

No. 11-56303

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MICHAEL CHAMNESS, DANIEL FREDERICK, and RICH WILSON

Plaintiffs,

JULIUS GALACKI

Intervenor-Applicant / Appellant,

-v.-

DEBRA BOWEN, in only her official capacity as California Secretary of State, and
DEAN LOGAN, in only his official capacity as Registrar-Recorder / County Clerk of Los
Angeles County,

Defendants / Appellees

ABEL MALDONADO, CALIFORNIA INDEPENDENT VOTER PROJECT,
CALIFORNIANS TO DEFEND THE OPEN PRIMARY,

Intervenors-Defendants / Appellees

*ON APPEAL FROM A CENTRAL DISTRICT OF CALIFORNIA ORDER DENYING
JULIUS GALACKI'S MOTION TO INTERVENE*

**NOTICE OF RENAMING OF MOTION FROM "EMERGENCY MOTION FOR
EXPEDITED HEARING" TO "EMERGENCY MOTION FOR SUMMARY
REVERSAL"**

GAUTAM DUTTA

Attorney for Appellant Julius Galacki

Gautam Dutta, Attorney-at-Law

39270 Paseo Padre Pkwy # 206

Fremont, CA 94538

415.236.2048

213.405.2416 fax

Dutta@BusinessandElectionLaw.com

TO THE COURT AND ALL PARTIES OF RECORD:

Please take notice that Appellant **Julius Galacki's** August 5, 2011 Emergency Motion for Expedited Appeal has been renamed to:

EMERGENCY MOTION FOR SUMMARY REVERSAL

Summary reversal is warranted when a lower court has denied relief to a person who has been clearly deprived of his or her constitutional rights.¹ By flouting this Court's directly applicable precedent and denying his Motion to Intervene, the trial court has barred Mr. Galacki from defending and vindicating his fundamental rights (1) as a voter who was disenfranchised because he cast a write-in vote, (2) as a candidate who was barred from running for federal office because he sought to run as a write-in candidate, and (3) as a Tea Party candidate who will soon be forced to falsely state on the 2012 ballot that he has "No Party Preference".

Accordingly, Mr. Galacki's Emergency Motion asks the Court (1) to summarily reverse the trial court's denial of his Motion to Intervene before the trial court holds its August 22, 2011 hearing on Plaintiffs' Motion for Summary Judgment, (2) to instruct the trial

¹ *Sills v. Bureau of Prisons*, 76 F.2d 792, 795-96 (D.C. Cir. 1985) (Mikva, J.); *see also Joshua v. U.S.*, 17 F.3d 378, 380 (Fed. Cir. 1994); Circuit Rule 3-6(a) (summary disposition on appeal warranted when the trial court has committed "clear error").

court to consolidate Mr. Galacki's constitutional claims alongside
Plaintiffs' pending Motion for Summary Judgment.

Executed on August 5, 2011, in Fremont, California.

DATED: Aug. 5, 2011

By: /s/
GAUTAM DUTTA, ESQ.

CERTIFICATE OF SERVICE

On Aug. 6, 2011, I electronically served an electronic copy of this
Notice of Renaming of Emergency Motion via ECF.

/s/ _____

GAUTAM DUTTA