

1 Case Title: KEYES, et al., v. BOWEN, OBAMA, et al.

2 Case No. 34-2008-8000096-CU-WM-GDS

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AFFIDAVIT

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These documents are material to the issues in this case in that they are relevant to the following issues in this litigation:

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The gravamen of the Petition is the question as to whether United States Senator Barack Hussein Obama, of Illinois, is eligible to serve as President of the United States pursuant to the requirements for that office in the United States Constitution. The records sought may provide documentary evidence, and/or admissions by said Defendant, as to said eligibility or lack thereof.

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Senator Obama has filed responsive pleadings in this matter and is represented by counsel, and has the opportunity to object to this production, should he so desire.

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Good cause exists for this production under Subpoena Duces Tecum, in that testimony will be elicited from the original records obtained through the witness named herein, and there is no other process available to secure said testimony.

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Respectfully submitted,

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Dated: January 15, 2009

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GARY G. KREEP

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): GARY G. KREEP, ESQ. (SBN 066482) LAW OFFICE OF GARY G. KREEP 932 D STREET, SUITE 2 RAMONA, CA 92065 TELEPHONE NO.: (760) 788-6624 FAX NO. (Optional): (760) 788-6414 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): KEYES, DRAKE, AND ROBINSON	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 720 Ninth Street, Room 102 MAILING ADDRESS: same as above CITY AND ZIP CODE: Sacramento, CA 95814-1380 BRANCH NAME: GORDON D. SCHABER COURTHOUSE	
PLAINTIFF/ PETITIONER: KEYES, DRAKE, AND ROBINSON DEFENDANT/ RESPONDENT: BOWEN, OBAMA, BIDEN, ET AL.	CASE NUMBER: 34-2008-80000096-CU-WM
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): Senator Barack Hussein Obama

- PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):** GARY G. KREEP SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date):
The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought):** CUSTODIAN OF RECORDS, OCCIDENTAL COLLEGE, 1600 CAMPUS RD, LA, CA 90041
A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
 - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/15/09

GARY G. KREEP

(TYPE OR PRINT NAME)

(SIGNATURE OF REQUESTING PARTY ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:
- The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE)

PLAINTIFF/PETITIONER: KEYES, DRAKE, AND ROBINSON
 DEFENDANT/RESPONDENT: BOWEN, OBAMA, BIDEN, ET AL.

CASE NUMBER:
 34-2008-80000096-CU-WM

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
 (Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
 - b. **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served: SEE ATTACHED SERVICE LIST	(3) Date of mailing: 1/15/09
(2) Address:	(4) Place of mailing (city and state): Ramona, California

(5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
 - c. My residence or business address is (specify): 932 D Street, Suite 2, Ramona, CA
 - d. My phone number is (specify): (760) 787-9907
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: January 15, 2009

 DONNA SMITH

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
 (Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. ON THE REQUESTING PARTY
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. ON THE WITNESS
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):

(v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 3. My residence or business address is (specify):
 4. My phone number is (specify):
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date:

 (TYPE OR PRINT NAME OF PERSON WHO SERVED)

 (SIGNATURE OF PERSON WHO SERVED)

Keyes, Drake & Robinson v. CA Secretary of State, et al.
Sacramento County Superior Court
Case No. 34-2008-80000096-CU-WM-GDS

Attachment to:
Notice to Consumer or Employee

LIST OF SERVICE

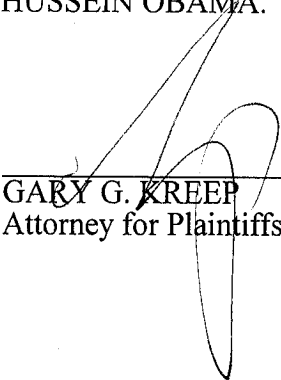
Fredric D. Woocher, Esq.
Strumwasser & Woocher, LLP
10940 Wilshire Blvd., Suite 2000
Los Angeles, CA 90024
(Atty for Barack Obama)

Edmund G. Brown, Jr.
Attorney General of State of California
Christopher E. Krueger, Sr., AAG
Jonathan K. Renner, Supervising DAG
Peter A. Krause, DAG
1301 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
(Atty for Secretary of State Debra Bowen)

1 To: **THE CUSTODIAN OF RECORDS FOR OCCIDENTAL COLLEGE:**

2 I certify under penalty of perjury under the laws of the State of California that, with respect to
3 the attached Deposition Subpoena Duces Tecum, I have given notice pursuant to Code of Civil
4 Procedure §1985.3 to Defendant, BARACK HUSSEIN OBAMA.

5 Dated: January 15, 2009

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8 GARY G. KREP
9 Attorney for Plaintiffs
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Superior Court of California, County of Sacramento 720 Ninth Street, Sacramento, CA 95814			For Court Use Only
Attorney(s) Name and Address Orly Taitz, Esq. (SBN 223433) 26302 La Paz, Mission Viejo, CA 92691 Mission Viejo, CA 92691		Telephone: (949) 683-5411 fax: (949) 586-8110	
Gary G. Kreep, Esq. (SBN 066482) Law Office of Gary G. Kreep 932 D Street, Suite 2, Ramona, CA 92065		760) 787-9907 fax: (760) 788-6414	
Attorney for: Petitioners			
Title of Case Abbreviated: Keyes, Drake, & Robinson v. Bowen, et al.			
Hearing Date:	Hearing Time:	Dept: 31	Case No. 34-2008-80000096-CU-WM-GDS

DECLARATION OF SERVICE

I, **DONNA SMITH**, declare, that: I am over the age of eighteen years and not a party to the action; I am employed in the County of San Diego, California, in which county and within-mentioned mailing occurred; my business address is 932 D Street, Ramona, California 92065. I am familiar with the practice for collection and processing of correspondence for mailing of this office pursuant to which practice all correspondence will be deposited with the United States Postal Service the same day in the ordinary course of business. On January 15, 2009, I caused to be served the following document(s):


DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS - Occidental College, with attached AFFIDAVIT; NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION; CERTIFICATE OF COMPLIANCE

xxx BY MAIL: I placed a true copy thereof in a separate envelope for each addressee as indicated above on January 15, 2009. It was deposited with the U.S. Postal Service on that same day and addressed to the below-listed parties;

___ BY FACSIMILE SERVICE: By facsimile transmission, pursuant to California Rules of Court 2008, from fax number (760) 788-6414, on January 15, 2009, I caused to be transmitted a true and correct copy thereof. The facsimile machine I used complied with CRC 2008 and no error was reported by the machine. Pursuant to CRC 2008, I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

See attached LIST OF SERVICE.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 15, 2009, at Ramona, California.


 DONNA SMITH
 Declarant

Keyes, Drake, Robinson v. Bowen, Obama, et al.
Sacramento County Superior Court
720 Ninth Street, Sacramento, CA 95814
Case No. 34-2008-80000096-CU-WM-GDS

ATTACHMENT TO PROOF OF SERVICE

List of Service

(Served 1/15/09)

Edmund G. Brown, Jr.
Attorney General of State of California
Christopher E. Krueger, Sr., AAG
Jonathan K. Renner, Supervising DAG
Peter A. Krause, DAG
1301 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
(Atty for Secretary of State Debra Bowen)

Fredric D. Woocher, Esq.
Strumwasser & Woocher, LLP
10940 Wilshire Blvd., Suite 2000
Los Angeles, CA 90024
[Atty for Barack Obama]