

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-O

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

MOTION TO STRIKE ORDER TO SHOW CAUSE

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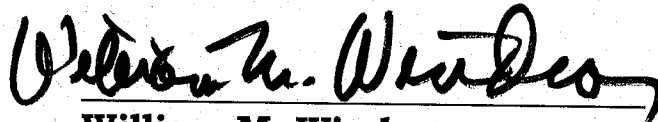
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PLEASE NOTE: Large exhibits can be accessed on the Orange
County Clerk website.

Submitted this 27th day of March, 2021.



William M. Windsor

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Appendix

1

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO:

Plaintiff,

v.

ROBERT KEITH LONGEST, an individual,
and BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION, L.L.C., a
Foreign Limited Liability Company,

Defendants.

COMPLAINT

Plaintiff, WILLIAM WINDSOR, by and through the undersigned attorney, sues the Defendants, ROBERT KEITH LONGEST and BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C., a Foreign Profit Corporation, and states as follows:

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00) exclusive of interest, costs and attorney's fees.
2. At all times material to this action, Plaintiff, WILLIAM WINDSOR, is a natural person residing in Leesburg, Lake County, Florida.
3. At all times material to this action, Defendant, ROBERT KEITH LONGEST, is a natural person residing in Orlando, Orange County, Florida.
4. At all times material to this action, Defendant, BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C., is a Foreign Limited Liability Company authorized to and doing business in the state of Florida.

5. All other conditions precedent to the bringing of this action have been performed, have occurred or have been waived.

6. Venue is proper in Orange County because the alleged incident occurred in Orange County.

FACTS COMMON TO ALL COUNTS

7. On or about May 5, 2017, Plaintiff, WILLIAM WINDSOR, was operating a motor vehicle, at or near mile marker 268 on State Road 91 (Florida Turnpike) southbound, Orlando, Orange County, Florida.

8. At that time and place, Defendant, ROBERT KEITH LONGEST, was operating a motor vehicle owned by the Defendant, BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C., at or near mile marker 268 on State Road 91 (Florida Turnpike) southbound, Orlando, Orange County, Florida.

9. At that time and place, Defendant, ROBERT KEITH LONGEST, operated the subject motor vehicle with the full knowledge and the express authority, permission and consent of its owner, BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C.

10. At that time and place, Defendant, ROBERT KEITH LONGEST, negligently and carelessly operated and/or maintained his vehicle so as to collide with a motor vehicle, causing said motor vehicle to then collide with the motor vehicle driven by Plaintiff, WILLIAM WINDSOR.

11. As a result of the collision caused by the negligence of Defendant, ROBERT KEITH LONGEST, Plaintiff, WILLIAM WINDSOR, sustained serious and permanent injuries.

**COUNT I – ACTION BY PLAINTIFF FOR NEGLIGENCE AGAINST
DEFENDANT, ROBERT KEITH LONGEST**

12. Plaintiff, WILLIAM WINDSOR, adopts and realleges Paragraphs 1 through 11 as fully set forth herein.

13. Defendant, ROBERT KEITH LONGEST, was negligent and careless in the operation of his motor vehicle so as to collide with a motor vehicle, causing said motor vehicle to then collide with the motor vehicle driven by Plaintiff, WILLIAM WINDSOR.

14. As a direct and proximate cause of Defendant, ROBERT KEITH LONGEST's, negligence, Plaintiff, WILLIAM WINDSOR, suffered or incurred injuries included, without limitation, the following:

- A. Significant and permanent loss of an important bodily function and/or permanent and significant scarring.
- B. Permanent injury within a reasonable degree of medical probability other than scarring or disfigurement;
- C. Aggravation or activation of an existing disease or physical defect;
- D. Pain, suffering, disability, physical impairment, mental anguish, inconvenience, and a loss of capacity for the enjoyment of life;
- E. Expenses of medical care and treatment in the past and in the future;
- F. Loss of wages and/or loss of earning capacity in the future; and
- G. All losses are continuing and/or permanent.

15. Plaintiff, WILLIAM WINDSOR, will suffer or incur the injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, WILLIAM WINDSOR, demands judgment for damages against Defendant, ROBERT KEITH LONGEST; for personal injury including the losses enumerated herein, costs, interest and for other such relief as may be just and equitable and otherwise deemed proper by the Court.

**COUNT II – ACTION BY PLAINTIFF FOR NEGLIGENCE AGAINST
DEFENDANT, BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C.**

16. Plaintiff, WILLIAM WINDSOR, adopts and realleges Paragraphs 1 through 11 as fully set forth herein.

17. Defendant, BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C., is vicariously liable for the negligence of Defendant, ROBERT KEITH LONGEST, pursuant to Florida's Dangerous Instrumentality Doctrine.

18. As a direct and proximate cause of Defendants' negligence, Plaintiff, WILLIAM WINDSOR, suffered or incurred injuries included, without limitation, the following:

- A. Significant and permanent loss of an important bodily function and/or permanent and significant scarring.
- B. Permanent injury within a reasonable degree of medical probability other than scarring or disfigurement;
- C. Aggravation or activation of an existing disease or physical defect;
- D. Pain, suffering, disability, physical impairment, mental anguish, inconvenience, and a loss of capacity for the enjoyment of life;
- E. Expenses of medical care and treatment in the past and in the future;
- F. Loss of wages and/or loss of earning capacity in the future; and
- G. All losses are continuing and/or permanent.

19. Plaintiff, WILLIAM WINDSOR, will suffer or incur the injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, WILLIAM WINDSOR, demands judgment for damages against Defendant, BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C., for personal injury including the losses enumerated herein, costs, interest and for other such relief as may be just and equitable and otherwise deemed proper by the Court.

DEMAND FOR JURY TRIAL

Plaintiff, WILLIAM WINDSOR, demands a jury trial on all issues so triable of each and every one of the Counts set forth above.

RESPECTFULLY submitted and DATED this 20th day of September, 2018.

/s/ Jason P. Herman

Jason P. Herman, Esquire

Florida Bar No.: 149357

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Appendix

2

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,
Plaintiff,

CASE NO. 2018-CA-010270-O

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,
Defendants.

EMERGENCY MOTION FOR STAY AND/OR CONTINUANCE

Comes Now, William M. Windsor ("Windsor" or "Plaintiff"), and provides this
Emergency Motion for Stay and/or Continuance. Windsor shows the Court as follows:

1. Windsor did not receive fair treatment from Judge John Marshall Kest ("Judge
Kest"). The orders of Judge Kest provide evidence of his prejudice and bias. Windsor
respectfully submits that his Petition for Writ of Prohibition provides overwhelming evidence of
prejudice and wrongdoing by Judge Kest. [EXHIBIT 1.]

2. Newly-assigned Judge Ashton is being asked to declare monetary sanctions
against Windsor for the outrageous actions of the Defendants, their attorneys, and Judge Kest.
Windsor will be without legal recourse. Windsor will be unable to pay, and Windsor is unsure if
that will cause him to be jailed or lose his case. Windsor has suffered serious injuries caused by
the Defendants, and he is destined for a miserable existence until he dies unless he can win this
case and obtain the funds needed for multiple surgeries.

3. Windsor's Petition for Writ of Prohibition (Case No. 5D2020-2666) was filed on
December 21, 2020, but the Appendix was rejected multiple times because Windsor couldn't
figure out how to do all the special things the appellate courts want appellants to do

electronically with appendix items. The appellate court refused to accept the paper appendix that Windsor prepared. The Appendix was finally accepted January 25, 2021. A copy of the Writ of Prohibition was filed in this case on December 21, 2020 as an exhibit to an Emergency Motion for Stay, and it is attached again as EXHIBIT 1 hereto.

4. Windsor is asking the Fifth District to deny Judge Kest participation in any matter regarding Windsor. He is asking the Fifth District to declare that the Florida Rules of Professional Conduct do not apply to pro se parties as Judge Kest falsely and maliciously claimed. Windsor is also seeking to have the new judge reconsider all of the orders in the case.

5. Windsor is 72-years-old, divorced, and disabled by the Defendants. He is *pro se* and has absolutely no help with his legal work. Windsor's sole source of income is social security, and he is \$1,500,000 in debt. He cannot afford an attorney or a sanction. He is in constant pain from the Defendants. He cannot afford surgery or medical treatment; his auto insurance coverage has expired.

6. Windsor requests a stay until the Fifth District rules on the Petition for Writ of Prohibition. This short delay will not affect anything in this case.

7. Windsor also needs to subpoena the attorneys for the Defendants prior to the hearing on attorney's fees. An affidavit was just filed that requires investigation. The examination of the attorneys is likely to take several hours. Windsor has found the attorneys to be extremely dishonest. The half hour set by the Defendants for 2/2/2021 is insufficient.

Submitted this 27th day of January, 2021.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Electronic Mail

to:

David I. Wynne and Scotty Astrin
Law Offices of Scott L. Astrin
100 N. Tampa Street, Suite 2605
Tampa, Florida 33602
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emily.christopher@aig.com, scott.astrin@aig.com
813-526-0559 - 813-218-3110
Fax: 813-649-8362

This 21st day of December, 2020.



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Exhibit

1

CASE NO. _____

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIFTH DISTRICT**

CASE NO.: 2018-CA-010270

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

In re William M. Windsor

William M. Windsor,

Petitioner

v.

**ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,
Respondents.**

PETITION FOR WRIT OF PROHIBITION

William M. Windsor

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INTRODUCTION

1. Pursuant to Florida Rules of Appellate Procedure (“FRAP”) Rule 9.100 and this Court’s Inherent Power, Petitioner, WILLIAM M. WINDSOR (“Windsor”), respectfully petitions this Court for a writ of prohibition restraining the Honorable John Marshall Kest, Judge of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County Florida from presiding as a circuit judge in the matter of WILLIAM M. WINDSOR vs. ROBERT KEITH LONGEST (“Longest”) and BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C. (“Boise Cascade”) in Case No. 2018-CA-01270-O. Windsor also petitions this Court to declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon (“Judge Munyon”).

2. This Petition follows the denial of a timely-filed motion to disqualify [APPENDIX 61] in which Windsor established that he has an objectively reasonable fear that he has not received a fair trial from Judge Kest, and the prejudice of Judge Kest assures his January 5, 2021 judicial replacement will be required to move the case forward with the unfair and unlawful orders of Judge Kest. The Petition was premised on FRAP 2.330, Florida Statutes, and the Florida Code of Judicial Conduct, all of which require that a judge disqualify himself once

a party has established a reasonable fear that he will not obtain a fair hearing. See Florida Rules of Judicial Administration ("FRJA") 2.160; Fla. Stat. §§ 38.02, 38.10; Fla. Code Jud. Conduct, Canon 3-B (7) and E. 2 I.

BASIS FOR INVOKING JURISDICTION

3. Article V, section 4(b)(3) of the Florida Constitution authorizes district courts of appeal to issue writs of prohibition. See also FRAP 9.030(b)(3); FRAP 9.100. This is an original action under Rule 9.100(a) of the FRAP. This Court has original jurisdiction pursuant to FRAP and Article V, Section 3(b)(8) of the Florida Constitution. See *Bundy v. Rudd*, 366 So. 2d 440 (Fla. 1978) (granting writ where circuit court erroneously denied motion to recuse judge).

4. The denial of a motion to disqualify a successor judge is reviewed for abuse of discretion, see *King v. State*, 840 So.2d 1047, 1049 (Fla.2003), and should only be disturbed if "the record clearly refutes the successor judge's decision to deny the motion." *Pinfield v. State*, 710 So.2d 201, 202 (Fla. 5th DCA 1998); see also *Quince v. State*, 732 So.2d 1059, 1062 (Fla.1999) ("a court's ruling on a discretionary matter will be sustained unless no reasonable person would take the view adopted by the court.").

NATURE OF RELIEF SOUGHT

5. The nature of the relief sought in this Petition is a Writ of Prohibition precluding Judge Kest from conducting proceedings in this case. Windsor also

seeks to have this Court declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon.

STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

6. On May 5, 2017, Windsor was hit by an 18-wheeler at 70-miles-per-hour. His car was totaled, and he was disabled. Windsor suffered four herniated discs in his back, five herniated discs in his neck, and an allegedly inoperable abdominal injury, Diastasis Recti.

7. This case was instituted in the Ninth Judicial Circuit in Orange County, Florida on September 20, 2018. It was filed by Dan Newlin & Partners ("Newlin"). [APPENDIX 1.] The case was assigned to Judge Lisa T. Munyon.

8. Plaintiff's Request for Admissions to Boise Cascade was filed on 9/20/2018. [APPENDIX 2.] Plaintiff's Request for Admissions to Longest was filed on 9/20/2018. [APPENDIX 3.] Plaintiff's Interrogatories to Boise Cascade was filed on 9/20/2018. [APPENDIX 4.] Plaintiff's Interrogatories to Longest was filed on 9/20/2018. [APPENDIX 5.] Plaintiff's Request to Produce to Boise Cascade was filed on 9/20/2018. [APPENDIX 6.] Plaintiff's Request to Produce to Longest was filed on 9/20/2018. [APPENDIX 7.]

9. The DEFENDANTS filed their Answer to Plaintiff's Original Complaint on 10/10/2018. [APPENDIX 8.]

10. On April 29, 2019, Newlin filed Plaintiff's Request for Copies. [APPENDIX 9.] These documents have never been produced.

11. On May 16, 2019, David I. Wynne ("Wynne") became the attorney for the Defendants. [APPENDIX 10.] On March 19, 2020, Newlin was terminated by Windsor. [APPENDIX 11.] This was because Windsor was completely unhappy with their work and lack of work.

12. Windsor began representing himself pro se. He is not an attorney, but he has independently studied law and has represented himself in various actions for over 20 years, including several petitions to the United States Supreme Court.

13. When Windsor obtained the files from Newlin, he discovered that Newlin had done a horrendous job. He began work on problems with motions to compel interrogatories, compel production, and objections to admissions.

14. Plaintiff's Motion to Compel Incomplete Answer to Interrogatory was filed on 6/3/2020. [APPENDIX 12.]

15. Plaintiff's Motion to Compel Production of Purported Privileged Documents was filed on 6/3/2020. [APPENDIX 13.]

16. Plaintiff's Objections to Robert Keith Longest's Answers to Interrogatories and a Motion for Sanctions against Defendant Robert Keith Longest ("Longest") was filed 6/24/2020. [APPENDIX 14.]

17. Plaintiff's Objections to Boise Cascade's Answers to Interrogatories signed by Ivan Wayne Laster and Motion for Sanctions against Defendant Boise Cascade ("Boise Cascade") was filed 6/24/2020. [APPENDIX 15.]

18. Plaintiff's Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Defendant Robert Keith Longest ("Longest") was filed 6/24/2020. [APPENDIX 16.]

19. Plaintiff's Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Boise Cascade was filed 6/24/2020. [APPENDIX 17.]

20. Plaintiff's Amended Motion for Sanctions against Longest was filed on 7/1/2020. [APPENDIX 18.]

21. Plaintiff's Amended Motion for Sanctions against Boise Cascade was filed on 7/1/2020. [APPENDIX 19.]

22. The DEFENDANTS responded by filing one of the most frivolous motions in the history of Florida civil courts -- Defendants' Emergency Motion Requesting the Court Determine if Plaintiff William Windsor is Mentally Competent to Represent Himself was filed 7/20/2020. [APPENDIX 20.]

23. Plaintiff's Motion to Cancel August 4, 2020 Hearing and Motion to Strike filed 7/27/2020. [APPENDIX 21.]

24. Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions was filed 7/27/2020. [APPENDIX 22.]

25. Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions was filed 8/4/2020. [APPENDIX 23.] It was ignored by Judge Munyon and Judge Kest.

26. Plaintiff's Motion to Find Boise Cascade in Contempt pursuant to Florida Rules of Civil Procedure ("FRCP") Rule 1.380 was filed on 8/4/2020. [APPENDIX 24.]

27. Plaintiff's Motion to Compel Depositions was filed on 8/4/2020. [APPENDIX 25.]

28. Plaintiff's Motion to Compel Defendant Boise Cascade to Produce Documents pursuant to FRCP Rule 1.380 was filed on 8/4/2020. [APPENDIX 26.]

29. Plaintiff's Motion to Compel Defendant Longest to Produce Documents pursuant to FRCP Rule 1.380 was filed on 8/4/2020. [APPENDIX 27.]

30. Plaintiff's Motion to Compel Subpoena for Documents from Dr. Stephen Goll, pursuant to FRCP, including Rule 1.351 was filed 8/4/2020. [APPENDIX 28.]

31. Defendants' Comprehensive Motion for Protective Order on All Discovery Pending Determination of Competency and Dismissal was filed 8/4/2020. [APPENDIX 29.]

32. Plaintiff's Amended Response to Motion for Protective Order and Motion to Strike was filed on 8/11/2020. [APPENDIX 30.]

33. Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Granting Protective Order was filed on 8/19/2020. [APPENDIX 31.]

34. The Notice of Appearance of Scott Astrin was filed on 8/19/2020. [APPENDIX 32.]

35. Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Motion to Exceed 30 Interrogatories and 30 Requests for Admissions was filed on 8/22/2020. [APPENDIX 33.]

36. Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Plaintiff's Motion to Strike Defendants' Emergency Motion Requesting the Court Determine if *Pro Se* Plaintiff William Windsor is Competent to Represent Himself was filed on 8/22/2020. [APPENDIX 34.]

37. Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions Against Defendant Robert Keith Longest for Fraud on the Court was filed on 8/23/2020. [APPENDIX 35.]

38. Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Boise Cascade for Fraud on the Court was filed on 8/24/2020. [APPENDIX 36.]

39. Plaintiff's Verified Response to Motion to Dismiss, Motion to Strike, and Motion for Sanctions was filed on 8/25/2020. [APPENDIX 37.]

40. Plaintiff's Response to Motion for Competency, Motion to Strike, and Motion for Sanctions was filed on 8/25/2020. [APPENDIX 38.]

41. On August 25, 2020, Windsor filed a Motion to Disqualify Judge Lisa T. Munyon. The Order Granting Windsor's Motion to Disqualify Judge Munyon was filed on 8/25/2020. [APPENDIX 39.]

42. On August 25, 2020, Judge John Marshall Kest ("Judge Kest") was named to replace Judge Munyon.

43. Plaintiff sent a letter to Judge Kest on 8/25/2020 requesting 18 motions to be set for hearing. [APPENDIX 40.] Plaintiff's Third Amended Motion for Leave to file an Amended Complaint was the only motion set for a hearing.

44. Plaintiff's Motion for Sanctions to Strike the Answer of Longest for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing was filed on 8/29/2020. [APPENDIX 41.]

45. Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing was filed on 8/29/2020. [APPENDIX 42.]

46. Plaintiff sent a letter to Judge Kest requesting two motions for fraud on the court to be set for evidentiary hearings; this was sent on 8/29/2020.

[APPENDIX 43.] Neither was set for hearing.

47. Judge Kest issued an "Order Requiring Compliance by Attorneys and *PRO SE* Litigants with Procedures and Administrative Orders on September 1, 2020. [APPENDIX 44.] This Order states:

"Attorneys and *pro se* litigants re reminded that all attorneys and *pro se*'s must comply with, and follow, the Administrative procedures, Administrative orders, Uniform Administrative Policies and Procedures of the Courts in the Ninth Judicial Circuit, as well as the Guidelines of each individual judge before whom a party will appear.

"For example, Administrative Order 2012-03 requires that a mandatory meet and confer be undertaken before a hearing or motion is scheduled. It is the responsibility of the party scheduling the hearing to arrange the conference. **Failure to "meet and confer" on each motion will result in a hearing being cancelled if it was scheduled and/or sanctions may be imposed.**"
[emphasis added.]

48. Administrative Order 2012-03 states:

"A mandatory meet and confer process is hereby established, as set forth below, for all motions to be set for hearing in the circuit civil division and to occur before scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment; or to permit maintenance of a class action.

"Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as "Exhibit A") that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

"The term "confer" requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order. [emphasis added.]

"Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.

"Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

"Counsel who notices the hearing shall ensure that the court and the court's judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference."

49. The Ninth Circuit doesn't even address the lowly *pro se* parties, but they have done a brilliant job of showing Judge Kest to be dishonest. Judge Kest lied about the orders.

50. An Order Denying Windsor's Motion for Sanctions to Strike the Answers of Longest and Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing was filed on 9/2/2020. [APPENDIX 45.]

51. On 9/2/2020, Windsor filed a Motion for Reconsideration of the Order dated 9/2/2020. [APPENDIX 46.]

52. Judge Kest had his first live interaction with Windsor at a Case Management Conference on 9/21/2020.

53. On 9/21/2020, Wynne filed a document titled "Defendants' Response to *PRO SE* Plaintiff's Motions for Reconsideration." [APPENDIX 47.]

54. Windsor came to the realization on 9/21/2020 that Judge Kest was prejudiced and biased. Windsor sent a letter to Judge Kest advising that he was filing a motion to disqualify him; this was sent on 9/23/2020. [APPENDIX 48.]

55. On 9/27/2020, Windsor filed a Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions. [APPENDIX 49.]

56. On 9/28/2020, Windsor filed a Verified Motion to Disqualify Judge John Marshall Kest. [APPENDIX 50.]

57. On 9/30/2020, Judge Kest entered an Order denying Windsor's Motion to Disqualify. [APPENDIX 51.]

58. On 11/19/2020, Windsor filed a Second Motion to Disqualify Judge John Marshall Kest. [APPENDIX 52.] On 11/20/2020, Judge Kest entered an Order denying Windsor's Second Motion to Disqualify. [APPENDIX 53.]

59. Windsor's Supplement to Verified Motion to Disqualify Judge John Marshall Kest was filed on 9/28/2020. [APPENDIX 54.]

60. Plaintiff's Motion for Reconsideration of Orders of Judge Munyon was filed on 9/29/2020. [APPENDIX 55.]

61. An Order Denying Windsor's Verified Motion to Disqualify Judge John Kest was filed on 9/30/2020. [APPENDIX 56.]

62. An Order Denying Defendants' Motion to Dismiss and Emergency Motion to Determine Competency was filed on 10/1/2020. [APPENDIX 57.]

63. Orders on Multiple Motions were filed 10/20/2020. [APPENDIX 58.]

64. Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest was filed on 11/3/2020. [APPENDIX 59.]

65. Plaintiff's Motion for Reconsideration of Orders of Judge Kest dated October 20, 2020 was filed on 11/6/2020. [APPENDIX 60.]

66. Plaintiff's Second Verified Motion to Disqualify Judge Kest was filed on 11/19/2020. [APPENDIX 61.]

67. An Order Denying Windsor's Second Verified Motion to Disqualify Judge John Marshall Kest was filed on 11/20/2020. [APPENDIX 62.]

REASONS WHY THE WRIT SHOULD ISSUE

68. Windsor's Affidavits of Prejudice stated very clearly the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized. The reasons for the belief are material and stated with particularity. [APPENDIX 50, Exhibit A.] [APPENDIX 61, Exhibit A.]

69. Judge Kest **WRONGFULLY** ordered sanctions against Windsor for filing his Objections to Robert Keith Longest's Answers to Interrogatories and Motion for Sanctions against Defendant Robert Keith Longest. [APPENDIX 58, Pages 4 and 5.]

70. Judge Kest claims, without legal authority, that Windsor's objections were not made in good faith. [APPENDIX 58, Page 5.] This is laughable. See APPENDIX 14, especially ¶¶ 18-42. The Objections were made under oath under penalty of perjury. Windsor's sworn statements of fact are uncontroverted. Windsor identified five false answers. Windsor identified several counts of perjury, and he provided evidence. Windsor identified incomplete answers that Longest knew were incomplete, completely inadequate answers. Longest committed 55 violations of Florida Rules of Civil Procedure ("FRCP") Rule 1.340 (a). [APPENDIX 14, ¶ 44.] Longest gave false sworn answers to Interrogatories Number 6, 8, 10, 11, 23. Longest failed to answer Interrogatory Numbers 5 and 7.

Longest gave incomplete answers to Interrogatory Numbers 2, 10, 13, 18, 24, and 27. [APPENDIX 18, APPENDIX 41.] Longest has committed fraud on the court. And Judge Kest has let him get away with it and has sanctioned Windsor.

71. FRCP Rule 1.380 provides for the rules for failure to make discovery. Proper notice was provided.

72. FRCP Rule 1.380 (a) (2) provides that if a deponent fails to answer a question propounded or submitted under rule 1.310 or 1.320, or a corporation or other entity fails to make a designation under rule 1.310(b)(6) or 1.320(a), or a party fails to answer an interrogatory submitted under rule 1.340, or if a party in response to a request for inspection submitted under rule 1.350 fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, or if a party in response to a request for examination of a person submitted under rule 1.360(a) objects to the examination, fails to respond that the examination will be permitted as requested, or fails to submit to or to produce a person in that party's custody or legal control for examination, the discovering party may move for an order compelling an answer.... FRCP Rule 1.380 (a) (3) provides that an evasive or incomplete answer shall be treated as a failure to answer. Judge Kest's order violates the law. [APPENDIX 58, Page 5.] Judge Kest LIED in his order claiming Windsor did not comply with the Rules. This Court should simply read APPENDIX 14, 15, and 58 and see that Judge Kest lied to inflict his prejudice.

73. Judge Kest claims there was no valid legal basis to object to Longest's answers to request for admissions. FRCP Rule 1.370 (a) provides the legal authority that Windsor cited. The answers were false, and Longest knew they were false. FRCP 1.370 requires: "The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." FRCP 1.370 provides "The party who has requested the admissions may move to determine the sufficiency of the answers or objections."

74. The actions of Longest in this case have been fraudulent. Longest has filed a fraudulent answer, false sworn answers to interrogatories, false answers to requests for admissions, and he has lied in his deposition and in court.

[APPENDIX 41.]

75. Judge Kest's denial of all Objections to Boise Cascade's Answers to Interrogatories and Motion for Sanctions against Defendant, except 15 and 24, are similarly wrong. [APPENDIX 58, P. 5.]

76. Judge Kest claims there is no valid legal basis to object to Boise's answers to request for admissions. [APPENDIX 58, P. 6.] The answers were false,

and Boise knew they were false. FRCP 1.370 requires: "The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." FRCP 1.370 provides "The party who has requested the admissions may move to determine the sufficiency of the answers or objections."

77. Judge Kest claims Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade; Motion for Sanctions to Strike the Answer of Longest; Motion for Fraud on the Court; Motion for Sanctions for Violations of the Rules and Motion for Evidentiary Hearing did not provide evidence. [APPENDIX 58, P. 7.] There is massive evidence, and the court would have been reminded at the requested evidentiary hearing. Judge Kest has amazingly said that Windsor is obligated to comply with the Florida Bar Rules of Professional Conduct, which the law does not provide, yet he claims there is no basis for the Court to sanction attorneys for violating the Rules. And, he has ordered sanctions against Windsor pursuant to the rules of civil procedure. This is prejudice and bias. Judge Kest is dishonest and likely corrupt.

78. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of Judge Kest. A reasonably prudent person will be in fear of not receiving a fair and impartial trial.

79. Orders of Judge Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules. [APPENDIX 44, 45, 51, 53, 56, 57, 58, 62.]

80. Judge Kest has falsely stated that many of Windsor's motions are not based on statutory or Florida case law and some are not legally sufficient. [APPENDIX 58.] Judge Kest has not identified these. Windsor has complied with all statutes and Rules, and his motions are legally sufficient. Judge Kest just wrote this to inflict his prejudice against Windsor.

81. An honest judge would have stricken the pleadings of the Defendants. [APPENDIX 18, 19, 35, 36, 41, 42, 45.] Judge Kest is not honest.

82. Judge Kest objects to Windsor filing so many motions. The only reason Windsor has filed much of anything is the wrongdoing of the Defendants and the judges. Judge Kest is terminally biased.

83. Judge Kest did nothing about the totally frivolous Defendants' motions for competency and motion to dismiss. Windsor's motion for sanctions was IGNORED.

84. Judge Kest denied Windsor's motions to compel the Defendants to produce documents and for sanctions without a hearing. [APPENDIX 58.] This is OUTRAGEOUS. There was nothing improper about these requests.

85. Judge Kest has limited Windsor to one hour per deposition, apparently as a sanction. [APPENDIX 58, P. 3.] This is totally inadequate as to the two Defendants. Windsor has never taken a deposition, and he is dealing with liars. Judge Kest wants to do whatever he can to screw *Pro Se* Windsor before he retires. Windsor will file a Bar Complaint against him.

86. Judge Kest denied Windsor's Motion to Compel Subpoenas for Documents from Dr. Stephen Goll. [APPENDIX 58, P. 3.] The Motion fully explains the need, but Judge Kest feigned ignorance. [APPENDIX 28.] Dr. Goll relied on the notes he made while examining Windsor, and these are discoverable.

87. Judge Kest has outrageously denied Windsor's Motion for Sanctions against each of the Defendants for Fraud on the Court. He has denied hearings. He claims the findings of the prior judge are valid, but she did not address the issues that were clearly stated. This smacks of corruption. Perhaps Judge Kest has been paid off by the attorneys for the Defendants to issue such outrageous orders.

88. Judge Kest established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the "appearance of impropriety," a standard that must be safeguarded under applicable recusal law.

89. Judge Kest has effectively denied Windsor's rights of the equal protection under the law under Article VI of the Constitution.

90. Judge Kest's actions prove that he has exercised his power in this civil action for his own personal purposes rather than the will of the law.

91. Windsor has not received fair and impartial treatment with Judge Kest. He is prejudiced against Windsor.

92. All Windsor wants is to have someone fair and impartial with an open mind to listen to the facts and review as much of the evidence as is needed to prove each of his claims. It is obvious to Windsor that Judge Kest doesn't care about the facts and doesn't want to apply the law.

93. The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. Judge Kest is biased against Windsor. He has demonstrated this again and again and again.

94. Windsor's motions, affidavits, certificates of good faith, and memorandum of authorities meet the requirements for a motion to disqualify.

[APPENDIX 50, 61.]

95. Windsor has a well-grounded fear that he will not receive a fair trial. He hasn't received a fair trial.

96. Judge Kest established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the “appearance of impropriety,” a standard that must be safeguarded under applicable recusal law.

STANDARD OF REVIEW

97. The denial of a motion to disqualify a circuit judge is reviewed de novo. *Parker v. State*, 3 So.3d 974, 982 (Sup. Ct. Fla. 2009).

LEGAL ARGUMENT

98. The test to be used by the trial court in reviewing a motion for disqualification has been determined by the Florida Supreme Court. In *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332 (Fla.1990), the Supreme Court held that the facts alleged in a motion to disqualify need only show a movant’s well-grounded fear that the movant will not receive a fair trial. The test to be utilized is whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial. *MacKenzie*, 565 So.2d at 1335; see also *Fischer v. Knuck*, 497 So.2d 240 (Fla.1986).

99. In reviewing the legal sufficiency of a motion for disqualification, i.e. whether the movant has alleged facts giving rise to a well-founded fear that the movant will not receive a fair trial, the facts must be taken as true and must be viewed from the movant’s perspective. See *Livingston*, 441 So.2d 1083 (“The question of disqualification focuses on those matters from which a litigant may

reasonably question a judge's impartiality rather than the judge's perception of the judge's ability to act fairly and impartially.").

100. In order to decide whether the motion is legally sufficient, Windsor must only show: 'a well-grounded fear that he will not receive a fair [hearing] at the hands of the judge. It is not a question of how the judge feels; it is a question of what feeling resides in the affiant's mind and the basis for such feeling.' *State ex rel. Brown v. Dewell*, 131 Fla. 566, 573, 179 So. 695, 697-98 (1938). See also *Hayslip v. Douglas*, 400 So. 2d 553 (Fla. 4th DCA 1981). The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially. *State v. Livingston*, 441 So. 2d 1083, 1086 (Fla. 1983)

101. The prejudice of a judge is a delicate question for a litigant to raise but when raised as a bar to the trial of a cause, if predicated on grounds with a modicum of reason, the judge in question should be prompt to recuse himself. No judge under any circumstances is warranted in sitting in the trial of a cause whose neutrality is shadowed or even questioned. *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Aguiar v. Chappell*, 344 So.2d 925 (Fla. 3d DCA 1977). *State v. Steele*, 348 So. 2d 398, 401 (Fla. 3rd DCA 1977).

102. The United States Supreme Court has explained that in deciding whether a particular judge cannot preside over a litigant's trial: the inquiry must be

not only whether there was actual bias on respondent's part, but also whether there was 'such a likelihood of bias or an appearance of bias that the judge was unable to hold the balance between vindicating the interests of the court and the interests of the accused.' *Ungar v. Sarafite*, 376 U.S. 575, 588 (1964). 'Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties,' but due process of law requires no less. *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955). *Taylor v. Hayes*, 418 U.S. 488, 501 (1974) (emphasis added).

103. The appearance of impropriety violates state and federal constitutional rights to due process. A fair hearing before an impartial tribunal is a basic requirement of due process. See *In re Murchison*, 349 U.S. 133 (1955). "Every litigant[] is entitled to nothing less than the cold neutrality of an impartial judge." *State ex rel. Mickle v. Rowe*, 131 So. 331, 332 (Fla. 1930). Absent a fair tribunal, there can be no full and fair hearing.

104. The test for determining the legal sufficiency of a motion for disqualification is an objective one which asks whether the facts alleged in the motion would place a reasonably prudent person in fear of not receiving a fair and impartial hearing. See *Livingston v. State*, at 1087. "When the judge enters into the

proceedings and becomes a participant, a shadow is cast upon judicial neutrality so that disqualification [of the circuit] is required." *Chastine v. Broome*, at 295.

A. **WINDSOR SHOWED THAT ANY REASONABLY PRUDENT PERSON WOULD BE IN FEAR OF NOT RECEIVING A FAIR TRIAL.**

105. There are a host of reasons why any reasonable prudent person would be in fear of not receiving a fair trial in the case. But the consideration is easy by looking at what Judge Kest did when considering sanctions.

106. Windsor swore under oath under penalty of perjury that "Lies, conspiracy, false statements to law enforcement, alleged bribery, fraud, attempted fraud, false pleadings, a host of discovery violations, numerous violations of the Florida Rules of Professional Conduct, concealment of the key evidence, concealment of the identity of one of the key fraudsters, perjury, alleged fraud by a paid expert witness, violation of a court order, contempt, malicious prosecution, and fraud on the Court. The Defendants and their attorneys have done it all." Windsor presented Judge Kest with 298 causes of action for sanctions.

[APPENDIX 18 and 19; APPENDIX 34 and 35; APPENDIX 41 and 42.]

107. Surely 298 violations is destined for the Guinness Book.

108. Judge Kest denied the motions without the requested evidentiary hearing claiming they were motions for "reconsideration." [APPENDIX 45, Page 1.] On September 2, 2020, Judge Kest issued an "ORDER ON MOTIONS FOR

RECONSIDERATION, REQUEST FOR HEARING AND DIRECTING DEFENDANT TO FILE A RESPONSE.” [APPENDIX 45.] This ORDER is absolutely false, claiming the August 29, 2020 motions filed by Windsor were “motions for reconsideration.” [APPENDIX 45, P. 1.] The opening paragraphs of the motions state that on June 24, 2020, Windsor originally presented 98 counts to show FRAUD ON THE COURT by each of the Defendants. And that “since the 98 counts were first presented, the Defendants and its attorneys have each committed another 51 counts. Fraud on the court requires a clear and convincing showing, so this Motion includes all of the counts that are part of the scheme.” [APPENDIX 41, 42.] 102 new counts against the Defendants does not constitute a “motion for reconsideration.” This is inexcusable.

109. While this alone should be enough, Judge Kest outrageously sanctioned Windsor. [APPENDIX 58.] There is no logical explanation for the actions of Judge Kest. He is clearly prejudiced. He may have other problems.

110. A reasonably prudent person would NOT be in fear of receiving a fair trial. They’d be scared to death!

B. JUDGE KEST DEMONSTRATED HIS PREJUDICE AGAINST PRO SE PARTIES REPEATEDLY.

111. Judge Kest’s prejudice against pro se parties literally *JUMPS OFF THE PAGE*. He has the term “*pro se*” italicized in his orders. [APPENDIX 44, 45, 51,

53, 56, 57, 58, and 62.] This is a clear and incorrect English use, italicized, nor are everyday legal terms. Windsor believes Judge Kest it is a slap in the face of *pro se* parties and as a means of indicating *pro se* parties are a lesser class of litigant, which is clearly unlawful.

C. **JUDGE KEST FALSELY CLAIMED THE MOTION TO DISQUALIFY WAS NOT LEGALLY SUFFICIENT.**

112. Judge Kest ordered: "The Court finds that the Motion is legally insufficient." [APPENDIX 62 -- ORDER, P. 1, ¶ 3.] He gave no explanation. Indeed, he couldn't. It will be simple for this Court to determine that Judge Kest was simply inflicting his bias and prejudice yet again.

113. A Motion to Disqualify is governed by Florida Statute 38.10 and FRJA 2.330, and Windsor met all requirements. [APPENDIX 52.]

"A motion to disqualify is governed substantively by section 38.10, Florida Statutes . . . and procedurally by Florida Rule of Judicial Administration 2.330." *Gregory v. State*, 118 So.3d 770, 778 (Fla. 2013) (quoting *Gore v. State*, 964 So.2d 1257, 1268 (Fla. 2007)). "The statute requires that the moving party file an affidavit in good faith 'stating fear that he or she will not receive a fair trial . . . on account of the prejudice of the judge' as well as 'the facts and the reasons for the belief that any such bias or prejudice exists.'" *Peterson v. State*, 221 So.3d 571, 581 (Fla. 2017) (quoting § 38.10, Fla. Stat. (2014)).

114. **MOTION AND AFFIDAVIT:** The Motion to Disqualify was in writing. Windsor filed an Affidavit of Prejudice stating his fear that he would not receive a fair trial due to the prejudice of Judge Kest. It provided the facts and the

reasons for the belief that such bias and prejudice exist. This Motion was signed under oath. There had been one previously granted motion to disqualify the former judge. A Certificate of Good Faith was also filed [APPENDIX 52, Exhibit B]. The Motion to Disqualify was filed with the Clerk, and a copy was sent by email to Judge Kest c/o his assistant, Diane Iacone. [APPENDIX 52.]

115. **GROUND:** The Motion to Disqualify showed that the Plaintiff feared he would not receive a fair trial because of specifically described prejudice or bias of Judge Kest.

116. **TIME:** The Motion to Disqualify was filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the Motion and was promptly presented to the Court for an immediate ruling.

D. **JUDGE JOHN MARSHALL KEST FALSELY CLAIMED THE MOTION TO DISQUALIFY WAS NOT LEGALLY SUFFICIENT.**

117. In his Order dated November 20, 2020, Judge Kest found "the Motion is legally insufficient." [APPENDIX 62.]

118. Judge Kest identified nothing that was legally insufficient.

119. The Motion to Disqualify Judge Kest was legally sufficient and procedurally adequate, and Judge Kest was supposed to so determine. This was a proper application for a change of judge. The PETITION FOR WRIT OF PROHIBITION should have been granted.

E. **WHEN JUDGE KEST FIRST INTERACTED WITH WINDSOR, HE FALSELY ACCUSED HIM OF LYING.**

120. On September 21, 2020, Judge Kest had his first live interaction with Windsor at a Case Management Conference via Zoom. Judge Kest claimed Windsor made a false statement to the Court denying that the case had been stayed. The case was never stayed, and saying Windsor made a false statement to the Court was both improper and erroneous.

121. USLegal.com defines "stay" as "a court order preventing further action until a future event occurs." In this case, Windsor explained that there was only a protective order to block any further discovery, but Judge Kest refused to listen. [APPENDIX 63.] The Order clearly states: "Discovery is stayed...." In direct conflict with the Order of 8/19/2020, Judge Kest branded Windsor as dishonest. He seemed to have little interest whatsoever in what a lowly *pro se* had to say. Proven prejudice.

F. **JUDGE KEST VIOLATED RULE 2.9 (C) OF THE CODE OF JUDICIAL CONDUCT AND THREATENED WINDSOR.**

122. Judge Kest indicated at the Case Management Conference that he had independently researched cases Windsor had been involved in, and he threatened Windsor with sanctions for frivolous motions under Florida Statute 57.105. Windsor has never filed anything frivolous, but the DEFENDANTS sure have.

123. Rule 2.9 (C) of the Code of Judicial Conduct states: "A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented..." Judge Kest violated this Rule. And then he threatened Windsor.

G. JUDGE KEST PREJUDGED WINDSOR'S CASE.

124. At the Case Management Conference, Judge Kest indicated to the parties that he had prejudged Windsor from independently researching cases Windsor had been involved in and then threatening him.

"While it is well-settled that a judge may form mental impressions and opinions during the course of hearing evidence, he or she may not prejudge the case." See *Wargo v. Wargo*, 669 So.2d 1039 (Fla. 1st DCA 1996); *LeBruno Aluminum Co., Inc. v. Lane*, 436 So.2d 311, 312 (Fla. 2nd DCA 1999).

125. The comment of Judge Kest can be reasonably interpreted to mean Judge Kest had crossed the line from forming mental impressions to prejudging the issue." (*Barnett v. Barnett*, 727 So.2d 311, 312 (Fla. 2nd DCA 1999).)

H. JUDGE KEST IGNORED THE PREJUDICE AND BIAS OF JUDGE LISA T. MUNYON.

126. Windsor has a well-grounded fear that he will not receive a fair trial. Judge Kest ignored all of the prejudice and bias of Judge Lisa T. Munyon. Judge Munyon granted a protective order to stop discovery when there was no legal authority to do so. Judge Kest allowed that to continue. [APPENDIX 29, 55.]

I. JUDGE KEST ALLOWED AN ATTORNEY WHO HAD NOT FILED A NOTICE OF APPEARANCE TO FILE MOTIONS IN THE CASE.

**INCLUDING AN OUTRAGEOUSLY FRIVOLOUS MOTION TO
HAVE WINDSOR DECLARED MENTALLY INCOMPETENT TO
REPRESENT HIMSELF.**

127. Judge Kest allowed an attorney who had not filed a Notice of Appearance to file an outrageously frivolous motion to have Windsor declared mentally incompetent to represent himself. [APPENDIX 20, 32, 37, 38.] According to the law, the motion had to be stricken, but Judge Kest ignored his legal duty because of his bias.

128. APPENDIX 38, PP. 2-5 and APPENDIX 21 detail the wrongdoing of Scott L. Astrin ("Astrin")

129. Judge Kest did not address Florida Rule 2.505 (e) (3) of the Rules of Judicial Administration or case law that provide THE COMPETENCY MOTION of Astrin was clearly a nullity.

130. Judge Kest did not address the false pleading Astrin filed with the Court in his purported Notice of Evidentiary Hearing. Judge Kest did not address that Astrin had violated Rule 4-3.1, Rule 4-3.3, and Rule 4-3.4 of the Florida Rules of Professional Conduct. [APPENDIX 21, 29, 41, 42.]

131. On 9/21/2020, Judge Kest ordered a September 29, 2020 hearing on Defendants, Robert Keith Longest & Boise Cascade Building Materials Distribution, LLC, along with the Law Offices of Scott L. Astrin and Attorney David Wynne's Emergency Motion Requesting the Court Determine if *Pro Se*

Plaintiff William Windsor is Competent to Represent Himself, Motion Enforcing *Pro Se* Plaintiff William Windsor to Comply and Adhere to Florida Bar Rules of Professional Conduct and Motion for an Award of Monetary Sanctions. This established that Judge Kest was allowing this completely and totally frivolous motion to move forward. Windsor's Response to the Motion filed 8//25/2020 details why this is such a frivolous motion. [APPENDIX 38.] If Judge Kest was an honest, impartial judge, he would have immediately dismissed it.

J. **JUDGE KEST ALLOWED HEARINGS ON FRIVOLOUS MOTIONS AND IGNORED THE RULES AND HIS ORDERS IN FAVOR OF THE DEFENDANTS**

132. Judge Kest has allowed hearings on frivolous motions by the Defendants while ignoring violations of his own rules and orders. Judge Kest stated at the Case Management Conference that it was essential that motions be supported by law, but he violated this requirement.

133. Judge Kest ignored the fact that there was no legal basis given by the Defendants for either of the motions that Judge Kest ordered to be set for hearing.

134. Judge Kest outrageously stated in an order that two motions were not being set for hearings because they were motions for reconsideration when clearly they were no such thing. [APPENDIX 45.]

135. Judge Kest extended the trial date for another year when he will not even be a judge, with no consideration given to Windsor's medical condition.

136. Judge Kest announced at the Case Management Conference that he treats *pro se* parties the same as attorneys, but this is neither fair nor the law.

137. Judge Kest argued with Windsor over whether there had been the required "meet and confer" with the Defendants' attorneys. Judge Kest claimed that a telephone bullying by Attorney Astrin amounted to a "confer." Windsor tried to explain that confer means an actual discussion. Judge Kest rejected that, yet he knew the specifics of the law while *pro se* Windsor did not. Windsor was absolutely right about the requirements to confer, and Judge Kest lied and claimed he was wrong.

138. Judge Kest ordered sanctions against Windsor when he did nothing improper, while he ignored literally hundreds of violations of the rules and law by the Defendants and their attorneys. [APPENDIX 58.]

139. Judge Kest is a past president and Governor of the Bar Association, so he has been a very active member of a club that the Defense attorneys belong to that Windsor will never belong to. Judge Kest has been an attorney for 48 years and a judge for 17 years. He has seemingly developed disdain for *pro se* parties over the past 48 years. Windsor has these feelings because after studying the developments in this case, he sees Judge Kest acting with bias again and again.

The motion is legally sufficient if it shows the party's well-grounded fear that the party will not receive a fair trial. See *Livingston v. State*, 441 So.2d 1083, 1087 (Fla.1983). In other words, would the facts (which must be taken as true in a motion to disqualify) prompt a reasonably prudent person to fear

that he could not get a fair and impartial trial. See e.g., *Peterson v. Asklepious*, 833 So. 2d 262 (Fla. 4th DCA 2002).

The facts alleged in the motion need only show that "the party making it has a well grounded fear that he will not receive a fair trial at the hands of the judge." *Dewell*, 131 Fla. at 573, 179 So. at 697. "If the attested facts supporting the suggestion are reasonably sufficient to create such a fear, it is not for the trial judge to say that it is not there." *Parks*, 141 Fla. at 518, 194 So. at 614. Further, "it is a question of what feeling resides in the affiant's mind and the basis for such feeling." *Dewell*, 131 Fla. at 573, 179 So. at 697-98. (*Livingston v. State*, 441 So.2d 1083 (Fla. 10/27/1983).)

140. In determining the legal sufficiency of a motion to disqualify, a court looks to see whether the facts alleged would place a reasonably prudent person in fear of not receiving fair and impartial treatment from the trial judge. See, e.g., *Johnson v. State*, 769 So. 2d 990 (Fla. 2000). In the instant case, a reasonably prudent person, would be in fear that Judge Kest, because of his prejudice or bias, deprived him of fair and impartial treatment. A prudent person would KNOW he or she is screwed.

141. Judge Kest was obligated to accept the truth of Windsor's statements.

When a party seeks to disqualify a judge under section 38.10, the judge cannot pass on the truth of the statements of fact set forth in the affidavit. *State v. Dewell*, 131 Fla. 566, 179 So. 695 (1938). The facts and reasons for the belief of prejudice must be taken as true, and the judge may only pass on the legal sufficiency of the motion and supporting affidavits to invoke the statute. *Raybon v. Burnette*, 135 So.2d 228 (Fla. 2d DCA 1961). Section 38.10 creates a substantive right to seek the disqualification of a trial judge, but the process of the disqualification is procedural. *Livingston v. State*, 441 So.2d 1083 (Fla. 1983).

142. Judge Kest allowed the Defendants to violate his Order [APPENDIX 42] and Administrative Order 2012-03 while claiming in a Case Management Conference that these orders do not require what they very clearly require.

143. As a *pro se* party, Windsor gets his legal education from “the universities of” Google and Yahoo as well as versuslaw.com. The People’s Law Dictionary has this to say about “meet and confer:”

“...a requirement of courts that before certain types of motions and/or petitions will be heard by the judge, the lawyers (and sometimes their clients) must ‘meet and confer’ to try to resolve the matter or at least determine the points of conflict. This has the beneficial effect of resolving many matters, reducing the time for arguments, and making the lawyers and clients face up to the realities of their positions.” The People’s Law Dictionary by Gerald N. Hill and Kathleen T. Hill.

144. The Legal Information Institute of Cornell Law School defines “meet and confer” as:

“a requirement in some jurisdictions that parties to a suit must meet and discuss various matters and attempt to resolve disputes without court action. ... The purpose of meet and confer rules is to save the parties time and money and increase judicial economy by encouraging parties to resolve their disputes without the need for court intervention.”

145. But most important of all is the text of the actual Orders.

146. Judge Kest’s September 1, 2020 Order makes this clear: “Failure to ‘meet and confer’ on each motion will result in a hearing being cancelled if it was scheduled.” Windsor filed an emergency motion to have the hearing cancelled. Judge Kest violated his own order yet again. [APPENDIX 44.]

147. While Windsor had previously read Administrative Order 2012-03, he did not have it committed to memory or in front of him at the Case Management Conference. He was sickened when he later read the Order and discovered that everything Judge Kest was claiming was false ... and proven so in the Order.

148. Administrative Order 2012-03 provides:

“A mandatory meet and confer process is hereby established, as set forth below, for all motions to be set for hearing in the circuit civil division and to occur before scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment; or to permit maintenance of a class action.

“Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as “Exhibit A”) that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

“The term “confer” requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order. **[emphasis added.]**

“Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.

“Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur

and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

“Counsel who notices the hearing shall ensure that the court and the court’s judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.”

149. During the Case Management Conference, Judge Kest argued with Windsor over whether there had been the required “meet and confer” with the Defendants’ attorneys. Judge Kest claimed that a telephone bullying by Attorney Astrin amounted to a “confer.” Windsor tried to explain that confer means an actual discussion. Judge Kest rejected that, yet he knew the specifics of the Rule while pro se Windsor did not. Windsor was absolutely right about the requirements to confer, and Judge Kest improperly claimed he was wrong. When Windsor read Administrative Order 2012-03, he immediately began drafting his Motion to Disqualify Judge Kest.

K. THE IMPARTIALITY OF JUDGE KEST MUST BE QUESTIONED.

150. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of Judge Kest.

151. The Code of Judicial Conduct required that Judge Kest disqualify himself.

The Code of Judicial Conduct sets forth basic principles of how judges should conduct themselves in carrying out their judicial duties. Canon 3-C(1) states that “[a] judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned” This is totally

consistent with the case law of this Court, which holds that a party seeking to disqualify a judge need only show "a well grounded fear that he will not receive a fair trial at the hands of the judge. It is not a question of how the judge feels; it is a question of what feeling resides in the affiant's mind and the basis for such feeling." *State ex rel. Brown v. Dewell*, 131 Fla. 566, 573, 179 So. 695, 697-98 (1938). See also *Hayslip v. Douglas*, 400 So.2d 553 (Fla. 4th DCA 1981). The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially.

L. **JUDGE KEST FAILED TO ADDRESS ALL OF THE LEGAL GROUNDS FOR DISQUALIFICATION.**

152. The Motion to Disqualify [APPENDIX 61, Page 1] asked:

"...that John Marshall Kest ("Judge Kest") be disqualified from the above entitled matter under Florida Statute 38.10, Florida Rule of Judicial Administration 2.330, and Canons 2 and 3 of the Code of Judicial Conduct, all other relevant statutory and state and federal case law, as well as the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Constitution of the State of Florida, and the Court's inherent powers."

153. Judge Kest stated that he considered only Florida Statute 38.10, Canon 3(E)(1) of the Code of Judicial Conduct, and Florida Rule of Judicial Administration 2.330. [APPENDIX 62, P.1.]

154. Judge Kest did not consider Canon 2, other sections of Canon 3 of the Code of Judicial Conduct, other relevant statutory and state and federal case law, as well as the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the U.S. Constitution, the Due Process Clause of the Fifth Amendment to the Constitution, the Constitution of the State of Florida, and the Court's inherent powers.

155. Canon 2 of the Code of Conduct for United States Judges tells judges to "avoid impropriety and the appearance of impropriety in all activities, on the bench and off." Judge Kest has demonstrated his prejudice by violating Canon 2.

M. WINDSOR IS ENTITLED TO THE COLD NEUTRALITY OF AN IMPARTIAL JUDGE.

156. Windsor is entitled to an impartial judge, and that isn't Judge Kest.

"Every litigant is entitled to nothing less than the cold neutrality of an impartial judge. It is the duty of Courts to scrupulously guard this right and to refrain from attempting to exercise jurisdiction in any matter where his qualification to do so is seriously brought in question. *Hayslip v. Douglas*, 400 So.2d at 557 (quoting *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613, 615 (1939)).

"We find that the motion and supporting affidavits were legally sufficient, and the proper procedure, in light of the serious allegation of bias, was for the judge to grant the motion. (*James v. Theobald*, 557 So.2d 591, 15 Fla. L. Weekly D215 (Fla.App. Dist.3 01/16/1990).)

"Where there is any legally sufficient basis, whether factually accurate or not, for a founded fear of possible prejudice to exist in the mind of a defendant, recusal is mandated." See, e.g., *Management Corporation of America, Inc. v. Grossman*, 396 So.2d 1169 (Fla. 3rd DCA 1981).

N. JUDGE KEST FAILED TO PROVIDE DUE PROCESS AND EQUAL PROTECTION TO WINDSOR.

157. Judge Kest has violated Windsor's civil and constitutional rights under color of law.

"...[t]rial before an 'unbiased judge' is essential to due process." *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted). (See also *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S. Ct. 11, 13

(1954); *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976); *Peters v. Kiff*, 407, U.S. 493, 502 (1972)

158. Windsor has just cause to believe that he cannot be given a fair trial.

159. The due process clauses of both the Florida and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980).

Partiality in favor of the government may raise a defendant's due process concerns." *In re United States of America*, 441 F.3d at 66 (citing *In re Murchison*, 349 U.S. 133 (1955)).

28 U.S.C. 155 may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties, but due process of law requires no less." *Taylor v. Hayes*, 418 U.S. 488, 501 (1974) (citations and quotation marks omitted). See also *Murchison*, 349 U.S. at 136.

160. Judge Kest has effectively denied Windsor's rights of the equal protection under the law under Article VI of the Constitution.

O. JUDGE KEST VIOLATED THE CONSTITUTIONAL RIGHTS OF WINDSOR.

161. Judge Kest has violated Windsor's Constitutional rights.

162. The Sixth Amendment provides the Constitutional right to self-representation. That right should be enjoyed without fear of harassment or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right. *Pro Se* Litigants have no less of a right to effective due process as those who utilize an attorney.

163. The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision-making process. See *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267 (1978). The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976). At the same time, it preserves both the appearance and reality of fairness, 'generating the feeling, so important to a popular government, that justice has been done,' *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 172, (1951) (Frankfurter, J., concurring), by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

164. Canon 3E, Fla. Code Jud. Conduct, and Rule 2.160, Fla. R. Jud. Admin., mandate that a judge disqualify himself in a proceeding "in which the judge's impartiality might reasonably be questioned." The disqualification rules require judges to avoid even the appearance of impropriety: It is the established law of this State that every litigant is entitled to nothing less than the cold

neutrality of an impartial judge. It is the duty of the court to scrupulously guard this right of the litigant and to refrain from attempting to exercise jurisdiction in any manner where his qualification to do so is seriously brought into question. The exercise of any other policy tends to discredit and place the judiciary in a compromising attitude which is bad for the administration of justice. *Crosby v. State*, 97 So.2d 181 (Fla. 1957); *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613 (1939); *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Mickle v. Rowe*, 100 Fla. 1382, 131 So. 3331 (1930). * *

165. For due process and to secure the Constitutional rights of Windsor, judges may not take the law into their own hands. But this is precisely what Judge Kest has done. He has ignored the law, ignored the facts, and claimed laws and rules provide something that they do not provide, while abusing and disadvantaging Windsor.

166. For due process to be secured, the laws must operate alike upon all and not subject the individual to the arbitrary exercise of governmental power. (*Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894).) Judge Kest has violated Windsor's rights by using his power to inflict his bias.

167. For due process, Windsor has the right to protections expressly created in statute and case law. Due process allegedly ensures that the government will respect all of a person's legal rights and guarantee fundamental fairness.

168. Due process requires an established course for judicial proceedings designed to safeguard the legal rights of the individual. Action denying the process that is "due" is unconstitutional. Inherent in the expectation of due process is that the judge will abide by the rules. Judge Kest has interfered with the process and violated rules for the purpose of damaging Windsor.

169. An inherent Constitutional right is the honesty of the judge. Judge Kest has not been honest. Judge Kest has violated Canon 2 and other Canons of the Code of Judicial Conduct.


170. Due process guarantees basic fairness and to make people feel that they have been treated fairly. Windsor has not been treated fairly.

171. Judge Kest has effectively denied Windsor's rights of equal protection under the law. Of course, in Judge Kest's world, a *pro se* party is unequal.

CONCLUSION

WHEREFORE, Petitioner, WILLIAM M. WINDSOR, respectfully urges the Court to enter a writ prohibiting Judge John Marshall Kest from proceedings in this case; declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon.

This 17th day of December, 2020.



William M. Windsor

APPENDIX INDEX

APPENDIX 1 -- Complaint to institute Case No. 2018-CA-01270-O in the Ninth Judicial Circuit in Orange County, Florida filed by Dan Newlin on 9/20/2018.

APPENDIX 2 -- Plaintiff's Request for Admissions to Boise Cascade filed on 9/20/2018.

APPENDIX 3 -- Plaintiff's Request for Admissions to Longest filed on 9/20/2018.

APPENDIX 4 -- Plaintiff's Interrogatories to Boise Cascade filed on 9/20/2018.

APPENDIX 5 -- Plaintiff's Interrogatories to Longest filed on 9/20/2018.

APPENDIX 6 -- Plaintiff's Request to Produce to Boise Cascade filed on 9/20/2018.

APPENDIX 7 -- Plaintiff's Request to Produce to Longest filed on 9/20/2018.

APPENDIX 8 -- Defendants' Answer to Plaintiff's Original Complaint filed on 10/10/2018.

APPENDIX 9 -- Plaintiff's Request for Copies received in response to Notices of Production to Non-Parties filed on 4/29/2019.

APPENDIX 10 -- Stipulation for Substitution of Counsel for Defendants naming David I. Wynne filed on 5/10/2019.

APPENDIX 11 -- Order Granting Withdrawal of Dan Newlin filed on 3/19/2020.

APPENDIX 12 -- Plaintiff's Motion to Compel Incomplete Answer to Interrogatory filed 6/3/2020.

APPENDIX 13 -- Plaintiff's Motion to Compel Production of Purported Privileged Documents filed 6/3/2020.

APPENDIX 14 -- Plaintiff's Objections to Longest's Answers to Interrogatories and Motion for Sanctions Against Defendant Longest filed 6/24/2020.

APPENDIX 15 -- Plaintiff's Objections to Boise Cascade's Answers to Interrogatories and Motion for Sanctions Against Defendant Boise Cascade filed 6/24/2020.

APPENDIX 16 -- Plaintiff's Motion to Determine Sufficiency of Longest's Answers to Requests for Admissions and Motion for Sanctions Against Defendant Longest filed 6/24/2020.

APPENDIX 17 -- Plaintiff's Motion to Determine Sufficiency of Boise Cascade's Answers to Requests for Admissions and Motion for Sanctions Against Defendant Boise Cascade filed 6/24/2020.

APPENDIX 18 -- Plaintiff's Amended Motion for Sanctions Against Longest for Fraud on the Court filed 7/1/2020.

APPENDIX 19 -- Plaintiff's Amended Motion for Sanctions Against Boise Cascade for Fraud on the Court filed 7/1/2020.

APPENDIX 20 -- Defendants' Emergency Motion Requesting the Court Determine if Pro Se Plaintiff William Windsor is Competent to Represent Himself filed 7/20/2020.

APPENDIX 21 -- Plaintiff's Motion to Cancel August 4, 2020 Hearing and Motion to Strike filed 7/27/2020.

APPENDIX 22 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 7/27/2020.

APPENDIX 23 -- Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions filed 8/4/2020.

APPENDIX 24 -- Plaintiff's Motion to find Boise Cascade in Contempt filed 8/4/2020.

APPENDIX 25 -- Plaintiff's Motion to Compel Depositions filed 8/4/2020.

APPENDIX 26 -- Plaintiff's Motion to Compel Production of Documents and Motion for Sanctions Against Boise Cascade filed 8/4/2020.

APPENDIX 27 -- Plaintiff's Motion to Compel Production of Documents and Motion for Sanctions Against Longest filed 8/4/2020.

APPENDIX 28 -- Plaintiff's Motion to Compel Document Subpoena to Dr. Stephen Goll filed 8/4/2020.

APPENDIX 29 -- Defendants' Comprehensive Motion for Protective Order on All Discovery filed 8/4/2020.

APPENDIX 30 -- Plaintiff's Amended Response to Motion for Protective Order and Motion to Strike filed 8/11/2020.

APPENDIX 31 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Granting Protective Order filed 8/19/2020.

APPENDIX 32 -- Notice of Appearance of Scott Astrin filed 8/19/2020.

APPENDIX 33 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Motion to Exceed 30 Interrogatories and 30 Requests for Admissions filed 8/22/2020.

APPENDIX 34 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Plaintiff William M. Windsor's Motion to Strike Defendants' Emergency Motion Requesting the Court Determine if Pro Se Plaintiff William Windsor is Competent to Represent Himself filed 8/22/2020.

APPENDIX 35 -- Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions Against Defendant Robert Keith Longest for Fraud on the Court filed 8/23/2020.

APPENDIX 36 -- Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Boise Cascade for Fraud on the Court filed 8/24/2020.

APPENDIX 37 -- Plaintiff's Verified Response to Motion to Dismiss, Motion to Strike, and Motion for Sanctions filed 8/25/2020.

- APPENDIX 38 -- Plaintiff's Response to Motion for Competency, Motion to Strike, and Motion for Sanctions filed 8/25/2020.
- APPENDIX 39 -- Order Granting Windsor's Verified Motion to Disqualify Judge Lisa T. Munyon filed 8/25/2020.
- APPENDIX 40 -- Plaintiff's Letter to Judge Kest requesting 18 motions to be set for hearing, sent 8/25/2020.
- APPENDIX 41 -- Plaintiff's Motion for Sanctions to Strike the Answer of Longest for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 8/29/2020.
- APPENDIX 42 -- Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 8/29/2020.
- APPENDIX 43 -- Plaintiff's Letter to Judge Kest requesting two motions for fraud on the court to be set for hearing, sent 8/29/2020.
- APPENDIX 44 -- Order Requiring Compliance by Attorneys and *PRO SE* Litigants with Procedures and Administrative Orders filed 9/1/2020.
- APPENDIX 45 -- Order Denying Windsor's Motion for Sanctions to Strike the Answers of Longest and Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 9/2/2020.
- APPENDIX 46 -- Motion for Reconsideration of Order dated 9/2/2020 filed 9/2/2020.
- APPENDIX 47 -- Defendants' Response to Pro Se Plaintiff's Motions for Reconsideration filed 9/21/2020.

- APPENDIX 48 -- Plaintiff's Letter to Judge Kest advising him that Windsor was filing a motion to disqualify him, sent 9/23/2020.
- APPENDIX 49 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 9/27/2020.
- APPENDIX 50 -- Plaintiff's Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.
- APPENDIX 51 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.
- APPENDIX 52 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.
- APPENDIX 53 -- Order Denying Windsor's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/20/2020.
- APPENDIX 54 -- Plaintiff's Supplement to Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.
- APPENDIX 55 -- Plaintiff's Motion for Reconsideration of Orders of Judge Lisa T. Munyon filed 9/29/2020.
- APPENDIX 56 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.
- APPENDIX 57 -- Order Denying Defendants' Motion to Dismiss and Emergency Motion to Determine Competency filed 10/1/2020.
- APPENDIX 58 -- Order on Multiple Motions filed 10/20/2020.
- APPENDIX 59 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest filed 11/3/2020.
- APPENDIX 60 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest dated October 20, 2020 filed 11/6/2020.
- APPENDIX 61 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.

APPENDIX 62 -- Order Denying Windsor's Second Verified Motion to Disqualify

Judge John Marshall Kest filed 11/20/2020.

APPENDIX 63 -- Order Granting Protective Order filed 8/19/2020.

WINDSOR'S SECOND VERIFIED MOTION TO DISQUALIFY JUDGE JOHN MARSHALL KEST FROM THE PROCEEDINGS IN THIS MATTER IS FILED FOR THE COURT'S CONSIDERATION. THE COURT HAS CONSIDERED THE MOTION AND THE RECORD IN THIS MATTER AND FINDS THAT THE MOTION IS UNAVAILING. THE COURT DENIES THE MOTION.

IT IS SO ORDERED.

WINDSOR'S SECOND VERIFIED MOTION TO DISQUALIFY JUDGE JOHN MARSHALL KEST FROM THE PROCEEDINGS IN THIS MATTER IS FILED FOR THE COURT'S CONSIDERATION. THE COURT HAS CONSIDERED THE MOTION AND THE RECORD IN THIS MATTER AND FINDS THAT THE MOTION IS UNAVAILING. THE COURT DENIES THE MOTION.

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IT IS SO ORDERED.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font requirements of Rule 9.100(d) of the Florida Rules of Appellate Procedure.

This 17th day of December, 2020.



William M. Windsor

CERTIFICATE OF SERVICE

David I. Wynne and Scotty Astrin
Law Offices of Scott L. Astrin

100 N. Tampa Street, Suite 2605, Tampa, Florida 33602
david.wynne@aig.com, tampapleadings@aig.com,
emily.christopher@aig.com, scott.astrin@aig.com
813-526-0559 - 813-218-3110 - Fax: 813-649-8362

Judge John Marshall Kest

c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest
Courtroom 18-C, Orange County Courthouse
425 N Orange Avenue, Orlando, Florida 32801
ctjadi1@ocnjcc.org

This 21st day of December, 2020.



William M. Windsor

100 East Oak Terrace Drive, Unit B3
Leesburg, Florida 34748
352-577-9988
billwindsor1@outlook.com - bill@billwindsor.com

VERIFICATION

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 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.


I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 17th day of December, 2020,

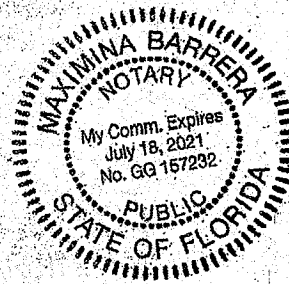


William M. Windsor

Sworn and subscribed before me this 17th day of December, 2020, by means of physical presence.



Notary Public



Exhibit

2

CASE NO. 5D2020-2666

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIFTH DISTRICT**

CASE NO.: 2018-CA-010270

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

In re William M. Windsor

William M. Windsor,

Petitioner

v.

**ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,**

Respondents.

EMERGENCY MOTION FOR STAY

William M. Windsor

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Comes Now, William M. Windsor ("Windsor" or "Petitioner"), and provides this Emergency Motion for Stay. Windsor shows the Court as follows:

1. Windsor has not and will not receive fair treatment from Judge John Marshall Kest ("Judge Kest"). The orders of Judge Kest provide evidence of his prejudice and bias. Windsor respectfully submits that his Petition for Writ of Prohibition provides overwhelming evidence of prejudice and wrongdoing by Judge Kest.

2. Windsor filed a Motion for Stay in the Trial Court, and it was denied. [EXHIBIT 1.] Judge Kest said there was no emergency, but that's easy for the prejudiced judge to say. Judge Kest is being asked to declare monetary sanctions against Windsor, and if he or his replacement do so, Windsor will be without legal recourse. Windsor will be unable to pay, and Windsor is unsure if that will cause him to be jailed or lose his case. Windsor has suffered serious injuries caused by the Defendants, and he is destined for a miserable existence until he dies unless he can win this case and obtain the funds needed for multiple surgeries.

3. Windsor's Petition for Writ of Prohibition was filed today with this Court.

4. Windsor is asking the appellate court to deny Judge Kest participation in any matter regarding Windsor. He is asking the Fifth Circuit to declare that the Florida Rules of Professional Conduct do not apply to pro se parties as Judge Kest

has falsely and maliciously claimed. Windsor is also seeking to have a new judge to reconsider all of the orders in the case.

5. Judge Kest will no longer be the judge in this Trial Court as of January 5, 2021. He should not be making any decisions in this case.

6. Windsor is 72-years-old, divorced, and disabled by the Defendants. He is *pro se* and has absolutely no help with his legal work. Windsor's sole source of income is social security, and he is \$1,500,000 in debt. He cannot afford an attorney or a sanction. He is in constant pain from the Defendants. He cannot afford surgery or medical treatment; his auto insurance coverage has expired.

7. Windsor requests a stay until the Fifth District rules on the Petition for Writ of Prohibition.

Submitted this 21st day of December, 2020.



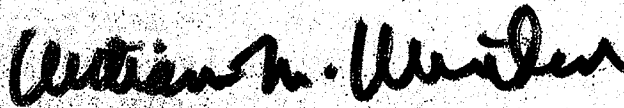
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CERTIFICATE OF SERVICE

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Judge John Marshall Kest
c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest
Courtroom 18-C, Orange County Courthouse
425 N Orange Avenue, Orlando, Florida 32801
ctjadil@ocnjcc.org

This 21st day of December, 2020.



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Exhibit

1

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NUMBER: 2018-CA-010270-O

WILLIAM WINDSOR

Plaintiff(s),

vs.

ROBERT KEITH LONGEST

Defendant(s).

ORDER DENYING EMERGENCY MOTION TO STAY

This matter came before the Court, in Chambers, on December 18, 2020, on the *pro se* Plaintiff's Emergency Motion for Stay filed with the clerk of the court. The motion appears to seek a stay because he is "asking the appellate court" to review a prior order of this Court denying plaintiff's other motions.¹

This Court finds that there is no emergency, and there is no need for the granting of a stay. Therefore, the Motion for Stay is DENIED.

DONE AND ORDERED on this 18th day of December, 2020.



eSigned by John Marshall Kest 12/18/2020 10:50:15 PM ZGQAT

John Marshall Kest
Circuit Judge

¹ The Motion is factually inaccurate. In Paragraph 5 the Plaintiff alleges that the judge "is being forced to retire." The Court is not being forced to retire. This judge has completed his third full term as judge and has decided not to run for re-election in that his age would prevent him from completing a fourth term.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this 18th day of December, 2020 by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

Diane Lacone

Judicial Assistant to Judge John Marshall Kest

Exhibit

3

CASE NO. 5D2020-2666

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIFTH DISTRICT**

CASE NO.: 2018-CA-010270

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

In re William M. Windsor

William M. Windsor,

Petitioner

v.

**ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,**

Respondents.

EMERGENCY MOTION TO WAIVE COMPLIANCE WITH RULE 9.220

William M. Windsor

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Comes Now, William M. Windsor (“Windsor” or “Petitioner”), and provides this Emergency Motion to Waive Compliance with Rule 9.220. Windsor shows the Court as follows:

1. The Petitioner’s Appendix is too large for online filing. The Petitioner requests a waiver of compliance with Rule 9.220.
2. The Petitioner attempted to upload the 63 Appendix documents (total file size of over 200 MB), but the five submissions (118519776, 118520422, 118520810, 118521251, and 118522208) were all rejected.
3. The Clerk’s Office informed the Petitioner that the Appendix must be one file.
4. The Petitioner bought software online to convert the 63 files into one. One 200 MB file was created, but the online filing limit is 50 MB. The Petitioner then bought software online to compress the filesize, but it failed.
5. A second file compression purchase managed to get the file reduced to less than 40 MB, but it was rejected by the Clerk as the 1,600 pages are not consecutively numbered (though each Appendix Item is clearly numbered and presented consecutively) and “Appendix should also be bookmarked- instructions may be found on our website www.5dca.org.”
6. The Petitioner has followed the instructions found on 5dca.org, but the attempt to convert the pdf to Word and then back to pdf did not work. Documents

that he is attempting to convert contain signatures, and the Petitioner knows those are always corrupted in conversions.

7. The Petitioner is 72-years-old, divorced, lives alone, and was disabled by the Defendants. He is *pro se* and has absolutely no help with his legal work. Windsor's sole source of income is social security, and he is \$1,500,000 in debt. He cannot afford an attorney, help, or a sanction. He is in constant pain from the Defendants. Unless he wins this case, he cannot afford surgery or medical treatment; his auto insurance coverage has expired. Judge Kest is being asked to declare the amount of monetary sanctions against the Petitioner, and if he or his replacement do so, the Petitioner will be without legal recourse. The Petitioner will be unable to pay, and the Petitioner is unsure if that will cause him to be jailed or lose his case. The Petitioner has suffered serious injuries caused by the Defendants, and he is destined for a miserable existence until he dies unless he can win this case and obtain the funds needed for multiple surgeries.

8. The Petitioner is computer literate; he has used a computer daily since 1982. But he can't figure out a way to do what the Clerk requests.

WHEREFORE, the Petitioner respectfully requests that this Court waive compliance with Rule 9.220 and accept one of the Appendix submissions already presented or allow the Petitioner to mail or hard copy of the Appendix for filing.

This 21st day of December, 2020.



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Judge John Marshall Kest
c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest
Courtroom 18-C, Orange County Courthouse
425 N Orange Avenue, Orlando, Florida 32801
ctjadi1@ocnjcc.org

This 21st day of December, 2020.



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Appendix

3

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

2018-CA-010270-O

WILLIAM WINDSOR

Plaintiff(s),

vs.

ROBERT KEITH LONGEST

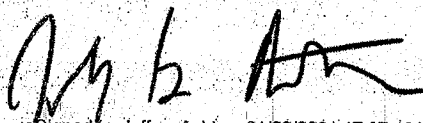
Defendant(s).

ORDER DENYING MOTION TO STAY AND/OR CONTINUE

THIS MATTER comes before the Court on Motion to Stay and/or Continue, and the Court, having reviewed the file and being otherwise fully informed, finds as follows:

Motion is hereby DENIED. The matter that are the subject of the Writ of Prohibition has been rendered moot by the retirement of Judge Kest and the reassignment of the matter to the undersigned.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on 28th day of January, 2021.



Signed by Jeffrey Ashton 01/28/2021 17:07:40 XFKWVJ2C

Jeffrey L. Ashton
Circuit Judge

The foregoing was filed with the Clerk of the Court this 28th day of January, 2021 by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

Appendix

4

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,
Plaintiff,

CASE NO. 2018-CA-010270-O

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,
Defendants.

**MOTION FOR RECONSIDERATION OF
EMERGENCY MOTION FOR STAY AND/OR CONTINUANCE**

Comes Now, William M. Windsor (“Windsor” or “Plaintiff”), and provides this Motion for Reconsideration of his Emergency Motion for Stay and/or Continuance. Windsor shows the Court as follows:

1. This Court’s Order denying Windsor’s Emergency Motion for Stay and/or Continuance was denied with the claim that the Writ of Prohibition is moot. The Court must not have read the paragraph in the motion that cited the Relief Sought.

2. The Motion stated:

“Windsor is asking the Fifth District to deny Judge Kest participation in any matter regarding Windsor. He is asking the Fifth District to declare that the Florida Rules of Professional Conduct do not apply to pro se parties as Judge Kest falsely and maliciously claimed. Windsor is also seeking to have the new judge reconsider all of the orders in the case.”

3. The Petition for Writ of Prohibition states in Paragraph 5:

“NATURE OF RELIEF SOUGHT

The nature of the relief sought in this Petition is a Writ of Prohibition precluding Judge Kest from conducting proceedings in this case. **Windsor also seeks to have this Court declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order**

a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon.” [emphasis added.]

4. Windsor requested a stay until the Fifth District rules on the Petition for Writ of Prohibition. This short delay will not affect anything in this case.

5. The appellate court has not indicated that the Petition for Writ of Prohibition is moot.

6. This Court is asked to re-check the Motion and the Petition. The Order of this Court is improper.

Submitted this 28th day of January, 2021.



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CERTIFICATE OF SERVICE

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to:

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813-526-0559 - 813-218-3110
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This 28th day of January, 2021.



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Appendix

5

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,
Plaintiff,

CASE NO. 2018-CA-010270-O

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,
Defendants.

SECOND EMERGENCY MOTION FOR STAY AND/OR CONTINUANCE

Comes Now, William M. Windsor ("Windsor" or "Plaintiff"), and provides this Second
Emergency Motion for Stay and/or Continuance. Windsor shows the Court as follows:

1. Windsor has a medical emergency, and this provides another reason why the
hearing on February 2, 2021 must be rescheduled. Windsor has heard nothing in response to his
emails and motions.

2. Windsor is 72-years-old and in poor health since the Defendants' 18-wheeler hit
him at 70-miles-per-hour. He is in constant pain from nine herniated disks in his neck and back,
and walking is a problem. He was in excellent shape before the accident.

3. In 2010, Windsor had two cataract surgeries. The surgery on both eyes caused
problems, including a hole poked into the retina of his left eye. He began "seeing things." It
began with what could best be described as a fireworks show "in his eyes" when his eyes were
closed in bed at night. Then he saw big flies and even bigger roaches all around his desk. Next
came a curtain closing back and forth across his field of vision.

4. He raced to the eye doctor, and his left eye was quickly scheduled for surgery.
The doctors discovered a hole in the retina of Windsor's left eye. A week later, his right eye was

done. The strange visions went away, but it took a long time to recover his reading eyesight. Windsor's vision has been 20/20 after the cataract-replacement lenses were implanted in his eyes.

5. In 2016, Windsor was diagnosed with Glaucoma. In 2018 and 2019, he had two more eye surgeries in Leesburg.

6. Last Friday, Windsor had the first COVID-19 vaccination. That night, he saw a ghost. He'd never seen a ghost before, but he saw a ghost. It was a slender brunette, very animated, talking with someone in the kitchen. Windsor was not asleep or dreaming. He "saw" this while awake at night. He snapped a photo, and it is dark and spooky-looking, but doesn't show a "ghost."

7. The ghost did not return the next night, so he chalked it up to perhaps some type of reaction from the vaccination. A few days later, the ghost returned. Same woman; same outfit; same place in the kitchen. He snapped a photo, but it doesn't show a ghost – just a squiggly green neon flash where the ghost was.

8. This all sounds pretty crazy, but Google reports that hallucinations are a side effect of the COVID-19 vaccine. There are some bizarre videos on YouTube with people telling their COVID hallucination stories.

9. But Windsor has become concerned that the problem may be related to the retina in his left eye. His left eye has been cloudy and moderately painful of late. Unfortunately, Windsor missed his regular Glaucoma check-ups due to the Pandemic; he's supposed to be checked every six months, and it has been a year. He tried on Friday to get an appointment with the eye doctor he has used, but she does not accept the Cigna HMO Medicare Insurance that Windsor has as of January 1 without a referral from the primary care doctor. That doctor is new;

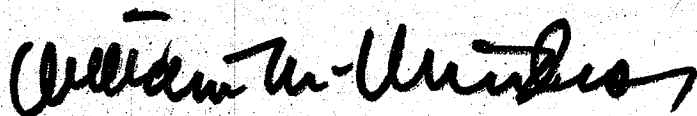
Windsor has never seen him and is unable to get a referral without first scheduling a full physical.

10. First thing Monday morning, Windsor will call Cigna and see what he can do. He should at least be able to go to the Emergency Room without a Primary Care Doctor referral.

11. As Windsor has previously communicated, he received notice from the Court's Judicial Assistant too late to prepare for a 2/2/21 hearing. Windsor also needs to subpoena the attorneys for the Defendants prior to the hearing on attorney's fees. An affidavit was just filed that requires investigation. The examination of the attorneys is likely to take several hours. Windsor has found the attorneys to be extremely dishonest. The half hour set by the Defendants for 2/2/2021 is insufficient.

12. Windsor will also be filing a motion to have Judge Ashton reconsider the outlandish orders of Judge Kest.

Submitted this 30th day of January, 2021.



William M. Windsor


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Electronic Mail

to:

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This 30th day of January, 2021.



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Appendix 6

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-O

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

MOTION FOR RECONSIDERATION
OF ORDERS OF JUDGE JOHN MARSHALL KEST

COMES NOW William M. Windsor ("Windsor" or "Plaintiff"), and files this Motion for
Reconsideration of Orders of Judge John Marshall Kest and shows the Court as follows:

FACTUAL BACKGROUND

1. On September 28, 2020, Windsor filed a Motion to Disqualify Judge John
Marshall Kest.
2. On September 29, 2020, Windsor filed a Motion for Reconsideration of Orders of
Judge Lisa T. Munyon.
3. On October 1, 2020, Windsor filed a Notice of Intent to file Petition for Writ of
Prohibition regarding Judge John Marshall Kest.
4. On October 1, 2020, Judge John Marshall Kest entered an order.
5. On October 20, 2020, Judge John Marshall Kest entered an order.

6. On November 1, 2020, Windsor filed an Emergency Motion for Stay that would stay the case until a new judge is assigned following the retirement of Judge Kest on December 31, 2020.

7. On November 3, 2020, Judge John Marshall Kest entered an order giving the Defendants five days to file a response to Windsor's Emergency Motion for Stay.

8. On December 17, 2020, Windsor filed a Petition for Writ of Prohibition with the Fifth DCA.

ARGUMENT

9. The orders of Judge John Marshall Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules.

10. Windsor seeks reconsideration of the orders of Judge John Marshall Kest or to have the orders set aside. The issues to be reconsidered are expressed in the Petition for Writ of Prohibition. Windsor emphatically believes Judge John Marshall Kest is corrupt. No honest judge in his or her right mind would do what he did.

11. If this Court will not conduct a hearing and reconsider all the orders, Windsor would like to appeal.

PRAYER FOR RELIEF

12. Wherefore, Windsor moves the Court to reconsider all orders of Judge John Marshall Kest; conduct hearings on the matters upon which Judge John Marshall Kest issued orders; and grant such other and further relief as is deemed just and proper.

This 31st day of January, 2021.



William M. Windsor

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This 31st day of January, 2021.



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Appendix

7

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-O

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

AMENDED MOTION FOR RECONSIDERATION
OF ORDERS OF JUDGE JOHN MARSHALL KEST

COMES NOW William M. Windsor (“Windsor” or “Plaintiff”), and files this Motion for Reconsideration of Orders of Judge John Marshall Kest pursuant to the Court’s Inherent Powers and *Arnold v. Massebeau*, and shows the Court as follows:

FACTUAL BACKGROUND

1. On September 28, 2020, Windsor filed a Motion to Disqualify Judge John Marshall Kest.
2. On September 29, 2020, Windsor filed a Motion for Reconsideration of Orders of Judge Lisa T. Munyon.
3. On October 1, 2020, Windsor filed a Notice of Intent to file Petition for Writ of Prohibition regarding Judge John Marshall Kest.
4. On October 1, 2020, Judge John Marshall Kest entered an order.
5. On October 20, 2020, Judge John Marshall Kest entered an order.

6. On November 1, 2020, Windsor filed an Emergency Motion for Stay that would stay the case until a new judge is assigned following the retirement of Judge Kest on December 31, 2020.

7. On November 3, 2020, Judge John Marshall Kest entered an order giving the Defendants five days to file a response to Windsor's Emergency Motion for Stay.

8. On December 17, 2020, Windsor filed a Petition for Writ of Prohibition with the Fifth DCA.

ARGUMENT

9. The orders of Judge John Marshall Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules.

10. The facts are set out in Windsor's Petition for Writ of Prohibition (Exhibit A) and Windsor's Motion for Reconsideration (Exhibit B). The Exhibits to the Petition for Writ of Prohibition will be presented at the hearing on this Motion. Those exhibits are referenced and incorporated herein as if attached hereto.

11. Windsor seeks reconsideration of the orders of Judge John Marshall Kest or to have the orders set aside. The issues to be reconsidered are expressed in the Petition for Writ of Prohibition (Exhibit A) and Windsor's Motion for Reconsideration (Exhibit B). Windsor emphatically believes Judge John Marshall Kest is corrupt. No honest judge in his or her right mind would do what he did.

12. The Fifth District has made it clear that the trial court has the inherent discretionary power to reconsider any order entered prior to the rendition of final judgment in the cause. (*Arnold v. Massebeau*, 493 So. 2d 91 (Fla. 5th DCA 1986).) (See also *North Shore*

Hospital, Inc. v. Barber, 143 So.2d 849 (Fla. 1962); *Commercial Garden Mall v. Success Academy, Inc.*, 453 So.2d 934 (Fla. 4th DCA 1984); Cf. *Associated Medical Institutions, Inc. v. Imperatori*, 338 So.2d 74 (Fla. 3d DCA 1976); *Rubin v. Baker*, 276 So.2d 532 (Fla. 3d DCA 1973).)

13. If this Court will not conduct a hearing and reconsider all the orders, Windsor would like to appeal.

PRAYER FOR RELIEF

14. Wherefore, Windsor moves the Court to reconsider all orders of Judge John Marshall Kest; conduct hearings on the matters upon which Judge John Marshall Kest issued orders; and grant such other and further relief as is deemed just and proper.

This 31st day of January, 2021.



William M. Windsor

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 31st day of January, 2021.



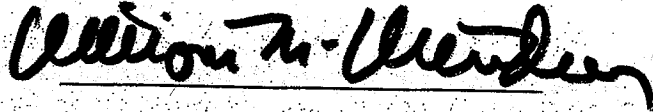
William M. Windsor

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This 31st day of January, 2021.



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EXHIBIT

A

CASE NO. _____

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIFTH DISTRICT**

CASE NO.: 2018-CA-010270

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

In re William M. Windsor

William M. Windsor;

Petitioner

v.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Respondents.

PETITION FOR WRIT OF PROHIBITION

William M. Windsor

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INTRODUCTION

1. Pursuant to Florida Rules of Appellate Procedure (“FRAP”) Rule 9.100 and this Court’s Inherent Power, Petitioner, WILLIAM M. WINDSOR (“Windsor”), respectfully petitions this Court for a writ of prohibition restraining the Honorable John Marshall Kest, Judge of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County Florida from presiding as a circuit judge in the matter of WILLIAM M. WINDSOR vs. ROBERT KEITH LONGEST (“Longest”) and BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C. (“Boise Cascade”) in Case No. 2018-CA-01270-O. Windsor also petitions this Court to declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon (“Judge Munyon”).

2. This Petition follows the denial of a timely-filed motion to disqualify [APPENDIX 61] in which Windsor established that he has an objectively reasonable fear that he has not received a fair trial from Judge Kest, and the prejudice of Judge Kest assures his January 5, 2021 judicial replacement will be required to move the case forward with the unfair and unlawful orders of Judge Kest. The Petition was premised on FRAP 2.330, Florida Statutes, and the Florida Code of Judicial Conduct, all of which require that a judge disqualify himself once

a party has established a reasonable fear that he will not obtain a fair hearing. See Florida Rules of Judicial Administration ("FRJA") 2.160; Fla. Stat. §§ 38.02, 38.10; Fla. Code Jud. Conduct, Canon 3-B (7) and E. 2 I.

BASIS FOR INVOKING JURISDICTION

3. Article V, section 4(b)(3) of the Florida Constitution authorizes district courts of appeal to issue writs of prohibition. See also FRAP 9.030(b)(3); FRAP 9.100. This is an original action under Rule 9.100(a) of the FRAP. This Court has original jurisdiction pursuant to FRAP and Article V, Section 3(b)(8) of the Florida Constitution. See *Bundy v. Rudd*, 366 So. 2d 440 (Fla. 1978) (granting writ where circuit court erroneously denied motion to recuse judge).

4. The denial of a motion to disqualify a successor judge is reviewed for abuse of discretion, see *King v. State*, 840 So.2d 1047, 1049 (Fla.2003), and should only be disturbed if "the record clearly refutes the successor judge's decision to deny the motion." *Pinfield v. State*, 710 So.2d 201, 202 (Fla. 5th DCA 1998); see also *Quince v. State*, 732 So.2d 1059, 1062 (Fla.1999) ("a court's ruling on a discretionary matter will be sustained unless no reasonable person would take the view adopted by the court.").

NATURE OF RELIEF SOUGHT

5. The nature of the relief sought in this Petition is a Writ of Prohibition precluding Judge Kest from conducting proceedings in this case. Windsor also

seeks to have this Court declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon.

STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

6. On May 5, 2017, Windsor was hit by an 18-wheeler at 70-miles-per-hour. His car was totaled, and he was disabled. Windsor suffered four herniated discs in his back, five herniated discs in his neck, and an allegedly inoperable abdominal injury, Diastasis Recti.

7. This case was instituted in the Ninth Judicial Circuit in Orange County, Florida on September 20, 2018. It was filed by Dan Newlin & Partners ("Newlin"). [APPENDIX 1.] The case was assigned to Judge Lisa T. Munyon.

8. Plaintiff's Request for Admissions to Boise Cascade was filed on 9/20/2018. [APPENDIX 2.] Plaintiff's Request for Admissions to Longest was filed on 9/20/2018. [APPENDIX 3.] Plaintiff's Interrogatories to Boise Cascade was filed on 9/20/2018. [APPENDIX 4.] Plaintiff's Interrogatories to Longest was filed on 9/20/2018. [APPENDIX 5.] Plaintiff's Request to Produce to Boise Cascade was filed on 9/20/2018. [APPENDIX 6.] Plaintiff's Request to Produce to Longest was filed on 9/20/2018. [APPENDIX 7.]

9. The DEFENDANTS filed their Answer to Plaintiff's Original Complaint on 10/10/2018. [APPENDIX 8.]

10. On April 29, 2019, Newlin filed Plaintiff's Request for Copies. [APPENDIX 9.] These documents have never been produced.

11. On May 16, 2019, David I. Wynne ("Wynne") became the attorney for the Defendants. [APPENDIX 10.] On March 19, 2020, Newlin was terminated by Windsor. [APPENDIX 11.] This was because Windsor was completely unhappy with their work and lack of work.

12. Windsor began representing himself pro se. He is not an attorney, but he has independently studied law and has represented himself in various actions for over 20 years, including several petitions to the United States Supreme Court.

13. When Windsor obtained the files from Newlin, he discovered that Newlin had done a horrendous job. He began work on problems with motions to compel interrogatories, compel production, and objections to admissions.

14. Plaintiff's Motion to Compel Incomplete Answer to Interrogatory was filed on 6/3/2020. [APPENDIX 12.]

15. Plaintiff's Motion to Compel Production of Purported Privileged Documents was filed on 6/3/2020. [APPENDIX 13.]

16. Plaintiff's Objections to Robert Keith Longest's Answers to Interrogatories and a Motion for Sanctions against Defendant Robert Keith Longest ("Longest") was filed 6/24/2020. [APPENDIX 14.]

17. Plaintiff's Objections to Boise Cascade's Answers to Interrogatories signed by Ivan Wayne Laster and Motion for Sanctions against Defendant Boise Cascade ("Boise Cascade") was filed 6/24/2020. [APPENDIX 15.]

18. Plaintiff's Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Defendant Robert Keith Longest ("Longest") was filed 6/24/2020. [APPENDIX 16.]

19. Plaintiff's Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Boise Cascade was filed 6/24/2020. [APPENDIX 17.]

20. Plaintiff's Amended Motion for Sanctions against Longest was filed on 7/1/2020. [APPENDIX 18.]

21. Plaintiff's Amended Motion for Sanctions against Boise Cascade was filed on 7/1/2020. [APPENDIX 19.]

22. The DEFENDANTS responded by filing one of the most frivolous motions in the history of Florida civil courts -- Defendants' Emergency Motion Requesting the Court Determine if Plaintiff William Windsor is Mentally Competent to Represent Himself was filed 7/20/2020. [APPENDIX 20.]

23. Plaintiff's Motion to Cancel August 4, 2020 Hearing and Motion to Strike filed 7/27/2020. [APPENDIX 21.]

24. Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions was filed 7/27/2020. [APPENDIX 22.]

25. Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions was filed 8/4/2020. [APPENDIX 23.] It was ignored by Judge Munyon and Judge Kest.

26. Plaintiff's Motion to Find Boise Cascade in Contempt pursuant to Florida Rules of Civil Procedure ("FRCP") Rule 1.380 was filed on 8/4/2020. [APPENDIX 24.]

27. Plaintiff's Motion to Compel Depositions was filed on 8/4/2020. [APPENDIX 25.]

28. Plaintiff's Motion to Compel Defendant Boise Cascade to Produce Documents pursuant to FRCP Rule 1.380 was filed on 8/4/2020. [APPENDIX 26.]

29. Plaintiff's Motion to Compel Defendant Longest to Produce Documents pursuant to FRCP Rule 1.380 was filed on 8/4/2020. [APPENDIX 27.]

30. Plaintiff's Motion to Compel Subpoena for Documents from Dr. Stephen Goll, pursuant to FRCP, including Rule 1.351 was filed 8/4/2020. [APPENDIX 28.]

31. Defendants' Comprehensive Motion for Protective Order on All Discovery Pending Determination of Competency and Dismissal was filed 8/4/2020. [APPENDIX 29.]

32. Plaintiff's Amended Response to Motion for Protective Order and Motion to Strike was filed on 8/11/2020. [APPENDIX 30.]

33. Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Granting Protective Order was filed on 8/19/2020. [APPENDIX 31.]

34. The Notice of Appearance of Scott Astrin was filed on 8/19/2020. [APPENDIX 32.]

35. Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Motion to Exceed 30 Interrogatories and 30 Requests for Admissions was filed on 8/22/2020. [APPENDIX 33.]

36. Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Plaintiff's Motion to Strike Defendants' Emergency Motion Requesting the Court Determine if *Pro Se* Plaintiff William Windsor is Competent to Represent Himself was filed on 8/22/2020. [APPENDIX 34.]

37. Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions Against Defendant Robert Keith Longest for Fraud on the Court was filed on 8/23/2020. [APPENDIX 35.]

38. Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Boise Cascade for Fraud on the Court was filed on 8/24/2020. [APPENDIX 36.]

39. Plaintiff's Verified Response to Motion to Dismiss, Motion to Strike, and Motion for Sanctions was filed on 8/25/2020. [APPENDIX 37.]

40. Plaintiff's Response to Motion for Competency, Motion to Strike, and Motion for Sanctions was filed on 8/25/2020. [APPENDIX 38.]

41. On August 25, 2020, Windsor filed a Motion to Disqualify Judge Lisa T. Munyon. The Order Granting Windsor's Motion to Disqualify Judge Munyon was filed on 8/25/2020. [APPENDIX 39.]

42. On August 25, 2020, Judge John Marshall Kest ("Judge Kest") was named to replace Judge Munyon.

43. Plaintiff sent a letter to Judge Kest on 8/25/2020 requesting 18 motions to be set for hearing. [APPENDIX 40.] Plaintiff's Third Amended Motion for Leave to file an Amended Complaint was the only motion set for a hearing.

44. Plaintiff's Motion for Sanctions to Strike the Answer of Longest for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing was filed on 8/29/2020. [APPENDIX 41.]

45. Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing was filed on 8/29/2020. [APPENDIX 42.]

46. Plaintiff sent a letter to Judge Kest requesting two motions for fraud on the court to be set for evidentiary hearings; this was sent on 8/29/2020.

[APPENDIX 43.] Neither was set for hearing.

47. Judge Kest issued an "Order Requiring Compliance by Attorneys and *PRO SE* Litigants with Procedures and Administrative Orders on September 1, 2020. [APPENDIX 44.] This Order states:

"Attorneys and *pro se* litigants re reminded that all attorneys and *pro se*'s must comply with, and follow, the Administrative procedures, Administrative orders, Uniform Administrative Policies and Procedures of the Courts in the Ninth Judicial Circuit, as well as the Guidelines of each individual judge before whom a party will appear.

"For example, Administrative Order 2012-03 requires that a mandatory meet and confer be undertaken before a hearing or motion is scheduled. It is the responsibility of the party scheduling the hearing to arrange the conference. **Failure to "meet and confer" on each motion will result in a hearing being cancelled if it was scheduled and/or sanctions may be imposed.** [emphasis added.]

48. Administrative Order 2012-03 states:

"A mandatory meet and confer process is hereby established, as set forth below, for all motions to be set for hearing in the circuit civil division and to occur before scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment; or to permit maintenance of a class action.

“Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as “Exhibit A”) that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

“The term “confer” requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order. [emphasis added.]

“Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.

“Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

“Counsel who notices the hearing shall ensure that the court and the court’s judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.”

49. The Ninth Circuit doesn’t even address the lowly *pro se* parties, but they have done a brilliant job of showing Judge Kest to be dishonest. Judge Kest lied about the orders.

50. An Order Denying Windsor's Motion for Sanctions to Strike the Answers of Longest and Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing was filed on 9/2/2020. [APPENDIX 45.]

51. On 9/2/2020, Windsor filed a Motion for Reconsideration of the Order dated 9/2/2020. [APPENDIX 46.]

52. Judge Kest had his first live interaction with Windsor at a Case Management Conference on 9/21/2020.

53. On 9/21/2020, Wynne filed a document titled "Defendants' Response to *PRO SE* Plaintiff's Motions for Reconsideration." [APPENDIX 47.]

54. Windsor came to the realization on 9/21/2020 that Judge Kest was prejudiced and biased. Windsor sent a letter to Judge Kest advising that he was filing a motion to disqualify him; this was sent on 9/23/2020. [APPENDIX 48.]

55. On 9/27/2020, Windsor filed a Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions. [APPENDIX 49.]

56. On 9/28/2020, Windsor filed a Verified Motion to Disqualify Judge John Marshall Kest. [APPENDIX 50.]

57. On 9/30/2020, Judge Kest entered an Order denying Windsor's Motion to Disqualify. [APPENDIX 51.]

58. On 11/19/2020, Windsor filed a Second Motion to Disqualify Judge John Marshall Kest. [APPENDIX 52.] On 11/20/2020, Judge Kest entered an Order denying Windsor's Second Motion to Disqualify. [APPENDIX 53.]

59. Windsor's Supplement to Verified Motion to Disqualify Judge John Marshall Kest was filed on 9/28/2020. [APPENDIX 54.]

60. Plaintiff's Motion for Reconsideration of Orders of Judge Munyon was filed on 9/29/2020. [APPENDIX 55.]

61. An Order Denying Windsor's Verified Motion to Disqualify Judge John Kest was filed on 9/30/2020. [APPENDIX 56.]

62. An Order Denying Defendants' Motion to Dismiss and Emergency Motion to Determine Competency was filed on 10/1/2020. [APPENDIX 57.]

63. Orders on Multiple Motions were filed 10/20/2020. [APPENDIX 58.]

64. Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest was filed on 11/3/2020. [APPENDIX 59.]

65. Plaintiff's Motion for Reconsideration of Orders of Judge Kest dated October 20, 2020 was filed on 11/6/2020. [APPENDIX 60.]

66. Plaintiff's Second Verified Motion to Disqualify Judge Kest was filed on 11/19/2020. [APPENDIX 61.]

67. An Order Denying Windsor's Second Verified Motion to Disqualify Judge John Marshall Kest was filed on 11/20/2020. [APPENDIX 62.]

REASONS WHY THE WRIT SHOULD ISSUE

68. Windsor's Affidavits of Prejudice stated very clearly the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized. The reasons for the belief are material and stated with particularity. [APPENDIX 50, Exhibit A.] [APPENDIX 61, Exhibit A.]

69. Judge Kest WRONGFULLY ordered sanctions against Windsor for filing his Objections to Robert Keith Longest's Answers to Interrogatories and Motion for Sanctions against Defendant Robert Keith Longest. [APPENDIX 58, Pages 4 and 5.]

70. Judge Kest claims, without legal authority, that Windsor's objections were not made in good faith. [APPENDIX 58, Page 5.] This is laughable. See APPENDIX 14, especially ¶¶ 18-42. The Objections were made under oath under penalty of perjury. Windsor's sworn statements of fact are uncontroverted. Windsor identified five false answers. Windsor identified several counts of perjury, and he provided evidence. Windsor identified incomplete answers that Longest knew were incomplete, completely inadequate answers. Longest committed 55 violations of Florida Rules of Civil Procedure ("FRCP") Rule 1.340 (a). [APPENDIX 14, ¶ 44.] Longest gave false sworn answers to Interrogatories Number 6, 8, 10, 11, 23. Longest failed to answer Interrogatory Numbers 5 and 7.

Longest gave incomplete answers to Interrogatory Numbers 2, 10, 13, 18, 24, and 27. [APPENDIX 18, APPENDIX 41.] Longest has committed fraud on the court. And Judge Kest has let him get away with it and has sanctioned Windsor.

71. FRCP Rule 1.380 provides for the rules for failure to make discovery. Proper notice was provided.

72. FRCP Rule 1.380 (a) (2) provides that if a deponent fails to answer a question propounded or submitted under rule 1.310 or 1.320, or a corporation or other entity fails to make a designation under rule 1.310(b)(6) or 1.320(a), or a party fails to answer an interrogatory submitted under rule 1.340, or if a party in response to a request for inspection submitted under rule 1.350 fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, or if a party in response to a request for examination of a person submitted under rule 1.360(a) objects to the examination, fails to respond that the examination will be permitted as requested, or fails to submit to or to produce a person in that party's custody or legal control for examination, the discovering party may move for an order compelling an answer.... FRCP Rule 1.380 (a) (3) provides that an evasive or incomplete answer shall be treated as a failure to answer. Judge Kest's order violates the law. [APPENDIX 58, Page 5.] Judge Kest LIED in his order claiming Windsor did not comply with the Rules. This Court should simply read APPENDIX 14, 15, and 58 and see that Judge Kest lied to inflict his prejudice.

73. Judge Kest claims there was no valid legal basis to object to Longest's answers to request for admissions. FRCP Rule 1.370 (a) provides the legal authority that Windsor cited. The answers were false, and Longest knew they were false. FRCP 1.370 requires: "The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." FRCP 1.370 provides "The party who has requested the admissions may move to determine the sufficiency of the answers or objections."

74. The actions of Longest in this case have been fraudulent. Longest has filed a fraudulent answer, false sworn answers to interrogatories, false answers to requests for admissions, and he has lied in his deposition and in court.

[APPENDIX 41.]

75. Judge Kest's denial of all Objections to Boise Cascade's Answers to Interrogatories and Motion for Sanctions against Defendant, except 15 and 24, are similarly wrong. [APPENDIX 58, P. 5.]

76. Judge Kest claims there is no valid legal basis to object to Boise's answers to request for admissions. [APPENDIX 58, P. 6.] The answers were false,

and Boise knew they were false. FRCP 1.370 requires: "The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." FRCP 1.370 provides "The party who has requested the admissions may move to determine the sufficiency of the answers or objections."

77. Judge Kest claims Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade; Motion for Sanctions to Strike the Answer of Longest; Motion for Fraud on the Court; Motion for Sanctions for Violations of the Rules and Motion for Evidentiary Hearing did not provide evidence. [APPENDIX 58, P. 7.] There is massive evidence, and the court would have been reminded at the requested evidentiary hearing. Judge Kest has amazingly said that Windsor is obligated to comply with the Florida Bar Rules of Professional Conduct, which the law does not provide, yet he claims there is no basis for the Court to sanction attorneys for violating the Rules. And, he has ordered sanctions against Windsor pursuant to the rules of civil procedure. This is prejudice and bias. Judge Kest is dishonest and likely corrupt.

78. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of Judge Kest. A reasonably prudent person will be in fear of not receiving a fair and impartial trial.

79. Orders of Judge Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules. [APPENDIX 44, 45, 51, 53, 56, 57, 58, 62.]

80. Judge Kest has falsely stated that many of Windsor's motions are not based on statutory or Florida case law and some are not legally sufficient. [APPENDIX 58.] Judge Kest has not identified these. Windsor has complied with all statutes and Rules, and his motions are legally sufficient. Judge Kest just wrote this to inflict his prejudice against Windsor.

81. An honest judge would have stricken the pleadings of the Defendants. [APPENDIX 18, 19, 35, 36, 41, 42, 45.] Judge Kest is not honest.

82. Judge Kest objects to Windsor filing so many motions. The only reason Windsor has filed much of anything is the wrongdoing of the Defendants and the judges. Judge Kest is terminally biased.

83. Judge Kest did nothing about the totally frivolous Defendants' motions for competency and motion to dismiss. Windsor's motion for sanctions was IGNORED.

84. Judge Kest denied Windsor's motions to compel the Defendants to produce documents and for sanctions without a hearing. [APPENDIX 58.] This is OUTRAGEOUS. There was nothing improper about these requests.

85. Judge Kest has limited Windsor to one hour per deposition, apparently as a sanction. [APPENDIX 58, P. 3.] This is totally inadequate as to the two Defendants. Windsor has never taken a deposition, and he is dealing with liars. Judge Kest wants to do whatever he can to screw *Pro Se* Windsor before he retires. Windsor will file a Bar Complaint against him.

86. Judge Kest denied Windsor's Motion to Compel Subpoenas for Documents from Dr. Stephen Goll. [APPENDIX 58, P. 3.] The Motion fully explains the need, but Judge Kest feigned ignorance. [APPENDIX 28.] Dr. Goll relied on the notes he made while examining Windsor, and these are discoverable.

87. Judge Kest has outrageously denied Windsor's Motion for Sanctions against each of the Defendants for Fraud on the Court. He has denied hearings. He claims the findings of the prior judge are valid, but she did not address the issues that were clearly stated. This smacks of corruption. Perhaps Judge Kest has been paid off by the attorneys for the Defendants to issue such outrageous orders.

88. Judge Kest established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the "appearance of impropriety," a standard that must be safeguarded under applicable recusal law.

89. Judge Kest has effectively denied Windsor's rights of the equal protection under the law under Article VI of the Constitution.

90. Judge Kest's actions prove that he has exercised his power in this civil action for his own personal purposes rather than the will of the law.

91. Windsor has not received fair and impartial treatment with Judge Kest. He is prejudiced against Windsor.

92. All Windsor wants is to have someone fair and impartial with an open mind to listen to the facts and review as much of the evidence as is needed to prove each of his claims. It is obvious to Windsor that Judge Kest doesn't care about the facts and doesn't want to apply the law.

93. The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. Judge Kest is biased against Windsor. He has demonstrated this again and again and again.

94. Windsor's motions, affidavits, certificates of good faith, and memorandum of authorities meet the requirements for a motion to disqualify.

[APPENDIX 50, 61.]

95. Windsor has a well-grounded fear that he will not receive a fair trial. He hasn't received a fair trial.

96. Judge Kest established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the "appearance of impropriety," a standard that must be safeguarded under applicable recusal law.

STANDARD OF REVIEW

97. The denial of a motion to disqualify a circuit judge is reviewed de novo. *Parker v. State*, 3 So.3d 974, 982 (Sup. Ct. Fla. 2009).

LEGAL ARGUMENT

98. The test to be used by the trial court in reviewing a motion for disqualification has been determined by the Florida Supreme Court. In *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332 (Fla.1990), the Supreme Court held that the facts alleged in a motion to disqualify need only show a movant's well-grounded fear that the movant will not receive a fair trial. The test to be utilized is whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial. *MacKenzie*, 565 So.2d at 1335; see also *Fischer v. Knuck*, 497 So.2d 240 (Fla.1986).

99. In reviewing the legal sufficiency of a motion for disqualification, i.e. whether the movant has alleged facts giving rise to a well-founded fear that the movant will not receive a fair trial, the facts must be taken as true and must be viewed from the movant's perspective. See *Livingston*, 441 So.2d 1083 ("The question of disqualification focuses on those matters from which a litigant may

reasonably question a judge's impartiality rather than the judge's perception of the judge's ability to act fairly and impartially.").

100. In order to decide whether the motion is legally sufficient, Windsor must only show: 'a well-grounded fear that he will not receive a fair [hearing] at the hands of the judge. It is not a question of how the judge feels; it is a question of what feeling resides in the affiant's mind and the basis for such feeling.' *State ex rel. Brown v. Dewell*, 131 Fla. 566, 573, 179 So. 695, 697-98 (1938). See also *Hayslip v. Douglas*, 400 So. 2d 553 (Fla. 4th DCA 1981). The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially. *State v. Livingston*, 441 So. 2d 1083, 1086 (Fla. 1983).

101. The prejudice of a judge is a delicate question for a litigant to raise but when raised as a bar to the trial of a cause, if predicated on grounds with a modicum of reason, the judge in question should be prompt to recuse himself. No judge under any circumstances is warranted in sitting in the trial of a cause whose neutrality is shadowed or even questioned. *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Aguiar v. Chappell*, 344 So.2d 925 (Fla. 3d DCA 1977). *State v. Steele*, 348 So. 2d 398, 401 (Fla. 3rd DCA 1977).

102. The United States Supreme Court has explained that in deciding whether a particular judge cannot preside over a litigant's trial: the inquiry must be

not only whether there was actual bias on respondent's part, but also whether there was 'such a likelihood of bias or an appearance of bias that the judge was unable to hold the balance between vindicating the interests of the court and the interests of the accused.' *Ungar v. Sarafite*, 376 U.S. 575, 588 (1964). 'Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties,' but due process of law requires no less. *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955). *Taylor v. Hayes*, 418 U.S. 488, 501 (1974) (emphasis added).

103. The appearance of impropriety violates state and federal constitutional rights to due process. A fair hearing before an impartial tribunal is a basic requirement of due process. See *In re Murchison*, 349 U.S. 133 (1955). "Every litigant[] is entitled to nothing less than the cold neutrality of an impartial judge." *State ex rel. Mickle v. Rowe*, 131 So. 331, 332 (Fla. 1930). Absent a fair tribunal, there can be no full and fair hearing.

104. The test for determining the legal sufficiency of a motion for disqualification is an objective one which asks whether the facts alleged in the motion would place a reasonably prudent person in fear of not receiving a fair and impartial hearing. See *Livingston v. State*, at 1087. "When the judge enters into the

proceedings and becomes a participant, a shadow is cast upon judicial neutrality so that disqualification [of the circuit] is required." *Chastine v. Broome*, at 295.

A. **WINDSOR SHOWED THAT ANY REASONABLY PRUDENT PERSON WOULD BE IN FEAR OF NOT RECEIVING A FAIR TRIAL.**

105. There are a host of reasons why any reasonable prudent person would be in fear of not receiving a fair trial in the case. But the consideration is easy by looking at what Judge Kest did when considering sanctions.

106. Windsor swore under oath under penalty of perjury that "Lies, conspiracy, false statements to law enforcement, alleged bribery, fraud, attempted fraud, false pleadings, a host of discovery violations, numerous violations of the Florida Rules of Professional Conduct, concealment of the key evidence, concealment of the identity of one of the key fraudsters, perjury, alleged fraud by a paid expert witness, violation of a court order, contempt, malicious prosecution, and fraud on the Court. The Defendants and their attorneys have done it all."

Windsor presented Judge Kest with 298 causes of action for sanctions.

[APPENDIX 18 and 19; APPENDIX 34 and 35; APPENDIX 41 and 42.]

107. Surely 298 violations is destined for the Guinness Book.

108. Judge Kest denied the motions without the requested evidentiary hearing claiming they were motions for "reconsideration." [APPENDIX 45, Page 1.] On September 2, 2020, Judge Kest issued an "ORDER ON MOTIONS FOR

RECONSIDERATION, REQUEST FOR HEARING AND DIRECTING
DEFENDANT TO FILE A RESPONSE.” [APPENDIX 45.] This ORDER is
absolutely false, claiming the August 29, 2020 motions filed by Windsor were
“motions for reconsideration.” [APPENDIX 45, P. 1.] The opening paragraphs of
the motions state that on June 24, 2020, Windsor originally presented 98 counts to
show FRAUD ON THE COURT by each of the Defendants. And that “since the
98 counts were first presented, the Defendants and its attorneys have each
committed another 51 counts. Fraud on the court requires a clear and convincing
showing, so this Motion includes all of the counts that are part of the scheme.”
[APPENDIX 41, 42.] 102 new counts against the Defendants does not constitute a
“motion for reconsideration.” This is inexcusable.

109. While this alone should be enough, Judge Kest outrageously
sanctioned Windsor. [APPENDIX 58.] There is no logical explanation for the
actions of Judge Kest. He is clearly prejudiced. He may have other problems.

110. A reasonably prudent person would NOT be in fear of receiving a fair
trial. They’d be scared to death!

**B. JUDGE KEST DEMONSTRATED HIS PREJUDICE AGAINST PRO
SE PARTIES REPEATEDLY.**

111. Judge Kest’s prejudice against pro se parties literally *JUMPS OFF THE
PAGE*. He has the term “*pro se*” italicized in his orders. [APPENDIX 44, 45, 51,

53, 56, 57, 58, and 62.] This is a clearly incorrect English usage. Latin terms are not italicized, nor are everyday legal terms. Windsor believes Judge Kest italicizes *pro se* as a slap in the face of *pro se* parties and as a means of indicating *pro se* parties are a lesser class of litigant, which is clearly unlawful.

C. JUDGE KEST FALSELY CLAIMED THE MOTION TO DISQUALIFY WAS NOT LEGALLY SUFFICIENT.

112. Judge Kest ordered: "The Court finds that the Motion is legally insufficient." [APPENDIX 62 -- ORDER, P. 1, ¶ 3.] He gave no explanation. Indeed, he couldn't. It will be simple for this Court to determine that Judge Kest was simply inflicting his bias and prejudice yet again.

113. A Motion to Disqualify is governed by Florida Statute 38.10 and FRJA 2.330, and Windsor met all requirements. [APPENDIX 52.]

"A motion to disqualify is governed substantively by section 38.10, Florida Statutes . . . and procedurally by Florida Rule of Judicial Administration 2.330." *Gregory v. State*, 118 So.3d 770, 778 (Fla. 2013) (quoting *Gore v. State*, 964 So.2d 1257, 1268 (Fla. 2007)). "The statute requires that the moving party file an affidavit in good faith 'stating fear that he or she will not receive a fair trial . . . on account of the prejudice of the judge' as well as 'the facts and the reasons for the belief that any such bias or prejudice exists.'" *Peterson v. State*, 221 So.3d 571, 581 (Fla. 2017) (quoting § 38.10, Fla. Stat. (2014)).

114. **MOTION AND AFFIDAVIT:** The Motion to Disqualify was in writing. Windsor filed an Affidavit of Prejudice stating his fear that he would not receive a fair trial due to the prejudice of Judge Kest. It provided the facts and the

reasons for the belief that such bias and prejudice exist. This Motion was signed under oath. There had been one previously granted motion to disqualify the former judge. A Certificate of Good Faith was also filed [APPENDIX 52, Exhibit B]. The Motion to Disqualify was filed with the Clerk, and a copy was sent by email to Judge Kest c/o his assistant, Diane Iacone. [APPENDIX 52.]

115. **GROUND:** The Motion to Disqualify showed that the Plaintiff feared he would not receive a fair trial because of specifically described prejudice or bias of Judge Kest.

116. **TIME:** The Motion to Disqualify was filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the Motion and was promptly presented to the Court for an immediate ruling.

D. **JUDGE JOHN MARSHALL KEST FALSELY CLAIMED THE MOTION TO DISQUALIFY WAS NOT LEGALLY SUFFICIENT.**

117. In his Order dated November 20, 2020, Judge Kest found "the Motion is legally insufficient." [APPENDIX 62.]

118. Judge Kest identified nothing that was legally insufficient.

119. The Motion to Disqualify Judge Kest was legally sufficient and procedurally adequate, and Judge Kest was supposed to so determine. This was a proper application for a change of judge. The PETITION FOR WRIT OF PROHIBITION should have been granted.

E. WHEN JUDGE KEST FIRST INTERACTED WITH WINDSOR, HE FALSELY ACCUSED HIM OF LYING.

120. On September 21, 2020, Judge Kest had his first live interaction with Windsor at a Case Management Conference via Zoom. Judge Kest claimed Windsor made a false statement to the Court denying that the case had been stayed. The case was never stayed, and saying Windsor made a false statement to the Court was both improper and erroneous.

121. USLegal.com defines "stay" as "a court order preventing further action until a future event occurs." In this case, Windsor explained that there was only a protective order to block any further discovery, but Judge Kest refused to listen. [APPENDIX 63.] The Order clearly states: "Discovery is stayed...." In direct conflict with the Order of 8/19/2020, Judge Kest branded Windsor as dishonest. He seemed to have little interest whatsoever in what a lowly *pro se* had to say. Proven prejudice.

F. JUDGE KEST VIOLATED RULE 2.9 (C) OF THE CODE OF JUDICIAL CONDUCT AND THREATENED WINDSOR.

122. Judge Kest indicated at the Case Management Conference that he had independently researched cases Windsor had been involved in, and he threatened Windsor with sanctions for frivolous motions under Florida Statute 57.105. Windsor has never filed anything frivolous, but the DEFENDANTS sure have.

123. Rule 2.9 (C) of the Code of Judicial Conduct states: "A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented...." Judge Kest violated this Rule. And then he threatened Windsor.

G. JUDGE KEST PREJUDGED WINDSOR'S CASE.

124. At the Case Management Conference, Judge Kest indicated to the parties that he had prejudged Windsor from independently researching cases Windsor had been involved in and then threatening him.

"While it is well-settled that a judge may form mental impressions and opinions during the course of hearing evidence, he or she may not prejudge the case." See *Wargo v. Wargo*, 669 So.2d 1039 (Fla. 1st DCA 1996); *LeBruno Aluminum Co., Inc. v. Lane*, 436 So.2d 311, 312 (Fla. 2nd DCA 1999).

125. The comment of Judge Kest can be reasonably interpreted to mean Judge Kest had crossed the line from forming mental impressions to prejudging the issue." (*Barnett v. Barnett*, 727 So.2d 311, 312 (Fla. 2nd DCA 1999).)

H. JUDGE KEST IGNORED THE PREJUDICE AND BIAS OF JUDGE LISA T. MUNYON.

126. Windsor has a well-grounded fear that he will not receive a fair trial. Judge Kest ignored all of the prejudice and bias of Judge Lisa T. Munyon. Judge Munyon granted a protective order to stop discovery when there was no legal authority to do so. Judge Kest allowed that to continue. [APPENDIX 29, 55.]

I. JUDGE KEST ALLOWED AN ATTORNEY WHO HAD NOT FILED A NOTICE OF APPEARANCE TO FILE MOTIONS IN THE CASE.

**INCLUDING AN OUTRAGEOUSLY FRIVOLOUS MOTION TO
HAVE WINDSOR DECLARED MENTALLY INCOMPETENT TO
REPRESENT HIMSELF.**

127. Judge Kest allowed an attorney who had not filed a Notice of Appearance to file an outrageously frivolous motion to have Windsor declared mentally incompetent to represent himself. [APPENDIX 20, 32, 37, 38.] According to the law, the motion had to be stricken, but Judge Kest ignored his legal duty because of his bias.

128. APPENDIX 38, PP. 2-5 and APPENDIX 21 detail the wrongdoing of Scott L. Astrin ("Astrin")

129. Judge Kest did not address Florida Rule 2.505 (e) (3) of the Rules of Judicial Administration or case law that provide THE COMPETENCY MOTION of Astrin was clearly a nullity.

130. Judge Kest did not address the false pleading Astrin filed with the Court in his purported Notice of Evidentiary Hearing. Judge Kest did not address that Astrin had violated Rule 4-3.1, Rule 4-3.3, and Rule 4-3.4 of the Florida Rules of Professional Conduct. [APPENDIX 21, 29, 41, 42.]

131. On 9/21/2020, Judge Kest ordered a September 29, 2020 hearing on Defendants, Robert Keith Longest & Boise Cascade Building Materials Distribution, LLC, along with the Law Offices of Scott L. Astrin and Attorney David Wynne's Emergency Motion Requesting the Court Determine if *Pro Se*

Plaintiff William Windsor is Competent to Represent Himself, Motion Enforcing Pro Se Plaintiff William Windsor to Comply and Adhere to Florida Bar Rules of Professional Conduct and Motion for an Award of Monetary Sanctions. This established that Judge Kest was allowing this completely and totally frivolous motion to move forward. Windsor's Response to the Motion filed 8//25/2020 details why this is such a frivolous motion. [APPENDIX 38.] If Judge Kest was an honest, impartial judge, he would have immediately dismissed it.

J. **JUDGE KEST ALLOWED HEARINGS ON FRIVOLOUS MOTIONS AND IGNORED THE RULES AND HIS ORDERS IN FAVOR OF THE DEFENDANTS**

132. Judge Kest has allowed hearings on frivolous motions by the Defendants while ignoring violations of his own rules and orders. Judge Kest stated at the Case Management Conference that it was essential that motions be supported by law, but he violated this requirement.

133. Judge Kest ignored the fact that there was no legal basis given by the Defendants for either of the motions that Judge Kest ordered to be set for hearing.

134. Judge Kest outrageously stated in an order that two motions were not being set for hearings because they were motions for reconsideration when clearly they were no such thing. [APPENDIX 45.]

135. Judge Kest extended the trial date for another year when he will not even be a judge, with no consideration given to Windsor's medical condition.

136. Judge Kest announced at the Case Management Conference that he treats *pro se* parties the same as attorneys, but this is neither fair nor the law.

137. Judge Kest argued with Windsor over whether there had been the required "meet and confer" with the Defendants' attorneys. Judge Kest claimed that a telephone bullying by Attorney Astrin amounted to a "confer." Windsor tried to explain that confer means an actual discussion. Judge Kest rejected that, yet he knew the specifics of the law while *pro se* Windsor did not. Windsor was absolutely right about the requirements to confer, and Judge Kest lied and claimed he was wrong.

138. Judge Kest ordered sanctions against Windsor when he did nothing improper, while he ignored literally hundreds of violations of the rules and law by the Defendants and their attorneys. [APPENDIX 58.]

139. Judge Kest is a past president and Governor of the Bar Association, so he has been a very active member of a club that the Defense attorneys belong to that Windsor will never belong to. Judge Kest has been an attorney for 48 years and a judge for 17 years. He has seemingly developed disdain for *pro se* parties over the past 48 years. Windsor has these feelings because after studying the developments in this case, he sees Judge Kest acting with bias again and again.

The motion is legally sufficient if it shows the party's well-grounded fear that the party will not receive a fair trial. See *Livingston v. State*, 441 So.2d 1083, 1087 (Fla.1983). In other words, would the facts (which must be taken as true in a motion to disqualify) prompt a reasonably prudent person to fear

that he could not get a fair and impartial trial. See e.g., *Peterson v. Asklepious*, 833 So. 2d 262 (Fla. 4th DCA 2002).

The facts alleged in the motion need only show that "the party making it has a well grounded fear that he will not receive a fair trial at the hands of the judge." *Dewell*, 131 Fla. at 573, 179 So. at 697. "If the attested facts supporting the suggestion are reasonably sufficient to create such a fear, it is not for the trial judge to say that it is not there." *Parks*, 141 Fla. at 518, 194 So. at 614. Further, "it is a question of what feeling resides in the affiant's mind and the basis for such feeling." *Dewell*, 131 Fla. at 573, 179 So. at 697-98. (*Livingston v. State*, 441 So.2d 1083 (Fla. 10/27/1983).)

140. In determining the legal sufficiency of a motion to disqualify, a court looks to see whether the facts alleged would place a reasonably prudent person in fear of not receiving fair and impartial treatment from the trial judge. See, e.g., *Johnson v. State*, 769 So. 2d 990 (Fla. 2000). In the instant case, a reasonably prudent person, would be in fear that Judge Kest, because of his prejudice or bias, deprived him of fair and impartial treatment. A prudent person would KNOW he or she is screwed.

141. Judge Kest was obligated to accept the truth of Windsor's statements.

When a party seeks to disqualify a judge under section 38.10, the judge cannot pass on the truth of the statements of fact set forth in the affidavit. *State v. Dewell*, 131 Fla. 566, 179 So. 695 (1938). The facts and reasons for the belief of prejudice must be taken as true, and the judge may only pass on the legal sufficiency of the motion and supporting affidavits to invoke the statute. *Raybon v. Burnette*, 135 So.2d 228 (Fla. 2d DCA 1961). Section 38.10 creates a substantive right to seek the disqualification of a trial judge, but the process of the disqualification is procedural. *Livingston v. State*, 441 So.2d 1083 (Fla.1983).

142. Judge Kest allowed the Defendants to violate his Order [APPENDIX 42] and Administrative Order 2012-03 while claiming in a Case Management Conference that these orders do not require what they very clearly require.

143. As a *pro se* party, Windsor gets his legal education from “the universities of” Google and Yahoo as well as versuslaw.com. The People’s Law Dictionary has this to say about “meet and confer:”

“...a requirement of courts that before certain types of motions and/or petitions will be heard by the judge, the lawyers (and sometimes their clients) must ‘meet and confer’ to try to resolve the matter or at least determine the points of conflict. This has the beneficial effect of resolving many matters, reducing the time for arguments, and making the lawyers and clients face up to the realities of their positions.” The People’s Law Dictionary by Gerald N. Hill and Kathleen T. Hill.

144. The Legal Information Institute of Cornell Law School defines “meet and confer” as:

“a requirement in some jurisdictions that parties to a suit must meet and discuss various matters and attempt to resolve disputes without court action. ... The purpose of meet and confer rules is to save the parties time and money and increase judicial economy by encouraging parties to resolve their disputes without the need for court intervention.”

145. But most important of all is the text of the actual Orders.

146. Judge Kest’s September 1, 2020 Order makes this clear: “Failure to ‘meet and confer’ on each motion will result in a hearing being cancelled if it was scheduled.” Windsor filed an emergency motion to have the hearing cancelled. Judge Kest violated his own order yet again. [APPENDIX 44.]

147. While Windsor had previously read Administrative Order 2012-03, he did not have it committed to memory or in front of him at the Case Management Conference. He was sickened when he later read the Order and discovered that everything Judge Kest was claiming was false ... and proven so in the Order.

148. Administrative Order 2012-03 provides:

“A mandatory meet and confer process is hereby established, as set forth below, for all motions to be set for hearing in the circuit civil division and to occur before scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment; or to permit maintenance of a class action.

“Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as “Exhibit A”) that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

“The term “confer” requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order. **[emphasis added.]**

“Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.

“Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur

and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

“Counsel who notices the hearing shall ensure that the court and the court’s judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.”

149. During the Case Management Conference, Judge Kest argued with Windsor over whether there had been the required “meet and confer” with the Defendants’ attorneys. Judge Kest claimed that a telephone bullying by Attorney Astrin amounted to a “confer.” Windsor tried to explain that confer means an actual discussion. Judge Kest rejected that, yet he knew the specifics of the Rule while pro se Windsor did not. Windsor was absolutely right about the requirements to confer, and Judge Kest improperly claimed he was wrong. When Windsor read Administrative Order 2012-03, he immediately began drafting his Motion to Disqualify Judge Kest.

K. THE IMPARTIALITY OF JUDGE KEST MUST BE QUESTIONED.

150. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of Judge Kest.

151. The Code of Judicial Conduct required that Judge Kest disqualify himself.

The Code of Judicial Conduct sets forth basic principles of how judges should conduct themselves in carrying out their judicial duties. Canon 3-C(1) states that “[a] judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned ...” This is totally

consistent with the case law of this Court, which holds that a party seeking to disqualify a judge need only show "a well grounded fear that he will not receive a fair trial at the hands of the judge. It is not a question of how the judge feels; it is a question of what feeling resides in the affiant's mind and the basis for such feeling." *State ex rel. Brown v. Dewell*, 131 Fla. 566, 573, 179 So. 695, 697-98 (1938). See also *Hayslip v. Douglas*, 400 So.2d 553 (Fla. 4th DCA 1981). The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially.

L. **JUDGE KEST FAILED TO ADDRESS ALL OF THE LEGAL GROUNDS FOR DISQUALIFICATION.**

152. The Motion to Disqualify [APPENDIX 61, Page 1] asked:

"...that John Marshall Kest ("Judge Kest") be disqualified from the above entitled matter under Florida Statute 38.10, Florida Rule of Judicial Administration 2.330, and Canons 2 and 3 of the Code of Judicial Conduct, all other relevant statutory and state and federal case law, as well as the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Constitution of the State of Florida, and the Court's inherent powers."

153. Judge Kest stated that he considered only Florida Statute 38.10, Canon 3(E)(1) of the Code of Judicial Conduct, and Florida Rule of Judicial Administration 2.330. [APPENDIX 62, P.1.]

154. Judge Kest did not consider Canon 2, other sections of Canon 3 of the Code of Judicial Conduct, other relevant statutory and state and federal case law, as well as the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the U.S. Constitution, the Due Process Clause of the Fifth Amendment to the Constitution, the Constitution of the State of Florida, and the Court's inherent powers.

155. Canon 2 of the Code of Conduct for United States Judges tells judges to "avoid impropriety and the appearance of impropriety in all activities, on the bench and off." Judge Kest has demonstrated his prejudice by violating Canon 2.

M. WINDSOR IS ENTITLED TO THE COLD NEUTRALITY OF AN IMPARTIAL JUDGE.

156. Windsor is entitled to an impartial judge, and that isn't Judge Kest.

"Every litigant is entitled to nothing less than the cold neutrality of an impartial judge. It is the duty of Courts to scrupulously guard this right and to refrain from attempting to exercise jurisdiction in any matter where his qualification to do so is seriously brought in question. *Hayship v. Douglas*, 400 So.2d at 557 (quoting *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613, 615 (1939)).

"We find that the motion and supporting affidavits were legally sufficient, and the proper procedure, in light of the serious allegation of bias, was for the judge to grant the motion. (*James v. Theobald*, 557 So.2d 591, 15 Fla. L. Weekly D215 (Fla.App. Dist.3 01/16/1990).)

"Where there is any legally sufficient basis, whether factually accurate or not, for a founded fear of possible prejudice to exist in the mind of a defendant, recusal is mandated." See, e.g., *Management Corporation of America, Inc. v. Grossman*, 396 So.2d 1169 (Fla. 3rd DCA 1981).

N. JUDGE KEST FAILED TO PROVIDE DUE PROCESS AND EQUAL PROTECTION TO WINDSOR.

157. Judge Kest has violated Windsor's civil and constitutional rights under color of law.

"... [t]rial before an 'unbiased judge' is essential to due process." *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993). (citation omitted). (See also *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S. Ct. 11, 13

(1954); *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976); *Peters v. Kiff*, 407, U.S. 493, 502 (1972)

158. Windsor has just cause to believe that he cannot be given a fair trial.

159. The due process clauses of both the Florida and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980).

Partiality in favor of the government may raise a defendant's due process concerns." *In re United States of America*, 441 F.3d at 66 (citing *In re Murchison*, 349 U.S. 133 (1955)).

28 U.S.C. 155 may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties, but due process of law requires no less." *Taylor v. Hayes*, 418 U.S. 488, 501 (1974) (citations and quotation marks omitted). See also *Murchison*, 349 U.S. at 136.

160. Judge Kest has effectively denied Windsor's rights of the equal protection under the law under Article VI of the Constitution.

O. JUDGE KEST VIOLATED THE CONSTITUTIONAL RIGHTS OF WINDSOR.

161. Judge Kest has violated Windsor's Constitutional rights.

162. The Sixth Amendment provides the Constitutional right to self-representation. That right should be enjoyed without fear of harassment or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right. *Pro Se* Litigants have no less of a right to effective due process as those who utilize an attorney.

163. The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision making process. See *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267 (1978). The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Matthews v. Eldridge*, 424 U.S. 319, 344 (1976). At the same time, it preserves both the appearance and reality of fairness, "generating the feeling, so important to a popular government, that justice has been done," *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 172, (1951) (Frankfurter, J., concurring), by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

164. Canon 3E, Fla. Code Jud. Conduct, and Rule 2.160, Fla. R. Jud. Admin., mandate that a judge disqualify himself in a proceeding "in which the judge's impartiality might reasonably be questioned." The disqualification rules require judges to avoid even the appearance of impropriety. It is the established law of this State that every litigant is entitled to nothing less than the cold

neutrality of an impartial judge. It is the duty of the court to scrupulously guard this right of the litigant and to refrain from attempting to exercise jurisdiction in any manner where his qualification to do so is seriously brought into question. The exercise of any other policy tends to discredit and place the judiciary in a compromising attitude which is bad for the administration of justice. *Crosby v. State*, 97 So.2d 181 (Fla. 1957); *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613 (1939); *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Mickle v. Rowe*, 100 Fla. 1382, 131 So. 3331 (1930). * *

165. For due process and to secure the Constitutional rights of Windsor, judges may not take the law into their own hands. But this is precisely what Judge Kest has done. He has ignored the law, ignored the facts, and claimed laws and rules provide something that they do not provide, while abusing and disadvantaging Windsor.

166. For due process to be secured, the laws must operate alike upon all and not subject the individual to the arbitrary exercise of governmental power. (*Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894).) Judge Kest has violated Windsor's rights by using his power to inflict his bias.

167. For due process, Windsor has the right to protections expressly created in statute and case law. Due process allegedly ensures that the government will respect all of a person's legal rights and guarantee fundamental fairness.

168. Due process requires an established course for judicial proceedings designed to safeguard the legal rights of the individual. Action denying the process that is "due" is unconstitutional. Inherent in the expectation of due process is that the judge will abide by the rules. Judge Kest has interfered with the process and violated rules for the purpose of damaging Windsor.

169. An inherent Constitutional right is the honesty of the judge. Judge Kest has not been honest. Judge Kest has violated Canon 2 and other Canons of the Code of Judicial Conduct.

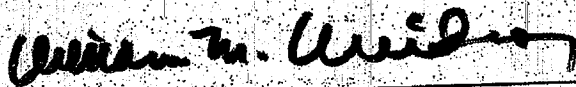
170. Due process guarantees basic fairness and to make people feel that they have been treated fairly. Windsor has not been treated fairly.

171. Judge Kest has effectively denied Windsor's rights of equal protection under the law. Of course, in Judge Kest's world, a *pro se* party is unequal.

CONCLUSION

WHEREFORE, Petitioner, WILLIAM M. WINDSOR, respectfully urges the Court to enter a writ prohibiting Judge John Marshall Kest from proceedings in this case; declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest and Judge Lisa T. Munyon.

This 17th day of December, 2020.



William M. Windsor

APPENDIX INDEX

- APPENDIX 1 -- Complaint to institute Case No. 2018-CA-01270-O in the Ninth Judicial Circuit in Orange County, Florida filed by Dan Newlin on 9/20/2018.
- APPENDIX 2 -- Plaintiff's Request for Admissions to Boise Cascade filed on 9/20/2018.
- APPENDIX 3 -- Plaintiff's Request for Admissions to Longest filed on 9/20/2018.
- APPENDIX 4 -- Plaintiff's Interrogatories to Boise Cascade filed on 9/20/2018.
- APPENDIX 5 -- Plaintiff's Interrogatories to Longest filed on 9/20/2018.
- APPENDIX 6 -- Plaintiff's Request to Produce to Boise Cascade filed on 9/20/2018.
- APPENDIX 7 -- Plaintiff's Request to Produce to Longest filed on 9/20/2018.
- APPENDIX 8 -- Defendants' Answer to Plaintiff's Original Complaint filed on 10/10/2018.
- APPENDIX 9 -- Plaintiff's Request for Copies received in response to Notices of Production to Non-Parties filed on 4/29/2019.
- APPENDIX 10 -- Stipulation for Substitution of Counsel for Defendants naming David I. Wynne filed on 5/10/2019.
- APPENDIX 11 -- Order Granting Withdrawal of Dan Newlin filed on 3/19/2020.
- APPENDIX 12 -- Plaintiff's Motion to Compel Incomplete Answer to Interrogatory filed 6/3/2020.
- APPENDIX 13 -- Plaintiff's Motion to Compel Production of Purported Privileged Documents filed 6/3/2020.
- APPENDIX 14 -- Plaintiff's Objections to Longest's Answers to Interrogatories and Motion for Sanctions Against Defendant Longest filed 6/24/2020.

- APPENDIX 15 -- Plaintiff's Objections to Boise Cascade's Answers to Interrogatories and Motion for Sanctions Against Defendant Boise Cascade filed 6/24/2020.
- APPENDIX 16 -- Plaintiff's Motion to Determine Sufficiency of Longest's Answers to Requests for Admissions and Motion for Sanctions Against Defendant Longest filed 6/24/2020.
- APPENDIX 17 -- Plaintiff's Motion to Determine Sufficiency of Boise Cascade's Answers to Requests for Admissions and Motion for Sanctions Against Defendant Boise Cascade filed 6/24/2020.
- APPENDIX 18 -- Plaintiff's Amended Motion for Sanctions Against Longest for Fraud on the Court filed 7/1/2020.
- APPENDIX 19 -- Plaintiff's Amended Motion for Sanctions Against Boise Cascade for Fraud on the Court filed 7/1/2020.
- APPENDIX 20 -- Defendants' Emergency Motion Requesting the Court Determine if Pro Se Plaintiff William Windsor is Competent to Represent Himself filed 7/20/2020.
- APPENDIX 21 -- Plaintiff's Motion to Cancel August 4, 2020 Hearing and Motion to Strike filed 7/27/2020.
- APPENDIX 22 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 7/27/2020.
- APPENDIX 23 -- Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions filed 8/4/2020.
- APPENDIX 24 -- Plaintiff's Motion to find Boise Cascade in Contempt filed 8/4/2020.
- APPENDIX 25 -- Plaintiff's Motion to Compel Depositions filed 8/4/2020.
- APPENDIX 26 -- Plaintiff's Motion to Compel Production of Documents and Motion for Sanctions Against Boise Cascade filed 8/4/2020.

- APPENDIX 27 -- Plaintiff's Motion to Compel Production of Documents and Motion for Sanctions Against Longest filed 8/4/2020.
- APPENDIX 28 -- Plaintiff's Motion to Compel Document Subpoena to Dr. Stephen Goll filed 8/4/2020.
- APPENDIX 29 -- Defendants' Comprehensive Motion for Protective Order on All Discovery filed 8/4/2020.
- APPENDIX 30 -- Plaintiff's Amended Response to Motion for Protective Order and Motion to Strike filed 8/11/2020.
- APPENDIX 31 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Granting Protective Order filed 8/19/2020.
- APPENDIX 32 -- Notice of Appearance of Scott Astrin filed 8/19/2020.
- APPENDIX 33 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Motion to Exceed 30 Interrogatories and 30 Requests for Admissions filed 8/22/2020.
- APPENDIX 34 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Plaintiff William M. Windsor's Motion to Strike Defendants' Emergency Motion Requesting the Court Determine if Pro Se Plaintiff William Windsor is Competent to Represent Himself filed 8/22/2020.
- APPENDIX 35 -- Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions Against Defendant Robert Keith Longest for Fraud on the Court filed 8/23/2020.
- APPENDIX 36 -- Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Boise Cascade for Fraud on the Court filed 8/24/2020.
- APPENDIX 37 -- Plaintiff's Verified Response to Motion to Dismiss, Motion to Strike, and Motion for Sanctions filed 8/25/2020.

APPENDIX 38 -- Plaintiff's Response to Motion for Competency, Motion to Strike, and Motion for Sanctions filed 8/25/2020.

APPENDIX 39 -- Order Granting Windsor's Verified Motion to Disqualify Judge Lisa T. Munyon filed 8/25/2020.

APPENDIX 40 -- Plaintiff's Letter to Judge Kest requesting 18 motions to be set for hearing, sent 8/25/2020.

APPENDIX 41 -- Plaintiff's Motion for Sanctions to Strike the Answer of Longest for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 8/29/2020.

APPENDIX 42 -- Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 8/29/2020.

APPENDIX 43 -- Plaintiff's Letter to Judge Kest requesting two motions for fraud on the court to be set for hearing, sent 8/29/2020.

APPENDIX 44 -- Order Requiring Compliance by Attorneys and *PRO SE* Litigants with Procedures and Administrative Orders filed 9/1/2020.

APPENDIX 45 -- Order Denying Windsor's Motion for Sanctions to Strike the Answers of Longest and Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 9/2/2020.

APPENDIX 46 -- Motion for Reconsideration of Order dated 9/2/2020 filed 9/2/2020.

APPENDIX 47 -- Defendants' Response to Pro Se Plaintiff's Motions for Reconsideration filed 9/21/2020.

- APPENDIX 48 -- Plaintiff's Letter to Judge Kest advising him that Windsor was filing a motion to disqualify him, sent 9/23/2020.
- APPENDIX 49 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 9/27/2020.
- APPENDIX 50 -- Plaintiff's Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.
- APPENDIX 51 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.
- APPENDIX 52 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.
- APPENDIX 53 -- Order Denying Windsor's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/20/2020.
- APPENDIX 54 -- Plaintiff's Supplement to Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.
- APPENDIX 55 -- Plaintiff's Motion for Reconsideration of Orders of Judge Lisa T. Munyon filed 9/29/2020.
- APPENDIX 56 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.
- APPENDIX 57 -- Order Denying Defendants' Motion to Dismiss and Emergency Motion to Determine Competency filed 10/1/2020.
- APPENDIX 58 -- Order on Multiple Motions filed 10/20/2020.
- APPENDIX 59 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest filed 11/3/2020.
- APPENDIX 60 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest dated October 20, 2020 filed 11/6/2020.
- APPENDIX 61 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.

APPENDIX 62 -- Order Denying Windsor's Second Verified Motion to Disqualify
Judge John Marshall Kest filed 11/20/2020.

APPENDIX 63 -- Order Granting Protective Order filed 8/19/2020.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this Petition complies with the font requirements of Rule 9.100(i) of the Florida Rules of Appellate Procedure.

This 17th day of December, 2020.



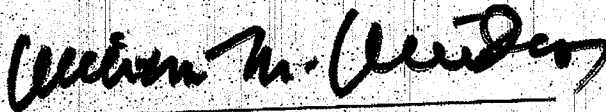
William M. Windsor

CERTIFICATE OF SERVICE

David I. Wynne and Scotty Astrin
Law Offices of Scott L. Astrin
100 N. Tampa Street, Suite 2605, Tampa, Florida 33602
david.wynne@aig.com, tampapleadings@aig.com,
emily.christopher@aig.com, scott.astrin@aig.com
813-526-0559 - 813-218-3110 - Fax: 813-649-8362

Judge John Marshall Kest
c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest
Courtroom 18-C, Orange County Courthouse
425 N Orange Avenue, Orlando, Florida 32801
ctjad1@ocnjcc.org

This 21st day of December, 2020.



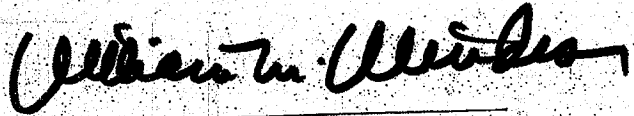
William M. Windsor
100 East Oak Terrace Drive, Unit B3
Leesburg, Florida 34748
352-577-9988
billwindsor1@outlook.com - bill@billwindsor.com

VERIFICATION

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 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.


I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 17th day of December, 2020,

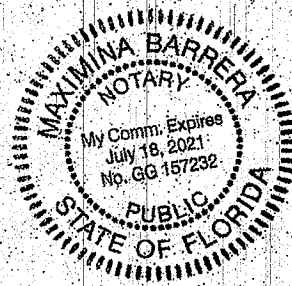


William M. Windsor

Sworn and subscribed before me this 17th day of December, 2020, by means of physical presence.



Notary Public



EXHIBIT

B

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-0

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

MOTION FOR RECONSIDERATION
OF ORDER OF JUDGE JOHN MARSHALL KEST DATED OCTOBER 20, 2020

COMES NOW William M. Windsor ("Windsor" or "Plaintiff"), and files this Motion for Reconsideration of Order of Judge John Marshall Kest dated October 20, 2020, and shows the Court as follows:

FACTUAL BACKGROUND

1. On September 28, 2020, Windsor filed a Motion to Disqualify Judge John Marshall Kest.
2. On September 29, 2020, Windsor filed a Motion for Reconsideration of Orders of Judge Lisa T. Munyon.
3. On October 1, 2020, Windsor filed a Notice of Intent to file Petition for Writ of Prohibition regarding Judge John Marshall Kest.
4. On October 1, 2020, Judge John Marshall Kest entered an order.
5. On October 20, 2020, Judge John Marshall Kest entered an order.

6. On November 1, 2020, Windsor filed an Emergency Motion for Stay that would stay the case until a new judge is assigned following the retirement of Judge Kest on December 31, 2020.

7. On November 3, 2020, Judge John Marshall Kest entered an order giving the Defendants five days to file a response to Windsor's Emergency Motion for Stay.

ARGUMENT

8. Orders of Judge John Marshall Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules.

9. Windsor seeks reconsideration of the order of Judge John Marshall Kest dated October 20, 2020. As the grant of Windsor's pending Motion for Stay will delay any further action in this case until a new judge is assigned in January, Windsor will further detail the issues to be reconsidered once the Motion for Stay is resolved. If Windsor's Motion for Stay is denied, Windsor will file a new motion to disqualify Judge John Marshall Kest.

10. Judge Kest has falsely stated that many of Windsor's motions are not based non statutory or Florida case law and some are not legally sufficient. Judge Kest has not identified these. But Windsor has complied with all statutes and Rules, and his motions are legally sufficient.

11. Judge Kest objects to Windsor filing so many motions. The only reason Windsor has filed anything is the wrongdoing of the Defendants.

12. Yet Judge Kest did nothing about the totally frivolous Defendants' motions for competency and motion to dismiss. Windsor's motion for sanctions were IGNORED.

13. Judge Kest refused to find the Defendants in contempt, but the Defendants violated a court order. This requires a hearing and a finding of contempt.

14. Judge Kest denied Windsor's Motion to Compel Defendant Boise Cascade to Produce Documents and for Sanctions without a hearing. This is OUTRAGEOUS. There was nothing improper about these requests.

15. Judge Kest denied Windsor's Motion to Compel Defendant Longest to Produce Documents and for Sanctions without a hearing. This is OUTRAGEOUS. There was nothing improper about these requests.

16. Judge Kest has limited Windsor to one hour per deposition. This is totally inadequate as to the two Defendants. Windsor has never take a deposition, and he is dealing with liars. One hour is insufficient.

17. Judge Kest denied Windsor's Motion to Compel Subpoenas for Documents from Dr. Stephen Goll. The Motion fully explains the need, but Judge Kest feigns ignorance. Dr. Goll relied on the notes he made while examining Windsor.

18. Judge Kest has outrageously denied Windsor's Motion for Sanctions against each of the Defendants for Fraud on the Court. He has denied hearings. He claims the findings of the prior judge are valid, but she did not address the issues that were clearly stated. This smacks of corruption.

19. Judge Kest has WRONFULLY ordered sanctions against Windsor for filing his Objections to Robert Keith Longest's Answers to Interrogatories and Motion for Sanctions against Defendant Robert Keith Longest. Judge Kest claims, without legal authority, that Windsor's objections were not made in good faith. This is laughable. The Objections were made under oath. Windsor identified perjury, false answers, incomplete answers that Longest

knew were incomplete, completely inadequate answers. Longest committed 55 violations of Florida Rules of Civil Procedure Rule 1.340 (a). Longest gave false sworn answers to Interrogatories Number 6, 8, 10, 11, 23. Longest failed to answer Interrogatory Numbers 5 and 7. Longest gave incomplete answers to Interrogatory Numbers 2, 10, 13, 18, 24, and 27. Longest has committed fraud on the court.

20. FRCP Rule 1.380 provides for the rules for failure to make discovery. The rule provides that upon reasonable notice to other parties and all persons affected, a party may apply for an order compelling discovery. That notice was provided.

21. FRCP Rule 1.380 (a) (2) provides If a deponent fails to answer a question propounded or submitted under rule 1.310 or 1.320, or a corporation or other entity fails to make a designation under rule 1.310(b)(6) or 1.320(a), or a party fails to answer an interrogatory submitted under rule 1.340, or if a party in response to a request for inspection submitted under rule 1.350 fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, or if a party in response to a request for examination of a person submitted under rule 1.360(a) objects to the examination, fails to respond that the examination will be permitted as requested, or fails to submit to or to produce a person in that party's custody or legal control for examination, the discovering party may move for an order compelling an answer.... FRCP Rule 1.380 (a) (3) provides that an evasive or incomplete answer shall be treated as a failure to answer. Judge Kest must reconsider his order as it violates the law.

22. Judge Kest claims there is no valid legal basis to object to Longest's answers to request for admissions. Florida Rules of Civil Procedure Rule 1.370 (a) provides the legal authority that Windsor cited. The answers were false, and Longest knew they were false. Florida Rules of Civil Procedure 1.370 requires: "The answer shall specifically deny the matter

or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.”

Florida Rules of Civil Procedure 1.370 provides “The party who has requested the admissions may move to determine the sufficiency of the answers or objections.”

23. The actions of Longest in this case have been fraudulent. Longest has filed a fraudulent answer, false sworn answers to interrogatories, false answers to requests for admissions, and he has lied in his deposition and in court.

24. Judge Kest’s denial of all Objections to Boise Cascade’s Answers to Interrogatories and Motion for Sanctions against Defendant, except 15 and 24, are similarly wrong.

25. Judge Kest claims there is no valid legal basis to object to Boise’s answers to request for admissions. The answers were false, and Boise knew they were false. Florida Rules of Civil Procedure 1.370 requires: “The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.” Florida Rules of Civil Procedure 1.370 provides “The party who has requested the admissions may move to determine the sufficiency of the answers or objections.”

26. Judge Kest claims Plaintiff’s Motion for Sanctions to Strike the Answer of Boise Cascade Building Materials Distribution, LLC; Motion for Sanctions to Strike the Answer of

Defendant Robert Keith Longest; Motion for Fraud on the Court; Motion for Sanctions for Violations of the Rules and Motion for Evidentiary Hearing did not provide evidence. There is massive evidence, and the Court would have been reminded at the requested evidentiary hearing. Judge Kest has amazingly said that Windsor is obligated to comply with the Florida Rules of Professional Conduct, which the law does not provide, but he claims there is no basis for the Court to sanction attorneys for violating the Rules. And, he has ordered sanctions against Windsor pursuant to the rules of civil procedure. This is prejudice and bias.

PRAAYER FOR RELIEF

27. Wherefore, Windsor moves the Court to reconsider the order of Judge John Marshall Kest; conduct hearings on the matters upon which Judge John Marshall Kest issued orders; allow Windsor to further detail the reconsideration issues after Windsor's Motion for Stay is resolved; and grant such other and further relief as is deemed just and proper.

This 6th day of November, 2020.



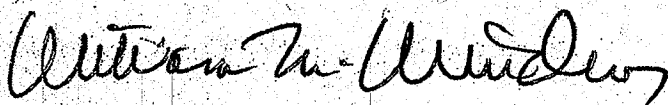
William M. Windsor

VERIFICATION

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 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.

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge:

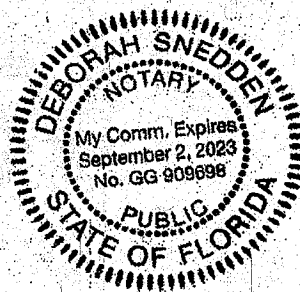
This 6th day of November, 2020,



William M. Windsor

Sworn and subscribed before me this 6th day of November, 2020, by means of physical presence,

Deborah Snedden
Notary Public



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Electronic Mail

to:

David I. Wynne
Law Offices of Scott L. Astrin
100 N. Tampa Street, Suite 2605
Tampa, Florida 33602
david.wynne@aig.com, tampapleadings@aig.com,
emily.christopher@aig.com, scott.astrin@aig.com
813-526-0559 - 813-218-3110
Fax: 813-649-8362

This 9th day of November, 2020.



William M. Windsor
100 East Oak Terrace Drive, Unit B3
Leesburg, Florida 34748
352-577-9988
billwindsor1@outlook.com
bill@billwindsor.com

Appendix

8

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

2018-CA-010270-O

WILLIAM WINDSOR

Plaintiff(s),

vs.

ROBERT KEITH LONGEST
BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION LLC

Defendant(s).

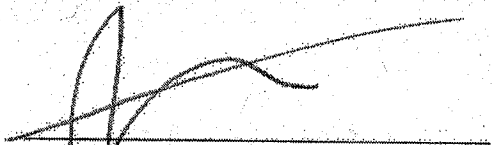
**ORDER ON PLAINTIFF'S SECOND EMERGENCY
MOTION TO STAY AND/OR CONTINUANCE**

This cause, having come before the Court on Plaintiff's Second Emergency Motion to Stay and/or Continuance filed January 30, 2021, and the Court having reviewed the file and otherwise being fully advised in the premises, it is hereby:

ORDERED and ADJUDGED

1. Plaintiff's Second Emergency Motion to Stay and/or Continuance is Denied.

DONE AND ORDERED in Chambers at the Orange County Courthouse, Orlando, Florida
this 1st day of February, 2021.



Jeffrey L. Ashton
CIRCUIT JUDGE

Copies furnished to:

A copy of the foregoing has been electronically filed with the Clerk of Courts by using the Florida Court E-Filing Portal.

Appendix 9

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

2018-CA-010270-0

WILLIAM WINDSOR

Plaintiff(s),

vs.

ROBERT KEITH LONGEST
BOISE CASCADE BUILDING
MATERIALS DISTRIBUTION LLC

Defendant(s).

**ORDER ON PLAINTIFF'S AMENDED MOTION FOR
RECONSIDERATION OF ORDERS OF JUDGE JOHN MARSHALL KEST**

This cause, having come before the Court on Plaintiff's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest filed January 31, 2021, and the Court having reviewed the file and otherwise being fully advised in the premises, it is hereby:

ORDERED and ADJUDGED

1. Plaintiff's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest is Denied.

DONE AND ORDERED in Chambers at the Orange County Courthouse, Orlando, Florida this 1st day of February, 2021.



Jeffrey L. Ashton
CIRCUIT JUDGE

Copies furnished to:

A copy of the foregoing has been electronically filed with the Clerk of Courts by using the Florida Court E-Filing Portal.

Appendix 10

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-O

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

NOTICE OF FILING AFFIDAVIT DATED FEBRUARY 1, 2021

COMES NOW the Plaintiff, William M. Windsor ("Windsor" or "Plaintiff") and files
this Notice of Filing Verified Affidavit of William M. Windsor dated February 1, 2021.

This 1st day of February, 2021.



William M. Windsor
100 East Oak Terrace Drive, Unit B3
Leesburg, Florida 34748
352-577-9988
bill@billwindsor.com
billwindsor1@outlook.com

CERTIFICATE OF SERVICE

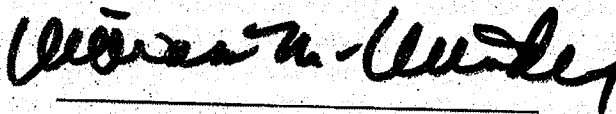
I HEREBY CERTIFY that a copy of the foregoing has been furnished by Electronic Mail

to:

David I. Wynne and Scotty Astrin
Law Offices of Scott L. Astrin
100 N. Tampa Street, Suite 2605
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813-526-0559 - 813-218-3110
Fax: 813-649-8362

This 1st day of February, 2021.



William M. Windsor
100 East Oak Terrace Drive, Unit B3
Leesburg, Florida 34748
352-577-9988
bill@billwindsor.com
billwindsor1@outlook.com

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

VERIFIED AFFIDAVIT OF WILLIAM M. WINDSOR

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

1. I am over the age of 21, a living person, am competent to testify, and have personal knowledge of the matters stated herein.
2. I object to the Court's plans to hold a hearing tomorrow that I will be unable to attend.
3. I am 72-years-old and in poor health since the Defendants' 18-wheeler hit me at 70-miles-per-hour. I am in constant pain from nine herniated disks in my neck and back, and walking is a problem. I was in excellent shape before the accident. I am currently experiencing several medical emergencies.
4. I broke a tooth, and it is extremely painful. I'm having serious problems with my left eye. And I may be having a significant side effect from a COVID-19 vaccination. I find this Court's void of compassion to be absolutely unacceptable for any human being.

5. As I have previously communicated, I received notice from the Court's Judicial Assistant too late to prepare for a 2/2/21 hearing. It was impossible to meet the deadlines set by the Judicial Assistant in a command sent to me. As I communicated to this Court by motion, I also need to subpoena the attorneys for the Defendants prior to a hearing on attorney's fees. Pro se parties do not have subpoena rights, so I have to drive to Orlando to obtain subpoenas from the Clerk of the Court. The attorneys for the Defendants have ignored my requests to take their depositions. The attorney for the Defendants recently filed an affidavit that requires investigation. I received it too late to do anything about it. The examination of the attorneys is likely to take several hours. I have found the attorneys to be extremely dishonest. The attorney for the Defendants could not have spent more than 15 minutes on the motion to compel that resulted in sanctions.

6. I have essentially no money. I have been declared indigent by the Texas Supreme Court and the United States Supreme Court. EXHIBIT A is my motion for in forma pauperis approved by the U.S. Supreme Court. My debts exceed \$1,100,000, and I haven't been able to pay credit card bills for over a year. My total debt reduced from \$1,500,000 to \$1,169,000 since this was prepared due to settlement with Sean D. Fleming for \$1 and release of my claims against him. My total monthly expenses at present are \$83,527 if I were to pay all my past due credit card bills. My only assets are \$1,000 equity in my vehicle and \$60,000 in a condo, my homestead. My secured debts exceed my assets. I believe all of my assets will be protected in bankruptcy. I believe the condo association will try to foreclose as I haven't paid the \$600 monthly "dues" for four months. If that happens, I will have to file bankruptcy. I have been working to stay afloat until I receive a large financial award from the jury in this case.

7. Sanctions are supposed to be based on an ability to pay. I have no ability to pay. I will begrudgingly agree to have \$100 deducted from the payment I receive from this lawsuit.

8. I filed a motion to have Judge Ashton reconsider the outlandish orders of Judge Kest. It was just denied. I find this outrageous. It seems Judge Ashton is just as biased as Judge Kest. Denying this motion without considering the evidence or holding a hearing is absolutely improper.

9. The Fifth District has made it clear that the trial court has the inherent discretionary power to reconsider any order entered prior to the rendition of final judgment in the cause. (*Arnold v. Massebeau*, 493 So. 2d 91 (Fla. 5th DCA 1986).) (See also *North Shore Hospital, Inc. v. Barber*, 143 So.2d 849 (Fla.1962); *Commercial Garden Mall v. Success Academy, Inc.*, 453 So.2d 934 (Fla. 4th DCA 1984). Cf. *Associated Medical Institutions, Inc. v. Imperatori*, 338 So.2d 74 (Fla. 3d DCA 1976); *Rubin v. Baker*, 276 So.2d 532 (Fla. 3d DCA 1973).) The only reason I can think of to deny the motion and do so without a hearing is prejudice. The only reason I can think of to deny a continuance of the hearing set for 2/2/2021 when I cannot participate is extreme prejudice. Judge Ashton provided NO reasons for his orders. The U.S. Supreme Court stated in *Corcoran v. Levenhagen*, No. 08-10495, decided October 20, 2009, that courts should explain their orders.

10. I object to the hearing and being denied my rights to have the corrupt acts of Judge Kest and the monumental wrongdoing of the Defendants and their attorneys properly considered by this Court. I object to the denial of my motion for reconsideration of the corrupt acts of Judge Kest.

11. I will file a motion to disqualify Judge Ashton, and I will file an appeal. These are my legal rights.

12. In 2011, I had two cataract surgeries. The surgery on both eyes caused problems, including a hole poked into the retina of my left eye by the surgeon. I began "seeing things." It began with what could best be described as a fireworks show "in my eyes" when my eyes were closed in bed at night. Then I saw big flies and even bigger roaches all around my desk. At first, they seemed real. Next came a curtain closing back and forth across my field of vision. It started as a shear and ended up a solid red.

13. I raced to the eye doctor in Atlanta, Georgia. The doctors discovered a hole in the retina of my left eye. My left eye was quickly scheduled for surgery. I was sent home with eye patches to cover both eyes, and I was instructed to do nothing but recline with my head in a slightly-elevated position. Both eyes were done a week apart. The left eye had the retina repaired, and both eyes had a "vitrectomy," surgery in which the vitreous gel-like substance is removed. It is what fills the middle portion of the eye. I believe my gel was replaced with saline solution. I used to have floaters, but they were removed. The strange visions went away, but it took a long time to recover my reading eyesight. My vision has been 20/20 after the cataract-replacement lenses were implanted in my eyes. For a week or so, my reading vision has become poor.

14. In 2016, I was diagnosed with Glaucoma. It had been at least two years since my eyes had been examined, and I lost some of my peripheral vision due to the Glaucoma. In 2018 and 2019, I had two more eye surgeries in Leesburg with Dr. Stacia Goldee of Mid-Florida Eye Center.

15. Last Friday, I had the first COVID-19 vaccination. That night, I saw a ghost. I'd never seen a ghost before, but I saw a ghost. It was a slender brunette, very animated, talking with someone in the kitchen. I was not asleep or dreaming. I "saw" this while awake at night. I

snapped a photo, and it is dark and spooky-looking, but doesn't show a "ghost." I would attach it, but it's just a dark blur.

16. The ghost did not return the next night, so I chalked it up to perhaps some type of reaction from the vaccination. A few days later, the ghost returned. Same woman; same outfit; same place in the kitchen. I snapped a photo, but it doesn't show a ghost — just a squiggly green neon flash where the ghost was. I would have been totally freaked out from all of this if it wasn't for my experience following eye surgery in 2011.

17. This all sounds pretty crazy, but Google reports that "hallucinations" are a side effect of COVID-19 and the COVID-19 vaccine. There are some bizarre videos on YouTube with people telling their COVID hallucination stories.

18. I have become concerned that the problem may be related to the retina in my left eye. My left eye has been cloudy and moderately painful of late. My vision has become very poor out of my left eye, and the imbalance between my eyes makes me dizzy. Unfortunately, I missed my regular Glaucoma check-ups due to the Pandemic; I'm supposed to be checked every six months, and it has been a year. I tried on Friday to get an appointment with the eye doctor I had used, but she does not accept the Cigna HMO Medicare Insurance that I have as of January 1, 2021 without a referral from the primary care doctor. That primary care doctor is new; I have never seen him, and I was unable to get a referral without first scheduling a full physical. I spoke with a nice lady there this morning, and she isn't sure they accept my insurance. She asked me to bring the insurance card to their office to check, so I did. They do accept my insurance, but the first available appointment is March 23.

19. I called Cigna to see what I can do. They were of little or no help. They referred me to Dr. Courtney Bovee, an ophthalmologist I have seen before, a doctor I really respect and

like. I called Mid-Florida Eye Center to learn she is no longer with them, and they do not take my insurance. The surgeon who operated on my eyes twice, Dr. Stacia Goldee, is no longer with the firm either, apparently retired. I have called and left messages with the office of Dr. Anisha Patel, the last eye doctor I have seen.

20. I have been on hold with Moderna for a half hour to report my potential side effect from the COVID-19 vaccine. I was just cut off and had to leave a message. I'm supposed to hear back in 24 hours.

21. I see Dr. Golub at 10:30 a.m. on Tuesday and go to the hospital at 11:00 am.

22. I have been approved by Cigna to go to the Emergency Room, and I will be there Tuesday morning at about 11:00 a.m. My eyes will be dilated, and an ophthalmologist will examine my retinas. The concern is that I have a vitreous detachment. Over time, the vitreous can shrink and slowly detach from your retina. Posterior Vitreous Detachment can cause health issues and can lead to permanent vision loss. This can cause a tear in the retina or a hole in the eye nerve. Those of us who are nearsighted, have had cataract surgery (and I've had four), or who have had some kind of trauma to the eyes are at a higher risk for PVD. I am told that this is very common at age 72, and I am in a high-risk category. This is not something I can or will ignore.

FURTHER SAITH AFFIANT NOT.

Sworn under penalty of perjury this 1st day of February, 2021,



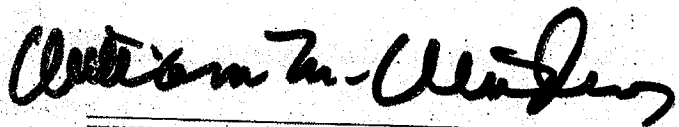
William M. Windsor

VERIFICATION

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 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.

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 1st day of February, 2021,

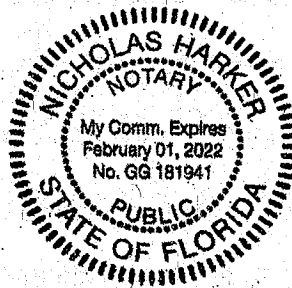


William M. Windsor

Sworn and subscribed before me this 1st day of February, 2021, by means of physical presence.



Notary Public



EXHIBIT

A

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM M. WINDSOR — PETITIONER
(Your Name)

VS.
SEAN D. FLEMING — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of ~~certiorari~~ ^{MANDAMUS} without prepayment of costs and to proceed *in forma pauperis*. _{WIND}

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

TEXAS TENTH COURT OF APPEALS
TEXAS SUPREME COURT

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____ or

a copy of the order of appointment is appended.

William M. Windsor

(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, William M. WINDSOL, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse *	You	Spouse *
Employment	\$ 0	\$ 0	\$ 0	\$ 0
Self-employment	\$ 0	\$ 0	\$ 0	\$ 0
Income from real property (such as rental income)	\$ 0	\$ 0	\$ 0	\$ 0
Interest and dividends	\$ 0	\$ 0	\$ 0	\$ 0
Gifts	\$ 0	\$ 0	\$ 0	\$ 0
Alimony	\$ 0	\$ 0	\$ 0	\$ 0
Child Support	\$ 0	\$ 0	\$ 0	\$ 0
Retirement (such as social security, pensions, annuities, insurance)	\$ 2228	\$ 0	\$ 2228	\$ 0
Disability (such as social security, insurance payments)	\$ 0	\$ 0	\$ 0	\$ 0
Unemployment payments	\$ 0	\$ 0	\$ 0	\$ 0
Public-assistance (such as welfare)	\$ 0	\$ 0	\$ 0	\$ 0
Other (specify):	\$ 0	\$ 0	\$ 0	\$ 0
Total monthly income:	\$ 2228	\$ 0	\$ 2228	\$ 0

* DIVORCED JUNE 12, 2013

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>NO SPOUSE</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	\$ <u>0</u>

4. How much cash do you and your spouse have? \$ 80.
 Below, state any money you or your spouse have in bank accounts or in any other financial institution: WELLS

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>WELLS FARGO</u>	\$ <u>15,333.</u>	\$ <u>0</u>
<u>-</u>	\$ <u>0</u>	\$ <u>0</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
 Value 60,000

Other real estate
 Value 0

Motor Vehicle #1
 Year, make & model 2017 JEEP CHEROKEE
 Value 1,000.

Motor Vehicle #2
 Year, make & model NONE
 Value 0

Other assets
 Description _____
 Value 0

6. State every person, business, or organization owing you or ~~your spouse~~ money, and the amount owed. none

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>NONE</u>	\$ <u>0</u>	\$ <u>0</u>
<u>NONE</u>	\$ <u>0</u>	\$ <u>0</u>
<u>NONE</u>	\$ <u>0</u>	\$ <u>0</u>

7. State the persons who rely on you or ~~your spouse~~ for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith"). none

Name	Relationship	Age
<u>NONE</u>	<u>N/A</u>	<u>N/A</u>
<u>NONE</u>	<u>N/A</u>	<u>N/A</u>
<u>NONE</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse <u>none</u>
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>650</u>	\$ <u>0</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>300</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>50</u>	\$ <u>0</u>
Food	\$ <u>600</u>	\$ <u>0</u>
Clothing	\$ <u>50</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>25</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>350</u>	\$ <u>0</u>

	You	Your spouse <i>mine</i>
Transportation (not including motor vehicle payments)	\$ 100	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 100	\$ 0
Other: _____	\$ 0	\$ 0
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0	\$ 0
Installment payments		
Motor Vehicle	\$ 350	\$ 0
Credit card(s)	\$ 77,424	\$ 0
Department store(s)	\$ 0	\$ 0
Other: _____	\$ 0	\$ 0
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>SEE BELOW</u>	\$ 1300	\$ 0
Total monthly expenses:	\$ 83,527	\$ 0
<i>INTERNET \$200</i>	<i>LEGAL \$500</i>	
<i>PRESCRIPTIONS \$200</i>	<i>MISC. \$200</i>	
<i>TOILETRIES, ETC. \$200</i>		

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? 0

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? 0

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I HAVE DEBT OF OVER \$1,500,000 IN CREDIT CARD DEBT (18 MONTHS PAST DUE), ACCOUNTS AND NOTES PAYABLE, COURT JUDGMENTS AND MEDICAL BILLS. SEE ATTACHED.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 5, 2021

William M. Anderson

(Signature)

VERIFICATION

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 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.

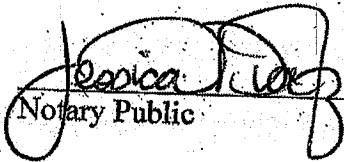
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 5th day of January, 2021,

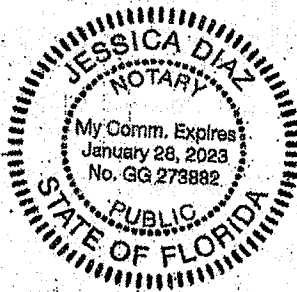


William M. Windsor

Sworn and subscribed before me this 5th day of January, 2021, by means of physical presence.



Notary Public



William M. Windsor - Debts

Debtor Name	Address	City	State	Zip	Phone	Account Number	Balance	Due Date	Notes
Admin Recovery, LLC	6215 Sheridan Drive Suite 118 PO Box 30901	Williamsville	NC	27221	866-703-7961	6065401016101930	\$411.95	8/1/2019	Samstag collection
Aly Financial	PO Box 96537	Bloomington	MN	55488	888-923-2559	35457	\$15,696.27	7/16/2019	Jeep credit card
American Express	PO Box 880469	Birmingham	AL	35288-0469	866-968-8950	600336928	\$0.00	8/11/2019	insurance - cancelled
Bank of America	MasterCard	El Paso	TX	79998	800-421-2110	5524 3325 1682 4201	\$892.00	2018	credit card
Bank	Synchrony Bank Law Office of Charles G. McCarthy	Orlando	FL	32896-5027	855-752-8046	5243 0010 0464 3684	\$43,555.79	9/23/2019	credit card
Central Florida Anesthesia	PO Box 1945 30 Remington Road Suite 2	Bloomington	IL	61702	308-828-7009	69134	\$1,908.97	8/10/2019	credit card
Central Florida Total Health Care	Dr. Jose Lopez	Oakland	CA	94612	407-392-1919	5679908	\$46.06		medical
Chase Bank	Amazon Prime	Charlotte	NC	28201-4423	888-247-4080	4447 4001 5895 6142	\$61.39		medical
Chase Bank	HCRewards Club	Charlotte	NC	28201-4423	800-698-0120	5466 0420 2708 6662	\$3,571.06	9/11/2019	credit card
Collection Bureau, Inc.	Primary Health Medical Group	Charlotte	NC	28201-4423	800-698-0120	00848900	\$11.93		credit card
Discover	PO Box 30121	Nampa	ID	83653-1219	888-432-2432	6011 2089 4134 0261	\$7,151.04	9/6/2019	collection agency
Diversified Consultants, Inc.	Verton Wireless	Salt Lake City	UT	84130-0421	800-547-3085	0483510550001	\$295.81		collection agency
Dr. Allen Newman	301 Skyline Drive #1 Central Florida Total Health	Jacksonville	FL	32256-1268	877-848-1045				medical for traffic accident
Dr. Jose Lopez	TRUC Urgent Care in Mount Dora	Lady Lake	FL	32159	352-753-9922				medical
Dr. Eduardo Parra Davila	410 Celebration Place, Suite 302	Celebration	FL	34747	407-309-3824				medical for traffic accident
Radiology Specialists of Florida	PO Box 86651	Orlando	FL	32886-4552	866-484-7571				medical for traffic accident
Clermont Radiology	871 Colleysear Drive	Clermont	FL	34711	352-244-6100				medical for traffic accident
Dr. Sumanth Padmanabh	John Medical Group	St. Dora	FL	32757	info@dermontradiology.com				medical for traffic accident
CMI	1922 Oak Avenue	Tavares	FL	32778					medical for traffic accident
Florida Hospital Orlando	601 E Rollins St	Orlando	FL	32803					medical for traffic accident
CareFirst Imaging	174 NW 17th St Suite 300	Orlando	FL	34474	888-682-7818				medical for traffic accident
Dr. Owen Fraser	1805 W Colonial Drive #A	Orlando	FL		407-578-9142				medical for traffic accident
Dr. Jason Gerboe	1210 Waterside Way	Tavares	FL	32778	352-343-2364				medical for traffic accident
Hoffman Rehab	236 Mohawi Road	Clermont	FL	34715	855-404-8908				medical for traffic accident
Dr. Dante V. Nurzo	4700 Flint Street	Leesburg	FL	34748-9723	352-598-7152	617			medical for traffic accident
Dr. Johnny Gungor	922 Relling Arms Rd #205	Lady Lake	FL	32159	352-633-7930				medical
Dr. Jonathan Glass	Center	Lebanon	NH	03756-1009	603-650-7328				dermatologist
Dr. Lewis J Herzbrun	PO Box 1507	Exeter	FL	32757-1507	352-357-7342	WINN000	\$0.00	2016	medical

Company Name	Address	City	State	Zip	Phone	Category	Amount	Date
Dr. Stephanie McKee Emergency Phys. Of Central FL, LLP	PO Box 1447 Mount Dora FL 32756	Mount Dora	FL	32756	952-357-4588	dentist	\$956.00	
First Federal Credit Control, Inc.	PO Box 623296 Emergency Phys. Of Central FL 24760 Chargin Blvd Ste 205 Orlando FL 32852-8296	Orlando	FL	32852-8296	888-898-3295	medical	\$24.31	
Fleming, Sean D. Florida Hospital Medical Group	27120 Ramington Street PO Box 14000 Seaford ME 04915-4033	Madison Heights	MI	48071	800-486-5500	collection agency	\$24.00	
Lake Eye Associates McDougal, Kellie	Dr. Jason Kerob 1852 May Drive 703 E 11th Street Kemp TX 75143	Tavares	FL	32778-4320	866-751-3326	judgment Texas	\$331,085.13	
Mid Florida Eye Center	17550 Hwy 441 Mount Dora FL 32757-6711	Mount Dora	FL	32757-6711	352-735-2020	medical	\$164.59	9/11/2019
Montana Supreme Court North American Credit Services, Inc.	215 N. Samlers - Room 323 PO Box 1821 Helena MT 59620-3003	Helena	MT	59620-3003		legal	\$98.12	8/29/2019
North American Credit Services, Inc.	PO Box 1821 Chattanooga TN 37422-7221	Chattanooga	TN	37422-7221	800-467-5654	collection agency	\$1,000.00	
Paramount Urgent Care, Inc.	PO Box 1821 Chattanooga TN 37422-7221	Chattanooga	TN	37422-7221	800-467-5654	collection agency	\$164.59	
Primary Health Medical Group	305 E CR 416 Lady Lake FL 32159-4205	Chattanooga	TN	37422-7221	800-467-5654	collection agency	\$254.97	
Radiology Specialists of Florida	PO Box 84651 Orlando FL 32886-4552	Orlando	FL	32886-4552	888-960-7392	medical	\$272.86	
Receivables Performance Management LLC	Verizon Wireless PO Box 1548 Lynnwood WA 98046-1548	Lynnwood	WA	98046-1548		medical	\$18.74	
Sant's Club	PO Box 96087 Orlando FL 32896-0097	Orlando	FL	32896-0097	800-964-1917	collection agency	\$299.81	
Samsung Financial	PO Box 103114 Columbia SC 29202-3114	Columbia	SC	29202-3114	800-434-0050	credit card	\$540.80	9/3/2019
TD Retail Card Services	Samsung Financial PO Box 731 Majawah NU 17430	Majawah	NU	17430	800-806-8840	phone	\$411.95	
Verizon Wireless	PO Box 650651 Dallas TX 75265	Dallas	TX	75265	800-852-3922	collection agency	\$339.95	
Wells Fargo VISA	PO Box 77 033 Minneapolis MN 55480-7753	Minneapolis	MN	55480-7753	866-229-6333	phone scam	\$299.81	
Windsor, Barbara	3051 Basque Circle Smyrna GA 30080-6513	Smyrna	GA	30080-6513	404-606-1941	credit card	\$5,374.95	8/7/2019
Windsor, Ryan	555 Fifth St #311 Austin TX 78701	Austin	TX	78701	415-717-8973	ex-wife	\$15,000.00	2018
TOTAL						son	\$1,053,557.00	2010
							\$1,518,762.45	

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270

Plaintiff,

vs.

ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

VERIFIED AFFIDAVIT OF WILLIAM M. WINDSOR

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

1. I am over the age of 21, a living person, am competent to testify, and have personal knowledge of the matters stated herein.
2. I object to the Court's plans to hold a hearing tomorrow that I will be unable to attend.
3. I am 72-years-old and in poor health since the Defendants' 18-wheeler hit me at 70-miles-per-hour. I am in constant pain from nine herniated disks in my neck and back, and walking is a problem. I was in excellent shape before the accident. I am currently experiencing several medical emergencies.
4. I broke a tooth, and it is extremely painful. I'm having serious problems with my left eye. And I may be having a significant side effect from a COVID-19 vaccination. I find this Court's void of compassion to be absolutely unacceptable.

5. As I have previously communicated, I received notice from the Court's Judicial Assistant too late to prepare for a 2/2/21 hearing. It was impossible to meet the deadlines set by the Judicial Assistant. As I communicated to the Court by motion, I also need to subpoena the attorneys for the Defendants prior to a hearing on attorney's fees. Pro se parties do not have subpoena rights, so I have to drive to Orlando to obtain subpoenas from the Clerk of the Court. The attorney for the Defendants recently filed an affidavit that requires investigation. I received it too late to do anything about it. The examination of the attorneys is likely to take several hours. I have found the attorneys to be extremely dishonest. The attorney for the Defendants could not have spent more than 15 minutes on the motion to compel that resulted in sanctions.

6. I have essentially no money. I have been declared indigent by the Texas Supreme Court and the United States Supreme Court. My debts exceed \$1,100,000, and I haven't been able to pay credit card bills for over a year. My only assets are \$1,000 equity in my vehicle and \$60,000 in a condo, my homestead. My secured debts exceed my assets. I believe all of my assets will be protected in bankruptcy. I believe the condo association will try to foreclose as I haven't paid the \$600 monthly "dues" for four months. If that happens, I will have to file bankruptcy. I have been working to stay afloat until I receive a large financial award from the jury in this case.

7. I filed a motion to have Judge Ashton reconsider the outlandish orders of Judge Kest. It was just denied. I find this outrageous. It seems Judge Ashton may be just as biased as Judge Kest. Denying this motion without considering the evidence or holding a hearing is absolutely improper.

8. The Fifth District has made it clear that the trial court has the inherent discretionary power to reconsider any order entered prior to the rendition of final judgment in the

cause. (*Arnold v. Massebeau*, 493 So. 2d 91 (Fla. 5th DCA 1986).) (See also *North Shore Hospital, Inc. v. Barber*, 143 So.2d 849 (Fla.1962); *Commercial Garden Mall v. Success Academy, Inc.*, 453 So.2d 934 (Fla. 4th DCA 1984). Cf. *Associated Medical Institutions, Inc. v. Imperatori*, 338 So.2d 74 (Fla. 3d DCA 1976); *Rubin v. Baker*, 276 So.2d 532 (Fla. 3d DCA 1973).) The only reason I can think of to deny the motion and do so without a hearing is prejudice. The only reason I can think of to deny a continuance of the hearing set for 2/2/2021 when I cannot participate is extreme prejudice. Judge Ashton provided NO reasons for his orders. The U.S. Supreme Court stated in *Corcoran v. Levenhagen*, No. 08-10495, decided October 20, 2009, that courts should explain their orders.

9. I object to the hearing and being denied my rights.

10. I object to the denial of my motion for reconsideration of the corrupt acts of Judge Kest.

11. I will file a motion to disqualify Judge Ashton, and I will file an appeal. These are my legal rights.

12. In 2010, I had two cataract surgeries. The surgery on both eyes caused problems, including a hole poked into the retina of my left eye. I began "seeing things." It began with what could best be described as a fireworks show "in my eyes" when my eyes were closed in bed at night. Then I saw big flies and even bigger roaches all around my desk. Next came a curtain closing back and forth across my field of vision.

13. I raced to the eye doctor, and my left eye was quickly scheduled for surgery. The doctors discovered a hole in the retina of my left eye. A week later, my right eye was done. The strange visions went away, but it took a long time to recover my reading eyesight. My vision has

been 20/20 after the cataract-replacement lenses were implanted in my eyes. For a week or so, my reading vision has become poor.

14. In 2016, I was diagnosed with Glaucoma. It had been at least two years since my eyes had been examined, and I lost some of my peripheral vision due to the Glaucoma. In 2018 and 2019, I had two more eye surgeries in Leesburg with Dr. Stacia Goldee of Mid-Florida Eye Center.

15. Last Friday, I had the first COVID-19 vaccination. That night, I saw a ghost. I'd never seen a ghost before, but I saw a ghost. It was a slender brunette, very animated, talking with someone in the kitchen. I was not asleep or dreaming. I "saw" this while awake at night. I snapped a photo, and it is dark and spooky-looking, but doesn't show a "ghost." I would attach it, but it's just a dark blur.

16. The ghost did not return the next night, so I chalked it up to perhaps some type of reaction from the vaccination. A few days later, the ghost returned. Same woman; same outfit; same place in the kitchen. I snapped a photo, but it doesn't show a ghost – just a squiggly green neon flash where the ghost was.

17. This all sounds pretty crazy, but Google reports that "hallucinations" are a side effect of COVID-19 and the COVID-19 vaccine. There are some bizarre videos on YouTube with people telling their COVID hallucination stories.

18. I have become concerned that the problem may be related to the retina in my left eye. My left eye has been cloudy and moderately painful of late. My vision has become very poor out of my left eye, and the imbalance between my eyes makes me dizzy. Unfortunately, I missed my regular Glaucoma check-ups due to the Pandemic; I'm supposed to be checked every six months, and it has been a year. I tried on Friday to get an appointment with the eye doctor I

had used, but she does not accept the Cigna HMO Medicare Insurance that I have as of January 1, 2021 without a referral from the primary care doctor. That primary care doctor is new; I have never seen him, and I was unable to get a referral without first scheduling a full physical. I spoke with a nice lady there this morning, and she isn't sure they accept my insurance. She asked me to bring the insurance card to their office to check. I am doing that in just a minute.

19. First thing Monday morning, I called Cigna to see what I can do. They were of little or no help. They referred me to Dr. Courtney Bovee, an ophthalmologist I have seen before, a doctor I really respect and like. I called Mid-Florida Eye Center to learn she is no longer with them, and they do not take my insurance. The surgeon who operated on my eyes twice, Dr. Stacia Goldee, is no longer with the firm, apparently retired. I am currently awaiting a callback from the office of Dr. Anisha Patel, the last eye doctor I have seen.

20. I have been on hold with Moderna for a half hour to report my potential side effect from the COVID-19 vaccine. I was just cut off and had to leave a message. I'm supposed to hear back in 24 hours.

21. If I can't get any help, I may go to the Emergency Room, but Cigna told me they will simply have to refer me to an ophthalmologist, and I have already contacted all of them nearby that accept my insurance.

FURTHER SAITH AFFIANT NOT.

Sworn under penalty of perjury this 1st day of February, 2021,



William M. Windsor

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing by Electronic

Mail:

David I. Wynne and Scott L. Astrin
Law Offices of Scott L. Astrin
Bogus Address: 100 N. Tampa Street, Suite 2605, Tampa, Florida 33602
david.wynne@aig.com, tampapleadings@aig.com,
emily.christopher@aig.com, scott.astrin@aig.com
813-526-0559 - 813-218-3110
Fax: 813-649-8362

Judge Jeffrey L. Ashton
37orange@ninthcircuit.org

This 29th day of March, 2021,



William M. Windsor
100 East Oak Terrace Drive, Unit B3
Leesburg, Florida 34748
352-577-9988
windorinmontana@yahoo.com
billwindsor1@outlook.com