

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

MICHAEL C. VOELTZ,  
Plaintiff,

Case No.: 2012 CA 003857

vs.

BARACK HUSSEIN OBAMA, et. al.  
Defendants.

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**PLAINTIFF'S EXPEDITED MOTION FOR REHEARING**

Plaintiff Michael Voeltz, by and through his undersigned counsel, pursuant to Rule 1.530, Florida Rules of Civil Procedure, moves for rehearing of this Court's Order Dismissing Complaint of December 20, 2012 and as grounds therefor would show:

1) As set forth in Plaintiff's Response to the Court's Order (Exhibit 1) which appends this court's prior Order to Respond of December 13, 2012, Plaintiff timely requested a hearing as the court had said he could, prior to today's Order Dismissing the Complaint. Plaintiff requested an evidentiary hearing to allow Defendants to cross examine Plaintiff's witnesses who have attested under oath that Defendant Barack H. Obama was not born in the United States and thus is not a "natural born citizen", much less a citizen. Therefore Defendant Obama is ineligible for Office of President of the United States under Section 102.168, Florida Statutes, which Plaintiff pled in his complaint along with fraud. Thus, by prematurely and precipitously dismissing Plaintiff's complaint without a hearing, the court manifestly violated Plaintiff's constitutional rights to due

process of law. This act also flies in the face of this court's own Order of December 13, 2012, which was law of the case.

2) This Court had a statutory duty under the Florida Election laws, the Florida and U.S. Constitutions, and 3 U.S.C. Section 5, to adjudicate Defendant Obama's eligibility and his alleged fraudulent acts expeditiously, timely, and before the electors met on December 17, 2012 and before the Electoral College votes on January 6, 2013. Plaintiff's complaint was timely filed on November 29, 2012. Thus, this court also violated these laws in dismissing the Complaint summarily.

3) The tenure and substance of this Court's Order Dismissing complaint at a minimum creates an appearance that it simply jettisoned this case not only on the extrajudicial and non-legal premise that President Obama was president during the prior four year term, and has already performed many "presidential" acts but also because this court did not want to be "inconvenienced" by holding an evidentiary hearing between the period of Christmas and New Years. This time period was requested and necessary because of the time restraints required by the law -- leading up to the December 17, 2012 vote of the Florida Electors and the planned statutory date of January 6, 2013 for the Presidential Electors to meet and vote. These time constraints have always been at issue in every election involving the Office of President of the United States. Nothing has changed. And the court's off-the-cuff remarks concerning how Defendant Obama appointed a colleague and presumably a friend of his, Judge Walker, to the federal bench, who "has been sworn in as a U.S. District Court judge and works in the Federal Courthouse down the street," more than suggests a conflict of interest for this court, since if Defendant Obama is

declared ineligible for having defrauded the voters of Florida, Judge Walker in principal would be disqualified to sit as a federal judge. So too are the court's remarks that "fictional judge Henry X. Harper from New York in open court in the classic holiday film Miracle on 34th St. '*Since the United States Government declares this man to be President, this Court will not dispute it, Case dismissed.*'" inappropriate, and show a mindset simply to rid the court of this case, apparently to avoid having to conduct an evidentiary hearing during the vacation period. The court seems to want to sidestep having to reach these serious and important matters before it.

The Honorable Judge Terry Lewis, in a related case on appeal, previously appeared to rule that the right time to file this case was after the November 6, 2012 presidential elections. Plaintiff did so accordingly. There is also insufficient basis for this Court to threaten Plaintiff Michael Voeltz with attorney's fees and costs for having exercised his rights as a voter and elector in the state of Florida.

There could be nothing more sacred than voter's rights. Our Founding Fathers, having pledged their honor, sacred fortunes, and risked and given of their lives, founded a new nation when they were continuously denied due process by King George III in having a judicial mechanism such as the people of Florida are blessed with to contest the eligibility and conduct of someone such as Defendant Obama who has apparently defrauded his way into the Office of the President. As John Adams, perhaps our greatest Founding Father, and second president made clear when advocating the Declaration of Independence, the United States of America was to become a nation of laws, not of men. It is therefore irrelevant that Defendant Obama has performed actions during his last four years leading up to his 2012 "reelection" since these acts are void or voidable.

All of this is subject to being proven in an evidentiary hearing that this court must respectfully grant on a timely basis.

WHEREFORE, for all these reasons, and more, Plaintiff respectfully requests that this court rehear its Order Dismissing the Complaint, vacate this order forthwith, and set an evidentiary hearing during the week of December 24, 2012 to December 28, 2012 (excluding Christmas Eve, Christmas Day, and New Years) or such any other time as appropriate given the time constraints before the January 6, 2013 vote of the Electoral College.

Plaintiff is Filing its Motion for Temporary Injunction with Memorandum in Support Therof contemporaneously with this motion.

Dated: December 20, 2012

Respectfully submitted,

/s/ Larry Klayman  
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*Counsel for Plaintiff*

**CERTIFICATION**

I HEREBY CERTIFY that a true copy of the foregoing Motion For Rehearing has been filed electronically and served by email this 20th day of December, 2012 upon the following:

Mark Herron  
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169 East Flagler Street, Suite 1422  
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Respectfully submitted,

/s/ Larry Klayman  
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# Exhibit 1

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MICHAEL C. VOELTZ,  
Plaintiff,

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BARACK HUSSEIN OBAMA, et. al.  
Defendants.

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**EMERGENCY RESPONSE OF PLAINTIFF TO THE COURT'S ORDER OF  
DECEMBER 13, 2012**

Plaintiff Michael Voeltz, by and through his undersigned counsel, hereby files his Emergency Response to this Court's Order of December 13, 2012 which ordered Plaintiff to file a response to Defendants' Motion to Dismiss and Notice of Applicability. Attachment 1. Plaintiff has just received this order.

Due to the urgency of the matter at hand, on December 13, 2012 Plaintiff filed a response in opposition to Defendants' Motions to Dismiss, the same day the Court issued its Order of December 13, 2012. Similarly, on December 14, 2012 Plaintiff filed a response in opposition to Defendant's Notice of Applicability.

In addition, for scheduling purposes, Plaintiff gives notice of his intention to file a motion for a temporary restraining order and/or preliminary injunction within the next twenty-four hours further seeking legal redress to prevent the Florida Electors from casting their ballots for Defendant Barack H. Obama for the Office of President of the United States.

Plaintiff respectfully requests that a hearing be held during the week of December 24, 2012 through December 28, 2012 (excluding Christmas Eve or Christmas Day) on the matter of

the temporary restraining order and/or preliminary restraining order. Counsel for Plaintiff will be in Florida and available during the week, but must be out of state the following week. The affiants are also available who have provided to the Court previously their sworn testimony that Defendant Obama's birth certificate and other identifying documents are fraudulent. See Response in Opposition to Motion to Dismiss. The affidavits are provided again for the Court's convenience as Attachment 2.

Given the urgency of this matter the expedited scheduling of a hearing would enable both sides to be heard before electors cast their votes on January 6, 2012.

Counsel for Plaintiff similarly requests a telephonic status conference be held between the Court and all the parties in order to discuss potential hearing times either today or another date and time this week, at a mutually convenient date and time.

Dated: December 19, 2012

Respectfully submitted,

/s/ Larry Klayman  
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Email: leklayman@gmail.com

*Counsel for Plaintiff*



**CERTIFICATION**

I HEREBY CERTIFY that a true copy of the foregoing Emergency Response to the Court's Order of December 13, 2012 has been filed electronically and served by U.S. mail this 19th day of December, 2012 upon the following:

Mark Herron  
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Respectfully submitted,

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