

OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

DAVID P. WELDEN	:	
	:	
Plaintiff	:	
	:	
v.	:	Docket Number: OSAH-SECSTATE-CE-
	:	1215137-60-MALIHI
BARACK OBAMA	:	
	:	
Defendant	:	

PLAINTIFF WELDEN’S MOTION FOR FINDING OF CONTEMPT

Pursuant to Administrative Rules of Procedure, Rule 616-1-2-.22(5), Plaintiff Welden moves this court to refer an order for contempt to the Superior Court for confirmation that Defendant Obama is in contempt of Court. Grounds for this motion are that Defendant Obama willfully defied this Court’s order to appear and testify during this Court’s hearing of January 26, 2012.

This Court issued a subpoena ordering the Defendant to appear and testify at the January 26 hearing and produce certain documents. Defendant filed a motion to quash, which this Court denied for reasons set forth in the Court’s denial. On the eve of the hearing, Defendant’s attorney sent a letter directly to the Secretary of State of Georgia, with copies sent to this Court and attorneys for the Plaintiff. Defendant’s letter requested that the Secretary of State halt the proceedings of this Court. The letter ended with a statement that the Defendant and his attorney would suspend all further participation in the proceedings of this Court pending a response from the Secretary of State.

Later the same day, during the evening of January 25th, the Secretary of State responded to the Defendant via a letter with copies to this Court and counsel for the Plaintiff. The Secretary

of State's letter informed the Defendant that the Secretary of State lacked authority under Georgia law to suspend this Court's proceedings. The letter concluded by warning the Defendant that any failure to participate in further proceedings of this Court would be at the Defendant's peril.

Considering the office currently held by the Defendant, the Defendant's request that the Secretary of State halt the proceedings of this Court, coupled with the Defendant's willful refusal to comply with an order of this Court, represent a direct threat to the rule of law. The Defendant's actions represent a direct threat to the entire judicial branch and the separation of powers between the branches of government.

The Defendant's decision to completely ignore the authority of this Court is unprecedented. While past Presidents have litigated against subpoenas, in every case those Presidents acknowledged and respected the authority of the judicial branch. In every case those Presidents instructed their attorneys to attend hearings. In every case those Presidents acknowledged rulings with which they disagreed, and either complied with court orders or followed applicable procedures to appeal to higher courts. In the instant case the Defendant did not appeal to a higher Court, and instead instructed the Secretary of State that he would not participate in further proceedings. When the Secretary of State refused to act in an unlawful manner the Defendant ignored the Secretary of State, violated an order of this Court, and apparently instructed his attorney to act in a manner that violates the professional rules of conduct of this State.

The Defendant's action represents a public denial of the authority of this Court, the laws of this State, and the judicial branch of government as a whole. Such open denial of a separate branch of government by a sitting President amounts to no less than a declaration of total

dictatorial authority. Such declaration cannot go without response from this Court. Failure to respond to the Defendant's contumacious conduct would amount to an admission that this Court and the judicial branch as a whole do not have the authority granted to them under articles III and IV of the Constitution.

Based upon the above facts it is clear that the Defendant had sufficient notice of the January 26 hearing, that the Defendant was aware that this Court had ordered his appearance, that the Defendant was aware that his motion to quash this Court's subpoena was denied, and that the Defendant thereafter willfully acted against the orders of this Court to appear.

Therefore, pursuant to Administrative Rules of Procedure Plaintiff Welden moves that this Court refer this matter to the Superior Court of Fulton County for confirmation that the Defendant violated Administrative Rules of Procedure 16-1-2-.22 (5) (a), (b), (c), and (f); and to determine appropriate sanctions. Plaintiff Welden further moves that this Court's referral include a recommendation that the Superior Court find the Defendant in willful contempt of Court, and that the Superior Court impose sanctions commensurate with an act that threatens the foundations of our Constitutional Republic.



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CERTIFICATE OF SERVICE

Pursuant to the Order entered in this matter regarding electronic service, I certify that I have served the opposing party in this matter with a copy of Plaintiff Welden's Motion for an Order Finding Contempt by sending a copy via e-mail addressed to: Michael Jablonski, Michael.jablonski@comcast.net; Orly Taitz, orly.taitz@gmail.com; and mhatfield@wayxcable.com

This the 1st day of February, 2012.



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