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

WILLIAM M. WINDSOR, Plaintiff,	:	
v.	:	CIVIL ACTION NO. 1:09-CV-2027-WSD
UNITED STATES OF AMERICA, et al., Defendants.	:	

OPINION AND ORDER

William M. Windsor is a *pro se* plaintiff currently litigating at least four federal district court actions, eleven appeals in two federal circuit courts, two petitions in the United States Supreme Court, and a state court appeal. [*See* 156 at 2-3 and www.pacer.gov]. Windsor's goal is to void the Consent Final Order and Judgment that he voluntarily signed in November 2008 in *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 1:06-CV-714-ODE (N.D. Ga. filed Mar. 28, 2006) ("*Maid of the Mist I*"). Toward that end, Windsor has submitted thousands of pages of filings. This matter is now before the Court on the motions [130 & 131] filed by the defendants asking that Windsor's third amended complaint [116] be dismissed. For the reasons set forth below, both motions to dismiss will be granted, and this case will be closed.

I. Background.

Windsor states that "[i]f you ask my friends, former employees, and associates, I believe they will . . . say that I have an extreme sense of right and wrong." *Windsor v. Maid of the Mist Corp.*, No. 09-859, 2009 U.S. Briefs 859 at *24 (2010). Indeed, Windsor states that he has "experienced legal and judicial abuse on steroids" and that "this is a case that indicates that it can be absolutely impossible to find justice in the judicial system in America" [157-1 at 74-75]. Although Windsor voluntarily signed the Consent Final Order and Judgment in *Maid of the Mist I*, he now imagines that the case was resolved adversely to him because of a "conspiracy" involving "two [criminal] enterprises" whose members – including the United States of America – engaged in "fraud," "bias," and "perjury" in "violation of civil and Constitutional rights" [116, *passim*]. Windsor asks, both in this case and in one of his pending appeals in the United States Circuit Court of Appeals for the District of Columbia Circuit, that "a landmark decision" issue, substantially changing – or "abolish[ing]" – the doctrine of judicial immunity [142 at 8 & 20; *see also Windsor v. Evans*, No. 10-5071 (D.C. Cir. filed Mar. 16, 2010) (Appellant's Brief at 11 & 51) (identical language)].

Windsor's extensive *pro se* litigation docket traces its history back several years. In 2006, the Maid of the Mist Corporation and Maid of the Mist Steamboat Company, Ltd. sued Windsor, a Georgia resident, and two business entities that he managed [*Maid of the Mist I* 1 & 1-10 at ¶ 2]. Their complaint, filed in Georgia state court, sought temporary and permanent injunctive relief prohibiting Windsor and his co-defendants from engaging in unauthorized online sales of tickets for the Maid of the Mist companies' Niagara Falls boat tours. Windsor and his co-defendants removed that complaint to federal court [*Maid of the Mist I* 1].

Windsor and his co-defendants lost the litigation. In August 2007, summary judgment and a permanent injunction were entered against them in district court. Windsor and his co-defendants were also ordered to pay the Maid of the Mist companies' attorneys' fees and expenses because they were found to have been "stubbornly litigious" [*Maid of the Mist I* 251 at 43]. In September 2008, the United States Court of Appeals for the Eleventh Circuit affirmed the grant of summary judgment, the entry of the permanent injunction, and the finding that Windsor and his co-defendants had been "stubbornly litigious." *See Maid of the Mist Corp. v. Alcatraz Media, LLC*, 294 F. App'x

463, *passim* (11th Cir. 2008). The Eleventh Circuit remanded the case only so that the district court (Evans, J.) might more fully explain how the amount of attorneys' fees and expenses was determined. *Id*.

Following remand, all parties, including Windsor, negotiated and signed a Consent Final Order and Judgment [*Maid of the Mist I* 354]. In December 2008, the Court (Evans, J.) entered the Consent Final Order and Judgment agreed to by the parties, and the defendants paid the plaintiffs the negotiated sum of $395,000 in attorneys' fees and expenses. The Consent Final Order and Judgment provided that: "The case is hereby closed all issues having been decided. . . . No appeals shall be taken from this Judgment, and the parties waive all rights to appeal" [*Id*. at 4].

Windsor proved unwilling to abide by the terms of the Consent Final Order and Judgment he had signed. Less than six months later, in April 2009, Windsor "request[ed]" that his attorney be "removed as his Counsel of Record" [*Maid of the Mist I* 360 at 1]. Proceeding *pro se*, Windsor – but none of the other defendants – collaterally attacked the Consent Final Order and Judgment. Since the entry of the Consent Final Order and Judgment in *Maid of the Mist I*, Windsor has filed dozens of motions and thousands of additional pages of

material, including motions to "reopen" *Maid of the Mist I*, take discovery from the plaintiffs, recover sanctions, disqualify opposing counsel, and disqualify Judge Evans.

As noted above, the Consent Final Order and Judgment to which Windsor himself agreed was docket entry 354 in *Maid of the Mist I*. In the wake of Windsor's *pro se* post-judgment attack, *Maid of the Mist I* has now reached docket entry 948. Among other filings, Windsor has submitted motions with descriptive titles including "Yet Another Emergency Motion for Hearing by Defendant William M. Windsor" [*Maid of the Mist I* 631], "William M. Windsor's Eighth Emergency Motion for Conference" [*Maid of the Mist I* 692] and "Super Duper Extremely Urgent Emergency Motion for Hearing and Request for Judicial Notice by Defendant William M. Windsor" [*Maid of the Mist I* 704].

In April 2010, Judge Evans ordered Windsor " to personally pay $192,377.87 in attorneys' fees, costs and expenses incurred by Plaintiffs as a direct result of the post-judgment motions that Windsor filed . . ." and entered a filing injunction against him [*Maid of the Mist I* 752 at 4]. Responding to an

earlier blizzard of appeals and petitions for mandamus filed by Windsor, the Eleventh Circuit wrote:

> We note that since the Consent Final Order and Judgment to which Petitioner was a party was filed with the District Court, Petitioner has filed at least thirteen appeals, or mandamus petitions with this Court, which have essentially sought the same relief: to reopen the closed litigation and undo the resolution of that case.
>
> As Petitioner has demonstrated his intention to continue to pursue efforts to re-open and re-litigate a case which was closed with his consent, we are obligated to take steps to limit the waste of judicial resources consumed by Petitioner's efforts.

[*Maid of the Mist I* 779 at 3-4]. The Eleventh Circuit then imposed its own strict restrictions on Windsor's filings.

Windsor persisted. Later in April 2010, Judge Evans found Windsor in contempt of the filing injunction [*Maid of the Mist I* 794; *see also Maid of the Mist I* 816]. In July 2010, separate panels of the Eleventh Circuit dismissed two of Windsor's appeals in *Maid of the Mist I* as frivolous and entered orders directing their clerk of court to accept no further filings and "discard any documents tendered by [Windsor]" [*Maid of the Mist I* 936 & 937 (identical language)].

Yet *Maid of the Mist I* is now only one of many cases that Windsor has filed (or that have been generated by his filings) in the course of his *pro se* post-judgment attack on the Consent Final Order and Judgment. A second case was opened when Windsor served a deposition subpoena on Judge Evans in *Maid of the Mist I*. *See Maid of the Mist Corp. v. Alcatraz Media, LLC*, 1:09-CV-1543-WSD (N.D. Ga. filed June 10, 2009) ("*Maid of the Mist II*"). In June 2009, this Court (Duffey, J.) stayed and then quashed the deposition subpoena [*Maid of the Mist II* 4 & 32]. Windsor responded by filing multiple motions in *Maid of the Mist II* (again totaling thousands of pages), including motions for disqualification of this Court, change of venue, and reconsideration. When those motions were denied, Windsor appealed. The Eleventh Circuit *sua sponte* dismissed Windsor's appeal "AS FRIVOLOUS AS BRIEFED," [*Maid of the Mist II* 52 at 2 (emphasis in original)], and granted Rule 38 sanctions to certain defendants in the amount of $37,333.67 [*Maid of the Mist II* 54 at 2]. "As a final matter, [the Eleventh Circuit] DIRECT[ED] the Clerk to accept no further filings . . . in this closed appeal" [*Maid of the Mist II* 54 at 3].

This case is the third matter opened in Windsor's *pro se* post-judgment assault on the Consent Final Order and Judgment in *Maid of the Mist I*. In July

2009, Windsor filed a 499-page complaint. He supplemented and amended that complaint several times before ultimately filing a Third Amended and Restated 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 "Third Amended Complaint") [116]. In his Third Amended Complaint, Windsor has sued the United States of America, Judge Evans, the plaintiffs in *Maid of the Mist I*, certain of their employees, their attorneys, and a third-party. Again, Windsor has filed an avalanche of pleadings totaling thousands of pages.

To challenge – or circumvent – the orders that Judge Evans, this Court, and the Eleventh Circuit had handed down in *Maid of the Mist I*, *Maid of the Mist II*, and this case, Windsor also filed complaints, appeals, and petitions in federal district and circuit court in the District of Columbia, in the United States Supreme Court, and in New York state court. Windsor continues to expand the universe of defendants he is suing. In the caption of the 500+ page complaint he filed in the United States District Court for the District of Columbia, Windsor named as defendants:

> 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 Shellnutt, 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, 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.

Windsor v. Evans, No. 1:10-CV-197-RJL (D.D.C. filed Feb. 4, 2010).

II. <u>Recent Procedural History of This Case</u>.

When this Court granted Windsor permission to file his Third Amended Complaint, it set a timetable requiring the defendants to file their answers or Rule 12 motions by August 4, 2010, and requiring Windsor to respond to any Rule 12 motions by August 18, 2010 [115 at 1-2]. The United States and Judge Evans timely filed a motion to dismiss [130] to which Windsor partially responded [142]. The other defendants timely filed a motion to dismiss [131] to which Windsor has never responded.

Instead, Windsor filed multiple requests [127, 135 & 139] for a stay or continuance in this case. This Court granted [140] Windsor's requests for a stay because Windsor complained, among other things, that he was suffering

from severe eye problems that left him "significantly handicapped in trying to do any legal work," [139, Ex. B at 7], and that, in his condition, "[i]t would take months to work through the Defendants' motions" to dismiss, [139, Ex. B at 8].

Because Windsor submitted nothing documenting his medical claims, this Court ordered Windsor to submit "no later than August 25, 2010, complete documentation supporting the claims made in his filings that vision problems and associated medical issues [were] preventing him from meeting the August briefing deadlines set by this Court on July 8, 2010" [140 at 5]. This Court also specifically advised Windsor that the stay could be lifted at any time [*Id*.]

As of September 22, 2010, Windsor had filed nothing on the record validating his claims to have vision problems and associated medical issues. Rather, Windsor submitted non-responsive e-mails and attachments to the Court, many of which he withheld from opposing counsel [150 at 2]. Despite having made an issue of his own medical condition by requesting a stay for medical reasons, Windsor adamantly refused to share his medical records with other parties.

This Court then offered Windsor a choice. Noting that Windsor could "choose to continue to withhold documentation," but that by doing so he failed

to "demonstrate[] a basis for the stay of proceedings that he requested," this Court directed Windsor either to (1) "submit – on the record with copies to opposing counsel – *complete* documentation validating his claim to have vision problems and associated medical issues no later than October 1, 2010," or (2) see the stay lifted and immediately file his responses to the motions to dismiss [*Id*.]. Windsor elected not to file complete documentation – either openly or under seal – and the stay was automatically lifted.

Windsor did file a Notice of Appeal [152], attaching as an exhibit a letter from a physician [152-3, Ex. C] that he had not previously filed on the record. That one-paragraph letter stated that Windsor "recently had vitrectomy surgery," had experienced "some difficulty reading" in the "early postoperative period," but was "doing well and recovering nicely," and would be fully recovered "by October 1, 2010" [152-3 at 3]. Thus, even the documentation Windsor submitted when he appealed the lifting of the stay strongly indicates that Windsor's eye issues were not as serious as he suggested and have now been fully resolved for weeks.

Moreover, it is evident that Windsor's claim to be "significantly handicapped in trying to do any legal work" was specious. First, Windsor

continued to file pleadings and papers in his other active cases and appeals, while he was claiming to be unable to do any legal work in this case [see www.pacer.gov]. Second, on October 14, 2010, Windsor filed in this case a 3,550+ page Thirty-Fifth Declaration of William M. Windsor [159]. Windsor's inability to meet the original August 18, 2010, filing deadline in this case was attributable to his heavy *pro se* caseload, rather than to his medical condition. As Windsor himself wrote: "Windsor's August [was] filled with catch-up filings in other matters" [127, Ex. B at 4]. While it was Windsor's prerogative to focus his efforts on cases pending in other courts, having made that choice, Windsor was not – and is not – entitled to a stay in this case because his *pro se* caseload has grown so large that it has overwhelmed him.

III. Discussion.

This Court now turns to the two pending motions to dismiss and Windsor's partial response. All defendants in this case other than the United States and Judge Evans filed a motion to dismiss [131] to which Windsor did not respond. This Court's Local Rules provide that: "Failure to file a response shall indicate that there is no opposition to [a] motion." LR 7.1.B, NDGa. Because Windsor failed to respond to that motion to dismiss, it will be granted.

The United States and Judge Evans filed a motion to dismiss [130] to which Windsor partially responded [142]. The United States and Judge Evans argue, among other things, that Judge Evans is entitled to judicial immunity and that the claims against her and the United States should be dismissed for that reason [130-1 at 8-12]. Windsor has acknowledged that "the purpose of" this case "is to set aside the orders and judgments" in *Maid of the Mist I* [130-2 at 4]. Because Windsor's focus is "the orders and judgments" that Judge Evans entered while presiding over *Maid of the Mist I*, it is clear that judicial immunity applies, both because Judge Evans had jurisdiction and because the actions Windsor challenges were 'judicial acts.'[1]

The Supreme Court has held that "the necessary inquiry in determining whether a defendant judge is immune from suit is whether at the time [s]he took the challenged action, [s]he had jurisdiction over the subject matter before [her]." *Stump v. Sparkman*, 435 U.S. 349, 356 (1978). Only if she acts "in the 'clear absence of all jurisdiction'" will immunity be lost. *Id*. (quoting *Bradley v. Fisher*, 13 Wall. 335, 351 (1872)). In *Maid of the Mist I*, Windsor never challenged Judge Evans' jurisdiction before initiating his *pro se* post-judgment

[1] As noted above, Windsor's asks that this Court issue "a landmark decision" substantially changing – or "abolish[ing]" – the doctrine of judicial immunity [142 at 8 & 20]. This Court declines Windsor's invitation.

collateral attack on the Consent Final Order and Judgment. Indeed, in March 2006, Windsor and his co-defendants specifically invoked this Court's jurisdiction when they removed the complaint in *Maid of the Mist I* from Georgia state court. From removal in March 2006 until at least November 2008, when Windsor *voluntarily* signed the Consent Final Order and Judgment, Windsor acknowledged that Judge Evans had jurisdiction. His conclusory challenge in this case to Judge Evan's jurisdiction in *Maid of the Mist I* is legally unsupported and comes far too late.

As long as Judge Evans' acts were "performed in [her] 'judicial' capacity," she is "absolutely immune" from liability. *Id*. at 360. "The factors determining whether an act by a judge is a 'judicial' one relate to the nature of the act itself, *i.e.*, whether it is a function normally performed by a judge, and to the expectations of the parties, *i.e.*, whether they dealt with the judge in [her] judicial capacity." Until launching this *pro se* post-judgment attack, Windsor challenged the "judicial" nature of none of Judge Evans' acts while *Maid of the Mist I* was pending. That was true from the time Windsor and his co-defendants voluntarily removed this case from state court to federal court in

March 2006 until well after November 2008 when Windsor voluntarily signed the Consent Final Order and Judgment.

Nor is there any basis for Windsor's challenge to the 'judicial' nature of Judge Evans' actions. Conducting hearings, receiving evidence, ruling on motions, and entering orders, opinions, and judgments are "paradigmatic judicial acts involved in resolving disputes between parties who have invoked the jurisdiction of a court." *Forrester v. White*, 484 U.S. 219, 227 (1988). Again, Windsor's conclusory challenge to the 'judicial' nature of Judge Evans' actions in *Maid of the Mist I* is legally unsupported and comes much too late.[2]

However much Windsor disagrees with the outcome of *Maid of the Mist I*, "[d]isagreement with the action taken by the judge . . . does not justify depriving that judge of [her] immunity." *Stump*, 435 U.S. at 363. "Despite the unfairness to litigants that sometimes results, the doctrine of judicial immunity is thought to be in the best interests of "the proper administration of justice . . . ." *Id*. (quoting *Bradley*, 13 Wall. at 347).[3]

[2] Moreover, the scope of immunity is extremely broad. Immunity is not lost "because the action [s]he took was in error, was done maliciously, or was in excess of [her] authority." *Stump v. Sparkman*, 435 U.S. 349, 356 (1978). Nor is immunity lost "even if [her] exercise of authority is flawed by the commission of grave procedural errors." *Id*. at 359.

[3] The Supreme Court observed that "[j]udicial immunity apparently originated, in medieval times, as a device for discouraging collateral attacks and

Judicial immunity extends not only to claims for damages, but also to claims for injunctive and declaratory relief. *Bolin v. Story*, 225 F.3d 1234, 1239, 1241-42 (11th Cir. 2000). "[J]udicial immunity is not overcome by allegations of bad faith or malice, the existence of which ordinarily cannot be resolved without engaging in discovery and eventual trial." *Mireles v. Waco*, 502 U.S. 9, 11 (1991). Bare allegations of "a fraud on the court," *Bolin*, 225 F.3d at 1237, or even of the acceptance of bribes, *Bush v. Wash. Mut. Bank.*, 177, F. App'x 16, 17 (11th Cir. 2006), are inadequate to overcome that immunity. Judge Evans is entitled to judicial immunity in this case, and the claims against her and the United States fail for that reason. *See also* 28 U.S.C. § 2674 ("the United States shall be entitled to assert any defense based upon judicial . . . immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim").

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thereby helping to establish appellate procedures as the standard system for correcting judicial error." *Forrester v. White*, 484 U.S. 219, 225 (1988). In *Maid of the Mist I*, Windsor voluntarily signed a Consent Final Order and Judgment that expressly provided that "[n]o appeals shall be taken from this Judgment, and the parties waive all rights to appeal" [*Maid of the Mist I* 354 at 4]. Having voluntarily relinquished his right of review on direct appeal, Windsor now also finds himself stymied in his attempt to attack collaterally the Consent Final Order and Judgment. Thus, Windsor demands that this Court issue "a landmark decision" that rolls back centuries of case law regarding judicial immunity to its pre-medieval state. That will not occur here.

Even if Judge Evans were not clearly entitled to judicial immunity, Windsor's Third Amended Complaint would be subject to dismissal. The United States Supreme Court recently clarified the standard that a party must meet if his claims are to survive dismissal at the pleading stage. *See United States v. Iqbal*, 129 S. Ct. 1937 (2009).

> As the Court held in [*United States v. Twombly*, 550 U.S. 544 (2007)], the pleading standard Rule 8 announces does not require detailed factual allegations, but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation. A pleading that offers labels and conclusions or a formulaic recitation of the elements of a cause of action will not do. Nor does a complaint suffice if it tenders naked assertion[s] devoid of further factual enhancement. To survive [dismissal], a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.

Iqbal, 129 S. Ct. at 1949 (citations and quotation marks omitted). To survive review, a complaint must "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *United States v. Twombly*, 550 U.S. 544, 550 (2007) (*quoting Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Unless it does that, and at least "nudge[s]" the plaintiff's claims "across the line from conceivable to plausible," the complaint must be dismissed. *Id*. at 570.

The Supreme Court has observed that "[d]etermining whether a complaint states a plausible claim for relief will . . . be a context-specific task

that requires the reviewing court to draw on its judicial experience and common sense." *Iqbal*, 129 S. Ct. at 1950. Unlike well-pleaded factual allegations, conclusory allegations in complaints are "disentitle[d] to the presumption of truth." *Id.* at 1951.

Although Windsor's Third Amended Complaint is 49 pages in length, it is devoid of non-conclusory allegations. To take a representative sample from Windsor's six-page "Factual Background," Windsor alleges:

> 92. The [Summary Judgment Order ("SJO")] misstated the findings that could be made by Judge Evans based upon the evidence presented.
>
> 93. Many statements in the SJO are false or incorrect or are conclusions based on false statements.
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> 94. Judge Evans made false statements in the SJO.
>
> 95. Judge Evans committed perjury by signing the SJO.
>
> 96. A&W have a meritorious defense to the alleged cause of action on which the judgment is founded and would have prevailed in the case without the fraud.
>
> ...
>
> 103. On May 22, 2009, Judge Evans issued an order that contains false statements.
>
> 104. Judge Evans committed perjury by signing this May 22, 2009 Order.
>
> 105. Judge Evans has shown pervasive bias for Maid and pervasive prejudice against Plaintiff and Alcatraz ("A&W") in MIST-1.
>
> 106. Judge Evans and Maid's Attorneys have continued to commit perjury, subornation of perjury, fraud on the courts, and other illegal acts in 2009 and 2010.

[116 at 11-12]. The balance of Windsor's complaint lists twenty-three putative causes of action and, similarly, never moves beyond empty rhetoric, "labels and conclusions or a formulaic recitation of the elements of a cause of action." *Iqbal*, 129 S. Ct. at 1949. For instance, Windsor alleges that "Judge Evans was involved with Does in the operation and management of [criminal] Enterprise 2, which exists for Judge Evans' benefit" [116 at ¶ 124]. Windsor alleges nothing about what that "Enterprise 2" did, other than issue judicial orders adverse to Windsor [*id*. at ¶ 128]. Windsor alleges nothing about who the "Does" might be or how they might have participated in "Enterprise 2." And Windsor alleges nothing at all about how that "Enterprise 2" benefitted Judge Evans.

Because conclusory allegations are "disentitle[d] to the presumption of truth," *Iqbal*, 129 S. Ct. at 1951, and because there is nothing in Windsor's complaint that "nudge[s]" his claims "across the line from conceivable to plausible," *Twombley*, 550 U.S. at 570, this Court finds that Windsor has not stated plausible claims for relief.[4]

IV. Conclusion.

The motions to dismiss filed by the United States and Judge Evans [130] and all other defendants [131] are **GRANTED**.

Windsor's Request for Specific Approval to File Motion for Stay [157-1], Request for Specific Approval to File Verified Complaint of Professional Misconduct Against the Attorney Defendants With the Chief Judge of the United States Dictrict [sic] Court for the Northern District of Georgia [158-1],[5]

[4] Although all of Windsor's twenty-three counts incorporate by reference allegations of fraud and several are expressly labeled "fraud" counts, none of Windsor's counts complies with the requirement that each such count "state with particularity the circumstances constituting fraud." Fed. R. Civ. P. 9(b). Windsor had ample space to plead fraud with particularity; his complaint is 49 pages long. And Windsor had ample opportunity to update his complaint to include required detail; this is his Third Amended Complaint. Windsor's failure to plead adequately his "fraud" allegations further supports the finding that his Third Amended Complaint must be dismissed.

[5] This is Windsor's second attempt to attack certain defendants through a professional misconduct complaint [*see* 45-3]. This Court reviewed Windsor's earlier complaint and determined that it "provide[d] no particularized

and Request for Specific Approval to File 35th Declaration of William M. Windsor [159-1] are **DENIED** as moot.

This Court will not enter a filing injunction at this time. However, this Court's prior Order requiring that "[l]eave of Court must be requested by filing a 'Request for Specific Approval' and attaching as an *exhibit* to that request any proposed motion or other paper, together with all proposed attachments to the motion or other paper" [22 at 7] is **MODIFIED** as follows: "Leave of Court must be requested by filing a 'Request for Specific Approval' and attaching a *summary* (not exceeding five pages) of the substance of any proposed motion or other paper, including a list of all proposed attachments to the motion or other paper, to that request."

Windsor is hereby **GRANTED** specific approval to file a notice of appeal from this Order, if he chooses.

The Motion for Sanctions Against Plaintiff Under Rule 11 and This Court's Inherent Authority By Defendants Hawkins Parnell Thackston & Young LLP, Carl H. Anderson, Jr., Maid of the Mist Corporation, Christopher M. Glynn, Robert J. Schul, Maid of the Mist Steamboat Company, Ltd.,

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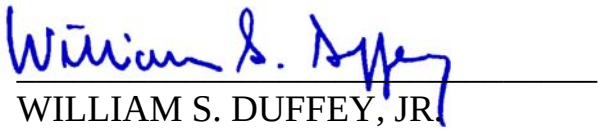
information, " "'the question raised [was] unsupported or insubstantial,'" and "'the inquiry should be terminated'" [98 at 2-3 (citing LR 83.1F(2), NDGa.)].

Timothy P. Ruddy, Sandra Carlson, Phillips Lytle, LLP, Arthur Russ, and Marc W. Brown [148] is **DENIED WITHOUT PREJUDICE**, because the defendants who filed that motion failed to seek specific approval before filing it.

The Clerk is **DIRECTED**, in the future, to discard any Request for Specific Approval that does not comply with the terms of this Order and to discard any other filing by any party for which this Court has not granted specific approval.

This case is **DISMISSED**.

SO ORDERED, this 19th day of October, 2010.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE