

Exhibit

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IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

IN RE: ADMINISTRATIVE MATTER)

RE: WILLIAM WINDSOR)

) Case No. 4:13-MC-09008-FJG
)
)

**MEMORANDUM IN SUPPORT OF ALLIE OVERSTREET'S MOTION TO
RECONSIDER AND REVOKE ORDER TO GRANT LEAVE TO WILLIAM
WINDSOR**

Allie Overstreet by and through her Attorney, Matthew J O'Connor, pursuant to *Fed. R. Civ. P. 60(b)* respectfully requests that this Court reconsider and revoke their Order of April 12, 2013, in the above referenced matter, which granted William Windsor, leave to file a petition in the Circuit Court of and for Lafayette County, Missouri, effectively dismissing the action William Windsor has filed against Allie Overstreet. Additionally, Allie Overstreet requests that this Court issue and present a new Order denying William Windsor's right to file any new lawsuit in any state or federal court in the United States against Allie Overstreet for any claim factually or similarly related to his original or amended complaint or petition.

I. BACKGROUND

~~1. On July 15, 2011 United States District Court Judge Thomas W. Thrash of the United States District Court for the Northern District of Georgia Atlanta Division, issued an order that:~~

~~"William M. Windsor, and any parties acting in concert with him or at his behest, are PERMANENTLY ENJOINED from filing any complaint or initiating any proceeding, including any new lawsuit or administrative proceeding, in any court (state or federal) or agency in the United States without first obtaining leave of a federal district court in the district in which the new complaint or~~

proceeding is to be filed. In seeking such leave, the Plaintiff must present any such court with a copy of this Order. If the lawsuit or administrative proceeding names federal judges or court employees, the Plaintiff must also tender a \$50,000.00 cash bond or a \$50,000.00 corporate surety bond sufficient to satisfy an award of Rule 11 sanctions, since such actions are presumably frivolous. Failure to obey this Order, including by attempting to avoid or circumvent the intent of this Order, will be grounds for sanctions including contempt."

See Exhibit A-Order of GA Dist. Ct.

2. Judge Thomas Thrash issued this order because:

"Windsor has repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them. Moreover, his pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice."

See Exhibit A-Order of GA Dist. Ct.

And

"It is necessary to issue an injunction in this case because of the Plaintiff's extraordinary abuse of the federal judicial system by repeatedly filing frivolous, malicious and vexatious lawsuits against the judges assigned to his many cases, because of the burden to clerical and judicial operations caused by his voluminous frivolous filings, and because his continuing course of conduct has become an impediment to the administration of justice. The administration of justice will suffer irreparable harm if the Plaintiff is allowed to continue filing frivolous, malicious and vexatious lawsuits against the judges and others involuntarily involved in his litigious campaigns. The balance of the harms and the public interest demands that the Plaintiff be stopped."

See Exhibit A-Order of GA Dist. Ct.

3. On March 20, 2013, William Windsor sought leave from this Court so that

he may file a civil action in the Circuit Court for and of Lafayette County,

Missouri, against Allie Overstreet, Mark Supanich, and John Does 1-1000.

See Exhibit B-Petition Provided to the Federal Court.

4. On April 12, 2013, this Court approved an order allowing William

Windsor to file his action against Allie Overstreet and Mark Supanich.

5. On April 29, 2013, William Windsor filed a civil action in the Circuit Court for and of Lafayette County, Missouri. This action listed Allie Overstreet, Mark Supanich, Brenda Williamson, and John Does 1-1000 as Defendants. *See Exhibit C.*

~~6. Between either March 20, 2013 or April 12, 2013 and April 29, 2013, William Windsor substantially changed the petition that he provided to the Federal Court on or about March 20, 2013 included an additional party and at least 40 pages worth of exhibits that were not provided to this Court. *See Exhibit B and C-Petition Filed in Lafayette County.*~~

~~7. Since April 29, 2013 William Windsor has filed at least 90 affidavits, motions, responses, requests, and subpoenas with the Circuit Court of and for Lafayette County, Missouri.~~

~~8. Since April 29, 2013, William Windsor has refused to cooperate with Allie Overstreet in the scheduling of hearings, and depositions. In fact William Overstreet has arbitrarily and unilaterally scheduled the deposition of Allie Overstreet on a Sunday afternoon and the Deposition of Sean and Wynette Boushie in Missoula, Montana without first contacting the attorney for Allie Overstreet.~~

~~9. Since April 29, 2013, William Windsor has initiated an all out witch-hunt through the use of discovery and subpoenas. William Windsor's first request for production of documents included 92 items. He has requested Allie Overstreet and others provide him with private information. His requests are burdensome and are for information outside of the scope of~~

~~this claim. William Windsor has also scheduled depositions with parties who have no relation to this case. For example, William Windsor has requested that Sean and Wynette Boushie during a unilaterally scheduled deposition provide "all documents relating or referring to, or evidencing, reflecting, or constituting communication to, from or about Windsor." He has asked for the same from Sean and Wynette Boushie in regards to Allie Overstreet, Crystal Cox, Mary Wilson or Mary Deneen, Michael Spreadbury, Lea Anne Scott, Shawn Rutherford, Stephanie DeYoung, Paul Stramer, Royce Engstrom or anyone else, with the exception of herself. Allie Overstreet is unaware of the connection these individuals have with this claim. William Windsor has also asked for documents where Sean Boushie has ever used cuss or vulgar words, and documents relating to the University of Montana, each of which are unrelated to the action that William Windsor is pursuing. William Windsor is also requesting that Allie Overstreet provide him with each and every computer, cellphone, iPad or other electronic device she has ever used in the last three years, these are burdening requests that only serve to pry into the private life of Allie Overstreet.~~

10. ~~Since April 29, 2013, William Windsor has created and runs www.allieoverstreet.com. William Windsor uses this site to publish the pleadings he has filed with the Lafayette County Circuit Court. In addition to the pleadings William Windsor offers his commentary on the case describing Allie Overstreet's pleadings as frivolous, and suggests she~~

~~is mentally unstable. William Windsor also posts pictures of Allie Overstreet and her attorney Matthew J. O'Connor. William Windsor has also taken to ad hominem attacks nicknaming Allie Overstreet's attorney: Weasel Curley, accusing him of lying to a judge, and filing "false pleadings." William Windsor also labeled Allie Overstreet as a "serial liar." It is the opinion of Allie Overstreet that William Windsor uses this website to bias any and all potential jurors and attempts to try the case to the court of public opinion before Allie Overstreet has a chance to defend herself in a court of law. The defamation, libel and slander that William Windsor is accusing Allie Overstreet of, is the same type of defamation, libel and slander that William Windsor employs on his website www.allieoverstreet.com to attack Allie Overstreet and her Attorney, Matthew J. O'Connor.~~

11. The original case filed by William Windsor against Allie Overstreet, has since been noticed for removal to the United States District Court for the Western District of Missouri, Western Division. That case number is: 4:13-CV-00778-DW.

II. LEGAL ARGUMENT

12. Allie Overstreet is a real party in interest in this matter, and therefore should have standing to bring this motion. Allie Overstreet's interest in this matter is clear, as the April 12, 2013 Order of this Court specifically concerned her.

13. A Motion to Reconsider a prior order is proper under Federal Rule 60(b) of the Federal Rules of Civil Procedure which states in relevant part that:

“(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

14. This Motion to Reconsider is valid under this rule and subsections 1, 2, 3 or 6.
15. Federal Rule of Civil Procedure 60(b) is to be given a liberal construction so as to do substantial justice and “to prevent the judgment from becoming a vehicle of injustice.” *United States v. Walus*, 616 F.2d 283, 288 (7th cir. 1980) cited in *Baker v. John Morrell & Co.*, 266 F. Supp. 2d 909, 920 (N.D. Iowa 2003) aff’d, 382 F.3d 816 (8th Cir. 2004).
16. ~~William Windsor fraudulently and contemptuously represented the petition that he intended on filing with the Circuit Court for and of Lafayette County.~~
- a. William Windsor failed to provide the name of Brenda Williamson to this Court who was listed as a Defendant in the action that was filed in Lafayette County. *See Exhibit C-¶9.*

- b. William Windsor has amended the statement of facts of the petition filed with Lafayette County to include paragraphs 35, 36 and 37, which were not in the original petition provided to this Court.
- c. William Windsor has also added additional complaints in his statement of facts, paragraphs 201-205 that were not in the original petition or even an amended petition provided to this Court.

~~d. William Windsor was also fraudulent in his representations to this Court when he only provided them with 27 pages of exhibits.~~

Whereas when he filed the petition with Lafayette County, William Windsor supplied that court with an additional 36 pages of exhibits.

See Exhibit C.

~~17. William Windsor also failed to comply with this Court's Order.~~

- a. The April 12, 2013 Order indicates that William Windsor may proceed with filing his petition. However, the Order indicates that William Windsor's petition is only against Allie Overstreet and Mark Supanich. The order makes no mention of the 1000 other defendants or Brenda Williamson, that William Windsor named in the petition filed in Lafayette County.
- b. Allie Overstreet asks that this Court strictly construe the April 12, 2013 Order, which would have limited William Windsor's petition to Defendant's Allie Overstreet and Mark Supanich.

- c. William Windsor also failed to comply with this Court's Order as he failed to attach a copy of the Georgia Federal Court Order or the April 12, 2013 Order with the Petition that was served on Allie Overstreet.
- d. William Windsor's failure to comply with this Court's Order, should be grounds for contempt, reconsideration and revocation of the April 12, 2013 Order.

18. ~~William Windsor's actions in the case against Allie Overstreet are analogous to those that the District Court in Georgia found to be frivolous, malicious, and vexatious. The District Court in Georgia also indicated that William Windsor's pleadings are unsubstantiated, duplicative, long and repetitive. Additionally, the volume of his filings poses a substantial burden on the clerical and judicial operations and is an impediment to the administration of justice. It is these actions that lead to the original Georgia Order.~~

a. To date William Windsor has filed over 60 filings with the State Court and has provided Allie Overstreet and her Attorney with over 90 filings including affidavits of testimony, notices, and motions.

~~b. William Windsor's pleadings in this case are extremely repetitive and lack any merit whatsoever. To Date William Windsor has filed over 340 pages worth of "affidavits" and "exhibits," many of which are completely unnecessary, not requested or compelled, and are duplicates.~~

~~c. William Windsor's Discovery in this case is just as egregious.~~

i. William Windsor has demanded all correspondence between Allie Overstreet and her Attorney, Matthew J. O'Connor.

~~William Windsor does not understand that this is privileged information and is not available to him, nor is it pertinent in his persecution of Allie Overstreet.~~

ii. William Windsor has demanded Allie Overstreet provide for investigation: all computers, cellphones, iPads and all other electronic devices. ~~This is an extremely overburdening~~

~~request. This request only serves to poke and pry into the private life of Allie Overstreet. Additionally, Allie Overstreet~~

~~is concerned that if William Windsor is not stopped he will publish this information on his website,~~

~~www.allieoverstreet.com, as he had done with several other pleadings.~~

iii. William Windsor's initial Requests for Production of Documents included 92 separate requests for productions of documents.

~~iv. William Windsor lacks the professional courtesy to consult~~

~~Allie Overstreet's Attorney, so they may cooperatively~~

~~schedule and hold depositions of relevant witnesses and Allie~~

~~Overstreet. William Windsor scheduled the deposition of Allie~~

Overstreet for Sunday July 14, 2013. William Windsor even

"held" a deposition of Allie Overstreet on Sunday July 14,

2013. William Windsor did this even after he was told that it was not an appropriate or an available date to conduct depositions. ~~Following July 14, 2013, William Windsor proceeded to publish on his website; www.allieoverstreet.com, that Allie Overstreet and her attorney had "skipped" the deposition, an attempt to not only tarnish Allie Overstreet's reputation, but her attorneys as well. William Windsor has also scheduled through the use of subpoena power depositions of Sean and Wynette Boushie. The depositions of the Boushies were scheduled without prior knowledge of Allie Overstreet's Attorney, nor is Allie Overstreet or her Attorney aware of the relevance or relevant testimony that these witnesses can contribute to this matter. Additionally, the deposition of these subpoenaed individuals were scheduled in Missoula, Montana; to attend these depositions would be a large undertaking financially and logistically for Allie Overstreet, a single mother, and her Attorney Matthew J. O'Connor.~~

v. ~~The scheduled depositions of the Boushies, not only are extremely irrelevant to the case, as Allie Overstreet has never met nor spoke with the Boushies, but also are extremely intrusive. William Windsor has made 55 requests for documents in his subpoena of the Boushies. These requests attempt to pry knowledge from the Boushies on their travel to~~

~~different states, their possession of weapons, and even so far as to demand all documents relating to, referring to, or evidencing, reflecting or constituting messages, postings, articles, or any other form of publication, information, or communication made online in 2012 and 2013, which would include emails. It is the opinion of Allie Overstreet, that William Windsor's attempt to depose the Boushies, is another method to continue the onslaught of the Boushies privacy.~~

~~William Windsor has also created a website,~~

~~www.seanboushie.com, devoted to the exposure and intrusion into the life of Sean Boushie. It is extremely likely that William Windsor will use this website to publish the deposition transcripts of the Boushies.~~

19. ~~William Windsor has also been a party to numerous other lawsuits, several of which have been frivolous, and have resulted in protective orders preventing William Windsor from making another filing:~~

a. *Maid of the Mist Corp. et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-cv-0714-ODE (N.D. Ga.).

~~b. *Maid of the Mist Corp. et al. v. Alcatraz Media, LLC, et al.*, No. 1:09-cv-1543-WSD (N.D. Ga.).~~

c. *William M. Windsor v. United States, et al.*, No. 1:09-cv-2027-WSD (N.D. Ga.).

d. *William M. Windsor v. Judge Orinda D. Evans, et al.*, No. 1:10-cv-197-RJL (D.D.C.).

e. *William M. Windsor v. Judge William S. Duffey, et al.*, No. 1:11-cv-1922-TWT (N.D. Ga.).

~~f. In addition to the cases cited above, William Windsor has been a party to at least 15 federal court lawsuits and over 50 federal appellate court cases.~~

20. ~~The Eleventh Circuit Court of Appeals has held that William Windsor's "pleadings are long, and repetitive, and the volume of his filings pose a burden to the clerical and judicial operations and is an impediment to the administration of justice. Windsor's filings also have been costly and burdensome to [the parties to the litigation.]" See Exhibit D, Motion to Modify the GA Order.~~

21. ~~The original Order of the District Court in Georgia is a legitimate and necessary step to prevent abuse of the judicial system. *Procup v. Strickland*, 792 F.2d 1069, 1071 (11th Cir. 1993).~~

22. ~~William Windsor in this case has used the justice system as his own personal tool to poke, prod, and intrude into the lives of the victims of his choice, by contriving less than reasonable grounds to file a lawsuit against Allie Overstreet, and seek subpoenas so others are forced to comply with his witch-hunt.~~

23. ~~The original Order of the District Court in Georgia was ordered to effectively prevent William Windsor from litigating and using the justice~~

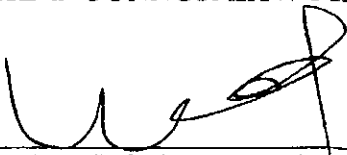
~~system in the manner cited above and to prevent the persecution, ridicule and burden to those that William Windsor identifies as his personal victims.~~

III. CONCLUSION

For the above stated reasons Allie Overstreet by and through her Attorney Matthew J. O'Connor respectfully requests that this Court reconsider and revoke their Order in the above referenced matter, effectively dismissing the action William Windsor has filed against Allie Overstreet. Additionally, Allie Overstreet requests that this Court issue and present a new Order denying William Windsor's right to file any new lawsuit in any state or federal court in the United States against Allie Overstreet for any claim factually or similarly related to his original or amended complaint.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on August 15, 2013 a true and correct copy of the above and foregoing documents were forwarded via email and United States

Mail, postage prepaid to:

William M. Windsor
514 America's Way, #4841
Box Elder, SD 57719-7600
nobodies@att.net