

Exhibit

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

MAID OF THE MIST	:	
CORPORATION, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:09-CV-1543-WSD
	:	
ALCATRAZ MEDIA, LLC, et al.,	:	
Defendants.	:	

ORDER

The Order signed December 3, 2010 and entered on the docket on December 6, 2010 [109] is hereby **VACATED**, and the following is substituted in its place.

This matter is before the Court on two requests for specific approval to file motions submitted by non-party Barbara G. Windsor [123-1 & 124-1] and two requests for specific approval to file motions submitted by the plaintiffs [119 & 120]. For the reasons set forth below, both of Mrs. Windsor's requests will be denied and both of the plaintiffs' requests will be granted.

Mrs. Windsor is the wife of William M. Windsor, a defendant in this case and a related case. *See also Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 1:06-CV-714-ODE (N.D. Ga. filed Mar. 28, 2006) ("*Maid of the Mist I*"). In *Maid of the Mist I*, Windsor and his codefendants signed a Consent Final

Order and Judgment on December 9, 2008, agreeing to pay “the negotiated sum of \$395,000 as attorneys’ fees and expenses” [*Maid of the Mist I* 354 at 2] to compensate the plaintiffs for Windsor and his codefendants’ “stubbornly litigious pre-suit conduct.” *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 294 F. App’x 463, 465 (11th Cir. 2008).

Soon afterward, Mr. Windsor discharged his attorney [*Maid of the Mist I* 360]. Proceeding *pro se*, Mr. Windsor then began to file a substantial series of motions in an attempt to attack the Consent Final Order and Judgment that he himself had voluntarily signed.¹ Among other things, Mr. Windsor sought to subpoena Judge Orinda D. Evans, who had presided over *Maid of the Mist I*.

This case was opened when Judge Evans moved to quash Mr. Windsor’s subpoena [1]. After that subpoena was quashed [32], Mr. Windsor moved for reconsideration [34], which was denied [42], and then appealed [43]. The United States Court of Appeals for the Eleventh Circuit “*sua sponte* dismiss[ed] [Windsor’s] appeal as frivolous as briefed” [52 at 2] and then imposed

¹ Mr. Windsor also filed a substantial number of new lawsuits, appeals, and petitions for mandamus in this Court, the United States District Court for the District of Columbia, the United States Court of Appeals for the Eleventh Circuit, the United States Court of Appeals for the District of Columbia Circuit, the United States Supreme Court, and various New York state courts.

\$37,333.67 in sanctions pursuant to Federal Rule of Appellate Procedure 38 [54 at 2].

As in *Maid of the Mist I*, Mr. Windsor remains “stubbornly litigious.” Mr. Windsor is now vehemently resisting the plaintiffs’ efforts to collect the judgment against him in this case. Accordingly, the plaintiffs have sought discovery “[i]n aid of the judgment or execution.” Fed. R. Civ. P. 69(a)(1). They have directed discovery requests not only to Mr. Windsor, but also to Mrs. Windsor.

Mrs. Windsor, who is not represented by counsel, previously filed a “Request for Specific Approval by Non-Party Barbara G. Windsor’ [sic] to File Motion for Protective Order and Motion to Quash Subpoena” [100]. This Court granted that request and directed the Clerk “to accept for filing any ‘Motion for Protective Order and Motion to Quash Subpoena’ – not exceeding twenty-five pages, *see* LR 7.1D, NDGa. – submitted by Barbara G. Windsor on or before November 24, 2010” [105 at 1].

No such motions were forthcoming from Mrs. Windsor. Instead, Mrs. Windsor filed on December 2, 2010 a “Second Request” for permission to seek a protective order and to quash the plaintiffs’ subpoena. Mrs. Windsor now

requests the same opportunity to file motions that she previously requested and was *granted*. Yet, when given permission earlier to file, Mrs. Windsor neither filed a motion for protective order and a motion to quash subpoena, nor did she request an extension of time to file before the November 24 deadline passed. For those reasons, and because Mrs. Windsor's dilatory actions appear to be calculated to further delay the plaintiffs' collection of the sanctions levied by the Eleventh Circuit against Mr. Windsor, Mrs. Windsor's "Second Request for Specific Approval by Non-Party Barbara G. Windsor to File Motion for Protective Order and Motion to Quash Subpoena" [124-1] is **DENIED**.²

² It is unclear whether Mrs. Windsor is actually representing herself. Both Mr. and Mrs. Windsor have been cautioned that "Mrs. Windsor may be represented in this matter only by a licensed attorney admitted to practice in this court" [105 at 1] if she is not going to proceed *pro se*. Yet Mrs. Windsor's motions mirror in significant respects those filed by Mr. Windsor, and the e-mail address listed twice in both of Mrs. Windsor's recent requests is "williamwindsor@bellsouth.net" [123-1 at 1 & 3; 124-1 at 1 & 3].

As this Court previously wrote:

If Mrs. Windsor intends to be represented by counsel in this matter, that lawyer should file an appearance in this action. Mrs. Windsor may be represented in this matter only by a licensed attorney admitted to practice in this court. If she is not represented by counsel, she may appear *pro se* in this matter.

[105 at 1]. Mr. and Mrs. Windsor are further cautioned that Mr. Windsor may *not* prepare and file motions over his wife's signature. In the future, if that

Mrs. Windsor also filed on December 2, 2010 a “Request for Specific Approval by Non-Party Barbara G. Windsor to File Motion for Order Confirming Stay.” Mrs. Windsor states that she doesn’t “understand why [she] need[s] to file anything with this Court until [a pending] appeal is resolved” [123-1 at 2]. As the title of her filing indicates, Mrs. Windsor seeks an “order confirming stay” [123-1 at 1]. The only request for a stay that was filed in this action was filed by Mr. Windsor, and this Court has entered its orders on his motion. Mrs. Windsor may review the docket or review the orders sent to her husband if she wishes to review the Court’s rulings on the motion for stay.³ Accordingly, Mrs. Windsor’s request [123-1] is **DENIED**.

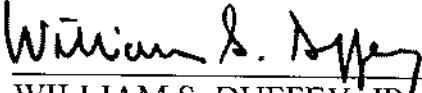
The plaintiffs, Maid of the Mist Corporation and Maid of the Mist Steamboat Company, Ltd., filed a “Specific Request for Approval to File . . .

appears to be occurring, the filings will be refused and both Mr. and Mrs. Windsor may be sanctioned.

³ *Pro se* litigants do “not have a constitutional right to receive personal instruction from the trial judge on courtroom procedure,” and “the Constitution [does not] require judges to take over chores for a *pro se* [litigant] that would normally be attended to by trained counsel as a matter of course.” *McKaskle v. Wiggins*, 465 U.S. 168, 183-84 (1984). Mrs. Windsor should address her questions about stays, civil procedure and related matters to counsel she selects. It is not appropriate to pose legal questions in the form of requests for permission to file motions, such as the request Mrs. Windsor filed here.

Motion to Compel Against Defendant William M. Windsor and Non-Party Subpoenant Barbara G. Windsor” [119] and a “Specific Request for Approval to File . . . Motion for Contempt Against Defendant William M. Windsor” [120]. Those requests are **GRANTED**, and the Clerk is **DIRECTED** to accept such motions – not exceeding twenty-five pages each, *see* LR 7.1D, NDGa. – for filing when presented by the plaintiffs.

SO ORDERED, this 9th day of February, 2011.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE