

Case NO. 13LF-CV00461

William M. Windsor Petitioner

V.
CIRCUIT

Allie Loraine Yager Overstreet,
Mark Supanich, Brenda Williamson.

And John Does 1-1000
MISSOURI

IN THE CIRCUIT COURT
15TH JUDICIAL

LAFAYETTE COUNTY

Mark Supanich Pro Se
1826 Lucky Strike road
Helena Montana 596602

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Motion to Dismiss Due to lack of Jurisdiction Improper venue, Stay the proceedings until jurisdiction is established and reserve any cross claims defendant may seek.

Defendant Supanich moves this court to dismiss on the grounds it lacks personal jurisdiction over him and most likely lacks jurisdiction over all defendants. Due process requires this court follow the 14th amendment. Defendant Supanich objects to being drug into this case in Missouri.

I am neither a resident of Missouri nor do I have any other connections that would allow this court to legally have jurisdiction even through the long arm statutes.

Plaintiff Windsor is also not a resident of Missouri and is required to provide this court with an updated address and

Not to avoid service. Plaintiff was a resident of Georgia until his recent divorce. There is no reasonable way for the defendants in this case to personally serve him pleadings for cross claims or other legal documents that may be required to be served on him personally. At minimum if this court allows this frivolous lawsuit to continue it should order the plaintiff to provide a legal address and give the defendants at least a weeks notice of when he could be served. Defendant Supanich also objects to the number of days in which he is to respond due to the lack of being able to personally serve Plaintiff. Plaintiff Windsor filed this case in Missouri most likely because his past home state Georgia sanctioned him and will not allow not allow him to file any court cases there. Please see motion to take judicial notice.

The Court said in.

MARITZ, INC., Plaintiff, vs. CYBERGOLD, INC., Defendant.

No. 4:96CV01340 ERW

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION ordered expedited briefing on defendant's motions to dismiss and to stay, in order to resolve threshold jurisdictional questions in this action. See *Falkirk Mining Co. v. Japan Steel Works, Ltd.*, 906 F.2d 369, 372 (8th Cir. 1990) (court must determine threshold matter of whether it possesses personal jurisdiction over defendant before it can reach merits of dispute and enter legally binding orders).

However, the burden remains on plaintiff to establish that jurisdiction exists. *Bell Paper Box, Inc.*, 22 F.3d at 818; *Taylor v. Uniden Corp. of Am.*, 622 F. Supp. 1011, 1012 (E.D. Mo. 1985). Because the Court is ruling on the submissions of the parties, and is not conducting an evidentiary hearing on the matter, plaintiff is required to make a prima facie showing of personal jurisdiction over the defendant at this time. See *Dakota Indus. v. Dakota Sportswear*, 946 F.2d 1384, 1387 (8th Cir. 1991) (citing *CutCo Indus. Inc. v. Naughton*, 806 F.2d 361, 365 (2d Cir. 1986)).

The Missouri long-arm statute, Mo. Rev. Stat. § 506.500, provides, in relevant part:

Any person or firm, whether or not a citizen or resident of this state, or any corporation, who in person or through an agent does any of the acts enumerated in this section, thereby submits such person, firm, or corporation, and, if an individual, his personal

representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of such acts:

- (1) The transaction of any business within this state . . .
- (3) The commission of a tortious act within this state . . .

Soo Line R.R. Co. v. Hawker Siddeley Canada, Inc., 950 F.2d 526, 528-29 (8th Cir. 1991) (citations and internal quotation marks omitted). The Eighth Circuit has set forth a five-part test for measuring minimum contacts:

- (1) the nature and quality of the contacts with the forum state; (2) the quantity of those contacts;
- (3) the relation of the cause of action to the contacts; (4) the interest of the forum state in providing a forum for its residents; (5) the convenience of the parties.

Defendant Supanich was called as a witness in case # 131.F-CV00289 and is protected by witness immunity. Defendant dated one of the defendants for a couple weeks, she is a Missouri resident. Other than these two contacts I have had no other quality contact in Missouri. Thus all five parts of the minimum contacts fail.

Plaintiff William B. Windsor has abused the integrity of this states court system as well as several other states and vows to never stop his harassing of the defendants in this case. He is wishing this court will provide him with ways to destroy many more of his victims lives and reputations through his web pages, face book pages, his amateur You Tube postings and his dream of making movies. For the reasons stated and the laws requiring, defendant Supanich respectfully moves this court to dismiss him from the lawsuit, dismiss the entire case as frivolous, and sanction the plaintiff to full extent that the law allows.

Pro SE Mark Supanich

1826 Lucky Strike Road Helena MT 59602



Dated this 11 day of June 2013