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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
JUDGE WILLIAM S. DUFFEY, MAID OF THE MIST CORPORATION, MAID OF THE MIST STEAMBOAT COMPANY, LTD., JUDGE ORINDA D. EVANS, JUDGE JULIE E. CARNES, JUDGE JOEL F. DUBINA, JOHN LEY, AND JAMES N. HATTEN, Defendants.	)	1:11-CV-01922-TWT

MOTION TO DENY REMOVAL,
AND EMERGENCY MOTION FOR HEARING

William M. Windsor ("Windsor" or "Plaintiff") hereby moves for an emergency hearing and immediate denial of the NOTICE OF REMOVAL and issuance of an order placing jurisdiction of this matter to the Superior Court of Fulton County, Georgia. The Plaintiff seeks this relief on several procedural and substantive grounds. Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On May 19, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County against Defendants stating claims for a

declaratory judgment pursuant to O.C.G.A. § 9-4-2, et seq. The Civil Action was assigned No. 2011CV200857.

2. Plaintiff and Defendants are citizens of the State of Georgia.

3. Only four of the eight Defendants have been served with the Summons and Verified Complaint.

4. On June 13, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL that alleges to seek to remove Civil Action 2011CV200857 from Fulton County Georgia Superior Court to this Court. The NOTICE OF REMOVAL mentions six (6) 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. The NOTICE OF REMOVAL is referenced and incorporated herein as if attached hereto.

5. This so-called NOTICE OF REMOVAL is based on 28 U.S.C. § 1442(a)(1) and (3). *See* NOTICE OF REMOVAL ¶5.

6. On June 14, 2011, Windsor filed this MOTION TO DENY REMOVAL.

I. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE, AND THIS MOTION TO DENY REMOVAL MUST BE GRANTED.

7. The NOTICE OF REMOVAL has procedural defects that make it void on its face.

8. There is a presumption against removal jurisdiction, and this Court must strictly construe the removal statute. (***Fajen v. Foundation Reserve Ins. Co.***, 683 F.2d 331, 333 (10th Cir.1982).) The party seeking removal has the burden of proving the jurisdictional and procedural requirements for removal. (***Laughlin v. Prudential Ins. Co.***, 882 F.2d. 187 (5th Cir. 1989).)

9. The NOTICE OF REMOVAL fails on all accounts, so this MOTION TO DENY REMOVAL must be granted.

II. THE REMOVAL IS PROCEDURALLY DEFECTIVE FOR FAILURE TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE, AND THIS MOTION TO DENY REMOVAL MUST BE GRANTED.

10. None of the Defendants have made an appearance.

11. 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. The Docket is attached as Exhibit A.

12. The U.S. Attorneys, Sally Quillian Yates and Christopher Huber, have no authority to appear for the Defendants.

13. Christopher Huber is representing one of the Defendants in two legal actions before Defendant Judge Duffey. There are an assortment of other conflicts that make it impossible for Christopher Huber to represent most of the Defendants.

14. Nothing has been filed with any court giving the U.S. Attorneys the authority to appear for any of the Defendants.

15. 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

16. There is no indication that any of the Defendants have signed a sworn affidavit in regard to representation or the NOTICE OF REMOVAL.

17. The Attorney General for the State of Georgia has a vested interest in this Declaratory Judgment Action and was served with the Verified Complaint in compliance with O.C.G.A. § 9-4-7 (CGA 110-1106). Windsor has afforded the Attorney General the opportunity to be heard and has sought an Answer from the Attorney General whether the Attorney General elects to participate as a party. The Attorney General is not mentioned in the NOTICE OF REMOVAL, and the U.S. Attorneys do not represent the Georgia Attorney General.

III. THE REMOVAL IS PROCEDURALLY DEFECTIVE BECAUSE THE ACTION IS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES,

SO THIS MOTION TO DENY REMOVAL MUST BE GRANTED.

18. The removal statute requires service prior to removal in the state of Georgia. The removal statute states 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").

19. According to ***Black's Law Dictionary***, the word pending means "remaining undecided" or "awaiting decision." ***Black's Law Dictionary*** 1154 (7th ed. 1999). An action must have "commenced" before it can be "pending." A determination of whether the action was pending in a Georgia court at the time of removal requires reference to Georgia law. Under Georgia law, "there is a substantial difference between the commencement of an action and its being a suit pending between the parties." (***McClendon v. Hernando Phosphate Co.***, 28 S.E. 152, 153 (Ga. 1897).) Georgia law preserves this distinction, as filing a suit "is still not the commencement of suit unless followed by service within a reasonable time." (***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) ("An action is not a pending suit until service is perfected.")

20. Defendants Judge Joel F. Dubina, John Ley, Maid of the Mist Corporation, and Maid of the Mist Steamboat Company Limited have not been served with process.

21. 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 Joel F. Dubina, John Ley, Maid of the Mist Corporation, and Maid of the Mist Steamboat Company Limited. (28 U.S.C. 1446(b).)

IV. THE REMOVAL IS PROCEDURALLY DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY, AND THIS MOTION TO DENY REMOVAL MUST BE GRANTED.

22. Another defect in the NOTICE OF REMOVAL is its failure to comply with the rule of unanimity.

23. 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." There are eight Defendants in this Civil Action, and the eight Defendants have not filed the NOTICE OF REMOVAL. The Georgia Attorney General also has the option to be the ninth Defendant, and the Georgia Attorney General has not joined in the NOTICE OF REMOVAL.

24. 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).) The NOTICE OF REMOVAL fails to claim the consent of ANY Defendant, and it clearly fails to explain the absence of consent to the removal by Judge Joel F. Dubina, John Ley, Maid of the Mist Corporation, and Maid of the Mist Steamboat Company Limited, so it is defective for violating the rule of unanimity. Since some of the Defendants did not join in the notice of removal and the NOTICE failed to account for the lack of their consent, the REMOVAL is procedurally defective and cannot withstand this MOTION TO DENY REMOVAL.

> "... all of the defendants must consent to removal." (***Wisc. Dep't of Corr. v. Schacht***, 524 U. S. 381, 393 (1998) (Kennedy, J., concurring).)
>
> "The unanimity requirement mandates that in cases involving multiple defendants, all defendants must consent to removal." ***Russell Corp. v. Am. Home Assur. Co.***, 264 F.3d 1040, 1044 (11th Cir. 2001) (citing ***Chicago R. I. & P. Ry. Co v. Martin***, 178 U.S. 245, 247-48, 20 S.Ct. 854, 855, 44 L.Ed. 1055 (1900) (deriving from a removal statute the rule that all defendants must join in removal)). (See also ***In re Federal Savings and Loan Insurance Corp.***, 837 F.2d 432 (11th Cir. 01/19/1988); ***In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.***, 3 F.3d 353, 355-56 (11th Cir. 1993); ***Marano Enters. of Kan. v. Z-Teca Rests., L.P.***, 254 F.3d 753, 754 (8th Cir. 2001); ***Balazik v. County of Dauphin***, 44 F.3d 209, 213 (3d Cir. 1995); ***Doe v. Kerwood***, 969 F.2d 165, 167 (5th Cir. 1992); ***Hewitt v. City of Stanton***, 798 F.2d 1230, 1232 (9th Cir. 1986); ***N. Ill. Gas Co. v. Airco Indus. Gases***, 676 F.2d 270, 272-73 (7th Cir.1982); ***Cornwall v. Robinson***,
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> 654 F.2d 685, 686 (10th Cir. 1981); 11C Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, ***Federal Practice and Procedure*** § 3731 (3d.

ed. 1998); ***Esposito v. Home Depot U.S.A., Inc.***, 590 F.3d 72 (1st Cir. 12/30/2009).)

V. THE REMOVAL IS DEFECTIVE BECAUSE THIS COURT LACKS JURISDICTION, SO THIS MOTION TO DENY REMOVAL MUST BE GRANTED.

25. This 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.

26. The sole issue in this matter is a declaration of the meaning and terms of Georgia state law O.C.G.A. § 10-6-5.

27. The legislative intent and purpose of the Georgia Declaratory Judgment Act is to settle and relieve against uncertainty and insecurity with respect to rights, status, and legal interpretation. O.C.G.A. § 9-4-1 (CGA § 110-1111).

28. Pursuant to O.C.G.A. § 9-4-2(b) (GCA § 110-1101) the Georgia Superior Courts are charged with the responsibility to "determine and settle by declaration any justiciable controversy of a civil nature where it appears to the court that the ends of justice require that such should be made for the guidance and protection of the petitioner, and when such a declaration will relieve the petitioner from uncertainty and insecurity with respect to his rights, status, and legal

relations." Only the Georgia Superior Courts have the authority for a declaratory judgment action regarding Georgia statutes.

VI. 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 TO DENY REMOVAL MUST BE GRANTED.

29. The U.S. Attorney erroneously cites two sections of 28 U.S.C. § 1442 as the sole basis for the removal.

> 28 U.S.C. § 1442(a)(1) provides that "a civil action or criminal prosecution 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...."

30. 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...."

> The U.S. Supreme Court holds that the jurisdictional provision found in 28 U.S.C. § 1442(a)(1) required federal officers to raise a federal defense before removing to federal court. ***Mesa v. California***, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).

31. Maid of the Mist Corporation and Maid of the Mist Steamboat Company Limited are not federal officers, so they have no right to raise a federal

defense. The Georgia Attorney General is not a federal officer and has no right to raise a federal defense.

32. None of the other Defendants have argued that they are federal officers, nor have they raised any defense whatsoever to the declaratory judgment action. The ONLY statement made by the U.S. Attorney in the NOTICE OF REMOVAL is: "This [Declaratory Judgment Action] is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1), (3)."

33. There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) and (3) have nothing to do with defenses to a declaratory judgment action, so no defense has been raised.

> The Supreme Court has held that "the right of removal [under § 1442(a)(1)] is absolute for conduct performed under color of federal office," ***Arizona v. Manypenny***, 451 U.S. 232, 242, 101 S. Ct. 1657, 1664, 68 L. Ed. 2d 58 (1981), and that 28 U.S.C. § 1442(a)(1) "is broad enough to cover all cases where federal officers can raise a colorable defense arising out of their duty to enforce federal law." ***Willingham v. Morgan***, 395 U.S. 402, 406-07, 89 S. Ct. 1813, 1816, 23 L. Ed. 2d 396 (1969). The Court agreed with the government that "the removal statute is an incident of federal supremacy, and that one of its purposes [is] to provide a federal forum for cases where federal officials must raise defenses arising from their official duties." ***Willingham***, 395 U.S. at 405, 89 S. Ct. at 1815.
>
> The purpose of section 1442(a)(1) is to "permit[ ] the removal of those actions commenced in state court that expose a federal official to potential civil liability or criminal penalty for an act performed ... under color of office." ***Murray v. Murray***, 621 F.2d 103, 107 (5th Cir.1980). In ***Willingham***, the Supreme Court noted that "the removal statute is an incident of federal supremacy, and that one of its purposes was to provide a

federal forum for cases where federal officials must raise defenses arising from their official duties." 395 U.S. at 405, 89 S. Ct. at 1815. "The test for removal should be broader, not narrower, than the test for official immunity." Id.

34. 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) (quoting ***Willingham***, 395 U.S. at 406-07, 89 S. Ct. at 1816). That defense need only be plausible; its ultimate validity is not to be determined at the time of removal. Id. at 129, 109 S. Ct. at 964. However, 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. However, the Supreme Court has held that, in a civil suit such as this, it is sufficient for the defendant to show that his relationship to the plaintiff "derived solely from [his] official duties." ***Willingham***, 395 U.S. at 409, 89 S. Ct. at 1817. In such a case, the causal connection requirement "consists, simply enough, of the undisputed fact that [the defendant was] on duty, at [his] place of federal employment, at all the relevant times." Id. If the question raised by the plaintiff is whether the defendant was engaged in "some kind of frolic," or acting in contravention of his official duties, the parties will have the opportunity to present their versions of the facts to a federal court. Id. (***Magnin v. Teledyne Continental Motors***, 91 F.3d 1424 (11th Cir. 08/15/1996).) [**emphasis added**.]

"[F]ederal jurisdiction demands not only a contested federal issue, but a substantial one, indicating a serious federal interest in claiming the advantages thought to be inherent in a federal forum." ***Grable***, 545 U.S. at 313. Those advantages are "the experience, solicitude, and hope of uniformity that a federal forum offers on federal issues." *Id.* at 312.

More recently, in ***Adventure Outdoors, Inc. v. Bloomberg***, 552 F.3d 1290 (C.A. 11, Dec. 19, 2008), plaintiffs brought, *inter alia*, a defamation claim based on the defendants' statements that the plaintiffs had violated federal gun laws. *See* 552 F.3d at 1293-94. The Eleventh Circuit reversed the district court's conclusion that federal question jurisdiction was appropriate, concluding that the federal interest involved was insubstantial. *See id.* at 1301-03.

Ayres v. Gen. Motors Corp., 234 F.3d 514, 518 (11th Cir. 2000) serves to illustrate this point. In *Ayres*, the plaintiff brought suit under Georgia's civil RICO statute, alleging that the defendant had violated the federal National Traffic and Motor Vehicle Safety Act and, by so doing, had committed federal mail and wire fraud, which were predicate offenses constituting racketeering. *See* 234 F.3d at 516-17. The Eleventh Circuit found federal question jurisdiction was appropriate because "this case requires that we decide whether or not a breach of the disclosure duty under the [National Traffic and Motor Vehicle] Safety Act constitutes a federal mail and wire fraud crime." *Id.* at 519. In other words, because the **meaning** of a federal statute was at issue, a substantial federal question was involved. *See id.*

("[F]ederal question jurisdiction exists where a plaintiff's cause of action has as an essential element the existence of a right under federal law which will be supported by a construction of the federal law concluding that the federal crime is established, but defeated by another construction concluding the opposite"). Where, however, "allegations of violations of federal law as predicate acts under a state RICO act" do not "require the court to interpret an independent federal statute," federal question jurisdiction is inappropriate. *See* ***Austin v. Ameriquest Mortgage Co.***, 510 F. Supp. 2d 1218, 1227-28 (N.D. Ga. 2007); *accord, e.g.*, ***Neighborhood Mortgage, Inc. v. Fegans***, No. 1:06-CV-1984-JOF, 2007 WL 2479205, at *4 (N.D. Ga. Aug. 28, 2007) ("Unlike *Ayres* where the court had to decide whether the federal mail and wire fraud statutes would also constitute a breach of the

> National Traffic and Motor Vehicle Safety Act, where there is no other federal question, . . . the mere citation of federal mail and wire fraud as predicate acts to a state RICO action is not sufficiently substantial to confer federal jurisdiction").
>
> As the Eleventh Circuit explained in ***Adventure Outdoors***: ***Ayres*** involved two levels of federal questions. The need to construe independent bodies of federal law and to determine the legal effect of the interaction of those two bodies of law made the federal question in *Ayres* far more substantial than the one presented by Adventure Outdoors's defamation claim. 552 F.3d at 1302. The same is also true here because this matter has nothing to do with the construction of federal regulations. Consequently, this Court should decline to exercise federal-question jurisdiction over Plaintiffs' state-law claim and remand this matter to the Superior Court of Gwinnett County, Georgia.

39. 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 (11thCir. 2008) (quoting *Leonard v. Enter. Rent a Car*, 279 F.3d 967, 972 (11th Cir. 2002)). "All doubts about the propriety of federal jurisdiction should be resolved in favor of remand to state court." *Id.* (citing *Diaz v. Sheppard*, 85 F.3d 1502, 1505 (11th Cir. 1996)); *accord Burns v. Windsor Ins. Co.*, 31 F.3d 1092, 1095 (11th Cir. 1994) ("[W]here a plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand").
>
> The test for whether federal jurisdiction should be exercised over embedded federal issues in state-law claims between non-diverse parties is whether "a state law claim necessarily raise[s] a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial

responsibilities." *Grable & Sons Metal Prods., Inc v. Darue Eng'g & Mfg.*, 545 U.S. 308, 314 (2005).

40. In this matter, NO federal issue exists. There is no disputed question of federal law. The meaning of a Georgia state statute is the only legal and factual issue contested.

> 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).)

41. There is no legal authority to permit a Federal court to claim jurisdiction over a state declaratory judgment action. 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.

> The removal statute is strictly construed against removal jurisdiction and doubt is resolved in favor of remand. ***Libhart v. Santa Monica Dairy Co.***, 592 F.2d 1062, 1064 (9th Cir. 1979); ***Prize Frize Inc. v. Matrix Inc.***, 167 F.3d 1261, 1265 (9th Cir. 1999).

42. This Court must deny removal of this Civil Action and confirm that jurisdiction must remain with the Superior Court of Fulton County, Georgia.

> 28 U.S.C. § 1446 (c)(4) provides: The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

CONCLUSION

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

44. For the aforementioned reasons, this Court should order that removal is not permitted and that this case should remain with the Superior Court of Gwinnett County in the State of Georgia.

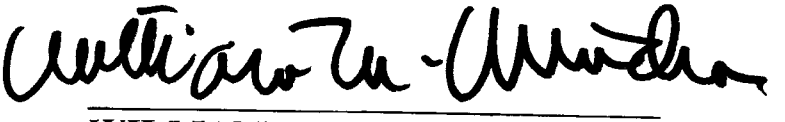
WHEREFORE, Windsor respectfully requests:

a. order that removal is not permitted;

b. order that jurisdiction for this Civil Action remains with the Superior Court of Fulton County Georgia; and

c. grant any other relief this Court deems just and proper.

Respectfully submitted this 14th day of June, 2011.



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35. This Civil Action is a declaratory judgment action about Georgia state law. So, it is impossible for a Defendant to raise a colorable defense as the Defendants have nothing to defend. There can be no causal connection because this is merely a declaratory judgment action

VII. THE REMOVAL IS DEFECTIVE PURSUANT TO 28 U.S.C § 1442 (a)(3) BECAUSE FEDERAL OFFICERS HAVE NOT RAISED A FEDERAL DEFENSE, SO THIS MOTION TO DENY REMOVAL MUST BE GRANTED.

36. The U.S. Attorney also erroneously cited 28 U.S.C. § 1442(a)(3) as a basis for the removal.

> 28 U.S.C. § 1442(a)(3) provides that "a civil action or criminal prosecution 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: Any officer of the courts of the United States, for any act under color of office or in the performance of his duties;"

37. 28 U.S.C. § 1442(a)(3) does not apply because the Verified Complaint is not about "**any act under color of office or in the performance of [anyone's] duties**."

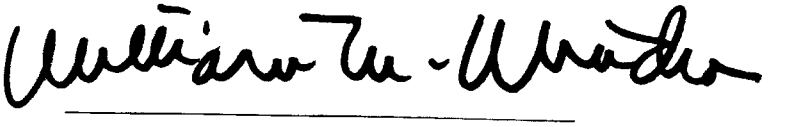
38. The federal interest in this matter is insubstantial, and the exercise of federal-question jurisdiction would disrupt the Congressionally-approved balance of federal and state judicial responsibilities.

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.

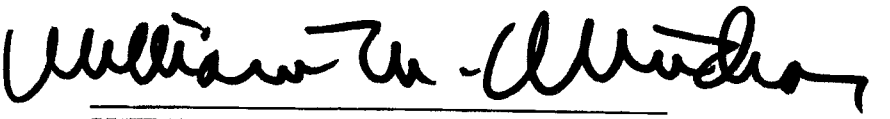
This 14th day of June, 2011.



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

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Telephone: 770-578-1056
Fax: 770-234-4106
williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing MOTION to each Defendant by mail with sufficient postage addressed with the addresses for service shown in the Verified Complaint and 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

This 14th day of June, 2011.

WILLIAM M. WINDSOR
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Exhibit

A

4months, SUBMDJ

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:11-cv-01922-TWT

Windsor v. Duffey et al
Assigned to: Judge Thomas W. Thrash, Jr
Case in other court: Superior Court of Fulton County, Georgia, 2011CV200857
Cause: 28:1443(1)Removal from State Court - Civil Rights

Date Filed: 06/13/2011
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

William M. Windsor

represented by **William M. Windsor**
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PRO SE

V.

Defendant

Judge William S. Duffey

represented by **Christopher J. Huber**
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ATTORNEY TO BE NOTICED

Defendant

Maid of the Mist Corporation

Defendant

Maid of the Mist Steamboat Company, Ltd.

Defendant

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

Defendant

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

Defendant

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

Defendant

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

Defendant

James N. Hatten 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

Date Filed	#	Docket Text
06/13/2011	1	NOTICE OF REMOVAL with COMPLAINT filed by Judge Julie E. Carnes, Judge Joel F. Dubina, Judge William S. Duffey, Judge Orinda D. Evans, John Leh, James N. Hatten. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Attachments: # 1 Exhibit A - Complaint for Declaratory Judgment, Petition for Temporary Restraining Order and Petition for Injunction, # 2 Text of Proposed Order, # 3 Civil Cover Sheet) (dfb) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/13/2011)
06/13/2011	2	MOTION for Temporary Restraining Order, MOTION for Hearing by William M. Windsor. (dfb) (Entered: 06/13/2011)
06/13/2011		Submission of 2 MOTION for Temporary Restraining Order, MOTION for Hearing, submitted to District Judge Thomas W. Thrash. (dfb) (Entered:

		06/13/2011)
06/13/2011		Notification of Docket Correction to reflect correct civil action number assigned, 1:11-cv-1922-TWT. (dfb) (Entered: 06/13/2011)
06/13/2011	3	MOTION for Extension of Time To File Responsive Pleading or Motion and Brief in Support with Brief In Support by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Attachments: # 1 Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/13/2011	4	MOTION for Protective Order with Brief In Support by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Attachments: # 1 Brief Memorandum of Points and Authorities in Support of Motion for A Protective Order, # 2 Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)

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