

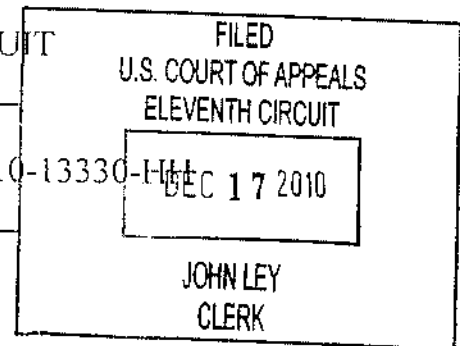
# **Exhibit**

**60**

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 10-12731-HH, 10-13034-HH, and 10-13330-HH



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

Plaintiffs-Counter-Defendants-Appellees,

versus

WILLIAM M. WINDSOR,

Defendant-Counter-Claimant-Appellant.

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Appeals from the United States District Court  
for the Northern District of Georgia

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BEFORE: CARNES, HULL, and WILSON, Circuit Judges.

BY THE COURT:

Before the Court are three appeals in which Appellant challenges a total of six orders. Consistent with our April 14, 2010, Order, issued in consolidated appeals 10-10698, et al., we are obligated to review these appeals for frivolity.

However, before we undertake our frivolity review, we will address Appellant's motions seeking disqualification of various judges of this Court, including the members of this panel.

It is clear that Appellant's disqualification motions are based upon adverse rulings made by the members of this Court in Appellant's previous cases. As such, Appellant fails to show that any member of this Court should be disqualified from these or any other of his cases. Therefore, Appellant's motions seeking disqualification of any member of this Court from these appeals or any other pending appeals are DENIED. See Byrne v. Nezhat, 261 F.3d 1075, 1103 (11th Cir. 2001) (“[p]recedent clearly holds that adverse rulings alone do not provide a party with a basis for holding that the court's impartiality is in doubt”); McWhorter v. City of Birmingham, 906 F.2d 674, 678 (11th Cir. 1990) (“[o]rdinarily, a judge's rulings in the same or a related case may not serve as the basis for a recusal motion”); Liteky v. United States, 510 U.S. 540, 555, 114 S.Ct. 1147, 1157, 127 L.Ed.2d 474 (1994) (“judicial rulings alone almost never constitute a valid basis for a bias or partiality motion”).

We now turn to the question of whether any of these appeals are frivolous. Based upon our review, Nos. 10-13034 and 10-13330 are DISMISSED AS FRIVOLOUS. See 11th Cir. R. 42-4.

No. 10-12731 is ALLOWED TO PROCEED IN PART and is DISMISSED AS FRIVOLOUS IN PART. Our preliminary review suggests that this appeal may be non-frivolous to the extent Appellant seeks review of the district court's May 25, 2010, orders (Dist. Ct. Docket Nos. 886 & 887). We caution that this determination is based only on our preliminary review, and does not preclude the appeal from being dismissed for frivolity sua sponte or on motion by Appellees, at a later time.

With the exception of any request by Appellant to file a response or reply out of time or for such response or reply to be accepted as timely which we GRANT, all pending motions filed by Appellant are DENIED.

We sua sponte CONSOLIDATE No. 10-12731 with Nos. 10-11758, et al., for purposes of merits disposition only.

Based upon Appellant's history of filing multiple, frivolous motions in the numerous cases he has filed in this Court, Appellant is hereby BARRED from filing any other motions in the consolidated appeals, with one exception, until after issuance of the opinion in those appeals.

In consideration of any medical issues Appellant may be experiencing, Appellant may file motions for extension of time to file any remaining briefs in the consolidated appeals. However, Appellant is cautioned that his extension

motion(s) may not be granted and that multiple extension requests will not be considered.

In addition, pursuant to Fed.R.App.P.2, we hereby SUSPEND any applicable rule which would allow Appellant to seek reconsideration of this Order. The Clerk is directed to discard unfiled any motion which seeks reconsideration of any portion of this Order and any motion which seeks more than an extension of time to file Appellant's brief.

We note that this Order does not bar Appellant from his ability to file a response to any motion filed by Appellees in these appeals. However, any response filed may not contain a request for relief from this Court other than a request that Appellees' motion be denied.

Finally, we hereby AMEND the April 14, 2010, Order issued in Nos. 10-10698, et al., to the extent that Appellant is BARRED from filing any motions in any new appeal which has been docketed in this Court on his behalf until after this Court has made its jurisdictional and frivolity determinations. The Clerk's Office is hereby DIRECTED to DISCARD any motions tendered by Appellant in any new appeal prior to the Court's jurisdictional and frivolity determinations. If the Court determines to allow any new appeal to proceed, Appellant may re-submit his motions at that time.

We note that Appellant currently has some five appeals pending with this Court in which a jurisdictional or frivolity determination has not been made: Nos. 10-14899, 10-15220, 10-15331, 10-15587 and 10-15717. To the extent that any motions have been filed by Appellant in those new appeals, the Clerk is DIRECTED to HOLD those motions pending the jurisdictional and frivolity determinations. Any other motions received in those appeals after entry of this Order may be discarded in accordance with the provisions of this Order.