

# **Exhibit**

# **51**

APR 11 2011

# Barbara G. Windsor

JAMES N. HATTEN, Clerk Box 681236 \* Marietta, GA 30068 \* 770-578-1094 \* Cell: 404-606-1885  
Deputy Clerk

April 7, 2011

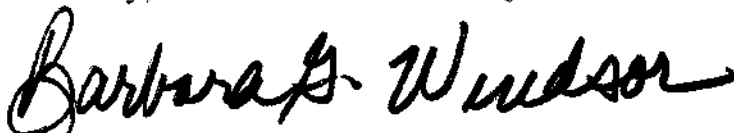
Clerk of the Court  
United States District Court Northern District of Georgia  
75 Spring Street, SW, 22<sup>nd</sup> Floor  
Atlanta, Georgia 30303-3361

Dear Clerk:

Please file the enclosed Notice of Appeal.

Thank you.

Sincerely,



Barbara G. Windsor

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

MAID OF THE MIST )  
CORPORATION )  
and MAID OF THE MIST )  
STEAMBOAT COMPANY, LTD., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
ALCATRAZ MEDIA, LLC, )  
ALCATRAZ MEDIA, INC. and )  
WILLIAM M. WINDSOR, )  
 )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO:  
1:09-CV-01543-WSD

**NOTICE OF APPEAL**

Notice is hereby given that Non-Party Barbara G. Windsor (“Barbara”) hereby appeals to the United States Court of Appeals for the Eleventh Circuit from all orders issued in this matter that impact her.

This appeal is necessary due to the violation of the Barbara’s Constitutional rights by Judge Duffey; claiming this is a valid civil action when it is not; claiming filing restrictions on Barbara when there were none; wrongful dismissal of Barbara’s filings; denial of Barbara’s access to the Court; refusal of Clerk of the Court to accept and file a notice of appeal from Barbara; and abuse of discretion by

Judge Duffey. Barbara reserves the right to include additional grounds in their appeal as research has not been done on all of the various issues.

Judge Duffey has committed errors of fact and errors of law, and he has abused discretion.

The Oral Order of September 23, 2010 requires that "Mr. Windsor" has to request specific approval to file. It says nothing about Mrs. Windsor (Barbara). Judge Duffey has claimed there was an order that placed restrictions on Barbara when there was no such order.

Non-party witnesses are entitled to appeal orders and without waiting for final judgment to be entered in the underlying action, see, e.g., *Ryan*, 402 U.S. at 532; *Cobbledick v. United States*, 309 U.S. 323, 327, 84 L. Ed. 783, 60 S. Ct. 540 (1940); *Alexander v. United States*, 201 U.S. 117, 121, 50 L. Ed. 686, 26 S. Ct. 356 (1906).

Article III requires the party invoking the court's authority to demonstrate an actual or threatened injury resulting from and fairly traceable to the alleged illegal conduct. That injury must also be likely to be redressed by the relief requested. See *Allen v. Wright*, 468 U.S. at 751; *Valley Forge Christian College v. Americans United for Separation of Church and State*, 454 U.S. 464, 472, 70 L. Ed. 2d 700, 102 S. Ct. 752 (1982).

Under these principles, the witnesses clearly have standing to challenge the district court's subject matter jurisdiction. They face an actual or threatened injury. As the Supreme Court recognized in *Maness v. Meyers*, 419 U.S. 449, 42 L. Ed. 2d 574, 95 S. Ct. 584 (1975), when a trial court orders a witness to reveal information, "compliance could cause irreparable injury

because appellate courts cannot always 'unring the bell' once the information has been released. Subsequent appellate vindication does not necessarily have its ordinary consequence of totally repairing error." *Id.* at 460; see also Ryan, 402 U.S. at 532 ("Of course, if he [the potential contemnor] complies with the subpoena he will not thereafter be able to undo the substantial effort he has exerted in order to comply"); *Overby v. United States Fidelity and Guaranty Co.*, 224 F.2d 158, 162 (5th Cir. 1955) (a non-party witness "asserting a continuing right of control of, and property right in, the documents, has standing" to appeal the district court's denial of his claim of evidentiary privilege).

*In re United States Catholic Conference and National Conference of Catholic Bishops*, 824 F.2d 156 (2nd Cir. 06/04/1987):

This injury to the witnesses also satisfies the other standing requirements. First, it occurs as a result of allegedly illegal -- or in this case unconstitutional -- conduct. If, as the witness contended, the district court issued a discovery order without having subject matter jurisdiction over the lawsuit, then the district court exceeded the jurisdictional limits of Article III. Second, the injury is fairly traceable to the challenged action for it is the discovery order itself, the witnesses maintain, that threatens them with irreparable harm and chills their First Amendment rights. If the discovery order is upheld, but later determined to be beyond the district court's powers, then the witnesses will have been needlessly subjected to expensive, burdensome, and potentially prejudicial discovery. Obviously then, full and effective appellate review conducted before compliance must include an examination into the district court's jurisdiction.

Finally, the injury is "likely" to be redressed by a favorable decision of this Court. If we were to determine, as the witnesses urge, that the district court lacks subject matter jurisdiction over the lawsuit, then obviously the offending discovery order would be set aside. Accordingly, I would hold that the witnesses have standing on this appeal to challenge jurisdiction.

According to other circuits, non-parties have standing to bring appeals.

Judge Duffey claims Barbara is bound by non-existent orders and other orders that

he has issued subsequently. His non-existent order claiming she is somehow bound by filing restrictions amounts to an illegal injunction binding her.

Generally, non-parties lack standing to bring appeals. See, e.g., *B.H. v. Murphy*, 984 F.2d 196, 199 (7th Cir. 1993). But non-parties who are bound by a court's equitable decrees have a right to move to have the order dissolved, *United States v. Board of School Commissioners of the City of Indianapolis*, 128 F.3d 507, 511 (7th Cir. 1997), and other circuits have held that where a non-party is purportedly bound by an injunction, the non-party may bring an appeal rather than face the possibility of a contempt proceeding. *Hilao v. Estate of Marcos (In re Estate of Marcos Human Rights Litigation)*, 94 F.3d 539, 544 (9th Cir. 1996); *In re Piper Funds, Inc.*, 71 F.3d 298, 301 (8th Cir. 1995) ("A nonparty normally has standing to appeal when it is adversely affected by an injunction."). But see *Felzen v. Andreas*, 134 F.3d 873, 875 (7th Cir. 1998) (overruling prior cases holding that class members who were not representatives may appeal from judgment without intervening). Because we have held that she had a right to move the district court to modify the restraining order, we conclude that Mrs. Kirschenbaum has standing to bring this appeal from the denial of her motion. (*United States v. Kirschenbaum*, 156 F.3d 784 (7th Cir. 09/30/1998).)

In this so-called case, there isn't even a valid civil action. There was never any petition filed or served. This civil action doesn't really exist according the federal Rules of Civil Procedure.

Submitted, this 11th day of April, 2011.

*Barbara G. Windsor*  
*Barbara Windsor*

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**BARBARA G. WINDSOR**  
**Non-Party**

P.O. Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1056  
Facsimile: 770-234-4106

**UNITED STATES DISTRICT COURT  
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ATLANTA DIVISION**

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

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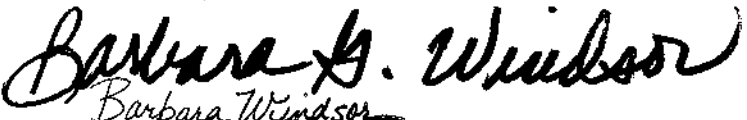
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**CERTIFICATE OF COMPLIANCE**

As required by Local Rule 7.1D, N.D. Ga., I hereby certify that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.

  
*Barbara Windsor*

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**Non-Party**

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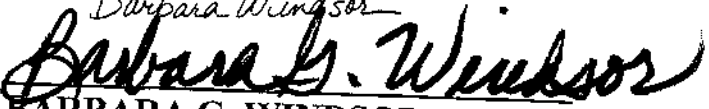
**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing NOTICE OF APPEAL by depositing the same with the United States Postal Service with sufficient postage and addressed as follows:

CHRISTOPHER J. HUBER  
ASSISTANT U.S. ATTORNEY  
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Counsel for Judge Orinda D. Evans

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This 11th day of April, 2011.

*Barbara Windsor*  
  
BARBARA G. WINDSOR  
Non-Party

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