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Dr. Orly Taitz, Attorney-at-Law
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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Captain Pamela Barnett, et al.,
Plaintiffs,

v.

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



Civil Action:

SACV09-00082-DOC-AN
NOTICE OF MOTION AND
MOTION FOR
CLARIFICATION

NOTICE OF MOTION HEARING AND MOTION FOR CLARIFICATION

All the parties in the above caption case are hereby notified of the motion hearing to be held on January 4, 2010, at the Central District Court of California, Santa Ana Division, Judge Honorable David O. Carter, 411 W 4th str. Courtroom 9D, Santa Ana, California, Ronald Reagan Federal Building. Motion to be heard is the Motion for Clarification of 10.29.09. order. Undersigned counsel will seek confirmation and clarification that 10.29.09. order was not a final order, was not a dismissal with prejudice and that the undersigned counsel can exercise her right to file a second amended complaint in this case on all causes of action aside from Quo Warranto.

MOTION FOR CLARIFICATION OF 10.29.09. ORDER

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2
3 Pursuant to local rule 7-4 prior to making the motion below the undersigned attorney
4 conducted a Meet and Confer conference with the lead attorney for the Department
5 of Justice, US attorneys' office Mr. Roger West. The conference was held by
6 telephone on Friday 12.11.09. at 11:55 AM.
7

8
9 Here come all the plaintiffs in this case aside from Willey Drake and Markham
10 Robinson represented by Mr. Kleep and state the following. On 10.29.09. this court
11 has issued an order granting the defendants' motion to dismiss.
12

13 The order did not state that it was a final order and it did not state that it was a
14 dismissal with prejudice. The order stated that this court does not have jurisdiction to
15 remove the president under Quo Warranto and noted that other causes of action were
16 not fully plead. Wherefore the undersigned counsel understands that the order was
17 not a final order In the case, that since the case was never argued on the merits, there
18 was no adjudication with prejudice and therefore the undersigned counsel can
19 exercise her right to file a second amended complaint on the remaining causes of
20 action within 30 days from the denial of the Motion for reconsideration.
21
22

23
24 **PRAYER FOR RELIEF**

25 **WHEREFORE**, the undersigned counsel requests clarification and confirmation
26 that the 10.29.09. order was not a final order, that it was not an order with prejudice
27 and that she can exercise her right to file a second amended complaint on all causes
28 of action aside from Quo Warranto.

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Respectfully submitted,

/s/ DR ORLY TAITZ ESQ

By: _____

Dr. Orly Taitz, Esq. (California Bar 223433)

Attorney for the Plaintiffs

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PROOF OF SERVICE

I, the undersigned Orly Taitz, hereby declare under penalty of perjury that on this, December 13, 2009, I provided electronic copies of the Plaintiffs’ above-and-foregoing Notice of Filing 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:

ROGER E. WEST 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 13th day of December, 2009

/s/Orly Taitz

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