

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

VS.

YVETTE ALEXANDER, DON R. DINAN AND  
WILLIAM LIGHTFOOT,

DEFENDANTS.

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CASE No.:12-cv-1948

**PETITIONER’S VERIFIED MOTION FOR  
RULE TO SHOW CAUSE WHY THE SOCIAL  
SECURITY ADMINISTRATION AND THE  
SELECTIVE SERVICE SYSTEM SHOULD NOT  
BE HELD IN CONTEMPT OF COURT**

Plaintiff, Montgomery Blair Sibley, pursuant to 28 U.S.C. §1746, states that the matters stated herein are true under penalty of perjury and pursuant to Federal Rules of Civil Procedure, Rule 45(e) and the anomalous authority of this Court, moves for a Rule to Show Cause why the Social Security Administration and the Selective Service Administration, should not be held in contempt of court and for grounds in support states:

**I. SOCIAL SECURITY SUBPOENA**

On November 30, 2012, at Plaintiff’s request pursuant to D.C. Superior Court Rule 45(a)(3), the Clerk of that Court issued a subpoena duces tecum directed to the Records Custodian, Social Security Administration. A copy of that Subpoena with its affidavit of service is attached hereto as Exhibit “A”.

After various discussions between Sibley and counsel for the Social Security Administration, Sibley received a letter indicating that the Social Security Administration refused to respond to the subpoena. A copy of that refusal is attached hereto as Exhibit “B”.

## **II. SELECTIVE SERVICE ADMINISTRATION**

On December 3, 2012, at Plaintiff's request pursuant to D.C. Superior Court Rule 45(a)(3), the Clerk of that Court issued a subpoena duces tecum directed to the Records Custodian, Selective Service System. A copy of that Subpoena with its affidavit of service is attached hereto as Exhibit "C".

After various discussions between Sibley and counsel for the Selective Service System, no production pursuant to the subpoena was had.

## **III. THIS COURT MUST ORDER THE SUBPOENAED RECORDS PRODUCED**

Rule 45(e) states in pertinent part: "(e) Contempt – The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena."

The Social Security Administration first asserts that the sought after records are protected from disclosure by 42 U.S.C. §1306. Yet persuasive case law holds the opposite: *Accord: In re Bankers Trust Co.*, 61 F.3d 465, 470 (6th Cir 1995)("If Congress were to limit a federal district judge's authority to order discovery according to the interest of the Federal Reserve, the ability of a federal court to perform its most basic function of deciding "cases and controversies" under Article III of the Constitution would be notably impaired. Courts cannot fairly decide cases if they cannot have access to the information needed for a fair, objective decision."); *Merchants National Bank vs. United States*, 41 F.R.D. 266, 268 (D.C. S. Dak, 1966)("While [42 U.S.C. §1306] statute gives the Secretary the right to restrict disclosure, 'Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers.' *United States v. Reynolds*, 345 U.S. 1, 9 (1953)"); *Gilley v. Travelers Insurance Company*, 298 F. Supp. 47 (D.C.E.D. Tennessee 1962)("Because 42 U.S.C. §1306 seeks to limit the availability of evidence to the court, it should be strictly construed.

In fact, some courts go much further and hold that such restrictions on disclosure have no application to disclosure made under legal process; the inhibitions contained in statutes such as § 1306 relate only to voluntary imparting of such information, do not affect or govern the obtaining of such information by a court or a litigant under court process, and are not intended to impede the administration of justice in the courts by the suppression and exclusion of pertinent, relevant, and material evidence and testimony. **For example, the United States can not refuse to produce Social Security records otherwise subject to production by relying upon § 1306;** while the statute gives the Secretary of the Department of Health, Education, and Welfare, the right to restrict disclosure. Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers.”).

Second, the Social Security Administration claims that Privacy Act found at 5 U.S.C. §552a, prohibits disclosure. In response, Sibley maintains that a subpoena qualifies as a “court order” under §552a(b)(11)<sup>1</sup>. Sibley is well aware that in *Doe v. DiGenova*, 79 F.2d 74, 85 (D.C. Cir. 1985), the Court held: “We conclude, therefore, that subpoenas – grand jury or otherwise – do not qualify as ‘order[s] of a court of competent jurisdiction’ under 5 U.S.C. §552a(b)(11), unless they are specifically approved by a court.” Yet Sibley maintains that the “*obiter dicta*” of “or otherwise” to encompass clerk-issued subpoenas is not *stare decisis* binding<sup>2</sup> on this court as *DiGenova* was solely

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<sup>1</sup> Title 5 U.S.C. §552a(b) “Conditions of Disclosure” states: “No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be . . . (11) pursuant to the order of a court of competent jurisdiction.”

<sup>2</sup> See: *Humphrey's Executor v. United States*, 295 U.S. 602, 626-627 (1935)(“In the course of the opinion of the court, expressions occur which tend to sustain the government's contention, but these are beyond the point involved and, therefore, do not come within the rule of

concerned with grand jury subpoenas which afford no opportunity for challenge.

Indeed, any privacy interests at stake here can be protected by way of appropriate application to this court of any party wishing to pursue that course.

Alternatively, if the Court finds that the clerk-issued subpoena does not satisfy §552a(b)(11), Sibley respectfully requests that the Court so order production as sought in the subpoena. Unlike similar provisions in other federal confidentiality statutes, *see, e.g.*, 42 U.S.C. §290dd-2 (listing “good cause” factors to be weighed by court in evaluating applications for orders permitting disclosure of records pertaining to substance abuse), subsection §552a(b)(11) contains no standard governing the issuance of an order authorizing the disclosure of otherwise protected Privacy Act information. As the Privacy Act does not itself create a qualified discovery “privilege,” a showing of “need” is not a prerequisite to initiating discovery of protected records. In *Laxalt v. McClatchy*, 809 F.2d 885 (D.C. Cir. 1987) the Court held:

The Privacy Act, however, does not create a qualified discovery privilege as that concept is generally understood, and we find no basis in the statute or its legislative history for inferring one. Nor does the Act create any other kind of privilege or bar that requires a party to show actual need as a prerequisite to invoking discovery. Rather, the plain language of the statute permits disclosure “pursuant to the order of a court of competent jurisdiction.” 5 U.S.C. § 552a(b)(11) (1982). Neither the statute nor anything in its legislative history specifies the standards for issuance of such a court order. We therefore find no basis for inferring that the statute replaces the usual discovery standards of the FRCP – in particular, Rules 26 and 45(b) – with a different and higher standard.

*Id.* at 888-90.

In providing direction to the lower courts on handling §552a(b)(11) requests, the Court went

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*stare decisis.*”)

on to state: “Procedurally, then, when the District Court considers a request for a Privacy Act order in the discovery context it must consider the use of protective orders and the possibility of *in camera* inspection. It should also consider, in its discretion, the wisdom of notifying the affected parties. . . . [T]he broad authority of the District Court in supervising discovery surely affords it the discretion to give such notice itself and ask the affected parties to appear.” *Id.* at 890. Thus *Laxalt v. McClatchy* established that the only test for discovery of Privacy Act-protected records is “relevance” under Rule 26(b)(1) of the Federal Rules of Civil Procedure. *Id.* at 888-90.

The relevance of the Social Security information relating to Mr. Obama – and his pseudonyms – is as follows: In 2010, Obama posted online on “WhiteHouse.gov” his 2009 tax returns and thus his Social Security number – 042-xx-xxx – became visible to the public. Social Security numbers starting with “042” were issued only to those residing in Connecticut.<sup>3</sup> A SS-5 application for a Social Security number contains basic information including “Place of Birth”. When Obama’s Social Security number was issued, *circa* 1977, Obama was living in Hawaii and if he had at that time applied for his Social Security number it should have started with “575”, “576”, “750” or “751”<sup>4</sup>, not “042”.

Hence, the Social Security records sought are relevant to the issue of the eligibility of Mr. Obama to be President as they may well reveal that he is not eligible to serve as President and hence, the Defendants may thus be precluded for casting their votes for him. Indeed, Mr. Obama has refused to release his Social Security records raising to this Court adverse inference that he has something to hide. *Accord: Baxter v. Palmigiano* , 425 U.S. 308, 318 (1976)(“[T]he Fifth

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<sup>3</sup> Retrieved from: <http://socialsecuritynumerology.com>

<sup>4</sup> Retrieved from: <http://socialsecuritynumerology.com>

Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them.”)

Likewise, the same arguments apply to the Selective Service System subpoena and hence Sibley raises them here.

#### **IV. CONCLUSION**

In *Seminole Tribe v. Fla.*, 517 U.S. 44, f/n #2 (1996), the Court held: “In any event, it is clear that the idea of the sovereign, or any part of it, being above the law in this sense has not survived in American law.” It is this Court’s duty to see that aspiration still holds fast.

WHEREFORE, Sibley respectfully request that this Court issue a Rule to Show Cause why the Social Security Administration and the Selective Service Administration, should not be held in contempt of court. Alternatively, Sibley respectfully requests that this Court order pursuant to its authority under §552a(b)(11) production of the documents sought in the subject subpoenas.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2012, a true copy of the foregoing was caused to be served pursuant to LCvR 5.4: (i) Andrew J. Saindon, Assistant Attorney General, Equity Section, 441 Fourth Street, N.W., 6th Floor South, Washington, D.C. 20001, Telephone: (202) 724-6643, Facsimile: (202) 730-1470, E-mail: [andy.saindon@dc.gov](mailto:andy.saindon@dc.gov).

I declare under penalty of perjury that the foregoing is true and correct.

**MONTGOMERY BLAIR SIBLEY**  
Plaintiff  
4000 Massachusetts Ave., N.W., #1518  
Washington, D.C. 20016  
(202) 478-0371

By: \_\_\_\_\_  
Montgomery Blair Sibley

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

VS.

YVETTE ALEXANDER, DON R. DINAN AND  
WILLIAM LIGHTFOOT,

DEFENDANTS.

CASE No.:12-cv-1948

**ORDER ON PLAINTIFF'S VERIFIED MOTION  
FOR RULE TO SHOW CAUSE WHY THE  
SOCIAL SECURITY ADMINISTRATION AND  
THE SELECTIVE SERVICE SYSTEM SHOULD  
NOT BE HELD IN CONTEMPT OF COURT**

\_\_\_\_\_/

THIS MATTER came on to be heard on Order on Plaintiff's Verified Motion for Rule to Show Cause Why the Social Security Administration and the Selective Service System Should Not Be Held in Contempt of Court the Court being advised in the premises, it is hereby:

ORDERED AND ADJUDGED that the motion is granted. The Social Security Administration and the Selective Service System shall show cause within \_\_\_\_ days of the date of this Order why they should not be held in contempt of court for failing to comply with the subpoena duces tecum served on them in this matter.

DONE AND ORDERED in Chambers this \_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
United States District Judge

Copies to:  
Montgomery Blair Sibley  
Andrew J. Saindon

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

MONTGOMERY BLAIR SIBLEY,  
  
PLAINTIFF,

Case. No.: 2012-CA-008644 B  
Judge: John M. Mott  
Next Hearing: February 15, 2013  
10:00 a.m.

vs.

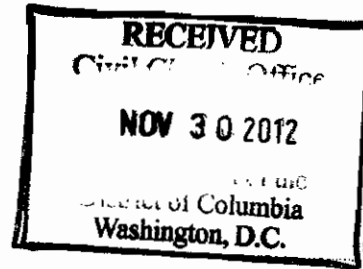
YVETTE ALEXANDER, DON R. DINAN AND  
WILLIAM LIGHTFOOT,

**SUBPOENA DUCES TECUM IN A CIVIL  
CASE**

DEFENDANTS.

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To: Record Custodian  
Social Security Administration  
2100 M Street NW  
Washington, D.C. 20037



YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects as the place, date and time specified below:

Documents:

1. All records related to Barack Hussein Obama, II, also known as Barack Hussein Obama, including, without limitation, the Application for a Social Security Number (Form SS-5);
2. All records related to Harrison J Bounel, including, without limitation, the Application for a Social Security Number (Form SS-5);
3. All records related to Barry Soetoro, including, without limitation, the Application for a Social Security Number (Form SS-5).

Place of Production: 4000 Massachusetts Ave, NW, Washington, DC 20016

Date and Time of Production: December 12, 2012 at 10:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. SCR-CIV 30(b)(6).




ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER:

**MONTGOMERY BLAIR SIBLEY**  
**PLAINTIFF**  
4000 Massachusetts Ave, NW, #1518  
Washington, D.C. 20016  
Voice/Fax: 202-478-0371

**A TRUE COPY**  
**TEST: 11/30/12**  
Clerk, Superior Court of  
the District of Columbia  
By \_\_\_\_\_ Deputy Clerk

DATE: 11/30/12

  
\_\_\_\_\_  
Deputy Clerk

Authorization as required by D.C. Code 814-307 and Brown v U.S., 567 A. 2d 426 (D.C. 1989). is hereby given for issuance of a subpoena for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege relating to such records.

Judge To Whom Case Is Assigned

PROOF OF SERVICE 2100 M Street NW

SERVED: Date: 12/3/12 Time: 1:27 pm Place: Washington, DC 20037

personal service on Charles Dunlap,

SERVED ON/MANNER OF SERVICE: Authorized Representative

(attach return receipt if service was made by registered or certified mail)

SERVED BY (PRINT NAME)

TITLE

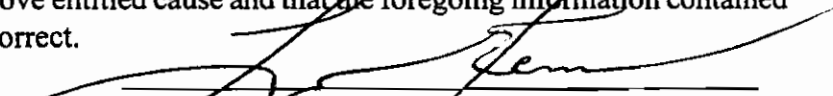
Lorenzo Kenerson

private process server

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled cause and that the foregoing information contained in the Proof of Service is true and correct.

Executed on 12/3/12  
Date

  
\_\_\_\_\_  
SIGNATURE OF SERVER

ADDRESS OF SERVER: 4626 Wisconsin Ave NW #300, Washington, DC 20016

RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEDURE, Sections C & D:

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this Rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the Court shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person who is not a party or an officer of a party to travel to a place more than 25 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(S)(b)(iii) of this Rule, such a person may in order to attend trial be commanded to travel from any such place to the place of trial, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or, (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 25 miles to attend trial, the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



# **SOCIAL SECURITY**

Office of the General Counsel  
Region III

December 11, 2012

## **VIA UPS, Regular Mail, Email**

Montgomery Blair Sibley  
4000 Massachusetts Avenue, N.W.  
Apartment 1518  
Washington, D.C. 20016-5136

Re: Montgomery Blair Sibley v. Yvette Alexander, et al., D.C. Superior Court,  
Civil Division, Case No. 2012-CA-008644 B

Dear Mr. Sibley:

This letter is in response to the subpoena delivered by courier on December 3, 2012 to the Social Security Administration (SSA) field office located at 2100 M. Street, NW, Washington, DC 20037. Pursuant to the subpoena, you are seeking “All records related to Barack Hussein Obama, II, also known as Barack Hussein Obama, including, without limitation, the Application for a Social Security Number (Form SS-5);” “All records related to Harrison J. Bounel, including, without limitation, the Application for a Social Security Number (Form SS-5);” and “All records related to Barry Soetoro, including, without limitation, the Application for a Social Security Number (Form SS-5).” Federal law prohibits the disclosure of the information you requested without written authorization from President Obama, Mr. Bounel, or Mr. Soetoro. Accordingly, you are not entitled to the records you seek.

The Social Security records you seek are protected by the Privacy Act, 5 U.S.C. § 552a, Section 1106 of the Social Security Act, 42 U.S.C. § 1306, and Social Security regulations found at 20 C.F.R. Part 401 (2012). Under federal law, SSA cannot disclose records pertaining to an individual unless the individual has consented in writing to the disclosure or unless a Privacy Act exception applies. 5 U.S.C. § 552a(b); 20 C.F.R. §§ 401.100, 401.110 (2012). While there is an exception in the Privacy Act that allows for disclosure “pursuant to an order of a court of competent jurisdiction,” 5 U.S.C. § 552a(b)(11), only a federal court of the United States is considered to be a court of competent jurisdiction. 20 C.F.R. § 401.180(b) (2012). This is because the federal government has not waived its sovereign immunity under the Privacy Act. Accordingly, state court jurisdiction over a federal agency or official, like SSA and its employees, is precluded. 20 C.F.R. § 401.180(d) (2012). Thus, to process your request without President Obama’s, Mr. Bounel’s, or Mr. Soetoro’s valid written consent would place SSA in direct violation of federal law. It would also subject the SSA employee who provided the records to criminal prosecution that could result in a fine of up to \$10,000 or imprisonment for not more than five years or both. 42 U.S.C. § 1306.

P.O. Box 41777, PHILADELPHIA, PA 19101

Exhibit "B"

You may obtain the records you seek by forwarding the enclosed consent form, Form SSA-3288, *Consent for Release of Information*, to President Obama, Mr. Bounel, or Mr. Soetoro for their completion. I have attached three copies of Form SSA-3288 for your convenience. The form is also available on SSA's website at <http://www.ssa.gov/online/ssa-3288.pdf>, for future use. The consent forms should include President Obama's, Mr. Bounel's, and Mr. Soetoro's full name, their date of birth, and their social security number. The consent forms must be signed and dated by President Obama, Mr. Bounel, and Mr. Soetoro. The consent forms must specify to whom the information may be disclosed and, where applicable, during which timeframe the information may be disclosed. A consent with an accompanying attachment specifying the information to be disclosed, that is not stated in the consent itself, is not acceptable. SSA will not honor a blanket consent to disclose all of an individual's records. 20 C.F.R. § 401.100(c) (2012).

After you have obtained President Obama's, Mr. Bounel's, and Mr. Soetoro's completed forms, please forward them to my attention at:

300 Spring Garden Street,  
Office of the General Counsel  
6th Floor  
Philadelphia, PA 19123

Once I receive a proper written consent, it will be processed, and copies of the information SSA is authorized to disclose will be forwarded to you as soon as practical.

If a certified copy of the records in question is needed so they can be used in court, SSA should be advised accordingly in writing when the written request is submitted to me. SSA provides this service only in response to a written request. 20 C.F.R. § 403.155 (2012). Otherwise, SSA considers a request for a certified copy of records previously released to be a new request for records. Id.

SSA may submit a bill for processing and copying the requests, including any associated personnel labor costs, and, as necessary, additional fees for postage and services requested, such as a certification of the record. SSA may require the payment of all fees before it provides the record.

Otherwise, in accordance with the doctrine of sovereign immunity, the United States is generally immune from suit, except as it consents to be sued. U.S. v. Sherwood, 312 U.S. 584, 586 (1941). The terms of the United States' consent to be sued define a court's jurisdiction to entertain such a suit. Id. As noted already, an SSA employee cannot be held in contempt for refusing to disclose information pursuant to a subpoena for an individual's Privacy Act protected records if there is no appropriate written consent. See In re Mengel, 201 F. Supp. 687, 689-90 (W.D.Pa. 1962).

Page 3 of 3

In conclusion, because federal law prohibits SSA from disclosing the information you seek without the written authorization of President Obama, Mr. Bounel, and Mr. Soetoro, we request that you withdraw the subpoena. If you have any questions, please contact the undersigned at (215) 597-9254.

Sincerely,

Eric P. Kressman  
Regional Chief Counsel

By: Beverly H. Zuckerman  
Beverly H. Zuckerman  
Assistant Regional Counsel

BHZ/jmo

Attachments

**RECEIVED**  
**Civil Clerk's Office**  
DEC 03 2012  
Superior Court of the  
District of Columbia  
Washington, D.C.

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

MONTGOMERY BLAIR SIBLEY,  
  
PLAINTIFF,

Case No.: 2012-CA-008644 B  
Judge: John M. Mott  
Next Hearing: February 15, 2013  
10:00 a.m.

vs.

YVETTE ALEXANDER, DON R. DINAN AND  
WILLIAM LIGHTFOOT,

**SUBPOENA DUCES TECUM IN A CIVIL  
CASE**

DEFENDANTS.

\_\_\_\_\_/

To: Record Custodian  
Selective Service System (703-605-4010)  
1515 Wilson Boulevard, Suite 600  
Arlington, VA, 22209-2425

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents:

1. Original Selective Service Registration Form for Barack Hussein Obama, II, also known as Barack Hussein Obama;
2. Original Selective Service Registration Form for Barry Soetoro.

Place of Production: 4000 Massachusetts Ave, NW, Washington, DC 20016

Date and Time of Production: December 12, 2012 at 10:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. SCR-CIV 30(b)(6). In lieu of a personal appearance, the requirements of this subpoena may be met by delivery of the material by mail or overnight delivery service to: Montgomery Blair Sibley, 4000 Massachusetts Ave, N.W., #1518, Washington, D.C. 20016, provided that the material is received on or before the return date set forth herein.

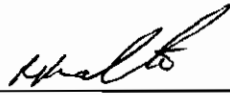
Exhibit "C"

ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER:

Superior Court of the District of Columbia  
Civil Division  
500 Indiana Avenue, N.W.  
Room 5000  
Washington, D.C. 20001

**MONTGOMERY BLAIR SIBLEY**  
**PLAINTIFF**  
4000 Massachusetts Ave, NW, #1518  
Washington, D.C. 20016  
Voice/Fax: 202-478-0371

DATE: DEC 03 2012

  
Deputy Clerk

Authorization as required by D.C. Code 814-307 and *Brown v U.S.*, 567 A. 2d 426 (D.C. 1989). is hereby given for issuance of a subpoena for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege relating to such records.

Judge To Whom Case Is Assigned

**PROOF OF SERVICE**  
SERVED: Date: 12/12/12 Time: 9:08AM Place: Selective Service System  
1515 Wilson Blvd. #600, Arlington  
Virginia, 22209

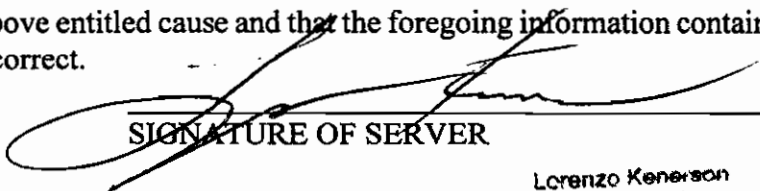
SERVED ON/MANNER OF SERVICE: Rudy Sanchez, Authorized Representative  
(attach return receipt if service was made by registered or certified mail) Personally

SERVED BY (PRINT NAME) TITLE  
Lorenzo Kenerson Private Process Server

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled cause and that the foregoing information contained in the Proof of Service is true and correct.

Executed on 12/12/12  
Date

  
SIGNATURE OF SERVER

ADDRESS OF SERVER: \_\_\_\_\_  
Lorenzo Kenerson  
Washington Pre-Trial Services, Inc.  
4626 Wisconsin Ave NW #300  
Washington DC 20016  
(202) 387-0700

RULE 45, SUPERIOR COURT RULES OF CIVIL PROCEDURE, Sections (202) 387-0700

- (c) Protection of Persons Subject to Subpoenas.
- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena.

The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this Rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the Court shall quash or modify the subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person who is not a party or an officer of a party to travel to a place more than 25 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(S)(b)(iii) of this Rule, such a person may in order to attend trial be commanded to travel from any such place to the place of trial, or (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or, (iv) subjects a person to undue burden. (B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 25 miles to attend trial, the Court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.