

Exhibit

45

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

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

ORDER

William M. Windsor is a vexatious litigant.¹ After *sua sponte* dismissing Windsor’s first appeal in this case “AS FRIVOLOUS AS BRIEFED” [52 at 2 (emphasis in original)], the United States Court of Appeals for the Eleventh Circuit assessed “Rule 38 sanctions in the form of attorneys’ fees and single costs in the amount of \$37,333.67” against him [54 at 2]. Windsor refused to pay. The plaintiffs obtained a writ of execution and sought post-judgment discovery from, among others, Windsor and his wife [83]. Windsor has resisted [see, e.g., 99].

Although Windsor is not a lawyer and is proceeding *pro se*, he has sought to represent his wife as well as himself. This Court specifically advised


¹ The genesis and recent history of this case are summarized in this Court’s Orders of November 3, 2010 [99] and February 9, 2011 [125].

Windsor and his wife that “Mrs. Windsor may be represented in this matter only by a licensed attorney admitted to practice in this court’ if she is not going to proceed *pro se*” [125 at 4 n.2 (quoting 105 at 1)]. Windsor has nonetheless filed a Request for Specific Approval to File Special Power of Attorney, seeking permission to “speak and respond for [Mrs. Windsor] in this matter” [132 at 2].

While a “power of attorney may [confer] certain decision-making rights under state law, . . . it does not allow [a non-lawyer] to litigate *pro se* on behalf of [another person] in federal court.” *In re: Radogna*, 331 F. App’x 962, 964 (3d Cir. 2009); *see also Swanson v. Citibank, N.A.*, 614 F.3d 400, 402 (7th Cir. 2010) (“since [wife] is proceeding *pro se*, she may not represent her husband”); *Kaufman v. Robinson Prop. Grp.*, 331 F. App’x 276, 277 n.1 (5th Cir. 2008) (daughter prohibited from *pro se* representation of her mother despite power of attorney); *Estate of Keating v. Biddle*, 316 F.3d 7, 15 (1st Cir. 2002) (“the holder of a power of attorney is not authorized to appear *pro se* on behalf of the grantor”); *Osei-Afriyie v. Medical Coll. of Penn.*, 937 F.2d 876, 882 (3d Cir. 1991) (“a non-lawyer appearing *pro se*[] was not entitled to play the role of attorney for his children in federal court”). Windsor may not end-run the

requirement that Mrs. Windsor either represent herself or retain a lawyer through the artifice of a "special power of attorney." Accordingly, Windsor's Request for Specific Approval to File Special Power of Attorney [132] is **DENIED.**

SO ORDERED, this 16th day of March, 2011.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE