

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

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|----------------------------|---|-------------------------------|
| WILLIAM M. WINDSOR, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:13-CV-00778 |
| |) | |
| ALLIE LORAIN YAGER |) | |
| OVERSTREET, |) | |
| And |) | |
| JOHN DOES 1-1000, |) | |
| |) | |
| Defendants, |) | |
| |) | |

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO REMAND AND AN
AMENDMENT TO DEFENDANT OVERSTREET’S NOTICE OF REMOVAL**

Comes now Defendant Allie Overstreet (hereinafter referred to as Defendant Overstreet) by and through her attorney, Matthew J. O’Connor and offers her Response to Plaintiff’s Motion to Remand:

1. The decision to remove a case from State Court is based on jurisdictional requirements while the decision to remand is a procedural decision of the District Court.
2. Remand is inappropriate in the present case, as the requirements of diversity jurisdiction have been met.
3. Remand is inappropriate in the present case, as it would violate Defendant Overstreet’s Constitutional Right to have this claim be heard in a Federal Court.
4. Remand is inappropriate in the present case, as it would violate Defendant Overstreet’s Constitutional Right to equal protection under the law.
5. Federal Court Jurisdiction is imperative in this case. Plaintiff has been labeled as a litigant known to file “frivolous, malicious and vexatious” lawsuits. As a

result of this behavior Plaintiff has a valid and enforceable Federal Court Order from the District Court of Georgia, that limits his ability to file any action in any state or federal court in the United States, without first obtaining leave. Plaintiff has continued this behavior in the Circuit Court for and of Lafayette County, Missouri. This type of behavior not only places a substantial burden on the Circuit Court for and of Lafayette County, but also risks irreparable harm to justice if Plaintiff is allowed to continue in this fashion.

6. Defendant Overstreet adds an Amendment to her Notice of Removal to include that Removal is proper and jurisdiction has been established through *28 U.S.C. 1332(c)* which states:

“For the purposes of this section and section 1441 of this title—

(1) a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business, except that in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of—

(A) every State and foreign state of which the insured is a citizen;

(B) every State and foreign state by which the insurer has been incorporated; and

(C) the State or foreign state where the insurer has its principal place of business”

7. Jurisdiction within a Missouri State Court is improper because a majority of the acts that Plaintiff alleges did not occur in the State of Missouri.

8. Defendant Overstreet incorporates by reference her Suggestions in Support of her Response to Plaintiff’s Motion to Remand and an Amendment to Defendant Overstreet’s Notice of Removal.

WHEREFORE, Defendant Overstreet respectfully requests that this Court deny Plaintiff’s Motion to remand this action back to the Circuit Court for and of Lafayette County, Missouri and grant any other relief this court deems just and proper.

Respectfully Submitted,

THE O'CONNOR LAW FIRM, P.C.

/s/ Matthew J. O'Connor
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on August 15, 2013 a true and correct copy of the above and foregoing document was forwarded via email and United States Mail, postage prepaid to:

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