



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MOTGOMERY BLAIR SIBLEY

Vs.

YVETTE ALEXANDER

C.A. No. 2012 CA 008644 B

INITIAL ORDER AND ADDENDUM

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("SCR Civ") 40-I, it is hereby **ORDERED** as follows:

- (1) Effective this date, this case has assigned to the individual calendar designated below. All future filings in this case shall bear the calendar number and the judge's name beneath the case number in the caption. On filing any motion or paper related thereto, one copy (for the judge) must be delivered to the Clerk along with the original.
- (2) Within 60 days of the filing of the complaint, plaintiff must file proof of serving on each defendant: copies of the Summons, the Complaint, and this Initial Order. As to any defendant for whom such proof of service has not been filed, the Complaint will be dismissed without prejudice for want of prosecution unless the time for serving the defendant has been extended as provided in SCR Civ 4(m).
- (3) Within 20 days of service as described above, except as otherwise noted in SCR Civ 12, each defendant must respond to the Complaint by filing an Answer or other responsive pleading. As to the defendant who has failed to respond, a default and judgment will be entered unless the time to respond has been extended as provided in SCR Civ 55(a).
- (4) At the time and place noted below, all counsel and unrepresented parties shall appear before the assigned judge at an Initial Scheduling and Settlement Conference to discuss the possibilities of settlement and to establish a schedule for the completion of all proceedings, including, normally, either mediation, case evaluation, or arbitration. Counsel shall discuss with their clients **prior** to the conference whether the clients are agreeable to binding or non-binding arbitration. **This order is the only notice that parties and counsel will receive concerning this Conference.**
- (5) Upon advice that the date noted below is inconvenient for any party or counsel, the Quality Review Branch (202) 879-1750 may continue the Conference **once**, with the consent of all parties, to either of the two succeeding Fridays. Request must be made not less than six business days before the scheduling conference date. No other continuance of the conference will be granted except upon motion for good cause shown.
- (6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each Judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Lee F. Satterfield

Case Assigned to: Judge JOHN M MOTT

Date: November 13, 2012

Initial Conference: 10:00 am, Friday, February 15, 2013

Location: Courtroom 221

500 Indiana Avenue N.W.

WASHINGTON, DC 20001

Caio.doc

ADDENDUM TO INITIAL ORDER AFFECTING ALL MEDICAL MALPRACTICE CASES

In accordance with the Medical Malpractice Proceedings Act of 2006, D.C. Code § 16-2801, et seq. (2007 Winter Supp.), "[a]fter an action is filed in the court against a healthcare provider alleging medical malpractice, the court shall require the parties to enter into mediation, without discovery or, if all parties agree[,] with only limited discovery that will not interfere with the completion of mediation within 30 days of the Initial Scheduling and Settlement Conference ("ISSC"), prior to any further litigation in an effort to reach a settlement agreement. The early mediation schedule shall be included in the Scheduling Order following the ISSC. Unless all parties agree, the stay of discovery shall not be more than 30 days after the ISSC." D.C. Code § 16-2821.

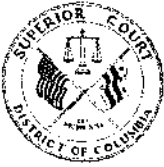
To ensure compliance with this legislation, on or before the date of the ISSC, the Court will notify all attorneys and *pro se* parties of the date and time of the early mediation session and the name of the assigned mediator. Information about the early mediation date also is available over the internet at <https://www.dccourts.gov/pa/>. To facilitate this process, all counsel and *pro se* parties in every medical malpractice case are required to confer, jointly complete and sign an EARLY MEDIATION FORM, which must be filed no later than ten (10) calendar days prior to the ISSC. Two separate Early Mediation Forms are available. Both forms may be obtained at www.dccourts.gov/medmalmediation. One form is to be used for early mediation with a mediator from the multi-door medical malpractice mediator roster; the second form is to be used for early mediation with a private mediator. Both forms also are available in the Multi-Door Dispute Resolution Office, Suite 105, 515 5th Street, N.W. (enter at Police Memorial Plaza entrance). Plaintiff's counsel is responsible for eFiling the form and is required to e-mail a courtesy copy to earlymedmal@dcsc.gov. *Pro se* Plaintiffs who elect not to eFile may file by hand in the Multi-Door Dispute Resolution Office.

A roster of medical malpractice mediators available through the Court's Multi-Door Dispute Resolution Division, with biographical information about each mediator, can be found at www.dccourts.gov/medmalmediation/mediatorprofiles. All individuals on the roster are judges or lawyers with at least 10 years of significant experience in medical malpractice litigation. D.C. Code § 16-2823(a). If the parties cannot agree on a mediator, the Court will appoint one. D.C. Code § 16-2823(b).

The following persons are required by statute to attend personally the Early Mediation Conference: (1) all parties; (2) for parties that are not individuals, a representative with settlement authority; (3) in cases involving an insurance company, a representative of the company with settlement authority; and (4) attorneys representing each party with primary responsibility for the case. D.C. Code § 16-2824.

No later than ten (10) days after the early mediation session has terminated, Plaintiff must eFile with the Court a report prepared by the mediator, including a private mediator, regarding: (1) attendance; (2) whether a settlement was reached; or, (3) if a settlement was not reached, any agreements to narrow the scope of the dispute, limit discovery, facilitate future settlement, hold another mediation session, or otherwise reduce the cost and time of trial preparation. D.C. Code § 16-2826. Any Plaintiff who is *pro se* may elect to file the report by hand with the Civil Clerk's Office. The forms to be used for early mediation reports are available at www.dccourts.gov/medmalmediation.

Chief Judge Lee F. Satterfield



Superior Court of the District of Columbia
CIVIL DIVISION
500 Indiana Avenue, N.W., Suite 5000
Washington, D.C. 20001 Telephone: (202) 879-1133

Montgomery Blair S. S. S. S.

Plaintiff

vs.

Case Number 0008644-12

William Lightfoot

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the party plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within five (5) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Montgomery Blair S. S. S. S.
Name of Plaintiff's Attorney
4000 Massachusetts Ave, NW
Address
#1518, Washington DC 20016
202-478-0371
Telephone

Clerk of the Court

By

Deputy Clerk

Date

11/13/10

如需翻译, 请打电话 (202) 879-4828

Veillez appeler au (202) 879-4828 pour une traduction

Để có một bản dịch, hãy gọi (202) 879-4828

번역을 원하시면, (202) 879-4828 로 전화하십시오

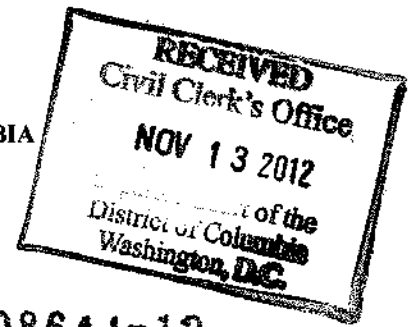
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IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-682-2700) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
Vea al dorso la traducción al español

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION



MONTGOMERY BLAIR SIBLEY,

Case. No.:

PLAINTIFF,

0008644-12

VS.

MOTION FOR PRELIMINARY
INJUNCTION AND AFFIDAVIT IN
SUPPORT THEREOF

YVETTE ALEXANDER, DON R. DINAN AND
WILLIAM LIGHTFOOT,

DEFENDANTS.

_____/

Plaintiff, Montgomery Blair Sibley, pursuant to Superior Court Rules of Civil Procedure, Rule 65 and upon his attached affidavit, moves for a preliminary injunction, and for grounds in support thereof states:

Relief Requested

Plaintiff seeks a preliminary injunction prohibiting the Defendants from casting their Twelfth Amendment votes for Barrack Hussein Obama, II, ("Obama").

FACTUAL BACKGROUND

I. INTRODUCTION

As more fully detailed in the attached affidavit Plaintiff: (i) is both a voter in the District of Columbia and (ii) was a candidate for President in the November 6, 2012, election. (Affidavit, ¶3). Defendants have been designated by the District of Columbia Democratic Party as electors to vote pursuant to the Twelfth and Twenty-Third Amendments to the Constitution if the winner of the November 6, 2012, general election was Barrack Hussein Obama, II, ("Obama"). Their vote is set to be made public on the Monday following the second Wednesday of December 2012. (Affidavit,

- ¶3). On November 6, 2012, Obama won the popular vote in the District of Columbia. (Affidavit, ¶4) Obama's Father was not a United States citizen when Obama was born. (Affidavit, ¶6)

LEGAL ARGUMENT

"The decision to grant or deny preliminary injunctive relief is committed to the sound discretion of the trial court." *Stamenich v. Markovic*, 462 A.2d 452, 456 (D.C.1983).

In exercising its discretion, however, the trial court must consider the following criteria: A preliminary injunction is an extraordinary remedy, and the trial court's power to issue it should be exercised only after careful deliberation has persuaded it of the necessity for the relief. A proper exercise of discretion requires the trial court to consider whether the moving party has clearly demonstrated (1) that there is a substantial likelihood he [or she] will prevail on the merits; (2) that he [or she] is in danger of suffering irreparable harm during the pendency of the action; (3) that more harm will result to him [or her] from the denial of the injunction than will result to the defendant from its grant; and, in appropriate cases, (4) that the public interest will not be disserved by the issuance of the requested order

District of Columbia v. Group Ins. Admin., 633 A.2d 2 (D.C. 1993).

II. PLAINTIFF MAKES A SUBSTANTIAL SHOWING OF PROBABLE SUCCESS ON THE MERITS

Plaintiff showing of probable success on the merits is straightforward and more fully detailed in the Complaint in this matter:

1. Article II, §1, clause 5 of the U.S. Constitution requires the President be a "natural born Citizen".
2. The phrase "natural born Citizen" is an 18th Century legal-term-of-art defined as: "The natives, or natural-born citizens, are those born in the country, of **parents** who are citizens."
3. Obama's Father was not a United States Citizen when Obama was born.

Ergo, Obama may not be President of the United States as only one of his parents was a United States Citizen.

Given this straightforward syllogism, Defendants – who labor under the Constitutional oath of office – may not cast their Twelfth Amendment electoral votes for Obama.

This Court has an obligation to see that the voting process is not tainted by fraud. *Bullock v. Carter*, 405 U.S. 134, 145 (1972)(“[A] State has an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies.”); *Norman v. Reed*, 502 U.S. 279, 290 (1992)(States have an interest in preventing “misrepresentation” in the voting process); *Rosario v. Rockefeller*, 410 U.S. 752, 761 (1973)(“It is clear that preservation of the integrity of the electoral process is a legitimate and valid state goal.”).

As such, Plaintiff has made a showing of probable success on the merits.

II. IMMEDIATE AND IRREPARABLE INJURY, LOSS OR DAMAGE WILL RESULT TO THE PLAINTIFF

It states the obvious to say that this is a case of the utmost national importance and urgency involving the Constitution’s most fundamental rights as exercised in the Nation’s most important election. Just as obvious, Plaintiff has a Constitutionally-guaranteed right to a “natural born Citizen” President. Chief Justice John Marshall said, in delivering the opinion of the Court in *Marbury v. Madison* (1803): “It cannot be presumed that any clause in the constitution is intended to be without effect; and therefore such construction is inadmissible, unless the words require it.” Here, by proper petitioning, Plaintiff seeks to have that right the “natural born Citizen” clause in the Constitution secured when it is about to be breached.

Also, as a candidate for President, Plaintiff is entitled to a fair chance to secure the Twelfth Amendment electors votes. Under a system that compels those electors to cast their votes for a candidate that is demonstrably ineligible to serve as President, Plaintiff – and all of the electorate –

suffer a loss of the fundamental right to vote.

Finally, it is beyond cavil that: “voting is of the most fundamental significance under our constitutional structure.” *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979). “Historically political figures outside the two major parties have been fertile sources of new ideas and new programs; many of their challenges to the status quo have in time made their way into the political mainstream.” *Anderson v. Celebrezze*, 460 U.S. 780, 784 (1983).

Accordingly, the Court can easily conclude that immediate and irreparable injury, loss, or damage will result to the Plaintiff if the requested preliminary injunction is not granted.

III. MORE HARM WILL RESULT TO PLAINTIFF FROM THE DENIAL OF THE INJUNCTION THAN WILL RESULT TO THE DEFENDANT FROM ITS GRANT

As detailed above, the harm to Plaintiff is grave. Contrariwise, the harm to Defendants is non-existent. All Plaintiff seeks from the Defendants is that they discharge their oaths and uphold the Constitution's demand they only a “natural born Citizen” may become President. To hold that Defendants can vote for an ineligible President is simply absurd: their oaths require “true faith and allegiance” to the Constitution.

Accordingly, the balance of harm weighs heavily in favor of the Plaintiff.

IV. THE PUBLIC WILL NOT BE DISSERVED BY THE ISSUANCE OF THE REQUESTED ORDER

The Public enjoys the *publici juris* which is “the right, possessed by every citizen, to require that the Government be administered according to law and that the public moneys be not Wasted” *Fairchild v. Hughes*, 258 U.S. 126, 130 (1922). The law is clear and the Public deserved to have it “administered” by this Court’s intervention in the casting of the Twelfth Amendment elector’s votes to insure they only cast their votes for an eligible candidate.

CONCLUSION

The facts sworn to herein coupled with the Plaintiff's likelihood of prevailing on the merits, Plaintiff's showing of irreparable harm and injury, the service to the Public that the requested injunction would bring and the lack of an adequate remedy at law demonstrate that the facts and circumstances herein are extraordinary and exceptional warranting equitable relief from this Court.

Apt for this Court's guidance is Justice Marshall's observation in *Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 264, 404 (1821):

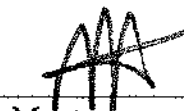
It is most true that court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. **With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.** Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgment, and conscientiously perform our duty. (Emphasis added).

Accordingly, notwithstanding that this Court would like to avoid the question presented herein, Plaintiff respectfully request a preliminary injunction prohibiting the Defendants from casting their Twelfth Amendment votes for Barrack Hussein Obama, II.

Signed on: November 12, 2012

MONTGOMERY BLAIR SIBLEY
PLAINTIFF
4000 Massachusetts Ave, NW, #1518
Washington, D.C. 20016
Voice/Fax: 202-478-0371

By: _____



Montgomery Blair Sibley

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

Case. No.: **000864-12**

VS.

**AFFIDAVIT IN SUPPORT MOTION FOR
PRELIMINARY INJUNCTION**

YVETTE ALEXANDER, DON R. DINAN AND
WILLIAM LIGHTFOOT,

DEFENDANTS.

Plaintiff, Montgomery Blair Sibley, pursuant to 28 U.S.C. §1746, states that the factual matters stated herein are true under penalty of perjury:

1. I am the Plaintiff in this action and have personal knowledge of the facts alleged herein.

2. I am a "natural born Citizen" of the United States as I was born in 1956 in Rochester, New York, the child of two United States citizens, Harper Sibley, Jr. and Beatrice Blair Sibley and have continuously resided in the United States since my birth. As such, due to the nature of my citizenship, age and residence, I am eligible pursuant to Article II, §1, of the U.S. Constitution to serve as President of the United States.

3. On November 11, 2011, I formally announced my candidacy for the Office of President and qualified as a Write-In candidate for that Office by filing with the District of Columbia Board of Elections and Ethics his "Affirmation of Write-In Candidacy". I am also a registered voter in the District of Columbia and have been assigned Voter ID #080021726 by the District of Columbia Board of Elections and Ethics. I voted in the November 6, 2012, election at the Church

of the Annunciation Parish, 3810 Massachusetts Avenue, NW, Washington D.C., 20016, casting my vote at that time for one of the candidates for President of the United States.

4. Upon information and belief, that being published news reports, Defendants, Yvette Alexander, Don R. Dinan and William Lightfoot, were named in September 2012 by the District of Columbia Democratic Party as electors to vote pursuant to the Twelfth and Twenty-Third Amendments to the Constitution if the winner of the November 6, 2012, general election was Barack Hussein Obama, II, ("Obama"). Their vote is set to be made public on the Monday following the second Wednesday of December 2012.

5. On November 6, 2012, Obama won the popular vote in the District of Columbia, hence, by operation of D.C. Code §1-1001.08(g)(2) the Defendants are obligated to cast their Twelfth Amendment votes as electors for Obama.

6. The legal compulsion deprives the Defendants from the opportunity to exercise their independent discretion and judgment and cast their votes for me thus harming me both as a candidate and voter in the District of Columbia.

7. Obama's father was not a United States citizen when Obama was born. In his two books, *Dreams from My Father* (1995) and *The Audacity of Hope* (2006), Obama states that his father was Barack Hussein Obama, Senior, and that he was a British subject at the time Obama was born. Obama's Father was never a United States Citizen. At the time of Obama's birth in 1962, his Father was British subject admitted into the United States on a temporary student visa, with the express condition that he was a "non-immigrant student". Obama's Father never became a U.S. citizen; never applied for U.S. citizenship; never declared an intention to become a U.S. citizen; and never became a resident alien.

8. As I do not know who represents Defendants, my process server will serve a copy of this Motion for Preliminary Injunction when he serves the Summons and Complaint in this action on the Defendants.

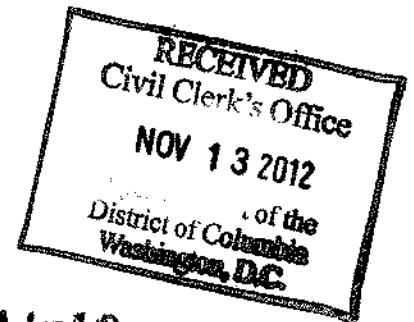
I declare under penalty of perjury that the foregoing is true and correct.

Date: November 12, 2012



Montgomery Blair Sibley

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION



MONTGOMERY BLAIR SIBLEY,
4000 MASSACHUSETTS AVE, NW, #1518
WASHINGTON, D.C. 20016,
TELEPHONE: (202-478-0371),

Case. No.:

0008644-12

PLAINTIFF,

COMPLAINT FOR PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF AND
DECLARATORY JUDGMENT

VS.

JURY TRIAL REQUESTED

YVETTE ALEXANDER
1350 PENNSYLVANIA AVENUE, NW SUITE 400
WASHINGTON, DC 20004
TELEPHONE: (202) 724-8068,

AND

DON R. DINAN
600 14TH STREET NW, SUITE 400
WASHINGTON D.C. 20005
TELEPHONE: (202) 216-8302,

AND

WILLIAM LIGHTFOOT
2001 PENNSYLVANIA AVENUE, NW SUITE 450
WASHINGTON D.C. 20006
TELEPHONE: (202) 659-5500,

DEFENDANTS.

_____/

Plaintiff, Montgomery Blair Sibley, sues Defendants, Yvette Alexander, Don R. Dinan and William Lightfoot and alleges as follows:

INTRODUCTION

By this suit, Plaintiff seeks:

- (i) A Declaratory Judgment that Defendants as electors cannot cast their Twelfth Amendment votes for

Barrack Hussein Obama, II, ("Obama") as he is not a "natural born Citizen", which is the condition precedent to holding the office of President of the United States according to Article II, §1, of the U.S. Constitution which is "the supreme Law of the Land" according to Article VI, §2, of the U.S. Constitution; and

- (ii) Preliminary and Permanent Injunctive Relief prohibiting the Defendants from casting their Twelfth Amendment votes for Barrack Hussein Obama, II as he is ineligible to hold the office of President of the United States.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to the provisions of District of Columbia Statutes, §11-921.

2. Venue in this court is proper under as a substantial part of the events or omissions giving rise to the claims herein occurred in the District of Columbia.

PARTIES

3. Plaintiff, is a "natural born Citizen" of the United States as he was born in 1956 in Rochester, New York, the child of two United States citizens, Harper Sibley, Jr. and Beatrice Blair Sibley and has continuously resided in the United States since his birth. As such, due to the nature of his citizenship, age and residence, he is eligible pursuant to Article II, §1, of the U.S. Constitution to serve as President of the United States.

4. On November 11, 2011, Plaintiff formally announced his candidacy for the Office of President and qualified as a Write-In candidate for that Office by filing with the District of Columbia Board of Elections and Ethics his "Affirmation of Write-In Candidacy". A copy is attached hereto as Exhibit "A". Plaintiff is also a registered voter in the District of Columbia and

has been assigned Voter ID #080021726 by the District of Columbia Board of Elections and Ethics. Plaintiff voted in the November 6, 2012, election at the Church of the Annunciation Parish, 3810 Massachusetts Avenue, NW, Washington D.C., 20016, casting his vote at that time for one of the candidates for President of the United States.

5. Defendants, Yvette Alexander, Don R. Dinan and William Lightfoot, were named in September 2012 by the District of Columbia Democratic Party as electors to vote pursuant to the Twelfth and Twenty-Third Amendments to the Constitution if the winner of the November 6, 2012, general election was Obama. Their vote is set to be made public on the Monday following the second Wednesday of December 2012.

CLASS ACTION ALLEGATIONS

6. The Defendants are proper representatives of a Class within the meaning of Rule 23(a) and 23(b)(3) of the Superior Court Rules of Civil Procedure.

7. The members of the Class are so numerous that the joinder of all of them is impractical. The Class consists of 538 persons – the total number of electors authorized by the Twelfth and Twenty-Third Amendments to the Constitution.

8. The members of the Class should be readily identifiable from the records of Congress.

9. There are questions of law common to the Class; their Class obligations predominate over any individual obligations. The questions of law claimed to be common to the Class are: (i) whether the oaths of office each Class member took obligates them to only vote for eligible candidates for President and (ii) whether or not Obama is a “natural born Citizen” inasmuch as his Father was not a United States Citizen.

10. The obligations of the named Defendants are typical of the obligations of the Class. All Class members owe the same duty to exercise their Twelfth Amendment duties. The named Defendants' status as Twelfth Amendment electors typifies the status of the Class members generally.

11. The named Defendants will fairly and adequately protect the interest of the Class. The named Defendants are attorneys and/or will be represented by counsel experienced in litigating federal issues. The Plaintiff knows of no conflict of interest among Class members. The named Defendants will doubtlessly vigorously defend this action.

12. The named Plaintiff does not propose Class notice at this time, but believes that Class certification and notice can and should be achieved promptly.

GENERAL ALLEGATIONS

13. Courts and scholars agree that when the Framers drafted and urged adoption of the Constitution, they assumed that the presidential electors would be citizens who would exercise their independent discretion and judgment in casting their votes for President. *See Ray v. Blair*, 343 U.S. 214, 229 n.16 (1952); Tadahisa Kuroda, *The Origins of the Twelfth Amendment: The Electoral College in the Early Republic, 1787-1804*, at 17-25 (1994). The language of the Twelfth Amendment offers no evidence that its drafters and ratifiers view of the electors function was any different from that of the Framers. The Twelfth Amendment kept the phrase "vote by ballot", implying secret votes and therefore the exercise of independent judgment and discretion for whom they would vote.

14. Article VI, clause 3 of the United States Constitution states: "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all

executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” By reason of the authority vested in them by the Twelfth and Twenty-Third Amendments to the Constitution, the Defendants must execute this oath “to support this Constitution.”

15. After a reasonable opportunity for discovery, Plaintiff will establish that each of the Defendants have also taken an oath as required by 5 U.S.C. §3331 – as public servants and/or attorneys – to wit: “to support and defend the Constitution of the United States against all enemies, foreign and domestic; that **I will bear true faith and allegiance to the same**; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God. ”

16. Under D.C. Code §1-1001.08(g)(2): “Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he or she will vote for the candidates of the party he or she has been nominated to represent, and it shall be his or her duty to vote in such manner in the electoral college.” Under D.C. Code §1-1314(2): “The electors of President and Vice President of the United States shall be elected on the Tuesday next after the 1st Monday in November in every 4th year succeeding every election of a President and Vice President of the United States. Each vote cast for a candidate for President or Vice President whose name appears on the general election ballot shall be counted as a vote cast for the candidates for presidential electors of the party supporting such presidential and vice presidential candidate. Candidates receiving the highest number of votes in such election shall be declared the winners.”

17. In order to be eligible to be President of the United States, Article II, §1, clause 5,

of the U.S. Constitution states: “No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.” Clearly Obama: (i) was not a U.S. Citizen “at the time of the Adoption of this Constitution”, (ii) had “attained to the Age of thirty five Years” prior to the November 6, 2012, election and (iii) has “been fourteen Years a Resident within the United States.” Unclear is whether Obama is “a natural born Citizen” and thus is eligible to be President of the United States under Article II, §1, clause 5.

18. One fact is indisputable: Obama’s Father was never a United States Citizen. At the time of Obama’s birth in 1962, his Father was British subject admitted into the United States on a temporary student visa, with the express condition that he was a “non-immigrant student”. Obama’s Father never became a U.S. citizen; never applied for U.S. citizenship; never declared an intention to become a U.S. citizen; and never became a resident alien. Accordingly, *a priori*, Obama is not a “natural born Citizen” as required to be eligible to be President of the United States under Article II, §1, clause 5 of the U.S. Constitution as he is not the child of two United States citizen parents.

19. The phrase “natural born Citizen” is an 18th Century legal-term-of-art with a definite meaning well known to the Framers of the Constitution. At the time of the adoption of the Constitution, that phrase was defined as: “The natives, or natural-born citizens, are those born in the country, of parents who are citizens.” (*The Law of Nations*, Emerich de Vattel, 1758, Chapter 19, § 212). Notably, there are two requirements: (i) born in the United States and (ii) of two parents, both of whom must be United States citizens. Clearly, Obama fails to qualify for this level of citizenship and thus is ineligible to be President.

20. Significantly, Congress exercised its authority to expand beyond de Vattel's definition of "natural born Citizen" in the Act of 1790, stating: "**the children of citizens of the United States**, that may be born beyond sea, or out of the limits of the United States, shall be considered as **natural-born citizens**: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States." 1 Stat. 104. (Emphasis added). Thus, until the act of 1790 was replaced by subsequent statutes regarding citizenship, if both parents were citizens, then the place of birth was immaterial and the resulting offspring was a "natural born Citizen" and thus eligible to be President. Notably, Congress subsequently removed the legal-term-of-art "natural born Citizen" from all citizenship statutes post-1790 and now solely confers "citizenship". See: 8 U.S.C. §1401 – "Nationals and citizens of the United States at birth" which states in pertinent part: "The following shall be nationals and citizens of the United States at birth . . ."

21. Moreover, Obama is not a "natural-born Citizen" of the United States as defined by the United States Supreme Court in *Minor v. Happersett*, 88 U.S. 162 (1874):

The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common-law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of **parents who were its citizens** became themselves, upon their birth, citizens also. These were natives, or **natural-born citizens**, as distinguished from aliens or foreigners.

Minor v. Happersett at 168 (Emphasis added). Therefore, the "natural-born Citizen" clause only pertains to a requirement for holding the highest public office, that of President and requires both parents to be U.S. Citizens. Thus, as a matter of law, Obama is ineligible to be President as his Father was not a U.S. Citizen.

**FIRST CLAIM
DECLARATORY RELIEF**

22. Plaintiff re-alleges paragraphs 1 through 21 and incorporates them herein by reference.

23. Defendants are obligated by their oaths to only cast their Twelfth Amendment votes for an eligible candidate for the Office of President of the United States. Congress cannot through action of D.C. Code §1-1001.08(g)(2) force the Defendants to contravene the superior obligations imposed by the Constitution on the Electors.

24. Though unofficial results of the November 6, 2012, election indicate that Obama won, by his own admission, Obama is not a “natural born Citizen” as his Father was not a United States citizen and as such, Obama is ineligible to be President of the United States.

WHEREFORE, Plaintiff requests that this Court:

- A. Assume jurisdiction of this action;
- B. Certify this lawsuit as a class action on behalf of the class as defined above;
- C. Declare that due to their oaths, Defendants, notwithstanding D.C. Code §1-1001.08(g)(2), can only cast their Twelfth Amendment votes for eligible candidates for the Office of President and Obama is not so eligible as he is not a “natural born Citizen.”
- D. Retain jurisdiction of this matter to enforce this declaratory decree if subsequently violated by Defendants; and
- E. Enter such other and further relief as the Court deems just and proper.

**SECOND CLAIM
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

25. Plaintiff re-alleges paragraphs 1 through 21 and incorporates them herein by

reference.

26. Plaintiff is in danger of suffering irreparable harm if the Defendants are forced and/or choose to cast their Twelfth Amendment votes for an ineligible President as they thereby could not vote for Plaintiff for President.

27. Defendants will suffer no appreciable harm from the granting of the injunction as the injunction only seeks to compel the Defendants to do their sworn duty – cast their Twelfth Amendment vote for an eligible candidate.

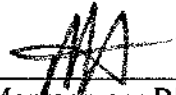
WHEREFORE, Plaintiff requests that this Court:

- A. Assume jurisdiction of this action;
- B. Certify this lawsuit as a class action on behalf of the class as defined above;
- C. Issue preliminary and permanent injunctions barring Defendants from casting their Twelfth Amendment votes for Obama;
- D. Retain jurisdiction of this matter to enforce its preliminary and/or permanent injunction if subsequently violated by Defendants; and
- E. Enter such other and further relief as the Court deems just and proper.

Signed on: November 12, 2012

MONTGOMERY BLAIR SIBLEY
PLAINTIFF

4000 Massachusetts Ave, NW, #1518
Washington, D.C. 20016
Voice/Fax: 202-478-0371

By: 
Montgomery Blair Sibley



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
441 - 4th Street, N.W., Suite 250N

Affirmation of Write-In Candidacy

for the Office of:

President of the United States

Office which you seek (include ward, school district or ANC/SMD)

Your name: Montgomery Blair Sibley

Daytime telephone: 202-478-0371 Voter Registration Number: 80021726

Date of the election: November 6, 2012 Your Party (if applicable): _____

List your residence address for the past three years (include zip code):

4000 Massachusetts Ave., NW, #1518, Washington, D.C. 20016 from 06/08 to present

3700 Massachusetts Ave., NW, #519, Washington, D.C. 20016 from 06/06 to 06/08

from / to /

Indicate here how you would like your name to be written-in on the ballot:

Montgomery Blair Sibley

NOTE: Complete this section carefully. If there are any periods or commas in your name, write them clearly.
(DO NOT include prefixes or titles, such as Miss, Mr., Dr., Rev., or degrees.)

Note: This form must be signed by the candidate and filed by the required deadline date.

I hereby declare my candidacy for the office name above. I am aware of the qualifications for holding this office and attest that I meet such qualifications. I also swear or affirm that the information provided on this form is true to the best of my knowledge and belief.

[Signature]
(Signature of Candidate)

Subscribed and sworn to or affirmed before me this 8th day of November 2011

[Signature]
(District of Columbia Notary or Board of Elections Official)

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

VS.

YVETTE ALEXANDER, DON R. DINAN AND
WILLIAM LIGHTFOOT,

DEFENDANTS.

Case. No.:

000864.1-12

**ORDER ON MOTION FOR PRELIMINARY
INJUNCTION**

THIS CAUSE coming on to be heard on Plaintiff's Motion for Preliminary Injunction, and the Court being fully advised in the premises, finds as follows:

The injury to Plaintiff is the loss of the right to have the Defendants' Twelfth Amendment votes cast for a person eligible to be President. The injury is irreparable for if Defendants cast their votes for an ineligible President, Plaintiff will suffer under a government not being administered according to law. There is no adequate remedy at law is available to Plaintiff.

Defendants are ordered not to cast their Twelfth Amendment votes for Barrack Hussein Obama, II.

SO ORDERED.

Superior Court Judge

Entered: Date: _____

Time: _____