

Exhibit

159

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

William M. Windsor,)	
Plaintiff)	
)	CIVIL ACTION NO.
v.)	
)	2011cv206243
Fulton County, Office of the Fulton County)	
District Attorney, Paul Howard, Jr., Cynthia)	
Nwokocha, Naomi Fudge, Rebecca Keel,)	
Waverly Settles, Lieutenant English, Deputy Betts,)	
Deputy Roye, Steve Broadbent, and Unknown)	
Does,)	
Defendants)	
_____)	

**MOTION FOR RECONSIDERATION OF OCTOBER 7, 2011 ORDER
AND MOTION FOR FINDING OF FACTS AND CONCLUSIONS OF LAW;
AND MOTION FOR NEW TRIAL**

William M. Windsor (“Windsor”) hereby files this MOTION FOR RECONSIDERATION OF OCTOBER 7, 2011 ORDER AND MOTION FOR FINDING OF FACTS AND CONCLUSIONS OF LAW; AND MOTION FOR NEW TRIAL. Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. The factual background is detailed in the Twenty-Second Affidavit of William M. Windsor filed contemporaneously herewith, referenced and incorporated herein as if attached hereto. See paragraphs 8 to 45.

**WINDSOR SEEKS RECONSIDERATION OR TO SET ASIDE THE
OCTOBER 7, 2011 ORDER, OBTAIN FINDINGS OR FACT AND
CONCLUSIONS OF LAW, AND OBTAIN A NEW TRIAL/HEARING**

2. Windsor moves for reconsideration or to set aside the ORDER issued on October 7, 2011, and to grant a new trial/hearing on the following grounds:

- a. The ORDER is contrary to the evidence and justice.
- b. The ORDER is contrary to law.
- c. JWB illegally admitted evidence.
- d. JWB illegally denied evidence.
- e. Windsor was denied due process.
- f. JWB illegally dismissed this case sua sponte.
- g. JWB converted the October 7, 2011 Hearing to a Summary Judgment, and Windsor was denied due process.
- h. The filing injunction is illegal.
- i. Windsor has newly-discovered evidence.

3. Windsor also moves the Court to make findings of fact and conclusions of law and amend the October 7, 2011 ORDER accordingly.

Windsor's motion is made within 5 days after entry of the ORDER.

O.C.G.A. 9-11-52 (c): Upon motion made not later than 20 days after entry of judgment, the court may make or amend its findings or make additional findings and may amend the judgment accordingly. If the motion is made with a motion for new trial, both motions shall be made within 20 days after entry of judgment.

THE ORDER IS CONTRARY TO THE EVIDENCE AND JUSTICE.

4. The only facts before this Court were those of Windsor. Those facts are uncontroverted. The only admissible evidence before this Court was

Windsor's evidence. It was not impeached in any manner. JWB was required by law to accept Windsor's sworn, notarized affidavits as the truth, and based upon that evidence, JWB had no right to dismiss the case.

"... all witnesses are presumed by the trier of fact to speak the truth unless impeached by some manner prescribed by law. (*Cupp v. Naughten*, 414 U. S. 141, 143-147 (94 SC 396, 38 LE2d 368) (1973); *Noggle v. State*, 256 Ga. 383, 385-386 (349 SE2d 175) (1986)." (*Bitt Intl. Co., Inc. v. Fletcher*, 259 Ga.App. 406, 577 S.E.2d 276 (Ga.App. 02/03/2003).)

5. JWB had no legal basis to claim the FIRST AMENDED VERIFIED COMPLAINT was frivolous due to having no basis in fact..

A case is frivolous if the factual allegations are "clearly baseless," or if it is based on an "indisputably meritless" legal theory. *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993) (per curiam) (quotation marks and citation omitted).

A "complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." (Citation and punctuation omitted.) (*Battle v. Seago*, 208 Ga. App. 516 (431 S.E.2d 148) (1993).)

6. A search of every Georgia appellate decision on versuslaw.com reveals NO cases where the term "frivolous and without merit" is used as JWB has claimed.

7. JWB made absolutely no findings to justify such a statement. (*Macdougald v. Phillips*, 445 S.E.2d 357, 213 Ga. App. 575, 06/16/94.) JWM claims he entered the ORDER "After considering the entire record as well as the

argument and testimony at the hearing....” He then claimed it was “frivolous and without merit.” This is perjury. JWB knew this statement was false when he wrote it. He didn’t consider the entire record, and he knows the case was not frivolous. His actions constitute the criminal act of obstruction of justice.

8. There are 141 paragraphs in the “Factual Background” in the FIRST AMENDED VERIFIED COMPLAINT. The allegations are dated; many have the time of day; 52 exhibits are attached to document key facts. Sabrina Felton testified at the October 7 Hearing and confirmed the facts in paragraphs 140 to 146 of the FIRST AMENDED VERIFIED COMPLAINT. None of the facts were controverted or disputed in any manner.

9. For many reasons expressed herein, this ORDER must be set aside in the interest of justice.

THE ORDER IS CONTRARY TO THE LAW.

10. The FIRST AMENDED VERIFIED COMPLAINT does not meet the definition of frivolous. There is basis in both fact and law.

11. There were many violations of the law in the ORDER.

12. Windsor’s pleadings are proper, and the analysis below shows that each cause of action was proper and not frivolous.

13. Review of all Georgia appellate case law on Windsor's eleven causes of action reveals that there are 874 cases where the Georgia courts did not find similar claims to be frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S FIRST CAUSE OF ACTION FOR A DECLARATORY JUDGMENT IS FRIVOLOUS.

14. Windsor's research indicates that there has never been a declaratory judgment action pursuant to O.C.G.A. § 9-4-1 and O.C.G.A. § 9-4-2(b) that has been declared frivolous. (Exhibit 137 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of a zero search results for (9-4-1 or 9-4-2) and "frivolous".)

15. To be frivolous, this Court would have to find that Georgia law – O.C.G.A. § 9-4-1 and O.C.G.A. § 9-4-2(b) -- does not allow declaratory judgment actions...but it clearly does.

16. The cause of action is proper, and this Court cannot claim that Windsor's First Cause of Action (Declaratory Judgment regarding O.C.G.A. § 15-12-4) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S SECOND CAUSE OF ACTION VIOLATION OF DUE PROCESS AND DEPRIVATION OF RIGHTS PURSUANT TO 42 U.S.C. § 1983 IS FRIVOLOUS.

17. Windsor's First Amended Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1983 cause of action. Windsor did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties. Windsor cited 17 cases in the First Amended Verified Complaint.

18. A search of all of the Georgia appellate cases on www.versuslaw.com returns 105 cases regarding 42 U.S.C. § 1983 that were not declared frivolous. (Exhibit 138 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the 105 cases.)

19. Exhibit 139 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the 42 U.S.C. § 1983 manual that Windsor referenced in preparing the First Amended Verified Complaint. Exhibit 140 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the 42 U.S.C. § 1983 cases that Windsor referenced in preparing the First Amended Verified Complaint. Exhibit 141 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the Ninth Circuit 42 U.S.C. § 1983 manual that Windsor referenced in preparing the First Amended Verified Complaint.

20. The cause of action is proper, and this Court cannot claim that Windsor's Second Cause of Action (Violation of Due Process and Deprivation of Rights – 42 U.S.C. § 1983) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S THIRD CAUSE OF ACTION FOR VIOLATION OF DUE PROCESS AND DEPRIVATION OF RIGHTS PURSUANT TO 42 U.S.C. § 1985(2) IS FRIVOLOUS.

21. Windsor's First Amended Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1985(2) cause of action. Windsor did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties.

22. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 118 cases regarding 42 U.S.C. § 1985 that were not declared frivolous. (Exhibit 142 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the 118 cases.)

23. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding 42 U.S.C. § 1985 that were declared frivolous. (Exhibit 143 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the search that returned no cases.)

24. The cause of action is proper, and this Court cannot claim that Windsor's Third Cause of Action (Violation of Due Process and Deprivation of Rights – 42 U.S.C. § 1985(2)) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S FOURTH CAUSE OF ACTION FOR CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1985(3) IS FRIVOLOUS.

25. Windsor's First Amended Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1985(3) cause of action. Windsor did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties.

26. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 118 cases regarding 42 U.S.C. § 1985 that were not declared frivolous. (Exhibit 142 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the 118 cases.)

27. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding 42 U.S.C. § 1985 that were not declared frivolous. (Exhibit 143 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the search that returned no cases.)

28. The cause of action is proper, and this Court cannot claim that Windsor's Fourth Cause of Action (Conspiracy to Interfere with Civil Rights – 42 U.S.C. § 1985(3)) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S FIFTH CAUSE OF ACTION FOR NEGLIGENCE TO PREVENT WRONGS PURSUANT TO 42 U.S.C. § 1986 IS FRIVOLOUS.

29. Windsor's First Amended Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1986 cause of action. Windsor did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties. Windsor cited 3 cases in the First Amended Verified Complaint.

30. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 17 cases regarding 42 U.S.C. § 1986 that were not declared frivolous. (Exhibit 144 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 17 cases.)

31. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding Georgia RICO that were not declared frivolous. (Exhibit 145 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the search that returned no cases.)

32. The cause of action is proper, and this Court cannot claim that Windsor's Fifth Cause of Action (Action for Neglect to Prevent Wrongs – 42 U.S.C. § 1986) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S SIXTH CAUSE OF ACTION FOR ACTION FOR VIOLATION OF THE GEORGIA RICO ACT PURSUANT TO O.C.G.A. 16-14-1 ET SEQ IS FRIVOLOUS.

33. Windsor's First Amended Verified Complaint includes all of the elements necessary for a Georgia RICO cause of action.

34. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 33 cases regarding Georgia RICO that were not declared frivolous. (Exhibit 144 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 33 cases.)

35. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 39 cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were not declared frivolous. (Exhibit 145 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 39 cases.)

36. A search of all of the Georgia appellate cases on www.versuslaw.com returns 174 cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were not declared frivolous. (Exhibit 146 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 174 cases.)

37. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns NO cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were declared frivolous.

38. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were declared frivolous.

39. Exhibit 147 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the RICO manuals that Windsor referenced in preparing the First Amended Verified Complaint.

40. The cause of action is proper, and this Court cannot claim that Windsor's Sixth Cause of Action (Violation of Georgia RICO Act – O.C.G.A. 16-14-1 to 16-14-6) is frivolous.

**THIS COURT CANNOT CLAIM THAT WINDSOR'S SEVENTH CAUSE
OF ACTION FOR COMMON LAW ABUSE OF PROCESS IS
FRIVOLOUS.**

41. Windsor's First Amended Verified Complaint includes all of the elements necessary for a common law Abuse of Process cause of action. .

42. A search of all of the Georgia appellate cases on www.versuslaw.com returns 150 cases regarding abuse of process that were not declared frivolous.

(Exhibit 148 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 150 cases.)

43. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding abuse of process that were declared frivolous.

44. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 91 cases regarding abuse of process that were not declared frivolous. (Exhibit 149 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 91 cases.)

45. A search of all of the Georgia appellate cases on www.versuslaw.com returns 20 cases that matched the search term "abuse of process" and "frivolous." However, review of the 20 cases reveals that none of these were cases where a plaintiff's action for abuse of process was declared frivolous. (Exhibit 150 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the search that returned 20 cases that do not apply.)

46. The cause of action is proper, and this Court cannot claim that Windsor's Seventh Cause of Action (Abuse of Process) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S EIGHTH CAUSE OF ACTION FOR BREACH OF LEGAL DUTY PURSUANT TO O.C.G.A. § 51-1-6 IS FRIVOLOUS.

47. Windsor's First Amended Verified Complaint includes all of the elements necessary for a Breach of Legal Duty cause of action. .

48. A search of all of the Georgia appellate cases on www.versuslaw.com returns 72 cases regarding Breach of Legal Duty that were not declared frivolous. (Exhibit 151 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 150 cases.)

49. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding Breach of Legal Duty that were declared frivolous.

50. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 9 cases regarding abuse of process that were not declared frivolous. (Exhibit 152 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 9 cases.)

51. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases that matched the search term "abuse of process" and "frivolous."

52. The cause of action is proper, and this Court cannot claim that Windsor's Eighth Cause of Action (Breach of Legal Duty) is frivolous.

**THIS COURT CANNOT CLAIM THAT WINDSOR'S
NINTH CAUSE OF ACTION FOR
VIOLATION OF CONSTITUTIONAL RIGHTS IS FRIVOLOUS.**

53. Windsor's First Amended Verified Complaint includes all of the elements necessary for a Violation of Constitutional Rights cause of action. .

54. A search of all of the Georgia appellate cases on www.versuslaw.com returns 15 cases regarding Violation of Constitutional Rights that were not declared frivolous. (Exhibit 153 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 15 cases.)

55. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 92 cases regarding Violation of Constitutional Rights that were not declared frivolous. (Exhibit 154 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 92 cases.)

56. The cause of action is proper, and this Court cannot claim that Windsor's Ninth Cause of Action (Violation of Constitutional Rights) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S TENTH CAUSE OF ACTION FOR EXTENDING, MODIFYING, OR REVERSING EXISTING LAW OR FOR ESTABLISHING NEW LAW IS FRIVOLOUS.

57. Windsor's First Amended Verified Complaint includes all of the elements necessary for a cause of action for extending, modifying, or reversing existing law or for establishing new law.

58. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding extending, modifying, or reversing existing law or for establishing new law that were declared frivolous.

59. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns NO cases regarding extending, modifying, or reversing existing law or for establishing new law that were declared frivolous.

60. The cause of action is proper, and this Court cannot claim that Windsor's Tenth Cause of Action (extending, modifying, or reversing existing law or for establishing new law) is frivolous.

THIS COURT CANNOT CLAIM THAT WINDSOR'S ELEVENTH CAUSE OF ACTION FOR SLANDER AND ORAL DEFAMATION PURSUANT TO O.C.G.A. 51-5-4 IS FRIVOLOUS.

61. Windsor's First Amended Verified Complaint includes all of the elements necessary for a Slander and Oral Defamation cause of action.

62. A search of all of the Georgia appellate cases on www.versuslaw.com returns 70 cases regarding O.C.G.A. § 51-5-4 that were not declared frivolous. (Exhibit 155 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 70 cases.)

63. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding O.C.G.A. § 51-5-4 that were declared frivolous.

64. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 5 cases regarding O.C.G.A. § 51-5-4 that were not declared frivolous. (Exhibit 156 to the Twenty-Second Affidavit of William M. Windsor is a true and correct copy of the citations to the 5 cases.)

65. A search of all of the Eleventh Circuit cases on www.versuslaw.com returns NO cases that matched the search term " O.C.G.A. § 51-5-4" and "frivolous."

66. The cause of action is proper, and this Court cannot claim that Windsor's Eleventh Cause of Action (Slander and Oral Defamation) is frivolous.

67. JWB had no basis to pretend the First Amended Verified Complaint was completely devoid of any justifiable issue of law or fact.

(Guernsey Petroleum Corp. v. Data Gen. Corp., 183 Ga. App. 790, 796 (4) (359 S.E.2d 920) (1987); *Colquitt v. Network Rental*, 195 Ga. App. 244, 246 (2a) (393 S.E.2d 28) (1990); *Yost v. Torok*, 256 Ga. 92, 96 (344 S.E.2d 414) (1986); *U3S Corporation America v. Parker, et al*, 414 S.E.2d 513, 202 Ga. App. 374 (12/05/91).)

JWB ILLEGALLY ADMITTED EVIDENCE.

68. JWB illegally allowed evidence to be admitted. Windsor moves to strike anything but citations of statutes and case law in the Defendants' Brief, motions, and responses as anything else is not evidence, is not admissible, and is hearsay. (O.C.G.A. § 24-1-2, 24-3-1.)

69. Windsor has admitted evidence into the record of the Court as to facts, and these facts must be believed absent any sworn testimony to the contrary. (O.C.G.A. § 24-4-7, 24-4-8.)

70. The Defendants have failed to produce any evidence to repel claims against them, so this Court must presume that the charges are well-founded. (O.C.G.A. § 24-4-22.)

71. The only so-called evidence presented by the Defendants prior to the Hearing was four orders from federal court judges. These orders are inadmissible as to any alleged facts stated therein as courts may not accept a court's order as proof of anything but that an order was issued. Certified copies of orders are the best evidence, and the Defendants have failed to introduce certified copies, and the evidence is inadmissible. (O.C.G.A. § 24-5-1, 24-5-2, 24-5-4, 24-5-31.) See Windsor's Response in Opposition to Defendants' Notice of Filing of Evidence for a variety of reasons why the evidence is inadmissible.

72. Under the *Federal Rules of Evidence* Rule 201(b), a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Georgia has O.C.G.A. § 24-1-4. The orders that the

Defendants wish to admit as evidence in this case are disputed. They are inaccurate, and the issuance of these orders is perjury and obstruction of justice that is part of the subject of Windsor's evidence to the Grand Jury. Windsor was given no notice that JWB was going to claim judicial notice, and this violates due process.

The role of judicial notice is to eliminate formal proof as to: (1) "matters which the general public has common knowledge"; (2) "facts which are readily ascertainable by reference to some reliable source, and are beyond dispute"; and (3) "matters which are within the special province of the judge." Green, Ga. Law of Evidence (4th ed.), § 4; see also *In the Interest of S. M.*, 169 Ga. App. 364, 366 (312 S.E.2d 829) (1983); *Batson-Cook Co. v. Shipley*, 134 Ga. App. 210, 212 (214 S.E.2d 176) (1975). In this case, the matter that plaintiff wants judicially noticed falls outside O.C.G.A. § 24-1-4. The issue is in dispute and is a matter of proof. Thus, it was proper for the trial court not to take judicial notice of this issue. Certified copies of such pleadings would have to be tendered into evidence and received as primary evidence for the exhibit to be evidence before the court. O.C.G.A. § 24-5-31. When a copy of a trial court record is not tendered into evidence, testimony as to what is contained in such record is subject to a highest and best evidence objection, as well as a hearsay objection. *Lipscomb v. State*, 194 Ga. App. 657 (391 S.E.2d 773) (1990). (*Nationsbank v. Tucker*, 231 Ga.App. 622, 500 S.E.2d 378 (Ga.App. 03/25/1998).)

Jones v. State, 272 Ga. 900, 901-903 (2) (537 SE2d 80) (2000).held that "if a trial court intends to take judicial notice of any fact, it must first announce its intention to do so on the record, and afford the parties an opportunity to be heard regarding whether judicial notice should be taken." *Graves v. State* 269 Ga. 772 at 775 (4)(a), (504 SE2d 679) (1998); see *Stewart v. State*, 288 Ga. App. 735, 737-738 (3) (655 SE2d 328) (2007).Graves identified as one of the reasons for requiring such a rule that, otherwise, the accused is deprived of an opportunity to challenge whether the trial court has properly taken judicial notice of the

fact at issue. (*Cantrell v. State*, 673 S.E.2d 32, 295 Ga.App. 634 (Ga.App. 01/23/2009).) (See also *Fitzpatrick v. Harrison*, 300 Ga. App. 672, 673 n.1 (686 SE2d 322) (2009); *Haygood v. Head*, No. A10A0756 (Ga.App. 07/09/2010); *Brewster v. State*, 684 S.E.2d 309, 300 Ga.App. 143 (Ga.App. 09/22/2009).)

73. The Defendants were allowed to admit exhibits at the hearing, but there was no witness to authenticate the exhibits, and they were not certified. JWB violated the law by allowing them to be admitted. The documents must be stricken from the record.

JWB ILLEGALLY DENIED EVIDENCE.

74. JWB denied Windsor's right to testify.

75. JWB limited Windsor to 30 minutes at the Hearing, which made it impossible for Windsor to present the evidence that he planned, admit the documents that he prepared, call the witnesses who appeared voluntarily, and seek to compel the attendance of subpoenaed witnesses who failed to appear.

WINDSOR HAS BEEN DENIED DUE PROCESS.

76. JWB had no legal basis to enter filing restrictions without notice and an opportunity to be heard. This was Windsor's right. Windsor's causes of action are a property interest that cannot be denied without due process.

"Both the Georgia and United States Constitutions prohibit the state from depriving 'any person of life, liberty, or property, without due process of law.' United States Const., amend. XIV, sec. 1; see also Ga. Const., [Art.

I, Sec. I, Par. I]. The fundamental idea of due process is notice and an opportunity to be heard." As stated in *Citizens &c. Bank v. Maddox*, "[t]he **benefit of notice and a hearing before judgment is not a matter of grace, but is one of right.**" "*A party's cause of action is a property interest that cannot be denied without due process.* (Cit.)" Judgment vacated in Case Number A98A1631. Appeal dismissed in Case Number A98A1689. Ruffin, J., concurs; Pope, P.J., concurs specially. (*In re Law Suits*, 235 Ga.App. 551, 510 S.E.2d 91 (Ga.App. 12/02/1998).) **[emphasis added.]**

JWB IMPROPERLY DISMISSED THIS CASE SUA SPONTE.

77. Judges may dismiss cases sua sponte only when the cases are

appropriate. This is not one of those cases.

"[a] trial court has inherent authority to dismiss sua sponte a complaint in an appropriate case." (*Georgia Receivables v. Williams*, 218 Ga. App. 313 (2) (461 SE2d 280) (1995). See OCGA § 15-6-9 (8); *Smith v. Adamson*, 226 Ga. App. 698, 699 (2) (487 SE2d 386) (1997).)

78. JWB's sole citation is *Smith v. Adamson*, and it does not apply in any manner. The dismissal was allowed because "The courtroom is not the proper forum to initiate or try impeachment proceedings." Windsor has no cause of action for impeachment.

79. Windsor has researched every Georgia case in versuslaw.com, and there are 14 cases from a search of "dismiss" w/5 "sua sponte." Seven cases were affirmed, and seven cases were reversed. Based upon this research, the only "appropriate cases" for dismissal sua sponte are attempted impeachment proceedings in a court, statute of limitations, failure to file affidavits, late filing of

a caveat to a will, no effort to serve a defendant, only potential secondary liability on a fraud claim, and failure of the only witness to show up for the trial. None of these apply to this Civil Action.

80. In *Georgia Receivables v. Williams*, the ruling was that the action was barred by the expiration of the four-year statute of limitation period. In, *Herringdine v. Nalley Equip. Leasing*, No. A99AO246 (Ga.App. 05/11/1999), "Herringdine failed to provide the Court with the original affidavit of the Forensic Document Examiner, attaching only a photocopy to his motion." In *In re Estate of Brice*, 654 S.E.2d 420, 288 Ga.App. 449 (Ga.App. 11/16/2007), the issue was a late filing of a caveat to a will. In *Kelley v. Lymon*, 632 S.E.2d 734, 279 Ga.App. 849 (Ga.App. 06/16/2006), the plaintiff made no effort to serve the defendant. In *Chip Kassinger, Inc. v. Steimer*, 422 S.E.2d 241, 205 Ga. App. 349, there was only potential secondary liability on a fraud claim. In *Cramer v. Southeastern Office Furniture*, 320 S.E.2d 223, 171 Ga. App. 514 (06/22/84), when the trial began, appellant announced that its only witness had failed to appear. In *Smith v. Adamson*, the courtroom was not the proper forum for impeachment proceedings.

81. In these cases, the sua sponte dismissal was reversed: *Perry Golf Course Development, LLC v. Housing Authority of the City of Atlanta*, 670 S.E.2d 171, 294 Ga.App. 387 (Ga.App. 11/05/2008) – pleadings were adequate;

State v. Carr, 652 S.E.2d 597, 287 Ga.App. 691 (Ga.App. 10/01/2007) -- defendant enjoys an absolute right to withdraw a guilty plea or plea of nolo contendere; *Aycock v. Calk*, 222 Ga.App. 763, 476 S.E.2d 274 (Ga.App. 09/16/1996) -- the trial court considered matters outside the pleadings, thereby converting the order into one for summary judgment; *Keith McClanahan et al and vice versa*, 249 S.E.2d 128, 147 Ga. App. 342 (10/02/78) -- reversed as improper to dismiss the case for lack of jurisdiction without a hearing; *Bakhtiarnejad v. Cox Enterprises, Inc.*, 247 Ga.App. 205, 247 Ga.App. 205, 541 S.E.2d 33, 541 S.E.2d 33 (Ga.App. 10/13/2000) -- the trial court considered matters outside the pleadings, thereby converting the order into one for summary judgment; *Gaw v. Telfair County Bd. of Comm.*, 277 Ga. 157, 159 (2) (587 SE2d 50) (2003) -- reversing the sua sponte dismissal of potentially meritorious claims; *Focus Healthcare Medical Center v. O'Neal*, 253 Ga. App. 298, 299 (a) (558 SE2d 818) (2002) -- reversing trial court's sua sponte dismissal of an action based upon its own assertion of an affirmative defense that could have otherwise been waived by the defendant.

THE COURT CONVERTED THE HEARING TO A SUMMARY JUDGMENT HEARING, AND WINDSOR WAS DENIED DUE PROCESS.

82. There was no notice to Windsor that JWB would consider dismissing the case. JWB clearly considered matters outside the pleadings. Therefore, the proceeding became a summary judgment proceeding, but Windsor did not have a

reasonable opportunity to present all material made pertinent for a summary judgment.

"If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Code Section 9-11-56, and all parties shall be given reasonable opportunity to present all material made pertinent to such motion by Code section 9-11-56." (OCGA § 9-11-12 (b).) The trial court shall give 30 days notice from the time the court considers matters outside the pleadings, sua sponte converting the motion to dismiss into a motion for summary judgment, to permit the respondent an opportunity to respond as required under OCGA § 9-11-56. *Nix v. Cox Enterprises*, 242 Ga. App. 515, 518 (529 SE2d 426) (2000), cert. granted, *Cox Enterprises v. Nix*, docket no. S00G1083 (June 9, 2000). (*Bakhtiarnejad v. Cox Enterprises, Inc.*, 247 Ga.App. 205, 247 Ga.App. 205, 541 S.E.2d 33, 541 S.E.2d 33 (Ga.App. 10/13/2000).)

83. Windsor was denied due process.

**THE REQUEST FOR A TEMPORARY RESTRAINING ORDER
AND INTERLOCUTORY INJUNCTION
WERE PROPER AND SHOULD HAVE BEEN GRANTED.**

84. Windsor sought injunctive relief to keep the Defendants in order – to keep them from continued violation of several criminal statutes. The only facts before the Court were that the defendants were violating statutes. An honest judge could not rule otherwise. (See Windsor's Response in Opposition to defendants' brief in Opposition to Temporary Restraining Order and Preliminary Injunction filed on October 7, 2011.)

85. The vital necessity for the injunction is that the Defendants must not be allowed to continue to violate the law and deny Windsor's Constitutional rights.

86. Deprivation of Constitutional rights is clearly irreparable harm. (*Johnson v. Mortham*, 926 F. Supp. 1540, 1543 (S.D. Fla 1996) ("Deprivation of a fundamental right...constitutes irreparable harm."))

87. Deprivation of a Constitutional right is when "a governing body has worked constitutional deprivation of a citizen pursuant to an impermissible or corrupt policy which is intentional and deliberate." (*Holloway v. Rogers*, 181 Ga. App. 11, 13 (2) (351 S.E.2d 240) (1986).)

88. For all the reasons detailed in Windsor's Response in Opposition to defendants' brief in Opposition to Temporary Restraining Order and Preliminary Injunction, Windsor established his right to the relief based upon both the facts and the law.

**WINDSOR'S ALLEGATIONS AGAINST THE FEDERAL JUDICIARY
ARE ABSOLUTELY VALID, AND SUFFICIENT EVIDENCE IS IN THE
RECORD BEFORE THIS COURT.**

89. The allegations against the federal judiciary are not what this Civil Action is about.

90. While Windsor's allegations against the federal judiciary are not the subject of this Civil Action, those allegations are absolutely true, totally documented, and uncontroverted. The Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, and Fifteenth Affidavits of William M. Windsor contain sworn evidence. Windsor was scheduled to admit significant evidence into the record at the Preliminary Injunction Hearing. Exhibit 116 to the Twentieth Affidavit of William M. Windsor is a true and correct copy of a WSB-TV report on August 21, 2011 about a special FBI squad being established in Atlanta to investigate corruption among judges.

**JWB'S FILING INJUNCTION AGAINST WINDSOR IS ILLEGAL
BECAUSE IT DENIES WINDSOR ANY ACCESS TO THE COURT.**

91. Windsor filed financial information with the Court that proved he does not have the ability to post a bond as all of his money has been "stolen" in the federal courts. Exhibit 104 to the Twentieth Affidavit of William M. Windsor is Windsor's Affidavit filed with the federal court, and Exhibit 105 is Windsor's financial statement. By ordering a \$50,000 bond, JWB has closed the courthouse doors to Windsor. This violates Windsor's Constitutional rights.

92. Case law provides that filing injunctions may not be issued without notice and an opportunity to be heard. Windsor had neither.


WINDSOR HAS NEWLY-DISCOVERED EVIDENCE.

93. Windsor learned at the Hearing that JWB is a material witness. Windsor now realizes that Judge Kelly Amanda Lee is a material witness. Windsor realizes that he now needs to name at least four more of the DOE Defendants, and these Defendants will have evidence.

WHEREFORE, Windsor respectfully requests that this Court enter an order vacating the October 7, 2011 ORDER:

- a. that this Motion be referred to another judge for a hearing;
- b. that the Court grant a hearing on this Motion;
- c. that the Court grant this Motion;
- d. that the Court amend the October 7, 2011 ORDER to make detailed findings of fact and conclusions of law;
- e. that the October 7, 2011 ORDER be set aside;
- f. that the Court conduct a hearing to reconsider the Request for Temporary Restraining Order and Preliminary Injunction, and the other issues;
- g. that the Court grant a conference with all parties; and
- h. that the Court grant such other and further relief as justice requires in association with this Motion.

Submitted this 11th day of October, 2011.



William M. Windsor

Pro Se

PO Box 681236, Marietta, GA 30068

Phone: 770-578-1094 - Fax: 770-234-4106

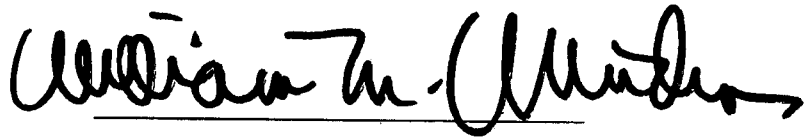
Email: williamwindsor@bellsouth.net

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 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.

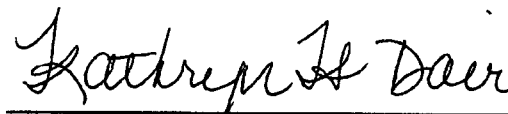
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 11th day of October, 2011.

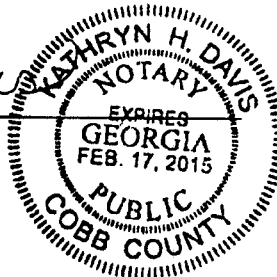


William M. Windsor

Sworn to before me, this 11th day of October, 2011.



Notary Public



CERTIFICATE OF COMPLIANCE

I hereby certify that this pleading has been prepared in Times New Roman
14-point font.

A handwritten signature in black ink, appearing to read "William M. Windsor", written in a cursive style.

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 by electronic mail and by depositing a true and correct copy of the same in the United States mail, proper postage affixed thereto, addressed as follows:

Lanna Renee Hill
R. David Ware
Kaye Woodward Burrell
Jerolyn Webb Ferrari
Office of the Fulton County Attorney
141 Pryor Street, Suite 4038 -- Atlanta, GA 30303
404-612-0246 -- Fax: 404-730-6324
Lanna.hill@fultoncountyga.gov

This 11th day of October, 2011.



William M. Windsor
Pro Se

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

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

William M. Windsor,)	
Plaintiff)	
)	CIVIL ACTION NO.
v.)	
)	2011cv206243
Fulton County, Office of the Fulton County)	
District Attorney, Paul Howard, Jr., Cynthia)	
Nwokocha, Naomi Fudge, Rebecca Keel,)	
Waverly Settles, Lieutenant English, Deputy Betts,)	
Deputy Roye, Steve Broadbent, and Unknown)	
Does,)	
Defendants)	
_____)	

TWENTY-SECOND AFFIDAVIT OF WILLIAM M. WINDSOR

I, William M. Windsor, the undersigned, hereby declare under penalty of perjury:

1. My name is William M. Windsor ("Windsor"). I am over the age of 21, am competent to testify, and have personal knowledge of the matters stated herein.
2. I am the Plaintiff in this action, and I am representing myself pro se.
3. I am not an attorney.
4. In an effort to do the best possible job as a pro se party, I have studied the applicable Federal Rules of Civil Procedure, Local Rules, the Georgia Code of Professional Conduct for attorneys, the Official Code of Georgia Annotated, certain

federal statutes, the Federal Rules of Judicial Procedure, the Federal Rules of Appellate Procedure, the Code of Conduct for United States Judges, and case law. I have spent thousands of hours studying case law.

5. This affidavit is based upon my personal knowledge.

6. In this affidavit, references to a "Docket #" refer to the docket in this Civil Action No.2011CV206243. When a reference to an "Exhibit #" is made, refers to an Exhibit attached to this or another affidavit.

7. Every docket entry referenced herein is made a part of this Affidavit. All of my motions and responses were verified in full under oath under penalty of perjury, and all of my affidavits were also notarized, so rather than repeat all the facts again and again, I simply reference and incorporate them herein as if attached hereto, and I repeat my verification that everything I have said is true and correct based upon my personal knowledge. I say this under penalty of perjury. This affidavit is notarized. And I will take a polygraph test anywhere anytime.

8. On September 27, 2011, I filed the Verified Complaint that was given Civil Action No. 2011Cv206243 and the Case Initiation Form. The filing fee was paid. [Docket #1 and #2.] (Exhibit 125 is a true and correct copy of the Docket printed online, with my addition of numbers to reflect the order of docket entry.)

9. On September 27, 2011, I filed a MOTION FOR LEAVE OF COURT TO FILE FIRST AMENDMENT TO VERIFIED COMPLAINT TO ADD DEFENDANTS. [Docket #3.]

10. On September 29, 2011, Judge Jerry W. Baxter (“JWB”) entered an order setting a Hearing on my Request for Temporary Restraining Order and Preliminary Injunction for October 7, 2011 at 2:30 pm. [Docket #4.]

11. On September 29, 2011, JWB entered an order granting I leave to file an amended complaint to add additional parties. [Docket #5.]

12. On September 29, 2011, I filed an Amendment to the Verified Complaint. [Docket #6.]

13. On September 29, 2011, I filed a Motion for Expedited Discovery. [Docket #7.]

14. On September 30, 2011, the first Defendant was served as was the Attorney General for the State of Georgia.

15. On September 30, 2011, JWB denied my Motion for Accelerated Discovery and/or a delay in the Hearing date until I could conduct discovery. In the order, JWB said I could subpoena witnesses and require them to bring documents. [Docket #8.]

16. On Friday, September 30, 2011, I filed the First Amended Verified Complaint, which provides factual background, and it is referenced and incorporated herein as if attached hereto. [Docket #9.]

17. On October 3, 2011, two Affidavits of service were filed. [Docket #'s 10 and 11.]

18. On October 3, 2011, I filed a Motion for Recording and sixteen Affidavits. [Docket #12 and Docket #'s 13-28.]

19. On October 4, 2011, the County Attorney informed me that the Office of the County Attorney would be representing the defendants.

20. On October 4, 2011, JWB entered an order granting my request to use electronics in the courtroom. [Docket #29.]

21. On October 5, 2011, nine witnesses (Defendants or their agents) were served with subpoenas and document requests for the October 7, 2011 Hearing.

22. On October 5, 2011, Defendant Steve Broadbent was served with a Summons and the First Amended Verified Complaint.

23. On October 5, 2011, the Defendants filed a Response in Opposition to My Motion for Recording. [Docket #30.]

24. On October 6, 2011, four witnesses (three of the Defendants) were served with subpoenas and document requests for the October 7, 2011 Hearing.

25. On October 6, 2011, three Defendants were served with a Summons and the First Amended Verified Complaint.

26. On October 5, 2011, an attorney for the Defendants attempted to claim that service of subpoenas on the defendants' Counsel of record was inadequate.

27. On October 6, 2011, an attorney for the Defendants filed a Motion to Quash as to one of the subpoenas.

28. On October 6, 2011, I filed a Motion to Compel Attendance by those subpoenaed.

29. On October 6, 2011, JWB denied the Motion to Compel Attendance by those subpoenaed without explanation.

30. On October 6, 2011, the Defendants filed a Brief in Opposition to my Request for TRO and Interlocutory Injunction. [Docket #31.]

31. On October 6, 2011, the Defendants filed a Notice of Filing of Evidence. [Docket #32.]

32. On October 6, 2011, I filed notarized verifications of the Verified Complaint and the First Amended Verified Complaint as well as notarized copies of the First through the Eighteenth Affidavits of William M. Windsor.

33. On October 7, 2011, I filed a Response to the Defendants' Brief in Opposition to My Request for TRO and Interlocutory Injunction and the Twentieth Affidavit of William M. Windsor.

34. On October 7, 2011, I filed a Motion to Strike the Defendants' Notice of Filing of Evidence and the Twenty-First Affidavit of William M. Windsor.

35. On October 7, 2011, 19 Affidavits of Service and Attempted Service were filed.

36. A Hearing on My Request for Temporary Restraining Order and Preliminary Injunction was held on October 7, 2011. JWB began the hearing by limiting me to only 30 minutes and denying my right to be sworn in to testify.

37. I had subpoenaed 13 witnesses and had six other witnesses who appeared in the courtroom without the necessity of subpoena. JWB indicated that he didn't care and limited me to 30 minutes.

38. I brought approximately 250 exhibits to the Hearing that I was denied the opportunity to introduce as I was denied the ability to testify to authenticate the documents, and 30 minutes would not have allowed many documents to be introduced if that had been all the hearing consisted of.

39. During the Hearing, JWB made numerous comments about extra-judicial information that demonstrated his prejudice against me.

40. The Defendants presented no testimony, have filed no affidavits, and did not put any evidence into the record except one letter from Dr. Herbert J. Bridgewater that was already Exhibit 12 to the First Amended Verified Complaint.

41. The Defendants had no facts or evidence before the Court.

42. Before the Court, I had two verified complaints, seven verified motions, and 22 affidavits sworn under penalty of perjury before a notary in the record before the court as well as 117 authenticated exhibits.

43. I advised the Court that he had just filed a Response to the Defendants' Brief in Opposition to My Request and a Motion to Strike the Notice of Filing of Evidence. JWB ignored this and immediately announced his ORDER dismissing My Civil Action.

44. JWB concluded the hearing by rudely and hatefully admonishing me to "get a life."

45. At 5:00 pm on October 7, 2011, I received the so-called "Final Order." (A true and correct copy of the October 7, 2011 5:00 pm ORDER received by email from David Chamberlain, JWB's Clerk, is Exhibit 134 hereto.) (A true and correct copy of the email that accompanied the October 7, 2011 5:00 pm Order is Exhibit 135 hereto.)

46. I SEEK RECONSIDERATION OR TO SET ASIDE THE OCTOBER 7, 2011 ORDER, OBTAIN FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND OBTAIN A NEW TRIAL/HEARING.

47. I move for reconsideration or to set aside the ORDER issued on October 7, 2011, and to grant a new trial/hearing on the following grounds:

- a. The ORDER is contrary to the evidence and justice.
- b. The ORDER is contrary to law.
- c. JWB illegally admitted evidence.
- d. JWB illegally denied evidence.
- e. I was denied due process.
- f. JWB illegally dismissed this case sua sponte.
- g. JWB converted the October 7, 2011 Hearing to a Summary Judgment, and I was denied due process.
- h. The filing injunction is illegal.
- i. I have newly-discovered evidence.

48. I also move the Court to make findings of fact and conclusions of law and amend the October 7, 2011 ORDER accordingly. My motion is made within 5 days after entry of the ORDER.

49. THE ORDER IS CONTRARY TO THE EVIDENCE AND JUSTICE.

50. The only facts before this Court were those of mine. Those facts are uncontroverted. The only admissible evidence before this Court was my evidence. It was not impeached in any manner. JWB was required by law to accept my sworn, notarized affidavits as the truth, and based upon that evidence, JWB had no right to dismiss the case.

51. JWB had no legal basis to claim the FIRST AMENDED VERIFIED COMPLAINT was frivolous due to having no basis in fact.

52. A search of every Georgia appellate decision on versuslaw.com reveals NO cases where the term “frivolous and without merit” is used as JWB has claimed.

53. JWB made absolutely no findings to justify such a statement. JWB claims he entered the ORDER “After considering the entire record as well as the argument and testimony at the hearing....” He then claimed it was “frivolous and without merit.” This is perjury. JWB knew this statement was false when he wrote it. He didn’t consider the entire record, and he knows the case was not frivolous. His actions constitute the criminal act of obstruction of justice.

54. There are 141 paragraphs in the “Factual Background” in the FIRST AMENDED VERIFIED COMPLAINT. The allegations are dated; many have the time of day; 52 exhibits are attached to document key facts. Sabrina Felton testified at the October 7 Hearing and confirmed the facts in paragraphs 140 to 146 of the FIRST AMENDED VERIFIED COMPLAINT. None of the facts were controverted or disputed in any manner.

55. For many reasons expressed herein, this ORDER must be set aside in the interest of justice.

56. THE ORDER IS CONTRARY TO THE LAW.

57. The FIRST AMENDED VERIFIED COMPLAINT does not meet the definition of frivolous. There is basis in both fact and law.

58. There were many violations of the law in the ORDER.

59. My pleadings are proper, and the analysis below shows that each cause of action was proper and not frivolous.

60. Review of all Georgia appellate case law on my eleven causes of action reveals that there are 874 cases where the Georgia courts did not find similar claims to be frivolous.

61. THIS COURT CANNOT CLAIM THAT MY FIRST CAUSE OF ACTION FOR A DECLARATORY JUDGMENT IS FRIVOLOUS.

62. My research indicates that there has never been a declaratory judgment action pursuant to O.C.G.A. § 9-4-1 and O.C.G.A. § 9-4-2(b) that has been declared frivolous. (Exhibit 137 hereto is a true and correct copy of a zero search results for (9-4-1 or 9-4-2) and “frivolous”.)

63. To be frivolous, this Court would have to find that Georgia law – O.C.G.A. § 9-4-1 and O.C.G.A. § 9-4-2(b) -- does not allow declaratory judgment actions...but it clearly does.

64. The cause of action is proper, and this Court cannot claim that my First Cause of Action (Declaratory Judgment regarding O.C.G.A. § 15-12- 4) is frivolous.

65. THIS COURT CANNOT CLAIM THAT MY SECOND CAUSE OF ACTION VIOLATION OF DUE PROCESS AND DEPRIVATION OF RIGHTS PURSUANT TO 42 U.S.C. § 1983 IS FRIVOLOUS.

66. My Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1983 cause of action. I did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties.

67. I cited 17 cases in the First Amended Verified Complaint.

68. A search of all of the Georgia appellate cases on www.versuslaw.com returns 105 cases regarding 42 U.S.C. § 1983 that were not declared frivolous. (Exhibit 138 hereto is a true and correct copy of the 105 cases.)

69. Exhibit 139 hereto is a true and correct copy of the 42 U.S.C. § 1983 manual that I referenced in preparing the First Amended Verified Complaint. Exhibit 140 hereto is a true and correct copy of the 42 U.S.C. § 1983 cases that I referenced in preparing the First Amended Verified Complaint. Exhibit 141 hereto is a true and correct copy of the Ninth Circuit 42 U.S.C. § 1983 manual that I referenced in preparing the First Amended Verified Complaint.

70. The cause of action is proper, and this Court cannot claim that my Second Cause of Action (Violation of Due Process and Deprivation of Rights – 42 U.S.C. § 1983) is frivolous.

71. THIS COURT CANNOT CLAIM THAT MY THIRD CAUSE OF ACTION FOR VIOLATION OF DUE PROCESS AND DEPRIVATION OF RIGHTS PURSUANT TO 42 U.S.C. § 1985(2) IS FRIVOLOUS.

72. My Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1985(2) cause of action. I did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties.

73. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 118 cases regarding 42 U.S.C. § 1985 that were not declared frivolous. (Exhibit 142 hereto is a true and correct copy of the 118 cases.)

74. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding 42 U.S.C. § 1985 that were declared frivolous. (Exhibit 143 hereto is a true and correct copy of the search that returned no cases.)

75. The cause of action is proper, and this Court cannot claim that my Third Cause of Action (Violation of Due Process and Deprivation of Rights – 42 U.S.C. § 1985(2)) is frivolous.

76. THIS COURT CANNOT CLAIM THAT MY FOURTH CAUSE OF ACTION FOR CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS PURSUANT TO 42 U.S.C. § 1985(3) IS FRIVOLOUS.

77. My Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1985(3) cause of action. I did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties.

78. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 118 cases regarding 42 U.S.C. § 1985 that were

not declared frivolous. (Exhibit 142 hereto is a true and correct copy of the 118 cases.)

79. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding 42 U.S.C. § 1985 that were not declared frivolous. (Exhibit 143 hereto is a true and correct copy of the search that returned no cases.)

80. The cause of action is proper, and this Court cannot claim that my Fourth Cause of Action (Conspiracy to Interfere with Civil Rights – 42 U.S.C. § 1985(3)) is frivolous.

81. THIS COURT CANNOT CLAIM THAT MY FIFTH CAUSE OF ACTION FOR NEGLIGENCE TO PREVENT WRONGS PURSUANT TO 42 U.S.C. § 1986 IS FRIVOLOUS.

82. My Verified Complaint includes all of the elements necessary for a 42 U.S.C. § 1986 cause of action. I did plead the failure to properly train County employees, so the County and the District Attorney were appropriate parties.

83. I cited 3 cases in the First Amended Verified Complaint.

84. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 17 cases regarding 42 U.S.C. § 1986 that were not declared frivolous. (Exhibit 144 hereto is a true and correct copy of the citations to the 17 cases.)

85. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding Georgia RICO that were not declared frivolous.

(Exhibit 145 hereto is a true and correct copy of the search that returned no cases.)

86. The cause of action is proper, and this Court cannot claim that my Fifth Cause of Action (Action for Neglect to Prevent Wrongs – 42 U.S.C. § 1986) is frivolous.

87. THIS COURT CANNOT CLAIM THAT MY SIXTH CAUSE OF ACTION FOR ACTION FOR VIOLATION OF THE GEORGIA RICO ACT PURSUANT TO O.C.G.A. 16-14-1 ET SEQ IS FRIVOLOUS.

88. My Verified Complaint includes all of the elements necessary for a Georgia RICO cause of action.

89. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 33 cases regarding Georgia RICO that were not declared frivolous. (Exhibit 144 hereto is a true and correct copy of the citations to the 33 cases.)

90. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 39 cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were not declared frivolous. (Exhibit 145 hereto is a true and correct copy of the citations to the 39 cases.)

91. A search of all of the Georgia appellate cases on www.versuslaw.com returns 174 cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were not declared frivolous. (Exhibit 146 hereto is a true and correct copy of the citations to the 174 cases.)

92. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns NO cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were declared frivolous.

93. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding O.C.G.A. 16-14-1 to 16-14-6 that were declared frivolous.

94. Exhibit 147 hereto is a true and correct copy of the RICO manuals that I referenced in preparing the First Amended Verified Complaint.

95. The cause of action is proper, and this Court cannot claim that my Sixth Cause of Action (Violation of Georgia RICO Act – O.C.G.A. 16-14-1 to 16-14-6) is frivolous.

96. THIS COURT CANNOT CLAIM THAT MY SEVENTH CAUSE OF ACTION FOR COMMON LAW ABUSE OF PROCESS IS FRIVOLOUS.

97. My Verified Complaint includes all of the elements necessary for a common law Abuse of Process cause of action. .

98. A search of all of the Georgia appellate cases on www.versuslaw.com returns 150 cases regarding abuse of process that were not declared frivolous.

(Exhibit 148 hereto is a true and correct copy of the citations to the 150 cases.)

99. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding abuse of process that were declared frivolous.

100. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 91 cases regarding abuse of process that were not declared frivolous. (Exhibit 149 hereto is a true and correct copy of the citations to the 91 cases.)

101. A search of all of the Georgia appellate cases on www.versuslaw.com returns 20 cases that matched the search term "abuse of process" and "frivolous." However, review of the 20 cases reveals that none of these were cases where a plaintiff's action for abuse of process was declared frivolous. (Exhibit 150 hereto is a true and correct copy of the search that returned 20 cases that do not apply.)

102. The cause of action is proper, and this Court cannot claim that my Seventh Cause of Action (Abuse of Process) is frivolous.

103. THIS COURT CANNOT CLAIM THAT MY EIGHTH CAUSE OF ACTION FOR BREACH OF LEGAL DUTY PURSUANT TO O.C.G.A. § 51-1-6 IS FRIVOLOUS.

104. My Verified Complaint includes all of the elements necessary for a Breach of Legal Duty cause of action. .

105. A search of all of the Georgia appellate cases on www.versuslaw.com returns 72 cases regarding Breach of Legal Duty that were not declared frivolous. (Exhibit 151 hereto is a true and correct copy of the citations to the 150 cases.)

106. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding Breach of Legal Duty that were declared frivolous.

107. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 9 cases regarding abuse of process that were not declared frivolous. (Exhibit 152 hereto is a true and correct copy of the citations to the 9 cases.)

108. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases that matched the search term "abuse of process" and "frivolous."

109. The cause of action is proper, and this Court cannot claim that my Eighth Cause of Action (Breach of Legal Duty) is frivolous.

110. THIS COURT CANNOT CLAIM THAT MY NINTH CAUSE OF ACTION FOR VIOLATION OF CONSTITUTIONAL RIGHTS IS FRIVOLOUS.

111. My Verified Complaint includes all of the elements necessary for a Violation of Constitutional Rights cause of action. .

112. A search of all of the Georgia appellate cases on www.versuslaw.com returns 15 cases regarding Violation of Constitutional Rights that were not declared frivolous. (Exhibit 153 hereto is a true and correct copy of the citations to the 15 cases.)

113. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 92 cases regarding Violation of Constitutional Rights that were not declared frivolous. (Exhibit 154 hereto is a true and correct copy of the citations to the 92 cases.)

114. The cause of action is proper, and this Court cannot claim that my Ninth Cause of Action (Violation of Constitutional Rights) is frivolous.

115. THIS COURT CANNOT CLAIM THAT MY TENTH CAUSE OF ACTION FOR EXTENDING, MODIFYING, OR REVERSING EXISTING LAW OR FOR ESTABLISHING NEW LAW IS FRIVOLOUS.

116. My Verified Complaint includes all of the elements necessary for a cause of action for extending, modifying, or reversing existing law or for establishing new law.

117. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding extending, modifying, or reversing existing law or for establishing new law that were declared frivolous.

118. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns NO cases regarding extending, modifying, or reversing existing law or for establishing new law that were declared frivolous.

119. The cause of action is proper, and this Court cannot claim that my Tenth Cause of Action (extending, modifying, or reversing existing law or for establishing new law) is frivolous.

120. THIS COURT CANNOT CLAIM THAT MY ELEVENTH CAUSE OF ACTION FOR SLANDER AND ORAL DEFAMATION PURSUANT TO O.C.G.A. 51-5-4 IS FRIVOLOUS.

121. My Verified Complaint includes all of the elements necessary for a Slander and Oral Defamation cause of action.

122. A search of all of the Georgia appellate cases on www.versuslaw.com returns 70 cases regarding O.C.G.A. § 51-5-4 that were not declared frivolous. (Exhibit 155 hereto is a true and correct copy of the citations to the 70 cases.)

123. A search of all of the Georgia appellate cases on www.versuslaw.com returns NO cases regarding O.C.G.A. § 51-5-4 that were declared frivolous.

124. A search of all of the Eleventh Circuit and U.S. Supreme Court cases on www.versuslaw.com returns 5 cases regarding O.C.G.A. § 51-5-4 that were not

declared frivolous. (Exhibit 156 hereto is a true and correct copy of the citations to the 5 cases.)

125. A search of all of the Eleventh Circuit cases on www.versuslaw.com returns NO cases that matched the search term " O.C.G.A. § 51-5-4" and "frivolous."

126. The cause of action is proper, and this Court cannot claim that my Eleventh Cause of Action (Slander and Oral Defamation) is frivolous.

127. JWB had no basis to pretend the First Amended Verified Complaint was completely devoid of any justifiable issue of law or fact.

128. JWB ILLEGALLY ADMITTED EVIDENCE.

129. I move to strike anything but citations of statutes and case law in the Defendants' Brief, motions, and responses as anything else is not evidence, is not admissible, and is hearsay. (O.C.G.A. § 24-1-2, 24-3-1.)

130. I have admitted evidence into the record of the Court as to facts, and these facts must be believed absent any sworn testimony to the contrary. (O.C.G.A. § 24-4-7, 24-4-8.)

131. The Defendants have failed to produce any evidence to repel claims against them, so this Court must presume that the charges are well-founded. (O.C.G.A. § 24-4-22.)

132. The only so-called evidence presented by the Defendants was four orders from federal court judges. These orders are inadmissible as to any alleged facts stated therein as courts may not accept a court's order as proof of anything but that an order was issued. Certified copies of orders are the best evidence, and the Defendants have failed to introduce certified copies, and the evidence is inadmissible. (O.C.G.A. § 24-5-1, 24-5-2, 24-5-4, 24-5-31.) See my response in Opposition to Defendants' Notice of Filing of Evidence for a variety of reasons why the evidence is inadmissible.

133. Under the *Federal Rules of Evidence* Rule 201(b), a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Georgia has O.C.G.A. § 24-1-4. The orders that the Defendants wish to admit as evidence in this case are disputed. They are inaccurate, and the issuance of these orders is perjury and obstruction of justice that is part of the subject of my evidence to the Grand Jury. I was given no notice that JWB was going to claim judicial notice, and this violates due process.

134. The Defendants were allowed to admit exhibits at the hearing, but there was no witness to authenticate the exhibits, and they were not certified. JWB

violated the law by allowing them to be admitted. The documents must be stricken from the record.

135. JWB ILLEGALLY DENIED EVIDENCE.

136. JWB denied my right to testify.

137. JWB limited me to 30 minutes at the Hearing, which made it impossible for me to present the evidence that he planned, admit the documents that he prepared, call the witnesses who appeared voluntarily, and seek to compel the attendance of subpoenaed witnesses who failed to appear.

138. I HAVE BEEN DENIED DUE PROCESS.

139. JWB had no legal basis to enter filing restrictions without notice and an opportunity to be heard. This was my right. My causes of action are a property interest that cannot be denied without due process.

140. JWB IMPROPERLY DISMISSED THIS CASE SUA SPONTE.

141. Judges may dismiss cases sua sponte only when the cases are appropriate. This is not one of those cases.

142. JWB's sole citation is *Smith v. Adamson*, and it does not apply in any manner. The dismissal was allowed because "The courtroom is not the proper forum to initiate or try impeachment proceedings." I have no cause of action for impeachment.

143. I have researched every Georgia case in versuslaw.com, and there are 14 cases from a search of “dismiss” w/5 “sua sponte.” Seven cases were affirmed, and seven cases were reversed. Based upon this research, the only “appropriate cases” for dismissal sua sponte are attempted impeachment proceedings in a court, statute of limitations, failure to file affidavits, late filing of a caveat to a will, no effort to serve a defendant, only potential secondary liability on a fraud claim, and failure of the only witness to show up for the trial. None of these apply to this Civil Action.

144. In *Georgia Receivables v. Williams*, the ruling was that the action was barred by the expiration of the four-year statute of limitation period. In, *Herringdine v. Nalley Equip. Leasing*, No. A99AO246 (Ga.App. 05/11/1999), "Herringdine failed to provide the Court with the original affidavit of the Forensic Document Examiner, attaching only a photocopy to his motion." In *In re Estate of Brice*, 654 S.E.2d 420, 288 Ga.App. 449 (Ga.App. 11/16/2007), the issue was a late filing of a caveat to a will. In *Kelley v. Lymon*, 632 S.E.2d 734, 279 Ga.App. 849 (Ga.App. 06/16/2006), the plaintiff made no effort to serve the defendant. In *Chip Kassinger, Inc. v. Steimer*, 422 S.E.2d 241, 205 Ga. App. 349, there was only potential secondary liability on a fraud claim. In *Cramer v. Southeastern Office Furniture*, 320 S.E.2d 223, 171 Ga. App. 514 (06/22/84), when the trial began,

appellant announced that its only witness had failed to appear. In *Smith v. Adamson*, the courtroom was not the proper forum for impeachment proceedings.

145. In these cases, the sua sponte dismissal was reversed: *Perry Golf Course Development, LLC v. Housing Authority of the City of Atlanta*, 670 S.E.2d 171, 294 Ga.App. 387 (Ga.App. 11/05/2008) – pleadings were adequate; *State v. Carr*, 652 S.E.2d 597, 287 Ga.App. 691 (Ga.App. 10/01/2007) -- defendant enjoys an absolute right to withdraw a guilty plea or plea of nolo contendere; *Aycock v. Calk*, 222 Ga.App. 763, 476 S.E.2d 274 (Ga.App. 09/16/1996) -- the trial court considered matters outside the pleadings, thereby converting the order into one for summary judgment; *Keith McClanahan et al and vice versa*, 249 S.E.2d 128, 147 Ga. App. 342 (10/02/78) – reversed as improper to dismiss the case for lack of jurisdiction without a hearing; *Bakhtiarnejad v. Cox Enterprises, Inc.*, 247 Ga.App. 205, 247 Ga.App. 205, 541 S.E.2d 33, 541 S.E.2d 33 (Ga.App. 10/13/2000) -- the trial court considered matters outside the pleadings, thereby converting the order into one for summary judgment; *Gaw v. Telfair County Bd. of Comm.*, 277 Ga. 157, 159 (2) (587 SE2d 50) (2003) -- reversing the sua sponte dismissal of potentially meritorious claims; *Focus Healthcare Medical Center v. O'Neal*, 253 Ga. App. 298, 299 (a) (558 SE2d 818) (2002) -- reversing trial court's sua sponte

dismissal of an action based upon its own assertion of an affirmative defense that could have otherwise been waived by the defendant.

146. THE COURT CONVERTED THE HEARING TO A SUMMARY JUDGMENT HEARING, AND I WAS DENIED DUE PROCESS.

147. There was no notice to I that JWB would consider dismissing the case. JWB clearly considered matters outside the pleadings. Therefore, the proceeding became a summary judgment proceeding, but I did not have a reasonable opportunity to present all material made pertinent for a summary judgment.

148. I was denied due process.

149. THE REQUEST FOR A TEMPORARY RESTRAINING ORDER AND INTERLOCUTORY INJUNCTION WERE PROPER AND SHOULD HAVE BEEN GRANTED.

150. I sought injunctive relief to keep the Defendants in order – to keep them from continued violation of several criminal statutes. The only facts before the Court were that the defendants were violating statutes. An honest judge could not rule otherwise.

151. I AM ENTITLED TO A TEMPORARY RESTRAINING ORDER TO PREVENT ONGOING VIOLATION OF HIS CONSTITUTIONAL RIGHTS

152. The vital necessity for the injunction is that the Defendants must not be allowed to continue to violate the law and deny my Constitutional rights.

153. Defendants' practices of concealing and possibly destroying evidence will do irreparable harm to me. Deprivation of Constitutional rights is clearly irreparable harm.

154. Deprivation of a Constitutional right is when "a governing body has worked constitutional deprivation of a citizen pursuant to an impermissible or corrupt policy which is intentional and deliberate."

155. For all the reasons detailed in my Response to Defendants' Opposition to My Request for a TRO and Interlocutory Injunction, I established his right to the relief based upon both the facts and the law.

156. MY ALLEGATIONS AGAINST THE FEDERAL JUDICIARY ARE ABSOLUTELY VALID, AND SUFFICIENT EVIDENCE IS IN THE RECORD BEFORE THIS COURT.

157. The Defendants make a big issue out of this on Page 8 of the Defendants' Brief:

158. The County Attorney bizarrely makes this claim, but the allegations against the federal judiciary are not what this Civil Action is about.

159. While my allegations against the federal judiciary are not the subject of this Civil Action, those allegations are absolutely true, totally documented, and uncontroverted. The Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, and Fifteenth Affidavits of William M. Windsor contain sworn evidence. I was scheduled to admit significant evidence into the record at the Preliminary Injunction Hearing. Exhibit 116 to the Twentieth Affidavit of William M. Windsor is a true and correct copy of a WSB-TV report on August 21, 2011 about a special FBI squad being established in Atlanta to investigate corruption among judges.

160. JWB'S FILING INJUNCTION AGAINST I IS ILLEGAL BECAUSE IT DENIES ME ANY ACCESS TO THE COURT.

161. I filed financial information with the Court that proved he does not have the ability to post a bond as all of his money has been "stolen" in the federal courts. Exhibit 104 to the Twentieth Affidavit of William M. Windsor is my Affidavit filed with the federal court, and Exhibit 105 is my financial statement. By ordering a \$50,000 bond, JWB has closed the courthouse doors to me. This violates My Constitutional rights.

162. I HAVE NEWLY-DISCOVERED EVIDENCE.

163. I learned at the Hearing that JWB is a material witness.

164. I now realize that Judge Kelly Amanda Lee is a material witness.

165. I realize that I now need to name at least four more of the DOE Defendants, and these Defendants will have evidence.

166. Case law provides that filing injunctions may not be issued without notice and an opportunity to be heard. I had neither.

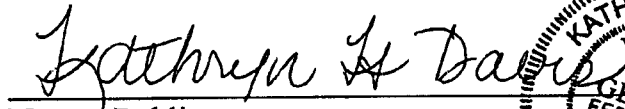
FURTHER SAITH AFFIANT NOT.

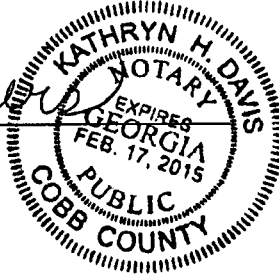
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of October 2011.


William M. Windsor

Sworn to before me, this 11th day of October 2011.


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing by electronic mail and by depositing a true and correct copy of the same in the United States mail, proper postage affixed thereto, addressed as follows:

Lanna Renee Hill
R. David Ware
Kaye Woodward Burrell
Jerolyn Webb Ferrari
Office of the Fulton County Attorney
141 Pryor Street, Suite 4038 -- Atlanta, GA 30303
404-612-0246 -- Fax: 404-730-6324
Lanna.hill@fultoncountyga.gov

This 11th day of October, 2011.



William M. Windsor
Pro Se

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