

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, et. al.,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA II, et. al.

Defendants.

Civil Action No.: 13-cv-851

Judge Richard J. Leon

**PLAINTIFFS' AMENDED MOTION TO COMPEL DEFENDANTS'
COMPLIANCE WITH FRCP RULE 26**

Plaintiffs, Larry Klayman, Charles Strange, Mary Ann Strange, move this Court to issue an order compelling Defendants to comply with Rule 26 of the Federal Rules of Civil Procedure ("FRCP") and as grounds therefor would show:

FRCP Rule 26 provides:

(f) Conference of the Parties; Planning for Discovery.

(1) *Conference Timing.* Except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B) or when the court orders otherwise, the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b).

In this Court's respective Standing Orders, the Court has ordered the Rule 26 conference to take place “within 30 days of all defendants answering the complaint or filing other motions under Rule 12(b).” See No. 13-851, ECF No. 6 at 2; see also No. 13-881, ECF No. 4 at 4 (same).

The Government and Individual Government Defendants are again stalling, and engaging in obstructionist tactics, as they have since the onset of this lawsuit. For instance, they have falsely asserted that the individual Government Defendants have not been served, requiring Plaintiffs to file their Motion For Entry Of Default And To Strike Government Defendants Answer To Plaintiffs Third Amended Complaint (ECF No. 85).¹

It thus has therefore become regrettably clear that a court order to compel is the only way in which the Defendants will attend a Rule 26 conference or serve initial disclosures upon Plaintiffs.

All of the Defendants have refused to consent to a Rule 26 conference and Plaintiffs informed Defendant's counsel that they intended to move to compel compliance with Rule 26. See email from Obama Justice Department attached as Exhibit 1.

WHEREFORE, Plaintiffs respectfully request that this Court issue an order compelling the Government and Individual Government Defendants and their counsel to comply with FRCP Rule 26, or be appropriately sanctioned for their continued delay and obstruction.

Dated: April 1, 2014

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.
General Counsel

¹ Service for *Klayman III* (No. 14-cv-92) has been sent out and Plaintiffs are awaiting returns of service from their U.S.P.S. Certified Mail. It is apparent that Defendants are intentionally engaging in more delay and obstructionist tactics as the return receipts have not been returned for over one month. All the while, the NSA and other Government and Individual Government Defendants feel free to continue in “almost Orwellian fashion” to violate the Fourth Amendment rights of the citizenry, much less Plaintiffs. Their arrogance and lawlessness is unprecedented in American history, even exceeding that of King George III who did not have these coercive technological capabilities.

Freedom Watch, Inc.
D.C. Bar No. 334581
2020 Pennsylvania Ave. NW, Suite 345
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com

Attorney for Plaintiffs and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of April, 2014, a true and correct copy of the foregoing Motion to Compel Compliance with Rule 26 (Civil Action No. 13-cv-851) was submitted electronically to the District Court for the District of Columbia and served via CM/ECF upon the following:

James J. Gilligan
Special Litigation Counsel
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044
(202) 514-3358
Email: James.Gilligan@usdoj.gov

Attorneys for Defendants.

Respectfully submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
General Counsel
Freedom Watch, Inc.
D.C. Bar No. 334581
2020 Pennsylvania Ave. NW, Suite 345
Washington, DC 20006
Tel: (310) 595-0800
Email: leklayman@gmail.com