary of State of Alabama Beth Chapman to allow Obama on the ballot in light of his forged identification papers. While the Supreme Court of AL had to dismiss the case due to lack of jurisdiction, Supreme Court Justice Tom Parker wrote:

*"McInnish has attached certain documentation to his mandamus petition, which, if presented to the appropriate forum as part of a proper evidentiary presentation, would raise serious questions about the authenticity of both the "short form" and the "long form" birth certificates of President Barack Hussein Obama that have been made public." Id McInnish v Chapman 87140552 Alabama Supreme court.*

Secretary of State of Indiana and the Elections commission had a duty to protect the integrity of elections and not allow a foreign national with all forged identification papers on the ballot.

39. 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

40. 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 14<sup>th</sup> 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).

41. 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, a more favorable to Obama definition, all evidence points to his birth outside the U.S., his foreign citizenship, use of a name that is not legally his and use of all forged and fraudulently obtained identification papers. 40. This case shows an unprecedented level of corruption and lawlessness in the federal government and in the government of Hawaii, which allowed a criminal with all forged IDs, Barack Hussein Obama to get on the ballot in 2008.

42. Plaintiffs Swihart, Weyl, Kessler and Ripley 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 xxx-xx-4425, which according to E-Verify and SSNVS was never assigned to Barack Obama.

43. Plaintiffs Taitz and Kern filed verified elections fraud Complaint with the Secretary of State of Indiana. 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.

44. Elections Commission and Secretary of the State ignored Complaints of the Plaintiffs. Presidential candidate Obama was fraudulently allowed on the ballot in spite of overwhelming evidence of fraud and forgery in Obama's documents.

45. Elections Commission and Secretary of the State breached their fiduciary duties and acted in violation of IC 3-6-4.1-14 allowing unlawful election to take place when in fact they were elected to prevent such activity and ensure that the rights of voters for fair and legal election.

46. Defendants breached their fiduciary duty owed to the Plaintiffs and the rest of the citizens of the State of Indiana by taking no actions in response to the Complaint and allowing Obama to be on the ballot.

47. Defendants Deputy Attorney General Garn (Hereinafter “Garn”) and Assistant Attorney General Shelby (Hereinafter “Shelby”) took an oath of office to defend and protect the constitution.

48. Garn and Shelby have a fiduciary duty towards the citizens to prosecute criminal activity.

49. Plaintiffs, who are the whistleblowers against Obama and his accomplices, presented Garn and Shelby with undeniable evidence showing candidate Obama committing the most egregious crimes, mainly usurpation of the U. S presidency and the elections fraud using forged identification papers and a stolen Social Security number. Plaintiffs also provided Garn and Shelby with evidence that Secretary of State and Elections commission are complicit with Obama and aiding and abetting Obama in elections fraud and uttering of forged IDs.

50. Garn and Shelby breached their fiduciary duty and turned a blind eye, did not take any action to stop criminal activity, to stop elections fraud and use of forged IDs by Obama. This was going on, when the office of the Attorney General of Indiana was responding to the Complaint by the Democratic Party and criminally prosecuting duly elected Secretary of State of Indiana Charlie White for minor violation of not updating his address on his voter registration card.

51. Garn and Shelby not only breached their fiduciary duty, but also harassed and intimidated plaintiffs, several of whom are elderly individuals and individuals

with disability and health problems. Garn and Shelby harassed the Plaintiffs, whistleblowers with demands for sanctions against them, even though Plaintiffs, as whistleblowers and conscientious citizens were simply exercising their right for redress of grievances.

52. Actions by the Defendants were an actual and proximate cause of damages suffered by the Plaintiffs.

53. Plaintiffs were denied their First Amendment right for redress of grievances, their First Amendment right for Free Political Speech, 5<sup>th</sup> Amendment right for due process, all of which are available to the state as the 14<sup>th</sup> Amendment, as well as the 14<sup>th</sup> Amendment of Equal Protection under the law.

54. Plaintiffs, particularly Plaintiff Taitz suffered financial damages of having to go through the litigation and plaintiffs suffered severe emotional distress due to actions by the Defendants.

## **SECOND CAUSE OF ACTION**

### **NEGLIGENCE**

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

55. Secretary of State of Indiana and Elections Commission as top elections officials had a duty to assure lawful elections and to act in good faith and not to



be complicit to elections fraud, forgery, uttering of forged documents, Social Security fraud, wire fraud, mail fraud, and common law fraud.

56. Defendants Deputy Attorney General Garn and Assistant Attorney General Shelby as law enforcement officers and officers of the court had a duty to prosecute crimes and not be complicit to elections fraud, forgery, Social Security fraud, use of forged documents for purpose of elections fraud treason.

57. Defendants Secretary of State Lawson breached their duty and acted with negligence.

58. Defendant Secretary of State Lawson received sworn notarized complaints of Elections fraud from Plaintiffs Ripley, Taitz and Kern and she ignored all of these complaints and did not take any action to stop elections fraud by Obama and his accomplices.

59. Elections Commission received sworn challenges to candidate Obama from the Plaintiffs.

60. Elections Commission did not provide a timely notice of a hearing to Plaintiff Ripley.

61. Elections Commission held a sham hearing in regards to elections challenges to Obama brought by the other Plaintiffs.

62. Elections Commission refused to admit into evidence over 200 pages of exhibits with evidence of elections fraud by Obama, even though the exhibits were

the court transcripts from a legal action, where Taitz was the attorney and was there to authenticate the evidence.

63. Elections Commission allowed Obama on the ballot, even though they were presented with evidence of Obama not being eligible and committing fraud. In addition, Obama did not show up to refute this evidence, even though Obama received a subpoena to appear before the Commission.

64. Elections Commission acted below the standard of care and was negligent in not removing Obama from the ballot.

65. Deputy Attorney General Garn and Assistant Attorney General Shelby had a duty to prosecute criminal activity and not to be complicit in criminal activity.

They received evidence from the Plaintiffs showing Obama using all forged identification papers in order to get on the ballot.

66. Garn and Shelby had in front of them evidence showing that state officials: Secretary of State and members of the Elections Commission were complicit with Obama and were covering up elections fraud and use of forged documents by Obama and were committing treason by allowing a foreign national with forged IDs to usurp the U.S. Presidency and extend such usurpation for four more years.

67. Garn and Shelby did not take any actions to stop the criminal activity by Obama and his accomplices. Garn and Shelby covered up this criminal activity.

68. Garn and Shelby became de facto criminally complicit by virtue of cover up. Garn and Shelby went further and attempted to intimidate and harass the plaintiffs by demand of sanctions against them instead of filing criminal charges of elections fraud, uttering of forged documents and complicity to forgery against Obama, Secretary of State and Elections Commission.

69. Secretary of State knowingly exposed the Plaintiffs to a substantial risk of loss and, therefore, breached her duty when acted with gross negligence and recklessness in performing her duties and allowed a criminal, Barack Hussein Obama, with a forged birth certificate, forged selective service certificate, stolen Social Security number, foreign citizenship and a name that is not legally his to be on the ballot as a legitimate candidate for the US Presidency.

70. Garn and Shelby did nothing to stop aforementioned criminal activity. Instead of prosecuting Obama, Elections Commission, and Secretary of State, they were complicit in covering up these actions and went further and attempted to intimidate and harass the Plaintiffs, whistleblowers with demands of sanctions.

71. Defendants 1310 Radio/WTLC and its employee talk show host Amos Brown had a duty not to commit journalistic malpractice, not to defraud the public, not to defame individuals and not to use their facilities for purposes of aiding and abetting elections fraud and treason.

72. Plaintiffs and other citizens suffered loss of their First Amendment right to free political speech represented by lawful elections, free of fraud and forgery elections, as this right was taken away from them due to gross negligence and recklessness of the defendants.

73. Plaintiff Taitz was denigrated and defamed in pro- Obama lap dog "main stream media", as media believed that inaction by the Secretary of State signified that the Complaint by Taitz was without merit.

### **NEGLIGENCE RES IPSA LOQUITUR**

#### **NEGLIGENCE IN NOT UPKEEPING THE LISTS OF REGISTERED VOTERS AND HAVING A HIGHER NUMBER OF REGISTERED VOTERS, THAN LIVE CITIZENS OF INDIANA OF VOTING AGE**

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

74. Recent legal action in the U.S. District Court in Indiana by the Judicial Watch against the Secretary of State of Indiana Connie Lawson and Directors of the Elections Commission Bradley King and Trey Deckart. Judicial Watch v Brad King 12-cv-800 revealed defendants Secretary of State and Elections Commission were further negligent in not maintaining the voting lists properly and not purging them from invalid voter registrations. According to latest census results the number

of registered voters in 12 counties in Indiana exceeds the number of live citizens of voting age in the State of Indiana. Unless there is an unknown law, which allows people to vote from six feet under, this constitutes negligence by the elections officials *Res Ipsa Loquitur*, the facts speak for themselves.

75. Section 8 of the NVRA requires that “[i]n the administration of voter registration for elections for Federal office, each State shall ... conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of – (A) the death of the registrant; or (B) a change in the residence of the registrant. . . .” 42 U.S.C. § 1973gg-6(a)(4).

76. Section 8 of the NVRA also requires that “[a] State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters.” 42 U.S.C. § 1973gg-6(c)(2)(A). Section 8 of the NVRA mandates that any such list maintenance programs or activities “shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. § 1973 *et seq.*)” 42 U.S.C. § 1973gg-6(b)(1).

77. States’ obligations under Section 8 of the NVRA are augmented by the Help America Vote Act (“HAVA”), which requires each State to create a “single, uniform, official, centralized, interactive, computerized statewide voter registration

list defined, maintained, and administered at the State level?” See 42 U.S.C. § 15483(a)(1)(A).

78. HAVA also requires that States’ computerized lists to be maintained on a regular basis, specifies how the maintenance shall be performed, and mandates that the States’ election systems “shall include provisions to ensure that voter registration records in the State are accurate and updated regularly,” including “[a] system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.” 42 U.S.C. § 15483(a)(2) and (a)(4).

79. Also, under Section 8 of the NVRA, a State “shall maintain for at least 2 years and shall make available for public inspection . . . all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters. . . .” 42 U.S.C. § 1973gg-6(i).

80. The State of Indiana has a history of failing to comply with its obligations under federal voter registration laws. In 2006, the United States brought suit against the State of Indiana and the Co-Directors of the Indiana Election Division regarding the State’s failure to comply with its Section 8 obligations.

81. The 2006 lawsuit, captioned *U.S. v. State of Indiana, et al.*, Case No. 1:06-cv-01000-RLY-TAB (S. D. Ind.), resulted in a Consent Decree and Order, entered

on or about July 5, 2006, requiring the State of Indiana to take specific actions to remedy its failure to comply with Section 8 of the NVRA. Specifically, the Consent Decree and Order required the State of Indiana to conduct all voter list maintenance activities required by the NVRA, as well as the Help America Vote Act, and to make sure all counties in the State of Indiana implemented the results of these voter list maintenance activities by removing verified ineligible registrations.

82. The Consent Decree and Order specifically required the State of Indiana to send statewide mailings to identify all apparently deceased, duplicated, or relocated individuals on the voter rolls, and to ensure the removal or update of the registration list entries based on responses to those mailings.

83. The Consent Decree and Order also required the State of Indiana to develop a written Compliance Plan for voter list maintenance activities. Under the Consent Decree and Order, the State of Indiana was required to create procedures in the Compliance Plan for removing ineligible voters from its statewide computerized database of registered voters and to track whether counties were complying with Section 8 of the NVRA across nine (9) categories of list maintenance activity.

84. Finally, the Consent Decree and Order also required the State of Indiana to initiate litigation against a County if the Compliance Plan tracking data revealed

the County was failing to conduct list maintenance activities required by the NVRA.

85. Based on a comparison of 2010 Census data and voter registration data provided by the State of Indiana to the U.S. Election Assistance Commission (“EAC”) for the November 2010 general election, the number of persons listed on voter registration rolls in 12 counties in the State of Indiana exceeds 100% of the Total Voting Age Population (“TVAP”) in those counties. The counties with voter registration rolls that exceed 100% of TVAP are: Scott, Spencer, Crawford, Warrick, Tipton, Franklin, Warren, Union, Orange, Brown, Hancock, and Newton counties. Three of these counties – Scott, Spencer, and Crawford – have voter registration rolls that exceed 110% of their TVAP.

86. In addition, another 26 counties in the State of Indiana have voter registration rolls that contain between 90% and 100% of TVAP. These are: Clark, St. Joseph, Starke, Vanderburgh, Harrison, Martin, Floyd, Fountain, Posey, Carroll, Boone, White, Hamilton, Howard, Ripley, Delaware, Dearborn, Allen, Pike, Pulaski, Clay, DuBois, Madison, Parke, Fayette, and Rush counties.

87. Indiana’s lack of voter list maintenance is contributing to a larger nationwide problem. According to research conducted by the Center for the States of the non-partisan Pew Charitable Trusts (“Pew”), inaccurate voter registrations are rampant. Pew’s independent research published in February 2012 indicates that



approximately 24 million active voter registrations throughout the United States – or one out of every eight registrations – are either no longer valid or are significantly inaccurate. Pew also found that more than 1.8 million deceased individuals are listed as active voters nationwide, and that approximately 2.75 million people have active registrations in more than one state.

88. The failure of the State of Indiana to comply with its obligations under federal voter registration laws has undermined the confidence of Indiana’s registered voters in the integrity of the voter registration rolls and, accordingly, in the integrity of elections held in the State of Indiana.

### ***Res ipsa loquitur***

89. If not for negligence of state elections officials Secretary of State and Elections Commission, the number of registered voters could not possibly exceed the number of live voting age citizens of the state.

90. But for the negligence of the defendants Secretary of State and Elections Commission 14<sup>th</sup> Amendment Equal Protection civil rights and 14<sup>th</sup>/1<sup>st</sup> Amendment Free Political Speech Civil rights of the Plaintiffs would not be violated under the color of authority, as the Plaintiffs are no longer able to participate in free and lawful elections. Their votes are nullified by votes of dead people voting from six feet under, or votes of non-citizens, or votes of people voting in multiple states.

91. Damages suffered by the Plaintiffs are actually and proximately related to negligence by the defendants.

### **THIRD CAUSE OF ACTION**

#### **FRAUD**

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

92. Defendants knew that the evidence presented by the Plaintiffs showed that candidate Barack Obama is not eligible to be on the ballot, as he is not a natural born U.S. citizen, he is a citizen of Indonesia and possibly still a citizen of Kenya and Great Britain, he is using forged and fraudulently obtained identification papers, a stolen Connecticut social security number and a name that is not legally his.

93. Plaintiffs Secretary of State and Elections Commission committed fraud by allowing Obama on the ballot, presenting him as an eligible natural born U. S. citizen candidate for the U.S. Presidency, while knowing him not to be eligible, to be a foreign national, who submitted his application as a candidate on the ballot, while using a name, which is not legally his and using forged and fraudulently obtained identification papers and a stolen Connecticut Social security number.

94. Moreover, Defendant Secretary of State Lawson continued to commit fraud. Lawson appeared on pre-election radio show on AM 1310 /WTLC Indianapolis

with Amos Brown. During the show Lawson spoke for about an hour telling the listeners, citizens of Indiana, how safe and secure elections are and how they are free of fraud.

95. Plaintiff Bob Kern called Plaintiff Taitz and asked her to call in the show. Taitz called and advised the listeners that she submitted to Lawson an elections fraud complaint, which put Lawson on notice that candidate Obama is using forged identification papers and is not eligible for office. Taitz demanded an answer from Lawson, why didn't she respond to the complaint and why is she allowing Obama on the ballot under a name not legally his and with all forged IDs.

96. In response, Amos Brown hung up the phone on Taitz. Brown proceeded defaming Taitz, calling her a "crazy birther", defaming her as an attorney and as a human being.

97. At this point, Lawson had a duty not to be complicit to this fraud and truthfully state to the radio audience that indeed Taitz filed a complaint for fraud and submitted all of the affidavits attesting to the fact that Obama is using forged IDs.

98. Lawson continued defrauding 6,516,922 citizens of the State of Indiana by staying silent and creating an impression that Attorney Taitz was crazy, incompetent and was bringing frivolous challenges and created a false impression

that Citizen of Indonesia and possibly Kenya and Great Britain, Obama, was actually a natural born U.S. citizen, who had valid identification papers.

99. Shortly thereafter, citizens of Indiana voted in the primary election, believing their Secretary of State, and relying on fraud committed by four members of the Elections Commission and the Secretary of State, as well as information they received from radio and other media networks, such as 1310 radio and Amos Brown.

100. Such actions affected the rights of the Plaintiffs to participate in lawful elections. As a result of such actions a foreign national with all forged IDs, Barack Hussein Obama was able to get on the ballot and win the primary election and will be on the ballot in the general election.

101. Defendants Garn and Shelby knew that Obama is committing fraud and using all forged IDs and that Defendants Elections Commission and Secretary of State are aiding and abetting him.

102. Garn and Shelby acted with knowledge and malice and aided other defendants in covering up this criminal activity. Not only they acted in aiding and abetting fraud committed by other defendants, but they showed further malice in attempting to harass and intimidate the plaintiffs with demands of sanctions.

103. Defendants 1310/radio WTLC by and through their employee talk show host Amos Brown acted with malice and knowingly defrauded the public at large in

creating an impression that Obama is a legitimate candidate and that the Plaintiffs and particularly Taitz are crazy, hateful birthers and bigots. Brown made defamatory statements about Taitz both on the air and on the website for the station.

104. Plaintiffs Taitz and Kern called the station and asked to allow Taitz on the air to provide truthful information and clear Taitz 's name.

105. Brown refused to allow Taitz to go on the air and present the truthful evidence to the public and clear her name. He continued acting with malice and posting defamatory statements regarding Taitz and Kern on the web site of 1310AM/WTLC (<http://praiseidy.com/1613520/bigoted-birther-orly-taitz-effort-to-get-president-obama-off>) and on the air.

106. As an actual and foreseeable and proximate result of actions by all the Defendants, Plaintiffs suffered damages.

107. Damages include, but not limited to, financial damages, emotional distress, and violation of civil rights,

#### **FOURTH CAUSE OF ACTION**

#### **DEFAMATION OF CHARACTER**

**(Defendants 1310am/WTLC radio, talk show host Amos Brown and member of the Elections commission Mr. Dumezich)**

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

108. Plaintiff Taitz, as a conscientious and patriotic whistleblower made an effort of flying from California to Indiana in order to appear before the Elections Commission and authenticate over 200 pages of evidence previously submitted by Taitz and other Plaintiffs to the Elections Commission, which showed Obama committed election fraud.

109. As challenge against candidate Obama was called, it became abundantly clear that the Commission and several members of the “main stream media” were under the marching orders to shut down this challenge and cover up the whole matter. Members of “mainstream media”, who were present at the hearing literally marched out of the auditorium when challenge against Obama started and in an organized manner marched in, when Obama challenge ended. They clearly were under the same orders not to report to the public the truth about Obama.

110. Similarly, behavior of the members of the Commission drastically changed when Obama’s challenged was announced.

111. All of the challengers stated that they wanted Attorney Taitz to speak as a witness and present and authenticate all the evidence against Obama, as Taitz was an attorney who gathered all the evidence and previously put on the stand witnesses in Obama eligibility challenges.

112. Members of the Commission did not allow Taitz to talk. Particularly Chairman of the commission Dumezich was rude and insulting to Taitz. At one point Dumezich told Taitz “I will throw your butt out of here”.

113. Plaintiff Kern stood up and stated to Dumezich that he cannot believe how disrespectful and rude he was and demanded that Dumezich stop being rude and allow Taitz to talk.

114. Dumezich threatened to throw Kern out, but by this time others started yelling at Dumezich. Dumezich clearly did not know what to do and announced a brake, and together with other members of the Commission ran out of the chambers, ostensibly to get some new marching orders.

115. When members of the commission came back, they allowed Taitz to speak, but gave much less time than was given to other challengers, even though 4 challengers told members of the commission that they are giving Taitz their allowed time of 10 minutes and Taitz should have received 40 minutes.

116. Taitz was repeatedly interrupted, ridiculed by Dumezich, who misrepresented every word that she stated and the exhibits provided by her were not allowed in the evidence.

117. Defendant Amos Brown and Defendant 1310 Am/ WTLC radio made defamatory statements regarding Plaintiff Taitz on the air in radio programs by 1310 AM radio/WTLC radio program by Amos Brown, as well as in print on their

official web site AM 1310/ The Light Praiseindy.com . Plaintiff Taitz was called “crazy, bigoted birther.” Her legal actions were misrepresented.

118. As a result of actions by Defendant Dumezich and Defendants AM 1310 AMRadio/WTLC by and through their employee Defendant talk show host Amos Brown, Plaintiff Taitz was seen in false light by the public and members of the community believe her to be somebody, who is bigoted, a racist and crazy, and somebody who was bringing frivolous legal actions. Taitz’ standing in the community was lowered due to actions by the defendants and Taitz suffered damages due to defamation by the defendants.

**FIFTH CAUSE OF ACTION**

**VIOLATION OF 14 AMENDMENT CIVIL RIGHTS OF EQUAL PROTECTION, RIGHT OF REDRESS OF GRIEVANCES, DUE PROCESS, FREE POLITICAL SPEECH (AGAINST DEFENDANTS SECRETARY OF STATE, ELECTIONS COMMISSION, DEPUTY ATTORNEY GENERAL GARN, ASSISTANT ATTORNEY GENERAL SHELBY)**

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



119. First amendment rights for free speech, Right for redress of Grievances, 5th Amendment Due process Right are available to the states through the 14th Amendment. Equal Protection Rights are also available to the states through the 14th Amendment.

**A. EQUAL PROTECTION RIGHT.**

120. State officials have a duty to treat equally all citizens, who are equally situated. Plaintiffs Taitz and Kern submitted to the Secretary of State Connie Lawson fully executed, verified and notarized complaints of elections fraud committed by Obama.

121. Plaintiff Ripley submitted complaints of elections fraud twice: during 2008 and 2012 elections.

122. Secretary of State had a duty to respond to those complaints and take action to stop the elections fraud. She had to treat Plaintiffs equally with other citizens and respond to the complaint.

123. Lawson violated Plaintiff's 14th Amendment rights and simply ignored their complaints, as Lawson was complicit and was aiding and abetting Obama in elections fraud.

124. Members of the Elections Commission: Long, Dumezich, Steele-Riordan and Bennet had a duty to treat Plaintiffs equally. While the Election Commission reviewed the evidence brought by other petitioners on the merits, they treated

Plaintiffs differently. Election Commission refused to allow the plaintiffs talk, they refused to address the evidence on the merits, they refused to enter the exhibits into evidence. The most egregious was the behavior of the Chairman of the Commission Daniel Dumezich, who yelled at Taitz that she will throw her butt of here, even though he knew that Taitz is an attorney and a doctor and brought forward evidence of national importance and national security. It was clear that the members of the commission acted as establishment puppets under the marching orders to shut up plaintiffs and cover up elections fraud committed by Obama. They acted with unprecedented arrogance and complete disregard of due process rights of the plaintiffs. The only one who seemed to have some conscience and who attempted to look at the evidence, was Bryce Bennett, and plaintiffs could not hear him even utter a response to the call of deciding for or against the petition to remove Obama from the ballot. It was clear that Bennett was overpowered by the two Democrats on the commission: Steele-Riordan and Long and the establishment operative Dumezich. At the end, though Bennett wrestled with his conscience, he did not gather enough strength to speak up.

125. It is noteworthy that previously Plaintiff Kern who was the Democratic Party nominee for Congress, had to go through a lengthy legal process, when an issue of his eligibility was brought forward. Kern had to provide multiple identification papers. At the challenge hearing against Kern, the same Anthony S. Long, who

could not care less about the eligibility of Obama, attempted to remove Kern from the ballot and advised the commission that he personally went through the phone book to ascertain under what name was Kern listed. On the other hand Commissioner Long ignored all sworn affidavits, showing Candidate Obama using forged identification papers and a stolen Social security number. This egregious behavior was particularly apparent as Obama was subpoenaed to be at the committee hearing, but never appeared and never presented any documentation to show that he is eligible and that he has any valid identification papers.

126. Members of the Election Commission clearly treated plaintiffs differently and egregiously violated their Equal Protection civil rights under the color of authority.

127. Garn and Shelby and law enforcement officials had a duty to treat the plaintiffs equally under the law and prosecute the criminal activity by Obama and his accomplices, Secretary of State Lawson and Election Commission.

128. It is noteworthy that in other cases the office of the Attorney General of Indiana prosecuted alleged elections fraud and recently prosecuted and convicted and obtained prison term conviction for the former secretary of State Charlie White. While the office of the Attorney General of Indiana responded to other complaints of elections fraud, the office of the Attorney General of Indiana by and through its employees Garn and Shelby treated plaintiffs differently and violated

their equal protection rights under the color of authority and not only did not prosecute the crimes committed by Obama and defendants who aided and abetted Obama, office of Attorney General attempted to intimidate and harass the plaintiffs and flagrantly violated their civil rights under the color of authority.

129. Damages by the plaintiffs are actually and proximately related to the violations of their civil rights.

**B. Violation of civil right of Due Process under the color of authority**

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

130. Plaintiffs rights of due process were egregiously violated by the defendants, employees of the State, it was done with malice and under the color of authority.

Secretary of state violated Plaintiffs' due process rights by ignoring their complaints of elections fraud.

131. Members of the elections commission violated Plaintiffs' due process rights by providing a sham hearing and not addressing evidence of elections fraud by Obama.

132. Employees of the office of the Attorney General of Indiana violated Plaintiffs' due process rights by ignoring the evidence of the most serious case of elections fraud in the history of the State of Indiana and in the history of the United States. They further ignored due process rights of the Plaintiffs by covering up the

elections fraud by Obama and his accomplices and attempting to silence plaintiffs-whistleblowers by bringing forward bogus demands for sanctions against them, which were denied by Honorable judge Reid.

### **C. Violation of Right for Redress of Grievances**

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

133. Defendants brought forward a grievance: a complaint of egregious elections fraud by Candidate Obama, a foreign citizen, who placed his name on the ballot by virtue of fraud and by virtue of his use of forged and fraudulently obtained identification papers.

134. Defendant Secretary of State Connie Lawson violated Plaintiffs' right for Redress of Grievances by completely ignoring a grievance of elections fraud brought forward by Plaintiffs Taitz and Kern.

135. Defendants members of the Elections Commission violated the 14th Amendment right for redress of grievances of Plaintiffs Swihart, Ripley, Weyl and Kesler by holding a sham hearing, refusing to address the evidence brought by them, refusing to enter the exhibits into evidence and refusing to hold an impartial hearing. They held a staged hearing, designed to cover up elections fraud by Obama. Defendant went further and verbally assaulted Taitz, who was there as a witness to authenticate the affidavits and exhibits presented to the Commission.

136. Defendants, employees of the office of the Secretary of the Attorney General of Indiana, violated Plaintiffs' right for redress of grievances when they ignored the Plaintiffs' grievance of elections fraud, covered it up and further attempted to intimidate and harass the plaintiffs with bogus demands for sanctions.

#### **D. Violation of Civil Right of Free Political Speech**

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

137. Lawful election is the highest example of the free political speech. When elections are rigged, when the elections are conducted in the environment of fraud and forgery, citizens are denied their right to free political speech, as their votes become meaningless.

138. Plaintiffs' rights to free speech were denied by the defendants as Secretary of State Lawson ignored all complaints of elections fraud by Obama.

139. Similarly, their right of free Political speech were violated under the color of authority when Defendants members of the Elections commission held a sham hearing and employees of the office of the office of the Attorney General ignored their complaints of the elections fraud.

140. Further attempts to defame and intimidate Taitz by Chairman Dumezich and attempts to intimidate and harass the Plaintiffs by Defendants Garn and Shelby caused a chilling effect on the free speech of the Plaintiffs, as Defendants were

trying to silence the free political speech and legitimate complaint of criminality in the highest echelons of power by defamation, intimidation and threat of sanctions.

### **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 being a citizen of Indonesia and possibly still a citizen of Kenya and Great Britain, due to his use on the ballot of a name that is not legally his, and due to his use of forged identification papers and a stolen Social security number as legal basis of his eligibility.
2. Plaintiffs are seeking an emergency injunctive relief in the form of a Writ of Mandamus directing the Elections Commission and the Secretary of State to remove Obama from the ballot.
3. Plaintiffs are seeking a Writ of Mandamus directing the Secretary of State and elections commission to conduct an update of voter registrations in the State of Indiana in accordance with the Indiana Elections Code, National Voter Registration Act and Help America Vote Act and remove from the voter rolls all invalid voter registrations prior to 2012 General Election.
4. Plaintiffs are seeking a Writ of Mandamus directing the Secretary of State of Indiana to conduct citizenship verification through production of U.S. Passports or

Naturalization certificates or birth certificates in order to prevent non-citizen voting, which is highly likely in the aftermath of the "Dream Act"

5. Financial damages, actual damages and punitive damages.
6. Court fees, costs and attorneys fees.
7. Any other relief this court finds to be just.

Respectfully submitted this 4 day of September, 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.

29839 Santa Margarita, ste 100

Rancho Santa Margarita CA 92688 949-683-5411



---

/s/ Karl Swihart

460 Austin Drive

Avon, IN 46123 1-317-513-5706

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/s/ Edward Kesler

Taitz v. Elections Commission Second Amended Complaint



3070 S. Leisure Place

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

---

/s/ Frank Weyl

701 N. Brentwood Lane

Muncie, IN 47304 1-765-286-7266

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/s/ Bob Kern

~~1040 N. Delaware St.~~

*12547 Crystal Pointe Dr.*

Indianapolis, IN ~~46202~~ <sup>46236</sup>

~~1-317-426-5607~~

*317-702-3963*

*Bob Kern*

---

/s/ Valeria Ripley

14334 Tonkel Road

Fort Wayne, IN 46845

Cc

Darrel Issa

Chairman of the House oversight committee

2157 Rayburn House Office Building,

Washington, DC 20515

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. 14<sup>th</sup> and 1<sup>st</sup> Amendment rights of all the plaintiffs were violated.

1040 N. Delaware St.

Indianapolis, IN 46202

Phone Number: 317-426-5607

*New Address  
12547 Crystal Pointe Dr  
Indpls, In 46236*

*New # 317-102-3963 BK*

6. Valeria Ripley – Plaintiff Pro Se, residents of the state of IN, registered voter in the state of Indiana, submitted to the Secretary of State and elections commission a challenge to candidate Obama.

14334 Tonkel Road

Fort Wayne, IN 46845

7. Secretary of State of Indiana - agency respondent

200 W. Washington St., Room 201

Indianapolis, IN 46204

Phone Number: 317-232-6531



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/ Karl Swihart

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/s/ Frank Weyl

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Mr. Bob Kern  
1040 N. Delaware St.  
Indianapolis, IN 46202 1 317-426-5607  
*Valeria Ripley*  
Ms. Valeria Ripley 1-266-637-5483  
14334 Tonkel Road  
Fort Wayne, IN 46845

Cc  
Darrel Ives  
Chairman of the House oversight committee  
2157 Rayburn House Office Building,  
Washington, DC 20515

Congressman Lamar Smith,  
Chairman of the Judiciary Committee  
House of Representative  
2409 Rayburn House Office Building,  
Washington, DC 20515

Public Integrity Unit Department of Justice  
U.S. Department of Justice  
Criminal Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

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Michael E. Horowitz  
Inspector General  
Department of Justice  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, D.C. 20530

UN Nations committee for civil rights defenders  
OHCHR in New York  
UN Headquarters  
New York, NY 10017  
USA

Inter-American Commission for Human rights  
1889 F St., NW,  
Washington, D.C., USA 20006

**Certificate of Service**

I, Lila Dubert, not a party to the case, served the copy of the above pleadings on the parties to this case by mailing a true and correct copy by first class mail.

Date: 09-05-12

Lia Dubert

A handwritten signature in black ink, appearing to be 'Lia Dubert', written over a light blue rectangular background. The signature is cursive and extends horizontally across the page.

Naturalization certificates or birth certificates in order to prevent non-citizen voting , which is highly likely in the aftermath of the "Dream Act"

5. Financial damages, actual damages and punitive damages.
6. Court fees, costs and attorneys fees.
7. Any other relief this court finds to be just.

Respectfully submitted this 4 day of September, 2012

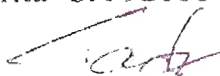
We affirm under the penalties for perjury, that the foregoing representations are true to the best of our knowledge and informed belief.

---

/s/ Dr. Orly Taitz, Esq.

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Rancho Santa Margarita CA 92688 949-683-5411



---

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re,

2157 Rayburn House Office Building,  
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20.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$  (Probability of getting one tail and one head)

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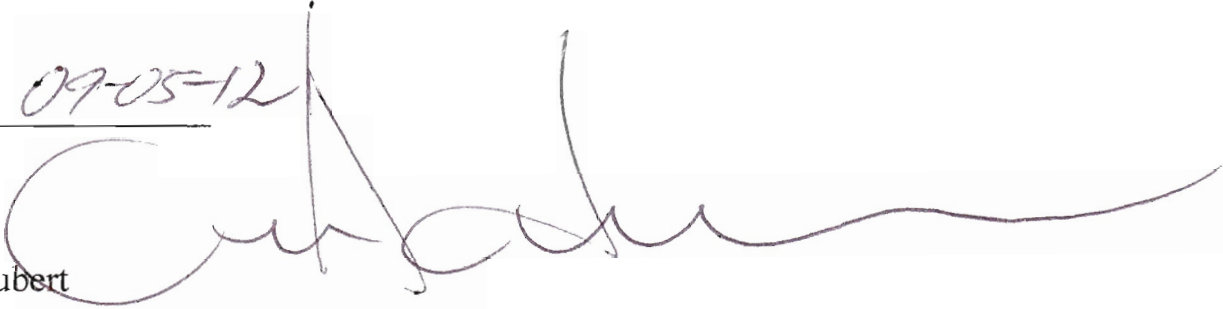
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**Certificate of Service**

I, Lila Dubert, not a party to the case, served the copy of the above pleadings on the parties to this case by mailing a true and correct copy by first class mail.

Date: 09-05-12  
  
Lia Dubert

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**IN THE SUPERIOR COURT  
MARION COUNTY**

DR. ORLY TAITZ, ESQ	)	Case No.: 49D14-1203-MI-012046
KARL SWIHART	)	
EDWARD KESLER	)	
BOB KERN	)	
FRANK WEYL	)	
VALERIA RIPLEY	)	
PLAINTIFFS,	)	
v.	)	
ELECTIONS COMMISSION;	)	
SECRETARY OF STATE OF INDIANA;	)	
DEPUTY ATTORNEY	)	
GENERAL JEFFERSON GARN;	)	
ASSISTANT ATTORNEY	)	
GENERAL KATE SHELBY;	)	
1310 RADIO/WTLC	)	
AMOS BROWN, IN HIS CAPACITY OF	)	
THE TALK SHOW HOST OF THE 1310 RADIO/WTLC	)	
DEFENDANTS.	)	

## MOTION FOR PRELIMINARY INJUNCTION

(Filed in conjunction with the Second Amended Complaint)

**Emergency hearing is requested for Wednesday, September 12, 2012**

Plaintiffs hereby move this Court to enter a preliminary injunction to prevent placing on the ballot in the general election of the name of the candidate for the U.S. Presidency Barack Hussein Obama until the issues of Obama's use of a forged birth certificate, fraudulently obtained Social Security number and Selective Service certificate, along with Obama's use of the name which is not legally his, will be resolved. Plaintiffs assert that placing Obama on the ballot in the general election in November 2012 violates the U.S. and Indiana Constitution and Plaintiff's constitutional and statutory rights of Free Speech, Due process rights, and Equal Protection rights governed and protected by 1<sup>st</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendments. In support of this motion Plaintiffs submit an accompanying brief and a proposed order.

Plaintiffs incorporate their Second Amended Complaint by reference as if fully pled herein.

Respectfully submitted,

August \_\_\_\_\_, 2012

by/s/ Orly Taitz  
Dr. Orly Taitz ESQ.



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v.	)	
	)	
ELECTIONS COMMISSION;	)	
SECRETARY OF STATE OF INDIANA;	)	
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GENERAL JEFFERSON GARN;	)	
ASSISTANT ATTORNEY	)	
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1310 RADIO/WTLC	)	
AMOS BROWN, IN HIS CAPACITY OF	)	
THE TALK SHOW HOST OF THE 1310 RADIO/WTLC	)	
DEFENDANTS.	)	

**BRIEF IN SUPPORT OF MOTION  
FOR STAY/PRELIMINARY INJUNCTION**

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**PLAINTIFFS INCORPORATE BY REFERENCE THEIR SECOND  
AMENDED COMPLAINT AS IF FULLY PLED HEREIN.**

Party seeking a preliminary injunction must show: 1) a likelihood of success on the merits, 2) a threat of irreparable harm, 3) which outweighs any harm to the non-moving party, 4) and that the injunction would not adversely affect the public interest (See *Awad v Ziriya*, 670 F.3d 1111, 1125 (10<sup>th</sup> Cir. 2012)). Each element favors injunctive relief requested by the Plaintiff.

**1. Likelihood of Success on the Merits**

***a) Violation of the United State Constitution***

Plaintiffs assert that the 2012 election will be unlawful due to newly discovered evidence, showing that the Presidential Candidate Barack Hussein Obama is not qualified to be on the ballot for following reasons:

- 1) President of the United States has to be natural born Citizen of the United States.

The Constitutional standard for becoming the President of the United States is set in the US Constitution Article II, Section 1, Clause 5 and provides the principal qualifications one must meet to be eligible to the office of the US President. A president must:

- be a natural-born citizen of the United States
- be at least thirty-five years old;
- have been a permanent resident in the United States for at least fourteen years.

Plaintiffs provided evidence showing that Barack Hussein Obama (Hereinafter “Obama” ) is a citizen of Indonesia, Obama is not his legal last name and he is using forged and fraudulently obtained identification papers. Lawful U.S. citizen would have valid identification papers. Lack of valid identification papers points to lack of citizenship. Plaintiffs in this case provided undeniable evidence showing that candidate for the US Presidency, Barack Obama, is using a forged Birth Certificate, a forged Selective Service certificate, and fraudulently obtained Connecticut Social Security number which was never assigned to him according to E-Verify and SSNVS, as a documentary basis for his eligibility for the US Presidency. Additionally, Plaintiffs provided evidence showing that his legal last name is not Obama and he is a citizen Indonesia

The evidence provided by Plaintiffs includes:

1) A report from a licensed investigator Susan Daniels (“Daniels”) which showed that for most of his life Obama used a Connecticut Social Security Number xxx-xx-4425 issued in 1977, even though he was never a resident of the State of Connecticut. (*Exhibit 1*)

2) Affidavit of retired Senior Deportation Officer from the Department of Homeland Security (“DHS”), Mr. John Sampson attesting to the fact that Obama is using a fraudulently obtained Social Security number. (*Exhibit 2*)

- 3) 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 xxx-xx-4425. (*Exhibit 3*)
- 4) Verification showing that Obama registered for Selective Service using the Connecticut SSN. (*Exhibit 4*)
- 5) Affidavit from a witness named Linda Jordan (“Jordan”), who ran an E-verify check for SSN xxx-xx-4425. Attesting to the fact that there is no match between Obama’s name and the SSN he used on his tax returns and Selective Service application. (*Exhibit 5*)
- 6) Affidavit from assistant elections clerk Tim Adams in Honolulu, Hawaii, attesting to the fact that there are no birth records for Barack Obama in any of the two Hospitals in Honolulu. (*Exhibit 6*)
- 7) Affidavit from Adobe Illustrator expert Papa attesting to the fact that released by the White House image of Obama’s birth certificate showed layers of alteration of the alleged birth certificate. (*Exhibit 7*)
- 8) Affidavit from scanning machines expert Douglas Vogt. (“Vogt”) attesting to further evidence of forgery, such as different types of ink used in alleged birth certificate. (*Exhibit 8*)
- 9) Affidavit of a typesetting expert Paul Irely, attesting to the fact that Obama's alleged birth certificate is a forgery (*Exhibit 9*)

10) Affidavit of Sheriff Joseph Arpaio of Maricopa County stating that Obama's Birth Certificate, Selective Service certificate and Social Security number are forged. (*Exhibit 10*)

11) Affidavit of Chris Strunk, authenticating Passport records of Obama's mother Stanley Ann Dunham received by Strunk through Freedom of Information Act showing Obama listed in his mother's passport under the last name Soebarkah. (*Exhibit 11*)

12) Obama's school registration from Indonesia, showing his citizenship Indonesian and showing him using his last stepfathers last name Soetoro. (*Exhibit 12*)

13) Copy of the cover page and page 31 of the transcript of the National Assembly of Kenya, where during March 25, 2010 discussion on adoption of the new Constitution of Kenya, minister of Lands, James Orengo, stated that Barack Obama was born in Kenya and is not a native U.S. citizen. (*Exhibit 13*)

In a recent case McInnish v Chapman 87140552, Alabama Supreme court addressed the issue of Obama's forged IDs. This case was filed by a pro se plaintiff, who mistakenly skipped the lower court and went straight to a higher court to appeal the decision by the Secretary of State of Alabama Beth Chapman to allow Obama on the ballot in light of his forged identification papers. Supreme Court Justice Tom Parker wrote:

*"McInnish has attached certain documentation to his mandamus petition, which, if presented to the appropriate forum as part of a proper evidentiary presentation, would raise serious questions about the authenticity of both the "short form" and the "long form" birth certificates of President Barack Hussein Obama that have been made public."* Though the case was not heard due to the fact that the plaintiff did not go to the lower court first, opinion of the Judge of the Supreme Court of Alabama, Tom Parker, reflects that indeed there is a serious question of authenticity of Obama's IDs.

This court is a proper forum. Plaintiffs in the case at hand are in the proper jurisdiction. This case will be heard on the merits. There is a high likelihood that based on the evidence provided, this court will rule in favor of the Plaintiffs. As such the first prong of the preliminary injunction test is satisfied, the plaintiffs are likely to prevail on the merits.

Additionally, US Constitution Article II, Section 1, Clause 5 and provides that the U.S, President must be "Natural Born Citizen". 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 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 and do not owe their allegiance to other sovereignties." 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 “in the Country to citizen parents”. (Emer De Vattel, *The Law of Nations*, p. 499, section 212). A similar definition was used by John A Bingham, drafter of the 14<sup>th</sup> 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).

Based on the evidence presented in this case, candidate Obama is not a natural-born citizen and lacks identification papers to show to be a natural-born citizen.

### **Irreparable Harm**

In Kikumura v Hurley, 242 F.3d 950, 963 (10<sup>th</sup> Cir. 2001), the Court decided that the potential violation of Plaintiff’s constitutional rights threatens irreparable harm. In the case at hand placing Obama on the ballot as a candidate for U.S. Presidency violates both the Constitution and Constitutional rights of US citizens and Plaintiffs as it precludes them from participating in legal and lawful elections which is the highest form of Freedom of Speech protected by the First Amendment. Absent injunctive relief, Plaintiff would suffer imminent irreparable harm.

### **Harm to Non-moving Party**

Defendants cannot show any harm to non-moving party. Non-moving party are elections officials. Their duty, according to their oath of office, is to protect and defend the U.S. Constitution. As elections officials they have a statutory duty to ensure lawful elections. Removing an unlawful candidate from the ballot cannot possibly cause any harm to the defendants. This action will only assist the defendants to ensure lawful elections.

### **Public Interest**

In his decision in McInnish v Chapman, the court stated that the Complaint presented evidence and that is raising “*serious questions about the authenticity of birth certificates of President Barack Hussein Obama that have been made public.*” In addition, recently the California Bar Association called an issue raised by Taitz “the issue of Obama’s forged ID’s to be “the matter of National Security which needs to be decided by the courts.”

Recent letter from the California attorney’s bar that was sent in regards to an attorney who submitted Obama’s forged alleged birth certificate into evidence, stated that this is a matter of National Security, which needs to be heard by the court. (*Exhibit 14*)

In the case Horn v Huddle, 647 F.Supp 2d (DDC 2009) and 699F. Supp. 2d (DDC 2010 U.S.) District court not only awarded a Plaintiff a multimillion dollar judgment, but also sanctioned the defendant's attorneys, U.S. attorneys. Horn v Huddle dealt with fraud committed by governmental officials, CIA agent and U.S. attorneys. Here the fraud involves the highest office in the land and the stakes are higher. The issue at hand is the whole U.S. economy of 14 trillion dollars per year and the U.S. National Security and control of the U.S. nuclear arsenal.

Even attorneys' bar believes this is a matter of National Security and needs to be heard by the court. There is no more important matter of National Security, than usurpation of the U.S. Presidency by a foreign national with forged and fraudulently obtained IDs. It is clearly in public interest to address expeditiously the matter of National Security and protect this nation from usurpation.

WHEREFORE, for the reasons set above the application for preliminary injunction should be granted.

Respectfully submitted,

\_\_\_\_\_, 2012

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

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### **DECLARATION OF DR. ORLY TAITZ ESQ.**

Dr. Orly Taitz states as follows:

1. Exhibit 1 is a true and correct copy of the Affidavit of Susan Daniels received by Dr. Orly Taitz ESQ.
2. Exhibit 2 is a true and correct copy of the Affidavit of John Sampson, Senior Deportation officer of the department of homeland security, received by Dr. Orly Taitz ESQ.
3. Exhibit 3 is a true and correct copy of the Affidavit of Felicito Papa received by Dr. Orly Taitz ESQ.
4. Exhibit 4 is a true and correct copy of the SSNVS (Social security verification systems) printout received by Dr. Orly Taitz ESQ.

5. Exhibit 5 is a true and correct copy of the Affidavit of Linda Jordan and attached e-verify received by Dr. Orly Taitz ESQ.
6. Exhibit 6 is a true and correct copy of the Affidavit of assistant registrar of the state of Hawaii Timothy Adams received by Dr. Orly Taitz ESQ.
7. Exhibit 7 is a true and correct copy of the Affidavit of Adobe Illustrator expert Felicito Papa received by Dr. Orly Taitz ESQ.
8. Exhibit 8 is a true and correct copy of the Affidavit of expert Douglas Vogt received by Dr. Orly Taitz ESQ.
9. Exhibit 9 is a true and correct copy of the Affidavit of typesetting expert Paul Irej received by Dr. Orly Taitz ESQ.
10. Exhibit 10 is a true and correct copy of the Affidavit of Sheriff Joseph M. Arpaio received by Dr. Orly Taitz ESQ.
11. Exhibit 11 is a true and correct copy of Authentication Affidavit and Passport records of Obama's mother Stanley Ann Dunham showing Obama listed in his mother's passport under the last name Soebarkah received by Dr. Orly Taitz ESQ.
12. Exhibit 12 is a true and correct copy of the School registration #203 for Barack Obama from Assissi School in Jakarta Indonesia received by Dr. Orly Taitz ESQ.

13. Exhibit 13 is a true and correct copy of Affidavit copy of the cover page and page 31 of the transcript of the National Assembly of Kenya received by Dr. Orly Taitz ESQ.

14. Exhibit 14 is a true and correct copy of the Letter from California State Bar received by Dr. Orly Taitz ESQ.

Dated this 08.30.2012

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**IN THE SUPERIOR COURT OF THE STATE OF INDIANA  
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FRANK WEYL,	)	
EDWARD KESLER,	)	
	)	
PLAINTIFFS,	)	
	)	
v.	)	
	)	
ELECTIONS COMMISSION,	)	
SECRETARY OF STATE	)	
	)	
DEFENDANTS.	)	

**ORDER ON PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

The Court, having reviewed the filings submitted by both parties, and reviewed relevant authority, hereby **ORDERS** as follows:

**IT IS THEREFORE ORDERED** that the Plaintiffs' Motion for Preliminary Injunctions to remove Candidate Barack Hussein Obama from the ballot in the upcoming general election in November 2012 until the issue of using name that is not legally his, and issue of use of forged identification documents are resolved is GRANTED.

It is so ordered on this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Honorable S.K. Reid  
Judge, Marion Superior Court 14

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