

# **Exhibit**

**1**

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

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

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

**NOTICE OF APPEAL**

Notice is hereby given that Defendant William M. Windsor (“Windsor”) in the above-named case hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the order issued on September 23, 2010 [Exhibit A]. This appeal is necessary due to the violation of Windsor’s Constitutional rights by Judge Duffey and violation of Windsor’s rights to confidentiality of his medical records that are totally unrelated to this matter. This appeal

1. Windsor received an email at 10:33 am on September 23, 2010 from counsel for Judge Evans. It advised Windsor that an order had been issued by

Judge Duffey in this matter, and it attached a copy. (Exhibits 1 and 2 to Exhibit A hereto.)

2. The order of September 23, 2010 is false and grossly unfair. Judge Duffey falsely claims that Windsor did not submit a September 1 Report, but he did. He submitted it on August 31. (Exhibit 3 to exhibit A hereto.) It was copied to Mr. Christopher Huber and Mr. Carl HUGO Anderson. Windsor believes Mr. Huber is fairly honest, so he should be able to confirm receipt, though Windsor believes a subpoena to Jessica Birnbaum in Judge Duffey's office will result in testimony that Judge Duffey did in fact receive the report.

3. The letter of August 31 detailed the latest medical status and provided the lawsuit update that Judge Duffey requested through Ms. Birnbaum. Windsor explained that motions seeking extensions had been filed regularly in all matters except New York. No orders had been issued by the Eleventh Circuit. No orders had been issued in 1:09-CV-01543-WSD. An extension was granted in the Supreme Court by Justice Thomas. No orders had been issued in the two appeals with the DC Circuit Court of Appeals. No orders had been issued by the New York Court of Appeals.

4. Since the letter, the New York Court of Appeals transferred that matter to a different New York Court of Appeals. Windsor has not yet heard from the new court of appeals.

5. The Eleventh Circuit issued two orders requiring that Windsor file briefs by the 28<sup>th</sup> of September. Windsor will file an Emergency Motion for Relief, but he will have to work as much as he can to revise his notices of appeal into briefs because the Eleventh Circuit routinely ignores all emergency motions. Fortunately, Windsor has previous legal research that will be used.

6. The Supreme Court issued a second extension to the maximum allowed by the rules. Windsor had to file his Petition for Writ of Certiorari by the 23<sup>rd</sup>, and he did. He was unable to do any new research, so he used what he had from the lower courts.

7. Windsor was unable to file an appellate brief with the DC Circuit Court of Appeals by the deadline. He filed a motion asking for an extension and asking that, in the alternative, his detailed Notice of Appeal be accepted as his Appellate Brief. Windsor has heard nothing from the DC Circuit Court of Appeals.

8. Windsor has provided DETAILED medical information to Judge Duffey. Therefore, Windsor believes that Judge Duffey has no basis to question

what has been provided because it has details of dates of visits, diagnosis, etc. The request for “a letter from my mother” like this is grade school is extremely unfair. Unlike the other parties, attorneys, and judges in this matter, Windsor has never lied about anything. Why in God’s name would Windsor lie about this medical saga that he is on and submit Blue Cross Blue Shield reports, doctor bills, anesthesiologist bills, and pharmacy bills. Does Judge Duffey think Windsor is creating these on his computer? Judge Duffey has never addressed the thousands of lies by Mr. Anderson, Judge Evans, and the defendants in this case. Those are all ignored, but Windsor is expected to get a sick note. This shows complete, total, bias on Judge Duffey’s part, and Windsor repeats his request that Judge Duffey recuse himself.

9. Windsor requested a letter from Dr. Kaufman on September 9, 2010 when he received an email from Ms. Birnbaum for Judge Duffey requesting the letter. Windsor forwarded that email to Ms. Birnbaum under separate cover today. It is confidential. Windsor also forwarded his email following up on that request on September 13. It is not confidential, so it was copied to Mr. Huber and Mr. Anderson.

10. Windsor also responded to Ms. Birnbaum on September 10 to confirm receipt of her email as requested, and he followed up on September 15, 2010 with

an email to her that was copied to Mr. Huber and Mr. Anderson. Windsor forwarded that again to all parties today.

11. Windsor explained in that email that he saw Dr. Kaufman on the 14<sup>th</sup>, and he said he knew nothing about the letter, so he dictated one on the spot and said it would be sent to Windsor ASAP.

12. Windsor subsequently called Dr. Kaufman's surgical assistant, Kat Barber, two or three times asking where the letter was. She never returned Windsor's calls (which Windsor has experienced with her consistently throughout his medical ordeal). Windsor called her again yesterday. She did not return the call. Windsor called again this morning, and she did not return his call. When Windsor received the order forwarded by Mr. Huber today, Windsor called again. When Kat Barber did not answer, Windsor asked to speak to anyone on Dr. Kaufman's staff. Windsor reached a male's voice mail (couldn't understand his name), and he left a voice mail. His call was not returned. Windsor then called and asked to speak to the General Manager of Thomas Eye Group. Then Kat Barber finally got on the phone. Windsor expressed his unhappiness over the prospect of going to jail for her failure to get the letter to him. When she refused to handle it immediately, Windsor insisted that he be connected to the General Manager. She was in Ms. Barber's office, because Maria (General Manager) took

the phone to speak. Windsor explained the situation to her, and she gave a song and dance about how busy they are with patients. Windsor insisted on speaking to Dr. Kaufman. He was begrudgingly promised a call in a few minutes. It was over an hour, but Windsor finally received a call and then a faxed copy of the letter. It is Exhibit 4 to Exhibit A hereto. Windsor will be at Thomas Eye Group tomorrow morning at 11:00 am, and he will get the original and mail it to Judge Duffey as further proof.

13. Dr. Kaufman has asked Judge Duffey to contact his office with other questions. Windsor has given Dr. Kaufman permission to provide medical information confidentially to Judge Duffey and no one else. Judge Duffey should call and ask them to confirm each and every appointment, procedure, bill, etc.

14. Please also note that Dr. Kaufman advises in his P.S. that Windsor made the request on September 9, and his office apologizes for the “delay.”

15. To protect the confidentiality of Windsor’s medical records, he will file an appeal to the Eleventh Circuit on this September 23, 2010 Order. Windsor will submit a Notice of Appeal with the appeal fee not later than tomorrow morning to establish the automatic stay under Georgia law.

16. Windsor continues to have eye problems. He was forced to cancel an appointment with Dr. Blasberg today when he received this September 23 order

that required several hours of work to avoid jail. Windsor rescheduled for tomorrow at 11:00 am. Windsor has another appointment with Dr. Kaufman on the 14<sup>th</sup>. Windsor has an appointment with a new surgeon, Dr. Neufeld, on September 28. Windsor is also obtaining a referral from a doctor friend to a different eye group as he has lost confidence in Thomas Eye Group and wants a second opinion from a different medical practice.

17. Windsor was forced to ATTEMPT to file a number of things today in Civil Action No. 1:09-CV-01543 necessitated by the actions of Mr. Anderson and Judge Duffey's failure to order a stay. Windsor was able to prepare these filings using information that was on his computer that he adapted. Windsor was unable to do any new research because of the continued difficulty reading and the dizziness and migraine-like headaches that he now has from the eye problems. Windsor has stated previously that if he has something in Microsoft Word format on a giant computer screen with a giant font, he can deal with it if he has to. Everything takes him four or five times longer than it did before the eye problems. It took him the best part of the last week to prepare the filings in 1:09-CV-01543.

18. Judge Duffey should be reminded yet again that pro se parties do not receive electronic filings. Orders giving one day to do something are totally improper at any time, but especially with a pro se party who likely will not even



receive the order until after the due date for one-day requested action. Windsor continues to avoid driving, and he would not have even received this order until next Monday's visit to the post office.

Submitted, this 24th day of September, 2010.

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is written in a cursive style with a horizontal line underneath it.

**WILLIAM M. WINDSOR**

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MAID OF THE MIST )  
CORPORATION )  
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 )  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO:  
1:09-CV-1543-WSD-WEJ

**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.



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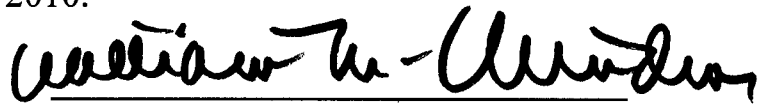
**CERTIFICATE OF SERVICE**

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

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This 24th day of September, 2010.



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