

**OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

DAVID FARRAR

Plaintiff,

v.

BARACK OBAMA,

Defendant.

Docket Number: OSAH-SECSTATE-CE-
1215136-60-MALIHI

MOTION TO DISMISS

President Obama asks for dismissal of this attempt to deprive the Democratic Party of Georgia of its statutory right to name candidates to the Presidential Preference Party held to apportion Georgia's delegates to the Democratic National Convention. No provision of Georgia law authorizes a challenge to a political party's identification of names it wishes its members to consider in a preference primary for purposes of apportioning delegates to its National Convention. The Democratic Party of Georgia properly identified Barack Obama as a candidate to whom National Convention delegates will be pledged based upon votes in the preference poll. Georgia law does not authorize the Secretary of State to exercise any discretion or oversight over the actions of a political party participating in a preference primary. Indeed, any review by the Secretary of State would interfere with associational rights of the Democratic Party guaranteed by the First Amendment to the United States Constitution.

Plaintiff's request to add parties is improper. A new party cannot be introduced into an administrative proceeding merely by amending a complaint. Either a referral of a new action by the Secretary of State, using an OSAH-1, or a motion to join, intervene, or substitute parties must be filed.

The time limit has expired for filing a challenge (assuming that the challenge statute applies). The new challengers are not electors registered in Georgia, a requirement of the statute.

Statement of Facts

Relevant facts are not in dispute. The Democratic Party of Georgia, a political party as defined by O.C.G.A. § 21-2-2(25), participates in the Georgia Presidential Preference Primary "so that electors may express their preference for one person to be the candidate for nomination ... for the office of President of the United States." O.C.G.A. § 21-2-191. The Georgia Democratic Party apportions delegates to the National Convention based upon the relative performance of different people named on the ballot. *Berlon aff.* ¶ 4. No one is elected to any office, nor is anyone nominated to run for any office, as a result of the Presidential Preference Primary. *Berlon aff.*, ¶ 5. Nomination of a candidate for the office of President of the United States will occur at the national convention in Charlotte, NC during the week of September 3, 2012. *Berlon aff.*, ¶ 6.

The Democratic Party of Georgia submitted the name of Barack Obama to the Georgia Secretary of State on November 1, 2012. *Berlon aff.*, ¶ 8. No one voiced any objection to President Obama's qualification for the office when the matter was

considered by the Executive Committee of the Democratic Party of Georgia. Berlon aff., ¶ 7.

Argument and Citation of Authority

I. Lax, Judy, and MacLaren Cannot be Added as Parties

Plaintiff seeks to add three Plaintiffs to the case. The procedure for adding parties, set forth in Rule 616-1-2.13, requires a motion. No motion has been filed.

O.C.G.A. § 21-2-5, the challenge statute invoked by Mr. Farrar and referenced by the Secretary of State, requires that challengers be electors eligible to vote. The amended complaint does not allege any facts tending to show that Lax, Judy, and MacLaren are electors in Georgia or that they are eligible to vote.

The time limit for filing any challenge under O.C.G.A. § 21-2-5 (if it applies) specifies a two week period after qualifying in which a challenge can be filed. Of course, there is no qualifying for a Presidential Preference Primary as it is not an election as that term is used in Georgia law; it is an expression of preference used to guide the apportionment of delegates to the Democratic National Convention. The name of Barack Obama was transmitted to the Secretary of State on November 1. If that counts as “qualifying” then the time period for filing a challenge has long since run.

New cases cannot be randomly filed with Office of State Administrative Hearings. They must be referred by an agency. Rule 616-1-2-.03. In the case of elections, the referring agency would be the Secretary of State. In the absence of a referral by the Secretary of State the new issues cannot be added to this case.

II. The Secretary of State and the Executive Committee of the Democratic Party of Georgia Cannot be Added as Parties

Plaintiff seeks to add two defendants to the case. The procedure for adding parties, set forth in Rule 616-1-2.13, requires a motion. No motion has been filed.

The proposal to add the Secretary of State as a defendant demonstrates that the plaintiff does not understand the nature of these proceedings. The referral to OSAH was made by the Secretary of State in order to obtain a recommendation for a decision that must be made by the Secretary of State. Since this is allegedly a challenge to qualifications, adding the Secretary of State serves no purpose.

Similarly, adding the Executive Committee of the Democratic Party serves no purpose either. It has nothing to do with the underlying issues raised by Mr. Farrar and sent to OSAH for consideration. The referring OSAH-1 does not name the Executive Committee as a party; in the absence of such a referral or a proper motion under Rule 616-1-2.13 it cannot be added.

III. Georgia law does not authorize interference with a political party's Presidential Preference Party designation.

The Secretary of State's involvement in the Presidential Preference Primary process, other than conducting balloting, is limited to receiving names submitted by political parties for inclusion in the preference primary, publishing the submitted names on a website, and including the names on the ballot. O.C.G.A. § 21-2-193. The Presidential Preference Primary statute does not empower the Secretary of State to review submissions of names by political parties. The name of Barack Obama was timely

submitted by the Democratic Party of Georgia and announced on the Secretary of State website. The Secretary of State must include the name on the primary ballot as all prerequisites to inclusion have been met.

The plaintiff journeys beyond the Presidential Preference Primary statute (Title 21, Chapter 2, Article 5) to pluck a provision from Article 1 dealing with elections as the basis for a challenge. O.C.G.A. § 21-2-5 does not apply to the Presidential Preference Primary because the preference primary is not an election: by its terms, the preference primary is simply an opportunity for electors “to express their preference for one person to be a candidate for nomination.” O.C.G.A. § 21-2-191. No one is elected, or even nominated, in the preference balloting. *Berlon* aff. ¶ 5.

O.C.G.A. § 21-2-5 employs terms specific to elections that have no applicability to preference primaries. The election code defines “election” as “any general or special election and shall not include a primary or special primary unless the context in which the term is used clearly requires clearly requires that a primary or special primary is included.” O.C.G.A. § 21-2-2(5). Neither the preference statute nor the definition reference the Presidential Preference Primary. Nothing in the context of O.C.G.A. § 21-2-5 “clearly requires” applicability to the preference primary.”

O.C.G.A. § 21-2-5 might be triggered when a candidate is “certified by the state executive committee of a political party or ... files a notice of candidacy.” O.C.G.A. § 21-2-5(a). A notice of candidacy is not necessary for the preference primary. The certification of candidates by a party executive committee refers to the qualification procedure in O.C.G.A. § 21-2-154(a) and the payment of qualifying fees. A different procedure applies to the preference primary because it is not an election. For example, the Election Code requires payment of qualifying fees or the use of an elaborate

petitioning process to get on the ballot in an election. O.C.G.A. § 21-2-131. No fees may be charged for listing a name on the preference ballot. O.C.G.A. § 21-2-198. There is no qualifying nor does a political party file a certification of its qualified candidates, as it would in an election. See, O.C.G.A. § 21-2-154. The state executive committee simply lists names that it wishes to have on the preference primary ballot. O.C.G.A. § 21-2-193.

The provision invoked by the plaintiff applies to elections where there is a qualification but not to preference primaries that apportion delegates to a nominating convention but do not elect or nominate candidates. The challenge should be dismissed because there is no statutory basis for one.

None of the cases cited by the plaintiff in the “amended complaint” apply to Presidential Preference Primaries. Plaintiff admits that *Haynes v. Wells*, 538 S.E.2d 430 (Ga. 200) applies to “a candidate seeking to hold office through an election.” (Amended complaint at 4). No one is elected in a Presidential Preference Primary. Similarly, *O’Brien v. Gross*, OSAH-SECSTATE-CE-0829726-06-Malihi, involved a party qualifying for a primary election. Here, there is no qualifying as that term is used in the election code nor is anyone elected to any position as the purpose of the balloting is for electors to express their preference. See, O.C.G.A. § 21-2-191.

The Democratic Party of Georgia determines names to include on its Presidential Preference Primary ballot at its sole discretion. O.C.G.A. § 21-2-193. A state political party “enjoys a constitutionally protected freedom which includes the right to identify the people who constitute this association that was formed for the purpose of advancing shared beliefs and to limit the association to those people only.” See *Democratic Party of U.S. v. Wisconsin*, 50 U.S. 107, 101 S.Ct. 1010, 1019, 67 L.Ed.2d 82 (1981). *Duke v. Cleland*, 954 F.2d 1526, 1530-1 (11th Cir. 1992). First amendment associational rights of

a political party are most often litigated in the context of a party refusing to allow a name to appear on a primary ballot (such as in *Democratic Party of U.S. v. Wisconsin* or *Duke v. Cleland*) but the reverse is also true: a political party enjoys the exclusive right to dictate names on its primary ballot. The right to associate not only contemplates the ability to exclude but, necessarily, who to include. The Fourteenth Amendment prohibits the Secretary of State from infringing on associational rights of the Democratic Party of Georgia and its members. *Kusper v. Pontikes*, 414 U.S. 51, 57, 94 S.Ct. 303, 307, 38 L.Ed.2d 260; *Williams v. Rhodes*, 393 U.S. 23, 30-31, 21 L.Ed.2d 24. See also, *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460, 78 S.Ct. 1163, 1170, 2 L.Ed.2d 1488; *Ferency v. Austin*, 666 F.2d 1023, 1027 (6th Cir., 1981).

Apportionment of delegates as a result of preference primary results constitutes an internal party matter. The Secretary of State, even if believing that the challenger's claims represent a legitimate position, may not interfere with "the traditionally recognized autonomy of the political party's internal decisionmaking." *Belluso v. Poythress*, 485 F.Supp. 904, 912 (N.D. Ga., 1980); See, *Ripon Society v. National Republican Party*, 173 U.S.App. D.C. 350, 525 F.2d 567, 584-86 (D.C.Cir. 1975) (en banc), cert. denied, 424 U.S. 933, 96 S.Ct. 1147, 47 L.Ed.2d 341 (1976).

The internal matter of selecting names to appear on the primary ballot came before the Executive Committee of the Democratic Party of Georgia. The challenger did not raise any of these issues at that time. *Berlon* aff. ¶ 7. His claim that President Obama cannot be named by the party on the Presidential Preference Primary ballot is an internal one of party administration that could have been resolved by approaching the party. The challenger did not do so.

The citizenship issue sought to be litigated by the plaintiff cannot be raised in the context of a party preference primary that exists solely to apportion delegates but neither elects nor nominates. Only the Democratic Party of Georgia can determine qualifications of candidates named on the Presidential Preference Primary ballot. See, *Duke v. Cleland*, 954 F.2d 1526 (11th Cir., 1992); *Belluso v. Poythress*, 485 F.Supp. 904 (N.D. Ga., 1980). Furthermore, the citizenship issue the plaintiff seeks to raise was soundly rejected by 69,456,897 Americans in the 2008 elections, as it has been by every judicial body ever to have considered it.¹ Every Georgia case considering the issue ruled

¹ See, Federal cases: *Allen v. Soetoro*, 4:09-cv-00373, 2011 WL 2130589, (D. Ariz. May, 2010); *In re: American Grand Jury*, 3:09mc00215(USDC Tenn., 2009); *Keyes v. Obama*, 8:09-cv-00082, 2009 WL 3861788, (U.S.D.C.D. Cal. Oct. 29, 2009), *appeal pending*, No. 10-55084 (9th Cir., 2011); *Berg v. Obama et al*, 574 F.Supp.2d 509 (E.D.Pa. 2008), *aff'd*, 586 F.3rd 234 (3rd Cir. 2009), *Cert. denied*, 129 S. Ct. 1030 (2009); *Berg v. Obama*, 656 F. Supp.2d. 107 (D.D.C. Cir. 2009); *Beverly v. Federal Elections Commission*, 09-15562 (E.D. Cal., 2008), *aff'd* 09-15562 (9th Cir., 2009), *cert. denied*, 130 S. Ct. 1732 (2010); *Bowhall v. Obama*, 2:10cv00609, 2010 WL 4932747, (M.D. Ala. November 30, 2010); *The Church of Jesus Christ Christian/Aryan Nations of Missouri et al v. Obama et al*, 6:08cv03405, 2011 WL 4916569 (W.D. Mo. Oct. 17, 2011); *Cohen v. Obama*, 1:08cv02150, 2008 WL 5191864 (D.D.C., Dec. 11, 2008), *aff'd*, 2009 WL 2870668 (D.C. Cir. 2008); *Cook v. Good et al*, 4:2009cv00082, 2009 WL 2163535, (M.D. Ga. July 16, 2008); *Cook v. Simtech*, 8:2009cv01382 (M.D. Fla., 2009); *Craig v. U.S.*, 5:09-cv-00343 (W.D. Okla., 2009), *cert. denied*, 130 S. Ct. 141 (2009); *Craig v. U.S.*, 5:09-cv-01345-c (W.D. Okla., 2010); *Dawson v. Obama*, 2:08cv02754, 2009 WL 532617 (E.D. Cal. March 2, 2009); *Ealey v. Sarah Obama*, 4:08-mc-00504 (S.D.Tex., 2008); *Essek v. Obama*, 08-379-GFVT (E.D. Ky., 2008); *Hamblin v. Obama*, 2:09cv00410, 2009 WL 2513986 (D. Ariz. Aug. 14, 2009); *Hamrick v. Fukino*, 1:08-cv-00544, 2009 WL 1404535 (Haw., May 20, 2009); *Herbert v. Obama*, 3:08-cv-01164-HES-TEM (M.D. Fla., 2008), *cert. denied*, 130 S. Ct. 562 (2009); *Herbert v. US*, 3:08-cv-00634-TJC-MCR (M.D.Fla., 2008); *Herbert v. US*, 3:08cv01201, 2009 WL 129585, (S.D.Cal., Jan. 15, 2009); *Hollander v. McCain*, 566 F. Supp.2d 63 (D.N.H. 2008); *Hollister v. Soetoro*, 601 F. Supp.2d 179 (D.D.C. Cir. 2009), *cert. denied*, 131 S. Ct. 1017 (2011); *Hunter v. U.S. Supreme Court*, 2:08cv00232, 2009 WL 111683, (N.D.Tex., Jan. 16, 2009), *appeal dismissed*, No. 09-10246, No. 10-10009, No. 10-100064 (5th Cir., 2009); *Jones v. Obama*, 2:10-cv-01075 (C.D. Cal., 2010); *Judy v. McCain*, 2:08cv01162 (USDC Nev., 2008); *Kerchner v. Obama*, 612 F.3d 204 (D.N.J. 2010), *cert. denied*, 131 S. Ct. 663 (2010); *Liberty Legal Foundation v. DNC*, CH-11-1757 (D Ariz., 2011); *Mackay v. Obama*, 2:11-cv-05458-JP (E.D. Pa., 2011), *voluntarily dismissed*, No. 11-3862 (USDC Pa., 2011); *McLanahan v. Obama*, 2:11-cv-00374-EFS (D.Was., 2011);

Morrow v. Barak Humane Obama, 1:08-cv-22345 (S.D. Fla., 2008); *Neely v. Obama*, 2:08-cv-15243 (E.D.MI., 2008); *Patriot's Heart Network v. Soetoro*, 1:09-mc-00442-RCL (D.D.C., 2009); *In Re Paul Andrew Mitchell*, 2:08-cv-04083 (E.D. PA, 2008), *aff'd* 304 Fed. Appx 113, 2008 WL 5381436 (3rd Cir., 2008), *mandamus denied*, No. 08-4443 (3d Cir., 2008); *Purpura v. Sebelius*, 3:10-cv-04814, 2011 WL 1547768, (D.N.J. Apr. 21, 2011); *Rhodes v. Gates*, 5:09-cv-00703-XR (W.D.Tex., 2009); *Rhodes v. MacDonald*, 670 F. Supp.2d 1363 (M.D. Ga. 2009), *aff'd*, 2010 WL 892848 (11th Cir. March 15, 2010) *cert. denied*, 129 S. Ct. 2830 (2009); *Robinson v. Bowen*, 567 F.Supp.2d 1144 (N.D.Cal. 2008); *Roy v. Fed. Election*, 2:08cv01519, 2008 WL 4921263, (W.D. Wa. Nov. 14, 2008); *Stamper v. US*, 1:08 CV 2593, 2008 WL 4838073 (N.D.OH. 2008); *Strunk v. Patterson*, 1:08cv04289 (E.D.N.Y., 2008), appeal dismissed No. 08-5422 (2d Cir. Nov. 14, 2008); *Strunk v. U.S. Dept. of State*, 693 F.Supp.2d 112 (D.D.C. Cir. 2010), *mandamus denied*, No. 09-5322 (D.D.C., 2009), *appeal dismissed*, No. 10-5092, (DC Cir., 2010); *Super American Grand Jury*, 1:09-mc-00346-RCL (D.D.C., 2009) ; *Taitz v. Obama*, 707 F.Supp.2d 1 (D.D.C. Cir. 2010), *appeal pending*, No. 11-5304 (DC Cir., Oct. 31, 2011); *Taitz v. Astrue*, 1:11-cv-00402, 2011 WL 3805741, (D.D.C. Aug. 30, 2011); *Taitz v. Astrue*, 1:11-mc-00158 (D.Haw., 2011); *Taitz v. Ruemmier*, 1:11-cv-01421 (D.D.C., 2011); *Thomas v. Hosemann*, 1:08mc00280 (D. Haw., 2008); *Thomas v. Hosemann*, 2:08-cv-00241-KS-MTP (SD Miss., 2008).

State cases: *Ankeny v. Daniels*, 916 N.E.2d 678 (Ind. Ct. App. 2009) *Aff'd*, No. 49A02-0904-CV-353 (Ind. App. Court); *Brockhausen v. Andrade*, No. 08-1001-C365 (Tex. State Court); *Broe v. Reed*, 82473-8 (Was. State Supreme Court); *Connerat v. Browning*, 999 So. 2d 644 (Fla. Dist. Ct. App. 2008); *Connerat v. Obama*, No. 09003103SC (Fla. State Court); *Connerat v. Obama*, No. 09005522SC (Fla. State Court); *Constitution Party v. Lingle*, No. 29743, 2008 WL 5125984 (Haw. Dec. 5, 2008); *Corbett v. Bowen*, No. 30-2008-00114112-CU-FR_CJC, (Cal. Superior Court, 2008); *Craig v. Oklahoma*, MA-109808 (Okla. Supreme Court); *Donofrio v. Wells*, No. AN-1053-08T2 (NJ. Nov. 03, 2008), *Cert. denied*, 129 S. Ct. 752 (2008); *Fitzpatrick v. Obama*, no docket number (NC State Court); *Greenberg v. Brunner*, No. 2008cv1024 (Ohio State Court, 2008); *In re John McCain's Ineligibility to be on Presidential Primary Ballot in Pa*, 944 A.2d 75 (Pa. 2008); *Justice v. Fuddy*, 253 P.3d 665 (Haw. 2011); *Keyes v. Bowen*, 189 Cal. App. 4th 647 (Cal. Ct. App. 2010) *Cert. denied*, 132 S. Ct. 99 (2011); *US v. LTC Terrence L. Lakin*, MCAT-JA-SC; *Liberty Legal Foundation v. DNC*, CH-11-1757 (Tenn. State Court); *Lightfoot v. Bowen*, No. 168690 (Cal. Supreme Court, 2008), *Cert. denied*, 555 U.S. 1151 (2009); *Marquis v. Reed*, No. 08-2-34955-1 (Was. State Court, 2008); *Martin v. Lingle*, No. 29414, 2008 WL 4684786, (Haw. Oct. 22, 2008); *Martin v. Lingle*, No. ICC08-1-002147, 2009 WL 1669050, (Haw. Jun. 9, 2009), *Appeal Dismissed*, 2009 WL 2372096 (Haw. Aug. 3, 2009); *Martin v. Bennett*, No. 1CC10-1-000969 (Haw. State Court); *Meroni et al v. McHenry County Grand Jury Foreman et al*, No. 09mr399 (Ill. State Court, 2009); *Neal v. Brunner*, No. 2008cv72726 (Ohio State Court, 2008); *Patriot's Heart Media Network v. Illinois Board of Elections*, No. 10H000605 (Ill. State Court); *Schneller v. Cortes*, 199 MM 2008 (Pa. Supreme Court, 2009), *cert. denied*, 129 S. Ct. 2830 (2009); *Sorsensen v. Riley*, cv-2008-1906 (Ala. State Court, 2008); *Spuck v. Sec. of State*, 2008 cv1116 (Ohio State Court, 2008); *Stumpo v. Granholm*, No. 08-140-MM (Mich. Dist. Ct. (30th) Mar.

against the plaintiff. *Rhodes v. MacDonald*, 670 F. Supp.2d 1363 (M.D. Ga. 2009),
aff'd, 2010 WL 892848 (11th Cir. March 15, 2010) *cert. denied*, 129 S. Ct. 2830 (2009);
Terry v. Handel, 08cv158774S (Superior Court Fulton County, 2008), *appeal*
dismissed, No. S09D0284 (Ga. Supreme Court), *reconsideration denied*, No. S09A1373;
Cook v. Good et al, 4:2009cv00082, 2009 WL 2163535 (M.D.Ga. July 16, 2008).

Plaintiff's challenge to the qualifications of Barack Obama should be dismissed.

This 16th day of December, 2011

MICHAEL JABLONSKI



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31, 2009), *appeal dismissed*, No. 291681, (Mich. App. Ct., Jun. 3, 2009); *Stunk v. Patterson*, 029641/2008 (N.Y. State Court, 2008); *Strunk v. Patterson*, 029642/2008 (N.Y. State Court, 2008); *Sullivan v. Sec. of State*, 08cv1076 (N.C. State Court, 2008); *Sullivan v. Marshall*, 08cvs-021393 (N.C. State Court, 2008); *Taitz v. Fuddy*, 1cc11-1-001731 (Haw. State Court); *Terry v. Handel*, 08cv158774S (Superior Court Fulton County, 2008), *appeal dismissed*, No. S09D0284 (Ga. Supreme Court), *reconsideration denied*, No. S09A1373; *Wrotnowski v. Bysiewicz*, SC 18264 (Conn. Supreme Court, 2008).

STATE OF GEORGIA
County of _____

AFFIDAVIT OF MICHAEL R. BERLON

Comes now Michael Berlon, having been duly sworn, and makes this affidavit for use before the Office of State Administrative Hearings of his own knowledge.

1. I am Michael Berlon. I am competent to make this affidavit and have personal knowledge of the facts related in this affidavit.

2. I am the Chairman of the Democratic Party of Georgia. I am a member of the Democratic National Committee.

3. I participated in writing the delegate selection plan for Georgia's delegation to the 2012 Democratic National Convention and I presented the plan at hearings before the Democratic National Committee. The delegate selection plan as adopted by the Executive Committee of the Democratic Party of Georgia was accepted by the Democratic National Committee.

4. The delegate selection plan for the 2012 Democratic National Convention employs results from the Presidential Preference Primary to apportion pledged delegates between candidates seeking the nomination of the Democratic Party for the office of President of the United States in the 2012 election. 110 of the 124 delegates Georgia is allowed to send to the national convention are allocated as a result of the preference primary results.

5. No one is elected or nominated to any federal, state, or party office, nor are delegates actually selected, as a result of the Presidential Preference Primary. The

preference primary just establishes the pro rata number of delegates assigned to each candidate for the nomination. Delegate selection occurs on May 26, 2012 at a meeting of the State Committee of the Democratic Party of Georgia.

6. The 46th Democratic National Convention will be held in Charlotte NC during the week of September 3, 2012. The Democratic Party will not have a nominee for the office of President of the United States in the 2012 election until one is selected by the convention.

7. The Executive Committee of the Democratic Party of Georgia met at the party headquarters on October 22, 2012 to consider the names of potential candidates it wanted named on the Presidential Preference Primary ballot. No one other than President Obama had expressed an interest in the office. No one sought to object to President Obama's qualifications at the meeting. The Executive Committee unanimously directed me to notify the Secretary of State that the sole name to be submitted would be Barack Obama.

8. I notified the Secretary of State in writing on November 1, 2011 that the Democratic Party of Georgia named Barack Obama as the sole person to appear in the Democratic Presidential Preference Primary.

Further, affiant sayeth not.

This ___ day of December, 2011.

MICHAEL R. BERLON

Michael R. Berlon

Sworn to and subscribed before me

this 1 day of December, 2011.

Notary

**SUSAN M BERLON
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 07-15-2012**

**OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

DAVID FARRAR

Plaintiff,

v.

BARACK OBAMA,

Defendant.

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1215136-60-MALIHI

CERTIFICATE OF SERVICE

Pursuant to the Order entered in this matter regarding electronic service, I certify that I have served the opposing party in this matter with a copy of the Motion to Dismiss by sending a copy via email addressed to:

Orly Taitz <orly.taitz@gmail.com>

This 16th day of December, 2011.

MICHAEL JABLONSKI



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