

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILIP J. BERG, ESQUIRE,	:	
	:	
<i>Plaintiff</i>	:	
vs.	:	CIVIL ACTION NO. 2:08-cv-04083-RBS
	:	
BARACK HUSSEIN OBAMA, a/k/a	:	
BARRY SOETORO, a/k/a	:	
BARRY OBAMA, a/k/a	:	JURY TRIAL DEMANDED
BARACK DUNHAM, a/k/a	:	
BARRY DUNHAM, THE	:	
DEMOCRATIC NATIONAL	:	
COMMITTEE, THE FEDERAL	:	
ELECTION COMMISSION AND	:	
DOES 1-50 INCLUSIVE,	:	
<i>Defendants</i>	:	

**PLAINTIFF’S MOTION REQUESTING AN EXPEDITED RULING ON
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

NOW COMES the Plaintiff, Philip J. Berg, Esquire [hereinafter “Plaintiff”] and respectfully requests this Honorable Court to grant Plaintiff’s Motion requesting an Expedited Ruling, Hearing and/or Resolution on Plaintiff’s Motion for Summary Judgment against Defendants, Barack Hussein Obama [hereinafter “Obama”] and the Democratic National Committee [hereinafter “DNC”] on the following grounds:

1. In order to be eligible and qualified to run for and hold the Office of the President of the United States, you must be a “natural born” citizen. United States Constitution, Article II, Section I.

2. There are many questions into the citizenship status of Obama. Obama claims he was born in two [2] separate hospitals in Hawaii. Plaintiff has discovered not only was Obama born in Kenya, he became a “natural” citizen of

Indonesia upon his step-father, Lolo Soetoro signing a legal governmental birth acknowledgement “acknowledging” Obama as his son and/or adopting Obama. At this time, Obama’s name was changed and he became Barry Soetoro, an Indonesian citizen.

3. Obama and the DNC have been requested for proof of Obama’s citizenship status, which has been refused.
4. Plaintiff filed this action on August 21, 2008 requesting Declaratory and Injunctive Relief, as Obama does not meet the qualifications or eligibility to run for and/or serve as the President of the United States.
5. On or about September 9, 2008, Plaintiff filed a Motion for Expedited Discovery, Extensive Discovery and Depositions of Obama and Howard Dean, Chairman of the DNC and the appointment of a Special Master. Defendants never responded to or opposed said Motion. This Motion is still pending.
6. On September 15, 2008, Defendants, Obama and the DNC, were served with discovery by Plaintiff for Requests for Admissions and Requests for Production of Documents. Defendants’ responses were due within thirty [30] days.
7. Defendants, Obama and the DNC did not Answer the Complaint, failed to turn over proof of Obama’s citizenship status and instead filed a Motion to Dismiss on September 24, 2008. Defendants claimed Plaintiff did not have standing to bring this action and failed to state a claim which relief could be granted.

8. This Honorable Court requested Plaintiff to file any Responses in Opposition to Defendants Motion within five [5] days, that being on or before September 29, 2008 and Plaintiff complied by filing a Response in Opposition to Defendants Motion to Dismiss.
9. On or about Monday, October 6, 2008, Defendants Obama and the DNC's Attorney called Plaintiff in order to meet and confer regarding discovery pursuant to Federal Rules of Civil Procedure, Rule 26(f). Defendants Attorney was requesting Plaintiff to agree to stay discovery pending a decision on their Motion to Dismiss. Plaintiff declined as Obama's citizenship status is of National security as he is running for President of the United States.
10. In the afternoon of October 6, 2008, Defendants, Obama and DNC, filed a Motion for Protective Order staying all discovery pending the Court's decision on their Motion to Dismiss. In their Motion Defendants acknowledged receipt of the Requests for Admissions.
11. On or about October 9, 2008, Plaintiff filed his Response in Opposition to Defendants Motion for Protective Order.
12. Instead of satisfying Plaintiff and the general public's concerns regarding Obama's citizenship status, or lack thereof, Obama and the DNC have chosen to litigate the matters in lieu of providing what should be simple proof. Defendants have filed two [2] Motions to Dismiss and a Motion for a Protective Order instead of simply solving the matters.
13. Defendants have failed to timely Answer Plaintiff's Requests for Admissions, which were served on September 15, 2008 and Defendants Answers

were due thirty [30] days thereafter. Therefore, these matters are automatically deemed “admitted” in accordance with Federal Rules of Civil Procedure 36(a). McNeil v. AT&T Universal Card, 192 F.R.D. 492, 494 (E.D. Pa. 2000), Goodman v. Mead Johnson & Co., 534 F.2d 566, 573 (3d Cir. 1976), cert. denied, 429 U.S. 1038, 97 S. Ct. 732 (1977); Siss v. County of Passaic, 75 F. Supp. 2d 325, 331 (D.N.J. 1999).

14. No order staying discovery has been entered in this forum. Because the proceedings in this matter have not been stayed, and because the Defendants, Obama and DNC, failed to timely Answer Plaintiff’s Request for Admissions, they have been deemed “admitted” in accordance with Federal Rules of Civil Procedure, Rule 36(a).
15. Plaintiff has filed a Motion for Summary Judgment concurrently with this Motion for an Expedited Ruling, Hearing and/or Resolution.
16. Defendants have failed to timely answer requests for Admissions; they have been deemed admitted in accordance with Federal Rules of Civil Procedure 36(a), McNeil v. AT&T Universal Card, 192 F.R.D. 492, 494 (E.D. Pa. 2000), Goodman v. Mead Johnson & Co., 534 F.2d 566, 573 (3d Cir. 1976), cert. denied, 429 U.S. 1038, 97 S. Ct. 732 (1977); Siss v. County of Passaic, 75 F. Supp. 2d 325, 331 (D.N.J. 1999). Therefore, there are absolutely no genuine issue of material facts which exist regarding Plaintiffs' Complaint against Defendants. Plaintiff is entitled to summary judgment as a matter of law as to all of Plaintiff’s claims.
17. Failure to respond to properly served admissions permits the entry of summary judgment when the facts deemed admitted are dispositive. See

Anchorage Assocs. v. Virgin Islands Bd. of Tax Review, 922 F.2d 168, 176 (3d Cir. 1990) (deemed admissions sufficient to support summary judgment); *Freed v. Plastic Packaging Materials, Inc.*, 66 F.R.D. 550, 552 (E.D. Pa. 1975)

18. The Presidential Election is November 4, 2008. The issues are of National Importance. If Obama is not eligible to run for and/or serve as United States President allowing Obama to continue his campaign and not removing him from the ballot is against Public Policy.
19. Plaintiff as well as all other Democratic United States citizens will be deprived their right to cast their vote for an eligible Democratic Presidential Nominee and if elected, who can serve as President of the United States.
20. If the Motion is not heard and decided immediately, there will not be any time left in order to replace Obama on the Presidential ballot with an eligible Democratic Presidential candidate.
21. If Obama is elected as President of the United States and allowed to serve as the United States President, we will have a Constitutional crisis. If this is allowed, it will change the United States Constitution without proper due process of law and it will set precedence which likely will cause further variances from the United States Constitution without proper due process of law. Plaintiff and all citizens of the United States will no longer be afforded the protections guaranteed by the United States Constitution.
22. Defendants will not be prejudiced by an Expedited Ruling; however, Plaintiff and the citizens of the United States will be severely damaged, if this matter is not resolved immediately.

23. It is in the best interest of the parties and the efficient administration of justice to learn this Court's view of Plaintiff's Motions as soon as possible.

24. For the above aforementioned reasons, Plaintiff requests Defendants response time be shortened to two (2) days and an Expedited Ruling, Hearing and/or Resolution within three (3) days.

WHEREFORE, Plaintiff respectfully requests that this Court grant an expedited Ruling, Hearing and/or Resolution on Plaintiff's Motion for Summary Judgment. Plaintiff further requests Defendants Response time be shortened to two (2) days and an Expedited Ruling, Hearing and/or Resolution to Plaintiff's Motions within three (3) days.

Respectfully submitted,

Dated: October 22, 2008

s/ Philip J. Berg
Philip J. Berg, Esquire
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CERTIFICATE OF SERVICE

I, Philip J. Berg, Esquire, hereby certify that Plaintiff's Motion Requesting an Expedited Ruling, Hearing and/or Resolution on Plaintiff's Motion for Summary Judgment was served upon Defendants, Barack Hussein Obama [hereinafter "Obama"] and The Democratic National Committee [hereinafter "DNC"] via electronic filing on the ECF System, this 22nd day of October 2008 upon the following:

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In pro se

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