

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

IN RE: ADMINISTRATIVE MATTER)
)
RE: WILLIAM WINDSOR)
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Case No. 4:13-MC-09008-FJG

**ALLIE OVERSTREET’S REPLY TO WILLIAM WINDSOR’S RESPONSE TO
ALLIE OVERSTREET’S MOTION TO RECONSIDER AND REVOKE**

COMES NOW Allie Overstreet by and through her Attorney, Matthew J. O’Connor, and offers her Reply to William Windsor’s Response to Allie Overstreet’s Motion to Reconsider and Revoke:

I. FACTS

Allie Overstreet incorporates by reference the facts that were included in her original Motion to Reconsider and Revoke and her Suggestions in Support of her Motion to Reconsider and Revoke. Allie Overstreet further states that these facts do not need to come onto the record in the form of an affidavit as Mr. Windsor has stated repeatedly.

Rule 11 subpart b of the Federal Rules of Civil Procedure indicate that

“By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) **the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery;”**

Rule 11 provides that Allie Overstreet by and through her Attorney can make the factual allegations that have been provided to this court. Additionally, the statements made in Mr. Windsor's affidavit are not facts that he can attest to, specifically paragraphs 4-11 and 13-15, these are legal conclusions that Mr. Windsor has no basis or authority to make, these are left up to the court. Additionally, Mr. Windsor produces no facts to counter any of the allegations made in Allie Overstreet's Motion or Suggestions in Support. Mr. Windsor attempts to rely on Federal Rule of Evidence 602 to disprove the allegations made in Allie Overstreet's Motion, however this rule applies to witness testimony and not to pleading requirements. Furthermore, Allie Overstreet as a party to the Lawsuit filed by Mr. Windsor would have the requisite knowledge required by Rule 602. Next Mr. Windsor attacks the exhibits submitted by Allie Overstreet as not being the best evidence as they are not certified. However, the orders provided through Allie Overstreet's exhibits are file stamped and filed documents provided to the respective courts. Rule 1001 of the Federal Rules of Evidence allow for duplications of evidence to be presented, so long as the proponent provides a reasonable reason for the original not being present. The original orders are not present as it would be impossible and disallowed by the Federal Court from where the Orders are kept for our office to obtain an original of the Order, additionally one of the Orders is from Georgia it would be impractical and unnecessary for Allie Overstreet to undertake a journey in retrieving an original document that would never be provided to her.

II. REPLY TO WILLIAM WINDSOR'S LEGAL ARGUMENTS

A. Standing

Allie Overstreet has standing to bring this motion as she is a real party in interest to the lawsuit that was sought in the original order that was requested by William Windsor. Furthermore, *Hollingsworth v. Perry*, which was decided by the United States Supreme Court this July, held that a concrete and particularized injury must be present for a party to have standing in an action. *Hollingsworth v. Perry*, 133 S. Ct. 2652, 2659, 186 L. Ed. 2d 768 (2013). Allie Overstreet has a concrete and particularized injury from the onslaught and repeated abuses of the judicial system by William Windsor to sue her for damages from a frivolous lawsuit, additionally Allie Overstreet has suffered a concrete and particularized injury from the deliberate online betrayal of her on William Windsor's website. We ask this court to end William Windsor's attack on Ms. Overstreet.

B. Jurisdiction

William Windsor contends that this court has no jurisdiction over Mr. Windsor's case against Allie Overstreet. First, Allie Overstreet is not asking this division of the Federal Court to take up that action. Second, this division granted Mr. Windsor the authority to proceed with that action. This court has the ability to reconsider and revoke that order, Rule 60 of the Federal Rules of Civil Procedure provide this Court a remedy to revoke an order or decision that is has previously made. Rule 60 allows this a motion to reconsider when "any other reason that justifies relief" exists. This new reason exists as Mr. Windsor has proceed in state court has he has in other jurisdictions that resulted in the original Georgia Order. This is evidence that would not have been available to the court at the time that it made its original decision to grant the Order to allow Mr. Windsor to proceed in state court.

C. Rule 60

1. Windsor: The Motion to Reconsider is a Motion to Dismiss

Mr. Windsor has no authority to make this statement, nor does he provide any warrant to this argument, this is a common practice of Mr. Windsor. Additionally, Rule 60 Motions serve the function of presenting evidence that would not have been present at the time the original order or judgment was made. *O'Grady v. City of Ballwin*, 866 F. Supp. 2d 1073, 1080 (E.D. Mo. 2012), reconsideration denied (July 27, 2012), appeal dismissed (Oct. 17, 2012).

**2. Windsor: Rule 60 nor do the Rules of Civil Procedure apply apply to
“administrative matters”**

Again, Mr. Windsor makes no warrant to this argument. Second, in fact the Federal Rules of Civil Procedure do apply to “administrative matters.” The original Order that Mr. Windsor sought to file his action in state court was not an administrative matter, it was a matter of not violating a Court Ruling from another jurisdiction. Second, Federal Rule 1 of the Federal Rules of Civil Procedure indicates “These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. First, this would be a proceeding in a United States District Court. Second, Rule 81 makes no exception for “administrative matters.”

**3. Windsor: Allie Overstreet failed to provide authority that Rule 60(b) 1,2,3
and 6 apply.**

Subpart one (1) applies as the Court in its order committed excusable neglect and surprise, as they never expected or could have anticipated that Mr. Windsor would abuse the legal system like he has. Subpart two(2) applies as there is new evidence of Mr. Windsor’s abuses, as provided in Overstreet’s original Suggestions in Support, which

would not have been discoverable when the original order was approved. Finally, subsection six(6) applies as a general catch all for any new reason the court may reconsider its original order or judgment. Additionally, this motion is important as Allie Overstreet never had an ability to present to this Court any evidence or reasoning before the original Order was given.

4. Windsor: This motion is untimely, and is a motion to dismiss

First, this is not a motion to dismiss this is a motion to revoke. Second, the timing of this motion satisfies Rule 60 of the Federal Rules of Civil Procedure “A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.” Fed. R. Civ. P. 60. Additionally, the timing of this Motion is appropriate as Mr. Windsor’s egregious activities had come to an all time high. Finally, Mr. Windsor points to Mo. R. 55.27, however this has literally nothing to do with a Motion to Reconsider. It is these types of actions and mistakes that Mr. Windsor repeatedly makes in his pleadings that should present great worry to this Court and severely limit his ability to proceed with legal matters in the courts of the United States, especially without legal counsel.

D. *The Georgia Order*

Mr. Windsor argues that this Order is void. However, it begs the question, if the order is void, why did Mr. Windsor request leave from this Federal Court? Second, the order is not void, just because Mr. Windsor says that it is void. Mr. Windsor cannot “become a law unto himself.” *Reynolds v. United States*, 98 U.S., at 167 cited in *Employment Div., Dep't of Human Res. of Oregon v. Smith*, 494 U.S. 872, 885, 110 S.

Ct. 1595, 1603, 108 L. Ed. 2d 876 (1990). To Allie Overstreet's knowledge the Georgia Court has not amended or revoked their Order against Mr. Windsor, nor should they as his actions in judicial proceedings has not changed.

Mr. Windsor argues that the Georgia Order did not require that he provide this Court with a copy of the petition he intended to file in state court. However, that action is implicit in the Order from the Georgia Court, and an action that Mr. Windsor fraudulently attempted to obey. However, his failure to include all of the documents and parties in his suit, is due to the original Georgia Order that described his pleadings as longwinded and repetitive, has Mr. Windsor supplied this court with documents he actually intended to file the would have seen that Mr. Windsor was intending nothing short of a smear campaign of Allie Overstreet in the courts and online.

William Windsor violated this Courts Order by ever providing Allie Overstreet with a copy of this Courts Order with the Petition that he filed in Lafayette County. William Windsor admits this fact, and claims that he sent Allie Overstreet the order 13 days after this suit was filed. However, there is LITERALLY NO PROOF that it was ever sent to Allie Overstreet. Mr. Windsor who lacks the knowledge of how to file a simple, proper and complete pleading never supplied the court with a certificate of service or certificate of mailing that the order was sent to Allie Overstreet. First, his allegation that he did is a lie, and is perjury and second, is a contemptuous action as he blatantly and knowingly failed to provide Allie Overstreet with a copy this Court's Order. It is these mistakes that make it extremely dangerous for an individual in Mr. Windsor's position to proceed with civil actions without a competent and reliable attorney. In addition it wastes the Courts time and limited resources.

Mr. Windsor then proceeds to engage in his un-compelling diatribe of deceit and defeat in the Georgia Federal Courts. First this is immaterial to this action. Second, this is almost word for word the same story that he has made to the Lafayette County Circuit Court. Third, Mr. Windsor has laid out exactly how he intends to assault this Court and any other court that rules against Mr. Windsor. We ask that you stop Mr. Windsor before he gets any further and any worse. It is clear that Mr. Windsor has a vendetta against the Georgia Courts and is attempting to rehash that vendetta every chance he gets, to anyone that will listen.

E. Matthew J. O'Connor

In Mr. Windsor's response he made severally derogatory and unprofessional remarks about Matthew J. O'Connor the attorney for Allie Overstreet. This is not the first time these remarks have been made by Mr. Windsor, however it does show the childish attitude and lack of respect Mr. Windsor has for this Court and Mr. O'Connor. This behavior would not be accepted by another attorney, nor should it be accepted by a pro-se party.

Additionally, Mr. Windsor has made threats of a "Rule 11" action against Mr. O'Connor and a complaint to the bar. First, these are immaterial to this action. Two, this is news to Mr. O'Connor, has he has received no complaints or administrative notice of either. Mr. Windsor has repeatedly engaged in threats against Matthew O'Connor, threats that I am sure Mr. Windsor has no proof or backing for.

II. CONCLUSION

Allie Overstreet asks that this Court pay particular attention to paragraphs 27-39. These again are perfect descriptions of Mr. Windsor's abuse of the Judicial System. This

Court should take this as a moment to educate Mr. Windsor on the importance of a licensed, trained and competent attorney representing his interests, and that if he is unable to find an attorney to take his case that this may be because he has no valid claim. Furthermore, Mr. Windsor attacks the parties to his lawsuits in the same way that his alleged injuries were to have occurred. He claims that they defamed him and slandered him, and then he turns around and proceeds to defame and slander the Defendant's to his actions. Mr. Windsor has become corrupt with the power that the Judicial system has and the power that it wields over those that fall under its jurisdiction, he must be stopped. This is not a violation of Mr. Windsor's First Amendment Right to free speech this is an end to his attack on the system of justice within the United States.

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,

THE O'CONNOR LAW FIRM, P.C.

/S/ Matthew J. O'Connor

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ATTORNEY FOR ALLIE OVERSTREET

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on September 13, 2013 a true and correct copy of the above and foregoing documents were forwarded via email and United States Mail, postage prepaid to:

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nobodies@att.net

/S/ Matthew J. O'Connor