

# **Exhibit**

**11**

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

WILLIAM M. WINDSOR,	)	
Plaintiff	)	
	)	CIVIL ACTION NO.
v.	)	
	)	1:11-CV-01923-TWT
James N. Hatten, et al,	)	
Defendants.	)	
_____	)	

**MOTION FOR REMAND**

William M. Windsor (“Windsor” or “Plaintiff”) hereby files this MOTION FOR REMAND pursuant to 28 U.S.C. § 1447(c) and moves for an emergency hearing. The Plaintiff seeks this relief on several procedural and substantive grounds. Windsor shows the Court as follows:

**FACTUAL BACKGROUND**

1. On May 20, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County against Defendants stating claims for violation of Georgia statutes. The Civil Action was assigned No. 2011CV200971.
2. There are no claims involving federal statutes in the Verified Complaint. The complaint does not allege claims for acts done within the scope of the Defendants’ official duties.
3. Plaintiff and Defendants are citizens of the State of Georgia.

4. Only 11 of the 16 Defendants have been served with the Summons and Verified Complaint.

5. On June 13, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL that alleges to seek to remove Civil Action 2011CV200971 from Fulton County Georgia Superior Court to the United States District Court. The NOTICE OF REMOVAL mentions seven (7) Defendants in the opening paragraph, but the NOTICE OF REMOVAL identifies no Defendants in the signature block, and there are no affidavits from any of the Defendants. A true and correct copy of the NOTICE OF REMOVAL is attached as Exhibit 1.

6. This so-called NOTICE OF REMOVAL is based on 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679. *See* NOTICE OF REMOVAL ¶7.

7. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL in the United States District Court.

8. On June 22, 2011, Windsor filed a Motion to Vacate Notice of Removal in this Court.

9. On July 5, 2011, Windsor filed this Motion for Remand.

I. **THE NOTICE OF REMOVAL WAS FILED FOR IMPROPER PURPOSES, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

10. The NOTICE OF REMOVAL was filed so the Defendants could evade exposure as criminals. By filing the NOTICE OF REMOVAL, Defendants

have been able to utilize their racketeering enterprise to shield themselves from an honest judge and jury in the Fulton County Superior Court.

11. The judge to whom this matter was assigned, Thomas Woodrow Thrash, has violated Windsor's Constitutional rights up one side and down the other. Details of Mr. Thrash's wrongdoing is provided in PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH filed in 1:11-CV-01923-TWT, incorporated herein as if attached hereto. (Docket #43.)

**II. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE,  
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

12. The NOTICE OF REMOVAL has multiple procedural defects that make it void on its face. Technical, procedural requirements were not met.

13. Judges Mr. Dubina and Ms. Kravitch have so ruled: (*Russell Corp. v. American Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001).)

14. Judge Mr. Duffey has so ruled: (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007).)

The removing defendants carry the burden to demonstrate that the removal was effected properly, and "this burden is a heavy one." (*Lampkin v. Media General, Inc.*, 302 F. Supp.2d 1293, 1294 (M.D.Ala. 2004). (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.) (See also *Laughlin v. Prudential Ins. Co.*, 882 F.2d. 187 (5th Cir. 1989).)

15. Removal statutes are strictly construed in favor of state court jurisdiction. Judge Mr. Duffey has so ruled:

*(Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941).  
*(Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.)

16. The NOTICE OF REMOVAL fails on all accounts, so this MOTION FOR REMAND must be granted.

17. **DEFECT #1 -- THE REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

18. None of the Defendants have made an appearance. None of the Defendants have filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk “at the time of first appearance.” This is a violation of the rules that is a procedural defect. This is proven by a true and correct copy of the Docket is attached as Exhibit 2, incorporated herein. There is no proof that the U.S. Attorneys, Yates, Huber, and Ben-David have authority to appear for Defendants.

**19. DEFECT #2 -- THE ACTION IS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

20. The removal statute requires service prior to removal in the state of Georgia. The removal statute requires that an action must be "pending" in a state court before it may be removed. See 28 U.S.C. § 1442(a) (noting that civil action may be removed to the district court "embracing the place wherein it is **pending**").

Under Georgia law, filing a suit "is still not the commencement of suit unless followed by service within a reasonable time." (*McClendon v. Hernando Phosphate Co.*, 28 S.E. 152, 153 (Ga. 1897); *Franek v. Ray*, 236 S.E.2d 629, 632 (Ga. 1977).) Thus, under Georgia law, "an action is not a 'pending' suit until after service of process is perfected." (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008).)

21. Judge Julie E. Carnes, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, and B. Grutby have not been served with process. Windsor also filed a motion with this Court seeking to add six additional Defendants.

22. Since the Civil Action is not yet "pending" in Fulton County Georgia Superior Court, the text of the removal statute prevents removal prior to service on Judge Julie E. Carnes, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, and B. Grutby. (28 U.S.C. § 1446(b).)

**23. DEFECT #3 -- THE DEFENDANTS DID NOT SIGN OR AUTHORIZE THE NOTICE OF REMOVAL, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

24. The Notice of Removal was not authorized by the Defendants. None of the Defendants signed a consent or otherwise approved the removal. None of the Defendants are identified in the signature block on the NOTICE OF REMOVAL, so the Petition has not been filed on behalf of any of the Defendants.

(See 14C Charles Alan Wright, Arthur R. Miller, and Edward H. Cooper, *Federal Practice and Procedure* § 3730 (4th ed. 2009).)

25. Judge Mr. Johnson has so ruled: *Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).

(See also *Bank of America National Association v. Derisme*, No. 3:10cv900 (D. Conn. 08/13/2010); *Helm v. Drennan*, No. 07-CV-0344-CVE-SAJ (N.D.Ok. 07/25/2007); *Sovereign Bank v. Park Development West, LLC*, No. 06-2603 (E.D.Pa. 08/17/2006); *Williams v. City of Beverly Hills, Missouri*, No. 4:07-CV-661 CAS (E.D.Mo. 09/24/2007); *Evanston Insurance Co. v. O'Conner*, No. 06-4687 (D.N.J. 03/20/2007); *Day Imaging, Inc. v. Color Labs Enterprises, L.L.C.*, No. 09-cv-02123-DME-MEH (D.Colo. 12/11/2009).)

**26. DEFECT #4 – THE REMOVAL IS DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY.**

27. 28 U.S.C. § 1446(a) states that "**defendants desiring to remove any civil action** . . . shall file in the district court of the United States . . . a notice of removal." All Defendants have not filed the NOTICE. At best, only one has.

28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal. (*Russell Corp. v. American Home Assurance Co.*, 264 F.3d 1040 (11th Cir. 09/06/2001); *Loftis v. U.S. Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir. 2003); *Maguire v. Genesee County Sheriff*, 601 F.Supp.2d 882 (E.D.Mich. 02/17/2009).)

28. The NOTICE OF REMOVAL fails to claim the consent of ANY Defendant; it clearly fails to explain the absence of consent to the removal by at least 55 of the Defendants. It is defective for violating the rule of unanimity. Since 98.2% of the Defendants did not join in the notice of removal and the NOTICE OF REMOVAL failed to account for the lack of their consent, the NOTICE is procedurally defective and this MOTION FOR REMAND must be granted.

29. Judges Mr. Johnson, Mr. Duffey Mr. Edmondson, Mr. Cox, and Mr. Ed Carnes have ordered that unanimity is required:

*Russell Corp. v. Am. Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001). (*Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).) (*Thalacker v. Concessions International, LLC*, No. 1:06-cv-2685-WSD (N.D.Ga. 02/14/2007).) (*In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.*, 3 F.3d 353, 355-56 (11th Cir.1993).)

30. Judge Ms. Totenberg ordered on April 27, 2011 that unanimity is required:



*(William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)*

31. **DEFECT #5 -- THE NOTICE OF REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT OF A PLAIN STATEMENT OF THE GROUNDS FOR REMOVAL.**

32. Judge Ms. Totenberg ordered in April 2011 that a plain statement of the grounds is required:

*(William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)*

33. Judges Mr. Tjoflat, Mr. Marcus, and Ms. Barkett have so ordered: *Lowery v. Alabama Power Co.*, 483 F.3d 1184 (11th Cir. 04/11/2007). Judges Ms. Black, Ms. Hull, and Ms. Kravitch have so ordered: *Roe v. Michelin North America, Inc.*, 613 F.3d 1058 (11th Cir. 08/05/2010). Judges Mr. Edmondson, Mr. Ed Carnes, and Mr. Pryor have so ordered: *Pertka v. Kolter City Plaza II, Inc.*, 608 F.3d 744 (11th Cir. 06/08/2010). Judges Mr. Tjoflat and Mr. Ed Carnes have so ordered: *Cook v. Randolph County, Georgia*, 573 F.3d 1143 (11th Cir. 07/07/2009). Judges Mr. Edmondson and Mr. Wilson have so ordered: *Bautista v. Star Cruises*, 396 F.3d 1289 (11th Cir. 01/18/2005). Judges Mr. Tjoflat and Mr. Anderson have so ordered: *Hernandez v. Seminole County, Florida*, 334 F.3d

1233 (11th Cir. 06/24/2003). Judge Mr. Tjoflat has so ordered: *Bradway v. American National Red Cross*, 965 F.2d 991 (11th Cir. 07/07/1992).

34. **DEFECT #6 -- THE NOTICE OF REMOVAL FAILED TO COMPLY WITH THE MANDATORY PROCEDURE TO INCLUDE WITH THE NOTICE OF REMOVAL THE SUMMONS ISSUED BY THE COURT ON ALL DEFENDANTS, DISCOVERY, AND OTHER DOCUMENTS SERVED ON DEFENDANTS CONTAINED IN THE STATE COURT RECORD.**

35. This is a fatal, non-amendable defect that mandates remand. 28

U.S.C. § 1446 (a) requires:

“A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together a copy of **all process, pleadings, and orders served upon such defendant or defendants** in such ]action.” **[emphasis added.]**

36. The NOTICE OF REMOVAL fails to include a copy of any summons served on any Defendant.

37. Judge Ms. Totenberg ruled on April 27, 2011 that failure to file copies of all Summons and process is a defect:

"[Section] 1447(c) implicitly recognizes two bases upon which a district court may -- and in one case must -- order a remand: when there is: (1) a

lack of subject matter jurisdiction or (2) a defect other than a lack of subject matter jurisdiction." *Snapper, Inc. v. Redan*, 171 F.3d 1249, 1252-1253 (11th Cir.1999). The "defect" noted in Section 1447(c) refers to the failure to follow statutory removal procedures, typically a lack of compliance with either the filing requirements set forth in Section 1446(a) or the timeliness requirements set forth in Section 1446(b). *Id.* ... Defendants' failure to include with their notice of removal the summons or process issued by the Court on all defendants, discovery, and other documents served on Defendants contained in the state court record is a fatal, non-amendable defect that mandates remand. This Court has found no authority to support Defendants' contention that multiple defendants can rely on a single defendant's compliance with 28 U.S.C. § 1446(a). The statute states that "[a] defendant or defendants ... shall file ... a copy of all process, pleadings, and orders served upon such defendant or defendants ..." (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

**III. THE PRINCIPLE OF COMITY AND THE LONG-STANDING PUBLIC POLICY AGAINST FEDERAL COURT INTERFERENCE WITH STATE COURT PROCEEDINGS SHOULD PREVAIL AND THIS MOTION FOR REMAND MUST BE GRANTED.**

38. The federal court should abstain for the sake of non-interference with state court proceedings. The jurisdictional laws of Georgia permit individuals to sue in Georgia courts for violations of any rights secured by the Constitution and laws of Georgia.

39. Prohibition of and interference with the State of Georgia in carrying out the important and necessary task of enforcing its own laws against socially harmful conduct that the State believes in good faith to be punishable under its

own laws and Constitution would result in a chilling effect on all Georgia citizens' right to the availability of relief under the Constitution and laws of Georgia.

40. The Constitution and laws of Georgia provide for a plain, speedy, and efficient remedy to violations of its laws, therefore the federal court should abstain from this action under the "abstention doctrine."

41. Judge Mr. Story has ruled:

"...where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand."). Sound reasons exist for so limiting the exercise of removal jurisdiction. For one, the removal of cases to federal courts implicates principles of federalism. As the Supreme Court has explained: The power reserved to the states under the Constitution to provide for the determination of controversies in their courts, may be restricted only by the action of Congress in conformity to the Judiciary Articles of the Constitution. "Due regard for the rightful independence of state governments, which should actuate federal courts, requires that they scrupulously confine their own jurisdiction to the precise limits which the statute has defined." *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 109, 61 S.Ct. 868, 85 L.Ed. 1214 (1941) (quoting *Healy v. Ratta*, 292 U.S. 263, 270, 54 S.Ct. 700, 78 L.Ed. 1248 (1934)). (See also *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) (internal quotations omitted). (*Poll v. Deli Management, Inc.*, No. 1:07-CV-0959-RWS (N.D.Ga. 08/24/2007).)

**IV. THE DEFENDANTS HAVE FAILED TO PROVE  
THE EXISTENCE OF FEDERAL JURISDICTION,  
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

42. The Defendants have the burden of proving the existence of federal jurisdiction, and they have failed to do so. Mr. Huber's NOTICE OF REMOVAL does not even include the word "jurisdiction."

**Removal jurisdiction** merely refers to the right of a defendant to move a lawsuit filed in state court to the federal district court for the federal judicial district in which the state court sits. (*Wikipedia*.)

43. Mr. Huber's NOTICE OF REMOVAL mentions **removal** "pursuant to 28 U.S.C. §1442(a)(1)," but that's it. Nothing is proven or argued or anything.

44. The NOTICE OF REMOVAL fails to address subject matter jurisdiction at all, so the MOTION TO REMAND must be granted.

**"...even though an action is eligible for removal pursuant to 28 U.S.C. §1442(a)(1), it is still subject to dismissal for lack of subject matter jurisdiction.** See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at \*1 (M.D. Fla. May 16, 2001) (noting that "[t]he issue of whether the court has subject matter jurisdiction and the issue of whether there is removal jurisdiction, however, involve separate considerations.") (*Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).) [**emphasis added.**]

45. Judges Mr. Tjoflat and Ms. Black have ruled that defendants have the burden of proving the existence of federal jurisdiction, as have Judges Mr. O'Kelley, and Mr. Story. (*Tapscott v. MS Dealer Service Corp.*, 77 F.3d 1353, 1356 (11th Cir. 1996).) (*Standridge v. Wal-Mart Stores*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).) (*Wells Fargo Bank NA v. Narh*, No. 1:06-CV-0580-RWS (N.D.Ga. 05/09/2006).)

46. So ordered Judge Mr. Thrash on April 22, 2011 as in 2007:

**(Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al**, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).) (**AR**

*Motorsports, Inc. v. City of Lawrenceville, Georgia*, No. 1:07-CV-847-TWT (N.D.Ga. 08/07/2007).)

V. **THE NOTICE OF REMOVAL FAILED TO ASSERT GROUNDS FOR SUBJECT MATTER JURISDICTION AND FAILED TO RAISE A DEFENSE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

47. There are no grounds even asserted for subject matter jurisdiction.

This was an obligation that the NOTICE OF REMOVAL failed to address, so this MOTION FOR REMAND must be granted.

(See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at \*1 (M.D. Fla. May 16, 2001); *Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).)

48. Judge Mr. Forrester has ruled that failure to assert grounds for subject matter jurisdiction and failure to raise a defense require that the case be remanded:

When considering such a motion, a court should examine closely the grounds asserted for its subject matter jurisdiction. "As a congressionally imposed infringement upon a state's power to determine controversies in their [sic] courts, removal statutes must be strictly construed." (*Hall v. Travelers Ins. Cos.*, 691 F. Supp. 1406 (N.D.Ga. 04/29/1988).)

49. Federal officers must raise a federal defense before removing to federal court, and the NOTICE OF REMOVAL failed to do so. Judges Mr. Edmondson, Mr. Tjoflat, Mr. Anderson, Ms. Black, Mr. Ed Carnes, Ms. Barkett, Mr. Marcus, and Mr. Wilson have all so ordered:

(*Bellsouth Telecommunications, Inc. v. MCI metro Access Transmission*, 317 F.3d 1269, 317 F.3d 1270 (11th Cir. 01/10/2003).)

In sum, an unbroken line of Supreme Court decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense. (*Mesa et al. v. California*, 109 S. Ct. 959, 489 U.S. 121 (U.S. 02/21/1989).)

50. The U.S. district courts may hear only cases arising under federal law and treaties, cases involving ambassadors, admiralty cases, controversies between states or between a state and citizens of another state, lawsuits involving citizens of different states, and against foreign states and citizens.

51. Judge Mr. Story has ruled:

No federal question is present on the face of Plaintiff's Complaint, and the requirements for diversity jurisdiction are not satisfied. The Court therefore concludes that it lacks subject matter jurisdiction and that this action is frivolous. (*HSBC Mortgage Services, Inc. v. Williams*, No. 1:07-CV-2863-RWS (N.D.Ga. 12/10/2007).)

52. This case does not arise under federal law or treaties. It does not involve an ambassador. It is not an admiralty case. It is not a controversy between states. It is not a controversy between a state and citizens of another state. All parties are from Georgia, as admitted on the New Case Filing Form included as part of the Notice of Removal. It is not a case against foreign states and citizens.

53. According to Judge Mr. Duffey, federal courts are courts of limited jurisdiction:

Federal courts are courts of limited jurisdiction, and thus a federal court must take care to ensure that it has jurisdiction for all cases that come before

it. (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See Judge Mr. Duffey's ruling also in *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006) and *Stegeman v. Wachovia Bank, National Association*, No. 1:06-cv-0247-WSD (N.D.Ga. 04/04/2006).)

54. This Court does not have original jurisdiction. So says Judge Mr.

Story:

A defendant may only remove an action from state court if the federal court would possess original jurisdiction over the subject matter. 28 U.S.C. § 1441(a). *Williams v. Best Buy Co.*, 269 F.3d 1316, 1319 (11th Cir.2001). 28 U.S.C. § 1447(c). (*Kofi Boateng v. Morrison Management Specialists, Inc.*, No. 1:11-CV-00142-RWS (N.D.Ga. 06/13/2011).)

55. This Court lacks subject matter jurisdiction. Lack of subject matter jurisdiction requires remand to the state court. (28 U.S.C. § 1447(c), FRCP 12(h)(3); *Standridge v. Wal-Mart*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

56. The U.S. District Court lacks federal-question jurisdiction because there is no dispute as to the validity, construction or effect of a federal statute with a cause of action "arising under" the laws of the United States. So says Judge Mr. Baverman in *Wells Fargo Bank v. Cyrus*, No. 1:10-CV-02064-RLV-AJB (N.D.Ga. 07/15/2010).

57. The instant Civil Action is pursuant to the Georgia RICO Act, O.C.G.A. § 16-14-1 et seq. No federal statute has been included in the causes of action. To meet the requirement of a case "arising under" federal law, the federal



question must appear on the face of the plaintiff's complaint. There is no federal question presented on the face of the Verified Complaint. Windsor intends this Action to be solely based on Georgia law. Windsor specifically excluded federal statutes that could have been raised so this action would remain in Georgia courts.

Federal courts use the "well-pleaded complaint" rule to determine "arising under" jurisdiction. *Long*, 201 F.3d at 758. That rule provides that "federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." *Id.* (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). *The Fair v. Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

58. Judge Mr. Duffey has regularly ruled that when a Plaintiff has relied exclusively on state law, remand is required:

"In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. Because Defendant fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c)." (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See also *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006).) (See also *PHH Mortgage Corp. v. Diamond*, No. 1:06-cv-0673-WSD (N.D.Ga. 03/29/2006).) (See also *Chase Home Finance, LLC v. Mungaro*, No. 1:05-cv-3082-WSD (N.D.Ga. 12/08/2005); *State v. Serries*, No. 1:10-cv-01564 -WSD (N.D.Ga. 07/16/2010); *Cunningham v. HSBC Mortgage Services*, No. 1:07-cv-1346-WSD (N.D.Ga. 06/20/2007); *Chase Manhattan Mortgage Corp. v. Gresham*, No. 1:05-cv-1944-WSD (N.D.Ga. 11/17/2005).)

59. Judge Mr. Thrash said on April 22, 2011 that a Georgia RICO action, upon which this action is based, is not a matter of federal law:

*(Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).)

60. The U.S. District Court lacks diversity jurisdiction because the Plaintiff and the Defendants are all citizens of Georgia. The amount in controversy well exceeds the minimum amount, but this is irrelevant as there is not diversity between the parties.

VI. **THIS COURT IS REQUIRED TO RESOLVE ALL DOUBTS ABOUT FEDERAL JURISDICTION IN FAVOR OF REMAND, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

61. This Court is required to resolve all doubts about federal jurisdiction in favor of remand.

(See *Boyer v. Snap-on Tools Corp.*, 913 F.2d 108 (3rd Cir. 1990), cert. denied, 498 U.S. 1085, 111 S. Ct. 959, 112 L. Ed. 2d 1046 (1991); *Coker v. Amoco Oil Co.*, 709 F.2d 1433 (11th Cir. 1983); *STANDRIDGE v. WAL-MART STORES*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

62. Judge Mr. Thrash has so ruled:

(*Saye v. Unumprovident Corp.*, No. 1:07-CV-31-TWT (N.D.Ga. 08/09/2007).)

63. The Defendants have waived any grounds for removal not included in their initial notice. So says Judge Mr. Thrash:

The initial notice of removal must include all grounds for removal or they are waived. 28 U.S.C. § 1446(c)(2). (*ING USA Annuity and Life*

*Insurance Co. v. J.P. Morgan Securities, Inc.*, No. 1:08-CV-1748-TWT  
(N.D.Ga. 09/30/2008.)

**VII. THE REMOVAL IS DEFECTIVE PURSUANT TO  
28 U.S.C § 1442 (a)(1) BECAUSE FEDERAL OFFICERS  
HAVE NOT RAISED A FEDERAL DEFENSE,  
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

64. The U.S. Attorney erroneously cites 28 U.S.C. § 1442(a)(1) as a basis for the removal.

28 U.S.C. § 1442(a)(1) provides that “a civil action ... commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress....”

65. 28 U.S.C. § 1442(a)(1) does not apply because the Verified Complaint is not about suing “in an official or individual capacity for any act under color of such office or... under any Act of Congress....” (See *Mesa v. California*, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).)

66. None of the other Defendants have raised any defense whatsoever to the Civil Action. The ONLY statement made by the U.S. Attorney in the NOTICE OF REMOVAL is: “This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.”

67. There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) has nothing to do with defenses to this Civil Action, so no defense has been raised.

68. The U.S. Attorney has failed to meet the Supreme Court's stated requirements for removal pursuant to 28 U.S.C. § 1442(a)(1) that are binding precedents recognized by the Eleventh Circuit.

Proper removal of an action under section 1442(a)(1) has historically required the satisfaction of two separate requirements. **First, the defendant must advance a "colorable defense arising out of [his] duty to enforce federal law."** *Mesa v. California*, 489 U.S. 121, 133, 109 S. Ct. 959, 966-67, 103 L. Ed. 2d 99 (1989) ...absent the assertion of a federal defense, a state court action against a federal officer is not removable. Id. [**emphasis added.**]

**Second, the defendant must establish that there is a "causal connection between what the officer has done under asserted official authority" and the action against him.** *Maryland v. Soper*, 270 U.S. 9, 33, 46 S. Ct. 185, 190, 70 L. Ed. 449 (1926) (interpreting predecessor statute); see also *Willingham*, 395 U.S. at 409, 89 S. Ct. at 1817. (*Magnin v. Teledyne Continental Motors*, 91 F.3d 1424 (11th Cir. 08/15/1996).) [**emphasis added.**]

69. It is impossible for a Defendant to raise a colorable defense to charges of racketeering as racketeering is not something that one may do under their federal employment. Each Defendant has been sued personally for acts that were not under color of their office.

70. This Court's exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

"A removing defendant bears the burden of proving proper federal jurisdiction." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008)

71. In this matter, NO federal issue exists. There is no disputed question of federal law.

Federal-question jurisdiction over state-law claims is confined to those claims that "really and substantially involv[e] a dispute or controversy respecting the validity, construction or effect of [federal] law." *Grable*, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

72. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law. In this Civil Action, federal employees ignored the limitations on their powers. They intentionally committed acts that violate the Georgia RICO Act, and they knowingly participated in an enterprise designed to damage Windsor. Defendants did not act within the scope of their federal duties; what they did was not required of them by federal law, and they did not do what federal law required. It is well established that a federal employee's actions lie outside the scope of his

or her authority when he or she fails to comply with the affirmative requirements of the law.

...we look to (1) whether the officers were acting "within the outer perimeter of [their] line of duty" as defined by federal statutory and regulatory law, *Barr v. Matteo*, 360 U.S. 564, 575, 79 S.Ct. 1335, 3 L.Ed. 2d 1434 (1959) (plurality opinion), and (2) whether "in doing [those acts, they] did no more than what was necessary and proper for [them] to do" as demarcated by the Constitution, see *Neagle*, 135 U.S. at 57, 10 S.Ct. at 666. As the Supreme Court explained, "a federal official may not with impunity ignore the limitations which the controlling law has placed on his powers." *Butz v. Economou*, 438 U.S. 478, 489, 98 S.Ct. 2894, 2902, 57 L.Ed. 2d 895 (1978). Indeed, it is a tautology that a federal officer's actions lie outside the scope of his authority when the officer fails to comply with the affirmative requirements of federal statutory or regulatory law, see *id.* at 489--91, 98 S.Ct. at 2902--03; *Castro v. United States*, 560 F.3d 381, 390--91 (5th Cir. 2009); *United States Fid. & Guar. Co. v. United States*, 837 F.2d 116, 120 (3d Cir.1988), and his actions fail to qualify as "necessary and proper" if committed in violation of the negative injunctions of the Constitution, see *Butz*, 438 U.S. at 489--91, 98 S.Ct. at 2902--03; *Castro*, 560 F.3d at 389; *Medina*, 259 F.3d at 225; *Red Lake Band of Chippewa Indians*, 800 F.2d at 1196; see also *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 689--90, 69 S.Ct. 1457, 1461, 93 L.Ed. 1628 (1949); *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 170--71 (1803).

**VIII. THE REMOVAL IS DEFECTIVE PURSUANT TO 28 U.S.C §2679 BECAUSE FEDERAL EMPLOYEES WERE NOT ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES WHEN THEY PARTICIPATED IN THE VIOLATION OF CRIMINAL STATUTES TO DAMAGE WINDSOR, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

73. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor.

74. The Verified Complaint specifies violation of the following Georgia statutes as the sole basis for the RICO claim: Obstruction of Justice and Tampering with Evidence pursuant to O.C.G.A. § 16-10-94; Perjury – Violation of O.C.G.A. § 16-10-70; Subornation of Perjury – Violation of O.C.G.A. § 16-10-72, and O.C.G.A. § 16-10-93; Theft by Deception - O.C.G.A. § 16-8-3.

In *Mesa v. California*, the Supreme Court denied removal under the federal officer removal statute to two postal employees, 28 U.S.C. § 1442(a)(1), because they failed to establish that they were acting within the scope of their official duties and therefore, had no colorable federal defense to the state law charges of reckless driving and related offenses. 489 U.S. 121, 127--28, 109 S.Ct. 959, 963--64, 103 L.Ed. 2d 99 (1989). Because the federal employees' actions fell outside the scope of their federal duties, California's interest in vindicating the rights of its citizens did not frustrate any valid federal interest. (*Denson v. United States*, 574 F.3d 1318 (11th Cir. 07/15/2009).)

The question of whether an employee's conduct was within the scope of his employment "is governed by the law of the state where the incident occurred." (See *S.J. & W. Ranch*, 913 F.2d at 1542; *Williams v. United States*, 350 U.S. 857, 76 S. Ct. 100, 100 L. Ed. 761 (1955) (per curiam), vacating 215 F.2d 800 (9th Cir. 1954); 28 U.S.C. § 1346(b).)

75. Georgia law does not permit anyone to violate its RICO Act. Georgia law says the conduct must be within the general duties of employment for which the employee was hired, and none of the Defendants were hired to violate criminal statutes and commit racketeering.

“The court found that there were material questions of fact as to whether the cameraman was acting within the scope of his employment at the time he

pointed a gun at the appellant.” Id. (*Sevilla v. United States*, No. 1:06-CV1710-JOF (N.D.Ga. 06/01/2007).)

In *Bennett v. United States*, 102 F.3d 486, 489 (11th Cir. 1996), the Eleventh Circuit considered whether the United States could be held liable for a soldier's accidental shooting on an army base. Id. at 488. "when an employee undertakes an act purely personal in nature, no respondeat superior liability may be imposed." Id. The Eleventh Circuit noted that "[t]he question of whether a given act falls within the scope of employment is highly fact-specific, and turns on the unique circumstances of the case at bar." Id. (*Amedisys Holding, LLC v. Interim Healthcare of Atlanta, Inc.*, Denise Cathey, Brenda Hogan, and, No. 1:11-cv-1437-WSD (N.D.Ga. 06/03/2011).)

76. The U.S. Attorney is not impartial; the U.S. Attorneys are “interested parties.” The U.S. Attorneys are representing some of the Defendants in related matters against Windsor.

Moreover, the statutory interpretation urged by defendant Lehtinen is particularly suspect because it leaves the determination of a dispositive issue in FTCA cases to an interested party. Under 28 U.S.C. § 2679(c), the Attorney General is required to "defend any civil action or proceeding brought in any court against any employee of the Government . . . for any such damage or injury." Id. We do not believe Congress intended to entrust the party responsible for providing the federal employee's defense with the power to make a scope determination that will have the result of dismissing the plaintiff's suit for lack of jurisdiction. *Nasuti*, 906 F.2d at 812-13; *Petrousky*, 728 F. Supp. at 894; see *Gogek*, 729 F. Supp. at 933. Our concern with the impartiality of the scope determination is especially acute in a situation like the one in this case where the authority to make scope certifications has been delegated to the federal employee defendant or his colleagues. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)



77. This Civil Action is about the corrupt practices of the Defendants, using the federal court system in Fulton County Georgia to commit criminal acts against Windsor and others. Windsor must argue that under these circumstances, this Civil Action must not be moved to the same federal court system that Windsor is suing. The very clerks that Windsor has charged with racketeering are the clerks who will be handling the various filings in this matter. The judges named as Defendants are friends of this Court. Windsor can be treated fairly and impartially only if he is on the neutral turf of the Fulton County Superior Court.

**IX. THE POSITION OF THE U.S. ATTORNEYS IN THE NOTICE OF REMOVAL IS SUBJECT TO LITIGATION, AND IF THIS COURT DOES NOT DENY REMOVAL FOR THE REASONS SPECIFIED ABOVE, WINDSOR DEMANDS DISCOVERY AND AN EVIDENTIARY HEARING.**

78. Should this Court fail to deny removal on the grounds specified above, this Court should conduct a de novo hearing on whether the Defendants were not acting within the scope of their official duties when they committed acts that Windsor complains of in the Verified Complaint. This Court must permit Windsor full discovery on the scope question. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

79. Plaintiff has filed this Motion for Remand within thirty (30) days of the filing of the Notice of Removal. Therefore, this Motion for Remand is timely

**CONCLUSION**

80. The burden of establishing federal jurisdiction rests upon the party seeking removal, and Defendants have failed to carry this burden.

81. For the aforementioned reasons, this Court should order that remand is required to the Superior Court of Fulton County in the State of Georgia.

WHEREFORE, Windsor respectfully requests:

- a. order that Windsor may immediately conduct discovery;
- b. schedule an evidentiary hearing on the issue of removal and remand;
- c. order that remand is required;
- d. order that jurisdiction for this Civil Action is with the Superior Court of Fulton County Georgia; and
- e. grant any other relief this Court deems just and proper.

Respectfully submitted this 5th day of July, 2011.



---

**William M. Windsor**

**Pro Se**

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

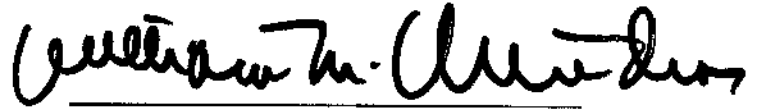
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**VERIFICATION OF WILLIAM M. WINDSOR**

I, William M. Windsor, swear that I am authorized to make this verification and that the facts alleged in the foregoing MOTION are true and correct based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 5<sup>th</sup> day of July, 2011.

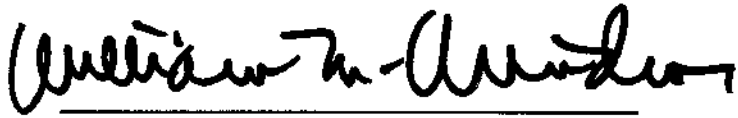
A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

**William M. Windsor**

**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.

This 5th day of July, 2011.



William M. Windsor

P.O. Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1056  
Fax: 770-234-4106  
williamwindsor@bellsouth.net

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing MOTION by fax and mail with sufficient postage addressed to:

CHRISTOPHER J. HUBER  
ASSISTANT U.S. ATTORNEY  
Georgia Bar No. 545627  
600 Richard B. Russell Federal Bldg.  
75 Spring Street, S.W. -- Atlanta, Georgia 30303  
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181  
Email: chris.huber@usdoj.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 5th day of July, 2011.



William M. Windsor  
Pro Se

PO Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: williamwindsor@bellsouth.net

# Exhibit

# 1

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

WILLIAM M. WINDSOR, )

Plaintiff, )

v. )

JAMES N. HATTEN, Anniva Sanders, J. White, )  
B. Gutting, Margaret Callier, B. Grutby, )  
Douglas J. Mincher, Jessica Birnbaum, )  
Judge William S. Duffey, Judge Orinda D. )  
Evans, Judge Julie E. Carnes, John Ley, )  
Judge Joel F. Dubina, Judge Ed Carnes, )  
Judge Rosemary Barkett, Judge Frank M. )  
Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, )  
Jane Doe 4, Jane Doe 5, John Doe 1, )  
John Doe 2, and Does 8 to 1000, )

Defendants. )

CIVIL ACTION NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

The United States of America (the "United States"), by and through the United States Attorney for the Northern District of Georgia, respectfully files this notice removing this cause from the Superior Court of Fulton County, Georgia, to this Court, on behalf of the following employees of the Clerk of Court of the United States District Court, Northern District of Georgia: James N. Hatten, Douglas J. Mincher, Anniva Sanders, Joyce White, Beverly Gutting, Margaret

Callier and Jessica Birnbaum (collectively, the “Clerk of Court Defendants”); and, as grounds therefor, states as follows:

1. On May 20, 2011, plaintiff William M. Windsor (“Plaintiff”) filed a civil complaint (the “Complaint”) in the Superior Court of Fulton County, styled William M. Windsor v. James M. Hatten, Anniva Sanders, J. White, B. Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, John Ley, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, Jane Doe 4, Jane Doe 5, John Doe 1, John Doe 2, and Does 8 to 1000, Case No. 2011CV200971 (the “State Court Action”), naming as defendants the following employees of the Clerk of Court of the U.S. District Court, Northern District of Georgia: James N. Hatten, Douglas J. Mincher, Anniva Sanders, Joyce White, Beverly Gutting, Margaret Callier and Jessica Birnbaum.

2. On May 24, 2011, plaintiff served the Complaint and Summons on the Honorable Orinda D. Evans. On June 1, 2011, plaintiff served the Complaint and Summons on the Honorable William S. Duffey, Jr., James N. Hatten, Jessica Birnbaum, Margaret Callier, B. Gutting, Douglas J. Mincher and J. White. On



June 7, 2011, plaintiff served the Complaint and Summons on the Honorable Julie E. Carnes. A copy of the Complaint is attached hereto as Exhibit "A," as required by 28 U.S.C. § 1446(a).

3. No further proceedings have occurred and no orders have been entered by the Superior Court of Fulton County in the State Court Action.

4. The Complaint alleges common law torts, violations of state law and constitutional violations all of which arise out of the Clerk of Court Defendants' performance of their federal job duties.

5. The matter was referred to the United States Attorney for the Northern District of Georgia, who completed a review and certified that with respect to the matters referred to in the Complaint, the Clerk of Court Defendants were acting within the scope of their employment with the United States District Court for the Northern District of Georgia at all time relevant to this action. The certification is attached hereto as Exhibit "B." The United States is separately filing a notice that pursuant to the provisions of the Federal Tort Claims Act (the "FTCA"), 28 U.S.C. §§ 2671, et seq., the United States must be substituted for each of the Clerk of Court Defendants with regard to the non-constitutional claims filed against them.

6. Pursuant to the FTCA, the United States is the only proper defendant to

the non-constitutional claims asserted by Plaintiff in this action, as Plaintiff's exclusive remedy is provided by the FTCA, the Clerk of Court Defendants are immune from suit and liability with regard to those claims, and the United States District Court for this district has exclusive jurisdiction over those claims. See 28 U.S.C. §§ 1346(b)(1), 2679.

7. This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.

WHEREFORE, the United States, on behalf of the Clerk of Court Defendants, removes the State Court Action to this Court for such further proceedings as may be appropriate. The United States has submitted with this Notice of Removal a proposed order that would constitute a Writ of Certiorari directing the Clerk of the Superior Court of Fulton County, Georgia, to deliver forthwith to the Clerk of Court for the Northern District of Georgia a complete certified copy of the entire record in the Superior Court.

Respectfully submitted, this 13<sup>th</sup> day of June, 2011.

SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY

/s/Christopher J. Huber  
Assistant U.S. Attorney  
Georgia Bar No. 545627  
600 U.S. Courthouse  
75 Spring Street, SW  
Atlanta, Georgia 30303  
(404) 581-6303 (telephone)  
(404) 581-6150 (facsimile)

**CERTIFICATE OF COMPLIANCE**

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in LR 5.1B (Times New Roman, 14 pt.) for documents prepared by computer.

This 13<sup>th</sup> day of June, 2011.

/s/Christopher J. Huber

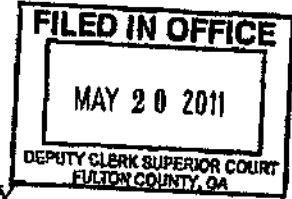
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Notice of Removal and proposed Order on the plaintiff to the State Court Action by causing true and correct copies thereof to be placed in the U.S. Mail, with proper postage affixed, and addressed as follows:

William M. Windsor  
P.O. Box 681236  
Marietta, Georgia 30068

This 13<sup>th</sup> day of June, 2011.

/s/Christopher J. Huber



IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

WILLIAM M. WINDSOR, )  
 Plaintiff )  
 )  
 v. )  
 )  
 James N. Hatten, Anniva Sanders, J. White, )  
 B. Gutting, Margaret Callier, B. Grutby, )  
 Douglas J. Mincher, Jessica Birnbaum, )  
 Judge William S. Duffey, Judge Orinda D. )  
 Evans, Judge Julie E. Carnes, John Ley )  
 Judge Joel F. Dubina, Judge Ed Carnes, )  
 Judge Rosemary Barkett, Judge Frank M. )  
 Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, )  
 Jane Doe 4, Jane Doe 5, John Doe 1, )  
 John Doe 2, and Does 8 TO 1000, )  
 Defendants. )

CASE NO.

2011 CV 200971

**VERIFIED COMPLAINT**

William M. Windsor ("Windsor or "Plaintiff") hereby files this VERIFIED COMPLAINT. Windsor shows the Court as follows:

**PRELIMINARY STATEMENT**

1. This Court has an obligation to citizens such as Windsor to "insure justice to all..." So says the Preamble to the Georgia Constitution, and this is emphasized in the Bill of Rights to the Georgia Constitution. Windsor has been denied justice through the efforts of what he believes a jury will declare to be in violation of the Georgia RICO statutes.



2. Article I, Section I, Paragraph I of the Georgia Constitution provides that "No person shall be deprived of life, liberty, or property except by due process of law." Article I, Section I, Paragraph II of the Georgia Constitution provides that "Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws." Article I, Section I, Paragraph IX of the Georgia Constitution provides that "The people have the right to assemble peaceably for their common good and to apply by petition or remonstrance to those vested with the powers of government for redress of grievances." Article I, Section I, Paragraph XII of the Georgia Constitution provides that "No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state."

3. Windsor has been denied these rights by people operating corruptly in Fulton County, Georgia. Abuses have been committed by the Defendants. All happen to be employees or units of the U.S. Government, but their jobs and functions are secondary to the fact that they are breaking the law right here in Fulton County.

4. An online legal dictionary defines corrupt as "having an unlawful or evil motive; *especially* characterized by improper and usually unlawful conduct

intended to secure a benefit for oneself or another.” This description properly defines the Defendants.

5. The actions of Judge Orinda D. Evans, Judge William S. Duffey, Judge Julie E. Carnes, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, and the employees of the courts and offices of the Clerk of the Court of both the Northern District of Georgia and the Eleventh Circuit bring shame on the legal system. These Defendants have conspired to violate the law and the rights of Windsor and others.

6. This civil action is about the most fundamental legal issues that exist: justice; honesty; fair play; equal protection; due process; Constitutional protections; the right to a fair trial before an impartial judge; the right to honest, law-abiding, impartial clerks of the courts; the requirement that witnesses, attorneys, judges, and government employees tell the truth; the requirement that witnesses, attorneys, judges, and government employees do not violate the laws of the state and the United States, abuse litigants, and commit a variety of offenses.

7. District Court judges in the United States District Court for the Northern District of Georgia (“N.D.Ga.”) ignore the facts; invent their own facts; ignore the Federal Rules of Civil Procedure (“FRCP”), the Local Rules, and the Federal Rules of Evidence (“FRE”); ignore the law; ignore applicable case law; cite erroneous case



law; commit perjury by making statements that they know to be false in their orders; violate parties' rights in any way they can; commit obstruction of justice; deny access to the courts; and trample the Constitutional rights of litigants without a thought.

They manipulate the judicial system to deprive parties such as Windsor of their legal and Constitutional rights. They commit criminal acts without a thought.

8. Appellate Court judges in the United States Court of Appeals for the Eleventh Circuit ("Eleventh Circuit") ignore the facts; ignore the points of error of appellants; ignore the law; ignore applicable case law; cite erroneous case law; issue short, inadequate decisions; commit obstruction of justice; deny access to the courts; do whatever it takes to support their friends at the District Courts; and trample the Constitutional rights of litigants.

9. The judicial system supports this dishonesty and illegality. The "system" denies any form of valid recourse for an aggrieved citizen. The Judicial Council ignores valid complaints and claims there is no proof when there is plenty. Aggrieved citizens have no recourse. Since the Supreme Court isn't really in the business of correcting errors by the lower courts, the N.D.Ga. and the Eleventh Circuit combine to have tyrannical power over citizens of Georgia.

10. The Chief Judges of N.D.Ga. and the Eleventh Circuit have ignored the wrongdoing of their fellow judges. Windsor wrote to them to complain. Windsor

was ignored. These judges support the wrongdoing, and they actively participate in the wrongdoing.

11. Windsor's only recourse is with the state of Georgia. The federal courts in Atlanta are controlled by people who are no better than gangsters, and their mission is to protect one another and deny justice to citizens like Windsor.

12. This Court and a jury of Fulton County citizens must protect Windsor. It is an obligation mandated by the Georgia Constitution, the laws of Georgia, and federal statutes as well.

#### **PARTIES**

13. William M. Windsor ("Windsor" or "Plaintiff") is a resident of Cobb County, Georgia and a citizen of the United States with his residence at 3924 Lower Roswell Road, Marietta, GA 30068. Windsor has been a defendant in MIST-1 and the BOGUS ACTION, and is Plaintiff in MIST-2 and this action.

14. Mr. James N. Hatten ("Mr. Hatten") is subject to jurisdiction and venue in this Court. Mr. Hatten may be served at its place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

15. Miss Anniva Sanders ("Miss Sanders") is subject to jurisdiction and venue in this Court. Miss Sanders may be served at her place of business, c/o

Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

16. Ms. J. White (“Ms. White”) is subject to jurisdiction and venue in this Court. Ms. White may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

17. Ms. B. Gutting (“Ms. Gutting”) is subject to jurisdiction and venue in this Court. Ms. Gutting may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

18. Ms. Margaret Callier (“Ms. Callier”) is subject to jurisdiction and venue in this Court. Ms. Callier may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

19. B. Grutby (“Grutby”) is subject to jurisdiction and venue in this Court. Grutby may be served at place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

20. Mr. Douglas J. Mincher (“Mr. Mincher”) is subject to jurisdiction and

venue in this Court. Mr. Mincher may be served at his place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22<sup>nd</sup> Floor, Atlanta, GA 30303.

21. Ms. Jessica Birnbaum ("Ms. Birnbaum") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1721 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Georgia 30303.

22. Judge William S. Duffey, Jr. ("Judge Duffey") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1721 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Judge Duffey is a federal judge operating in Fulton County, Georgia, and he has been presiding over Civil Action 1:09-CV-01543-WSD ("BOGUS ACTION"). He has also been presiding over Civil Action 1:09-CV-02027-WSD ("MIST-2"). Service against Defendant Judge Duffey can be perfected via personal service at the foregoing address.

23. Judge Orinda D. Evans ("Judge Evans") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, Suite 1988 - 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Judge Evans is a federal judge

operating in Fulton County, Georgia and she is somehow a “party” to the BOGUS ACTION. She is presiding in one civil action involving Windsor – Civil Action 1:06-CV-0714-ODE (“MIST-1”). Service against Defendant Evans can be perfected via personal service at the foregoing address.

24. Judge Julie E. Carnes (“Judge Julie Carnes”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 2167 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Judge Julie Carnes is the Chief Judge for the United States District Court for the Northern District of Georgia operating in Fulton County, Georgia. Service against Defendant Judge Julie Carnes can be perfected via personal service at the foregoing address.

25. Judge Joel F. Dubina (“Judge Dubina”) is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Judge Dubina is the Chief Judge for the United States Court of Appeals for the Eleventh Circuit Court operating in Fulton County, Georgia. Service against Defendant Judge Dubina can be perfected via personal service at the foregoing address.

26. Judge Ed Carnes (“Judge Ed Carnes”) is subject to the jurisdiction and

venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Defendant Judge Ed Carnes can be perfected via personal service at the foregoing address.

27. Judge Rosemary Barkett ("Judge Barkett") is subject to the jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Defendant Judge Barkett can be perfected via personal service at the foregoing address.

28. Judge Frank M. Hull ("Judge Hull") is subject to jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Defendant Judge Hull can be perfected via personal service at the foregoing address.

29. John Ley ("Mr. Ley") is subject to jurisdiction and venue in this Court. Service against Defendant Mr. Ley can be perfected via personal service at his place of business, John Ley, Clerk of the Court, United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303.

30. Jane Doe 1 was a Law Clerk to Judge Orinda D. Evans in 2006. The true name of this Defendant is unknown to Windsor, who therefore sues said Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

31. Jane Doe 2 was a Law Clerk to Judge Orinda D. Evans in 2007. The true name of this Defendant is unknown to Windsor, who therefore sues said Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

32. Jane Doe 3 was a Law Clerk to Judge Orinda D. Evans in 2008. The true name of this Defendant is unknown to Windsor, who therefore sues said Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

33. Jane Doe 4 was a Law Clerk to Judge Orinda D. Evans in 2009. The true name of this Defendant is unknown to Windsor, who therefore sues said Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

34. Jane Doe 5 was a Law Clerk to Judge Orinda D. Evans in 2010. The true name of this Defendant is unknown to Windsor, who therefore sues said

Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

35. John Doe 1 was a Law Clerk to Judge William S. Duffey in 2009. The true name of this Defendant is unknown to Windsor, who therefore sues said Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

36. John Doe 2 was a Law Clerk to Judge William S. Duffey in 2010. . The true name of this Defendant is unknown to Windsor, who therefore sues said Defendant by such fictitious name. Windsor will seek leave of this Court to amend this Verified Complaint to include the proper name when it has been ascertained.

37. The true names and capacities, whether individual, corporate, associate, or otherwise, of other defendants DOES 8 through 1000, inclusive, are unknown to Windsor, who therefore sues said Defendants by such fictitious names. Windsor will seek leave of this Court to amend this Verified Complaint to include their proper names and capacities when they have been ascertained. Windsor is informed and believes, and based thereon alleges, that each of the fictitiously named Defendants participated in and are in some manner responsible for the acts described in this Verified Complaint and the damage resulting therefrom. These DOES will include court staff and other members of the federal judiciary in



Atlanta, Georgia.

**JURISDICTION AND VENUE**

38. This Court has jurisdiction over the Defendants and over the subject matter of this action. An actual controversy exists within this Court's jurisdiction.

39. This Court has subject matter jurisdiction under the Georgia Constitution; O.C.G.A. § 9-4-1, et seq.

40. Pursuant to O.C.G.A. §9-10-30 venue is proper in the Fulton County Superior Court as Defendants are operating within the geographical boundaries of that Court and equitable relief is sought against these Defendants.

41. Pursuant to O.C.G.A. §9-10-31 venue is proper in the Fulton County Superior Court as Judge Orinda D. Evans and other Defendants reside in Fulton County, Georgia.

**FACTUAL BACKGROUND**

42. William M. Windsor is allegedly a Defendant in a so-called Civil Action No. 1:09-CV-01543-WSD in the United States District Court for the Northern District of Georgia ("BOGUS ACTION"). The BOGUS ACTION appeared out of nowhere. The Federal Rules of Civil Procedure (Rules 3 and 4) require a petition and issuance and service of a summons to create a civil action.

None of this was done in this "matter." The Court Docket includes no complaint and no summons. A true and correct copy of the Court Docket is Exhibit 1.

Windsor has been "hijacked" and forced to be a part of a proceeding that is invalid, yet no one in the federal court system will do anything about it.

43. Judge Evans created the BOGUS ACTION, yet her name does not appear on the caption, and she is not listed as a party. There are many other irregularities with the BOGUS ACTION. Critical records are listed in the docket with no docket number. Critical records submitted to the Clerk of the Court or to Judge Duffey are missing from the docket. Appeals have disappeared. Docket entries have been made with no notice to Windsor. A judgment and writ of execution were issued by the Clerk of the Court without any authorization. The Clerk of the Court ignores letters from Windsor and has refused to provide him with any subpoenas, which a pro se party must have. The Clerk has refused to provide Windsor copies of his public court records. The reason all of this and more has been done is obstruction of justice to protect Judge Evans and those that she seeks to protect from disclosure of documents that Windsor believes will prove illegal activity.

44. The BOGUS ACTION began by Judge Duffey branding Windsor as "scurrilous and irresponsible" for attempting to obtain two documents that were

filed under seal in MIST-1 on February 15, 2007 (MIST-1 Doc.168) that have been hidden by Judge Evans. Windsor is confident that these documents will prove fraud and that Judge Evans committed obstruction of justice in Civil Action 1:06-CV-0714-ODE because Windsor obtained the documents that should have been filed from the other parties to the agreements. Upon information and belief, Judge Duffey has ignored the facts, ignored the law, cited inapplicable law, has committed perjury and other criminal acts, and has done everything possible to protect Judge Evans and damage Windsor. Windsor has extensive proof of this and more.

45. Upon information and belief, Judge Duffey's only consideration in the BOGUS ACTION is to violate Windsor's rights every chance he gets.

46. Windsor has had approximately \$1,500,000.00 "stolen" from him in the guise of lawsuits (MIST-1 and the BOGUS ACTION).

47. Judge Duffey and Judge Evans violate the Local Civil Rules for the United States District Court for the Northern District of Georgia ("N.D.Ga."), the Federal Rules of Civil Procedure, the Code of Judicial Conduct, and civil and criminal statutes routinely.

48. MIST-1, the BOGUS ACTION, and MIST-2 have been travesties of justice.

49. Non-party Barbara Windsor ("BGW") became involved in the BOGUS ACTION through a request for production of financial documents from her, a non-party, including her own separate property, which is protected by Article I, Paragraph XXVII of the Georgia Constitution.

50. BGW has been advised that she requires surgery for a prolapsed uterous, rectocele, and related issues. A hysterectomy will be performed, and her uterous and ovaries will be removed. An assortment of other procedures will be done to repair problems in the vagina and rectum. Dr. Dobson says BGW will be out of commission for six weeks.

51. Prior to being diagnosed, BGW developed a severe case of anxiety. She has been seeing a psychiatrist, Dr. Brian Teliho, and he has begun medication. BGW has trouble tolerating medication, so she is very slowly having the dosage increased. Thus far, the medication has not had any meaningful impact on the anxiety. She has trouble sleeping, shakes much of the time, cries a lot, and is in a state of panic. Her irrational fear is that Judge Duffey will put her in jail. She has done nothing to be put in jail, but that is her fear. She also fears that someone will kill her because of Windsor's efforts to expose judicial corruption.

52. BGW is physically and mentally incapable of handling matters relating to the BOGUS ACTION. Windsor has been unable to afford an attorney

or find one who would take action against corrupt judges. BGW has asked Windsor to handle the matter for her. Judge Duffey has refused to allow Windsor to help his wife in what Windsor believes is a violation of Georgia law. This is detailed in Fulton County Superior Court Case No. 2011.CV200857 ("POWER OF ATTORNEY ACTION").

53. On June 3, 2009, the BOGUS ACTION was manufactured by unknown people with the office of the Clerk of the Court and others. (See Exhibit 1 Doc.1.)<sup>1</sup> It began as 1:09-CV-220-WSD and became 1:09-CV-01543-WSD on June 10, 2009. (See Exhibit 1 Doc. Entry between 8 and 9.)

54. Upon information and belief, the BOGUS ACTION has been the work of Judge Evans, Judge Duffey, Judges Ed Carnes, Judge Barkett, and Judge Hull to deny Windsor the ability to see two documents filed under seal by Judge Evans that prove criminal acts by her and the Plaintiffs in MIST-1 and the BOGUS ACTION.

55. The only evidence before the court in June 2009 consisted of sworn affidavits under penalty of perjury before a notary by Windsor, but on June 30, 2009, Judge Duffey entered an order declaring Windsor to be "scurrilous and irresponsible." He made findings of fact that were contrary to the only evidence

---

<sup>1</sup> Doc. is used as the abbreviation for Docket entries.

before him. (Exhibit 1 Doc.32.) Upon information and belief, he did this to obstruct justice and damage Windsor.

56. On September 3, 2009, Judge Duffey denied Windsor's motions pertaining to reconsideration and venue. (Exhibit 1 Doc.42.) A review of the Docket will reveal that Judge Duffey rules for Judge Evans and the Plaintiffs in the BOGUS ACTION and against Windsor and BGW in disregard for the law, the facts, the rules, the requirement of impartiality, fairness, etc.

57. On September 15, 2009, Windsor filed a notice of appeal. (Exhibit 1 Doc.44.)

58. On February 26, 2010, Judge Ed Carnes, Judge Barkett, and Judge Hull of the Eleventh Circuit Court of Appeals dismissed Windsor's appeal as "frivolous as briefed" and granted sanctions. (Exhibit 1 Doc.52.) There was nothing remotely frivolous about the appeal. The judges of the Eleventh Circuit had been shielding Judge Evans for years and ruling against Windsor when the facts and the law meant that Windsor should have prevailed at the appellate court.

59. On May 7, 2010, Judge Ed Carnes, Judge Barkett, and Judge Hull of the Eleventh Circuit Court of Appeals denied to even allow Windsor's information timely provided in response to the statement of costs by the Plaintiffs in the BOGUS ACTION to be filed. (Exhibit 1 Doc. 54.) The judges claim it exceeded a

page limit, yet there is no rule providing a page limit for the information that Windsor provided. The judges denied all other Windsor motions without consideration. Judges also entered an order restricting Windsor's ability on filings with the Eleventh Circuit. Windsors' appeals are held for months for no good reason. Windsor is denied the ability to file motions. The judges ignore emergency motions that are supposed to be addressed in five days or less. The judges ignore the points of error and do not even address them. In Windsor's opinion, the actions of the judges of the Eleventh Circuit are nothing but a racket.

60. On June 16, 2010, Mr. Hatten, or someone working with him, issued a Writ of Execution in the BOGUS ACTION. (See Exhibit 1 between Doc. 54 and 55.) Windsor received no notice whatsoever of this from the Clerk, the Eleventh Circuit, or the United States District Court for the Northern District of Georgia. The Docket shows no record of notice. A Motion for Reconsideration and a Petition for Rehearing En Banc filed by Windsor were pending with the Eleventh Circuit at the time the Writ of Execution was issued. The Writ of Execution should not have been issued without authorization, without notice to Windsor, or while appeals were pending. Mr. Hatten refused to respond to Windsor, and the courts ignored it.

64. On July 7, 2010, Windsor filed a timely motion for an emergency protective order to quash interrogatories and requests for production of documents. (Exhibit 1 Doc. 60.)

65. From July 2010 to January 2011, Windsor filed various motions for extensions and stays due to medical problems. Windsor had four eye surgeries between July 2010 and January 2011 and was unable to read for much of that time.

66. From July 6, 2010 to February 25, 2011, Windsor wrote 16 letters to MOTM and Steamboat's attorney ("Anderson") about the discovery requests.

67. From July 7, 2010 to November 3, 2010, Judge Duffey ignored motions that had been filed.

68. On September 23, 2010, Windsor had a courier deliver a new civil action to Mr. Hatten's office to be filed. (A true and correct copy of the cover letter is Exhibit 3.)

69. On September 23, 2010, Windsor had a courier deliver five motions to Mr. Hatten's office for filing. (A true and correct copy of the cover letter is Exhibit 4.) The courier with Courier Connection presented the documents to Miss Sanders. Though there was no restriction of any type on filing in the BOGUS ACTION, she refused to file them. Miss Sanders had no legal basis to do this.



70. The courier called Windsor from the courthouse to advise him of the refusal. Windsor immediately called and spoke to Miss Sanders. She told Windsor that she had been advised "by Chambers" to refuse to file the motions. Miss Sanders ultimately told Windsor that he needed to call the Chambers of Judge Duffey.

71. Windsor called the Chambers of Judge Duffey and spoke to Ms. Birnbaum who advised him that Judge Duffey issued an "oral order" requiring that Windsor first seek request for specific approval before filing anything. The excuse was that Windsor had requested a stay due to his eye problems, and the case was closed. As the court Docket shows (Exhibit 1), there was no order granting a stay, and the Plaintiffs were allowed to file Docket Nos. 55, 56, 75, 76, 77, 82, 83, and 84 between June 17 and September 3, 2010 after the case was closed, while Windsor was having eye surgeries, and without any requirement to request specific approval to file. The Docket also shows that Windsor's motions for stay Doc.63 (July 19, 2010), Doc.79 (August 6, 2010), Doc.80 (August 26, 2010) were ignored by Judge Duffey. This is but one of many examples of bias and misconduct by Judge Duffey.

72. Windsor checked the Docket on Pacer on September 23, 2010, and there was no such oral order.

73. When the courier returned the motions to Windsor on September 23, he said that when he presented the documents to Miss Sanders, she made a telephone call. She then informed the courier that she was unable to file the motions on “orders from Chambers.”

74. Upon information and belief, Miss Sanders took it upon herself to call Ms. Birnbaum in Judge Duffey’s Chambers seeking to block Windsor from filing. Judge Duffey then issued an “oral order” after the fact to justify the refusal by Miss Sanders.

75. On September 23, 2010, Windsor had an affidavit from BGW delivered to the Clerk for filing. (A true and correct copy of the cover letter is Exhibit 5.)

76. The alleged September 23, 2010 ORAL ORDER was entered on the Docket on September 24, 2010. It required that Windsor cease filing motions and file “requests for specific approval” that Judge Duffey would approve before motions could be filed. The order plainly shows that it did not apply to BGW. (Exhibit 1 unnumbered but dated 09/24/2010.) The ORAL ORDER says nothing about Mrs. Windsor (BGW).

77. Judge Duffey also issued an oral order on September 23, 2010 in MIST-2 (the same day Windsor’s motions were refused by Miss Sanders in the

BOGUS ACTION) in which he made absolutely false statements, claiming Windsor failed to submit required information to him. (Exhibit 6 is a true and correct copy of this order.) Windsor absolutely sent the required information, and more, to Judge Duffey. Windsor has copies of all of these documents and proof of delivery of most. Upon information and belief, one or more of the following took place: Judge Duffey intentionally lied in the September 23, 2010 order to damage Windsor; Miss Sanders failed to send information to Judge Duffey that was received by the Clerk; Ms. Birnbaum concealed or destroyed emails, letters, and/or deliveries from Windsor. Judge Duffey used this false assertion to dismiss Windsor's case in MIST-2.

78. Windsor filed a notice of appeal in MIST-2 on September 23, 2010.

79. On September 23, 2010, Windsor had a courier deliver a letter to Mr. Hatten's office requesting signed subpoenas. (A true and correct copy of this letter is Exhibit 7.) No response was ever received.

80. On September 24, 2010, Windsor sent a notice of appeal on MIST-2 to Mr. Hatten's office for filing. (A true and correct copy of the cover letter is Exhibit 8.)

81. On October 6, 2010, BGW was served with a subpoena by MOTM and Steamboat to produce documents on October 18, 2010. (Exhibit 9 is a true and correct copy of the subpoena.)

82. Windsor filed a Notice of Request for Specific Approval to file Motion for Stay on October 12, 2010. (Exhibit 1 Doc.92.) (A true and correct copy of the cover letter is Exhibit 10.)

83. On October 18, 2010, Windsor had a courier deliver a letter to Mr. Hatten informing him that a writ of execution was illegally issued. (A true and correct copy of this letter is Exhibit 11.) Mr. Hatten never responded.

84. Windsor filed an Emergency Motion for Conference on October 18, 2010 asking that the subpoenas, stay, and appeal be addressed. (Exhibit 1 Doc.93.) Judge Duffey never granted a conference.

85. BGW filed a timely Motion for Protective Order and Motion to Quash Subpoena on October 18, 2010. (Exhibit 1 Doc. 96.)

86. On October 22, 2010, Windsor sent an Amended Notice of Appeal to the Clerk for filing. (A true and correct copy of the cover letter is Exhibit 12.)

87. On October 22, 2010, Windsor had a new civil action delivered to the Mr. Hatten's office. All of the necessary paperwork was in order, and cash for the filing fee was hand-delivered to the Filing Clerk by a courier with Courier

Connection. Windsor sent a letter with the filing asking the Filing Clerk to call him with the case number and to advise when the signed Summons' forms would be ready for pickup. Windsor also stressed the urgency of his Motion for Temporary Restraining Order and asked that a hearing be set immediately. (A true and correct copy of the cover letter is Exhibit 13.)

88. On October 22, 2010, Windsor sent a letter to Judge Julie Carnes. (A true and correct copy of this letter is Exhibit 14.)

89. Because he had not received a call from the Filing Clerk, Windsor called at 1:25 pm on October 25, 2010 and spoke to Miss Sanders. Windsor asked Miss Sanders for the case number and whether the Summons' forms were ready.

90. Miss Sanders told Windsor: "We haven't filed anything. We are waiting for judges' orders." Windsor asked: "What judges?" Miss Sanders asked Windsor to hold. After ten minutes of silence, Ms. Callier came on the line at 1:35 pm. She said she was Operations Manager. She told Windsor: "Your civil action has not been filed yet. There are people ahead of you. I don't know when it will be done." Windsor asked who the judges are that Miss Sanders was waiting to get orders from. She replied: "I don't know anything about what Miss Sanders did or said." Windsor tried to find out what was going on, but Ms. Callier would not provide any information. She promised to call back before the end of the day.

91. At 4:56 pm, Ms. Callier called Windsor to advise: "A determination is being made as to whether the new complaint complies with previous orders by Judge Duffey and Judge Evans." She said "a judge" was looking at it. She would not say whether that was Judge Duffey or Judge Evans, both named parties in the new complaint. She said she couldn't say who was looking at it. She would provide no other information.

92. Upon information and belief, one or both of Judge Duffey and Judge Evans interfered with Windsor's filing of the civil action. Both Judge Duffey and Judge Evans are named parties in the civil action, and they had no business interfering with a lawsuit in which they are defendants. There was no court order providing that there be any screening of complaints filed by Windsor. Windsor's right to petition for redress of grievances was denied. Upon information and belief, Ms. Birnbaum spoke with Miss Sanders and helped orchestrate the refusal to file.

93. On October 25, 2010, Windsor sent a request for two subpoenas to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 15.) Windsor never received a response.

94. On October 25, 2010, Windsor sent a letter to Mr. Hatten's office asking for the status of the civil action sent for filing a few days before. (A true and correct copy of this letter is Exhibit 16.) Windsor did not receive a response.

95. On October 25, 2010, Windsor sent a letter to each of the Defendants in the action that he sent to Mr. Hatten's office for filing on October 22, 2010 -- United States District Court for the Northern District of Georgia, James N. Hatten, Judge William S. Duffey, Jr., Judge Orinda D. Evans, Judge Joel F. Dubina, Judge Rosemary Barkett, Judge Edward Earl Carnes, Judge James Larry Edmondson, Judge Frank M. Hull, Judge Stanley Marcus, Judge William H. Pryor, Jr., United States Court of Appeals for the Eleventh Circuit, United States of America, and Cobb County. (A true and correct copy of this letter is Exhibit 17.)

96. On October 26, 2010, Windsor had a new civil action delivered to Mr. Hatten's office. All of the necessary paperwork was in order, and cash for the filing fee was hand-delivered to the Filing Clerk by a courier with Courier Connection. Windsor sent a letter with the filing asking the Filing Clerk to call him with the case number and to advise when the signed Summons' forms would be ready for pickup. Windsor also stressed the urgency of his Motion for Temporary Restraining Order and asked that a hearing be set immediately. (A true and correct copy of the cover letter is Exhibit 18.)

97. On October 26, 2010, Windsor sent a letter to each of the Defendants in the action that he sent to Mr. Hatten's office for filing on October 26, 2010 – Anniva Sanders, Jessica Birnbaum, United States District Court for the Northern District of Georgia, James N. Hatten, Judge William S. Duffey. (A true and correct copy of this letter is Exhibit 19.)

98. On October 26, 2010, Windsor sent a letter to Judge Julie Carnes. (A true and correct copy of this letter is Exhibit 20.) Judge Julie Carnes never responded to anything.

99. On November 3, 2010, MOTM and Steamboat filed a Response to BGW's Motion for Protective Order and Motion to Quash Subpeona (Doc.96). Note that they filed a Response, not a request to file a response. (Exhibit 1 Doc. 98.)

100. On November 3, 2010, Judge Duffey issued an order denying BGW's Motion for Protective Order claiming BGW was bound by the September 23, 2010 order. (Exhibit 1 Doc.99.) The easily determined fact by anyone -- that the September 23, 2010 did not apply to BGW -- was brought to Judge Duffey's attention, but he ignored the facts. There was no order that placed restrictions on BGW. (Exhibit 21 is a true and correct copy of the November 3, 2010 order.)



Judge Duffey maliciously obstructed justice by refusing to grant BGW the legal protections she was owed due to filing a Motion for Protective Order.

101. On November 4, 2010, Windsor filed a request for specific approval to ask that Judge Duffey confirm through an order that the BOGUS ACTION was stayed due to pending appeals. Windsor made repeated efforts to get the stay acknowledged because the case law is crystal clear that Judge Duffey had lost jurisdiction.

102. On November 5, 2010, Windsor filed a notice of appeal. (Exhibit 1 Doc. 103.)

103. On November 5, 2010, BGW sent a notice of appeal to Mr. Hastten's office with the required filing fee of \$455 cash. The appeal said: "This appeal is necessary due to the violation of ... Constitutional rights by Judge Duffey; claiming filing restrictions on Barbara Windsor when there were none; wrongful dismissal of Barbara's filings; denial of Barbara's access to the Court; and abuse of discretion by Judge Duffey."

104. On November 9, 2010, Windsor sent a letter to Mr. Hatten's office stating that the lawsuits must be filed immediately. The letter was copied to Judge Julie Carnes. (A true and correct copy of this letter is Exhibit 22.)

105. On November 9, 2010, Windsor sent a letter to Judge Julie Carnes. (A true and correct copy of this letter is Exhibit 23.)

106. On November 11, 2010, Windsor sent a letter to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 24.) There was never a response.

107. On November 16, 2010, Windsor sent a letter to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 25.) There was never a response.

108. On November 17, 2010, Windsor sent a letter to Mr. Hatten. (A true and correct copy of this letter is Exhibit 26.) There was never a response.

109. On November 18, 2010, Windsor sent a letter to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 27.) There was never a response.

110. On November 18, 2010, Windsor sent a letter to Mr. Hatten. (A true and correct copy of this letter is Exhibit 28.) Mr. Hatten's clerks were filing amended notices of appeal as new appeals and were showing them invalid due to non-payment of the \$455 fee. This is contrary to the way the Clerk's Office operates, and upon information and belief, this procedure has been maintained against Windsor but not against others.

111. On November 19, 2010, Windsor sent a letter to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 29.) There was never a response.

112. On November 22, 2010, Judge Evans entered an order in MIST-1 saying Windsor could not file lawsuits. Windsor's unfiled complaints were returned by the Clerk's office after over a month. (A true and correct copy of this order is Exhibit 30.) Judge Evans' order denies Windsor the rights under the FRCP to correct miscarriages of justice through Rule 60(b) and Rule 60(d) actions. One of the complaints that Judge Evans instructed Mr. Hatten's office to refuse to file was a Rule 60(d) and independent action in equity to set aside orders and judgments due to fraud upon the court. Judge Evans' order denied lawsuits filed against her as a defendant. Judge Evans' order constitutes obstruction of justice.

113. On November 29, 2010, Windsor sent a letter to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 31.) There was never a response.

114. On November 30, 2010, Windsor sent a letter to Mr. Hatten's office. (A true and correct copy of this letter is Exhibit 32.) There was never a response.

115. On December 2, 2010, BGW sent a Notice of Filing of Request for Specific Approval to file Motion for Order Confirming Stay and the Request for Specific Approval to file Motion for Order Confirming Stay to Mr. Hatten's office. The documents were received by Ms. Gutting. The cover letter received by Ms. Gutting warned the recipient that failure to file the documents immediately would be a violation of BGW's legal rights. Ms. Gutting ignored the warning, and the

documents disappeared for 68 days. Exhibit 33 is a true and correct copy of the cover letter. Exhibit 34 is a true and correct copy of the delivery confirmation from Courier Connection.

116. The Court Docket in the BOGUS ACTION shows that Notice of Filing of Request for Specific Approval to file Motion for Order Confirming Stay and the Request for Specific Approval to file Motion for Order Confirming Stay were not filed on December 2, 2010 or any time in December or January. 68 days later on February 7, 2011, the documents were finally filed. Exhibit 1 is a true and correct copy of the Court Docket; see Docket #123 and 124. Upon information and belief, the employees of Mr. Hatten, Ms. Birnbaum, and Judge Duffey conspired to deprive BGW of this filing for 68 days.

117. On December 6, 2010, Judge Duffey entered an order denying various requests filed by Windsor and BGW, including BGW's request for approval to file the motion for protective order. (Exhibit 1 Doc.109.)

118. On December 6, 2010, Windsor filed a request for a conference. (Exhibit 1 Doc.110.) Exhibit 35 is a true and correct copy of the cover letter.

119. On December 6, 2010, Windsor filed a Notice of Appeal. (Exhibit 1 Doc.113.) Exhibit 36 is a true and correct copy of the cover letter.

120. On December 17, 2010, Judge Carnes, Judge Wilson, and Judge Hull issued an order that unfairly and improperly barred Windsor from filing any motions until after a frivolity review. This denies Windsor timely consideration of anything with the Eleventh Circuit. This is obstruction of justice and denial of due process. These restrictions were ordered without notice and an opportunity to be heard as extensive case law requires. Exhibit 60 is a true and correct copy of this order.

121. On December 29, 2010, Windsor sent a letter to Mr. Hatten's office about payment for appeals. Exhibit 37 is a true and correct copy of the letter.

122. While non-parties have the absolute right to file an appeal of orders relating to discovery, the District Court Clerk refused to file BGW's November 5, 2010 notice of appeal. The U.S. Treasury sent a refund check for \$455 to BGW.

123. On February 8, 2011, Windsor filed a request for specific approval. (Exhibit 1 Doc.126.) Exhibit 38 is a true and correct copy of the cover letter.

124. On February 8, 2011, Windsor sent a letter to Mr. Hatten about payment for appeals. Exhibit 39 is a true and correct copy of the cover letter.

125. On February 9, 2011, Judge Duffey entered an order vacating Order Doc. 109. (Exhibit 1 Doc. 125.) Upon information and belief, this was done to try

to cover up the fact that Doc.123 and 124 had not been filed for 68 days after receipt.

126. Windsor received the order from Judge Duffey on or about February 18, 2011 expressing that Judge Duffey would not recognize the stay that Windsor felt was in effect. Exhibit 40 is a true and correct copy of this order.

127. Windsor immediately wrote to Carl Hugo Anderson, the attorney for MOTM and Steamboat, ("Anderson") on February 18, 2011 stating that the requested discovery would be provided since Judge Duffey was denying all of the motions and was refusing to recognize the stay that Windsor felt existed due to the appeal. Exhibit 41 is a true and correct copy of this letter. There was no response. Windsor wrote Anderson again on February 24. There was no response. Windsor wrote Anderson again on February 25. This was the sixteenth letter Windsor had written between July and February about the discovery and the third one to arrange the details. There was no response.

128. Then on February 25, 2011, MOTM and Steamboat filed a motion to compel. (Exhibit 1 Doc.129.) It had been 79 days since Windsor last heard from Plaintiffs' Attorney Anderson on the matter; there had been at least nine (9) letters from Windsor that were unanswered. Anderson violated Rule 8 of the Standing Orders of Judge Duffey, and the motion also violated several terms in NDGa

LR37.1. The Rule 37 Certificates filed by Anderson are false, misleading, and violate the specific requirements. Anderson never called, emailed, faxed, or wrote to Windsor to discuss filing a motion to compel.

129. On March 9, 2011, Windsor sent a letter to the Clerk of the Court requesting subpoenas. Exhibit 42 is a true and correct copy of the cover letter. There was no response.

130. On March 11, 2011, Windsor filed a request for specific approval to file a power of attorney. (Exhibit 1 Doc. 132.) Exhibit 43 is a true and correct copy of this request.

131. On March 16, 2011, Judge Duffey entered an order refusing to allow a motion for reconsideration to be filed. (Exhibit 1 Doc.134.) Exhibit 44 is a true and correct copy of this order.

132. On March 16, 2011, Judge Duffey issued an order denying the request for specific approval to file a motion with the power of attorney. (Exhibit 1 Doc.135.) Judge Duffey did not even allow the motion to be filed and issued a ruling when all Windsor had been allowed to file was a two-page request to file a motion. Exhibit 45 is a true and correct copy of this order. Judge Duffey's order cited case law that was not Georgia law and was not even from a federal court in the Eleventh Circuit. The Docket will reveal that Judge Duffey has repeatedly

issued substantive rulings against Windsor based upon 1 to 5-page requests rather than allow the motions to be properly briefed and argued. This is obstruction of justice.

133. According to Windsor's research, Georgia law is quite clear that a Power of Attorney may to be used as the Windsors planned. The model power of attorney forms provided online use the wording that says the power of attorney may be used for Windsor to file for his wife, BGW.

134. On March 22, 2011, Windsor sent a letter to Mr. Hatten's office requesting subpoenas. Exhibit 46 is a true and correct copy of the letter. There was no response.

135. On April 11, 2011, Barbara Windsor sent a notice of appeal to Mr. Hatten's office. The documents were received by Miss Sanders. Exhibit 47 is a true and correct copy of the cover letter and Notice of Appeal. Exhibit 48 is a true and correct copy of the delivery confirmation from Courier Connection.

136. The Court Docket in the BOGUS ACTION shows that this notice of appeal and motion were not filed. Exhibit 1 is a true and correct copy of the Court Docket. 44 days missing as of the filing of this Verified Complaint.

137. Judge Duffey entered an Order dated April 21, 2011 granting Plaintiffs' motion to compel. (Exhibit 1 Doc.152.) Exhibit 49 is a true and correct



copy of this order. This Order contains absolutely false statements by Judge Duffey (P.3¶2, P.3, footnote 1, P.5¶3). P.3¶2 is an outrage; Windsor provided absolute basis. P.3, footnote 1 is perjury by Judge Duffey and proof of corruption. P.5¶3 is a total outrage. Judge Duffey falsely and maliciously claims the documents produced were "heavily redacted" when 68 pages were provided with 1/3 of one page redacted, consisting solely of social security numbers and account numbers scattered throughout the 68 pages. The discovery requested includes the Windsor's social security numbers, all of the Windsor's personal health records for up to the past 11 years, account numbers and every financial detail with no protective order whatsoever as to the use of this information and disclosure to the public.

138. Judge Duffey ignored the FRCP, Local Rules, and case law. Judge Duffey had no legal, factual, ethical, or moral basis to grant the motion to compel. Judge Duffey has apparent plans to award attorneys' fees to MOTM and Steamboat despite the proven fact that Windsor and BGW had long since agreed to provide the discovery and had provided a response to the discovery before Judge Duffey entered the order granting the motion to compel. Judge Duffey did not have jurisdiction. Judge Duffey failed to provide any legal authority to indicate that the BOGUS ACTION is a valid civil action. Judge Duffey corruptly denied

the rights of due process. Judge Duffey ignored most of the points in Windsor's response to the motion to compel.

139. On April 21, 2011 Judge Duffey entered an Order directing the Clerk to return BGW's Notice of Appeal that had been hidden and never docketed since it was received on April 11, 2011. (Exhibit 1 Doc.151.) Exhibit 50 is a true and correct copy of this order.

140. On April 28, 2011, BGW sent a notice of appeal and a request for specific approval to file a motion for stay to Mr. Hatten's office. This was the April 11 submission with BGW's signature added. The documents were received by Ms. White. Exhibit 51 is a true and correct copy of the cover letter and Notice of Appeal. Exhibit 52 is a true and correct copy of the delivery confirmation from Courier Connection.

141. The Court Docket in the BOGUS ACTION shows that this notice of appeal and motion have not been filed. Exhibit 1 is a true and correct copy of the Court Docket. 22 days missing as of the filing of this Verified Complaint. BGW has presented Mr. Hatten's office with three notices of appeal since November 2010, and none of these have been filed by the staff of the Clerk of the Court. BGW has thus been denied the protection of an appeal and has been denied the right to petition the Eleventh Circuit for relief from the wrongful actions of Judge

Duffey. As a result, BGW has now been forced to provide documents that her appeal would have stayed.

142. On May 3, 2011, Windsor sent a letter to Mr. Hatten's office requesting subpoenas. Exhibit 53 is a true and correct copy of the letter. There was no response.

143. On May 4, 2011, Judge Duffey expressed that he was not recognizing a stay, and he ordered BGW and Windsor to produce documents by May 13, 2011. (Exhibit 1 Doc. 158.) He instructed Maid's Attorney to document the amount of money they had spent on legal fees to compel production. Exhibit 54 is a true and correct copy of this order. Judge Duffey plans to award legal fees for the motion to compel that was illegally filed after the Windsors had long since agreed to provide the discovery.

144. On May 6, 2011, Windsor filed a request for specific approval to file a motion for recusal. (Exhibit 1 Doc.161.) Judge Duffey denied the request to allow Windsor to file his motion on May 9, 2011 (Exhibit 1 Doc.165). Judge Duffey has no legal basis to deny a motion to recuse.

145. On May 6, 2011, Windsor sent a letter to Mr. Hatten's office requesting subpoenas. Exhibit 55 is a true and correct copy of the letter. There was no response.

146. On May 10, 2011, Windsor sent a notice of appeal and a request for specific approval to file a motion for stay to Mr. Hatten's office. The cover letter is Exhibit 56. (Exhibit 1 Doc. 167.)

147. When Windsor submitted motions to be filed with the Eleventh Circuit on May 10, 2011, the motions were returned saying there was no such appeal. Exhibit 57 is a true and correct copy of the letter from the Eleventh Circuit and copies of some of the pages to show the document presented for filing was an Emergency Motion on the appeal filed that same date. Either the staff in the District Court Clerk's office never sent the appeal documents to the Eleventh Circuit, or the staff in the Clerk's Office at the Eleventh Circuit is lying.

148. Judge Duffey has accused Windsor of forgery. Windsor never forged anything. Judge Duffey also seems to be accusing Windsor of the unauthorized practice of law, but Windsor has done no such thing. Judge Duffey is planning to schedule a hearing to address these issues, yet he has refused to grant Windsor the due process protections provided by the Federal Rules of Criminal Procedure that Windsor demanded. Judge Duffey can and will do anything he wants to do, so this Court needs to protect Windsor from the actions of this racketeer.

149. On May 10, 2011, Windsor filed criminal charges against 11 federal judges in Fulton County. The Fulton County Grand Jury is currently considering

the charges made by Windsor seeking criminal indictments against Judges Orinda D. Evans, William S. Duffey, Dubina, Edmondson, Carnes, Barkett, Hull, Pryor, Marcus, Black, and Tjoflat.

150. On May 12, 2011, Windsor was notified by a known radio talk show host that a federal prisoner was approached by the U.S. government with a deal to infiltrate organizations of people battling government corruption, and the assassination of Windsor was mentioned.

151. On May 17, 2011 at 2:03 pm EDT, Windsor entered the Office of the Clerk of the United States District Court for the Northern District of Georgia, 75 Spring Street, 22<sup>nd</sup> Floor, Atlanta, Fulton County Georgia 30303. Windsor presented two letters to Chief Deputy Clerk Douglas J. Mincher requesting to access court records, to inspect, and to copy in cases 1:09-CV-01543-WSD, 1:09-CV-02027-WSD, and 1:06-CV-0714-ODE in the United States District Court for the Northern District of Georgia. Exhibits 58 and 59 are true and correct copies of the requests.

152. Mr. Mincher refused Windsor's request to stamp Windsor's copy of the letters "Received." Windsor was also denied access to any and all the records in his cases after politely requesting access to the court records to inspect and to copy.

153. This is a clear violation of Windsor's rights and the rules of the court.

154. Ms. White, Miss Sanders, Ms. Gutting, an unknown government employee with Mr. Mincher, and a man who appeared to be a pro se party making a filing with Miss Sanders all witnessed the interaction.

155. On May 18, 2011, Windsor discovered that the appeal of BGW that was sent to the clerk of the district court on April 28, 2011 had never been filed. The Windsors discovered this when an Emergency Motion for Stay was returned by the Eleventh Circuit claiming there was no appeal. Windsor has discovered that documents presented to Mr. Hatten's office for filing are not file stamped. Mr. Hatten's staff applies a post-it and then stamps the post-it. Upon information and belief, this allows the judges and Mr. Hatten's staff to avoid filing, change dates when needed, and more. This is obstruction of justice and a violation of due process. There is no order establishing such a procedure, and it certainly violates the rules.

156. On May 19, 2011, Windsor filed Fulton County Superior Court Case No. 2011CV200857, referenced and incorporated herein as if attached hereto. This is a declaratory judgment action seeking to have the Superior Court declare that a power of attorney in Georgia may give an agent the power to act for a party in legal matters.

157. Since 2006, federal court employees in Fulton County, Georgia have conspired to damage Windsor, and a number of civil and criminal violations have been committed.

158. Judge Evans began violating the law in 2006. Judge Duffey began violating the law in 2009. The violations continue today. There are entirely too many violations to begin to list them all in this Verified Complaint. This Court and the jury should be shocked and appalled to learn what these racketeers have done.

159. Orders have been issued By Judge Evans and Judge Duffey that have ignored the facts, ignored the law, cited erroneous case law, cited case law that does not support the subject of the citation. Orders have been issued that contained false statements and perjury. Both judges have sanctioned and suborned perjury by MOTM, Steamboat, and Anderson. Many violations and crimes have been committed in the process.

160. Upon information and belief, these judges could not act alone in this wrongdoing. Windsor believes the law clerks of Judge Evans and Judge Duffey had to be involved. Upon information and belief, Jane Doe 1, 2, 3, 4, 5, and John Doe 1 and 2, law clerks for Judge Evans and Judge Duffey, were involved in

preparing improper orders used to damage Windsor. Staff in the clerks' offices and judges' staff have clearly been involved.

**FIRST CAUSE OF ACTION**

**Violation of Georgia RICO Act – O.C.G.A. 16-14-1 et seq**

161. The allegations in paragraphs 42 through 160 above are incorporated herein by reference as if set forth in full.

162. The conduct of Defendants violates the Georgia Racketeer Influenced and Corrupt Organizations Act, O.C.G.A. § 16-14-1 et seq ("Georgia RICO"), as more fully set forth below.

163. Defendants have engaged in an ongoing pattern of racketeering activity as defined by O.C.G.A. § 16-14-3.

164. Defendants knowingly devised or participated in a scheme to defraud Windsor. They did so willingly with an intent to defraud. Defendants used the U.S. mails and wire for the purpose of executing the scheme.

165. The activity engaged in by Defendants consists of two or more predicate acts of racketeering activity, the most recent of which occurred within four years after the commission of a prior act of racketeering activity.

166. The activity engaged in by Defendants had the same or similar purposes, results, participants, victims, or methods of commission, or is otherwise



interrelated by distinguishing characteristics and are not isolated events.

167. O.C.G.A. 16-14-3. "Racketeering activity" means to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit any crime which is chargeable by indictment under these and other laws of this state: (xvi) Code Section O.C.G.A. 16-10-94, relating to Tampering with Evidence; (xxix) Any conduct defined as "racketeering activity" under 18 U.S.C. § 1961 (1)(A), (B), (C), and (D). "Racketeering activity" shall also mean any act or threat involving obstruction of justice.

168. The racketeering activity of Defendants includes a pattern of Obstruction of Justice; Tampering with Evidence pursuant to O.C.G.A. 16-10-94; Perjury – Violation of O.C.G.A. 16-10-70; Subornation of Perjury – Violation of O.C.G.A. 16-10-72, and O.C.G.A. 16-10-93; Theft by Deception - O.C.G.A. 16-8-3.

169. Defendants have committed numerous violations of predicate acts as part of the pattern of racketeering activity. Defendants have denied Windsor's Constitutional rights so as to obstruct justice. Defendant judges have ignored the facts, ignored the law, cited erroneous case law, cited case law that does not support the subject of the citation. Orders have been issued that contained false statements and perjury. Judges have sanctioned and suborned perjury by MOTM, Steamboat, and Anderson. This has been done to obstruct justice. Defendants

have denied Windsor's access to the courts to obstruct justice. Judge Dubina and Judge Julie Carnes ignored the wrongdoing of Judge Evans and Judge Duffey to sanction obstruction of justice. The BOGUS ACTION was manufactured to obstruct justice and damage Windsor. Documents and evidence presented to Mr. Hatten's office and Mr. Ley's office have intentionally disappeared --n tampering with evidence. Upon information and belief, documents and evidence have been tampered with. Upon information and belief, docket entries have been entered and changed to obstruct justice. A judgment and writ of execution were entered to obstruct justice and damage Windsor. Windsor has been repeatedly denied subpoenas to obstruct justice. Windsor has been denied the ability to obtain testimony from others so as to obstruct justice. Mr. Hatten and Mr. Ley have ignored communications from Windsor so as to obstruct justice. Windsor has been denied copies of his court records so as to obstruct justice. A variety of actions have been taken by defendants to obstruct justice and shield Judge Evans and Judge Duffey from potential indictment and impeachment. Judges have committed perjury. Documents have been concealed to obstruct justice. Laws and rules have been violated to obstruct justice. Orders have been issued to obstruct justice. Valid motions have been denied to obstruct justice. The right to file motions has been denied to obstruct justice. Windsor has been denied the ability to serve as an

agent for his wife pursuant to a power of attorney to obstruct justice. Windsor has been libeled to obstruct justice. Judges have refused to recuse themselves to obstruct justice. Judge Duffey falsely claimed documents were not provided to him so he could obstruct justice and damage Windsor. Judges have claimed Windsor's appeals have been frivolous to obstruct justice. Judges have not properly handled various filings to obstruct justice. Judges ignore emergency motions to obstruct justice. The appeals of Windsor and BGW are not processed promptly or at all to obstruct justice. Judge Duffey issued an order to compel to obstruct justice and damage Windsor. Defendants have failed to file civil actions presented by Windsor for filing in order to obstruct justice. Mr. Hatten's staff has given false information to Windsor to obstruct justice. Judges have issued various orders to obstruct justice. Judge Duffey and Judge Evans have refused to honor case law that established binding precedents on what happens when an appeal is filed; this has been done to obstruct justice. Mr. Hatten and/or his staff have taken money from Windsor and BGW for services and have failed to provide the services. BGW's filings have been held for as long as 68 days to obstruct justice. Judge Duffey is accusing Windsor of violating court orders, committing forgery, and committing the unauthorized practice of law for the purpose of damaging Windsor and to obstruct justice. It is possible that one or more of the Defendants

may be attempting to have Windsor killed to obstruct justice. Someone has directed Mr. Hatten and his staff and Mr. Ley and his staff to commit various acts that violate Windsor's rights and obstruct justice.

170. The "pattern of racketeering activity" consisted of many incidents of racketeering activity that have the same or similar intents, results, accomplices, victims, and methods of commission and are interrelated by distinguishing characteristics.

171. The acts of racketeering activity committed by Defendants have the same or similar methods of commission in that they involve the various aspects of committing fraud in legal matters, including obstruction of justice, perjury, false statements in orders, improper claims of law and case law, and more.

172. The acts of racketeering activity committed by Defendants have the same or similar objective: commit fraud upon the courts and upon Windsor and his wife.

173. The acts of racketeering activity committed by Defendants have the same or similar victims, including William M. Windsor, Barbara G. Windsor, Alcatraz Media, LLC, and Alcatraz Media, Inc. Upon information and belief, the acts of racketeering activity have affected others who have been parties to civil actions in the N.D.Ga. and the Eleventh Circuit, including, upon information and

belief, James Steadman, Janet McDonald, and Jeff Goolsby.

174. The acts of racketeering activity committed by Defendants are otherwise related by distinguishing characteristics including, but not limited to, the involvement of obstruction of justice.

175. The racketeering acts are related. The racketeering acts have the same or similar purposes, results, participants, victims, and/or methods of commission and are otherwise interrelated by distinguishing characteristics and are not isolated events.

176. Defendants' acts of racketeering activity involve a distinct threat of long-term racketeering activity.

177. This activity has continued for years, is ongoing at the present time, and will continue into the future with a threat of repetition unless halted by judicial intervention.

178. Defendants' actions appear to be part of a regular way of conducting business.

179. Defendants were aware of the general existence and nature of the enterprise, that it extended beyond each person's individual role, and with that awareness participated in, aided, or furthered the enterprise's activities or had an ownership interest in the enterprise.

180. Each Defendant has participated in the operation and/or management of the affairs of an enterprise.

181. The actions of the judges in engaging in the conspiracy are not part of a function normally performed by a judge, and thus are non-judicial. Judges do not have immunity for non-judicial acts.

182. The association of Defendants constitutes an enterprise. The enterprise is composed of groups of individuals and entities associated in fact although not a legal entity.

183. The enterprise was established and maintained for the purpose of committing illegal acts.

184. Defendants' violations of the Georgia RICO Act proximately have caused Windsor to suffer injury to his property.

185. Windsor has been injured by reason of Defendants' violation of O.C.G.A. 16-14-4(a) and is entitled to recover three times the actual damages sustained and his costs of suit including reasonable attorneys' fees, filing fees, court reporter costs, printing, mailing, shipping, legal research, and miscellaneous expenses.

186. In addition, Defendants' actions showed willful misconduct, malice, fraud, wantonness, oppression and an entire want of care that raises the

presumption of conscious indifference to consequences and specific intent to cause harm, entitling Windsor to receive punitive damages sufficient to deter, penalize, or punish Defendants in light of the circumstances of the case.

187. Under O.C.G.A. § 51-12-5.1(b), punitive damages may be awarded in such tort actions in which it is proven by clear and convincing evidence that Defendants' actions showed willful misconduct, malice, fraud, wantonness, oppression, and that entire want of care which raises the presumption of conscious indifference to consequences.

188. Windsor is also an aggrieved person within the meaning of O.C.G.A. § 16-14-6(b). As a result, Windsor is entitled to appropriate preliminary and permanent injunctive relief.

189. Pursuant to O.C.G.A. § 16-14-6(a), Windsor asks this Court to issue appropriate orders and judgment requiring Defendants to cease their illegal conduct and impose reasonable restrictions upon Defendants' future activities sufficient to prohibit future violations of the law.

190. Defendants' violations of the Georgia RICO Act were intended to and did in fact subvert the legal and judicial process in MIST-1, the BOGUS ACTION, and MIST-2.

191. The tortious conduct of Defendants demonstrated an indifference to and a reckless disregard for Windsor. The conduct involved repeated actions. The harm was the result of intentional malice, trickery, and deceit.

192. Defendants are guilty of violation of the Georgia RICO Act.

### **SECOND CLAIM FOR RELIEF**

#### **Fraud**

193. The allegations in paragraphs 42 through 192 above are incorporated herein by reference as if set forth in full.

194. Defendants HAVE intentionally misstated material facts and omitted material facts. They knew their statements were false, or they had a reckless disregard for the truth.

195. The Defendants committed fraud.

196. The Plaintiff was damaged as a result.

### **THIRD CLAIM FOR RELIEF**

#### **Conspiracy**

197. The allegations in paragraphs 42 through 196 above are incorporated herein by reference as if set forth in full.

198. Upon information and belief, Defendants reached agreement to commit overt acts and undertake a variety of actions designed to damage the



Plaintiff.

199. Upon information and belief, Defendants were knowing-participants in the conspiracy, had knowledge of the relevant circumstances and of the agreement made.

200. Upon information and belief, Defendants, in some way or manner, came to a mutual understanding to try to accomplish this common and unlawful plan; these defendants, knowing the unlawful purpose of the plan, willfully joined in it; during the existence of the conspiracy, at least one of the defendants knowingly committed at least two of the overt acts.

201. The Plaintiff was damaged as a result.

#### **FOURTH CLAIM FOR RELIEF**

##### **Breach of Legal Duty – O.C.G.A. 51-1-6**

202. The allegations in paragraphs 42 through 201 above are incorporated herein by reference as if set forth in full.

203. O.C.G.A. 51-1-6 permits damages when no cause of action is given in express terms. This allows the Plaintiff to allege a private cause of action for violation of criminal statutes and misconduct referenced above.

204. Defendants breached their legal duties.

205. The Plaintiff was damaged as a result.

**FIFTH CLAIM FOR RELIEF**

**VIOLATION OF LAWS AND RULES PERTAINING TO JUDGMENTS**

206. The allegations in paragraphs 42 through 205 above are incorporated herein by reference as if set forth in full.

207. Georgia law applies relative to notice of appeal, supersedeas, and stay pertaining to judgments issued.

208. Mr. Hatten and the Clerk of the District Court violated Georgia law by issuing a judgment and a Writ of Execution, to enable liens to be illegally placed liens on Windsor's assets and his wife's assets. This has wrongfully damaged the Windsor's credit.

209. This enabled the Plaintiffs in the BOGUS ACTION to illegally placed liens on Windsor's assets and his wife's assets. This has wrongfully damaged The Windsor's credit. Judge Duffey allowed this wrongdoing to take place and did nothing to correct it. He did not even file some of Windsor's motions that were submitted to deal with this issue.

210. Someone in the Clerk's office at the United States District Court for the Northern District of Georgia allowed the judgment and writ to be illegally issued.

**SIXTH CLAIM FOR RELIEF**

**Abuse Of Process**

211. The allegations in paragraphs 42 through 210 above are incorporated herein by reference as if set forth in full.

212. Common law abuse of process is the use of the legal system for the improper and ulterior motive of halting Windsor's efforts to report and obtain action on corrupt and criminal acts, with the knowledge that important interests of every U.S. citizen would be adversely affected. The legal and judicial systems have been grossly abused to damage Windsor and shield judges from conviction and disbarment. There has been a perversion of the process. Windsor has been so abused that he has had to spend a fortune and devote most of his time in seeking justice.

**SEVENTH CLAIM FOR RELIEF**

**Violation of Constitutional Rights**

213. The allegations in paragraphs 42 through 212 above are incorporated herein by reference as if set forth in full.

214. The Defendants had a Constitutional duty to Windsor. The Defendants breached their Constitutional duties to Windsor through action and inaction.

215. The action and inaction of the Defendants in violating Windsor's Constitutional rights under color of law caused damage to Windsor.

216. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases, but Windsor has been denied an impartial judge.

217. Defendants have violated Windsor's rights under the First Amendment, Fourth Amendment, Fifth Amendment, Ninth Amendment, and Fourteenth Amendment to the U.S. Constitution.

218. Defendants have violated ARTICLE I SECTION I of the BILL OF RIGHTS of the Georgia Constitution, Paragraphs I, II, V, and IX.

### **EIGHTH CLAIM FOR RELIEF**

#### **New Law**

219. The allegations in paragraphs 42 through 218 above are incorporated herein by reference as if set forth in full.

220. Windsor must also argue for extending, modifying, or reversing existing law or for establishing new law. The whole idea of justice requires fairness, honesty, impartial judges. While it may be unusual to bring an action against federal judicial employees in Superior Court, the citizens of Georgia must have some means for corruption such as this to be dealt with so those involved may be held accountable. The federal court system in Fulton County is corrupt and cannot be expected to police itself.

**PRAYER FOR RELIEF**

WHEREFORE, there being no adequate remedy at law, Windsor prays for judgment in favor of Windsor and against the Defendants as follows:

**DECLARATORY RELIEF**

221. Declare that a writ of execution was illegally filed in Fulton County.

**INJUNCTIVE RELIEF**

222. Unless Defendants are enjoined from certain acts, Windsor will continue to suffer immediate and irreparable harm. The harm suffered by Windsor far exceeds any inconvenience that would be caused on these defendants. The equities clearly balance in Windsor's favor. Windsor has no adequate remedy at law.

223. Windsor is entitled to a Temporary Restraining Order, interlocutory, and permanent injunctive relief:

- a. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from issuing Writs of Execution in Georgia without proper issuance and notice of judgments.
- b. that Defendant Judge William S. Duffey be temporarily RESTRAINED and preliminarily and permanently enjoined from further actions in Civil Action 1:09-CV-01543-WSD, Civil Action

No. 1:09-CV-02027-WSD, or any other matter involving Windsor that violate the law and Windsor's rights, pending further order of the Court;

- c. that the Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from prohibiting any access to the courts by William M. Windsor or anyone working with him or on his behalf and are RESTRAINED from enforcing any injunctions or filing restrictions issued in the United States District Court for the Northern District of Georgia or the United States Court of Appeals for the Eleventh Circuit, pending further order of the Court;
- d. that all Defendants be hereby temporarily RESTRAINED and preliminarily and permanently enjoined from destroying any evidence or erasing or modifying any information on any computers relevant in any way to the Plaintiff, Alcatraz Media, LLC, Alcatraz Media, Inc., or any of the Defendants related to Civil Action No. 1:06-CV-0714-ODE, Civil Action No. 1:09-CV-01543-WSD, or Civil Action No. 1:09-CV-02027-WSD in the United States District Court for the Northern District of Georgia, pending further order of the Court;

- e. that the Defendants shall be prohibited from engaging in the same type of endeavor as the enterprise in which engaged in violation of Code Section 16-14-4; and
- f. that the enterprise be dissolved.

224. Windsor is an aggrieved person within the meaning of O.C.G.A. § 16-14-6(b). As a result, Windsor is entitled to appropriate preliminary and permanent injunctive relief.

#### **COMPENSATORY DAMAGES**

225. Windsor should recover actual damages from the Defendants, the amount of which is still accruing.

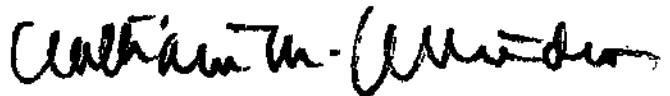
#### **PUNITIVE DAMAGES**

226. The Defendants' conduct as described above is willful, wanton, wicked, intentional, and malicious resulting from fraud, insult, and malice, and it is associated with aggravating circumstances, including willfulness, wantonness, malice, oppression, outrageous conduct, insult, and fraud, thus warranting Windsor's recovery of punitive damages from the Defendants, to be determined by the trier of fact. O.C.G.A. 51-12-5.1 authorizes punitive damages. Windsor should receive an award of punitive damages.

#### **EXPENSES OF LITIGATION**

227. The Defendants have acted in bad faith and have caused Windsor unnecessary trouble and expense, justifying an award of expenses of litigation from the Defendants, in an amount to be proven at trial. Windsor is entitled to an award of attorneys' fees pursuant to O.C.G.A. 13-6-11. Since punitive damages are appropriate, counsel fees, paralegal fees, deposition costs, and litigation fees can be taken into consideration when estimating the foregoing punitive damages. Windsor prays that he be awarded expenses of litigation.

This 20th day of May, 2011.



---

WILLIAM M. WINDSOR

Pro Se

PO Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)



**DEMAND FOR JURY TRIAL**

Windsor hereby demands a trial by jury.

This 20th day of May, 2011.



---

WILLIAM M. WINDSOR

Pro Se

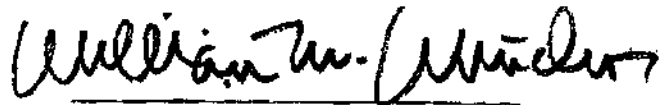
PO Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**VERIFICATION OF WILLIAM M. WINDSOR**

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, William M. Windsor, who after being duly sworn deposes and states that he is authorized to make this verification on behalf of himself and that the facts alleged in the foregoing VERIFIED COMPLAINT are true and correct based upon his personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

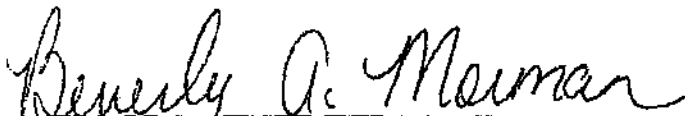
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 20th day of May, 2011.



William M. Windsor

Sworn and subscribed before me this 20th day of May, 2011.

  
Notary Public



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

WILLIAM M. WINDSOR, )

Plaintiff, )

v. )

JAMES N. HATTEN, Anniva Sanders, J. White, )  
B. Gutting, Margaret Callier, B. Grutby, )  
Douglas J. Mincher, Jessica Birnbaum, )  
Judge William S. Duffey, Judge Orinda D. )  
Evans, Judge Julie E. Carnes, John Ley, )  
Judge Joel F. Dubina, Judge Ed Carnes, )  
Judge Rosemary Barkett, Judge Frank M. )  
Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, )  
Jane Doe 4, Jane Doe 5, John Doe 1, )  
John Doe 2, and Does 8 to 1000, )

Defendants. )

CIVIL ACTION NO.

\_\_\_\_\_

**CERTIFICATION**

Pursuant to 28 U.S.C. § 2679, by virtue of the authority vested in me by the Assistant Attorney General under 28 C.F.R. §§ 15.3 and 15.4, I hereby certify that:

(1) I have reviewed the Complaint in this action;

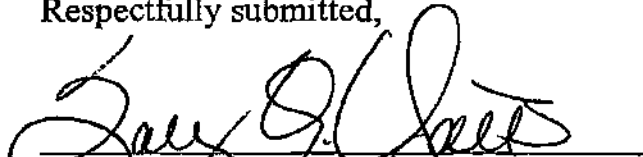
(2) On the basis of the information now available, with respect to the matters referred to in the Complaint, defendants James N. Hatten, Douglas J. Mincher, Anniva Sanders, Joyce White, Beverly Gutting, Margaret Callier and Jessica Birnbaum were acting within the scope of their employment with the Clerk of the Court for the United States District Court, Northern



District of Georgia at all times relevant to this action.

This 13<sup>th</sup> day of June, 2011.

Respectfully submitted,



SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY

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

WILLIAM M. WINDSOR, )

Plaintiff, )

v. )

JAMES N. HATTEN, Anniva Sanders, J. White, )  
B. Gutting, Margaret Callier, B. Grutby, )  
Douglas J. Mincher, Jessica Birnbaum, )  
Judge William S. Duffey, Judge Orinda D. )  
Evans, Judge Julie E. Carnes, John Ley, )  
Judge Joel F. Dubina, Judge Ed Carnes, )  
Judge Rosemary Barkett, Judge Frank M. )  
Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, )  
Jane Doe 4, Jane Doe 5, John Doe 1, )  
John Doe 2, and Does 8 to 1000, )

Defendants. )

CIVIL ACTION NO. \_\_\_\_\_

**ORDER**

This matter having been removed to the Court by the United States Attorney for the Northern District of Georgia upon the filing of a Notice of Removal of the case styled William M. Windsor v. James M. Hatten, Anniva Sanders, J. White, B. Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, John Ley, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge

Frank M. Hull, Jane Doe 1, Jane Doe 2, Jane Doe 3, Jane Doe 4, Jane Doe 5, John Doe 1, John Doe 2, and Does 8 to 1000, Fulton County Superior Court Civil Action File No. 2011cv200971, now pending in the Superior Court of Fulton County, Georgia, in accordance with 28 U.S.C. § 1442, pursuant to the provisions of 28 U.S.C. § 1447(b), as amended, it is hereby ORDERED:

The Clerk of the Superior Court of Fulton County, Georgia is hereby ORDERED to deliver forthwith to the Clerk of this Court, located at United States Courthouse, 2200 Richard B. Russell Federal Building, 75 Spring St., S.W., Atlanta, Georgia 30303, one (1) complete certified copy of the entire record herein to date in the above-referenced case.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

UNITED STATES DISTRICT JUDGE

Submitted by:

/s/Christopher J. Huber  
Assistant U.S. Attorney

JS44 (Rev. 1/08 NDGA)

**CIVIL COVER SHEET**

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

**I. (a) PLAINTIFF(S)**

WILLIAM M. WINDSOR

**DEFENDANT(S)**

JAMES N. HATTEN, ET. AL.

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** Cobb  
(EXCEPT IN U.S. PLAINTIFF CASES)

**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT** FULTON  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**(c) ATTORNEYS** (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)

PRO SE

**ATTORNEYS** (IF KNOWN)

CHRISTOPHER J. HUBER  
Asst. U.S. Attorney  
600 U.S. Courthouse, 75 Spring Street  
Atlanta, Georgia 30303

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. GOVERNMENT PLAINTIFF
- 2 U.S. GOVERNMENT DEFENDANT
- 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
- 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (FOR DIVERSITY CASES ONLY)

- |                                       |                                       |   |                            |                            |   |
|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|---|
| PLF                                   | DEF                                   |   | PLF                        | DEF                        |   |
| <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | CITIZEN OF THIS STATE                   | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE     |
| <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | CITIZEN OF ANOTHER STATE                | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | FOREIGN NATION  |

**IV. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- 1 ORIGINAL PROCEEDING
- 2 REMOVED FROM STATE COURT
- 3 REMANDED FROM APPELLATE COURT
- 4 REINSTATED OR REOPENED
- 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)
- 6 MULTIDISTRICT LITIGATION
- 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT

**V. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679

**(IF COMPLEX, CHECK REASON BELOW)**

- 1. Unusually large number of parties.
- 2. Unusually large number of claims or defenses.
- 3. Factual issues are exceptionally complex.
- 4. Greater than normal volume of evidence.
- 5. Extended discovery period is needed.
- 6. Problems locating or preserving evidence.
- 7. Pending parallel investigations or actions by government.
- 8. Multiple use of experts.
- 9. Need for discovery outside United States boundaries.
- 10. Existence of highly technical issues and proof.

**CONTINUED ON REVERSE**

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ MAG. JUDGE (IFP) \_\_\_\_\_  
 JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_ NATURE OF SUIT \_\_\_\_\_ CAUSE OF ACTION \_\_\_\_\_  
 (Referral)

**VI. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

**CONTRACT - "0" MONTHS DISCOVERY TRACK**

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

**CONTRACT - "4" MONTHS DISCOVERY TRACK**

- 110 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

**REAL PROPERTY - "4" MONTHS DISCOVERY TRACK**

- 210 LAND CONDEMNATION
- 210 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

**TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK**

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

**TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK**

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

**BANKRUPTCY - "0" MONTHS DISCOVERY TRACK**

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

**CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK**

- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ACCOMMODATIONS
- 444 WELFARE
- 440 OTHER CIVIL RIGHTS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other

**IMMIGRATION - "0" MONTHS DISCOVERY TRACK**

- 462 NATURALIZATION APPLICATION
- 463 HABEAS CORPUS- Alien Detainee
- 465 OTHER IMMIGRATION ACTIONS

**PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK**

- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se

**PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK**

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

**FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK**

- 610 AGRICULTURE
- 620 FOOD & DRUG
- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 630 LIQUOR LAWS
- 640 R.R. & TRUCK
- 650 AIRLINE REGS.
- 660 OCCUPATIONAL SAFETY / HEALTH
- 690 OTHER

**LABOR - "4" MONTHS DISCOVERY TRACK**

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 730 LABOR/MGMT. REPORTING & DISCLOSURE ACT
- 740 RAILWAY LABOR ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

**PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK**

- 820 COPYRIGHTS
- 840 TRADEMARK

**PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK**

- 830 PATENT

**SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK**

- 861 HIA (1395(f))
- 862 BLACK LUNG (823)
- 863 DIWC (405(g))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

**FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK**

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

**OTHER STATUTES - "4" MONTHS DISCOVERY TRACK**

- 400 STATE REAPPORTIONMENT
- 430 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 810 SELECTIVE SERVICE
- 875 CUSTOMER CHALLENGE 12 USC 3410
- 891 AGRICULTURAL ACTS
- 892 ECONOMIC STABILIZATION ACT
- 893 ENVIRONMENTAL MATTERS
- 894 ENERGY ALLOCATION ACT
- 895 FREEDOM OF INFORMATION ACT
- 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
- 950 CONSTITUTIONALITY OF STATE STATUTES
- 890 OTHER STATUTORY ACTIONS

**OTHER STATUTES - "8" MONTHS DISCOVERY TRACK**

- 410 ANTI-TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

**OTHER STATUTES - "0" MONTHS DISCOVERY TRACK**

- ARBITRATION (Confirm / Vacate / Order / Modify)

(Note: Mark underlying Nature of Suit as well)

**\* PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF CLASS ACTION UNDER F.R.Cv.P. 23 DEMAND \$ \_\_\_\_\_

JURY DEMAND  YES  NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

**VIII. RELATED/REFILED CASE(S) IF ANY**

JUDGE Evans & Duffey

1:06-CV-0714-ODE

DOCKET NO. 1:09-CV-1543-WSD & 1:09-CV-2027-WSD

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):
- 7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. \_\_\_\_\_, WHICH WAS DISMISSED. This case  IS  IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

DATE

*Evans & Duffey*

6-13-2011



# **Exhibit**

# **2**

4months, SUBMDJ

**U.S. District Court**  
**Northern District of Georgia (Atlanta)**  
**CIVIL DOCKET FOR CASE #: 1:11-cv-01923-TWT**

Windsor v. Hatten et al  
Assigned to: Judge Thomas W. Thrash, Jr  
Case in other court: Superior Court of Fulton County,  
Georgia, 2011CV200971  
Cause: 28:1443(1)Removal from State Court - Civil Rights

Date Filed: 06/13/2011  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government  
Defendant

**Plaintiff**

**William M. Windsor**

represented by **William M. Windsor**  
P. O. Box 681236  
Marietta, GA 30068  
770-578-1094  
Fax: 770-234-4106  
PRO SE

V.

**Defendant**

**James N. Hatten**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
U.S. Attorneys Office - ATL  
Assistant United States Attorney,  
Criminal Division  
600 Richard Russell Building  
75 Spring Street, S.W.  
Atlanta, GA 30303  
(404) 581-6292  
Email: [chris.huber@usdoj.gov](mailto:chris.huber@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Anniva Sanders**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**J. White**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**B. Gutting**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Margaret Callier**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**B. Grutby**

**Defendant**

**Douglas J. Mincher**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jessica Birnbaum**

*TERMINATED: 06/13/2011*

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Judge William S. Duffey**

**Defendant**

**Judge Orinda D. Evans**

**Defendant**

**Judge Julie E. Carnes**

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Ley**

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Judge Joel F. Dubina**

**Defendant**

**Judge Ed Carnes**

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Judge Rosemary Barkett**

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Judge Frank M. Hull**

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jane Doe 1**

**Defendant**

**Jane Doe 2**

**Defendant**

**Jane Doe 3**

**Defendant**

**Jane Doe 4**

**Defendant**

**Jane Doe 5**

**Defendant**

**John Doe 1**

**Defendant**

**John Doe 2**

**Defendant**

**Does 8 to 1000**

**Defendant**

**United States**

represented by **Christopher J. Huber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text

06/13/2011	<u>1</u>	NOTICE OF REMOVAL with COMPLAINT filed by James N. Hatten, Douglas J. Mincher, J. White, Jessica Birnbaum, B. Gutting, Anniva Sanders, Margaret Callier. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Attachments: # <u>1</u> Exhibit A - Complaint, # <u>2</u> Exhibit B - Certification, # <u>3</u> Text of Proposed Order, # <u>4</u> Civil Cover Sheet) (dfb) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 06/13/2011)
06/13/2011	<u>2</u>	MOTION for Extension of Time File Responsive Pleading or Motion and Brief in Support with Brief In Support by Rosemary Barkett, Jessica Birnbaum, Margaret Callier, Ed Carnes, Julie E. Carnes, James N. Hatten, Frank M. Hull, John Ley, Douglas J. Mincher, Anniva Sanders, J. White, William M. Windsor, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Huber, Christopher) Modified on 6/16/2011 in order to update docket text (ank). (Entered: 06/13/2011)
06/13/2011	<u>3</u>	NOTICE by United States of <i>Substituion of United States as Defendant</i> (Attachments: # <u>1</u> Exhibit A)(Huber, Christopher) (Entered: 06/13/2011)
06/13/2011	<u>4</u>	MOTION for Protective Order with Brief In Support by United States. (Attachments: # <u>1</u> Brief Memorandum of Points and Authorities in Support of Motion for a Protective Order, # <u>2</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/14/2011	<u>5</u>	Certificate of Interested Persons and Corporate Disclosure Statement, by William M. Windsor. (rvb) (Entered: 06/15/2011)
06/14/2011	<u>6</u>	RESPONSE re <u>4</u> MOTION for Protective Order, filed by William M. Windsor. (Attachments: # <u>1</u> Exhibit A)(rvb) (Entered: 06/15/2011)
06/14/2011	<u>7</u>	MOTION to Deny Removal, Emergency MOTION for Discovery, MOTION for Hearing, by William M. Windsor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(rvb) (Entered: 06/15/2011)
06/15/2011	<u>10</u>	Letter from William M. Windsor requesting subpoenas. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>11</u>	Letter from William M. Windsor regarding his notice of filings and motions. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>12</u>	NOTICE of Filing of Emergency Motion for this Court to Enter Order on Emergency Motion for Leave of Court to Conduct Discovery Filed May 31, 2011 in Fulton County Superior Court by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>13</u>	Emergency MOTION for this Court to Enter Order on Emergency Motion for Leave of Court to Conduct Discovery Filed May 31, 2011 in Fulton County Superior Court by William M. Windsor. (dfb) (Entered: 06/16/2011)

06/15/2011	<u>14</u>	NOTICE Of Filing of Plaintiff's Emergency Motion for the Court to Order All Defendants to be Present to Testify at the Removal Hearing by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>15</u>	Emergency MOTION for the Court to Order All Defendants to Be Present to Testify at the Removal Hearing by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>16</u>	NOTICE Of Filing of Request for Specific Approval to File Motion to Approve Evidence by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>17</u>	MOTION to Approve Evidence by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>18</u>	NOTICE Of Filing of Motion for CM/ECF Password by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>19</u>	MOTION for CM/ECF Password by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>20</u>	NOTICE Of Filing of Motion to Require Sworn Verification with All Filings by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>21</u>	MOTION to Require Sworn Verifications with All Filings by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>22</u>	NOTICE Of Filing of Motion for Protection from Judge Orinda D. Evans by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>23</u>	MOTION for Protection from Judge Orinda D. Evans by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>24</u>	NOTICE Of Filing of Motion for Protection from Judge William S. Duffey by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>25</u>	MOTION for Protection from Judge William S. Duffey by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>26</u>	NOTICE Of Filing of Motion to Disqualify Sally Quillian Yates, Christopher Huber, and the U.S. Attorney's Office by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>27</u>	MOTION to Disqualify Sally Quillian Yates, Christopher Huber, and the U.S. Attorney's Office by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>28</u>	Letter from William M. Windsor enclosing three (3) Notices of Filings. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>29</u>	NOTICE Of Filing of Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>30</u>	NOTICE Of Filing of Motion to Deny Removal, and Emergency Motion for Discovery and Hearing by William M. Windsor. (dfb) (Entered: 06/16/2011)

06/15/2011	<u>31</u>	NOTICE Of Filing of Response to the Defendants' Motion for a Protective Order by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>32</u>	Letter from William M. Windsor requesting copies of all Notices of Electronic Filing. (dfb) (Entered: 06/16/2011)
06/16/2011	<u>8</u>	Notice for Leave of Absence for the following date(s): July 5, 6, 7, 8, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 06/16/2011)
06/16/2011		Submission of 4 MOTION for Protective Order, submitted to District Judge Thomas W. Thrash. (ss) (Entered: 06/16/2011)
06/16/2011	<u>9</u>	ORDER that the <u>2</u> Motion for Extension of Time is GRANTED. The Defendants referenced in this Order shall not be required to answer or otherwise respond to the Complaint until 30 days after the U.S. Dept of Justice has rendered its determination on all of the Federal Defendants' Representation requests. Signed by Judge Thomas W. Thrash, Jr on 6/16/2011. (ank) (Entered: 06/16/2011)
06/16/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>9</u> Order (ank) (Entered: 06/16/2011)
06/17/2011		Clerks Notation re <u>8</u> Leave of Absence July 5, 6, 7, 8, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates. (ss) (Entered: 06/17/2011)
06/17/2011	<u>33</u>	ORDER granting the United States' <u>4</u> Motion for Protective Order. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court. Signed by Judge Thomas W. Thrash, Jr. on 06/17/2011. (dfb) (Entered: 06/17/2011)
06/17/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>33</u> Order on Motion for Protective Order. (dfb) (Entered: 06/17/2011)
06/17/2011	<u>34</u>	NOTICE Of Filing Emergency Motion for Temporary Restraining Order and Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>35</u>	NOTICE Of Filing Emergency Motion for Reconsideration of Order Granting an Extension of Time to File Responsive Pleading or Motion, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>36</u>	NOTICE Of Filing of Response to the Federal Defendants' Motion for an Extension of Time to File Responsive Pleading or Motion and Motion to Strike,

		by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>37</u>	Emergency MOTION for Temporary Restraining Order, MOTION for Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>38</u>	MOTION for Reconsideration re <u>9</u> Order on Motion for Extension of Time, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>39</u>	RESPONSE re <u>2</u> MOTION for Extension of Time to File Responsive Pleading or Motion and Motion to Strike, filed by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/22/2011	<u>40</u>	Emergency MOTION for Protective Order <i>Seeking Modification of Protective Order</i> with Brief In Support by United States. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/22/2011)
06/22/2011	<u>41</u>	ORDER directing the Clerk to file the Plaintiff's Motion to Recuse Judge Thrash and refer it to another Judge pursuant to 28 U.S.C. 144. Signed by Judge Thomas W. Thrash, Jr on 6/22/11. (dr) (Entered: 06/23/2011)
06/23/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>41</u> Order (dr) (Entered: 06/23/2011)
06/23/2011	<u>42</u>	NOTICE of Filing of Request for Consent to file Plaintiff William M. Windsor's Emergency Motion to Recuse Judge Thomas Woodrow Thrash by William M. Windsor (dr) (Entered: 06/23/2011)
06/23/2011	<u>43</u>	EMERGENCY MOTION to Recuse Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011		Submission of <u>43</u> MOTION for Recusal, submitted to District Judge Amy Totenberg. (dr) (Entered: 06/23/2011)
06/24/2011	<u>44</u>	RESPONSE in Opposition re <u>43</u> MOTION for Recusal filed by United States. (Attachments: # <u>1</u> Exhibit 1)(Huber, Christopher) (Entered: 06/24/2011)
06/28/2011	<u>45</u>	NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) (Entered: 06/28/2011)
06/28/2011	<u>46</u>	REPLY to Response to <u>43</u> MOTION for Recusal filed by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	<u>47</u>	MOTION to Strike <u>44</u> Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	<u>48</u>	DOCUMENT FILED IN ERROR - NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) Modified on 6/28/2011 (dr). (Entered: 06/28/2011)
06/28/2011		Notification of Docket Correction re <u>48</u> Notice of Filing, which was FILED IN ERROR in the wrong case. (dr) (Entered: 06/28/2011)



06/30/2011	<u>49</u>	NOTICE Of Filing request for consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor (dr) (Entered: 06/30/2011)
06/30/2011	<u>50</u>	MOTION for Consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor. (dr) (Entered: 06/30/2011)
07/01/2011	<u>51</u>	MOTION for Leave to File Motion For Hearing Plaintiff William M. Windsor's MOTION For Certificate of Necessity and Assignment of Presiding Judge By the Chief Justice of The United States Supreme Court by William M. Windsor. (tcc) (Entered: 07/01/2011)
07/01/2011	<u>52</u>	NOTICE Of Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # <u>1</u> William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(tcc) (Entered: 07/01/2011)
07/01/2011	<u>53</u>	ORDER DENYING Plaintiff's motion to recuse <u>43</u> . For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity <u>50</u> and corresponding motion for a hearing filed July 1, 2011 <u>51</u> . The Court additionally DENIES Plaintiff's Motion to Strike <u>47</u> . Signed by Judge Amy Totenberg on 7/1/2011. (tcc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>53</u> Order. (tcc) (Entered: 07/01/2011)

PACER Service Center			
Transaction Receipt			
07/01/2011 22:08:37			
PACER Login:	wc3030	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-01923-TWT
Billable Pages:	6	Cost:	0.48

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

WILLIAM M. WINDSOR,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
James N. Hatten, et al	)	1:11-CV-01923-TWT
Defendants.	)	
<hr/>		

**NOTICE OF FILING OF MOTION FOR REMAND**

Plaintiff William M. Windsor hereby gives NOTICE OF FILING OF MOTION FOR REMAND, for consideration by the Court in connection with this matter.

This 5th day of July, 2011.



**William M. Windsor  
Pro Se**

PO Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: williamwindsor@bellsouth.net

**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.

This 5th day of July, 2011.



---

**William M. Windsor**  
**Pro Se**

PO Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**CERTIFICATE OF SERVICE**

I hereby certify that I served this NOTICE by fax and by depositing in the United States Mail with sufficient postage addressed as follows:

CHRISTOPHER J. HUBER  
ASSISTANT U.S. ATTORNEY  
Georgia Bar No. 545627  
600 Richard B. Russell Federal Bldg.  
75 Spring Street, S.W. -- Atlanta, Georgia 30303  
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181  
Email: chris.huber@usdoj.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 5th day of July, 2011.



---

William M. Windsor  
Pro Se

PO Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: williamwindsor@bellsouth.net