

William M. Windsor	§	IN THE CIRCUIT COURT
	§	
Plaintiff,	§	
	§	
v.	§	
	§	15th JUDICIAL CIRCUIT
Allie Loraine Yager Overstreet,	§	
Mark Supanich, Brenda Williamson	§	
And John Does 1-1000,	§	
	§	
Defendants	§	LAFAYETTE COUNTY, MISSOURI

**AMENDED RESPONSE TO MOTION TO DISMISS**

**BY DEFENDANT ALLIE L. OVERSTREET**

Comes Now, William M. Windsor (“Windsor” or “Plaintiff”) and files this AMENDED RESPONSE TO MOTION TO DISMISS BY DEFENDANT ALLIE LORAIN YAGER OVERSTREET. PLAINTIFF shows the Court as follows:

1. The VERIFIED COMPLAINT in this case was “carefully reviewed” by a Missouri federal judge who is one of the highest ranking judge in the state. He determined that this was a valid action.

2. On May 29, 2013, an attorney purportedly acting for DEFENDANT ALLIE LORAIN YAGER OVERSTREET (“DEFENDANT OVERSTREET”)

filed an ANSWER TO THE VERIFIED COMPLAINT, as shown on the Court's Docket.

3. On June 3, 2013, the Court Docket shows that an attorney purportedly acting for DEFENDANT OVERSTREET filed a MOTION TO DISMISS AND INCORPORATED SUGGESTIONS IN SUPPORT.

4. By filing an ANSWER 30 days after the VERIFIED COMPLAINT was filed but not filing a MOTION TO DISMISS until 35 days after the VERIFIED COMPLAINT was filed, DEFENDANT OVERSTREET lost the right to seek a dismissal. "...a motion to dismiss is made before the filing of an answer...." (*In re Marriage of Busch*, 310 S.W.3d 253 (Mo.App. E.D. 04/27/2010).) Rule 55.27 provides that the filing of a motion to dismiss is to be before filing an answer. (*State of Missouri v. Bonacker*, 791 S.W.2d 494, (June 20, 1990).) Rule 55.27 says: "a motion making any of these defenses shall be made: (A) Within the time allowed for responding to the opposing party's pleading...." 30 days was the time allowed, and 35 days was too late.

5. Local Rule 21.2 requires that attorneys file an Entry of Appearance. No such Entry of Appearance has been served on the PLAINTIFF, and no such Entry of Appearance is shown on the Court Docket.

6. Pursuant to Local Rule 21.2, PLAINTIFF asks that this MOTION purportedly on behalf of DEFENDANT OVERSTREET by Matthew J. O'Connor or the O'Connor Law Firm be stricken due to the fact that Matthew J. O'Connor and the O'Connor Law Firm failed to file an appearance and cannot be recognized by this Court.

7. The purported MOTION TO DISMISS claims RSMo. § 508.010 requires that the Plaintiff must bring an action where the tort or injury occurred. This is false. This attorney has clearly misrepresented to this Court what the law reads.

8. There is no such provision in RSMo. § 508.010. RSMo. § 508.010 clearly provides "If the defendant is an individual, then venue shall be in any county of the individual defendant's principal place of residence in the state of Missouri."

9. RSMo. § 508.010 (4) provides "Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue shall be in the county where the plaintiff was first injured by the wrongful acts or negligent conduct alleged in the action."

10. RSMo. § 508.010 (8) provides that “In any action for defamation or for invasion of privacy, the plaintiff shall be considered first injured in the county in which the defamation or invasion was first published.” In this action, there is defamation, and the county where the defamation was first published is Lafayette County Missouri.

11. RSMo. § 508.010 (14) provides that “A plaintiff is considered first injured where the trauma or exposure occurred rather than where symptoms are first manifested.” In this action, this is Missouri. The VERIFIED COMPLAINT indicates that the first known defamation was “On or about February 20, 2013, Overstreet began communicating to the Plaintiff’s supporters that she had been ‘banned from Lawless America.’” This was a message that came from Lexington County Missouri. On February 21, 2013, the PLAINTIFF believes DEFENDANT OVERSTREET began sending emails and posting messages designed to trick the PLAINTIFF into falsely reporting the death of a boy. If DEFENDANT OVERSTREET sent these messages and posts or conspired with others to do so, this came from Lexington County Missouri. This will only be determined through discovery.

12. As the PLEADINGS in this action explain, this case has to do with libel, slander, defamation, stalking, and harassment on the Internet. Unlike the

bricks and mortar world, postings on the Internet are distributed globally within a nanosecond. The PLAINTIFF has been injured worldwide. The PLAINTIFF first learned of the initial injuries when in Georgia. The PLAINTIFF has clearly been damaged in Lafayette County, Missouri as well, and if this Court feels it is necessary, the PLAINTIFF seeks leave to amend the PLEADINGS to so state.

13. The pro se PLAINTIFF drafted the pleadings in a manner that he felt negligence was adequately specified. DEFENDANT OVERSTREET made false statements that she knew were false, and she made those false statements to damage the PLAINTIFF. DEFENDANT OVERSTREET had a duty to not libel, slander, defame, harass, stalk, invade the privacy, or conspire with others to damage the PLAINTIFF, and she did all of the above. DEFENDANT OVERSTREET had a duty to protect PLAINTIFF from injury. DEFENDANT OVERSTREET failed to protect the PLAINTIFF. The PLAINTIFF was injured as a result. DEFENDANT OVERSTREET has an obligation to abide by the law, and she failed to do so. The PLAINTIFF'S injuries were caused by DEFENDANT OVERSTREET.

14. Duty – DEFENDANT OVERSTREET had a duty to abide by the laws regarding defamation, cyberstalking, harassment, libel, slander, and she ignored that duty. She established in emails and messages to the PLAINTIFF that

she was well aware of that duty. DEFENDANT OVERSTREET also had a duty to maintain the confidentiality of information provided to her while she was working for the PLAINTIFF, and she did not. Harm was clearly foreseeable.

15. Breach – There is a standard of proper behavior necessary to avoid imposing undue risks of harm to other persons and their property, and DEFENDANT OVERSTREET breached her duty. She ignored the behavior necessary to avoid harming the PLAINTIFF. She thumbed her nose at the law and the PLAINTIFF with one blatant slanderous statement after another and with committing gross perjury by telling Judge John Frerking that the PLAINTIFF repeatedly published that he had bought a gun for use on a group of people including her. That was a total fabrication, and she knew it. DEFENDANT OVERSTREET had a duty to act with reasonable care for the safety the PLAINTIFF. DEFENDANT OVERSTREET acted carelessly, unreasonably, without due care. DEFENDANT OVERSTREET breached the duty of care, and her conduct was negligent.

16. Cause in Fact – There is a cause-and-effect relationship between the negligence and the harm. DEFENDANT OVERSTREET was to blame for causing harm. Damage was done due to DEFENDANT OVERSTREET's negligence, the breach of duty that she owed to the PLAINTIFF.

17. Proximate Cause – There is a close connection between DEFENDANT OVERSTREET's wrongs and the PLAINTIFF'S injuries. Harmful result was a direct consequence of DEFENDANT OVERSTREET's negligence.

18. Harm -- The damages the PLAINTIFF suffers are a proximate result of DEFENDANT OVERSTREET's breach of duty. DEFENDANT OVERSTREET must be required to compensate the PLAINTIFF for harm improperly inflicted. As much as money damages can do so, the law requires DEFENDANT OVERSTREET to restore what PLAINTIFF lost as a proximate result of DEFENDANT OVERSTREET's wrong. PLAINTIFF has been caused pain and suffering, emotional distress, lost enjoyment of life, loss of his marriage, loss of his relationship with his family, loss of his home, severe damage to his reputation, damage to his career, and more.

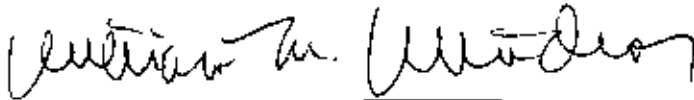
19. If this Court feels more specificity is needed, the PLAINTIFF seeks leave to amend the PLEADINGS.

20. The PLAINTIFF has been diligently attempting to obtain needed discovery, but he has been denied those subpoenas by the Clerk of the Court. A motion to compel the Clerk to provide the subpoenas is pending with the Court as well as a motion for extension of time to respond to this MOTION TO DISMISS.

The PLAINTIFF is filing this RESPONSE as a hearing on the motion for extension cannot be heard until July 16, 2013.

21. WHEREFORE, PLAINTIFF prays that this Court enter an order denying the MOTION TO DISMISS BY DEFENDANT ALLIE LORAIN YAGER OVERSTREET; and grant such other relief as the Court deems appropriate.

Submitted this 9th day of July, 2013,



**William M. Windsor**  
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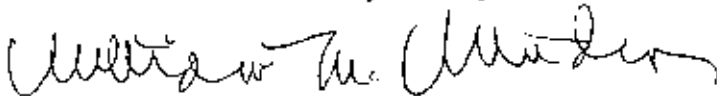
CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing by delivering a copy

by email to:

**Allie Loraine Yager Overstreet** – 1208 N Main, Higginsville, Missouri  
64037 – loverstreet@yahoo.com and mjoc@workingforjustice.com  
**Brenda Williamson** -- 210 Chestnut – Apartment A, Belton, MO 64012 --  
brendaawilliamson@gmail.com  
**Mark Supanich** -- 1826 Lucky Strike Road, Helena, Montana 59602 --  
markamw@yahoo.com

Submitted this 9th day of July, 2013,



**William M. Windsor**

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