

**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> | : | |

ORDER

THIS CAUSE came before the United States District Court Judge, Honorable R. Barclay Surrick on Plaintiff’s Motion Requesting an Expedited Ruling on Plaintiff’s Motion for an Order deeming Plaintiff’s Request for Admissions served upon Defendants, Obama and DNC, on September 15, 2008 Admitted. Having reviewed Plaintiff’s Motion and any response thereto and for good cause shown, it is hereby **ORDERED** that Plaintiff’s Motion is **GRANTED**.

IT IS SO ORDERED

Dated: October _____, 2008

Hon. R. Barclay Surrick
United States District Court Judge
For the Eastern District of PA

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| <i>Defendants</i> | : | |

**PLAINTIFF’S MOTION REQUESTING AN EXPEDITED RULING ON
PLAINTIFF’S MOTION DEEMING PLAINTIFFS REQUESTS FOR
ADMISSIONS SERVED UPON DEFENDANTS - ADMITTED**

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 on Plaintiff’s Motion deeming Admitted Requests for Admissions that were served upon Defendants, Barack Hussein Obama [hereinafter “Obama”] and the Democratic National Committee [hereinafter “DNC”], on September 15, 2008 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 acknowledgment “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. Defendants Obama and the DNC have been requested by Plaintiff 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 Request for Admissions and Request 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 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. 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).

13. 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).
14. Plaintiff has filed a Motion for an Order deeming Plaintiff's Request for Admissions – Admitted concurrently with this Motion for an Expedited Ruling on the pending Motions.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.

20. 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.

WHEREFORE, Plaintiff respectfully requests that this Court grant an Expedited Ruling on Plaintiff's Motion for an Order deeming Plaintiff's Request for Admissions, served upon Defendants September 15, 2008, Admitted.

Respectfully submitted,

Dated: October 21, 2008

s/ Philip J. Berg
Philip J. Berg, Esquire
Attorney in *Pro Se*
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Identification No. 09867
(610) 825-3134

CERTIFICATE OF SERVICE

I, Philip J. Berg, Esquire, hereby certify that Plaintiff's Motion Requesting an Expedited Ruling on Plaintiff's Motion Deeming Plaintiff's Request for Admissions – Admitted was served upon Defendants, Barack Hussein Obama [hereinafter "Obama"] and The Democratic National Committee [hereinafter "DNC"], via electronic filing on the ECF System, this 21st day of October 2008 upon the following:

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Attorney's for Defendant's
Barack Hussein Obama and
The Democratic National Committee

The Federal Election Commission (FEC)
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Served via regular mail postage fully prepaid

In pro se

/s Philip J. Berg

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