

Exhibit

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

MAID OF THE MIST CORPORATION and)	
MAID OF THE MIST STEAMBOAT)	
COMPANY, LTD., Plaintiffs,)	
)	CIVIL ACTION NO:
v.)	
)	1:09-CV-01543-WSD
ALCATRAZ MEDIA, LLC, ALCATRAZ)	
MEDIA, INC. and WILLIAM M. WINDSOR,)	
Defendants.)	
)	

**REQUEST FOR SPECIFIC APPROVAL TO FILE
MOTION TO VACATE SHOW CAUSE ORDER**

Comes Now, William M. Windsor (“Windsor”) and requests approval to file a Motion to Vacate Show Cause Order. Windsor shows the Court as follows:

1. Judge William S. Duffey does not have jurisdiction in this matter. Judge Duffey has failed repeatedly to respond to requests for recusal. This violates 28 U.S.C. 455. *LILJEBERG v. HEALTH SERVICES ACQUISITION CORP.*, 108 S. Ct. 2194, 486 U.S. 847 (U.S. 06/17/1988)

2. Judge Duffey’s impartiality must reasonably be questioned. Fully informed lay observers have significant doubt about Judge Duffey’s impartiality. Judge Duffey has demonstrated pervasive bias.

Under 28 U.S.C. § 455(a), a district judge must recuse himself "in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). "Under § 455, the standard is whether an objective, fully informed lay observer would entertain significant doubt about the judge's

impartiality." *Christo v. Padgett*, 223 F.3d 1324, 1333 (11th Cir. 2000), cert. denied, 531 U.S. 1191, 121 S. Ct. 1190 (2001). Furthermore, "[t]he general rule is that bias sufficient to disqualify a judge must stem from extra-judicial sources." *Hamm v. Board of Regents*, 708 F.2d 647, 651 (11th Cir. 1983). The exception to this rule is "when a judge's remarks in a judicial context demonstrate such pervasive bias and prejudice that it constitutes bias against a party." *Id.* Mere "friction between the court and counsel," however, is not enough to demonstrate "pervasive bias." *Id.*

3. Windsor will show that reasonable people doubt Judge Duffey's impartiality.

A movant proceeding under § 455 "must show that, if a reasonable man knew of all the circumstances, he would harbor doubts about the judge's impartiality." (*Chitimacha Tribe of Louisiana v. Harry L. Laws Co.*, 690 F.2d 1157, 1165 (5th Cir. 1982).)

4. The failure of Judge Duffey to address the requests to file motions to recuse constitutes an abuse of discretion. (*Liteky v. United States*, 510 U.S. 540 (1994).)

5. Judge Duffey's failure to address recusal has affected Windsor's substantial rights.

6. The Windsors have each filed appeals of this Court's recent orders, including the orders relative to the May 13, 2011 hearing. This Court no longer has jurisdiction over this matter and has no authority to conduct a hearing on the issues under appeal.

7. Judge Duffey has denied due process. The Show Cause Order does not specify what it is that Windsor must prove. The Show Cause Order addresses forgery, a criminal offense. Yet, Judge Duffey entered an order on May 9, 2011 that claims to the contrary. A Show Cause Order must specify quite clearly what it is that those ordered to show cause must prove. Windsor does not have a clue. Therefore, the Show Cause Order must be vacated.

The Show Cause Order must “...fully apprise[d] appellants of the nature and purpose of the enforcement proceeding....” (*United States v. Elmes*, 532 F.3d 1138 (11th Cir. 07/02/2008).)

8. Judge Duffey denied Windsor the ability to call witnesses by denying subpoenas that Windsor must have in order to call witnesses.

“...the court must stay within the bounds of due process. ...due process requires, with very few exceptions, that the defendant (1) be informed, through a show-cause order, of his purportedly contumacious conduct, and (2) be given a hearing at which he can be represented by counsel, call witnesses, and testify in order to show cause why he should not be held in contempt. See *In re Oliver*, 333 U.S. 257, 275, 68 S. Ct. 499, 508, 92 L. Ed. 682 (1948); *Cooke v. United States*, 267 U.S. 517, 537, 45 S. Ct. 390, 395, 69 L. Ed. 767 (1925).” (*Mercer v. Mitchell*, 908 F.2d 763 (11th Cir. 08/08/1990).)

9. The Show Cause Order has not afforded Constitutionally adequate notice of any charges or given adequate opportunity to defend against any allegations. This is a violation of the Fifth Amendment to the Constitution. (*In re Ruffalo*, 390 U.S. 544, 88 S. Ct. 1222, 20 L. Ed. 2d 117 (1968) sets forth the

constitutional requisites.) (*In re Finkelstein*, 901 F.2d 1560 (11th Cir. 05/23/1990); *Schlumberger Technologies, Inc. v. Wiley*, 113 F.3d 1553 (11th Cir. 06/05/1997).)

10. Judge Duffey's Show Cause Order addresses issues that could constitute criminal violations. As such, any responses by the Windsors could find them incriminating themselves. The Windsors will have no choice but to plead the Fifth Amendment. If Judge Duffey continues the charade of alleging that Windsor forged his wife's signature, Windsor demands his rights of due process, and he will need time to try to find a criminal attorney to represent him in that eventuality or in the event that Judge Duffey has some other agenda that would have similar effect.

11. Windsor is filing a declaratory judgment action in Fulton County Court seeking to have a Georgia judge clarify Georgia law regarding powers of attorney to prove that Judge Duffey has violated the law.

12. Barbara Windsor has sworn that she signed everything filed under her name in this case and that she has never seen any document that Windsor has signed for her. She has sworn that she is unaware of any time in 40 years of marriage that Windsor has signed her name for her. She has sworn that she personally signed the tiny signature paper to obtain a signature stamp in 2005, that the stamp is her signature, that the stamp has been accepted by Bank of America

on checks without question, and that she authorized Windsor to stamp her name on some documents that needed to be filed when she was away from home. She has sworn that she then signed her name over the top of the signature stamp at Judge Duffey's request. She has provided copies of the documents that have been emailed to Judge Duffey further proving her signature. She has stated that she has given Windsor her power of attorney and she has asked that he handle all of the legal details involving this case.

13. For all of these reasons, the Show Cause Order must be vacated.

WHEREFORE, Windsor prays that this Court grant this request and that this Court do as follows: grant the request for approval to file a motion; vacate the Show Cause Order; and grant such other relief as the Court deems appropriate.

Submitted, this 13th day of May, 2011.

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

P.O. Box 681236 - Marietta, GA 30068

Telephone: 770-578-1056 - Fax: 770-234-4106

williamwindsor@bellsouth.net

VERIFICATION OF WILLIAM M. WINDSOR

I, William M. Windsor, swear and state that I am authorized to make this verification on behalf of myself and that the facts alleged in the foregoing Request for Specific Approval are true and correct based upon my personal knowledge, except as to the laws and rules discussed, and that as to those matters I believe them to be true.

This 13th day of May, 2011.



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.



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 **REQUEST FOR SPECIFIC APPROVAL** by depositing the same with the United States Post Office with sufficient postage and 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
Counsel for Judge Orinda D. Evans

Carl Hugo Anderson, Jr., Esq.
Georgia Bar No. 016320
Sarah Bright, Esq.
Georgia Bar No. 082069
HAWKINS PARNELL
4000 Suntrust Plaza -- 303 Peachtree Street -- Atlanta, Georgia 30308
Telephone: 404-614-7400 -- Facsimile: 404-614-7500
Email: canderson@hptylaw.com

This 13th day of May, 2011.



WILLIAM M. WINDSOR

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