

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**MAID OF THE MIST CORPORATION)
and MAID OF THE MIST)
STEAMBOAT COMPANY, LTD.,)**

Plaintiffs,

v.

**ALCATRAZ MEDIA, LLC,)
ALCATRAZ MEDIA, INC., and)
WILLIAM M. WINDSOR,)**

Defendants.

Civil Action No.

1:06-CV-0714-ODE

**PLAINTIFFS’ MOTION FOR RULE TO SHOW CAUSE AND MOTION
FOR CONTEMPT AND SANCTIONS AGAINST DEFENDANT WILLIAM
M. WINDSOR**

COME NOW MAID OF THE MIST CORPORATION (“Corporation”) **and MAID OF THE MIST STEAMBOAT COMPANY, LTD.** (“Steamboat”) (“Plaintiffs” or “Maid”), Plaintiffs and Counterclaim-Defendants hereinabove, and, pursuant to this Court’s Order dated December 22, 2009, as modified by this Court’s Order dated April 26, 2010, and Rule 65 of the Federal Rules of Civil Procedure and LR 7.1A, NDGa., move the Court for a rule to show cause to hold

Defendant William M. Windsor (“Windsor”) in contempt of court, and to sanction him for his failure to comply with this Court’s Order dated December 22, 2009 (Docket No. 723), as modified by this Court’s Order dated April 26, 2010 (Docket No. 794) (collectively, the “Filing Injunction”), and show the Court as follows:

1.

On December 22, 2009, this Court entered a permanent injunction against Windsor, as follows:

Accordingly, taking into account that this is a closed case, Windsor, and any parties acting in concert with him or at his behest, are therefore PERMANENTLY ENJOINED from filing any further motion, pleading, or other paper in Civil Action No. 1:06-CV-0714-ODE. Regarding Civil Action No. 1:09-CV-1543-WSD, the undersigned will take no action on Plaintiffs’ injunctive request, because that case is an open matter which is assigned to Judge Duffey.

Finally, Windsor is ORDERED not to file in any court any new lawsuit which involves claims arising from the same factual predicate or nucleus of operative facts as the instant case. These claims would be barred by the doctrine of res judicata. The filing of such claims would serve no purpose except to harass Plaintiffs, and would probably result in sanctions against Windsor.

(Docket No. 723, p. 19).

2.

The Filing Injunction specifically prohibits Windsor from “fil[ing] in any

court any new lawsuit which involves claims arising from the same factual predicate or nucleus of operative facts as the instant case.” (Docket No. 723, p. 19).

3.

On April 26, 2010, after a 3-day hearing on another contempt motion by Maid,¹ the Court modified the December 22, 2009 order, as follows:

The Court agrees with Windsor, however, that it does not have the power to limit his filings in the Court of Appeals.... Moreover, the Court clarifies that, in fashioning the filing injunction in its December 22 order, the Court never intended to enjoin any actions Windsor might take in the Court of Appeals. For that reason, the Court MODIFIES the filing injunction set forth in the December 22 order to clarify that nothing in that order enjoins or otherwise limits Windsor’s ability to file notices of appeal in this Court or motions or briefs in the Court of Appeals.

(Docket No. 794, p. 18).

3A.

On November 22, 2010, the Court modified the Filing Injunction by imposing a leave requirement on Windsor. (Docket No. 951). The Court wrote:

Windsor, and any parties acting in concert with him or at his behest,

¹ Following a hearing on April 16, 19 and 23, 2010, Windsor was found by this Court to be in contempt of the Filing Injunction as a result of his filing an action on February 4, 2010 in the United States District Court for the District of Columbia, Civil Action File No. 1:10-CV-00197.

are PERMANENTLY ENJOINED from filing any motion, pleading, or other paper (other than a notice of appeal) in Civil Action No. 1:06-CV-714-ODE except with the express prior written permission of the Court. To obtain permission Mr. Windsor must file a Motion for Leave to File in accordance with the requirements set forth in this Order. Also, Windsor is ORDERED not to file in this Court any new lawsuit that is related to or which stems from his prior cases filed in this Court. Finally, Windsor is ORDERED not to file in any court any new lawsuit involving claims arising from the same factual predicate or nucleus of operative facts as the instant case.

(Docket No. 951, p. 10).

**EVENTS LEADING UP TO THE FILING OF THE
MOST RECENT LAWSUITS**

4.

On May 5, 2011, Windsor wrote a letter to Judge Evans regarding his intent to file a declaratory judgment lawsuit in Fulton County, Georgia related to Civil Action No. 1:09-CV-01543-WSD. He stated,

I am writing to advise you that I am filing a lawsuit in Fulton County Georgia seeking a declarative judgment to clarify Georgia law regarding power of attorney. I am asking the court to declare that a properly prepared and executed Georgia Power of Attorney gives a husband the right to represent his wife in legal matters. This relates to Civil Action 1:09-CV-01543-WSD....

A true and correct copy of this letter is attached to Exhibit “1” which is the Declaration of Carl H. Anderson, Jr. (“Anderson Declaration”), as Exhibit “A”.

5.

On May 9, 2011, Maid's counsel responded with a clear warning to Windsor that his proposed filing would be a violation of the Filing Injunction:

Please be advised that we would view any lawsuit filed in the Fulton County Superior Court seeking declaratory relief as yet another example of your bad faith, vexatiousness, and litigiousness and a violation of the anti-filing injunction, for which we would seek redress in the United States District Court for the Northern District of Georgia for contempt of court and any other remedies.

The lack of substantial justification for your action (filing another lawsuit) would most likely subject you to additional sanctions under state and federal law.

A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit "B".

6.

On May 9, 2011, Windsor responded with two emails expressing his disagreement with Maid's counsel. A true and correct copy of these emails are attached to the Anderson Declaration as Exhibit "C".

7.

On May 17, 2011, Windsor wrote a letter to Judge Evans stating that he was proceeding with filing his lawsuit. A true and correct copy of this letter is attached to the Anderson Declaration as Exhibit "D".

THE FILING OF THE FULTON COUNTY LAWSUITS

8.

On May 19, 2011, Windsor filed suit in the Superior Court of Fulton County, Georgia, styled *Windsor v. Duffey, et al.*, Civil Action File No. 2011CV200857, naming Maid and various federal defendants: Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, Judge Joel F. Dubina, John Ley, and James N. Hatten. A true and correct copy of this suit is attached to the Anderson Declaration as Exhibit "E".

9.

Civil Action File No. 2011CV200857 seeks to collaterally attack Judge Duffey's orders in 1:09-CV-01543-WSD. Windsor sought to depose Judge Evans related to her decisions in this case, and 1:09-CV-01543-WSD originated on June 3, 2009 as an emergency motion to quash the subpoena to Judge Evans in this case.

10.

On May 20, 2011, Windsor filed a second suit in the Superior Court of Fulton County, Georgia, styled *Windsor v. Hatten, et al.*, Civil Action File No. 2011CV200971, naming various federal defendants including James N. Hatten,

Judge William S. Duffey, and Judge Orinda D. Evans.² A true and correct copy of this suit is attached to the Anderson Declaration as Exhibit “F”.

11.

Civil Action File No. 2011CV200971 is a regurgitation of 1:09-CV-02027-WSD, which Windsor filed on July 28, 2009, alleging violations by various federal judges and employees in connection with his efforts to collaterally attack this Court’s decisions in this case.

REFUSAL TO WITHDRAW THE FULTON COUNTY LAWSUITS

12.

On May 23, 2011, Maid’s counsel became aware of Civil Action File No. 2011CV200857 by receipt of a letter from Windsor to the named Defendants. A true and correct copy of this letter is attached to the Anderson Declaration as Exhibit “G”. That same day, Maid’s counsel asked Windsor to withdraw the complaint because it violates the Filing Injunction. Maid’s counsel warned, “If you do not withdraw the complaint...we will proceed with a contempt action and seek all available sanctions.” Windsor responded shortly thereafter, “And I will

² While 2011CV200971 does not name Maid as a party defendant, it incorporates all of the allegations from 2011CV200857 which does name Maid as a party defendant.

seek sanctions against you for being the lying, cheating crook that I believe you are.” A true and correct copy of this e-mail exchange is attached to the Anderson Declaration as Exhibit “H”.

13.

On June 2, 2011, Windsor sent correspondence to Maid’s Counsel and the federal defendants’ counsel, Christopher Huber, seeking to conduct non-party depositions of Mr. Anderson and Mr. Huber in Civil Action File No. 2011CV200971. A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit “I”.

14.

On June 6, 2011, Maid’s counsel responded that discovery had not yet begun under applicable law, and, again requested that Windsor withdraw the Fulton County Superior Court complaint because it violated the Filing Injunction. A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit “J”.

15.

Windsor responded that night stating, “I have absolutely no intention of releasing your clients from anything. I have violated nothing!” A true and correct

copy of this correspondence is attached to the Anderson Declaration as Exhibit “K”.

16.

Mr. Anderson responded to Windsor on June 7, 2011, stating that discovery had not yet commenced under applicable law, and, again requested that Windsor withdraw the Fulton County Superior Court complaint because it violated the Filing Injunction. A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit “L”.

REMOVAL OF THE FULTON COUNTY LAWSUITS

17.

The Fulton County Superior Court actions were removed to the United States District Court for the Northern District of Georgia on June 13, 2011. Civil Action No. 2011CV200857 is 1:11-CV-01922-TWT and Civil Action No. 2011CV200971 is 1:11-CV-01923-TWT.

18.

Between filing and removal, Windsor sought to initiate discovery on parties and non-parties, including subpoenas for depositions, requests for production of documents, interrogatories, and requests for admissions.

19.

Windsor responded to Anderson's June 7, 2011 letter on June 14, 2011. Windsor stated, "Quit threatening me with a motion for contempt. File your motion if you wish to subject yourself to further sanctions. It is FRIVOLOUS with a Capital F. And get Doc. 168 warmed up ready for production." A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit "M".

20.

Maid's counsel responded that the Fulton County cases had been removed to federal court and that Windsor was not permitted to engage in discovery including depositions. A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit "N".

21.

On June 15, 2011, Windsor filed a Motion for Protection from Judge Orinda D. Evans in 1:11-CV-01923-TWT [Docket No. 23]. In such filing, Windsor admits that the filing of such action violates the Filing Injunction. Windsor writes, "Windsor seeks to name the Maid Defendants as parties to this Civil Action, but Judge Evans will find Windsor in contempt of court if he does." A true and

correct copy of this filing is attached to the Anderson Declaration as Exhibit "O".

ORDERS QUASHING DISCOVERY ATTEMPTS

22.

On June 16 and 17, 2011, Judge Thrash issued orders in 1:11-CV-01922-TWT [Docket No. 25] and 1:11-CV-01923-TWT [Docket No. 33] granting the federal defendants' Motion for Protective Order. The orders stated, "All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required." Both orders commanded Windsor to "post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court." True and correct copies of these orders are attached to the Anderson Declaration as Exhibit "P".

CONTINUED EFFORTS TO SEEK DISCOVERY

23.

On June 20, 2011, Maid's counsel sent Windsor a letter regarding his attempts to serve subpoenas on himself and his assistant, Ms. Therese Tran. Mr. Anderson informed Windsor that "neither myself nor Ms. Tran will appear for any of the depositions you attempted to schedule nor will we respond to any discovery

absent further Court order.” A true and correct copy of this letter is attached to the Anderson Declaration as Exhibit “Q”.

24.

Windsor responded, “I expect all discovery to be answered, and I plan to conduct depositions.” A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit “R”.

25.

On June 23, 2011, Declarant sent Windsor a letter regarding his premature discovery requests and again stated that neither he nor Ms. Tran will appear for any of the depositions. Declarant warned that if Windsor appeared at Hawkins Parnell Thackston & Young, LLP, he would be removed as a trespasser. Additionally, Declarant stated “[i]n view of the false and malicious statements that you have made on your web site and the threatening imagery that you have placed on your web site, you will not appear at our offices. Your presence will be viewed as an aggressive and hostile act.” A true and correct copy of this letter is attached to the Anderson Declaration as Exhibit “S”.

26.

Windsor responded: “Threatening Imagery? Geez, what other than your ugly face is threatening imagery? May I get photos of Ms. Tran, Ms. Bright, Mr. Brown, and Mr. Huber for my website?” A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit “T”.

27.

On June 27, 2011, Windsor wrote “Ms. Tran and Mr. Hugo: Please be advised that I do intend to conduct your depositions. We can set a different location if you prefer. I intend to have police protection with me due to the alleged plot to have me killed that I believe you and your clients may be part of.” A true and correct copy of this correspondence is attached to the Anderson Declaration as Exhibit “U”.

28.

The filing of the Fulton County Superior Court complaints (now 1:11-CV-01922-TWT and 1:11-CV-01923-TWT) violates the Filing Injunction, which specifically prohibits Windsor from “fil[ing] in any court any new lawsuit which involves claims arising from the same factual predicate or nucleus of operative facts as the instant case.” (Docket No. 723, p. 19).

29.

The filing of the Fulton County Superior Court complaints is in direct, intentional, willful, and blatant violation and contempt of the Filing Injunction.

30.

In support of its Motion, Maid submits an accompanying brief and the attached Anderson Declaration.

WHEREFORE, Maid prays:

(a) that the Court issue a rule to show cause, grant the Motion, and find Windsor in contempt of Court for willfully violating the Filing Injunction;

(b) that the Court impose sanctions against Windsor for his contemptuous and contumacious behavior including, but not limited to, the following:

(i) requiring Windsor to pay for any and all attorney's fees and expenses of Maid, its employees, and its counsel for having to respond to any filings in 1:11-CV-01922-TWT and 1:11-CV-01923-TWT (including any appeals or other actions) for violation of the Filing Injunction;

- (ii) requiring Windsor to dismiss with prejudice 1:11-CV-01922-TWT and 1:11-CV-01923-TWT and any and all filings, complaints, or grievances filed in any forum after December 23, 2009, that violate the Filing Injunction;
 - (iii) fining Windsor \$1,000.00 per day starting on May 19, 2011 for filing the Fulton County Superior Court actions (now 1:11-CV-01922-TWT and 1:11-CV-01923-TWT) in violation of the Filing Injunction until their dismissal;
 - (iv) requiring Windsor to post a cash bond in the amount of \$250,000.00 for ten (10) years that is subject to claims by any victim for any actions that Windsor instigates in violation of the Filing Injunction;
- (c) that the Court award Maid attorney's fees and costs against Windsor for having to bring this Motion following the presentation of evidence at a hearing on the Motion; and
- (d) that the Court award such other and further relief as it deems just and proper in the circumstances.

Respectfully submitted, this 1st day of July, 2011.

**HAWKINS, PARNELL, THACKSTON
& YOUNG, LLP**

s/ Carl H. Anderson, Jr.

Carl H. Anderson, Jr.

Georgia Bar No. 016320

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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that he has prepared the within and foregoing document in accordance with LR 5.1, NDGa., and LR 7.1D, NDGa. Specifically, counsel certifies that he has used 14 point Times New Roman as the font in these documents except for footnotes that use 10 point Times New Roman as the font.

This 1st day of July, 2011.

**HAWKINS, PARNELL, THACKSTON
& YOUNG, LLP**

s/ Carl H. Anderson, Jr.

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CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel(s) in the above-referenced matter with the foregoing **PLAINTIFFS' MOTION FOR RULE TO SHOW CAUSE AND MOTION FOR CONTEMPT AND SANCTIONS AGAINST DEFENDANT WILLIAM M. WINDSOR** by electronic filing and/or by certified U.S. mail, return receipt requested, and/or by regular U.S. mail, and/or overnight statutory delivery service, and/or by hand-delivery, addressed as follows:

By regular mail and certified mail, return receipt requested:

William M. Windsor
P.O. Box 681236
Marietta, Georgia 30068

By electronic mail to:

Christopher J. Huber
U.S. Attorney's Office – ATL
Assistant United States Attorney,
Criminal Division
600 Richard Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303
Email: chris.huber@usdoj.gov

This 1st day of July, 2011.

**HAWKINS, PARNELL, THACKSTON
& YOUNG, LLP**

s/ Carl H. Anderson, Jr.

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