

**Dr. Orly Taitz, ESQ**  
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**PRO SE PLAINTIFF IN MS**

**IN THE US DISTRICT COURT**  
**SOUTHERN DISTRICT OF MISSISSIPPI**

**Dr. Orly Taitz, ESQ et al** ) **CASE 12-CV-280**  
**v** ) **HON. HENRY WINGATE**  
**Democratic Party of Mississippi et al** ) **PRESIDING**

**NOTICE OF NEW MATERIAL FACTS RELATED TO THE CASE**

**SUMMARY OF THE NOTICE**

Plaintiff Taitz notifies the court of the following:

1. Recent death under suspicious circumstances of one of the defendants in this case.
2. Admission against interest by Defendant Obama that Washington DC Healthcare exchange denied his on line application for health insurance as they could not verify his identity based on information provided. Notice of administrative decision relating to this case.
3. Decision by a USDC for the District of MD relating to this case.

4. Notice regarding individuals, who since July 2013 claimed to have a pending decision by this court, even though such decision was not provided to the parties and not docketed.
5. Petition under 18 USC § 3332 to refer evidence of violations against criminal laws of the US, which were submitted in this case, to the Federal Grand Jury for the Southern District of MS

**I. ADMISSION AGAINST INTEREST BY DEFENDANT OBAMA  
THAT WASHINGTON DC HEALTHCARE EXCHANGE DENIED  
HIS ON LINE APPLICATION FOR HEALTH INSURANCE AS  
THEY COULD NOT VERIFY HIS IDENTITY BASED ON  
INFORMATION PROVIDED. ADMINISTRATIVE DECISION  
RELATING TO THIS CASE**

On December 23, 2013, one day before the deadline to sign up for Healthcare insurance under ACA, White House announced that Mr. Obama attempted to sign up for HealthCare insurance on line through Washington DC Exchange, however his application was rejected as the program could not verify his identity, so Mr. Obama sent his aide to submit his application manually. (12.23.2013 report by FOX news network White House correspondent Ed Henry "we learned today from the White House. Initially, they said he signed up for what they called a bronze plan, paying about four hundred dollars a month in premiums. But, then they came back to us and said – wait, he didn't actually enroll.... Healthcare.gov could not actually verify his identity, oddly enough... ".) Mr. Obama claimed that his identity could not be verified due to the fact that his identification information was "scrubbed", expunged from the databases. Taitz submitted to Washington DC Exchange a FOIA request for information (Exhibit 1) and her request was granted, response was provided by Mary-Beth Senkewicz, Washington DC Exchange FOIA officer, which stated that they do not have any such order from any judge, which would "scrub"/ expunge such identification records.(Exhibit 2) Mr. Obama admitted that his identity could not be verified by a national database, which is an admission against interest, and his explanation was not true. So, Mr. Obama, a sitting U.S. President, by and through his personal attorney in this case, Scott J. Tepper, engaged in intimidation and extortion of Taitz and her co-plaintiffs

demanding that she dismiss this case with prejudice, issue an apology for “defamation” and pay \$25,000 or he will go after her for a multiple of this amount (ECF 84-4), when indeed he was using IDs which were deemed to be forgeries by a number of experts, which failed E-verify and SSNVS (ECF 87) and which could not verify his identity under his own signature program, ACA. This supports the RICO cause of action in this case.

**II. DECISION BY HON. ELLEN LIPTON-HOLLANDER USDC FOR USDC OF MARYLAND DENIED MOTION TO DISMISS THE CASE RELATING TO OBAMA’S USE OF A STOLEN SSN OF HARRISON (HARRY) J BOUNEL, NOTING THAT ALLEGATIONS AGAINST SSA MIGHT HAVE MERIT**

As shown in the case at hand, Mr. Obama is using a Social Security number which failed E-verify. In ECF-94 Taitz provided an affidavit of Investigator and debt collector Albert Hendershot, who found that Harrison (Harry) J Bounel used SSN xxx-xx-4425 (ECF 94-6) which Obama used in his tax return and which failed E-Verify under the name Barak Obama. Taitz also provided this court with 1940 census, showing Bounel residing in NY in 1940, being 50 years old. (ECF 94-7). Taitz sought Bounel’s SS-5 (Social Security application) from SSA, response was not received and a legal challenge was filed in the USDC for DC of MD. Defense sought a summary judgment claiming that SSA has no records for Bounel. Taitz responded by providing the court with a letter sent by SSA to another individual, where SSA admits to having records for Bounel, but refusing to provide them due to reasons of privacy. Taitz argued that this letter not only shows that Bounel’s records exist, but also that SSA is obligated to provide them due to “120 year” rule, which obligates SSA to release SS-5 of individuals who were born 120 years ago or earlier. Judge Hollander found that “In regard to the adequacy of the search, plaintiff’s arguments that the SSA has failed to meet its obligations under the FOIA may have merit.” and issued an order denying motion to dismiss and giving Taitz a leave to file a second amended complaint with new, additional allegations that SSA did not conduct a proper search. (Exhibit 3 12.13.2013 order by Judge Hollander in *Taitz v Colvin* 13-cv-1878.) Defense requested additional time to respond, however this order and this case confirm validity of RICO cause of action at hand and show that in

the near future (February-March) Plaintiff Taitz should have at her disposal the actual SS-5 (application) for CT SSN xxx-xx-4425 of Harrison (Harry) Bounel which Obama is fraudulently using.

**III. LORETTA FUDDY WAS ONE OF NAMED DEFENDANTS IN THIS CASE. SHE DIED IN AN AIRPLANE CRASH OF A SMALL PLANE ON DECEMBER 11, 2013.**

Fuddy was on the plane with her deputy Director, Keith Yamamoto. As of now the cause of the crash is under investigation by NTSB. Fuddy was the Director of Health of Hawaii who certified a flagrant forgery as a true and correct copy of the original birth certificate for Obama. Fuddy and Yamamoto were appointed by Governor Abercrombie simultaneously after the prior director of Health, Dr. Palafox, resigned and only a month prior to release of Obama's alleged birth certificate. Abercrombie actually created a brand new position of the Deputy Director in charge of birth records, ostensibly to place Yamamoto as another layer of protection, a gate keeper for Obama. Accident and death of defendant Fuddy are suspicious for a number of reasons:

- a. There are a number of discrepancies in relation to Fuddy's death. Original report by Fire Captain Terry Seelig stated that Fuddy did not get out of the plane and her body remained in the submerged aircraft. Later passengers, who survived the crash, and the pilot reported that Fuddy got out of the plane, put on a life vest and was awaiting to be lifted by a rescue helicopter. Fellow passengers reported that they were shocked by her reported death as she was not in distress. NTSB is still investigating the reason for the crash. <http://www.kitv.com/news/hawaii/survivor-says-fuddy-showed-no-signs-of-distress/-/8905354/234824261-/sloipw/-/index.html> Later it was reported that she died of arrhythmia, however her brother, Lewis Fuddy, contested the diagnosis, stating that his sister was not an anxious person, was an average swimmer and had no history of any heart conditions. Additionally, this trip was a rare occasion when both Fuddy and Yamamoto, individuals responsible for release of flagrant forgery as Obama's BC, were together in flight.

- b. Death of Fuddy appear to be a part of modus operandi, as a number of individuals with knowledge of Obama's IDs or compromising information about him were assassinated or died under suspicious circumstances. Among them Lieutenant Quarles Harris, who cooperated with FBI in relation to Obama's passport records, Saleah (Leah) Soetoro Sobah, a former foster child of Ann Dunham, who grew up in Indonesia with Obama and whose recollection differed from an official Obama life story, died suddenly on the eve of Obama's visits to Indonesia. There were no reports of any medical problems experienced by this 52 year old woman, who died suddenly. Andrew Breitbart, 42 year old investigative reporter, who claimed to have new information on Obama, suddenly died, dropped dead in the middle of the street. It was reported that he died of a heart condition. Shortly thereafter an assistant coroner, who allegedly worked on Breitbart, was pronounced dead due to arsenic poisoning. Investigative reporter Michael Hastings died in a car accident, reportedly his body was cremated without an authorization of the family. Writer Tom Clancy, who reportedly was working with Hastings on a book about Barack Obama, died just three months ago, on October 1, 2013 of unknown and unreported causes. Donald Young and Larry Bland, openly homosexual parishioners of the First Trinity church of Chicago were assassinated in November-December 2007, when Obama started his campaign for President. Mother of Donald Young gave several interviews pointing to her son's relationship with Obama. "What was the cause of my son's death?" Norma Jean Young asked in the Globe interview. "I'm very suspicious that it may have been related to Obama. Donald and Obama were very close friends. Whatever went on with this is very private. I am suspicious of a cover-up!" <http://www.wnd.com/2012/10/trinity-church-members-reveal-obama-shocker/#pTfsZtaylvqBPUZF.99> (Exhibit 4). Multiple researchers believe that Donald Young and Larry Bland were assassinated in order to create an image of a straight family man for Barack Obama, who is widely believed to be bisexual. A Third Gay member of the same church, Nate Spencer, died at the same time, reportedly of AIDS complications. [Alex Okrent died mysteriously in July of 2012](#), openly gay associate and aide

of Obama, died of unknown causes in Obama's headquarters shortly before 2012 reelection. <http://hillbuzz.org/is-barack-obama-gay>. None of these assassinations and suspicious deaths were solved. These are only some of assassinations or suspicious deaths of individuals with knowledge of Obama's IDs and his past.

Death of Defendant Loretta Fuddy under suspicious circumstances, as well as several deaths of individuals who had knowledge of identity fraud, fabricated IDs and cover up of sexual orientation of Mr. Obama shows that there is a threat to lives of Plaintiff Taitz, as well as defendants and a number attorneys if this case is not heard on the merits, if discovery is not done and if original IDs are not produced for examination by experts and the court. This is particularly true, as Taitz already reported in her RICO statement incident of tampering with her car which could end in death of Taitz, her husband and her three sons. This is an important factor in favor of proceeding with the case on the merits, particularly RICO cause of action, and denying motion to dismiss.

#### **IV FROM JULY 2013 A NUMBER OF INDIVIDUALS CLAIMED TO HAVE AN UPCOMING DECISION BY THIS COURT**

From July 2013 a number of individuals have sent to Taitz messages through her web site OrlyTaitzESQ.com. These individuals claimed that they got an upcoming decision from one of the employees of this court and claimed that this court ruled in favor of the defense and claimed to quote sentences and passages from the upcoming decision. Plaintiff Taitz is greatly concerned about those claims, as there should not be any extrajudicial contacts between any employees of this court and any one of the parties. If such contacts exists, that creates a suspicion of bias and lack of impartiality. Taitz is requesting an investigation, discovery and administrative hearing on this matter. If indeed there were such contacts, that has to be addressed.

#### **V. Petition under 18 USC § 3332 to refer evidence of violations against criminal laws of the US, which was provided in this case, to the Federal Grand Jury for the Southern District of MS**

"It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the COURT or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any

other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation." 18 USC 3332(a).

Plaintiff Taitz petitions this court to forward to Federal Grand Jury for inquiry evidence of offenses against the Criminal laws of the United States which were submitted to this court in this case. While 18 USC 3332 (a) only states that the court "may" forward to the Grand Jury evidence of such offenses, the oath of office to defend and protect the U.S. Constitution turns "may" into "must".

This court has in front of it evidence that Mr. Obama has submitted to the Secretary of State of MS, in the Southern district of MS, his declaration of a candidate eligible to run for U.S. President, whereby he submitted this application in both primary and general elections and alleged his eligibility as a natural born citizen, his US citizenship and his name and identity based on fraud, based on use of fabricated IDs and a stolen Social Security number which failed E-Verify and SSNVS.

Further, this court has in its possession two different forgeries of Mr. Obama's birth certificate:

- a. first forgery was submitted with the Motion for Judicial notice
- b. second, cleaned up forgery of a forgery, was submitted to this court with the response to motion by Taitz for sanctions against the defendants and their attorneys Scott J. Tepper and Sam Begley. (Affidavit of Henry Blake ECF 85-4) Not only defense submitted a motion for judicial notice seeking a notice as uncontroversial Obama's birth certificate, which was found to be a forgery by multiple experts, it also submitted to this court a certified document, where original forgery was cleaned up to make it look more genuine, whereby multiple areas, which were noted by experts as signs of forgery, were worked on, were changed to make it look more genuine.

Offenses against the criminal laws of the United States:

**List of US criminal laws that were violated to be forwarded to the Federal Grand Jury:**

**1. 18 US §1031 Major Fraud against the US**

**2. 18 USC Chapter 47 Fraud and False statements**

§1001 Statements generally

3. 18 USC §1002 possession of false papers to defraud United States
4. 18 USC §4 Misprision of Felony -Misprision of Fraud
5. 18 USC §4 Misprision of Felony- misprision of forgery
6. 18 USC §2382 Misprision of Treason
- 7 18 USC §2381 Treason
8. 18 USC §2391 Treason
9. 18 USC §1341 Fraud
10. 18 USC §1028 Fraud and related activity in connection with identification
11. 42 USC 1983 Violation of Civil rights under the color of authority
12. 18 USC 1962 RICO (Racketeering influenced corrupt organization) with predicate acts
  - a. fraud
  - b mail and wire fraud
  - c. social Security fraud
  - d elections fraud
  - e. IRS fraud



f. conspiracy to commit fraud

g conspiracy to commit identity fraud

e. suspected murder

**OFFENSES RELATE TO FOLLOWING:**

1. Uttering of a forgery as a true and correct copy of the 1961 long form birth certificate of Barack Obama

2. forgery/ fabrication of a bogus birth certificate for Barack Obama

3. conspiracy to commit forgery of an alleged birth certificate for Barack Obama

4. fraud in aiding and abetting Obama in claiming his identity, US citizenship and eligibility for the U.S. Presidency based on fabricated IDs.

5. conspiracy to commit aforementioned fraud

6. treason in aiding and abetting usurpation of the U.S. Presidency by a Citizen of Indonesia Barry Soetoro, aka Barack (Barry) Soebarkah, aka Barack Obama, using stolen and fabricated IDs.

7. possible murder of a witness/co-conspirator Loretta Fuddy, Director of Health of the state of Hawaii, in order to cover up forgery of Barack Obama's fabricated

birth certificate, conspiracy to commit forgery, fraud, conspiracy to commit fraud, uttering of a forged/ fabricated document, conspiracy to utter fabricated document, treason in aiding and abetting enemy in usurpation of the position of the U.S. President/ Commander in Chief of the U.S. military by a foreign national using fabricated IDs and a stolen Social Security number.

**Taitz does not know whether the individuals claiming to have the order by this court are correct and whether this court decided to grant motions to dismiss this case. Regardless of whether this civil case is dismissed or proceeds, evidence provided to this court has to be forwarded to the Federal Grand Jury for the Southern District of MS for inquiry into alleged violations against the criminal laws of the United States.**

Respectfully,

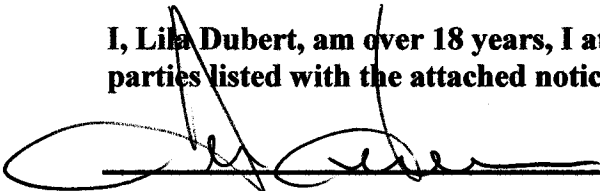


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/s/ Dr. Orly Taitz, ESQ

01.20.2014

I, Lila Dubert, am over 18 years, I attest that I served by first class mail on 01.20. 2014 parties listed with the attached notice.



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**Lila Dubert**

**Plaintiff**

**Brian Fedorka**

represented by **Brian Fedorka**  
812 Shiloh Dr.  
Columbus, Ms 39702  
PRO SE

**Plaintiff**

**Laurie Roth**

represented by **Laurie Roth**

15510 E. Laurel Rd  
Elk, WA 99009  
PRO SE

**Plaintiff**

**Tom MacLeran**

represented by **Tom MacLeran**  
1026 Deer Ridge RD  
Kingston Springs, TN 37082  
PRO SE

**Plaintiff**

**Leah Lax**

represented by **Leah Lax**  
350 Market Str.  
Highspire, PA 17034  
PRO SE

V.

**Defendant**

**Democrat Party of Mississippi**

represented by **Samuel L. Begley**  
BEGLEY LAW FIRM, PLLC  
P. O. Box 287  
Jackson, MS 39205  
601/969-5545  
Fax: 601/969-5547  
Email: sbegley1@bellsouth.net  
*ATTORNEY TO BE NOTICED*

**Scott J. Tepper - PHV**  
GARFIELD & TEPPER  
1801 Century Park East, Suite 2400  
Los Angeles, CA 90067-2326  
310/277-1981  
Fax: 310/277-1980  
Email: scottjtepper@msn.com  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Secretary of State of Mississippi**

represented by **Harold Edward Pizzetta , III**  
OFFICE OF THE ATTORNEY  
GENERAL  
P.O. Box 220  
550 High Street (39201)

Jackson, MS 39205-0220  
601/359-3680  
Email: hpizz@ago.state.ms.us  
*ATTORNEY TO BE NOTICED*

**Justin L. Matheny**  
MISSISSIPPI ATTORNEY  
GENERAL'S OFFICE  
P. O. Box 220  
Jackson, MS 39205-0220  
601-359-3825  
Fax: 601-359-2003  
Email: jmath@ago.state.ms.us  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Barak Hussein Obama**

represented by **Samuel L. Begley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott J. Tepper - PHV**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Obama for America**

represented by **Samuel L. Begley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott J. Tepper - PHV**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Nanci Pelosi**

represented by **Samuel L. Begley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott J. Tepper - PHV**  
(See above for address)

*PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Alvin Onaka**

represented by **Walter W. Dukes**  
DUKES, DUKES, KEATING &  
FANECA, PA - Gulfport  
P.O. Drawer W (39502)  
2909 13th Street, 6th Floor  
Gulfport, MS 39501  
(228) 868-1111  
Email: walter@ddkf.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

# **EXHIBIT 1**

**DR. ORLY TAITZ ESQ**

**PRESIDENT**

**DEFEND OUR FREEDOMS FOUNDATION**

**29839 SANTA MARGARITA STE 100**

**RANCHO SANTA MARGARITA CA 92686**

**PH.: 949-683-5411 FAX: 949-766-7603**

**ORLY.TAITZ@HUSHMAIL.COM**

**FOIA Officer**

Mary Beth Senkewicz  
DC Health Benefit Exchange Authority  
1100 15th Street NW 8th Floor  
Washington, DC 20005  
(202) 730-1638

*01.01.2014*

**FOIA REQUEST**

Dear Ms. Senkewich,

I am writing to you based on directions provided by DC Health Benefit Exchange Authority below.

I am requesting following information:

1. Mr. Obama originally stated that he signed up for ACA (Obamacare) at the DC exchange.
2. Later White House reporters were told that he did not sign up on the web site because the web site could not verify his identity and his aide submitted Mr. Obama's application in person.
3. FOX news network White House correspondent Ed Henry stated that the White House related to the reporters that Mr. Obama could not sign up on the web site because the personal information of the presidents is "scrubbed" from National databases.
4. In reality there is no court order from any court or any judge directing removal of the personal information of the US Presidents from the National databases and indeed time and again the personal information in regards to the U.S. Presidents was found in the National databases.

5. As such I am requesting **a copy of any court order by any court that directed Washington DC Health Benefit Exchange Authority to "scrub" or otherwise remove Mr. Obama's information from your database.**

6. I am submitting to you a complaint sent to Inspector General of HHS and Inspector General of Social Security administration, which shows that Mr. Obama posted his 2009 tax returns on line, on WhiteHouse.gov and originally did not flatten the PDF file, so the full unredacted Connecticut Social Security number 042-68-4425 used by Mr. Obama became available to the public. This number failed both E-Verify and SSNVS and showed not to be assigned to Barack Obama. Later this number was traced to Harry (Harrison) J Bounel. Currently there are several legal actions being conducted in relation to this fraud committed by Mr. Obama.

**I am requesting documentary information, whether Mr. Obama ultimately was enrolled in ACA after his aide submitted his application in person, in spite of Barack Obama's use of a stolen Social Security number.**

**I am requesting any and all documents, directives, rules and regulations showing that there are safeguards in place set by Washington DC Health Exchange Authority that prevent individuals with stolen and fabricated Social Security numbers and other fraudulent IDs to be enrolled in ACA via your exchange.**

**I am requesting any documentary evidence showing that there are requirements for employees of the Washington DC exchange to report to District of Columbia Court or U.S. District Court evidence of identity theft, fabricated IDs, Social Security fraud that is obtained by these Exchange employees via applications for ACA and not to be criminally complicit in**

**18 USC § 5 Misprision of aforementioned felonies.**

This FOIA request is delivered by e-mail on 01.01.2014 and response is due within 20 business days on 01.27.2014.

If response is not received on 01.27.2014, petitioner will interpret it as a denial of FOIA request and will seek a redress of grievance and appeal in the court of law, either in DC court or US District Court for the District of Columbia.

Respectfully



Dr. Orly Taitz, ESQ  
President Defend Our Freedoms Foundation

01.01.2014



## **EXHIBIT 2**



January 3, 2014

Orly Taitz  
Defend Our Freedoms Foundation  
29839 Santa Margarita, Ste. 100  
Rancho Santa Margarita, CA 92688

Re: FOIA 2014-1

Dear Orly Taitz,

This letter is in response to your three emails received January 1, 2014 containing a Freedom of Information Act Request (FOIA) of the DC Health Benefit Exchange Authority (the agency). Your request has been granted.

**Request 1: I am requesting a copy of any court order by any court that directed Washington DC Health Benefit Exchange Authority to "scrub" or otherwise remove Mr. Obama's information from your database.**

**Response:** The agency has no records responsive to this request.

**Request 2: I am requesting documentary information, whether Mr. Obama ultimately was enrolled in ACA after his aide submitted his application in person....**

**Response:** Record withheld in accordance with D.C. Official Code § 2-534(a)(2), reflecting information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

**Request 3: I am requesting any and all documents, directives, rules and regulations showing that there are safeguards in place set by Washington DC Health Exchange Authority that prevent individuals with stolen and fabricated Social Security numbers and other fraudulent IDs to be enrolled in ACA via your exchange.**

**Response:** The agency has no records responsive to this request.

**Request 4: I am requesting any documentary evidence showing that there are requirements for employees of the Washington DC exchange to report to District of Columbia Court or U.S. District Court evidence of identity theft, fabricated IDs, Social Security fraud that is obtained by these Exchange employees via applications for ACA and not to be criminally complicit in 18 USC § 5 Misprision of aforementioned felonies.**

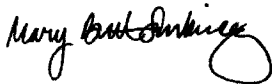
**Response:** The agency has no records responsive to this request.



Please know that, under D.C. Official Code § 2-537 and 1 DCMR 412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain "Freedom of Information Act Appeal" or "FOIA Appeal" in the subject line of the letter as well on the outside of the envelope. The appeal must include (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure; and (4) a daytime telephone number, and e-mail and/or U.S. Mail address at which you can be reached. The appeal must be mailed to: The Mayor's Correspondence Unit, FOIA Appeal, 1350 Pennsylvania Avenue, N.W., Suite 316, Washington, D.C. 20004. Electronic versions of the same information can instead be e-mailed to The Mayor's Correspondence Unit at [foia.mayor@dc.gov](mailto:foia.mayor@dc.gov). Further, a copy of all appeal materials must be forwarded to me as the Freedom of Information Officer of the involved agency.

Please do not hesitate to contact me if you have any questions. The file is now closed.

Sincerely,



Mary Beth Senkewicz  
Associate General Counsel and Policy Advisor  
FOIA Officer

## **EXHIBIT 3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ORLY TAITZ,  
*Plaintiff,*

v.

CAROLYN COLVIN, Commissioner,  
Social Security Administration, *et al.*,  
*Defendants.*

Civil Action No. ELH-13-1878

**MEMORANDUM OPINION**

This case arises under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. On April 26, 2013, Dr. Orly Taitz, plaintiff,<sup>1</sup> sent a FOIA request to the Social Security Administration (the “SSA”) office in Baltimore, requesting copies of the Social Security applications (“SS-5s”) of three individuals: Mr. Harrison (“Harry”) J. Bounel, Mr. Tamerlan Tsarnaev, and Ms. Stanley Ann Dunham. *See* April 26 letter, ECF 7-2 at ¶¶ 1–3.

Plaintiff had not yet received a FOIA response when, on June 25, 2013, she filed suit in this Court requesting, *inter alia*, an order compelling defendant to respond to her FOIA request for Mr. Bounel’s SS-5. ECF 1 at 3.<sup>2</sup> On July 8, 2013, plaintiff filed an Amended Complaint (ECF 3), which was substantively identical to the original complaint. Plaintiff served her Amended Complaint on defendant on July 10, 2013. *See* ECF 6. In her suit, plaintiff alleged

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<sup>1</sup> Plaintiff apparently is a licensed attorney in California. *See* ECF 2 at 1 and n.1. She appears here as a self-represented litigant.

<sup>2</sup> Plaintiff filed the original complaint on behalf of Defend Our Freedoms Foundation, a corporation or association of California, of which she is or was president. However, Dr. Taitz is the sole plaintiff in the Amended Complaint.

that Mr. Bounel was born in 1890,<sup>3</sup> and therefore, under the “‘120 Year Rule’ implemented by the SSA in 2010,” pertaining to “‘extremely aged individuals,’” Bounel’s “Social Security applications have to be released under FOIA without proof of [his] death . . . .” ECF 6 ¶ 12.

On July 29, 2013, Dawn S. Wiggins, a Freedom of Information Officer, replied to plaintiff’s letter of April 26. Wiggins acknowledged receipt of plaintiff’s letter and stated, *id.* at 2–3:

I have enclosed a copy of the SS-5s for Mr. Tsarnaev and Ms. Dunham. . . .

We were unable to find any information for Mr. Bounel based on the information you provided to us. Mr. Bounel may not have applied for a Social Security number (SSN) or may have given different information on the application for a number.

“The Freedom of Information Act was enacted to facilitate public access to Government documents,” *U.S. Dep’t of State v. Ray*, 502 U.S. 164, 173 (1991) (citation omitted), and to vindicate the public’s right to know “what their government is up to.” *U.S. Dep’t of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773 (1989) (quotation marks omitted). Consistent with this objective, FOIA requires that “each [federal] agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed, shall make the records promptly available to any person.” 5 U.S.C. § 552(a)(3)(A).<sup>4</sup>

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<sup>3</sup> Plaintiff’s claim that Mr. Bounel was born in 1890 is based on a United States Census record which, according to plaintiff, states that Mr. Bounel was 50 years old in 1940. *See* ECF 13-7. I note parenthetically that an individual who was 50 years old in 1940 could have been born in either 1889 or 1890.

<sup>4</sup> If the agency uncovers responsive documents, its disclosure obligations are not unlimited. “While the FOIA generally authorizes disclosure of information contained in public records, it also expressly recognizes that the public interest is not always served by disclosure.”

In a lawsuit seeking the release of documents under the FOIA, “[o]nce the records are produced the substance of the controversy disappears and becomes moot since the disclosure which the suit seeks has already been made.” *Jacobs v. Fed. Bureau of Prisons*, 725 F. Supp. 2d 85, 89 (D.D.C. 2010) (quoting *Crooker v. U.S. State Dep’t*, 628 F.2d 9, 10 (D.C. Cir. 1980)); see also *Perry v. Block*, 684 F.2d 121, 125 (D.C. Cir. 1982). Accordingly, on August 14, 2013, defendant filed a Motion to Dismiss or, in the Alternative, for Summary Judgment (“Motion,” ECF 7), supported by a Memorandum of Law and exhibits. Defendant argues that the SSA has “produced all responsive documents that are not exempt from release under FOIA,” and therefore, plaintiff’s claim for relief is moot.

Plaintiff filed a combined Opposition and Motion for Summary Judgment on August 21, 2013. (“Opposition” or “Opp.,” ECF 9). However, she did not address defendant’s argument regarding mootness. Rather, she claimed that the SSA did not conduct an adequately thorough search for responsive documents and, alternatively, that the SSA possesses Mr. Bounel’s Social Security application but improperly withheld it. *E.g.*, Opp. at 1–2.

In regard to the adequacy of the search, plaintiff’s arguments that the SSA has failed to meet its obligations under the FOIA may have merit. When the adequacy of a search is challenged, an agency may demonstrate the adequacy of its search by submitting an affidavit that is “reasonably detailed, setting forth the search terms and the type of search performed, and

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*U.S. Dep’t of Health & Human Servs. v. Fed. Labor Relations Auth.*, 833 F.2d 1129, 1134 (4th Cir. 1987). Thus, an agency may withhold information where a record falls within one of FOIA’s nine specific statutory exemptions. See 5 U.S.C. § 552(b) (listing exemptions); *U.S. Dep’t of Defense v. Fed. Labor Relations Auth.*, 510 U.S. 487, 494 (1994) (noting that FOIA incorporates “a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language” (quoting *Dep’t of the Air Force v. Rose*, 425 U.S. 352, 360–61 (1976))).

averring that all files likely to contain responsive materials (if such records exist) were searched so as to give the requesting party an opportunity to challenge the adequacy of the search.” *Ethyl Corp. v. U.S. E.P.A.*, 25 F.3d 1241, 1246-47 (4th Cir. 1994) (internal quotation marks and citations omitted). Here, defendant has offered the Declaration of Dawn S. Wiggins, who avers, ECF 12-2 ¶ 6: “SSA conducted a search of the Numident for a record that matched the information provided by Plaintiff but could not locate a record for Mr. Bounel.” Wiggins did not explain the manner in which the search was conducted, whether multiple searches were conducted using different combinations of the information provided by plaintiff (to ensure that a minor discrepancy in the information submitted by plaintiff did not sabotage the search), or any other details related to the thoroughness of her search.

However, any deficiencies in Wiggins’s affidavit may have been the result of the fact that the suit is not framed as a challenge to the adequacy of the search. Put another way, plaintiff’s contention on this point, and the factual allegations underlying them, do not appear in the Amended Complaint. The Amended Complaint is premised only on the SSA’s failure to respond to plaintiff’s FOIA request, for which Dr. Taitz sought an Order requiring a response. Plaintiff first raised the issue of inadequacy in her Opposition.

A party cannot alter his or her claim through briefs. Instead, “the proper procedure for plaintiff[] to assert a new claim is to amend the complaint in accordance with Fed. R. Civ. P. 15(a).” *Gilmour v. Gates, McDonald & Co.*, 382 F.3d 1312, 1315 (11th Cir. 2004). To be sure, when a party is a *pro se* litigant, the Court must construe her pleadings liberally. *See Erickson v.*





**EXHIBIT 4**

PERMANENT CERTIFICATE  
 TEMPORARY CERTIFICATE

REGISTRATION DISTRICT NO. **16.10**  
 REGISTERED NUMBER **358 Dec 07**

**MEDICAL EXAMINER'S - CORONER'S CERTIFICATE OF DEATH**

**617144**

Type, or Print in PERMANENT INK See Coroner's or Funeral Directors Handbook for INSTRUCTIONS

A DECEASED

B

C

D

PARENTS

CAUSE

N

P

H.G.

RIF

CERTIFIER

DISPOSITION

1. DECEASED-NAME FIRST MIDDLE LAST SEX DATE OF DEATH (MONTH DAY YEAR)  
**1. DONALD YOUNG MALE 3. Dec 23, 2007**

4. COUNTY OF DEATH AGE-LAST BIRTHDAY (YRS) UNDER 1 YEAR UNDER 1 DAY DATE OF BIRTH (MONTH DAY YEAR)  
**4. COOK 5a. 47 5b. 1 5c. 5d. APRIL 5, 1960**

6a. CHICAGO 6b. 2330 EAST 69TH STREET 6c. **DEA**

7. CHICAGO, IL 8a. NERVEN MARRIED 8b. - 9. NO

10. 349-58-3351 11a. EDUCATOR 11b. EDUCATION 12. MASTER'S

13a. 2330 EAST 69TH STREET 13b. CHICAGO 13c. YES 13d. COOK

13e. IL 13f. 60649 14a. BLACK 14b.  NO  YES SPECIFY:

15. PAUL BERRY 16. NORMA JEAN KENDRICK

17a. LORRAINE YOUNG 17b. SISTER 17c. 7840 SOUTH STEWART 60620

18. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.  
 Immediate Cause (Final disease or condition resulting in death) (a) **MULTIPLE GUNSHOT WOUNDS**  
 DUE TO, OR AS A CONSEQUENCE OF (b)  
 CONDITIONS, IF ANY WHICH GIVE RISE TO IMMEDIATE CAUSE (a) STATING THE UNDERLYING CAUSE LAST. (c)

\*PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in PART I  
 19a. YES  NO  19b. YES  NO

20a. **homicide** 20b. **12-23-07** 20c. **7:30 AM** 20d. **found shot**

20e. **NO** 20f. **RESIDENCE** 20g. **CHICAGO** 20h. YES  NO

21a. I CERTIFY THAT IN MY OPINION BASED UPON MY INVESTIGATION AND/OR THE INQUIRY THIS DEATH OCCURRED ON THE DATE, AT THE PLACE AND DUE TO THE CAUSE(S) STATED, AND THAT  
 21b. **Dec 23, 2007** AT **12:10 P.M.**

22a. **Shrey D. Jyani, MD.** 22b. **Dec 24, 2007**  
 22c. **MITRA B. KALELKAR, M.D.** 22d. **Dec 24, 2007**

24a. **BURIAL** 24b. **OAK WOODS CEMETERY** 24c. **CHICAGO IL** 24d. **12/29/2007**

25a. **BROOKINS FUNERAL HOME** 9315 SOUTH ASHLAND CHICAGO 60620

25b. **Anchee Lynette Brooks** 25c. **034-012145**

26a. **Shrey D. Jyani, MD.** 26b. **DEC 27 2007**

STATE OF ILLINOIS  
COUNTY OF COOK  
CITY OF CHICAGO

JUL 11 2008

I, TERRY WASON, M.D., LOCAL  
REGISTRAR OF VITAL STATISTICS OF  
CERTIFY THAT I AM THE KEEPER OF  
THE RECORDS OF BIRTH, STILLBIRTHS  
AND DEATHS FOR THE CITY OF CHICAGO  
BY VIRTUE OF THE LAWS OF THE STATE  
OF ILLINOIS AND THE ORDINANCES OF  
THE CITY OF CHICAGO; THAT THE  
ACCOMPANYING CERTIFICATE ON THIS  
SHEET IS A TRUE COPY OF A RECORD  
KEPT BY ME IN OBEYANCE OF SAID  
LAWS AND ORDINANCES.

*Terry Wason MD*

THIS CERTIFICATE COPY VALID WHEN  
EMBOSSER SEAL IS AFFIXED OVER  
REGISTRAR'S SIGNATURE.

CITY OF CHICAGO  
DEPARTMENT OF PUBLIC HEALTH

## Mom of Murdered Obama Gay Lover Speaks Up

Posted on 26 May, 2013 by [Dylan](#)



by Dr. Eowyn

In late May, Wash. DC-based investigative journalist Wayne Madsen had a bombshell revelation about Obama's membership in a Chicago gay club, Man's Country. Madsen also reported on Obama's sexual relationships with other men, including named D.C. politicians and Donald Young, the openly-gay choir-director of the church in Chicago of which Obama was a member for some 20 years — Jeremiah Wright's Trinity United Church of Christ black liberation theology. Obama's relationship with Young was confirmed by Larry Sinclair, who claims to have had two sex-cocaine trysts with Obama.

There were two other openly gay men in Wright's church: Larry Bland and Nate Spencer. In late 2007, as Obama began his ascent to be the Democratic Party's presidential nominee, in a span of 1½ months, all three men "conveniently" died:

Bland was murdered execution-style on November 17, 2007; Young was murdered execution-style on December 24, 2007; Spencer reportedly died of septicemia, pneumonia, and HIV on December 26, 2007. (Death certificates of Bland and Young, [HERE](#).)

Nate Spencer (r)

Now, Young's elderly mother is speaking out about her suspicions that her son was murdered to protect Obama's reputation and assure his political future as President.

~Eowyn

White House ramps up damage control over Obama Chicago gay history

An exclusive Wayne Madsen Report – July 19, 2010

The story about President Barack Obama's bi-sexual past will not go away. Now, in an exclusive interview with *The Globe*, Norma Jean Young, the 76-

year old mother of the late Trinity United Church of Christ choir director Donald Young, has spoken out and declared that persons trying to protect Obama murdered her son at the height of the 2007 Democratic presidential primary to protect Obama from embarrassing revelations about his homosexual relationship with her son. Donald Young's bullet-ridden body was found in his Chicago apartment on December 23, 2007, in what appeared to be an assassination-style slaying.

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Heartbroken mom  
Norma Jean Young  
holds a photo of her  
slain son Donald, choir  
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Norma Jean Young revealed to The Globe that her son Donald, who was openly gay, was a "close friend" of Obama. Mrs. Young also believes the Chicago Police Department has not placed a high priority on finding the killers of her son. Mrs. Young, who is, herself a former employee of the Chicago Police Department, told The Globe that, "There is more to the

story,” adding, “I do believe they are shielding somebody or protecting someone.”

The Globe’s revelations are consistent with information obtained by WMR during a May investigation conducted in Chicago. On May 24, WMR reported: “President Obama and his chief of staff Rahm Emanuel are lifetime members of the same gay bath house in uptown Chicago, according to informed sources in Chicago’s gay community, as well as veteran political sources in the city.” The report added, “WMR spoke to several well-placed sources in Chicago who reported that Jeremiah Wright, the pastor of Obama’s former church of 20 years, Trinity United Church of Christ (TUCC) on Chicago’s south side, ran what was essentially a matchmaking service for gay married black professional members of the church, including lawyers and businessmen, particularly those with children. The matchmaking club was called the ‘Down Low Club’ but references to it over the phone and in person simply referred to the group with the code phrase ‘DLC.’ The ruse, according to our sources, was to make anyone who was eavesdropping on the communications [FBI wiretaps in the Rod Blagojevich case likely contain such references] believe that the references were to the Democratic Leadership Council, also known as the DLC . . . Among the members of the gay ‘DLC’ were Obama and TUCC’s choir director, Donald Young, an openly gay man who reportedly had a sexual relationship with Obama. Two other gay members of the church were Larry Bland and Nate Spencer. Young and Bland were brutally murdered, execution style, in late 2007. Bland was murdered on November 17, 2007 and Young on December 24, 2007. The latter was killed by multiple gunshot wounds. Spencer reportedly died on December 26, 2007, official cause of death: ‘septicemia, pneumonia, and HIV.’”

<http://fellowshipofminds.wordpress.com/2010/07/25/mom-of-murdered-obama-gay-lover-speaks-up/>