

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

LARRY KLAYMAN, et. al.,

Plaintiffs,

v.

BARACK HUSSEIN OBAMA II, et. al.

Defendants.

Civil Action Nos:

13-cv-851

13-cv-881

14-cv-92

Judge Richard J. Leon

**PLAINTIFF'S MOTION TO REMOVE STAY ON PRELIMINARY INJUNCTION  
ORDER OF DECEMBER 16, 2013**

Plaintiffs, Larry Klayman, Charles Strange, and Mary Ann Strange, move this honorable Court in *Klayman et. al v. Obama et. al.*, (No. 13-cv-851) ("Klayman I") to remove the stay of its preliminary injunction order of December 16, 2013. Not surprisingly, the Government and Individual Government Defendants, who have not even shown the forthrightness to respond to the Third Amended Complaint, based on proven falsehoods that they were not served (*see* Motion For Entry Of Default And To Strike Government Defendants' Answer To Plaintiffs' Third Amended Complaint), oppose unstaying the December 16, 2013 preliminary injunction order.

Contrary to the Government and Individual Government Defendants, whose strategy and tactics have been to do everything possible to slow down the appellate and lower court proceedings to drag this case out for political and other illegitimate, non-litigation purposes,

Plaintiffs petitioned the U.S. Supreme Court for a writ of certiorari before judgment to accelerate the ultimate adjudication of this Court's finding that in "almost-Orwellian" fashion Fourth Amendment rights have been violated. Notably, the Government and Individual Government Defendants did not file a petition on their own, nor did they join in Plaintiffs' petition. It suits their purposes to not have an early decision by the Supreme Court, so long as this Court's stay order stays in effect, so the Government and Individual Government Defendants can continue to do as they please and violate Plaintiffs and the entire citizenry's Fourth Amendment rights. On Monday April 7, 2014, the Supreme Court declined to hear Plaintiffs' petition.

Coupled with this, the U.S. Court of Appeals for the District of Columbia Circuit has yet to set a briefing schedule (almost four months after this Court's preliminary injunction order of December 16, 2013), as the Government Defendants represented that they needed a substantial amount of additional time to "consider" motions practice before judgment.

It is thus clear that this Court's ruling and preliminary injunction of December 16, 2013, will now wind its way through the court system slowly and that during this time period the Fourth Amendment rights of Plaintiffs and the citizenry will continue to be egregiously violated. Just recently, in yet another lie that was disclosed, the ethically challenged Director of National Intelligence James Clapper, who along with his comrades in the Obama administration have repeatedly lied under oath to Congress and the Foreign Intelligence Surveillance Court ("FISC"), had to do yet another mea culpa to save his derriere from prosecution for this perjury and admit to Senator Ron Wyden of the Senate Intelligence Committee that personnel of the National Security Agency ("NSA") have been accessing, listening to, and reading the telephonic and email communications of ordinary Americans who have no connection to terrorism and no communication with terrorists, domestically and overseas. Of course, Clapper and his corrupt

enablers at the NSA do not need to do much to short-circuit justified criminal prosecution; the Obama Justice Department, true to its continuing inaction if not cover-up of a myriad of what our equally felonious president calls his phony scandals, will not hold anyone in this administration accountable, be it this NSA, IRS, Benghazi, Fast and Furious or whatever “scandal du jour” arises now and in the future. The Clapper letter to Senator Wyden and a concurrent New York Times press report are attached as Exhibit 1 and speak loudly for themselves.

Importantly, the revelation made to Senator Wyden proves that the Government and Individual Government Defendants have repeatedly lied not just to Congress, the FISC and the American people, but to this Court, with the help of their pliant Obama Justice Department lawyers. In short, it is now clear that Internet surveillance did not cease in 2011 as has been represented by them in moving to dismiss certain claims in *Klayman II* (No. 13-cv-881, D.D.C), and the same is true of overseas phone calls under PRISM. The Obama Justice Department has thus argued that relevant portions of the Second Amended Complaint in *Klayman II* should be dismissed as a result. But now that their and their clients’ lies have predictably been exposed, this court, sua sponte, should respectfully issue an order to show cause and hold their corrupt feet to the fire and strongly sanction them for their unethical and illegal conduct.

As for the lifting of the stay order of December 16, 2013, this is respectfully the minimum the Court should be prepared to do under these outrageous circumstances. And, by doing so, it would not only serve to protect Plaintiffs, the citizenry and the American people from the criminality, but also serve to light a fire under the Government and Individual Defendants to move this and the other companion cases along and not continue to obstruct and delay at every turn in an effort to “run the clock out.”

A number of motions are pending in *Klayman I* (No. 13-cv-851, D.D.C.), *Klayman II* (No. 13-cv-881, D.D.C.), and now *Klayman III* (No. 14-cv-92, D.D.C.), where the Government Defendants, consistent with their obstruction and delay tactics, now want to stay certification of the class and oppose it altogether. There is a clear-cut pattern in all three cases to avoid the Government Defendants' and Individual Defendants' day of legal reckoning.

For all of these compelling reasons, and to protect Plaintiffs and all Americans whose privacy rights and freedoms have been trampled upon by an out of control tyrannical government establishment, run primarily by Defendant Barack Obama and his enablers, this Court must step in and lift the stay of the preliminary injunction order of December 16, 2013.

Plaintiffs contacted Defendants' counsel to seek consent for this motion. Defendants' counsel indicated that they do not consent to this motion.

Dated: April 11, 2014

Respectfully submitted,

/s/ Larry Klayman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of April, 2014, a true and correct copy of the foregoing Motion to Remove Stay On Preliminary Injunction Order Of December 16, 2013 (Civil Action Nos. 13-cv-851, 13-cv-881, and 14-cv-92) was submitted electronically to the District Court for the District of Columbia and served via CM/ECF upon the following:

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Respectfully submitted,

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