

Dr. Orly Taitz, ESQ
29839 Santa Margarita ste 100
Rancho Santa Margarita CA 92688
Ph 949-683-5411 fax949-766-7603
Orly.Taitz@gmail.com

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2011 DEC -6 PM 3:41

H. CHING
CLERK

CIRCUIT COURT FOR THE FIRST CIRCUIT HONOLULU, HAWAII

DR. ORLY TAITZ, ESQ	)	PETITION FOR A WRIT OF MANDAMUS
PLAINTIFF	)	REQUEST FOR INSPECTION OF RECORDS
		UNDER UNIFIED INFORMATION PRACTICES ACT
	)	STATUTE 92F, STATE OF HAWAII
V	)	CIVIL 11-1-1731-08
	)	HON. RHONDA NISHIMURA PRESIDING
LORETTA FUDDY IN HER OFFICIAL CAPACITY AS	)	FILED AUGUST 10, 2011
DIRECTOR OF THE DEPARTMENT OF HEALTH	)	AGENCY APPEAL
STATE OF HAWAII,	)	DATE OF HEARING: JAN - 6 2012, at 9:00 am
DR. ALVIN T. ONAKA,	)	Emergency motion/request for the court to
	)	docket "Amended Motion for Rehearing",
IN HIS OFFICIAL CAPACITY AS	)	which was received by the clerk of court on
THE REGISTRAR, DEPARTMENT OF HEALTH	)	11.21.2011 by certified mail, but never
STATE OF HAWAII	)	docketed and never given to the Judge

Plaintiff herein, Dr. Orly Taitz, Esq. ("Taitz") is bringing this emergency motion during November 30, 2011 hearing for following reasons. Plaintiff submitted an amended motion for rehearing on November 15, 2011. It was received by the court by certified mail and signed by an employee of the court Lorraine N. Kanzai. In fact Ms. Kanzai received 2 packets with the same pleadings, as the plaintiff noticed that in the first package there was only one copy of the pleadings, so a second package was sent on the same day by Plaintiffs assistant Lila Dubert. Exhibit 1 shows that 2 packages were received by the court. Clerk's office never docketed those pleadings and never forwarded them to judge Nishimura.

Taitz v Fuddy Emergency motion to docket and forward to the judge pleadings received by the court on November 21, 2011 1

Plaintiff arrived in HI yesterday and found out that another pleading, "Reply to opposition", submitted by Fed Ex was rejected by the court and never docketed as well. As Plaintiff submitted 2 copies of the "Reply to opposition", she questioned the clerk of the court and the clerk for judge Nishimura in regards to the amended motion. Nobody could find it. Plaintiff is respectfully asking Judge Nishimura to order the clerk's office to docket the pleadings that were received and forward it to the judge's chambers for review. Plaintiff, also, requests the court to use its' inherent powers to investigate, why above pleadings were not docketed and not provided to the judge. This is particularly important in light of the fact, that Taitz is a political decedent leader, who submitted to court the most explosive evidence, showing that the sitting President is using a Social Security number, which was not assigned to him and an alleged copy of his birth certificate, was shown to be a computer generated forgery. On a number of occasions pleadings submitted by Taitz were not docketed. In a number of cases evidence points to the fact, that the judges did not see the pleadings and the signature of the judge is missing from orders, particularly in cases, submitted to the Justice of the Supreme Court Clarence Thomas and the Chief Justice of the Supreme Court of CA Ronald M. George. In some instances pages were removed from transcripts.

Taitz has been subjected to harassment, intimidation, slander, defamation, sabotage of her web site and e-mail accounts, threats to her and her family and tampering

Taitz v Fuddy Emergency motion to docket and forward to the judge pleadings received by the court on November 21, 2011 2

with her car, when a fumes emissions hose was disconnected and hot combustible fumes went back to the car, whereby the car could catch fire or explode with her, her husband and her three children in the car.

Taitz is forwarding a copy of this emergency motion to the FBI and the Secret Service.

In light of all of the above, she requests the court to give this matter and the underlying case an outmost importance. As long as there is cover up and hiding of the original documents of Mr. Obama, there is an incentive to sabotage a civil rights attorney, seeking to inspect those records.

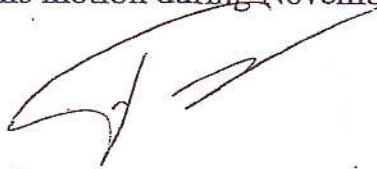
Respectfully submitted



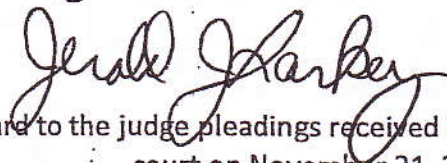
/s/ Dr. Orly Taitz, ESQ

I, Orly Taitz, declare that I will provide the defendant's attorney Deputy Attorney General Nagamine, a copy of this motion during November 30, 2011 hearing

/s/ Dr. Orly Taitz, ESQ



I, Jerald Larkey, declare the defendants were served today, November 30th, 2011 through their attorney, Deputy Attorney General Nagamine at 465 S. King Street, Honolulu, HI 96813.



Dr. Orly Taitz, ESQ
29839 Santa Margarita ste 100
Rancho Santa Margarita CA 92688
Ph 949-683-5411 fax 949-766-7603
Orly.Taitz@gmail.com

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2011 DEC -6 PM 3:40

H. CHING
CLERK

CIRCUIT COURT FOR THE FIRST CIRCUIT HONOLULU, HAWAII

DR. ORLY TAITZ, ESQ	)	AGENCY APPEAL
PLAINTIFF	)	REQUEST FOR INSPECTION
	)	UNDER UIPA
V	)	STATUTE 92F, STATE OF HI
	)	CIVIL 11-1-1731-08 <i>g</i>
	)	HON. RHONDA NISHIMURA
PRESIDING		
LORETTA FUDDY IN HER OFFICIAL CAPACITY AS)	)	FILED AUGUST 10, 2011
DIRECTOR OF THE DEPARTMENT OF HEALTH	)	
STATE OF HAWAII,	)	DATE OF HEARING: <i>NOV - 6 2012</i>
DR. ALVIN T. ONAKA,	)	NOVEMBER 30, 2011, 10:00 AM <i>9:00am</i>
IN HIS OFFICIAL CAPACITY AS	)	AMENDED EMERGENCY MOTION
	)	for REHEARING
THE REGISTRAR, DEPARTMENT OF HEALTH	)	MOTION TO STAY FINAL ORDER
STATE OF HAWAII	)	pending REHEARING

On October 12, 2011 this Honorable Court held a hearing in Taitz v Fuddy and Onaka. At the hearing several important issues and questions arose requiring verification with the agency, Department of Health, and Director of Health Loretta Fuddy. Plaintiff herein is submitting a NOTICE OF MOTION AND MOTION requesting verification and clarification of issues risen at the hearing, stay of final order pending such verification and a rehearing with Your Honor. This motion is based on the Memorandum of points and authorities and oral argument to be presented during the hearing.

Motion is brought based on following issues:

1. Defendant misled the court and misrepresented to the court state requirements for the agency appeal.
2. Defendant's attorney provided to the courts rules of evidence and document verification and authentication, which cannot be found anywhere in the Rules of Evidence of the state of Hawai'i and it appears that the attorney for the defendant made up the rules of evidence, that do not exist, for which she should be sanctioned.
3. Defendant's attorney might have been acting in her personal interest and not in the interest of the state of Hawai'i's and not in the interest of the people of the state of Hawai'i.
4. Defendant's attorney submitted by reference a document, which she did not produce.
5. Defendant improperly argued a defense of privacy of records, which were already released and privacy could not be asserted on the document, that is in public domain, no longer private, was introduced by reference in legal proceedings, including in an order by Chief Judge for the District of Columbia Royce Lamberth and verification and authentication in lieu of the certified copy is demanded, in light of multiple reports deeming the document in question a computer generated forgery. Exhibit 1

6. Petitioner recently filed with the office of Attorney General of New Hampshire, *Michael Delaney*, an election challenge to Mr. Obama's legitimacy on the ballot in the first primary state of New Hampshire. Exhibit 2. Petitioner and her document experts need to examine the original birth certificate in question, in lieu of the alleged certified copy released by Mr. Obama, in order to submit it with the complaint.

MEMORANDUM OF POINTS AND AUTHORITIES

1. During the hearing Dr. Orly Taitz, ESQ, Plaintiff herein, argued that in the caption of the case, as submitted, the Plaintiff wrote "Agency Appeal" and asked to review the case as agency pursuant to Agency Appeal rules.

Taitz reiterated to the court at the hearing that she requested access to the original documents contained in the Health Department of the state of Hawaii, as certified copy of such document was introduced by reference by the U.S. attorney at a hearing in the 9th Circuit Court of Appeals in case Barnett, Keyes et al v Obama et al, where Plaintiff herein represents 40 Plaintiffs.

According to State of Hawaii Title 8, Statute 91-10(2):

"Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available, provided that upon request parties shall be given an opportunity to compare the copy with the original."

Defendant argued that current case should not be considered as agency appeal, as there was no prior hearing.

Taitz argued that there was an agency hearing and the requirement for the agency review were satisfied prior to filing of this case.

§91-14 Judicial review of contested cases. (a)Any person aggrieved by a final decision and order in a contested case or by a preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive appellant of adequate relieve is entitled to judicial review' (emphasis added)

Plaintiff argued, that the word "hearing" as relates to the 92(F)UIPA or any other Freedom of information cases around the nation in the state and federal courts typically means "review by the agency".

On May 4, 2011, Taitz submitted to the Health department request for access to the original document in lieu of the alleged certified copy of the original submitted by the opposing attorney in a case of national importance in the 9th Circuit Court of Appeals, which is a controlling court of Appeals for the state of Hawaii.

Taitz received a response from Alvin T. Onaka, registrar of the Department of Health, where Mr. Onaka stated, that he is responding on his behalf and behalf of the Director of Health Loretta Fuddy and denied the request.

Taitz submitted a request for an agency administrative appeal and did not receive a response from either Onaka or Fuddy for a period of two months. As such Taitz exhausted all means of "hearing" of the issue and properly filed this Agency Appeal.

As the defense claimed, that there was no hearing, right after the October 12, 2011 motion hearing in front of Your Honor, Taitz together with two witnesses, one of whom is a Channel 8 reporter, walked to the Health Department in order to verify the issue of the "hearing". Taitz asked an employee on duty for a form for an agency hearing. Employee called a number of officials within the department. Nobody ever heard of any specific forms for an agency hearings and nobody heard of any specific procedure for an agency "hearing".

Plaintiff submits, that the issue of a hearing is simply a made up issue. There are no specific hearings held and the Health Department routinely treats requests for information and access to records as requests for agency review or agency hearing.

Taitz believes that the defendants are simply playing with semantics and are *de facto engaged in obstruction of justice*, as they know or suspect, that the alleged certified copy of Mr. Obama's birth certificate is indeed a computer generated forgery and they are making up excuses in this criminal cover up of this forgery. Taitz urges this court not to be complicit in this criminal cover up and adjudicate that the meaning of "Agency Hearing" in the sense of 92(F) UIPA (Unified Information Practices Act) is indeed "agency review", which was done as a prerequisite to the hearing in the circuit court.

Taitz submits to this court that Deputy Attorney General Nagamine intentionally and maliciously misrepresented the requirements for Judicial review of the agency decision. May 19, 2011 Letter from Alvin Onaka to Taitz, denying her request for review of records indeed was an **agency decision**, which entitled Taitz to a judicial review according to §91-14.

2. Deputy Attorney General Nagamine possibly had a conflict of interest.

Taitz received information, that Ms. Nagamine's husband is a family law and divorce attorney who served as a family attorney for Obama family and handled the divorce for Mr. Obama's sister. Mr. Obama is a person of interest in this case. Deputy Attorney General of the state of Hawaii is expected to act in the interest of the state of Hawaii. In this case she is required to act to provide the people of

the United States of America integrity and integrity of records, that were used in a national election in 2008 and might be used in 2012. Taitz wrote to Ms. Nagamine, asking her to confirm or deny personal connection through her husband to Obama family. Taitz raised this issue during the hearing. Nagamine never denied connection to Obama family. Taitz submits to this court, that if indeed Mr. Nagamine served as a family attorney for Obama family, there was a conflict of interest and Deputy Attorney general Nagamine should have recused herself as an attorney for the defendant, as her actions could have been tainted and biased.

Due to the above Taitz requests a rehearing with a different attorney representing the defendant or in alternative Taitz requests to strike the motion to dismiss in its' entirety .

3. During the hearing on October 12, 2011 Deputy Attorney Nagamine argued to the court, that in the state of Hawaii agency verification of records consists of a one word response "yes' or "no", meaning yes on file or no, not on file. She claimed that verification of the alleged certified copy of Mr. Obama's birth certificate consisted of the same official, who released the alleged certified copy, deemed to be a forgery by multiple experts, director of Health Loretta Fuddy,

responding to the Plaintiff by saying "yes", and that is a verification and authentication of records in the state of Hawaii.

Plaintiff challenged the Defendant to quote a statute, that provides such "verification and authentication" of records.

Plaintiff is requesting this court to order Defendants' attorney, Deputy Attorney General of Hawaii Nagamine, to provide a quotation of a statute, that provides for such one word "verification and authentication" , and if no such statute exists, sanction Nagamine for making up non-existent statutes and making a mockery of rules of evidence in the state of Hawaii and making the State of Hawaii a laughing stock in the eyes of the legal community and jurisprudence around the country and around the world.

5 During the hearing in this case at hand, Nagamine stated "I have a document here"(referring to Obama's original birth certificate. "If you were to ask if Barack Hussein Obama the II was born in Hawaii, the answer would be yes". So, in the court of law, in the Circuit Court of the State of Hawaii the Defendant is referring to the long form birth certificate of Mr. Obama, which is allegedly kept in the bound book of birth records in the Health Department in Hawaii. As Nagamine referred to this document in the court hearing, this provided the Plaintiff herein

with the right to demand the original record for verification and authentication of the claim made by Nagamine according to §91-10(2) HRS.

As stated previously prior to May 2, 2011 hearing in Barnett, Keyes et al v Obama 10-55084 in the 9th Circuit court of Appeals, Mr. Obama and his attorney, White House Counsel Robert Bauer held a press conference, where they released the alleged certified copy of Mr. Obama's birth certificate. It was clearly done to influence the panel of judges in the 9th Circuit Court of Appeals and in other courts. Indeed in a subsequent case by the petitioner Taitz v Ruemmler 11-cv0421 RCL against the current White House Counsel, Kathy Ruemmler, presiding judge, Chief judge for the USDC District of Columbia, Royce Lamberth, introduced above alleged certified copy by reference. Judge Lamberth wrote: "The President released his long form birth certificate on April 27, 2011, and posted a copy on the White House web site. The certificate confirms the President's birth in Honolulu, HI. See Michael D. Sheer, "With Document, Obama Seeks to end "Birther" issue, "The New York Times, Apr. 28, 2011, at A1." (Exhibit 1 Final order by Judge Lamberth in Taitz v Ruemmler 11-421 RCL) Taitz was damaged as her case was dismissed, when the presiding judge introduced as evidence of Obama's legitimacy, an alleged certified copy of his long form birth certificate. As such, Taitz is entitled to see the original document, which was used as the basis for the alleged certified copy.

Taitz requests this court to order the defendant to allow the Plaintiff and her forensic document experts to inspect for authenticity the original long form birth certificate, which Deputy Attorney General Nagamine, introduced by reference during October 12, 2011 hearing. If such order is not granted, than this court becomes criminally complicit together with the Director of Health Fuddy, Registrar Onaka, Deputy Attorney General Nagamine, Health Department and the office of Attorney General of the state of Hawai'i in defrauding the People of the United States of America, in obstruction of Justice, in aiding and abetting forgery, uttering of forged documents, aiding and abetting felony and misprision of felony.

6. Defendants improperly asserted a defense of privacy to deny authentication of the alleged certified copy of the original document in clear violation of Hawaii Rules of evidence Article 10, Rule 1002, Tile 8, §91-10(2)b and best evidence rule. Plaintiff never asked for any confidential records and never asked to disclose anything. She only asked for authentication of the document, submitted by reference by judge Lamberth, by Mr. Obama's attorney, Robert Bauer and by Deputy Attorney General of Hawaii Ms. Nagamine, during proceedings in this court on October 12, 2011 by Deputy Attorney General Nagamine. The Department of Health and now this court are obligated to allow her to conduct

authentication and verification of the original in lieu of the alleged certified copy pursuant to Article X, Rule 1002 of the Rules of evidence of the state of Hawai'i, Title8, §91-10(2) HRS and Best Evidence Rule.

7. Petitioner recently filed with the office of Attorney General of New Hampshire, Michael Delaney, an election challenge to Mr. Obama's legitimacy on the ballot in the first primary state of New Hampshire. Exhibit 2. Petitioner and her document experts need to examine the original birth certificate in question, in lieu of the alleged certified copy released by Mr. Obama, in lieu of the elections challenged filed and an upcoming hearing before the elections board of the state of New Hampshire.

CONCLUSION

Attorney for the defendants possibly acted in personal interests and in conflict of interests in handling this case. Defendants misrepresented to the court requirements for the judicial review of the agency decision required for agency appeal. Defendants' attorney argued rules of authentication and verification of records in the state of Hawaii that go against any sane rules of evidence and go against the specific requirements of rules of evidence in §92-10(2) of Hawaii

Revised Statutes, Article X, Rule 1002 of Hawai'i Rules of Evidence and Best Evidence Rule.

Such misrepresentation by the Defendants' attorneys prejudiced the court and tainted the order. As such Plaintiff is respectfully requesting to:

1. Stay the final order in the above captioned case.
2. Rule that the Plaintiff satisfied the requirements of statute §91-14 for judicial review of the contested case in light of the May 19, 2011 letter from defendant Onaka's decision to refuse request for inspection of records. In the alternative Plaintiff is asking this court to order the defendant to show specific statutes and rules, which require the Plaintiff to take any other steps before instituting a judicial review of the agency actions.
3. Order the defendant to provide the court with a specific citation of the "yes" or "no" one word agency verification and authentication of records statutes claimed by the Defendants. In case, such statutes does not exist, Plaintiffs are requesting this court to reverse October 12, 2011 ruling and rule in favor of the Plaintiff, as well as sanction the Defendant's attorney for making up non-existent statutes, that go against any basic sane rules of evidence and go against §91-10 (2) HRS, Article X, Rule 1002 of the Hawai'i Rules of Evidence and Best Evidence Rule.

Respectfully submitted,