Exhibit

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

MAID OF THE MIST CORPORATION and MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs

v.

CIVIL ACTION NO. 1:06-CV-0714-ODE

ALCATRAZ MEDIA, LLC, ALCATRAZ MEDIA, INC., and WILLIAM M. WINDSOR,

Defendants

ORDER

Pending for review at this time are proposed complaints which were delivered to the Court for filing on or about October 22 and October 26, 2010 (hereinafter October 22 and October 26 proposed complaints, respectively). The undersigned is conducting this review because an Order was entered on December 22, 2009 containing the following provision:

> Windsor, and any parties acting in concert with him or at his behest, are PERMANENTLY ENJOINED from filing any motion, pleading, or other paper in Civil Action No. 1:06-CV-714-ODE. Additionally, Windsor is ORDERED not to file in any court any new lawsuit involving claims arising from the same factual predicate or nucleus of operative facts as the instant case.

[Doc. 723 at 20.] The first question presented is whether filing of the new proposed complaints would violate the December 22, 2009 Order. If so, they should not be filed. Secondly, the Court will consider broadening the scope of the injunctive order in light of Mr. Windsor's continuing litigious and abusive conduct and the current status of this lawsuit.

For the reasons discussed below, the Court determines that the filing of the October 22 proposed complaint would violate the

December 22, 2009 Order for that reason. The Clerk of the Court is DIRECTED not to file the October 22, 2010 proposed complaint. Further, the Court determines that in light of Mr. Windsor's history of frivolous filings and abusive conduct, said injunction should be broadened to prohibit the filing of any new lawsuits in this Court which have any relationship to the instant case. Judged by that standard, the filing of the October 22 and the October 26 proposed complaints should not be allowed. The Clerk of the Court is DIRECTED not to file them for this reason as well.

Background

A condensed review of Mr. Windsor's pro se filings in this Court is helpful to explain the rulings in this Order. The instant case began with a claim by Maid of the Mist Corporation and Maid of the Mist Steamboat Company, Ltd. against Windsor and Alcatraz Media, LLC and Alcatraz Media, Inc. for injunctive relief. The two Maid entities asserted that Windsor was continuing to sell vouchers or tickets to boat rides at Niagara Falls, New York, without the consent of the Maid entities. They alleged that various representations Windsor was making to prospective boat ride customers were false and that this was injuring the reputation of Maid of the Mist. After discovery, the Court granted a permanent injunction to the Maid entities against Windsor and the Alcatraz entities. It also awarded attorneys' fees and expenses totaling $421,773.84 to the Maid entities and against Alcatraz and Windsor based on Windsor's stubbornly litigious conduct. On appeal, the injunctive relief was affirmed but the Court remanded the case for recalculation of the attorneys' fees. All parties conferred and agreed on a reduced award of attorneys' fees in the amount of

$395,000. Windsor signed the Consent Judgment as did his counsel.[1] A Consent Final Order and Judgment was entered on December 9, 2008.

On April 24, 2009, Mr. Windsor filed a pro se Motion to Reopen Case. This Motion, including exhibits, comprised thousands of pages and presented numerous theories including newly discovered evidence and fraud in the proceedings which predated the judgment. Mr. Windsor sought recusal of the undersigned and filed a motion for sanctions against the Maid entities' lawyers. They in turn filed a motion for sanctions against Windsor. On May 22, 2009 this Court denied the motion for recusal and the Motion to Reopen Case. Both sides' motions for sanctions were denied. Windsor appealed these rulings on June 15, 2009. His appeal was dismissed as frivolous on September 10, 2009. Notwithstanding these developments, Windsor continued filing a large number of frivolous motions in this Court. On December 22, 2009, the undersigned dismissed all of Windsor's pending motions and entered the injunctive order which is reflected above.[2]

On January 6, 2010, the Maid entities filed a motion for postjudgment attorneys' fees pursuant to 28 U.S.C. § 1927, the Court's inherent authority and O.C.G.A. § 13-6-11. After briefing by both sides and a hearing on April 8, 2010 the Court granted an award of attorneys' fees and expenses to the Maid entities in the amount of $192,377.87 for unnecessary work Windsor had caused them

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[1]Apparently counsel was retained specifically for the purpose of advising Mr. Windsor about the Consent Judgment.

[2]The injunctive order was later modified to specify that it did not preclude Mr. Windsor from filing a notice of appeal.

by the filing of frivolous motions after May 22, 2009. Windsor appealed this ruling; this appeal and others remain pending at this time. On April 30, 2010, this Court granted further sanctions against Windsor for additional frivolous motions he had filed; the sanctions amount was $76,076.72. Windsor appealed and that appeal is pending.[3]

Prior to December 22, 2009, Mr. Windsor also had filed two other matters in this Court. One matter began as a subpoena to take the undersigned's deposition in the instant case. The motion to quash filed on the undersigned's behalf was redesignated and was given Case No. 1:09-CV-1543-WSD; Judge William S. Duffey of this Court was assigned to that case. On June 30, 2009, Judge Duffey granted the motion to quash and denied as moot other pending motions. A judgment was entered. Windsor appealed and apparently moved to disqualify the judges of the Court of Appeals. The Maid entities' motion for sanctions for filing a frivolous appeal was granted by the Court of Appeals, which awarded sanctions in the sum of $37,333.67.

The other case was filed on July 27, 2009. Mr. Windsor filed Civil Action No. 1:09-CV-2027-WSD, a 400 page lawsuit against defendants United States of America, Judge Orinda D. Evans, the law firm and lawyers who had represented the Maid defendants in the original suit, various individuals affiliated with the Maid defendants, plus defendant Maid of the Mist Corporation and Maid of

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[3]Mr. Windsor deposited cash in the sums of $192,377.87 and $76,076.72 into the registry of the Court in lieu of supersedeas bonds to stop the Maid entities from collection efforts during his appeals.

the Mist Steamboat Company, Ltd. This complaint was entitled "Verified Independent Action in Equity to Remedy Fraud Upon the Court, Independent Equitable Action for Relief from a Final Judgment, Complaint for Declaratory Judgment, Injunctive Relief, and Other Relief." The gist of this action was that certain employees of the Maid entities, plus their lawyers committed perjury in MIST-1 (MIST-1 is Mr. Windsor's denomination of the instant action) and that all defendants committed fraud to obtain the injunction against Windsor and the two Alcatraz entities. The action also claims broadly that the undersigned acted in bad faith, was partial to the Maid entities in MIST-1, and participated in the alleged scheme to defraud Windsor and the Alcatraz entities in the course of the lawsuit. The bottom line was that the judgment in MIST-1 should be set aside, and damages should be awarded against all of the defendants. Judge Duffey granted defendants' Motion to Dismiss this action on October 19, 2010. Windsor filed a notice of appeal on October 20, 2010.

Finally, not long after the December 22, 2009 injunction was entered, Mr. Windsor filed a 506 page complaint in the United States District Court for the District of Columbia seeking to set aside the judgment in MIST-1, and also seeking damages against a large number of defendants alleged to be at fault in some way for his inability to obtain relief from the MIST-1 judgment, including the Maid entities, their lawyers and the undersigned. A copy of the first page of the complaint, reflecting all defendants' names, is attached to this Order. This Court found Mr. Windsor in contempt for having filed the D.C. lawsuit against the Maid entities and their lawyers (but not against the other parties). Windsor was given an

opportunity to expunge himself of contempt by dismissing with prejudice his claims against the Maid entities and their lawyers. He apparently did dismiss this part of the D.C. lawsuit. Subsequently Windsor appealed the order of contempt to the U.S. Court of Appeals for the Eleventh Circuit; that appeal is pending. Mr. Windsor states that the U.S. Court of Appeals for the District of Columbia dismissed his lawsuit without prejudice.

Whether the Proposed Complaints Should Be Filed

Against this background, the Court examines the October 22 and October 26 proposed complaints. The October 22 proposed complaint is captioned "Verified Independent Action in Equity to Remedy Fraud Upon the Court; Independent Equitable Action for Relief from Orders, Judgment, and Writs of Execution; Complaint for Declaratory Judgment, Injunctive Relief, and Other Relief." It is a 60 page complaint, exclusive of voluminous exhibits. The defendants are the United States District Court for the Northern District of Georgia, the United States Court of Appeals for the Eleventh Circuit, the United States of America, and Judges William S. Duffey, Jr., and Orinda D. Evans of this Court, plus seven judges of the United States Court of Appeals for the Eleventh Circuit, plus Cobb County. The complaint also names Does 1-1000 as defendants and explains that the Does refer to law clerks for the various judges who have dealt with Mr. Windsor's cases.

Paragraph thirty-five of the proposed complaint states:

> This Verified Action includes an independent action in equity for relief from orders, judgments, and injunctions entered in N.D.Ga. Civil Action No. 1:06-CV-0714-ODE ("MIST-1"), Civil Action No. 1:09-CV-01543-WSD ("Deposition Action"), and Civil Action No. 1:09-CV-02027-WSD ("MIST-2") through fraud upon the Courts.

The factual averments of the complaint are very general, non fact-specific claims of fraud and abuse of the legal system by all of the defendants, allegedly inuring to the detriment of William M. Windsor. In the Court's opinion, the averments of the complaint (many of which track the Defendants' arguments in MIST-1) and the fact that the October 22 proposed complaint includes an effort to set aside the judgment in MIST-1 means that its filing is barred by the December 22, 2009 injunction order. The fact that it includes other claims is irrelevant.

The October 26 proposed complaint is entitled "Verified Complaint." This complaint names as defendants the United States District Court for the Northern District of Georgia, the Clerk of the Court, certain employees of the Clerk's Office, Judge William S. Duffey, and various Jane and John Does who are alleged to have been law clerks to Judge William S. Duffey and Judge Orinda D. Evans during the time frame from 2006-2010. This complaint again alleges very broadly that all defendants have abused the legal process, but it specifically alleges that certain employees of the Clerk's Office, plus the Clerk of the Court, and Judge Duffey wrongfully allowed for issuance of a writ of execution which was recorded on the public records, against property of Mr. Windsor and his wife. The subject writ of execution, according to the Verified Complaint, references the $37,333.67 owed by Windsor to the Maid entities, on account of sanctions imposed by the United States Court of Appeals for the Eleventh Circuit on an appeal in one of Judge Duffey's cases, No. 1:09-CV-1543-WSD. Mr. Windsor also complains in the Verified Complaint that when he delivered the October 22 proposed complaint to the Clerk's Office, he was improperly informed by

representatives of the Clerk's Office that it could not be filed without first being reviewed by a judge. Windsor seeks an order that the writ of execution be voided and seeks damages against all defendants.

In a general sense, all of the above-described lawsuits Windsor has filed in this Court and in the District of Columbia have been derived in some degree from the earlier proceedings in the instant case, where Windsor and the Alcatraz entities were found responsible for tortious acts toward the Maid entities, and from the appeals challenging this Court's judgment. Mr. Windsor cannot accept the outcome of Maid's suit against him and the Alcatraz entities. He therefore seeks to undo the judgment, and seeks damages against all who were involved in bringing that result about, including judicial officials and employees. This is certainly true of Windsor's claims against law clerks who have worked for Judge William S. Duffey and the undersigned during 2006-2010. However, the October 26 proposed complaint focuses on the writ of execution issued in the case before Judge Duffey (Civil Action No. 1:09-CV-2027-WSD). It also focuses on actions of representatives of the Clerk's Office with whom he dealt at the public filing counter while attempting to file the October 22 proposed complaint.

On balance, it is questionable whether the October 26 proposed complaint involves "claims arising from the same factual predicate or nucleus of operative facts as the instant case." Having said that, however, the Court believes that full consideration of Mr. Windsor's litigation history in this Court and in the District of Columbia warrants broadening the terms of the December 22, 2009 injunction. Accordingly, the Court will broaden the injunction so

as to order Mr. Windsor not to file in this Court any new lawsuit that is related to or which stems from Windsor's prior cases in this Court or in the Court of Appeals. If any such further lawsuits are tendered for filing by Mr. Windsor, the Clerk is DIRECTED not to file them.

With respect to the October 26 proposed complaint, the Court also observes that the matter of the writ of execution can be addressed in 1:09-CV-1543-WSD, if any action is needed. No new lawsuit is needed to address this matter.

The Clerk's Office acted correctly in advising Mr. Windsor that the October 26 proposed complaint could not be filed without it first being reviewed by a judge for compliance with the December 22, 2009 injunction. That review has now been completed, and while it may be debatable whether the October 26 proposed complaint involves "claims arising from the same factual predicate or nucleus of operative facts as the instant case," it clearly has a connection to earlier events in this case and is otherwise not permitted under the expanded injunction which the Court enters today.

Finally, the Court's review of the docket sheet in this case indicates that appeals are pending; it is possible that some further matters will need to be resolved by this Court once the appeals have been completed. For this reason and for the orderly and efficient processing of papers in this case, the Court elects to enter an order similar to that entered by Judge Duffey in his cases [1:09-CV-1543-WSD and 1:09-CV-2027-WSD]. The Court therefore DIRECTS the Clerk of the Court to accept no further filings in the instant case from Mr. Windsor (except for a notice of appeal) unless that filing is first permitted by the specific written permission of the

undersigned. To obtain permission, Mr. Windsor must file a Motion for Leave to File which states what he wishes to file and why such filing is appropriate. This Motion for Leave to File may not exceed five pages in length (including the Certificate of Service and the initial page containing the names of the parties) and it may not contain any attachments. Also, it may not include or be accompanied by the motion or other item which Mr. Windsor wishes to file. Violation of these specifications will result in denying the Motion for Leave to File.

In summary, the Clerk is DIRECTED not to file the October 22 and October 26 proposed complaints. The Clerk is DIRECTED to return to Mr. Windsor the filing fees he has paid on both of these cases.

Finally, the injunctive order previously entered by the Court on December 22, 2009 is hereby modified so that it now provides as follows:

Windsor, and any parties acting in concert with him or at his behest, are PERMANENTLY ENJOINED from filing any motion, pleading, or other paper (other than a notice of appeal) in Civil Action No. 1:06-CV-714-ODE except with the express prior written permission of the Court. To obtain permission Mr. Windsor must file a Motion for Leave to File in accordance with the requirements set forth in this Order. Also, Windsor is ORDERED not to file in this Court any new lawsuit that is related to or which stems from his prior cases filed in this Court. Finally, Windsor is ORDERED not to file in any court any new lawsuit involving claims arising from the same factual predicate or nucleus of operative facts as the instant case.

SO ORDERED, this 22 day of November, 2010.

ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

William M. Windsor,

Plaintiff, Pro Se

3924 LOWER ROSWELL RD
v. MARIETTA, GA 30068
770-578-1094

Judge Orinda D. Evans, Judge William S. Duffey, Jr., Judge Julie E. Carnes, Judge Joel F. Dubina, Administrative Offices of the United States Courts, United States of America, United States Department of Justice, Eric H. Holder, Sally Quillian Yates, Gentry Shelnutt, Committee on the Judiciary of the U.S. House of Representatives, Congressman John Conyers, United States Senate Committee on the Judiciary, Senator Patrick J. Leahy, United States District Court for the Northern District of Georgia, United States Court of Appeals for the Eleventh Circuit, Judicial Council of the Eleventh Circuit, Judicial Conference of the United States, Sigmund R. Adams, Federal Bureau of Investigation, Special Agent Gregory Jones, Maid of the Mist Corporation, Maid of the Mist Steamboat Company Ltd., Carl Hugo Anderson, Jr. Hawkins & Parnell, and Does 1 TO 1000,

Defendants.

CIVIL ACTION NO:

Case: 1:10-cv-00197
Assigned To : Leon, Richard J.
Assign. Date : 2/4/2010
Description: TRO/PI

JURY ACTION

William M. Windsor
3924 Lower Roswell Rd
Marietta, GA 30068
Telephone: 770-578-1094

VERIFIED COMPLAINT

William M. Windsor ("Windsor or "Plaintiff") hereby files this VERIFIED COMPLAINT. Plaintiff shows the Court as follows:

PRELIMINARY STATEMENT

1. Federal Judge Orinda D. Evans ("Judge Evans") and Federal Judge William S. Duffey ("Judge Duffey") are corrupt.