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OVERSTREET'S  
EXHIBIT: D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

WILLIAM M. WINDSOR, )  
)  
Plaintiff, )  
)  
v. )  
)  
JAMES N. HATTEN, Anniva Sanders, J. White, )  
B. Gutting, Margaret Callier, B. Grutby, )  
Douglas J. Mincher, Jessica Birnbaum, )  
Judge William S. Duffey, Judge Orinda D. )  
Evans, Judge Julie E. Carnes, John Ley, )  
Judge Joel F. Dubina, Judge Ed Carnes, )  
Judge Rosemary Barkett, Judge Frank M. )  
Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, )  
Jane Doe 4, Jane Doe 5, John Doe 1, )  
John Doe 2, and Does 8 to 1000, and )  
The United States of America, )  
)  
Defendants. )

CIVIL ACTION NO.

1:11-cv-01923-TWT

**EXPEDITED  
TREATMENT  
REQUESTED**

**DEFENDANTS' MOTION FOR MODIFICATION OF PROTECTIVE  
ORDER**

For the reasons set forth in the attached Memorandum of Points and Authorities in Support, the United States, which has been substituted for certain identified federal defendants, by and through the United States Attorney for the Northern District of Georgia, respectfully moves this Court to modify the protective order. Because Defendant William Windsor continues to file frivolous

lawsuits, imposing burdens on the Court and the parties, expedited treatment is requested.

Respectfully submitted, this 22d day of June, 2011.

SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY

/s/Christopher J. Huber  
Christopher J. Huber  
Assistant U.S. Attorney  
Georgia Bar No. 545627  
600 U.S. Courthouse  
75 Spring Street, SW  
Atlanta, Georgia 30303  
(404) 581-6303 (telephone)  
(404) 581-6150 (facsimile)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, Anniva Sanders, J. White,  
B. Gutting, Margaret Callier, B. Grutby,  
Douglas J. Mincher, Jessica Birnbaum,  
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Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3,  
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The United States of America,

Defendants.

CIVIL ACTION NO.

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**EXPEDITED  
TREATMENT  
REQUESTED**

**DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN  
SUPPORT OF MOTION FOR MODIFICATION OF PROTECTIVE  
ORDER**

Pursuant to Federal Rule of Civil Procedure 26(c), the United States, which has been substituted for certain identified federal defendants, by and through the United States Attorney for the Northern District of Georgia, respectfully moves this Court for a modification of the protective order entered on June 17, 2011, and, in support, show as follows:

Plaintiff William Windsor has filed yet another lawsuit in his never-ending quest to reverse Judge Evans' decisions against him. Yet again, the new lawsuit is frivolous and will result in further waste to this Court and the parties. Although this Court previously entered a protective order that should have stopped Windsor from continued frivolous filings, unfortunately a modification of that Order appears necessary.

### **BACKGROUND**

The present case was filed in Fulton County Superior Court, on May 19, 2011, where it was No. 2011CV200971. On June 13, the United States removed the case to this Court. Between filing and removal, Windsor sought to initiate discovery. He served, or attempted to serve, at least the following: six subpoena duces tecum, to both parties and non-parties, two requests to produce documents (with at least 213 separate requests), four sets of interrogatories (including at least 42 interrogatories to Defendant Hatten), and three sets of requests for admissions (with approximately 1,990 requests). Windsor also has made numerous filings (resulting in at least 32 docket entries before this Court entered its Protective Order).

Windsor was not pleased when the Fulton County cases were removed to this Court. As a result, as he writes on his website, "I am unleashing a whole new attack on these slimeballs, so stay tuned for the news on my latest lawsuit. I am suing every cotton pickin' one of them -- 56 criminals who masquerade as employees of the U.S. government and judiciary in Atlanta, Georgia. I will pursue every single one of these crooks until the day I die." Exhibit 1 at 6. He proceeded to do just that, filing yet another complaint in Fulton County Superior Court on June 20. *Windsor v. Thrash, et al.*, No. 2011cv202263 (the case has been removed to this Court). In that case, Windsor sued all of the judges in the Northern District of Georgia, including the senior judges and the magistrate judges. He also sued all of the judges on the Court of Appeals for the Eleventh Circuit. In addition, he sued United States Attorney Sally Quillian Yates, Assistant United States Attorney Christopher J. Huber, and Fulton County District Attorney Paul Howard.

This newest action was in addition to Windsor's previous actions, which include:

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

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

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

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

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

## ARGUMENT

Multiple courts have already found that Windsor's litigation is frivolous. [See 06-0714 Dkt. 545; 06-0714 Dkt. 950; 09-1543 Dkt. 52; 09-2027 Dkt. 238]. As this Court stated in its Protective Order, "[t]his is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff." [Dkt. 25].<sup>1</sup> In

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<sup>1</sup> Although Windsor purports to sue Judge Thrash in an apparent effort to disqualify His Honor, the Court need not recuse because of the rule of necessity. This rule is invoked, even when a judge has a personal interest, if there is no other judge available to hear the case. *Bolin v. Story*, 225 F.3d 1234, 1238 (11th Cir. 2000). Because Windsor has sued all of the judges in this District, the rule applies. See also *Davis v. Kvalheim*, 261 Fed. App'x 231, 234 n.4 (11th Cir. 2008) (district court judge need not recuse where it is clear that plaintiff would name and try to disqualify any judge who ruled against him).

addition, multiple courts have imposed filing restrictions on Windsor. [See 06-0714 Dkt. 723, aff'd 06-0714 Dkt. 950; 09-2027 Dkt. 22, modified at 09-2027 Dkt. 161]. Indeed, the Eleventh Circuit Court of Appeals found that Windsor's "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. Windsor's filings also have been costly and burdensome to [the parties to the litigation.]" [06-0714 Dkt. 950 at 6].

Unfortunately, the filing restrictions and frivolity findings have not dissuaded Windsor. To the contrary, he continues to bombard the courts with new pleadings and new lawsuits, including the most recent filing in Fulton County Superior Court. Given Windsor's continued abuse of the judicial system, the Court should impose additional restrictions on him that would bar him from filing any new complaint in any court, whether federal or state. The Eleventh Circuit recognizes that an injunction is a proper method to prevent abuse of the judicial system. *Procup v. Strickland*, 792 F.2d 1069, 1071 (11th Cir. 1986)). In *Martin-Trigona v. Shaw*, 986 F.2d 1384, 1386-87 (11th Cir. 1993), the Eleventh Circuit reaffirmed this statement, holding that an injunction requiring the *pro se* filer to seek leave of court prior to filing subsequent lawsuits was an acceptable



way to limit the plaintiff's ability to abuse the judicial system. *See also Cofield v. Alabama Public Serv. Comm'n*, 936 F.2d 512, 518 (11th Cir. 1991) ("the prefiling screening of claims leaves sufficient access to the courts. . . . This procedure is acceptable because it is not an excessive response to Cofield's clear abuse of the system; Cofield still has some access to the courts."); *Riccard v. Prudential Ins. Co.*, 307 F.3d 1277, 1299 (11th Cir. 2002) (holding that broadening the scope of prohibited litigious behavior was within the discretion of the district court and thus proper); *see also* 28 U.S.C. § 1651(a) ("The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principals of law.").

The broadened scope of the protective order to include barring filing in any court, including any state court, is proper. *See, e.g., Gilgallon v. Carroll*, 153 Fed. App'x 853, 857 (3d Cir. 2005) ("Because the District Court's injunction of the ongoing state proceedings was issued to effectuate its prior judgments and to protect appellee from future harassing litigation, we will affirm . . ."); *Villar v. Crowley Maritime Corp.*, 990 F.2d 1489, 1499 (5th Cir. 1993) (upholding district court's injunctions against litigants preventing "any future litigation based on the

underlying facts in [the] case, including future litigation in state courts”); *In re Prudential Ins. Co. Of Am. Sales Practices Litig.*, 232 Fed. App’x 161, 165-67 (3d Cir. 2007) (upholding injunction that applied to state court); *DeNardo v. Murphy*, 781 F.2d 1345, 1348 (9th Cir. 1986) (same). Such an extension is warranted to protect the defendants and other potential parties from future vexatious litigation, particularly here where the Eleventh Circuit has already found that Windsor’s “filings pose[] a burden to clerical and judicial operations and [are] an impediment to the administration of justice. Windsor’s filings also have been costly and burdensome to [the parties to the litigation.]” [06-0714 Dkt. 950 at 6]. In a case with a similarly vexatious litigant, Judge Carnes of this Court entered an Order barring filing a complaint in federal or state court. *Dean v. Handel*, 1:08-cv-02153-JEC (Mar. 25, 2009) (*see also In re Dean*, 09-15603-H (Dec. 30, 2009) (Order denying Petition for Mandamus seeking to vacate Judge Carnes’ order). Any such order should expressly notify plaintiff that, upon a failure to comply with the injunction’s requirements, the plaintiff may be found in contempt of court.

Respectfully submitted, this 22d day of June, 2011.

SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY

/s/Christopher J. Huber  
Christopher J. Huber  
Assistant U.S. Attorney  
Georgia Bar No. 545627  
600 U.S. Courthouse  
75 Spring Street, SW  
Atlanta, Georgia 30303  
(404) 581-6303 (telephone)  
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**CERTIFICATE OF COMPLIANCE**

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in LR 5.1B (Times New Roman, 14 pt.) for documents prepared by computer.

This 22d day of June, 2011.

/s/Christopher J. Huber

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Motion for a Protective Order, the Memorandum in Support and Proposed Order on the plaintiff by causing true and correct copies thereof to be placed in the U.S. Mail, with proper postage affixed, and addressed as follows:

William M. Windsor  
P.O. Box 681236  
Marietta, Georgia 30068

In addition, a copy was served on:

Carl H. Anderson, Jr.  
4000 Sun Trust Plaza  
303 Peachtree Street NE  
Atlanta, Georgia 30308-3243

This 22d day of June, 2011.

/s/Christopher J. Huber