CASE NO. 13LF-CV00461

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

PLAINTIFF'S RESPONSE TO MOTION FOR PROTECTIVE ORDER AND GAG ORDER OF DEFENDANT ALLIE OVERSTREET

Comes Now, William M. Windsor ("WINDSOR" or "PLAINTIFF") and files this PLAINTIFF'S RESPONSE TO MOTION FOR PROTECTIVE ORDER AND GAG ORDER OF DEFENDANT ALLIE OVERSTREET. PLAINTIFF shows the Court as follows:

1. DEFENDANT ALLIE LORAINE YAGER OVERSTREET ("OVERSTREET") is a serial liar who, among other things, swore to Judge John Frerking that the PLAINTIFF had published repeatedly that he intended to be a mass murderer or serial killer and that she was one of the intended victims. This

was all an outrageous lie and a crime. There was never any such thing published or communicated in any manner, and Judge John Frerking dismissed the complaint after giving OVERSTREET numerous opportunities to produce some evidence. OVERSTREET is a serial liar who has published things about the PLAINTIFF that would be almost impossible to believe...but the PLAINTIFF has the evidence. OVERSTREET has continued her serial lies in so-called discovery responses.

2. The attorney for OVERSTREET is also a liar and the type of attorney who causes many Americans to hate attorneys. He lies, makes absolutely false statements to this Court, violates the Missouri Rules of Professional Conduct on a regular basis, and makes frivolous claims because his client is as guilty as sin.

3. The attorney for OVERSTREET feigns that Plaintiff's 92-item Request for Production of Documents was excessive. There was nothing excessive about it. The PLAINTIFF has identified literally hundreds of false and/or defamatory statements by OVERSTREET. The PLAINTIFF is entitled to discovery on each and every lie as well as all the lies and defamatory statements that the PLAINTIFF has not yet discovered. The attorney for OVERSTREET hasn't complained about any of the requests.

He just wants to frivolously pretend it was excessive. It wasn't. What was wrong was the utterly outrageous response to the requests by OVERSTREET and her unscrupulous attorney.

4. Pursuant to Supreme Court Rule 56.01(b)(1), "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action.... It is not ground for objection that the information sought will be inadmissible at trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." The attorney for OVERSTREET has not claimed that any of the requested documents were not relevant or did not appear to be reasonably calculated to lead to the discovery of admissible evidence. The attorney for OVERSTREET does not even offer a bogus explanation for why any number of document requests would be excessive.

5. The attorney for OVERSTREET lied to this Court in his motion claiming OVERSTREET provided proper responses that numbered over 1700 pages. There weren't 1,700 pages; there were 1,255 pages. But after adjusting for duplicates and other oddities, the net number is 506. After then deducting for documents not produced as maintained in the usual course of

business, unreadable documents, there were only three (3) documents that were originals (two legal documents served on her by the PLAINTIFF and one email). And in total, there were only four (4) documents (8 pages) produced that the PLAINTIFF did not originate or had not received prior to this litigation. The PLAINTIFF has filed proof with this Court regarding the number of documents produced, the number of duplicates, and the worthlessness of what was produced.

6. The attorney for OVERSTREET then objects in his motion to a simple Request for Production of Documents requesting all of OVERSTREET'S computer and electronic equipment owned or used by Defendant for the past three (3) calendar years to be produced for inspection and forensic evaluation. He claimed such a production puts an undue burden, expense, and oppression upon Defendant. That's ridiculous. OVERSTREET is a serial liar. The only way the PLAINTIFF will get the evidence that he needs is by getting access to everything she is hiding and has deleted. The PLAINTIFF notified the attorney for OVERSTREET that the forensic company can access the data remotely. So there would be little or no burden or expense. The attorney for OVERSTREET not surprisingly

said that didn't matter. You see, in his unscrupulous world, he has to do everything possible to block the PLAINTIFF from seeing the real evidence. The attorney for OVERSTREET is violating the Missouri Rules of Professional Conduct as he does these things, but the rules, truth, fairness, and justice seem to just be words used by others.

7. There is absolutely no question that OVERSTREET has additional information, and the PLAINTIFF has documents that prove it. She even stated that she did in documents that were produced.

8. PLAINTIFF scheduled the Deposition of OVERSTREET to begin on a Sunday and bring and produce all of the same documents requested in his First Request for Production of Documents because the PLAINTIFF needed to have OVERSTREET go through every document produced and explain what the documents were, how they were dated, where they were stored in the usual course of business, and what they applied to. Essentially none of this had been provided in the joke that was presented as the Response to the First Request for Production of Documents. This timing would have enabled the PLAINTIFF to complete the deposition before the last hearing was held. That would have enabled the PLAINTIFF to advise

the Court of what else OVERSTREET needed to be compelled to do. But OVERSTREET was a no-show for the deposition.

9. The attorney for OVERSTREET outrageously and sleazily asserts that the PLAINTIFF is systematically performing a method of harassment, annoyance, embarrassment, and oppression through this Court by constant discovery. That is complete, utter nonsense by a sleazy attorney and a dishonest client.

10. The attorney for OVERSTREET has no evidence of anything done for annoyance, embarrassment, oppression, or undue burden or expense, and there is no Rule or case law to provide for any protective order in this situation. The only thing that should be done is to find OVERSTREET and her attorney in contempt and award significant sanctions to Windsor.

11. The attorney for OVERSTREET has lied to this Court about the details regarding the first scheduled deposition that OVERSTREET failed to appear for. He falsely and maliciously told this Court that the PLAINTIFF requested confidential work product information as to the names of client's and scheduling conflicts. This is false as the PLAINTIFF stated at the last hearing. The PLAINTIFF asked for the prior engagement by

OVERSTREET that made it impossible for her to attend the deposition that she was legally required to attend. The attorney for OVERSTREET failed to provide any explanation whatsoever. The attorney for OVERSTREET claimed he had a hearing that would not make it possible to do the deposition on Monday. The attorney for OVERSTREET failed to provide any explanation whatsoever. There was no work product in such a request. An attorney has an obligation to substantiate any such excuses. He did not provide the name of the court, the judge, or the case number. The PLAINTIFF will be seeking that information when he files a complaint with the Missouri Bar Association against the attorney for OVERSTREET.

12. The claim of "work product" by the attorney for OVERSTREET is totally bogus for legal reasons as well. There are federal decisions which "seem to stand for the proposition that the work product immunity applies only to documents prepared in direct relation to the case at bar and that documents prepared for one case, though they would be protected in that case, are freely discoverable in a different case." ***8 Wright & Miller***, § 2024 at 200. But the "sounder view" appears to be that such documents prepared for one case have the same protection in a second case, at least if the two cases are related. Id ;

State ex rel. Friedman v. Provaznik, 668 S.W.2d at 80 -- work product applicable to those cases in which preparation is for the same or related cause; ***Hercules, Inc. v. Exxon Corp.***, 434 F.Supp. 136, 153 (D.C.Dela. 1977); ***Midland Inv. Co. v. Van Alystyne, Noel & Co.***, 59 F.R.D. 134, 138 (D.C.N.Y. 1973); ***8 Wright & Miller***, § 2024, 1988 Supp. at 98; ***4 Moore***, § 26.64[2] at 26-355; Note, The Work Product Doctrine in Subsequent Litigation, 83 Col. L. Rev. 412 (1983).

13. The PLAINTIFF knows the attorney for OVERSTREET is a liar, and he looks forward to documenting it. At the last hearing, the attorney for OVERSTREET claimed to this Court that he had agreed to answer the interrogatories. That is a complete total lie. So, Mr. Attorney for OVERSTREET, where's the proof? The PLAINTIFF had never spoken with the attorney for OVERSTREET about the interrogatories, so he would have to have an email, fax, or letter. He doesn't because he lied.

14. Faced with any request to limit or interfere with discovery, the court "must also balance the need of the interrogator to obtain the information against the respondent's burden of furnishing it...." (***Edwards v. Mo. State Bd. of Chiropractic Exam'rs*** , 85 S.W.3d 10, 22 (Mo. App. 2002).) The PLAINTIFF

has every right to prove all the lies and defamation by OVERSTREET and her co-conspirators. That's what this case is all about – the unbelievable dishonesty of OVERSTREET. The attorney for OVERSTREET has failed to present any argument whatsoever for why the PLAINTIFF should be interfered with in his simple effort to obtain the discovery that he has a legal right to obtain. This Court would abuse its discretion by limiting the PLAINTIFF in any manner because it would be clearly against the logic of the circumstances then before the court and would be so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration." (***Edwards*** , 85 S.W.3d at 23 (citing ***Redfield v. Beverly Health & Rehab. Servs., Inc.*** , 42 S.W.3d 703, 711 (Mo. App. 2001).)

15. The PLAINTIFF has a substantial need of all of the information that he has requested in discovery, and he is unable to obtain the substantial equivalent of the materials by any other means.

16. The PLAINTIFF does have a website about OVERSTREET, just as the PLAINTIFF has other websites about serial liars and criminals. The PLAINTIFF has web sites that discuss the films that he is producing. The PLAINTIFF is a journalist and has been since high school. The PLAINTIFF

is also a filmmaker who is currently producing two documentary films and a pilot for a proposed TV series, and OVERSTREET will be featured in each of these video productions.

17. The First Amendment to the United States Constitution says: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . .." While originally applicable only to the federal government, the Equal Protection Clause of the Fourteenth Amendment protects freedom of speech and the press against abridgement by state action. (***Gitlow v. New York***, 268 U.S. 652, 666 (1925).) (See ***New York Times v. Sullivan***, 376 U.S. 254 (1964).) The Constitution of Missouri specifically protects freedom of speech and freedom of the press.

18. The liberty of the press is not confined to newspapers and periodicals. The Press in its historic connotation comprehends every sort of publication which provides a method of information and expression. (***Lovell c. City of Griffin***, 303 U.S. 444 (1938).) News media has been recognized by the courts as individuals engaged in the practice of compiling information for dissemination to the public.

19. The attorney for OVERSTREET requests the Court issue a Gag

Order on Plaintiff for any and all communication involved in the instant action not be allowed to be placed on the internet or any other communications between Plaintiff any other person not a party to this action or representing a party to this action. This would be an unprecedented violation of Freedom of Speech and Freedom of the Press. The motion is utterly frivolous, and OVERSTREET and her attorney should be sanctioned.

20. At the last hearing, the attorney for OVERSTREET said he would brief case law regarding a gag order. He failed to do so. The PLAINTIFF researched the term "gag" using the Versuslaw service. 41 cases were returned. 40 of them were about people who were gagged with items stuck in their mouths, and one included the term "gag order," but did not address it.

21. There are, however, many cases that discuss freedom of speech, freedom of the press, and the ***First Amendment***. The ***Fourteenth Amendment*** proscribed the various states from abridging freedom of speech and press as mandated by the First Amendment. Missouri has a strong freedom of speech clause in the ***Missouri Constitution***, Art. I, Sec. 8. It provides: "That no law shall be passed impairing the freedom of speech, no matter by what means communicated: that every person shall be free to say, write or publish, or

otherwise communicate whatever he will on any subject, being responsible for all abuses of that liberty . . . " Unlike, OVERSTREET, the PLAINTIFF only prints the truth. If he expresses an opinion, it is an opinion. Unlike OVERSTREET, the PLAINTIFF has not violated any laws, so he has not abused the liberty. Even if the PLAINTIFF did anything wrong, OVERSTREET has a remedy – file a lawsuit.

22. The underlying philosophy of the broad latitude attached to the ***First Amendment's*** guarantee of freedom of the press found eloquent expression in the words of John Marshall, which were quoted with approval by James Madison, ***6 Writings of James Madison*** 1790-1802, p. 336 (G. Hunt ed. 1906): "'Among those principles deemed sacred in America, among those sacred rights considered as forming the bulwark of their liberty, which the Government contemplates with awful reverence and would approach only with the most cautious circumspection, there is no one of which the importance is more deeply impressed on the public mind than the liberty of the press. That this liberty is often carried to excess; that it has sometimes degenerated into licentiousness , is seen and lamented, but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is allied; perhaps it is a shoot which

cannot be stripped from the stalk without wounding vitally the plant from which it is torn. However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America .'" (Emphasis in original.)

23. Chief Justice Hughes in ***DeJonge v. Oregon***, 299 U.S. 353, 365, 57 S. Ct. 255, 260 (1937) tersely stated the underlying philosophy inherent in the First Amendment's guarantee of freedom of speech and press in the following words: "(Imperative) is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political Discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government."

24. The news media itself bears the greater responsibility, even more than the courts, to preserve the ***First Amendment's*** guarantee of freedom of speech and press. Self discipline on the part of the news media, and it alone, can give purity of meaning to the ***First Amendment*** and justification for its literal interpretation and application. (***Elmer E. Whitmore v. Kansas City Star***, 499

S.W.2d 45, 07/23/73.) The courts have no business interfering with freedom of speech or freedom of the press in civil litigation such as this.

25. This Court ORDERED OVERSTREET to respond to interrogatories and properly produce documents. OVERSTREET'S attorney was directed by the Court to schedule a deposition at the Plaintiff's convenience. Holding the deposition over two days was discussed. OVERSTREET's attorney now refuses to schedule the deposition claiming two days is unreasonable. Based upon the incredible number of lies, outrageous discovery abuse, and uncertainty, no one can predict how long the deposition will take. As the Plaintiff said at the last hearing, it could take a day just to have OVERSTREET identify documents that were not identified in response to request for production of documents. The PLAINTIFF must file yet another motion to compel and for sanctions.

26. OVERSTREET did respond to interrogatories, but the responses are essentially worthless. The PLAINTIFF must file yet another motion to compel and for sanctions.

27. The PLAINTIFF has not yet had an opportunity to review the documents produced electronically, but he anticipates that this, too, will require

another motion to compel and for sanctions.

28. OVERSTREET and her attorney have made a mockery of the discovery process. They have no basis for any relief against the PLAINTIFF, and when it comes to unclean hands, not even Lava will clean up their hands. Missouri employs the rule "that equity will not aid a party who comes into court with unclean hands." (***Hardesty v. Mr. Cribbins's Old House, Inc.***, 679 S.W.2d 343, 348 (Mo.App. 1984).) See also ***Moore v. Carter***, 356 Mo. 351, 201 S.W.2d 923, 929 (Mo. 1947); ***Swisher v. Swisher***, 124 S.W.3d 477, 483 (Mo. App. 2003); ***Mahaffy v. City of Woodson Terrace***, 609 S.W.2d 233, 238 (Mo.App. 1980). "...one who has engaged in inequitable activity regarding the very matter for which he seeks relief will find his action barred by his own misconduct." (***Mahaffy***, supra, at 238.) A litigant with unclean hands generally is not entitled to equitable relief such as an injunction or declaratory judgment. (***City of St. Joseph v. Lake Contrary Sewer Dist.***, 251 S.W.3d 362, 369 (Mo. App. 2008).) This rule reflects that the law strives to prevent opportunistic behavior. See id. "A party who participates in inequitable activity regarding the very issue for which it seeks relief will be barred by its own misconduct from receiving relief." Id. (internal quotation omitted). (***Purcell v. Cape Girardeau County***

Commission, No. SC90383 (Mo. 04/06/2010).)

29. WHEREFORE, PLAINTIFF prays that this Court deny the MOTION FOR PROTECTIVE ORDER AND GAG ORDER OF DEFENDANT ALLIE OVERSTREET; sanction OVERSTREET and her attorney for filing a frivolous motion and repeatedly abusing discovery; and grant such other relief to the PLAINTIFF as the Court deems appropriate.

Submitted this 30th day of July, 2013,

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And John Does 1-1000,	§	
	§	
Defendants	§	LAFAYETTE COUNTY, MISSOURI

CERTIFICATE OF SERVICE

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

by email to:

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Submitted this 30th day of July, 2013,

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