

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

-----X)	
Pamela Barnett)	Case No. 34-2010-00077415
)	
Plaintiff,)	
)	
v.)	
Damon Jerrell Dunn (A.K.A. Damon Dunn);)	ORDER TO SHOW CAUSE
Debra Bowen individually and officially as)	
The California Secretary of State;)	OF INJUNCTIVE RELIEF BY
Edmund G. Brown Jr. (A.K.A. Jerry Brown))	
Officially as The California Attorney General)	WRIT OF PROHIBITION
and individually; and John Doe(s))	
and Jane Doe(s))	AND
)	
Defendants)	
-----X)	WRIT OF MANDAMUS

Upon reading and filing the declaration of Pamela Barnett signed on the 14th day of May 2010, and upon the exhibits with complaint annexed as Exhibit 1, and memorandum of law annexed, wishing injunctive relief by Order of a

(a) Writ of Prohibition restraining the California Secretary of State Debra Bowen and or her agents from recording the votes of electors for Damon Jerrell Dunn (a.k.a. Damon Dunn) at the statewide Republican Party Primary if held on June 8, 2010, and

(b) Writ of Mandate of the California Secretary of State Debra Bowen and or her agents to duly notify the Registrars of all the County sub-divisions of the State of California to prominently post notices at every polling place for Republican Party electors that Damon Dunn is not duly qualified to be voted for on the Ballot for Secretary of State.

Let the respondents or their attorney show cause at the _____ Part
_____, Room _____, of this Court, to be held at the Courthouse, 720 9th Street
Sacramento, CA 95814, on the _____ day of _____, 2010, at _____
o'clock in the _____ noon or as soon as counsel may be heard why an order should
not be made affecting a Writ of Prohibition, Writ of Mandate and or other relief;
and

Sufficient cause appearing therefore let personal service of this order, and the
papers upon which this order is granted, upon the State respondents Debra Bowen,
Jerry Brown, and Damon Dunn or upon their counsel on or before the _____ day of May
2010 be deemed good and sufficient. An affidavit or other proof of service shall be
presented to this Court on the return date directed in the second paragraph of this order.

ENTER

1 SUPERIOR COURT OF CALIFORNIA

2
3 COUNTY OF SACRAMENTO

4
5 -----x
6 Pamela Barnett) Case No. 34-2010-00077415
7)
8 Plaintiff,)
9)
10 v.)
11 Damon Jerrell Dunn (A.K.A. Damon Dunn);) DECLARATION IN SUPPORT
12 Debra Bowen individually and officially as) OF INJUNCTIVE RELIEF BY
13 The California Secretary of State;) WRIT OF PROHIBITION
14 Edmund G. Brown Jr. (A.K.A. Jerry Brown))
15 Officially as The California Attorney General) AND
16 and individually; and John Doe(s))
17 and Jane Doe(s))
18 Defendants)
19 -----x
20 WRIT OF MANDAMUS

18
19 I, Pamela Barnett, declare and say under penalty of perjury under the laws of the State
20 of California that:

21 1. Declarant is the Plaintiff with the underlying Complaint No: 34-2010-00077415
22 with five causes of action with ten **Exhibits A through J** annexed thereto duly filed May
23 10, 2010 with the Clerk of the Court see **Exhibit 1**.

24 2. That Plaintiff has duly effected personal service of the Summons and Complaint
25 upon the Defendants.

26 3. Declarant makes this declaration n in support of injunctive relief by Writ of
27 Prohibition and Writ of Mandamus of the California Secretary of State Debra Bowen and
28 or her agents regarding the Republican Party Direct Primary ballot for Candidates for
29 Secretary of State in the election June 8, 2010.

30 4. Declarant requires expedited injunctive relief by a Court order of Defendants to
31 appear to show cause at a hearing within five days of the date of issuance why the

1 Court should not immediately order:

2 a. a Writ of Prohibition restraining the California Secretary of State Debra Bowen
3 and or her agents from recording the votes of electors for Damon Jerrell Dunn
4 (a.k.a. Damon Dunn) at the statewide Republican Party Primary if held on
5 June 8, 2010 and

6 b. a Writ of Mandate of the California Secretary of State Debra Bowen and or her
7 agents to duly notify the Registrars of all the County sub-divisions of the State
8 of California to prominently post notices at every polling place for Republican
9 Party electors that Damon Dunn is not duly qualified to be voted for on the
10 Ballot for Secretary of State.

11 5. That time is of the essence with imminent irreparable harm in that on June 8,
12 2010 the California Republican Party Direct Primary is scheduled when in fact as
13 alleged in the First Cause of Action of the Complaint paragraphs 6 through 27 that
14 Defendant Damon Dunn maliciously concealed his previous place of voter registration
15 address on the California Voter Registration Form filed March 13, 2009 with the
16 California Secretary of State see Exhibit 1 sub exhibit A.

17 6. Defendant Dunn by not revealing his previous address of registration at line 16 of
18 the California Registration form shown as Exhibit 1 sub-exhibit A means that the
19 registration is "NEW" and that Defendant Dunn had never registered previously that
20 constitutes a violation of the NVRA and HAVA as is incorporated in the California
21 Election Code as well as every other State of the several States statutes that maintain a
22 voting registration record, and that Defendant Dunn made a false representation that he
23 was a NEW Republican Party member within the 3 month rule of CEC §8001(a)1 ONLY
24 misrepresenting that the 12 month rule of CEC §8001(a)2 does not apply, when in fact it

1 does apply and proves that the Declaration of Candidacy shown as Exhibit 1 sub exhibit
2 B is filed November 13, 2009 in bad faith because were the previous registration
3 address shown on the Voter Registration Form shown as Exhibit 1 sub exhibit A would
4 control the applicability of the 12 month rule of CEC §8001(a)2 during ministerial review
5 by the Secretary of State who from then on irrevocably represents the filer.

6 7. That in fact Defendant Dunn had previously registered to vote in Florida as a
7 Democrat see Exhibit 1 sub exhibit C.

8 8. No where on the California Registration Form does it ask whether or not the
9 previous registration is active, inactive or expired; the Form merely asks for the address
10 of the previous registration as shown on Exhibit 1 sub exhibit A.

11 9. To withhold such information is a crime and certainly in the events of error or
12 omission would require a good faith correction of the record, which was never done, nor
13 was an attempt ever initiated by Defendant Dunn.

14 10. Further, to show Defendant Dunn's bad faith on or about July 10, 2009 he
15 contacted the Registrar of the Florida Board of Elections and attempted to have the
16 records expunged as alleged by the registrar in a letter dated April 10, 2010 shown as
17 Exhibit 1 sub exhibit D, and will be affirmed in testimony at a preliminary hearing by the
18 material witness to that transaction Dr. Orly Taitz DDS Esq.

19 11. That it will also be affirmed at hearing that Defendant Dunn spoliated the record
20 of his registration in the State of Texas and similarly attempted to expunge his record of
21 an additional registration in the State of Arizona beside that of Florida and Texas, that
22 suggests four different addresses with multiple registrations all at once including the
23 California registration.

24 12. That the Ballot for the California Republican Party Direct Primary on June 8, 2010

1 only has two candidate Damon Dunn and Orly Taitz with no other declared candidates
2 (see Exhibit 2) and therefore mandates that this court immediately issues a preliminary
3 injunction for each candidate to show cause why the SOS should not be ordered to
4 strike Damon Dunn from the Ballot and declare Orly Taitz the nominee of the
5 Republican Party at the November General Election ballot.

6 13. That at the hearing proof of Democratic Party meddling into the Republican Party
7 Primary process involves not only Democrat Debra Bowen but that she is aided and
8 abetted by George Soros and agents of the Secretary of State Project and Project Vote
9 in California and nationally shown on the website with financial contributions to Debra
10 Bowen (see Exhibit 3) and Declarant demands an immediate restraining order of Debra
11 Bowen, George Soros et al, and all those agents nationally from any further
12 interference with the Republican Party Primary process.

13 14. There has never been a previous application for any injunctive relief, TRO or an
14 OSC in this case.

15
16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18 DATED: 5/14/10

19
20
21
22
23
24

Pamela Barnett, Pro se Plaintiff
2541 Warrego Way
Sacramento, CA, 95826
Ph: (415) 846-7170
Fax: (866) 908-2252

Declaration in support of expedited injunctive relief

Superior Court of California County of Sacramento Case No: 34-2010-00077415

Pamela Barnett v. Damon Dunn, Debra Bowen, Jerry Brown, John and Jane Doe(s)

EXHIBIT 1

1 Pamela Barnett, Pro se Plaintiff
2 2541 Warrego Way
3 Sacramento, CA, 95826
4 Telephone: (415)846-7170
5 Fax: (866)908-2252

FILED
Superior Court Of California,
Sacramento
05/10/2010
pcescenti
By _____, Deputy
Case Number:
34-2010-00077415

7 SUPERIOR COURT OF CALIFORNIA
8
9 COUNTY OF SACRAMENTO

11 -----X
12 Pamela Barnett) Case No.
13 Plaintiff,)
14 v.) **COMPLAINT**
15 Damon Jerrell Dunn (A.K.A. Damon Dunn);)
16 Debra Bowen individually and officially as) with Cal. Election Code §8001(a) 2
17 The California Secretary of State;)
18 Edmund G. Brown Jr. (A.K.A. Jerry Brown)) Cal. Election Code § 8800
19 Officially as The California Attorney General)
20 and individually; and John Doe(s)) NVRA / HAVA related Law
21 and Jane Doe(s))
22 Defendants) and Jury trial for damages
23 -----X

Department
Assignments
Case Management 35
Law and Motion 54
Minors Compromise 14

24
25 Plaintiff Pamela Barnett alleges:

26
27 I - INTRODUCTION

28 Parties

29 1. Defendant Damon Jerrell Dunn (a.k.a Damon Dunn, Defendant Dunn), is a
30 natural person resident in California (CA) at 3131 Michelson Unit 708W Irvine CA 92612
31 with mailing address located at 2070 Business Center Drive Suite 140 Irvine CA 92612
32 with Email damondunn@yahoo.com ; and is questionably on the California Republican
33 Party primary ballot as a declared candidate for the State of California Republican Party
34 Candidate for Secretary of State of California on June 8, 2010.

1 Defendant in the California statewide Republican Party Direct Primary ⁽¹⁾, and then the
2 General Election ballots with CA Election Code (CEC) § 12; and at a Jury trial General
3 Damages be assessed were the Primary to proceed illegally, would result in Defendants
4 liability to reimburse the cost of the Republican primary and costs incurred of any
5 opposing candidate and or Plaintiff herein along with those similarly situated; and that
6 jurisdiction shall be given preference in the CA Courts with CAL. CCP. CODE § 44 ⁽²⁾
7 that according to CAL. ELEC. CODE § 8800: California Code - Section 8800. No
8 candidate whose declaration of candidacy has been filed for any primary election may
9 withdraw as a candidate at that primary election. Must be removed by Judicial Order.

10 III - BACKGROUND FACTS

11 FIRST CAUSE OF ACTION

12 Defendant Dunn Maliciously Violated CEC § 8001 (a) 2 / NVRA / HAVA

13 6. Plaintiff realleges each and every allegation contained in the above paragraphs 1
14 through 5 with the same force and effect as though herein set forth at length omits it for
15 brevity.

16 7. Plaintiff alleges that Defendant Dunn's actions constituted a violation of California
17 Civil Code § 8001(a) 2 national Voter Registration Act of 1993 (NVRA) and Help
18 America to Vote Act of 2002 (HAVA) in that defendant had at all times mentioned herein
19 with explicit knowledge of the law acts with malice.

¹ CAL. ELEC. CODE § 316: California Code - Section 316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

² : CA. CCP Code § 44, California Code - Section 44. Appeals in probate proceedings, in contested election cases, and in actions for libel or slander by a person who holds any elective public office or a candidate for any such office alleged to have occurred during the course of an election campaign shall be given preference in hearing in the courts of appeal, and in the Supreme Court when transferred thereto. All these cases shall be placed on the calendar in the order of their date of issue, next after cases in which the people of the state are parties.

1 8. The California Election Code (CEC) requires that to be eligible to be a qualified
2 candidate for Secretary of State a declared and a nominated candidate shall under §201
3 of the California Elections Code “be a registered voter and otherwise qualified to vote for
4 that office at the time nomination papers are issued to the person”; and

5 9. On March 13, 2009, Defendant Dunn filed a registration to vote in California and
6 to affiliate with the California Republican Party (see Exhibit A).

7 10. Defendant Dunn filed his voter card registration in CA on March 13 2009, less
8 then 8 months prior to his declaration of candidacy on November 5, 2009;

9 11. Further, CEC and related law requires with CEC § 8001: California Code -
10 Section 8001. (a) No declaration of candidacy for a partisan office ... shall be filed, by a
11 candidate unless (1) at the time of presentation of the declaration and continuously for
12 not less than three months immediately prior to that time, or for as long as he has been
13 eligible to register to vote in the state, the candidate is shown by his affidavit of
14 registration to be affiliated with the political party the nomination of which he seeks, and
15 *(2) the candidate has not been registered as affiliated with a qualified political party*
16 *other than that political party the nomination of which he seeks within 12 months*, or, in
17 the case of an election governed by Chapter 1 (commencing with Section 10700) of Part
18 6 of Division 10, within three months immediately prior to the filing of the declaration.

19 (b) The elections official shall attach a certificate to the declaration of candidacy showing
20 the date on which the candidate registered as intending to affiliate with the political party
21 the nomination of which he seeks, and indicating that the candidate has not been
22 affiliated with any other qualified political party for the period specified in subdivision (a)
23 immediately preceding the filing of the declaration. This section shall not apply to

1 declarations of candidacy filed by a candidate of a political party participating in its first
2 direct primary election subsequent to its qualification as a political party pursuant to
3 Section 5100. (Emphasis added by Plaintiff)

4 12. Defendant Dunn had not been registered and enrolled / affiliated with the
5 Republican Party of California, any State, and or National Republican Party affiliation for
6 12 months as of November 13, 2010.

7 13. On or about November 5, 2009, Defendant Dunn, who had been registered and
8 enrolled / affiliated with the Florida Democratic Party within 12 months, filed the
9 declaration for his candidacy (See **Exhibit B**) for the California Republican Party
10 nomination Direct Primary with Defendant Bowen.

11 14. That according to CAL. ELEC. CODE § 305: California Code - Section 305.
12 (a)"Candidate," for purposes of Section 2184, includes any person who declares in
13 writing, under penalty of perjury that he or she is a candidate, naming the office.
14 (b)"Candidate," as used in Article 1 (commencing with Section 20200) of Chapter 3 of
15 Division 20, means an individual listed on the ballot, or who has qualified to have write-
16 in votes on his or her behalf counted by election officials, for nomination or for election
17 to any elective state or local office, or who receives a contribution or makes an
18 expenditure or gives his or her consent for any other person to receive a contribution or
19 makes an expenditure with a view to bringing about his or her nomination or election to
20 any elective state or local office, whether or not the specific elective office for which he
21 or she will seek nomination or election is known at the time the contribution is received
22 or the expenditure is made. The term "candidate" includes any officeholder who is
23 subject to a recall election. CEC Section 305 (c)"Candidate for public office," as used in

1 Chapter 5 (commencing with Section 20400) of Division 20, means an individual who
2 has qualified to have his or her name listed on the ballot of any election, or who has
3 qualified to have written votes on his or her behalf counted by election officials, for
4 nomination for, or election to, any state, regional, county, municipal, or district office
5 which is filled at an election.

6 15. Defendant Dunn filed as early as possible to maximize press coverage to take
7 advantage over not being affiliated as a Republican Party Member with more Campaign
8 exposure.

9 16. Defendant Dunn sought out advice from John and Jane Doe(s) to violate CEC §
10 8001 (a) 2 in order to maximize advantage over any other affiliated California
11 Republican Party candidate if any were to file a declaration by say March 2010 or the
12 minimum available time before the primary election on June 8, 2010.

13 17. Defendant Dunn knew that by filing early he was violating CEC § 8001 (a) 2 and
14 was only an affiliated republican for about 8 months and decided not to wait until say
15 March to file the Declaration, instead sought to conceal and expunge his Florida
16 Democratic Party affiliation record.

17 18. That based upon information and belief and according to a letter written April 13,
18 2010 by Jean Marie Atkins Director of Voter Administration the Duval County Board of
19 Election and obtained in person by Dr. Orly Taitz while in Florida (see Exhibit C), on July
20 10, 2009, Defendant Dunn contacted the Florida Board of Elections to have any record
21 of enrollment or affiliation with the Florida Democratic Party in the Duval County
22 database expunged from the official record.

23 19. The Florida Board of Election database in Duval County records that Defendant
24 Dunn registered in Florida (see Exhibit D) is affiliated with the Democratic Party.

1 20. That based upon information and belief the Florida Board of Elections Official
2 with the fiduciary duty to safeguard the records of the Board of Elections including those
3 of Defendant Dunn refused to expunge the records when he asked July 10, 2009, and
4 prove that Defendant Dunn was a Florida Democrat within the 12 month period prior to
5 Defendant Dunn declaring his candidacy in California on November 5, 2009.

6 21. For the purpose of adhering to the CEC §8001(a)2 requirement Defendant Dunn
7 in effect was affiliated with the Democratic Party in Florida prior to November 5 2009,
8 when he filed his declaration of candidacy and intends to file nomination papers with
9 CEC §8040, acted in bad faith to falsify the California Election Record and circumvent
10 requirements of NVRA and HAVA requiring State to State notification of change.

11 22. Defendant Dunn violated NVRA and HAVA with the filings shown as Exhibit A
12 and Exhibit B thereby injuring Plaintiff along with those similarly situated.

13 23. Moreover, Defendant Dunn committed voter fraud according to statutes CEC
14 §18203 and §18500 by intentionally not entering in his voter registration card
15 information about the fact that he registered somewhere before and that he registered
16 as a Democrat, maliciously failed to provide at Section 16 of the form shown as Exhibit
17 A that he was previously registered in Florida, and thereby concealed evidence of a
18 crime Defendant Dunn intended to commit to become California SOS.

19 24. Plaintiff is a supporter and contributor to the candidacy of Dr. Orly Taitz, DDS
20 J.D. Esq., who is a duly declared candidate on the ballot at the California Republican
21 Party Primary scheduled for June 8, 2010 for the nomination by the California
22 Republican Party as the Republican Candidate for the California Secretary of State at
23 the November 2010 General Election; and that Dr. Taitz's only opponent is Defendant

1 | Dunn at the Republican Nomination at the Primary other than write-in candidates, and
2 | were Defendant Dunn removed from the Primary Ballot as demanded herein, Dr. Taitz
3 | would be the Republican candidate for California SOS on the General Election Ballot of
4 | November 2010.

5 | 25. Defendant Dunn poaching as a Democrat has infringed Plaintiff's First
6 | amendment rights to protected speech and association along with those similarly
7 | situated as an enrolled affiliated member of the California Republican Party with CEC
8 | 8001(a) 2.

9 | 26. Defendant Dunn and the State of California Secretary of State Defendant Bowen
10 | whose state action has infringed Republican Party Affiliation rights and success at the
11 | elections have infringed Plaintiff's right to a reasonable expectation of participation and
12 | success with like-minded Party members at the Elections.

13 | 27. Because of the violation of Law by Defendant Dunn, Plaintiff is damaged
14 | financially and will suffer irreparable harm were Defendant Dunn allowed by Defendant
15 | Bowen and or the SOS agents to remain on the primary ballot and that time is of the
16 | essence in order to prevent irreparable harm in the primary on June 8, 2010.

17 | **SECOND CAUSE OF ACTION**

18 | **Defendant Bowen and Defendant Dunn Maliciously Violated CEC § 8001(a) 2**
19 | **NVRA / HAVA and related law**

20 | 28. Plaintiff realleges each and every allegation contained in the above paragraphs 1
21 | through 27 with the same force and effect as though herein set forth at length omits it for
22 | brevity.

23 | 29. Plaintiff alleges that Defendants' actions constitute a violation of California Civil

1 Code § 8001(a)2 NVRA HAVA and related law in that Defendant Bowen and Defendant
2 Dunn (Defendants) act together after November 5, 2009 at all times mentioned herein
3 with explicit knowledge of the law act with malice in regards to the Declaration of
4 Candidacy of Orly Taitz.

5 30. That Based upon information and belief :

- 6 a. Dr. Taitz called the office of the Secretary of State at the Elections
7 Division, whose Chief is Cathy Mitchells, and talked to an investigator by
8 the name of Darlene, who did not disclose her last name.
- 9 b. That Dr. Taitz asked Darlene, why Damon Dunn was not removed from the
10 ballot in light of the fact that Dunn was not eligible under CEC § 8001(a) 2
11 and therefore, did not qualify to be on the Republican Party Primary Ballot
12 on June 8, 2010; and
- 13 c. Further, Dr. Taitz asked Darlene what penalties will be assessed in
14 regards to Mr. Dunn's voter fraud, in relation to the fact that he did not
15 disclose his prior voter registration as a Democrat on the March 13 2009
16 registration form shown as Exhibit A.
- 17 d. Darlene stated to Dr. Taitz that she will relate this to her superior and one
18 of two attorneys working in the department, and said, "Someone will call
19 back". To date Dr. Taitz has not received a response as promised and
20 which has precipitated this complaint as time is of the essence with
21 irreparable harm were Mr. Dunn to remain on the ballot;
- 22 e. To date no follow-up by the Chief of Elections has happened.

23 31. That as a pattern, Dr. Taitz told Plaintiff that when Dr. Taitz reported Barack
24 Hussein Obama ineligible a year and a half ago Defendant Bowen and or agents were

1 supposed to call Dr. Taitz back and schedule an administrative hearing was never done.

2 32. That on November 17, 2009, progressive community organizer Damon Dunn
3 candidate for the Republican nomination for California Secretary of State was
4 interviewed by Bryan Suits at 7:30 PM on KFI AM 640
5 (<http://itunes.apple.com/us/podcast/kfi-am-640-bryan-suits/id272690196>) , during the
6 interview stated he: "Cast first vote May 2009" is a "rags to riches democrat story.."
7 "Family vote as democrat.." "November 2008 Prop 8 ...The Sentinel Newspaper an
8 African America newspaper... community service in my entire life...Make a Wish
9 Foundation...the Latino Education Attainment Initiative ... " and as for his own family in
10 Texas when asked "why are they still living in the trailer? " said "teach them to fish..." at
11 Stanford his Mentor "is Condoleezza Rice at Stanford University" and when asked as to
12 his ability to win he said "Barack Obama got record numbers of people to vote for
13 him....people follow people not parties..."

14 33. That on January 11, 2010 Defendant Dunn was interviewed (see **Exhibit E**) by
15 Mark DeVaughn a contributing writer at *the Bootleg* on Scout.com with FoxSports.com
16 outlet who reported that Mr. Dunn as saying:

17 "Football is the common denominator," he said. "It helps in the connection
18 process you have with other people." A recent *Los Angeles Times* article about
19 him noted a play that came at the expense of those whose vote he's courting.
20 Conventional wisdom says that USC alumni and fans - heads expanded with
21 success over the past decade - have forgiven Dunn for his 93-yard kickoff return
22 for a touchdown during Stanford's 24-20 victory in 1996.

23
24 On non-football topics, Dunn speaks in excited and vibrant tones. *Diverse*
25 *political heroes include Martin Luther King, Barack Obama and Governor Pete*
26 *Wilson*. He remains a political novice, having never run for office previously. He
27 first registered to vote as a Democrat a decade ago but never actually went to the
28 polls until May of 2009. Like a lost soul finding religion, Dunn found the proper
29 path to affecting meaningful change, encouraged by a lasting relationship with
30 former U.S. Secretary of State Condi Rice, whom he met while a student at
31 Stanford, when Rice served as the University's Provost. Now Dunn feels he

1 "gets" it. No more standing on the sidelines and failing to get involved in the
2 process. As he told the Los Angeles Times, "Who better to reach a non-voter
3 than a recovering non-voter?" (Emphasis added by Plaintiff)
4

5 34. On or about March 16, 2010, the authorized Campaign for Defendant Debra
6 Bowen sent a campaign contribution solicitation throughout the State attacking Dr. Taitz
7 as a fringe member of the California Republican Party (see Exhibit F) and therein defers
8 to the "wealthy developer" Defendant Dunn as if a mainstream "right-wing" Republican
9 Party candidate on the primary ballot and after Defendant Bowen was notified Mr. Dunn
10 like Barack Hussein Obama is also ineligible to run for office in the solicitation states:

11 As you know, wealthy developer Damon Dunn, who says he got into the race at
12 Karl Rove's urging, is also running for the Republican nomination. Whoever
13 prevails in the primary MUST be taken seriously because of their ability to raise
14 money and distort the issues through their national right-wing networks.
15

16 **Please contribute today to help Debra stand against rightwing ideologues like**
17 **Orly Taitz, and continue serving the people of California!**
18

19 Orly Taitz' candidacy would be amusing if it weren't so serious. Her primary
20 reason for running is to challenge President Obama's citizenship and invalidate
21 the 2008 election. In fact, Taitz has sued Debra twice to try to invalidate Obama's
22 victory.
23

24 **We can't let fringe conspiracy theorists use this office to get a foot in the door and**
25 **undermine our democracy.**
26

27 Debra's opponents are well connected, and have the ability to raise large sums of
28 money from across the country. We must make sure she has the resources to
29 beat them.
30

31 **Please contribute today to help Debra stand against right-wing ideologues like**
32 **Orly Taitz, and continue serving the people of California!**
33

34 We can't underestimate the importance of this race. The Secretary of State is the
35 one person in state government who is responsible for the integrity of our
36 elections. As we saw in Florida in 2000 and in Ohio four years later, we need
37 public servants we trust in this position, not people with a political agenda.
38

39 Debra has long served the people of California with integrity. We need her in the
40 Secretary of State's office, not a conspiracy theorist like Orly Taitz.
41

1 35. However, contrary to the authorized Bowen Campaign Statement shown as
2 Exhibit F as to Defendant Dunn that was released on or about March 16, 2010 and that
3 coincided with the release of the Friday March 5, 2010 Democrat love-fest interview of
4 Defendant Dunn and Defendant Bowen on *the California Focus Syndicated Column*, a
5 twice-weekly syndicated newspaper column on California public affairs, by Thomas D.
6 Elias in his article "*A Down-The-Ticket Race With Two Likely Winners*" (see Exhibit G)
7 reported Defendant Damon Dunn saying of Defendant Debra Bowen that:

8 "She gets credit for restoring some integrity to the process," Dunn said in an
9 interview, referring to Bowen's review of electronic voting machines and the
10 resulting return to large-scale use of paper ballots. In fact, she gets so much
11 credit that as of early March, Dunn was the only declared Republican candidate
12 running against her. There was still a possibility that another might jump in: Orly
13 Taitz, another Orange County figure who is a leader of the "birther" movement
14 that questions whether President Obama is eligible for his job.

15
16 But Dunn, the only Republican now campaigning, enthusiastically and
17 unequivocally says he will win this fall and become California's first African-
18 American statewide officeholder since Mervyn Dymally was lieutenant governor
19 in the late 1970s.

20
21 And further in the article, Mr. Elias continues to report the rebuttal of Defendant Bowen
22 from his interview with her saying that:

23 "One thing Bowen doesn't buy is the notion that Dunn's candidacy is the product
24 of a plot devised by Republican strategist Karl Rove, long the chief political
25 adviser to former President George W. Bush, for the GOP to take control of the
26 national election process at the state level.

27
28 Bowen scoffs at the idea of a Rovian plot. "I'm not much for conspiracy theories,"
29 she said. "Besides, I don't think Karl Rove would exactly be an asset in
30 California."

31
32 36. On December 9, 2008, Plaintiff had complained to Defendant Bowen of the
33 ineligibility of Barack Hussein Obama to be on the ballot in California see Exhibit H.

34 37. Defendant Bowen has no opponents in the Democratic Primary June 8, 2010.

35 38. Defendant Bowen chose to take sides and interfere into the internal campaign of

1 the two candidates for the Republican Party nomination Defendant Dunn and Orly Taitz.

2 39. Arguendo, Defendant Bowen is at best a Progressive Social Democrat on the
3 European model of social democracy, that was devised in the twentieth century by the
4 Catholic scholar Jacques Maritain whose work for the Roman Catholic Church formed
5 the socialist labor unions within a mixed feudal class system, in which governance is
6 done without the consent of the collective social classes that are divided into an
7 imaginary left and right wing, as a form of consumer/producer dialectical materialism;
8 and whose European social fascist form of government controls a public dominated
9 economic collective that diminishes private enterprise and is juxtaposed to the American
10 model of a representative republic of limited government control over the private
11 economy that with the U.S. Constitution and founding documents officials only serve by
12 the consent of the sovereign individual(s) within. That there are no collective rights or
13 class structure per se in the United States of America, despite the Euro-socialist
14 tendency to create such; and in the USA the true dynamic between individuals is based
15 upon either greater government interference versus less government interference in
16 private economy that guarantees equal provision of justice for an individual without any
17 collective per se - e.g. individual rights versus a collective left behind in feudal Europe.

18 40. On April 2, 2010, Plaintiff complained to Defendant Brown of Defendant Bowen
19 who had responded on March 23, 2010 to the complaint shown as Exhibit H in the
20 matter of the ineligibility of Barack Hussein Obama specifically a to the forensic proof of
21 the fraud proven done by Mr. Obama and or his agents for the declaration with CEC
22 §8001 (a) 2 for ballot access to the November 2008 General Election (see Exhibit I).

23 41. Defendant Bowen acts under color of CEC §8800 without fulfilling the ministerial
24 duty to investigate the fraud or filing a Judicial action to remove Defendant Dunn.

1 42. Defendant Brown has not responded to the filing shown as Exhibit I.

2 43. That Defendant Brown is hereby also served with the charge against Defendant
3 Dunn and Defendant Bowen in the matter of the November 13, 2009 filing of the
4 Declaration shown as Exhibit B and Exhibit A as a violation of the NVRA and HAVA.

5 44. That Plaintiff on May 3, 2010 faxed a complaint letter with attachments to the
6 California Board of Election Chief and followed up with a trip to the Office to wit nothing
7 has been received to date and thereby requires expedited handling by the Court herein;
8 see a copy of Plaintiff's cover letter with fax confirmation herewith marked see Exhibit J.

9 45. That according to the CAL. ELEC. CODE § 12: California Code - Section 12.

10 Whenever any candidate files a declaration of candidacy, nomination paper, or
11 any other paper evidencing an intention to be a candidate for any public office at any
12 election in this state with either the Secretary of State or a county elections official,
13 *the candidate shall by the filing irrevocably appoint the Secretary of State* or the
14 county elections official with whom the filing is made, and their successors in office,
15 the candidate's attorneys upon whom all process in any action or proceeding against
16 him or her concerning his or her candidacy or the election laws may be served with
17 the same effect as if the candidate had been lawfully served with process. The
18 appointment shall continue until the day of the election.

19
20 *If in any action or proceeding arising out of or in connection with any matters*
21 *concerning his or her candidacy or the election laws it is shown by affidavit to the*
22 *satisfaction of a court or judge that personal service of process against the candidate*
23 *cannot be made with the exercise of due diligence, the court or judge may make an*
24 *order that the service be made upon the candidate by delivering by hand to the*
25 *Secretary of State or the county elections official appointed as the candidate's*
26 *attorney for service of process, or to any person employed in his or her office in the*
27 *capacity of assistant or deputy, one copy of the process for the defendant to be*
28 *served, together with a copy of the order authorizing the service. Service in this*
29 *manner constitutes personal service upon the candidate. The Secretary of State and*
30 *the county elections officials of all counties shall keep a record of all process served*
31 *upon them under this section, and shall record therein the time of service and their*
32 *action with reference thereto.*

33
34 *Upon the receipt of service of process the Secretary of State or the county*
35 *elections official shall immediately give notice of the service of the process to the*
36 *candidate by forwarding the copy of the process to the candidate at the address*
37 *shown on his or her declaration, nomination paper, affidavit, or other evidence of*
38 *intention to be a candidate filed with that officer, by special delivery registered mail*

1 with request for return receipt. (Emphasis added by Plaintiff)

2
3 46. That according to CAL. ELEC. CODE § 17: California Code - Section 17.

4 The Secretary of State shall establish and maintain administrative complaint
5 procedures, pursuant to the requirements of the Help America Vote Act of 2002 (42
6 U.S.C. Sec. 15512), in order to remedy grievances in the administration of elections.
7 The Secretary of State may not require that the administrative remedies provided in
8 the complaint procedures established pursuant to this section be exhausted in order
9 to pursue any other remedies provided by state or federal law.

10
11 47. That according to CAL. ELEC. CODE § 18203: California Code - Section 18203.

12 Any person who files or submits for filing a nomination paper or declaration of candidacy
13 knowing that it or any part of it has been made falsely is punishable by a fine not
14 exceeding one thousand dollars (\$1,000) or by imprisonment in the state prison for 16
15 months or two or three years or by both the fine and imprisonment.

16 48. That both Defendants along with those yet named maliciously filed the
17 Declaration of candidacy shown as Exhibit B.

18 49. That accordingly to CAL. ELEC. CODE § 18500: California Code - Section
19 18500. Any person who commits fraud or attempts to commit fraud, and any person who
20 aids or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to
21 be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16
22 months or two or three years.

23 50. That Defendants maliciously concealed and entered false statements into the
24 public record with intention of fraudulently obtaining votes.

25 51. That accordingly to CAL. ELEC. CODE § 18501: California Code - Section
26 18501. Any public official who knowingly violates any of the provisions of this chapter,
27 and thereby aids in any way the illegal casting or attempting to cast a vote, or who
28 connives to nullify any of the provisions of this chapter in order that fraud may be

1 perpetrated, shall forever be disqualified from holding office in this state and upon
2 conviction shall be sentenced to a state prison for 16 months or two or three years.

3 52. That Defendant Bowen along with those public officials yet named have
4 maliciously breached the fiduciary duty to aid and abet the violation of law to further
5 conceal and enter false statements into the public record with intention of fraudulently
6 obtaining votes otherwise act individually by ultra vires,.

7 53. That based upon the foregoing series of complaints and lack of response by
8 Defendant Bowen she has not only a conflict of interest in this matter but fails to adhere
9 to her fiduciary duty.

10 54. Irreparable harm to Plaintiff along with those similarly situated includes: (i) the
11 denial of Republican Party voters an accurate ballot and representation according to the
12 law; (ii) the denial of an honest trustworthy SOS on the ballot for the General Voters at
13 the Election were Mr. Dunn somehow to defeat SOS Candidate Orly Taitz at the
14 Republican Primary; and (iii) cause the need for launching a petition effort for
15 independent candidate ballot access were Dr. Taitz, who is the only qualified declared
16 candidate for the Republican candidacy for the SOS.

17 **THIRD CAUSE OF ACTION**
18 **Defendant Bowen Breach of Fiduciary Duty**

19 55. Plaintiff realleges each and every allegation contained in the above paragraphs 1
20 through 54 with the same force and effect as though herein set forth at length omits it for
21 brevity.

22 56. Plaintiff alleges that Defendant Bowen's actions constitute a violation of California
23 Civil Code § 18501 in that Defendant Bowen acted with a conflict of interest after
24 November 13, 2009 at all times mentioned herein under color of law with explicit

1 knowledge of the law with malice when after it was shown that the Defendant Dunn's
2 Voter registration form shown as Exhibit A was incomplete as to his prior registration
3 address in Florida which effected the Declaration of Candidacy filed on or about
4 November 13, 2009 shown as Exhibit B.

5 **FOURTH CAUSE OF ACTION**
6 **Defendant Brown Breach of Fiduciary Duty**

7 57. Plaintiff realleges each and every allegation contained in the above paragraphs 1
8 through 56 with the same force and effect as though herein set forth at length omits it for
9 brevity.

10 58. Plaintiff alleges that Defendant Brown's inaction constitutes a violation of
11 California Civil Code § 18501 in effect is adding and abetting Defendant Bowen when
12 she acted with a conflict of interest after November 13, 2009 at all times mentioned
13 herein with explicit knowledge of the law with malice when after it was shown that the
14 Defendant Dunn's Voter registration form shown as Exhibit A was incomplete as to his
15 prior registration address in Florida which effected the Declaration of Candidacy filed on
16 or about November 13, 2009 shown as Exhibit B.

17 **FIFTH CAUSE OF ACTION**
18 **ALL Defendants Unjust Enrichment**

19 59. Plaintiff realleges each and every allegation contained in the above paragraphs 1
20 through 58 with the same force and effect as though herein set forth at length omits it for
21 brevity.

22 60. Plaintiff alleges that ALL Defendants' actions constitute a common law violation
23 of equity by concealment, bad faith dealing, conflict of interest, entering false or
24 misleading statements into the public records for the purpose of unjust enrichment to the

1 detriment of Plaintiff in the amount of \$x.xx , and along with those similarly situated in
2 the amount of \$x.xx.

3 **WHEREFORE**, plaintiff prays for a judgment against defendants as follows:

4 1. For an order of SOS to remove Defendant Dunn from the Republican Primary
5 Ballot as Mr. Dunn has not met the statutory requirement with CEC §8001(a)2, NVRA
6 and HAVA; and for consequential damages according to proof at trial by jury and that
7 this matter be referred for criminal prosecution;

8 2. For an order to investigate forensic evidence of document fraud.

9 3. For an order barring Defendant Debra Bowen from the General Election ballot in
10 that she is in violation of CEC §18501 NVRA / HAVA; and for consequential damages
11 according to proof at trial by jury and that the matter be referred for criminal prosecution;

12 4. For an order barring Defendant Jerry Brown from the General Election ballot in
13 that he is in violation of CEC §18501 NVRA and HAVA; and for consequential damages
14 according to proof at trial by jury and that the matter be referred for criminal prosecution;


15 5. For punitive damages for fraud, oppression, and malice;

16 6. For costs and attorney fees of suit herein incurred according to statute; and,

17 7. For such other and further relief as the court may deem just and proper.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 DATED: May 10, 2010

21
22 
23 Pamela Barnett, Pro se Plaintiff
24 2541 Warrego Way
25 Sacramento, CA, 95826
26 Ph: (415) 846-7170
Fax: (866) 908-2252

COMPLAINT - Barnett v. Dunn et al

EXHIBIT A

628 MAR 13 2009 A7



CALIFORNIA VOTER REGISTRATION FORM

Fill out this form if you are a new voter, have moved or changed your name, or want to change your political party choice. You must be a U.S. citizen and at least 18 years old by the next election to use this form. Use blue or black ink. Print clearly.

Your legal name: First name: 1 Damon Middle name: 2 Jarell

Last name: 3 Dunn *Optional* : 3 Mr. Ms. Ms. Miss

Home address - not a P.O. Box or business address (Number, Street, Ave., Drive, etc. Include N, S, E, W) Apt or unit #: 4 3131 michelson unit 708W

City: 5 Irvine State: 6 CA Zip: 7 92612 California county: 8 Orange County

If you do not have a street address, describe where you live (Cross streets, Route, N, S, E, W)

Mailing address - if different from above, or P.O. Box: 9 2070 Business Center Dr Suite 140

City: 10 Irvine State: 11 CA Zip: 12 92612 Foreign country:

Date of birth: 13 03 15 1976 U.S. state or foreign country of birth: 14 TX

CA driver's license or CA ID card #: 15 if you do not have a CA driver's license or ID card, list the last 4 numbers of your Social Security Number, if you have one: * * * *

Email (optional): 16 d.amondune@jhu.edu Phone number (optional): 17

18 Do you want to register with a political party? *Phone numbers are posted at polling places on election day.*

Yes, I want to register with a political party (check one):
 American Independent Party Green Party Peace and Freedom Party Republican Party No, I don't want to register with a political party.
 Democratic Party Libertarian Party Other party (specify): *(If you check this box, you may not be able to vote for some parties' candidates in primary elections.)*

19 To receive a vote-by-mail ballot in all elections, initial here: 20 DD

21 If you were registered to vote before, fill out below:

First name: Middle initial: Last name:

Previous address where you were registered: City:

State: Zip: Previous county: Political party (if any):

22 Are you a U.S. citizen? Yes No A "No" answer to either question means you CANNOT register to vote.
 Will you be 18 or older by the next election? Yes No

Optional

A. Check here if you can be a poll worker.
 (If bilingual, indicate language: _____)

Check here if you can provide a polling place on election day.

B. Your ethnicity/race: _____

C. Check your language preference: English Spanish Chinese Vietnamese Korean Tagalog Japanese Other

Did someone help you fill out or deliver this form?
 If yes, the person who helped you must fill out and sign both parts of this gross box.

Signature: _____ Month: _____ Day: _____ Year: _____

Name: _____
 Org. name, address, and tel. (if any): _____

If you take this form with you and wish to register to vote, please send it to: Secretary of State, Elections Division, 1500 11th Street, Sacramento, CA 95814

70 HJ 066244 130001
Important! To vote in the next election, you must mail or deliver this card at least 15 days before the next election. New voters who register by mail may have to show their ID at the polling place the first time they vote.



Questions, problems or to report fraud:
Contact the Secretary of State.
Call: 1-800-345-VOTE (8683)
Email: elections@sos.ca.gov
Web site: www.sos.ca.gov
Or contact your county elections office.

This instrument is a copy of the original information on file in this office.
* An affidavit of registration shall be deemed evidence of citizenship for voting purposes only Elections Code Section 2112
628 MAR 09 2009
Attest: 3/9/10
Registrar of Voters
County of Orange
By: Sheryl Avarado *Secretary*

COMPLAINT - Barnett v. Dunn et al

EXHIBIT B

Candidate Intention Statement

RECEIVED AND FILED
in the office of the Secretary of State
of the State of California

Type or Print in Ink.
COPY

NOV 13 2009

DEBRA BOWEN
Secretary of State

CANDIDATE INTENTION STATEMENT
CALIFORNIA 501
FORM
For Official Use Only

Check One: Initial Amendment (Explain) _____

1. Candidate Information:

NAME OF CANDIDATE (Last, First, Middle Initial)

Dunn, Damon J.

DAYTIME TELEPHONE NUMBER

(949) 660-0716

FAX NUMBER (optional)

()

E-MAIL (optional)

1322751

STREET ADDRESS

2070 Business Center Drive, Suite 140

CITY

Irvine

STATE

CA

ZIP CODE

92612

OFFICE SOUGHT (POSITION TITLE)

Secretary of State

AGENCY NAME

State of California

DISTRICT NUMBER, if applicable.

n/a

NON-PARTISAN

PARTY: Republican

OFFICE JURISDICTION

State (Complete Part 2.)

City County Multi-County:

(Name of Multi-County Jurisdiction)

(Year of Election)

2. State Candidate Expenditure Limit Statement:

(CalPERS candidates, judges, judicial candidates, and candidates for local offices are not required to complete Part 2.)

2010 Primary/general election Special/runoff election
(Year of Election)

(Check one box)

I accept the voluntary expenditure ceiling for the election stated above.

I do not accept the voluntary expenditure ceiling for the election stated above.

Amendment:

I did not exceed the expenditure ceiling in the primary or special election held on: ___/___/___ and I accept the voluntary expenditure ceiling for the general or special run-off election.

(Mark if applicable)

On ___/___/___, I contributed personal funds in excess of the expenditure ceiling for the election stated above.

3. Verification:

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/05/09
(month, day, year)

Signature 
(Candidate)