

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.

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**MOTION TO STRIKE ORDER TO SHOW CAUSE**

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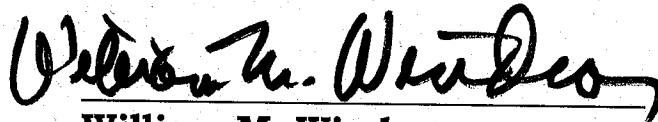
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PLEASE NOTE: Large exhibits can be accessed on the Orange  
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Submitted this 27th day of March, 2021.



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# Appendix

# 11

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
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WILLIAM WINDSOR,  
Plaintiff,

CASE NO. 2018-CA-010270-O

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Defendants.

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**PLAINTIFF WILLIAM M. WINDSOR'S**  
**VERIFIED MOTION TO DISQUALIFY JUDGE JEFFREY I. ASHTON**

Comes Now, William M. Windsor ("Windsor" or "Plaintiff"), and asks that Jeffrey L. Ashton ("Judge Ashton") 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. Based upon this Verified Motion to Disqualify, the attached Affidavit of Prejudice, and the Certificate that Motion to Disqualify is filed in Good Faith, Windsor moves for disqualification of Judge Jeffrey L. Ashton from all further proceedings in this case.

1. Florida Rules of Judicial Administration Rule 2.330 allows a party to seek disqualification of the assigned trial judge where the party feels he will not receive a fair trial or hearing because of a specifically described prejudice or bias of the judge. Florida Rule of

Judicial Administration 2.330 (f) provides that, upon receipt of a legally sufficient motion to disqualify, "the judge shall immediately enter an order granting disqualification and proceed no further in the action."

2. The principal facts constituting the grounds for this Motion were discovered on February 1, 2021. They are being presented to the Court for an immediate ruling. This motion is timely filed.

4. The Plaintiff fears he will not receive a fair hearing because of continuing demonstrable prejudice by Judge Ashton against him.

5. A recitation of the facts forming the basis for this fear will demonstrate this fear is well-founded. This is provided in the attached Affidavit of Prejudice. The Affidavit of Prejudice contains factual details of the prejudice as is required by the statute and rules.

6. Prejudice and bias may be either for or against. In the instant action, there is both. Judge Ashton has a bias against the Plaintiff. Judge Ashton has a prejudice in favor of the Defendants.

7. Judge Ashton has demonstrated to Windsor that he has a bias against pro se parties. BUT "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws." *Elmore v. McCammon* (1986) 640 F. Supp. 905.

8. Windsor has not been treated fairly by Judge Ashton. Judge Ashton has not demonstrated the impartiality required of a judge. He is demonstrating that he is a heartless person who has no business sitting in judgment on people.

9. Canon 2 of the Florida Code of Judicial Conduct ("CJC") provides: "A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."



Every person "has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding." *Liteky v U.S.*, 510 US 540 (1994).

### FACTUAL BACKGROUND

10. The factual background in this case is recited in the Affidavit of Prejudice and the affidavit attached thereto.

### ARGUMENT

#### DISQUALIFICATION IS APPROPRIATE: ALL REQUIREMENTS ARE MET

11. A Motion to Disqualify is governed by Florida Statute 38.10 and Florida Rule of Judicial Administration 2.330.

"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)).

12. **MOTION:** This Motion to Disqualify is in writing. Windsor has filed an Affidavit of Prejudice stating his fear that he will not receive a fair trial due to the prejudice of Judge Jeffrey Ashton. It provides the facts and the reasons for the belief that such bias and prejudice exist. This Motion is signed under oath. There has been one previously granted motion to disqualify a former judge. There has been one previously denied motion to disqualify Judge Kest. A Certificate of Good Faith is also filed. This Motion to Disqualify is filed with the Clerk, and a copy has been sent by email to Judge Ashton's assistant.

13. **GROUNDS:** This Motion to Disqualify shows that the Plaintiff fears he will not receive a fair trial because of specifically described prejudice or bias of Judge Jeffrey Ashton.

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

**IT IS THE DUTY OF JUDGE JEFFREY ASHTON TO ACKNOWLEDGE  
THE SUFFICIENCY OF THE MOTION.**

15. Judge Ashton must now determine the legal sufficiency of the Motion.

The rule provides that “[t]he judge against whom an initial motion to disqualify . . . is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged.” *Pasha v. State*, 225 So.3d 688, 703 (Fla. 2017) (quoting Fla. R. Jud. Admin. 2.330(f)). “The disqualification [statute and] rules are designed to keep the courts free from bias and prejudice.” *Tableau Fine Art Group, Inc. v. Jacoboni*, 853 So.2d 299, 301 (Fla. 2003). “[T]he disqualification statute and rules are [also] designed to ensure confidence in the judicial system, ‘as well as to prevent the disqualification process from being abused for the purposes of judge-shopping, delay, or some other reason not related to providing for the fairness and impartiality of the proceeding.’” *Id.* (quoting *Livingston v. State*, 441 So.2d 1083, 1086 (Fla. 1983)). (*Law Offices of Herssein and Herssein, P.A. v. United Services Automobile Association*, SC17-1848 (Fla. 11/15/2018).)

16. Judge Ashton shall rule on the Motion to Disqualify immediately, but no later than 30 days after the service of the motion.

**THIS MOTION IS PROCEDURALLY ADEQUATE, AND JUDGE ASHTON MUST  
ACCEPT THAT THE AFFIDAVIT IS TRUE.**

17. This Motion to Disqualify Judge Ashton is procedurally adequate and Judge Ashton must determine so. This is a proper application for a change of judge.

18. Windsor has a well-grounded fear that he will not receive a fair trial. Judge Ashton has ignored all of the prejudice and bias of Judge Kest. Judge Munyon granted a protective order to stop discovery when there was no legal authority to do so. Judge Kest

allowed that to continue. Judge Kest allowed hearings on frivolous motions by the Defendants while ignoring violations of his own rules and orders. 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. 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. 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. 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. 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. Judge Kest indicated at the Case Management Conference that he had independently researched cases that Windsor had been involved in, and he threatened him with sanctions for frivolous motions under Florida Statute 57.105. Windsor has never filed anything frivolous. 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 Asstrin 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. 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 saw Judge

Kest acting with bias again and again. Judge Ashton dismissed without any consideration

Windsor's motion to have him reconsider Judge Kest's orders. No honest judge could do that.

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. Asklipious*, 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).)

19. 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 Ashton, because of his prejudice or bias deprived him of fair and impartial treatment.

20. Judge Ashton has 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).

#### **THE IMPARTIALITY OF JUDGE ASHTON MUST BE QUESTIONED.**

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

22. The Code of Judicial Conduct requires that Judge Ashton 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.

**JUDGE ASHTON IS REQUIRED TO RULE IMMEDIATELY.**

23. Judge Ashton is required to immediately address the Motion to Disqualify.

This Court has strictly applied the above language because an allegation of judicial prejudice is always a serious matter. Thus, the rule provisions concerning “immediate” resolution have been accorded their plain meaning, which the Court has explained requires action that is “prompt” and “with dispatch.” *Livingston v. State*, 441 So.2d 1083, 1085 (Fla. 1983). Our comment on the adoption of rule 2.160 emphasizes a trial judge’s responsibility to act quickly on such a motion: “We find the motion [to disqualify] should be ruled on immediately following its presentation to the court.” *Florida Bar re Amendment to Fla. Rules of Judicial Admin.*, 609 So.2d 465, 466 (1992). When a trial court fails to act in accord with the statute and procedural rule on a motion to disqualify, an appellate court will vacate a trial court judgment that flows from that error. See, e.g., *Cave v. State*, 660 So.2d 705, 708 (Fla. 1995) (“[W]e find that Judge Walsh’s conduct failed to follow the procedural process outlined in rule 2.160 and his error requires us to vacate Cave’s sentence.”). (*Escalona v. Wisotsky*, 781 So.2d 1063, 25 Fla. L. Weekly S1080 (Fla. 11/30/2000).)

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

24. Windsor is entitled to an impartial judge, and that isn’t Judge Jeffrey Ashton.

“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).

**JUDGE ASHTON FAILED TO PROVIDE DUE PROCESS**  
**AND EQUAL PROTECTION TO WINDSOR.**

4. Judge Ashton 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)

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

6. 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.

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

**JUDGE ASHTON IS VIOLATING THE CONSTITUTIONAL RIGHTS OF WINDSOR.**

8. Judge Ashton has violated Windsor's Constitutional rights.

9. 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.

10. 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 Ashton 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.

11. 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 Ashton has violated Windsor's rights by using his power to inflict his bias.

12. For due process, Windsor has the right to protections expressly created in statute and case law. Judge Ashton has violated Windsor's rights by using his power to ignore facts and the law.

13. Due process allegedly ensures that the government will respect all of a person's legal rights and guarantee fundamental fairness and justice. Judge Ashton's actions have violated Windsor's rights and denied justice.

14. 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 Ashton has interfered with the process and violated rules for the purpose of damaging Windsor.

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

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

17. Judge Ashton has effectively denied Windsor's rights of the equal protection under the law.

#### **FLORIDA HAS LONG RECOGNIZED AN IMPARTIAL JUDGE IS ESSENTIAL**

This Court has recognized the sensitivity and seriousness involved whenever the issue of judicial prejudice is raised. We have stated that:

Prejudice of a judge is a delicate question 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 against whom raised, 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.

... It is a matter of no concern what judge presides in a particular cause, but

it is a matter of grave concern that justice be administered with dispatch, without fear or favor or the suspicion of such attributes. The outstanding big factor in every lawsuit is the truth of the controversy. Judges, counsel, and rules of procedure are secondary factors designed by the law as instrumentalities to work out and arrive at the truth of the controversy.

The judiciary cannot be too circumspect, neither should it be reluctant to retire from a cause under circumstances that would shake the confidence of litigants in a fair and impartial adjudication of the issues raised.

*Dickenson v. Parks*, 104 Fla. 577, 582-84, 140 So. 459, 462 (1932). This Court has also expressed the view that:



“Every litigant, including the State in criminal cases, is entitled to nothing less than the cold neutrality of an impartial judge.” It is the duty of courts to scrupulously guard this right of the litigant and to refrain from attempting to exercise jurisdiction in any matter where his qualification to do so is seriously brought in 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.

*State ex rel. Mickle v. Rowe*, 100 Fla. 1382, 1385, 131 So. 331, 332 (1930).

WHEREFORE, having now filed this Verified Motion to Disqualify, the sworn Affidavit of Prejudice, and the Certificate of Good Faith, Plaintiff Windsor respectfully requests as follows:

- (1) that Windsor’s Motion to Disqualify Judge Ashton is granted;
- (2) that this Motion be referred to another judge for a hearing;
- (3) that the Court issue an order disqualifying Judge Ashton;
- (4) that the Court reconsider or strike all orders by Judge Munyon, Judge Kest, and Judge Ashton; and
- (5) that the Court grant such other and further relief as justice requires.

Submitted this 1st day of February, 2021.



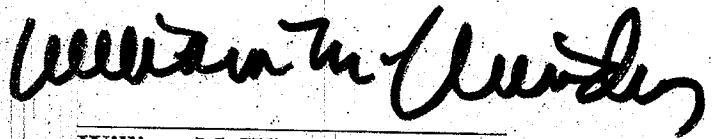
**William M. Windsor**  
100 East Oak Terrace Drive, Unit B3  
Leesburg, Florida 34748  
352-577-9988  
billwindsor1@outlook.com  
bill@billwindsor.com

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.

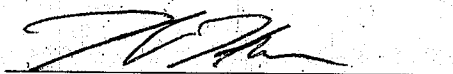
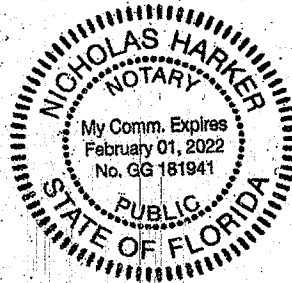
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 1st day of February, 2021,



William M. Windsor

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

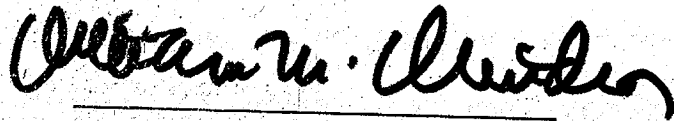
  
Notary Public

**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  
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 1st day of February, 2021.



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

# Appendix 12

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.

---

**WILLIAM M. WINDSOR'S AFFIDAVIT OF PREJUDICE**  
**OF JUDGE JEFFREY L. ASHTON**

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

1. My name is William M. Windsor ("Windsor"). I will be 72-years-old on Friday, am absolutely competent to testify and represent myself, and have personal knowledge of the matters stated herein.
2. This Affidavit of Prejudice of Judge Jeffrey L. Ashton ("Affidavit of Prejudice") is offered in support of the Motion to Disqualify Judge Jeffrey L. Ashton ("Motion to Disqualify").
3. I am the Plaintiff in this action, and I am representing myself pro se.
4. I am not an attorney. However, I have studied law, and I know improper actions by attorneys and judges when I see them. I see them in this case!
5. I will not receive a fair trial in the Ninth Judicial Circuit Court in Orange County, Florida due to the prejudice of Judge Jeffrey L. Ashton ("Judge Ashton") of that court against me and bias in favor of the Defendants and their attorneys.
6. I first came to the realization on February 1, 2021 that Judge Ashton was prejudiced and biased in this case.

7. I fear that I have not received and will not receive a fair trial with Judge Ashton. Judge Ashton is heartless and dishonest.

8. Attached as EXHIBIT 1 is an affidavit I filed today. It is referenced and incorporated herein. It details my issues with Judge Ashton as to my current medical emergency. Judge Ashton refuses to delay a relatively meaningless hearing in this case about the DEFENDANTS disabling me and using the court system to inflict emotional distress. As I type this, I can't see much out of my left eye.

9. Judge Ashton has OUTRAGEOUSLY refused to reschedule a 2/2/2021 hearing with no justification whatsoever. This is bias at its almost worse.

10. But that he refused to reschedule the 2/2/2021 hearing when Windsor has a medical emergency is bias at its worst.

11. Judge Ashton could care less about Windsor, and the feeling is now more than mutual.

12. Windsor has not been treated fairly by Judge Ashton. Judge Ashton has not demonstrated the impartiality required of a judge. He is demonstrating that he is a heartless person who has no business sitting in judgment on people.

13. Windsor has a well-grounded fear that he will not receive a fair trial. Judge Ashton has ignored all of the prejudice and bias of Judge Kest, and he refused without proper consideration Windsor's request to reconsider the corrupt orders of Judge Kest.

14. Judge Munyon granted a protective order to stop discovery when there was no legal authority to do so. Judge Kest allowed that to continue. Judge Kest allowed hearings on frivolous motions by the Defendants while ignoring violations of his own rules and orders. 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. 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. 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. 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. 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. Judge Kest indicated at the Case Management Conference that he had independently researched cases that Windsor had been involved in, and he threatened him with sanctions for frivolous motions under Florida Statute 57.105. Windsor has never filed anything frivolous. 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 Asstrin 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. 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 saw Judge Kest acting with bias again and again. Judge Ashton dismissed without any consideration Windsor's motion to have him reconsider Judge Kest's orders. No honest judge could do that.

15. This Affidavit of Prejudice clearly provides the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized.

16. Judge Ashton 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.

17. Judge Ashton has violated my civil and constitutional rights under color of law.

18. Judge Ashton has effectively denied my rights of the equal protection under the law under Article VI of the Constitution.

19. Judge Ashton'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 or the common decency of man.

20. I will not get a fair and impartial trial with Judge Ashton. He is prejudiced against me. He has already committed an unforgivable sin in this case by refusing to reconsider orders of Judge Kest that were issued without the required hearings. Judge Ashton acts like he is simply another in a string of corrupt Orange County judges who either dislike pro se parties or love insurance agencies with deep pockets.

21. All I want 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 my claims. It is obvious to me that Judge Ashton doesn't care about the facts and doesn't want to apply the law.

22. The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. Judge Ashton is biased against me. Judge Ashton has demonstrated this.

23. This motion, affidavit, certificate of good faith, and memorandum of authorities meet the requirements for a motion to disqualify.



24. This Affidavit of Prejudice states the facts and the reasons for the belief that bias and prejudice exist. The reasons for the belief are material and stated with particularity.

25. I have a well-grounded fear that I will not receive a fair trial.

26. This affidavit meets the time requirement of Rule 2.330 of the Florida Rules of Judicial Administration which provides that a motion for recusal "shall be filed "within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds...." It was on February 1, 2021 that I discovered grounds.

27. This affidavit is accompanied by a "certificate of counsel of record." As I am the only person of record and I am a pro se Plaintiff, the certificate is from me, and it is made in good faith.

28. There has not been a previous motion to disqualify Judge Ashton.

**FURTHER SAITH AFFIANT NOT.**

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

Executed 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.

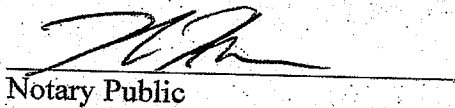
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 1st day of February, 2021,

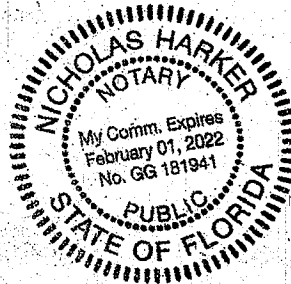


William M. Windsor

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



Notary Public



**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  
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 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

# EXHIBIT

# 1

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,



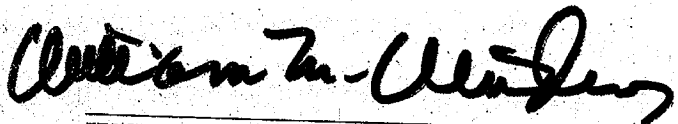
William M. Windsor

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.

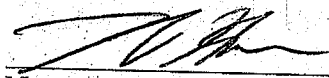
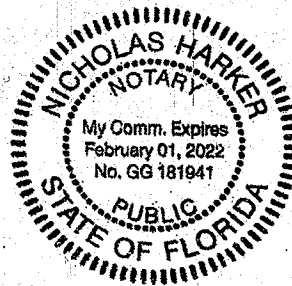
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

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~~ <sup>MANDAMUS</sup> without prepayment of costs and to proceed *in forma pauperis*. <sub>WMD</sub>

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: \_\_\_\_\_

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. Windsor, 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
<b>Total monthly income:</b>	<b>\$ 2228</b>	<b>\$ 0</b>	<b>\$ 2228</b>	<b>\$ 0</b>

\* 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.

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>
<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	<del>Your spouse</del> <span style="float: right;"><u>None</u></span>
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
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)	\$ 7,424	\$ 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
<b>Total monthly expenses:</b>	<b>\$ 83,527</b>	<b>\$ 0</b>

INTERNET \$200  
 PRESCRIPTIONS \$200  
 TOILETRIES, ETC. \$200

LEGAL \$500  
 MISC. \$200

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.

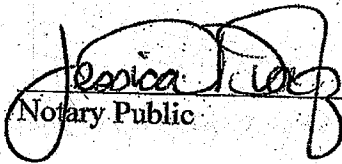
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 5th day of January, 2021,

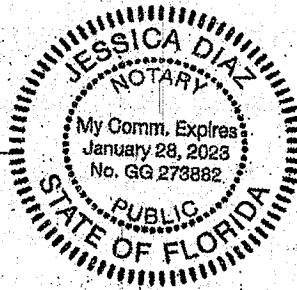


William M. Windsor

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



Notary Public



William M. Windsor - Debts

Admin Recovery, LLC	6225 Sheldon Drive Suite 118	Williamsville	NY 14221	866-703-7961	6006101016101930	Samung collection	\$411.95	8/1/2019
Ally Financial	PO Box 3809 0L	Bloomington	MN 55438	888-925-2559	35457	Jeep	\$15,896.22	7/16/2019
American Express	PO Box 881537	El Paso	TX 79998	800-874-2717	3728 178003 32008	credit card	\$0.00	8/11/2019
American Integrity Insurance	MSC 850A PO Box 890469	Birmingham	AL 35288-0469	866-968-8390	AGC0136928	insurance - canceled	\$892.00	2018
Bank of America	MasterCard PO Box 982238	El Paso	TX 79998	800-421-2110	5524 3325 1682 4201	credit card	\$43,555.79	9/23/2019
Bank	Synchrony Bank Law Offices of Charles G. McCarthy	Orlando	FL 32896-5027	855-752-8046	5743 0010 0464 3684	credit card	\$1,308.97	8/10/2019
Central Florida Anesthesia	PO Box 1045	Bloomington	IL 61702	308-828-7000	69134	medical	\$46.06	
Central Florida Total Health Care	30 Remington Road - Suite 2 Dr. Jose Lopez	Oakland	FL 34787-9797	407-392-4919	5579908	medical	\$61.39	
Chase Bank	Amazon Prime PO Box 1423	Charlotte	NC 28204-1423	888-247-4080	4147 4001 5895 6142	credit card	\$3,571.06	9/11/2019
Chase Bank	IHG Rewards Club PO Box 1423	Charlotte	NC 28201-1423	800-698-0120	5466 0420 2708 6662	credit card	\$11,141.85	9/9/2019
Collection Bureau, Inc.	Primary Health Medical Group PO Box 1219	Memphis	TN 38183-1219	888-432-2432	00848900	collection agency	\$11.93	
Discover	PO Box 3021 Diversified Consultants, Inc.	Salt Lake City	UT 84130-0421	800-472-3085	6011 2088 4134 0261	credit card	\$7,151.04	9/6/2019
Dr. Allen Newman	Verizon Wireless 901 Skyline Drive #1	Jacksonville	FL 32255-1268	877-848-1045	04885310550001	collection agency	\$299.81	
Dr. Jose Lopez	Central Florida Total Health Care 30 Remington Road, Suite 2	Lady Lake	FL 32159	352-753-9922		medical for traffic accident		
Mount Dora	804 US Hwy 481	Oakland	FL 34787-9797	407-392-4919		medical		
Dr. Eduardo Parra Davila	Celebration Center for Surgery 410 Celebration Place, Suite 302	Mount Dora	FL 32886-4552	866-481-7571		medical for traffic accident		
Radiology Specialists of Florida	PO Box 896552	Celebration	FL 34747	407-308-3824		medical for traffic accident		
Clermont Radiology	871 Oakley Seaver Drive 3900 Lake Center Dr. Suite A1	Orlando	FL 32886-4552	866-481-7571	info@clermontradiology.com	medical for traffic accident		
Dr. Sumanth Padmanabhi	Arbor Medical Group	Clermont	FL 34711	352-241-6100		medical for traffic accident		
CVI	1922 Silk Avenue	MLK Dora	FL 32757			medical for traffic accident		
Florida Hospital Orlando	601 Ekalitas S	Tavares	FL 32778			medical for traffic accident		
CareFirst Imaging	1714 SW 11th St Suite 300	Orlando	FL 32803			medical for traffic accident		
Dr. Owen Fraser	3805 W Colonial Drive #A	Orlando	FL 34474	888-682-7818		medical for traffic accident		
Dr. Jason Garbac	1210 Wickham Way	Tavares	FL 32778	352-343-2364		medical for traffic accident		
Hohman Rehab	236 Mohawk Road	Clermont	FL 34715	855-404-6908		medical for traffic accident		
Dr. Dante V. Nuzzo	4700 Fiat Street	Leesburg	FL 34748-9723	352-569-7152	617	medical	\$12.89	
Dr. Johnny Gargner	922 Rolling Acres Rd #205 Dartmouth Hitchcock Medical Center	Lady Lake	FL 32159	352-659-7930		dermatologist	\$131.20	8/21/2019
Dr. Jonathan Glass	1 Medical Center Drive	Lebanon	NH 03756-1000	603-650-7328		medical	\$0.00	2016
Dr. Lewis J. Herzbrun	PO Box 1507	Everts	FL 32757-1507	352-357-7342	WWW/000	medical	\$56.86	

Debtor Name	Address	City	State	Zip	Phone	Account Number	Agency	Balance	Date
Dr. Stephanie McEa	PO Box 1447	Mount Dora	FL	32756	352-357-4588		dentist	\$856.00	
Emergency Phys. Of Central FL, LLP	PO Box 618268 Emergency Phys. Of Central FL, 24700 Changin Blvd Ste 205	Orlando	FL	32862-8296	888-898-3293	17180816015	medical	\$24,341	
First Federal Credit Control, Inc.	27120 Barrington Street	Cleveland	OH	44122-5662	800-486-5500	AG018	collection agency	\$24,000	
Fleming, Sean D. Florida Hospital Medical Group	PO Box 14000	Madison Heights	MI	48071		none	judgment Texas	\$31,085.13	
Lake Eye Associates	1852 Mayo Drive	BelEau	ME	04915-4093	866-751-3326	2960318A13122	medical	\$164.59	
McDougal, Kella	708 E 11th Street	Taravos	FL	32778-4320	352-343-4798	131772	medical	\$1,657	9/11/2019
Mid Florida Eye Center	17590 Hwy 441	Kemp	TX	75143			legal	\$25,800.00	
Montana Supreme Court	215N. Sanders - Room 323	Mount Dora	FL	32757-6711	352-735-2020		medical	\$93.12	8/29/2019
North American Credit Services, Inc.	PO Box 1821	Ivelana	MT	59620-3003			legal	\$1,000.00	
North American Credit Services, Inc.	PO Box 1821	Chattanooga	TN	37422-7221	800-467-5654	5107600	collection agency	\$164.59	
North American Credit Services, Inc.	PO Box 1821	Chattanooga	TN	37422-7221	800-467-5654	5183770	collection agency	\$254.97	
Primary Health Medical Group	303 E CR 466	Chattanooga	TN	37422-7221	800-467-5654	5191710	collection agency	\$272.86	
Radiology Specialists of Florida	PO Box 84652	Lady Lake	FL	32159-4205	352-633-7852	257152	medical	\$18.59	
Receivables Performance Management LLC	PO Box 1548	Lady Lake	FL	32159-4205	352-633-7852	80848900	medical	\$11.95	
Sam's Club	PO Box 96097	Orlando	FL	32886-4552	888-960-7392	2149434-QRSFL	medical	\$18.74	
Sansung Financial	PO Box 10014	Orlando	FL	32886-0097	800-964-1917	04885310550001	collection agency	\$299.81	
TD Retail Card Services	Sansung Financial	Orlando	FL	32886-0097	800-964-1917	0500	credit card	\$540.60	9/9/2019
Verizon Wireless	PO Box 65061	Columbia	SC	29202-3114	800-434-0050	6006 1010 1610 1950	phone	\$411.95	
Wells Fargo VISA	PO Box 7763	Metwahl	WI	7430	800-906-8840	6006 1010 1610 1950	collection agency	\$395.95	
Windsor, Barbara	3951 Basque Circle	Dallas	TX	75265	800-852-1922	04885310550001	phone scam	\$299.81	
Windsor, Ryan	555 E Ffth S #2811	Minneapolis	MN	55480-7758	866-229-6333		credit card	\$5,374.95	8/7/2019
TOTAL		Stovyrna	GA	30080-6513	604-605-1941	barbarawindsor@charter.net	ex-wife	\$15,000.00	2018
		Austin	TX	78701	415-717-8978	ryan@akatazmedia.com	son	\$1,053,557.00	2010
								\$1,518,762.45	

# Appendix

# 13

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

Case number: 2018-CA-010270-O  
DEFENDANTS' MOTION FOR  
AWARD OF ATTORNEY'S FEES  
AND COSTS PURSUANT TO  
OMNIBUS ORDER ON  
MULTIPLE MOTIONS

**COURT MINUTES**

COURT OPENED 11:03 AM on 2nd day of February, 2021 in Hearing Room 1100.01  
This case came on this day for Motion  
Honorable Ashton, Jeffrey L , presiding

William Windsor

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Petitioner / Plaintiff

VS

Robert Keith Longest; Boise Cascade Building Materials Distribution Llc

---

Respondent / Defendant

Parties Present:

ASTRIN, SCOTT L,	Attorney
Esquire	
WYNNE, DAVID	Attorney
IRWIN, JR, Esquire	

- Court reporter: n/a

Court Deputy: Y. Ynoa

Hearing held via: Microsoft Teams.

The Plaintiff failed to appear.

Court's Ruling: The Court finds the fee of \$2500 to be reasonable and grants Defendants' Motion for Award of Attorney's Fees and Costs Pursuant to the Omnibus Order on Multiple Motions filed November 24, 2020. The Court orders the Plaintiff to pay within

60 days from entry of the order by certified check or money order. Violation of this order may result in additional sanctions. Counsel shall prepare an order.

COURT RECESSED at 11:18 AM on this the 2nd day of February, 2021, subject to call.

Filed in Open Court on 02/02/2021

Deputy Clerk in Attendance: s/Lajuan R.

Office of Tiffany M. Russell, Orange County Clerk of the Circuit and County Courts



# Appendix 14

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

WILLIAM WINDSOR

Petitioner,  
vs.

CASE NUMBER: 2018 CA 10270  
DIV 45

ROBERT KEITH LONGEST et  
al.

Respondent.

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**ORDER DENYING PETITIONER'S MOTION TO DISQUALIFY JUDGE**

This matter comes before the Court on the Petitioner's Verified Motion/Affidavit to Disqualify Judge and Incorporated Memorandum of Law. The Court finds that the Motion is legally insufficient as to following issues:

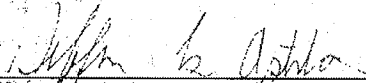
- 1) Adverse rulings do not support a reasonable fear of personal bias. Rivera v. State, 717 So. 2d 477 (Fla. 1998).
- 2) Claims that the Court has formed fixed opinions on an issue before it do not support a reasonable fear of personal bias Rivera v. State, 717 So. 2d 477 (Fla. 1998).

**THEREFORE**, were this the first Motion to Disqualify filed in the case the Court would deny it as legally insufficient. In that this is a successive Motion to Disqualify, (Verified Motion for Disqualification of Trial Judge, Judge Munyon having previously granted Plaintiff's Motion to Disqualify), this Court makes the following rulings:

- a) That it can be fair and impartial in this matter. All opinions expressed or rulings made have been based upon review of the files of this case and are not based upon any personal bias against the Petitioner.

**THEREFORE**, the Court rules that is does stand fair and impartial between the parties and shall proceed to preside as Judge in the matter pending before this court.

**DONE AND ORDERED** at Orlando, Orange County, Florida on this 2nd day of February , 2021.

  
\_\_\_\_\_  
Jeffrey L. Ashton  
Circuit Court Judge

A true and correct copy was delivered to the below parties via ePortal on this this 2nd day of February , 2021.

# Appendix 15

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

WILLIAM WINDSOR  
Plaintiff,

vs. Case No.: 2018-CA-010270-O

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

**ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND  
COSTS PURSUANT TO OMNIBUS ORDER ON MULTIPLE MOTIONS**

THIS CAUSE having come before the Court on Defendants' Motion for Attorney's Fees and Costs Pursuant to the Omnibus Order on Multiple Motions, and the Court having conducted a hearing on February 2, 2021, and being otherwise fully advised in the premises, after consideration of oral argument and review of evidence, it is here by ORDERD and ADJUDGED said Motion is GRANTED as follows:

Defendants are awarded fees and costs in the amount of \$2,500.00 (Two Thousand Five Hundred Dollars and 00/100 cents).

Plaintiff, William Windsor, shall obtain a Certified Check or Money Order, made payable to National Union Fire Insurance Company of Pittsburg, PA, to be mailed to the Law Office of Scott L. Astrin, 100 N. Tampa Street, Suite 2605, Tampa, FL 33602, within sixty (60) days from entry of this Order. Failure to comply could result in additional sanctions with the Court reserving jurisdiction to consider them.

**DONE AND ORDERED** in Chambers at the Orange County Courthouse, Orlando, Florida  
this 4th 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 16

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.

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**MOTION FOR RECONSIDERATION**  
**OF FEBRUARY 4, 2021 ORDER OF JUDGE JEFFREY L ASHTON**

COMES NOW William M. Windsor ("Windsor" or "Plaintiff"), and files this Motion for  
Reconsideration of February 4, 2021 Order of Judge Jeffrey L. Ashton and shows the Court as  
follows:

**FACTUAL BACKGROUND**

1. 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.  
Windsor is in constant pain. He can barely walk. He has fallen many times. He uses a cane. He  
can barely sleep and never more than a few hours at a time. Windsor's only hope for some relief  
will come from this lawsuit as his personal insurance coverage ran out long ago. Windsor's  
quality of life was ruined by the Defendants.



2. 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.]<sup>1</sup> The case was assigned to Judge Lisa T. Munyon.

3. 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.]

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

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

6. 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.

7. 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.

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<sup>1</sup> Exhibits noted as APPENDIX are in the Appendix to the Petition for Writ of Prohibition.

8. 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.

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

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

11. 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.]

12. 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.]

13. 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.]

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

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

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

17. 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.]

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

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

20. Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions was filed 8/4/2020. [APPENDIX 23.] It was ignored by Judge Lisa T. Munyon and Judge John Marshall Kest.

21. 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.]

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

23. 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.]

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

25. 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.]

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

There was no legal basis whatsoever for the motion to dismiss. The Defendants filed it to defame Windsor with the Court and to make sure Judge John Marshall Kest was aware that Windsor had been a leading activist on judicial corruption. This established extrajudicial bias against Windsor, someone who would fight dishonest and corrupt judges until the cows come home.

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

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

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

30. 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.]

31. 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.]

32. 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.]

33. 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.]

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

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

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

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

38. Plaintiff sent a letter to Judge John Marshall 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.

39. Plaintiff's Motion for Sanctions to Strike the Answer of Robert Keith 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.]

40. 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.]

41. Plaintiff sent a letter to Judge John Marshall 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.

42. Judge John Marshall 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.]

43. 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.”

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

45. 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.]

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

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

48. On 9/21/2020, David Wynne filed a document titled “Defendants’ Response to *PRO SE* Plaintiff’s Motions for Reconsideration.” [APPENDIX 47.]

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

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

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

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

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

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

55. Plaintiff's Motion for Reconsideration of Orders of Judge Lisa T. Munyon was filed on 9/29/2020. [APPENDIX 55.]

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

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

58. Orders on Multiple Motions were filed 10/20/2020. [APPENDIX 58.] The "Omnibus Order" awarded attorney's fees and costs under Fla. R. Civ. P. 1.380.

59. Judge John Marshall Kest repeatedly said pro se Windsor was subject to the Florida Bar Rules of Professional Conduct, but he is not. The Rules are very clear: attorneys.

60. Judge John Marshall Kest placed a one-hour limit on Windsor's depositions. There was no explanation for this, and certainly no basis.

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

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



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

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

65. Defendants filed a Motion for Attorney's Fees on 11/24/2020. [EXHIBIT 1.]

66. Plaintiff's Petition for Writ of Prohibition was filed with this Court against Judge John Marshall Kest on 12/21/2020, referenced and incorporated herein.

67. This Court denied that Petition on 1/29/2021, referenced and incorporated herein.

68. The Plaintiff filed an Amended Motion for Reconsideration of Orders of Judge John Marshall Kest in the District Court at 3:34 p.m. on 1/31/2021. [APPENDIX 64.]

69. Judge Jeffrey L. Ashton denied the Plaintiff's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest in the District Court at 10:13 a.m. on 2/1/2021. [APPENDIX 65.] Evelyn Wood in her prime could not have read the documents in three-hours-and-thirty-nine-minutes.

70. The Plaintiff filed a Motion to Disqualify Judge Jeffrey L. Ashton on 2/1/2021 in the District Court. [APPENDIX 66.] It included William M. Windsor's Affidavit of Prejudice of Judge Jeffrey L. Ashton [APPENDIX 67] and a Certificate of Good Faith [APPENDIX 68].

71. Judge Jeffrey L. Ashton denied the Plaintiff's Motion to Disqualify Judge Jeffrey L. Ashton on 2/2/2021 in the District Court. [APPENDIX 69.]

72. On 1/27/2021, Windsor filed an Emergency Motion for Stay and/or Continuance until the Fifth District ruled on the Petition for Writ of Prohibition. [APPENDIX 70.]

73. On 1/28/2021, Judge Jeffrey L. Ashton denied Windsor's Emergency Motion for Stay and/or Continuance claiming it was moot, which it was not. [APPENDIX 71.] Upon

information and belief, Judge Jeffrey L. Ashton either didn't read Windsor's Petition or didn't care, or both.

74. On 1/27/2021, Judge Jeffrey L. Ashton's Judicial Assistant, Keitra Davis, emailed Windsor for the first time to introduce herself. [EXHIBIT 2.] She stated that "Hearing Notebooks, memorandums, and case law must be provided at least five (5) business days prior to the hearing." The hearing was only four (4) business days away, so Windsor requested that the 2/2/2021 hearing be reset for another date as the documentation could not be timely submitted. This was indicated as the necessary procedure in the email from Keitra Davis. There was no response to this Request or Windsor's emails. Windsor filed a Request for Cancellation of Hearing. [APPENDIX 72.]

75. On 1/28/2021, Windsor filed a Motion for Reconsideration of the Plaintiff's Emergency Motion for Stay and/or Continuance. [APPENDIX 73.] There was no response to this Motion or Windsor's emails.

76. On 1/30/2021, Windsor filed a Second Emergency Motion for Stay and/or Continuance. [APPENDIX 74.] Windsor presented some medical history regarding his eyes and explained that he was seeing ghosts, perhaps caused by his vaccination for COVID-19 or by a detached retina. Windsor spent all day on 2/2/2021 with doctors, and he was unable to attend the hearing. Eight hours were spent while admitted to Advent Health Waterman in Tavares, Florida. The doctors did not find a detached retina or anything wrong with Windsor's eyes except significantly elevated pressure on the optic nerve from Glaucoma. Windsor then spent an hour on the phone with Moderna to explain what had happened. It seems "hallucinations" can be a COVID-19 side effect.

77. On 2/1/2021, Judge Jeffrey L. Ashton denied the motion for stay without explanation. [APPENDIX 75.]

78. On 2/2/2021, Judge Jeffrey L. Ashton purportedly conducted a hearing without Windsor. [EXHIBIT 3.] Windsor was denied the opportunity to defend himself and to show that the attorneys for the Defendants had likely committed fraud upon the court with their outrageous request for attorney's fees. Windsor was denied the right to examine the attorneys for the Defendants, and he was denied the right to question the fantasy of the billing records. The "Minutes" indicate that there was no testimony, and there was no evidence presented. Attorney Asstrin filed an affidavit claiming his request for \$2,500 was due to time expended to prepare responsive pleadings to address each motion filed by the Plaintiff. He said "numerous motions." But Judge John Marshall Kest only awarded attorney's fees on two motions to compel. Judge Jeffrey L. Ashton allowed Asstrin to inflate the bill, and he did not have to provide any proof.

79. On 2/4/2021, Judge Jeffrey L. Ashton issued an order granting Defendants' Motion for Attorney's Fees. [EXHIBIT 4.]

80. Windsor filed a Motion for Issuance of a Written Opinion, Rehearing, and for Rehearing En Banc with this Court (regarding Judge John Marshall Kest) on 2/10/2021, referenced and incorporated herein.

81. Windsor filed a Petition for Writ of Prohibition against Jeffrey L. Ashton on 2/14/2021.

### ARGUMENT

#### WINDSOR WAS DENIED A HEARING ON ATTORNEY'S FEES

82. On 2/2/2021, Judge Jeffrey L. Ashton purportedly conducted a hearing without Windsor. [EXHIBIT 3.] Windsor was denied the opportunity to defend himself and to show that

the attorneys for the Defendants had likely committed fraud upon the court with their outrageous request for attorney's fees. Windsor was denied the right to examine the attorneys for the Defendants, and he was denied the right to question the fantasy of the billing records. The "Minutes" indicate that there was no testimony, and there was no evidence presented. Attorney Asstrin filed an affidavit claiming his request for \$2,500 was due to time expended to prepare responsive pleadings to address each motion filed by the Plaintiff. He said "numerous motions." But Judge John Marshall Kest only awarded attorney's fees on two motions to compel. Judge Jeffrey L. Ashton allowed Asstrin to inflate the bill, and he did not have to provide any proof.

83. Judge John Marshall Kest had awarded attorney's fees pursuant to Florida Rules of Civil Procedure Rule 1.380 (a) (4):

"Award of Expenses of Motion. If the motion is granted and after opportunity for hearing, the court shall require the party or deponent whose conduct necessitated the motion or the party or counsel advising the conduct to pay to the moving party the reasonable expenses incurred in obtaining the order that may include attorneys' fees, unless the court finds that the movant failed to certify in the motion that a good faith effort was made to obtain the discovery without court action, that the opposition to the motion was substantially justified, or that other circumstances make an award of expenses unjust. **If the motion is denied and after opportunity for hearing, the court shall require the moving party to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion that may include attorneys' fees,** unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust. If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred as a result of making the motion among the parties and persons." **[emphasis added.]**

84. Windsor was denied a hearing by Judge Jeffrey L. Ashton, in violation of Florida Rules of Civil Procedure Rule 1.380 (a) (4). Judge Jeffrey L. Ashton also failed to make a finding as to the reasonable expenses incurred in opposing the motion, a clear requirement of this Rule. [EXHIBIT 4.]

**JUDGE JEFFREY L. ASHTON IGNORED WINDSOR'S INABILITY TO PAY  
ATTORNEY'S FEES, DENIED WINDSOR DISCOVERY,  
AND DENIED ADEQUATE TIME AT A HEARING.**

85. On 1/27/2021 in his EMERGENCY MOTION TO STAY AND/OR FOR CONTINUANCE, Windsor said:

“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.

“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.

“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.”

86. Upon information and belief, Judge Jeffrey L. Ashton ignored this because of his blatant bias against Windsor.

**JUDGE JEFFREY L. ASHTON VIOLATED FLORIDA STATUTES  
AND EXTENSIVE CASE LAW ON ATTORNEY'S FEES**

87. Judge Jeffrey L. Ashton made no findings concerning the number of hours reasonably expended and the reasonableness of the attorney’s hourly rate. The ORDER must be stricken. [EXHIBIT 4.]

88. In *Peacock v. Ace*, 24 So. 3d 750 (Fla. 2d DCA 2009), Ms. Peacock argued that the final judgment’s award of attorney’s fees in favor of Ace is fundamentally erroneous on its face because it does not contain specific findings concerning the number of hours reasonably expended and the reasonableness of the attorney’s hourly rate. See *Markovich v. Markovich*, 974

So.2d 600, 601 (Fla. 2d DCA 2008). "...this court previously has determined that the absence of the required findings in the written order renders the order fundamentally erroneous on its face and that the lack of transcript 'does not preclude appellate review.' *Harris v. McKinney*, 20 So.3d 400, 403 (Fla. 2d DCA 2009) (quoting *Baratta v. Valley Oak Homeowners' Ass'n at the Vineyards*, 891 So.2d 1063, 1065 n. 4 (Fla. 2d DCA 2004).)

89. Windsor has argued that the attorney's fees could not be more than \$100.

Windsor could not dispute the number of hours because no evidence was submitted.

90. Windsor was denied the ability to present evidence or case law. [APPENDIX 72.]

91. In *Dr. Gail Van Diepen, PA v. Brown*, 55 So. 3d 612 (Fla. 5th DCA 2011), the court said it is the party seeking attorney's fees on multiple claims who has an affirmative burden to demonstrate what portion of the effort was expended on the claim that authorized attorney's fees. See *Rockledge Mall Assoc., Ltd. v. Custom Fences of Brevard, Inc.*, 779 So.2d 558, 559 (Fla. 5th DCA 2001). In *Crown Custom Homes* the second district held that: "[T]he party seeking fees has the burden to allocate them to the issues for which fees are awardable or to show that the issues were so intertwined that allocation is not feasible." *Lubkey v. Compovac Sys., Inc.*, 857 So.2d 966, 968 (Fla. 2d DCA 2003); see also *Ocean Club Cmty. Ass'n v. Curtis*, 935 So.2d 513, 517 (Fla. 3d DCA 2006) (holding that the party seeking an award of attorney's fees "bears 'an affirmative burden to demonstrate what portion of the effort was expended on the claim which allowed attorney's fees,' "(quoting *Rockledge Mall Assocs., Ltd. v. Custom Fences of Brevard, Inc.*, 779 So.2d 558, 559 (Fla. 5th DCA 2001).). *Crown Custom Homes*, 18 So.3d at 740. Many other cases are to the same effect. See, e.g., *Ocean Club Cmty. Ass'n*; *Lubkey v. Compovac Sys., Inc.*, 857 So.2d 966, 968 (Fla. 2d DCA 2003); *Salisbury v. Spielvogel*, 451 So.2d

974, 975 (Fla. 4th DCA 1984); *United Servs. Auto. Ass'n v. Kiibler*, 364 So.2d 57 (Fla. 3d DCA 1978).

92. Judge Jeffrey L. Ashton made no finding as to the reasonableness of the charges and failed to address whether hourly rates were reasonable. *Smith v. School Board of Palm Beach County*, 981 So. 2d 6 (Fla. 4th DCA 2007).

93. There was no testimony, much less expert testimony in this matter. There was no evidence and no time records.

"...we find error was committed with regard to the award of attorney's fees to the wife. The only evidence presented regarding attorney's fees was the former wife's testimony that she had agreed to pay her attorney \$75.00 per hour, and she estimated his fees would be \$4,000.00 in this case. The attorney representing the wife did not testify nor present evidence as to the number of hours spent on the case, nor was any expert witness called to testify as to the reasonableness of the fee. Cases are legion that expert testimony is required." (*Markham v. Markham*, 485 So. 2d 1299 (Fla. 5th DCA 1986).)

"An award of attorney's fees requires competent and substantial evidence. Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee." *Brewer v. Solovsky*, 945 So.2d 610, 611 (Fla. 4th DCA 2006) (citation omitted). This court has held that an attorney's time records, in their entirety, are critical to determining the propriety of the hours expended on a client's behalf. *Tucker v. Tucker*, 513 So.2d 733, 735 (Fla. 2d DCA 1987); see also *Warner v. Warner*, 692 So.2d 266, 268 (Fla. 5th DCA 1997) (holding that to establish an award of fees, a party must present evidence detailing exactly what services were performed); *Carlson v. Carlson*, 639 So.2d 1094, 1096 (Fla. 4th DCA 1994) (holding that the trial court erred in failing to make findings detailing the breakdown of reasonable hours expended among the various personnel in attorney's office)." (*Braswell v. Braswell*, 4 So. 3d 4 (Fla. 2d DCA 2009).)

94. One thing is for sure. Attorneys Wynne and Asstrin are pluckers:

"...numbers plucked from the air and standing alone will not support a fees award." (*Brake v. Murphy*, 736 So. 2d 745 (Fla. 3d DCA 1999).)

"A fee award must be supported by evidence detailing the nature and extent of the services performed and by expert testimony regarding the reasonableness of the fee." *Morton v. Heathcock*, 913 So.2d 662, 669 (Fla. 3d DCA 2005); see *Fla. Patient's Comp. Fund v. Rowe*, 472 So.2d 1145, 1150 (Fla. 1985) ("Florida courts have emphasized the importance of keeping accurate and current records of work done and time spent on a case, particularly when someone other than the client may pay the fee. To accurately

assess the labor involved, the attorney fee applicant should present records detailing the amount of work performed.”) (citations omitted); *Brewer v. Solóvsky*, 945 So.2d 610, 611 (Fla. 4th DCA 2006) (“An award of attorneys’ fees requires competent and substantial evidence. Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee.”) (citations omitted). While we recognize that where an attorney has not kept contemporaneous time records, a fee award may still be secured on a reconstruction of time expended, the reconstruction must consist of “something more than wild guesses.” *Brake v. Murphy*, 736 So.2d 745, 747 (Fla. 3d DCA 1999); see also *Cohen & Cohen, P.A. v. Angrand*, 710 So.2d 166, 168 (Fla. 3d DCA 1998) (confirming that where no time records have been kept, it is permissible for a reconstruction of the time expended may be prepared.”) (*Trumball Ins. Co v. Woltenarski*, 2 So. 3d 1050 (Fla. 3d DCA 2009).)

95. The Fourth DCA has stated that “Florida courts have required testimony by the attorney performing the services (for which the fees are sought) and testimony by an expert fees witness as to the value of those services.” (*Island Hoppers, Ltd. v. Keith*, 820 So. 2d 967 at 970 (Fla. 4th DCA 2002).

**JUDGE JEFFREY L. ASHTON HAS FALSLEY AND MALICIOUSLY  
CLAIMED HE HAS A RIGHT TO SANCTION WINDSOR  
FOR NON-PAYMENT OF ATTORNEY’S FEES**

96. Judge Jeffrey L. Ashton ordered Windsor to pay \$2,500 in attorneys’ fees and costs on 2/5/2021. The order says Windsor could be sanctioned if he doesn’t pay. [EXHIBIT 4.] The “Omnibus Order” awarded attorney’s fees and costs under Fla. R. Civ. P. 1.380, and there is no provision for further sanctions for non-payment. Upon information and belief, Judge Jeffrey L. Ashton is inventing rules and laws to further inflict his bias against Windsor.

**JUDGE JEFFREY L. ASHTON HAS THREATENED WINDSOR, PRESUMABLY  
WITH INCARCERATION, IF HE DOESN’T PAY THE ATTORNEY’S FEES**

97. Judge Jeffrey L. Ashton threatened Windsor without a legal basis. If Windsor doesn’t pay, it seems Judge Jeffrey L. Ashton is “coming after him with a big stick.”



98. There is no legal authority for Judge Jeffrey L. Ashton to structure his order with a threat, presumably the threat of jail. If Windsor gets sent to jail, he will die there.

99. This absolutely violates the Code of Judicial Conduct, and Windsor will file a Judicial Misconduct Complaint against Judge Jeffrey L. Ashton.

**JUDGE JEFFREY L. ASHTON HAD A LEGAL OBLIGATION TO REVIEW THE ORDERS OF JUDGE JOHN MARSHALL KEST, AND HE DIDN'T. IF HE WAS HONEST AND HAD DONE SO, HE WOULD HAVE REVERSED THEM ALL**

100. But he is dishonest, and he didn't.

101. Judge John Marshall Kest claimed 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. There was perjury proven! 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."

102. 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.] Judge Jeffrey L. Ashton ignored it. He claimed in his order [APPENDIX 69] that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED.

103. Judge John Marshall Kest's denial of all Objections to Boise Cascade's Answers to Interrogatories and Motion for Sanctions against Defendant, except 15 and 24, were similarly wrong. [APPENDIX 58, P. 5.] Judge Jeffrey L. Ashton ignored it. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

104. Judge John Marshall Kest claimed 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." Judge Jeffrey L. Ashton ignored it. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

105. Consider this one example in Windsor's Objections and Motion for Sanctions regarding Interrogatories: "Interrogatory Number 5: 'Describe in detail how the incident described in the Complaint happened, including all actions taken by the you to prevent the accident.' The outrageous response of Longest was: 'Defendant Longest objects to Interrogatory No. 5 as overly broad, unduly burdensome and to the extent it requests information protected from disclosure by the attorney-client work privilege and/or attorney work product doctrine.'

Windsor doesn't believe it's possible to have a much more outrageous "answer." How in God's name could an honest judge claim there is no valid legal basis to object. An honest judge cannot.

106. Judge John Marshall Kest claimed 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 that was never held. Judge John Marshall 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 John Marshall Kest is dishonest and likely corrupt. Judge Jeffrey L. Ashton ignored it. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

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

108. Orders of Judge John Marshall Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules. [APPENDIX 44, 45, 51, 53, 56, 57, 58, 62.] Judge Jeffrey L. Ashton embraced that prejudice and bias. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

109. Judge John Marshall Kest 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 John Marshall Kest did not identify these. Windsor asks this Court to review each motion to see this is false. Windsor has complied with all statutes and Rules, and his motions are legally sufficient. Judge John Marshall Kest just wrote this to inflict his prejudice against Windsor. Judge Jeffrey L. Ashton embraced this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

110. An honest judge would have stricken the pleadings of the Defendants. [APPENDIX 18, 19, 35, 36, 41, 42, 45.] Judge John Marshall Kest is not honest. Judge Jeffrey L. Ashton is not honest.

111. Judge John Marshall Kest objected to Windsor filing so many motions. The only reason Windsor has filed much of anything was the wrongdoing of the Defendants and the judges. Judge John Marshall Kest is terminally biased. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

112. Judge John Marshall Kest did nothing about the totally frivolous Defendants' motions for competency and motion to dismiss. Windsor's motion for sanctions was IGNORED. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

113. Judge John Marshall 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. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

114. Judge John Marshall 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 John Marshall Kest wants to do whatever he can to screw *Pro Se* Windsor as he retires. Windsor will file a Bar Complaint against him. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.]

115. Judge John Marshall Kest awarded attorney's fees pursuant to Florida Rules of Civil Procedure Rule 1.380 (a) (4):

"Award of Expenses of Motion. If the motion is granted and after opportunity for hearing, the court shall require the party or deponent whose conduct necessitated the motion or the party or counsel advising the conduct to pay to the moving party the reasonable expenses incurred in obtaining the order that may include attorneys' fees, unless the court finds that the movant failed to certify in the motion that a good faith effort was made to obtain the discovery without court action, that the opposition to the motion was substantially justified, or that other circumstances make an award of expenses unjust. If the motion is denied and after opportunity for hearing, the court shall require the moving party to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion that may include attorneys' fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust. If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred as a result of making the motion among the parties and persons."

116. Judge John Marshall 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 John Marshall Kest feigned ignorance. [APPENDIX 28.] Dr. Stephen Goll relied on

the notes he made while examining Windsor, and these are discoverable. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias.

[APPENDIX 69.]

117. Judge John Marshall Kest outrageously denied Windsor's Motion for Sanctions against each of the Defendants for Fraud on the Court. He 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 John Marshall Kest has been paid off by the attorneys for the Defendants to issue such outrageous orders. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. Upon information and belief, he LIED to inflict his bias. [APPENDIX 69.] The Defendants could be looking at a multi-million-dollar damage award to Windsor, and it would be less expensive to them to pay off one or both judges.

118. Judge John Marshall 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. Judge Jeffrey L. Ashton has done the same.

119. On 2/1/2021, Judge Jeffrey L. Ashton denied Windsor's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest [APPENDIX 69.] He claimed he had reviewed the file. Windsor believes this is false because no honest judge could review the file and not reconsider the outrageous orders.

120. Judge Jeffrey L. Ashton has effectively denied Windsor's rights of equal protection under the law under Article VI of the Constitution.

121. Judge Jeffrey L. Ashton'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.

122. Windsor has not received fair and impartial treatment with Judge Jeffrey L. Ashton. He is prejudiced against Windsor. There is no way Judge Jeffrey L. Ashton is an honest, impartial judge. Windsor would have been better off if Longest had come another foot into Windsor's lane after he lifted Windsor's tiny convertible off the ground. Windsor would be dead, but at least he wouldn't have to endure the intentional infliction of emotional distress.

123. 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 Jeffrey L. Ashton doesn't care about the facts and doesn't want to apply the law.

124. The United States Constitution theoretically guarantees an unbiased judge who will always provide litigants with full protection of ALL RIGHTS! Judge Jeffrey L. Ashton is biased against Windsor. He has demonstrated this again and again and again.

125. Windsor's motions, affidavits, certificates of good faith, and memorandum of authorities meet the requirements for a motion to disqualify. [APPENDIX 66, 67, 68.]

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

127. Judge Jeffrey L. Ashton 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.

**WINDSOR HAS SHOWN THAT ANY REASONABLY PRUDENT PERSON  
WOULD BE IN FEAR OF NOT RECEIVING A FAIR TRIAL  
FROM JUDGE JEFFREY L. ASHTON.**

128. There are a host of reasons why any reasonable prudent person would be in fear of not receiving a fair trial in this case.

- a. Judge Jeffrey L. Ashton had his judicial Assistant send an email with requirements to the parties prior to a hearing, and then he violated his own rules while denying Windsor the ability to present evidence and case law.
- b. Judge Jeffrey L. Ashton denied reasonable requests for a continuance.
- c. Judge Jeffrey L. Ashton ignored Windsor's hospitalization at the time of the 2/2/2021 hearing and purportedly held a hearing without him.
- d. Judge Jeffrey L. Ashton ordered \$2,500 in "sanctions" against Windsor when the appropriate amount could not have been over \$100.
- e. Judge Jeffrey L. Ashton threatened Windsor, and he had no legal basis to do so.
- f. Judge Jeffrey L. Ashton violated Florida Rules of Civil Procedure Rule 1.380 (a) (4).
- g. Judge Jeffrey L. Ashton falsely claimed he had reviewed the file in the case.
- h. Judge Jeffrey L. Ashton violated well-established law on attorney's fees.
- i. Judge Jeffrey L. Ashton has shown contempt for Windsor as a pro se party and as an activist who has exposed judicial corruption. Honest judges have praised Windsor's efforts. Dishonest judges, like Judge John Marshall Kest and Judge Jeffrey L. Ashton, do whatever they can to destroy Windsor.

129. This consideration is easy by looking at what Judge Jeffrey L. Ashton did when ignoring sanctions against the Defendants.



130. 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 John Marshall Kest and Judge Jeffrey L. Ashton with 298 causes of action for sanctions. [APPENDIX 18 and 19; APPENDIX 34 and 35; APPENDIX 41 and 42.]

131. Surely 298 violations are destined for the Guinness Book.

132. Judge John Marshall Kest denied the motions without the requested evidentiary hearing claiming they were motions for “reconsideration.” And Judge Jeffrey L. Ashton had to acknowledge this was not reconsideration, but he didn’t. [APPENDIX 45, Page 1.] On September 2, 2020, Judge John Marshall 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. And Judge Jeffrey L. Ashton made the same ruling by refusing to reconsider.

133. While this alone should be enough, Judge John Marshall Kest outrageously sanctioned Windsor. [APPENDIX 58.] There is no logical explanation for the actions of Judge John Marshall Kest. He is clearly prejudiced. He may have other problems. Judge Jeffrey L. Ashton picked up the corrupt ball and ran with it.

134. Judge Jeffrey L. Ashton held a Kangaroo Court on 2/2/2021. He held a hearing in violation of his own rules when Windsor's hospitalization prohibited him from attending.

(*Pasha v. State*, SC13-1551 (Fla. 05/11/2017).)

135. Upon information and belief, Judge Jeffrey L. Ashton is a prejudiced bully who could care less about decency, honesty, and fair treatment.

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

**PRAYER FOR RELIEF**

137. Wherefore, Windsor moves the Court to vacate the order of February 4, 2021; sanction the Defendants by striking their pleadings; recuse himself; and grant such other and further relief as is deemed just and proper.

This 14th day of February, 2021.



William M. Windsor

**VERIFICATION**

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters, I believe them to be true.

This 14th day of February, 2021,



**William M. Windsor**

**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 14th day of February, 2021.



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

# EXHIBIT

## 1

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

WILLIAM WINDSOR

Plaintiff,

vs.

Case No.: 2018-CA-010270-O

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

Defendants.

**DEFENDANTS' MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS  
PURSUANT TO OMNIBUS ORDER ON MULTIPLE MOTIONS**

COME NOW the Defendants, ROBERT KEITH LONGEST & BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, LLC, by and through their undersigned counsel, and hereby file their Motion for Award of Attorney's Fees and Costs Pursuant to Omnibus Order on Multiple Motions, and states as follows:

1. On October 10, 2020, the Court entered its *Omnibus Order on Multiple Motions* (the "Order") (Exhibit A). The Court cited several instances wherein pro se Plaintiff, William Windsor, should be assessed attorney's fees and costs.

2. First, on page five of the Order, concerning Plaintiff's *Objections (sic) to Robert Keith Longest's Answers to Interrogatories and Motion for Sanctions against Defendant Robert Keith Longest*, it was held that "the Court finds that they have not been made in good faith, finds that plaintiff has violated the rules, and should be assessed attorney's fees and costs under Fla. R. Civ. P. 1.380."

3. Second, on page six of the Order, concerning Plaintiff's *Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Defendant Robert Keith Longest*, it was held that "The Court finds there was not a valid basis to assert this motion, and the attorney's fees may be appropriate which will be addressed at a subsequent time."

4. Third, also on page six of the Order, concerning Plaintiff's *Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Defendant Boise Cascade*, it was held that "The Court finds there was not a valid basis to assert this motion, and the attorney's fees may be appropriate which will be addressed at a subsequent time."

5. Fourth, on page seven of the Order, concerning Plaintiff's *Motion for Sanctions to Strike the Answer of Boise Cascade Building Materials Distribution, L.L.C.; Motion for Sanctions to Strike the Answer of Defendant Robert Keith Longest Motion for Fraud on the Court; and Motion for Sanctions for Violations of the Rules and Motion for Evidentiary Hearing*, it was held that "The Court reserves on the appropriateness of imposition of fees under both the discovery rules and Fla. Stat. §57.105."

6. In the preceding examples, Plaintiff's litigation conduct prompted the Court to state attorney's fees and costs may be appropriate in no less than four instances. To that end, Defendants respectfully request an award of the reasonable attorney's fees and costs incurred by Defendants in connection with the above-reference filings by Plaintiff, including the time for reviewing, responding, and/or participating in hearings on the same.

7. Defendants will present supplemental materials regarding the calculation of reasonable attorney's fees and costs, together with any necessary supporting documentation, in advance of a hearing on the present Motion, which will be set at the next available date.

WHEREFORE, Defendants, ROBERT KEITH LONGEST & BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, LLC, respectfully request this Honorable Court enter an Order granting the present Motion for Award of Attorney's Fees and Costs Pursuant to Omnibus Order, and imposing sanctions as set forth therein, and for such other relief as the Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 24th day of November, 2020, to: William Windsor, billwindsor1@outlook.com and bill@billwindsor.com (Plaintiff Pro Se).

ISI Scott L. Astrin

SCOTT L. ASTRIN  
Florida Bar Number 0084557

ISI David I. Wynne, Jr.

DAVID I. WYNNE, JR.  
Florida Bar Number 326290

Law Offices of Scott L. Astrin  
Staff Attorneys for AIG  
100 N. Tampa Street, Suite 2605  
Tampa, FL 33602  
Phone: 813-218-3110  
Fax: 813-649-8362

Primary Email: tampapleadings@aig.com  
Secondary Email: scott.astrin@aig.com;  
anandini.maharaj@aig.com; david.wynne@aig.com  
Attorney for Defendants

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

CASE NUMBER: 2018 CA 010270-D

WILLIAM WINDSOR

Plaintiff(s)

vs.

ROBERT KEITH LONGEST

Defendant(s)

**OMNIBUS ORDER ON MULTIPLE MOTIONS**

Plaintiff addressed two letters to the Court dated August 25, and August 29, 2020, which listed multiple hearings on motions that he has filed and now asks that they be set for hearings.

Many matters can be addressed without hearings and most do not require an evidentiary hearing.

The Court will address those mentioned in the correspondence and that remain outstanding.

Plaintiff's Third Amended Motion for Leave to File an Amended Complaint dated

August 19, 2020. This motion is GRANTED and is deemed filed as of the date of this order.

The defendant shall respond within 20 days. As this is the third amended complaint on a case

that is over two years old, this will be last time the complaint may be amended without showing

good cause.

**EXHIBIT A**

The Court has recently taken over this case, as the prior judge has recused herself.

The pro se plaintiff is a prolific filer of motions. Many are repetitive, not based on statutory or Florida case law, and some are not legally sufficient. Others are improperly titled, but are treated by the Court as if they are proper in light of his pro se status. In many instances the Plaintiff is filing three to five motions each day on consecutive days. For example in the last two months (August and September) the Plaintiff has filed 54 motions and other filings with the Court. The volume of filings is affecting the efficient administration of justice and preventing this Court from addressing other pending cases.



Defendant's Motion as to Competency determination, and Plaintiff's ability to proceed  
pro se, and requirement that defense counsel adhere to the Florida Bar Rules. This motion has  
already been heard and an ORDER was ENTERED on October 1, 2020.

Plaintiff's Motion to Strike and Motion for Sanctions on Defendant's Motion to Dismiss  
filed on 8/25/2020 is DENIED; a hearing is not necessary.

Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions filed on  
8/4/20 is DENIED; a hearing is not necessary.

Plaintiff's Motion to Find Defendant BOISE CASCADE BUILDING MATERIALS  
DISTRIBUTION, L.L.C. IN CONTEMPT was filed on 8/4/2020. The motion is DENIED; a  
hearing was not necessary.

Plaintiff's Motion to Compel Defendant Longest to Produce Documents pursuant to Fla.  
R. Civ. P. §1.380 was filed on 8/4/20. A hearing is unnecessary. The Court reviewed the each of  
the Requests to Produce and the responses and objections thereto. The Objections are sustained,  
and the Motion to Compel is DENIED.

Plaintiff's Motion to Compel Defendant Boise Cascade to Produce Documents and for  
Sanctions was filed on 8/4/20. A hearing is unnecessary. The Court reviewed the each of the  
Requests to Produce and the responses and objections thereto. The Objections are sustained, and  
the Motion to Compel and for Sanctions is DENIED.

Plaintiff's Motion to Compel Depositions was filed on 8/4/2020. Plaintiff represents that  
he has attempted to coordinate deposition dates with defense counsel of certain employees.  
These employees are: Wayne Lester, Chris Johnson, Chris Mello, Scott Astrin and David I  
Wynne. Plaintiff has a right to depose these witnesses. For those who are still employees of the  
Defendant's company, counsel for the defendant should make them available. For those who are

no longer employees, counsel is not obligated to make them available, but must disclose their last known address for service of subpoenas. Each deposition may last no longer than one (1) hour. Depositions must be taken remotely pursuant to the Florida Supreme Court Administrative Orders unless the courts have moved to Phase IV wherein in person appearances would be permitted. For witnesses who will not be voluntarily produced, the plaintiff will have to work with the clerk of court to obtain subpoenas and serve the witnesses. Counsel should confer and coordinate the times for the depositions. A reasonable time to schedule a deposition would be within four weeks of the request. Should counsel and *pro se* not agree on dates, the parties should appear in front of the Court at *ex parte* hearing within 3 or 4 days of the impasse and the Court will set the date, without consideration of either parties calendars or conflicts. Therefore, the motion to compel is GRANTED.

Plaintiff's Motion to Compel Subpoena for Documents from Dr. Stephen Goll, pursuant to Fla. R. Civ. P. 1.351 was filed on 8/4/2020. Dr. Goll is a medical doctor who apparently did not provide treatment for this accident. The Court presumes he performed an examination pursuant to Fla. R. Civ. P. 1.360 known as a compulsory medical evaluation. Pursuant to the rule, the party who was examined is entitled to a copy of report that was made by the doctor. The party examined also may take the deposition of the doctor, but as an expert witness, the examining doctor would be entitled to a reasonable fee for his time. Fla. R. Civ. P. 1.390. The rule does not require anything other than the report and test results to be produced. Notes in the doctors file would not be discoverable unless the doctor relied on those notes in formulating his opinion. Further, items provided to the examining physician may, or may not, be discoverable as they may be work product. Lastly, if there is an objection to production under rule 1.351,

<sup>2</sup> AOSC70-23, Amendment 5 as well has footnotes 1 & 2



generally discovery must be made by deposition pursuant to 1.350. Therefore, without more information, the Court is not able to compel a non-party who is, in this case a non-party pursuant to Rule 1.360, to comply with a request under Rule 1.351. Therefore, the Motion is DENIED.

Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Boise Cascade Building Materials, L.L.C. for Fraud on the Court was filed 8/24/2020.

This Court has reviewed the motion referred to herein. It has reviewed the court file, the filings and responses, as well as the case law. Having considered all the matters, this Court adopts the prior findings and finds no basis to change the Court's rulings. The Court further finds, assuming the Plaintiff's representations are accurate, that the motion does not state a sufficient basis to warrant an evidentiary hearing. The motion is DENIED.

Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Robert Keith Longest for Fraud on the Court was filed 8/24/2020. This Court has

reviewed the motion referred to herein. It has reviewed the court file, the filings and responses, as well as the case law. Having considered all the matters, this Court adopts the prior findings and finds no basis to change the Court's rulings. The Court further finds, assuming the Plaintiff's representations are accurate, that the motion does not state a sufficient basis to warrant an evidentiary hearing. The motion is DENIED.

Plaintiff's Objections (sic) to Robert Keith Longest's Answers to Interrogatories and Motion for Sanctions against Defendant Robert Keith Longest was filed on 6/24/2020. The

Court has reviewed the interrogatories and the responses thereto as well as the objections. The objections, set forth by the defendants, are SUSTAINED. The answers to the interrogatories appear to reasonably respond to the questions posed. While the Court understands that the Plaintiff is *pro se*, he is bound by the rules of procedure and the evidence code. The plaintiff is

attempting to utilize the Florida Rules of Civil Procedure in a manner that would not be countermanded by a court when asserted by an attorney. His citation to rule sections and provisions suggest he has read the rules and should be familiar with them. Since this motion, or "Objections," as noted by the Plaintiff, are inappropriate and insupportable, the Court finds that they have not been made in good faith, finds that plaintiff has violated the rules, and should be ~~sanctioned~~ ~~sanctions~~ ~~under Fla. R. Civ. P. 1.380~~. Therefore, the "Objections" asserted by the plaintiff are OVERRULED, the Motion for Sanctions requested by the plaintiff is DENIED. Sanctions are appropriate to be imposed upon the plaintiff under Fla. R. Civ. P. §1.380. The amount will be determined at a separate evidentiary hearing.

Plaintiff's Objections (sic) to Boise Cascade's Answers to Interrogatories and Motion for Sanctions against Defendant Boise Cascade filed on 6/24/2020. The Court has reviewed the interrogatories and the responses thereto as well as the objections lodged by the Defendants. Most objections are SUSTAINED and the vast majority of the responses are responsive. However, as to interrogatory #15, the objections is OVERRULED, the response following indicating "none" will be considered the answer. This interrogatory was presented to Boise, and is not subject to an objection by Longest. Interrogatory #24 was answered by a reference to a document, but plaintiff indicated that the document was not produced. The DOCUMENT MUST BE PRODUCED to be responsive. All other asserted objections by defendant are sustained. The Plaintiff "Objections" are OVERRULED except as hereinbefore noted.

Plaintiff's Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Defendant Robert Keith Longest was filed 6/24/2020. The Court has reviewed the motion, the request for admissions #13, 16, 17, 18, 19, & 20, the ones challenged by the Plaintiff. The plaintiff has asserted no valid legal basis to object to the responses to these



requests for admission. The fact that the plaintiff disagrees with them, considers them incorrect, or even fraudulent, is not a legal basis to bring this matter before the Court. The Plaintiff, albeit a *pro se*, is using the rules of procedure as a weapon, and cannot then seek protection from sanctions claiming he is a *pro se* litigant and not a lawyer. The Court<sup>4</sup> and opposing counsel has had to consider these motions to determine the sufficiency of these responses. Therefore, the Motion to Determine Sufficiency of the Answers is DENIED as the answers are deemed responsive. The Court finds there was not a valid basis to assert this motion, and the attorney's [REDACTED] which will be addressed at a subsequent time.

Plaintiff's Motion to Determine the Sufficiency of the Answers to Requests for Admissions to Defendant Boise Cascade was filed 6/24/2020. The motion is almost identical to the above motion as to Robert Keith Longest. The Court has reviewed the motion, the request for admissions #13, 16, 17, 18, 19, & 20, the ones challenged by the Plaintiff. These are the same requested admissions as the ones challenged regarding Longest. The plaintiff has asserted no valid legal basis to object to the responses to these requests for admission. The fact that the plaintiff disagrees with them, considers them incorrect or even fraudulent is not a legal basis to bring this matter before the court. The Plaintiff, albeit a *pro se*, is using the rules of procedure as a weapon and cannot then seek protection from sanctions claiming he is a *pro se* litigant and not a lawyer. The Court and opposing counsel has had to consider these Motions to Determine the Sufficiency of these responses. Therefore, the Motion to Determine Sufficiency of the Answers is DENIED as the answers are deemed responsive. The Court finds there was not a valid basis to assert this motion, and the attorney's fees may be appropriate which will be addressed at a subsequent time.

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<sup>4</sup>In fact, this Court is expending hours on these motions in light of the two letters noted in the introductory paragraph, requesting that these matters be ruled upon by the Court.

Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade Building

Materials Distribution, L.L.C.; 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 were filed on 8/29/2020.<sup>5</sup> The filing is 101 pages in length.

It accuses the parties, and the attorneys, of lying without any proof thereof. It alleges ethical violations against opposing counsel, and it asserts that if the plaintiff believes a matter is true, it must be, and everybody else is intentionally misrepresenting themselves to the Court. It alleges,

amongst many other things that by filing an answer to the complaint denying allegations, the parties and their counsel are committing fraud upon the Court. A reading of the Motion coupled

with the case law, demonstrates that motion is legally insufficient. There is no legal basis to

Strike the Answer of Boise Cascade or of Robert Keith Longest. There is no basis to hold a

hearing on a Motion for Fraud on the Court as the facts, even if true, could not establish fraud.

There is no basis for the Court to sanction opposing counsel for violations of the 13 subsections

of the Rules Regulating the Florida Bar, the four Rules of Civil Procedure, the two Rules of

Judicial Administration, nor the criminal statute cited.<sup>6</sup> Accordingly, the Court finds that

evidentiary hearings are NOT WARRANTED, the Motion for Sanctions to Strike the Answer of

Boise Cascade Building Materials Distribution, L.L.C. and of Robert Keith Longest are

DENIED, the Motion for Fraud on the Court are DENIED, and the Motion for Sanctions for

Violation of the Rules is DENIED. The Court reserves on the appropriateness of imposition of

sanctions for discovery rules and Fla. Stat. §57.103.

<sup>5</sup> These were two separate motions filed on the same date, and while combined in this order, they have been reviewed separately.

<sup>6</sup> The plaintiff suggests that he would need 4 to 8 hours to have his motions for fraud heard. Letter from Plaintiff Aug. 29, 2020.



Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Motion to Exceed 30 Interrogatories and 30 Requests for Admission was filed 8/22/2020. This issue is MOOT and, therefore, will not be addressed, as the judge that entered the referenced order has moved off this case. The orders have been entered and stand as they were entered.

Plaintiff's Request for Findings of Fact and Conclusions of Law on various orders was filed on both 8/19/2020 and 8/22/2020. The requests are DENIED. This Court reviews all submittals and conducts hearings where necessary. In certain matters, the Court will draft a detailed order such as after a non-jury trial or a complicated evidentiary hearing. Many times the Court will announce its ruling, the reasons therefore on the record. In most matters, the Court does not have the resources nor time to draft detailed written orders on every motion. If the Court were to attempt to issue a written order on each case, the docket would come to halt.

**DONE AND ORDERED** on this 20th day of October, 2020.

  
John Marshall Kest  
Circuit Judge

**CERTIFICATE OF SERVICE**

**THEREBY CERTIFY** that the foregoing was filed with the Clerk of the Court this 20th day of October, 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

For the edification of the pro se litigant in this case, while each case is important to the Court, Division 37 has 3228 cases on its civil docket of which this case is but one.

of Portal System

*Oran L. Linn*

Judicial Assistant to Judge John Marshall Keast





# EXHIBIT

## 2

**Re: DIV 37 POLICIES AND PROCEDURES (revised 01/03/21)**

William Michael Windsor <billwindsor1@outlook.com>

Wed 1/27/2021 7:59 PM

To: Davis, Keitra <ctjakd3@ocnjcc.org>

Cc: Wynne, David <David.Wynne@AIG.com>; Astrin, Scott <Scott.Astrin@AIG.com>; Christopher, Emily <Emily.Christopher@aig.com>; tampapleadings@aig.com <tampapleadings@aig.com>

Thank you, Ms. Davis. I just received your email at 7:52 pm. I was unaware that you were handling this until I checked Judge Ashton's page online. I was unaware of the judge's policies and procedures.

I have not provided Hearing notebooks, memorandums, and case law. It is past 5 business days, so the hearing will need to be rescheduled. I have just filed a motion for a stay or continuance, but this adds another reason.

Thank you. Please stay safe.

**William Michael Windsor**  
billwindsor1@outlook.com

---

**From:** Davis, Keitra <ctjakd3@ocnjcc.org>

**Sent:** Wednesday, January 27, 2021 7:52 PM

**To:** William Michael Windsor <billwindsor1@outlook.com>

**Subject:** DIV 37 POLICIES AND PROCEDURES (revised 01/03/21)

Hello,

Judge Jeffrey L. Ashton has been assigned to Circuit Civil - Division 37. Please be informed that our office operates primarily through emails. Many questions can be answered by reviewing Judge Ashton's procedures for court proceedings. Please read the Guidelines and Procedures for Division 37 on the Court's website at [www.ninthcircuit.org](http://www.ninthcircuit.org), including the Judicial Automated Calendaring System (JACS).

Our office is currently receiving a high volume of general inquiry emails and hearing requests. I will respond to your email as soon as possible. In an effort to balance both email reviews and other essential duties within the division, I will respond to general inquiries as soon as possible. Hearing requests will be addressed in the order that they are received, within three business days of receipt. Please allow me that time to adequately process and respond to your request; as such, please refrain from "following-up" by email or phone during this timeframe.

Any case related issues, including proposed orders or request for hearing time, must be sent to the following email address: [37orange@ninthcircuit.org](mailto:37orange@ninthcircuit.org). Always copy the opposing counsel/pro se litigant on all emails to the Court or your email will be deleted.

Please note that if you are submitting documentation for Ex-Parte/Short Matters and it is less than five (5) business day before your hearing, you will need to reset your hearing for another date as the documentation has not been timely submitted, per Division 37 Policies and Procedures.

Once a regular hearing is set, furnish a copy of your motion and notice of hearing to the Judge by mail or hand delivery. Hearing notebooks, memorandums, and case law must be provided at least five (5) business days prior to the hearing.

Our office appreciates your patience.

Thank you for your email and stay safe.

## DIV 37 POLICIES AND PROCEDURES (revised 01/03/21)

Davis, Keitra <ctjakd3@ocnjcc.org>

Wed 1/27/2021 7:59 PM

To: William Michael Windsor <billwindsor1@outlook.com>

Hello,

Judge Jeffrey L. Ashton has been assigned to Circuit Civil - Division 37. Please be informed that our office operates primarily through emails. Many questions can be answered by reviewing Judge Ashton's procedures for court proceedings. Please read the Guidelines and Procedures for Division 37 on the Court's website at [www.ninthcircuit.org](http://www.ninthcircuit.org), including the Judicial Automated Calendaring System (JACS).

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Once a regular hearing is set, furnish a copy of your motion and notice of hearing to the Judge by mail or hand delivery. Hearing notebooks, memorandums, and case law must be provided at least five (5) business days prior to the hearing. Our office appreciates your patience.

Thank you for your email and stay safe.

# EXHIBIT

# 3

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

Case number: 2018-CA-010270-O  
DEFENDANTS' MOTION FOR  
AWARD OF ATTORNEY'S FEES  
AND COSTS PURSUANT TO  
OMNIBUS ORDER ON  
MULTIPLE MOTIONS

**COURT MINUTES**

COURT OPENED 11:03 AM on 2nd day of February, 2021 in Hearing Room 1100.01  
This case came on this day for Motion  
Honorable Ashton, Jeffrey L , presiding

William Windsor

---

Petitioner / Plaintiff

VS.

Robert Keith Longest; Boise Cascade Building Materials Distribution Llc

---

Respondent / Defendant

**Parties Present:**

ASTRIN, SCOTT L, Esquire	Attorney
WYNNE, DAVID IRWIN, JR, Esquire	Attorney

- Court reporter: n/a

Court Deputy: Y. Ynoa

Hearing held via: Microsoft Teams.

The Plaintiff failed to appear.

Court's Ruling: The Court finds the fee of \$2500 to be reasonable and grants Defendants' Motion for Award of Attorney's Fees and Costs Pursuant to the Omnibus Order on Multiple Motions filed November 24, 2020. The Court orders the Plaintiff to pay within

60 days from entry of the order by certified check or money order. Violation of this order may result in additional sanctions. Counsel shall prepare an order.

COURT RECESSED at 11:18 AM on this the 2nd day of February, 2021, subject to call.

Filed in Open Court on 02/02/2021

Deputy Clerk in Attendance: s/Lajuan R.

Office of Tiffany M. Russell, Orange County Clerk of the Circuit and County Courts

# EXHIBIT

## 4



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

WILLIAM WINDSOR  
Plaintiff,

vs.

Case No.: 2018-CA-010270-0

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

**ORDER GRANTING DEFENDANTS' MOTION FOR ATTORNEY'S FEES AND  
COSTS PURSUANT TO OMNIBUS ORDER ON MULTIPLE MOTIONS**

THIS CAUSE having come before the Court on Defendants' Motion for Attorney's Fees and Costs Pursuant to the Omnibus Order on Multiple Motions, and the Court having conducted a hearing on February 2, 2021, and being otherwise fully advised in the premises, after consideration of oral argument and review of evidence, it is here by ORDERD and ADJUDGED said Motion is GRANTED as follows:

Defendants are awarded fees and costs in the amount of \$2,500.00 (Two Thousand Five Hundred Dollars and 00/100 cents).

Plaintiff, William Windsor, shall obtain a Certified Check or Money Order, made payable to National Union Fire Insurance Company of Pittsburg, PA, to be mailed to the Law Office of Scott L. Astrin, 100 N. Tampa Street, Suite 2605, Tampa, FL 33602, within sixty (60) days from entry of this Order. Failure to comply could result in additional sanctions with the Court reserving jurisdiction to consider them.

**DONE AND ORDERED** in Chambers at the Orange County Courthouse, Orlando, Florida

this 4<sup>th</sup> 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

# 17

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 PETITION FOR WRIT OF PROHIBITION**

COMES NOW the Plaintiff, William M. Windsor ("Windsor" or "Plaintiff") and files  
this Notice of Filing Petition for Writ of Prohibition, attached hereto.

This 15th day of February, 2021.



---

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

**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 15th day of February, 2021.



---

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

CASE NO. \_\_\_\_\_

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

\_\_\_\_\_  
CASE NO. 2018-CA-010270-O

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

**David I. Wynne and Scotty Astrin**  
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david.wynne@aig.com, tampapleadings@aig.com,  
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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 Judge Jeffrey L. Ashton, 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.

2. 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, honest judge to reconsider the orders of Judge John Marshall Kest, Judge Lisa T. Munyon, and Judge Jeffrey L. Ashton.

3. This Petition follows the denial of a timely-filed motion to disqualify [APPENDIX 66] in which Windsor established that he has an objectively reasonable fear that he has not received a fair trial from Judge Jeffrey L. Ashton, and the prejudice of Judge Jeffrey L. Ashton assures this case will move forward with the unfair and unlawful orders of Judge John Marshall Kest.

4. 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

5. 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).

6. 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

7. The nature of the relief sought in this Petition is a Writ of Prohibition precluding Judge Jeffrey L. Ashton 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, Judge Lisa T. Munyon, and Judge Jeffrey L. Ashton.

### STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

8. 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.

Windsor is in constant pain. He can barely walk. He has fallen many times. He uses a cane. He can barely sleep and never more than a few hours at a time. Windsor's only hope for some relief will come from this lawsuit as his personal insurance coverage ran out long ago. Windsor's quality of life was ruined by the Defendants.

9. 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.

10. 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.]

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

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

13. 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.

14. 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.

15. 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.

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

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

18. 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.]

19. 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.]

20. 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.]

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

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

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

24. 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.]

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

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

27. Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions was filed 8/4/2020. [APPENDIX 23.] It was ignored by Judge Lisa T. Munyon and Judge John Marshall Kest.

28. 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.]

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

30. 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.]

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

32. 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.]

33. Defendants' Comprehensive Motion for Protective Order on All Discovery Pending Determination of Competency and Dismissal was filed 8/4/2020. [APPENDIX 29.] There was no legal basis whatsoever for the motion to dismiss. The Defendants filed it to defame Windsor with the Court and to make sure Judge John Marshall Kest was aware that Windsor had been a leading activist on judicial corruption. This established extrajudicial bias against Windsor, someone who would fight dishonest and corrupt judges until the cows come home.

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

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

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

37. 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.]

38. 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.]

39. 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.]

40. 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.]

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

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

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

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

45. Plaintiff sent a letter to Judge John Marshall 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.

46. Plaintiff's Motion for Sanctions to Strike the Answer of Robert Keith 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.]

47. 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.]

48. Plaintiff sent a letter to Judge John Marshall 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.

49. Judge John Marshall 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.]

50. 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.”

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

52. 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.]

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

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

55. On 9/21/2020, David Wynne filed a document titled “Defendants’ Response to *PRO-SE* Plaintiff’s Motions for Reconsideration.” [APPENDIX 47.]

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

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

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



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

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

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

62. Plaintiff's Motion for Reconsideration of Orders of Judge Lisa T. Munyon was filed on 9/29/2020. [APPENDIX 55.]

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

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

65. Orders on Multiple Motions were filed 10/20/2020. [APPENDIX 58.] The "Omnibus Order" awarded attorney's fees and costs under Fla. R. Civ. P. 1.380.

66. Judge John Marshall Kest repeatedly said pro se Windsor was subject to the Florida Bar Rules of Professional Conduct, but he is not. The Rules are very clear: attorneys.

67. Judge John Marshall Kest placed a one-hour limit on Windsor's depositions. There was no explanation for this, and certainly no basis.

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

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

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

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

72. Plaintiff's Petition for Writ of Prohibition was filed with this Court against Judge John Marshall Kest on 12/21/2020, referenced and incorporated herein.

73. This Court denied that Petition on 1/29/2021, referenced and incorporated herein.

74. The Plaintiff filed an Amended Motion for Reconsideration of Orders of Judge John Marshall Kest in the District Court at 3:34 p.m. on 1/31/2021. [APPENDIX 64.]

75. Judge Jeffrey L. Ashton denied the Plaintiff's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest in the District Court at 10:13 a.m. on 2/1/2021. [APPENDIX 65.] Evelyn Wood in her prime could not have read the documents in three-hours-and-thirty-nine-minutes.

76. The Plaintiff filed a Motion to Disqualify Judge Jeffrey L. Ashton on 2/1/2021 in the District Court. [APPENDIX 66.] It included William M. Windsor's Affidavit of Prejudice of Judge Jeffrey L. Ashton [APPENDIX 67] and a Certificate of Good Faith [APPENDIX 68].

77. Judge Jeffrey L. Ashton denied the Plaintiff's Motion to Disqualify Judge Jeffrey L. Ashton on 2/2/2021 in the District Court. [APPENDIX 69.]

78. On 1/27/2021, Windsor filed an Emergency Motion for Stay and/or Continuance until the Fifth District ruled on the Petition for Writ of Prohibition. [APPENDIX 70.]

79. On 1/28/2021, Judge Jeffrey L. Ashton denied Windsor's Emergency Motion for Stay and/or Continuance claiming it was moot, which it was not. [APPENDIX 71.] Judge Jeffrey L. Ashton either didn't read Windsor's Petition or didn't care, or both.

80. On 1/27/2021, Judge Jeffrey L. Ashton's Judicial Assistant, Keitra Davis, emailed Windsor for the first time to introduce herself. She stated that "Hearing Notebooks, memorandums, and case law must be provided at least five (5) business days prior to the hearing." The hearing was only four (4) business days away, so Windsor requested that the 2/2/2021 hearing be reset for another date as the documentation could not be timely submitted. This was indicated as the necessary procedure in the email from Keitra Davis. There was no response to this Request or Windsor's emails. Windsor filed a Request for Cancellation of Hearing. [APPENDIX 72.]

81. On 1/28/2021, Windsor filed a Motion for Reconsideration of the Plaintiff's Emergency Motion for Stay and/or Continuance. [APPENDIX 73.] There was no response to this Motion or Windsor's emails.

82. On 1/30/2021, Windsor filed a Second Emergency Motion for Stay and/or Continuance. [APPENDIX 74.] Windsor presented some medical history regarding his eyes and explained that he was seeing ghosts, perhaps caused by his vaccination for COVID-19 or by a detached retina. Windsor spent all day on 2/2/2021 with doctors, and he was unable to attend the hearing. Eight hours were spent while admitted to Advent Health Waterman in Tavares, Florida. The doctors did not find a detached retina or anything wrong with Windsor's eyes except significantly elevated pressure on the optic nerve from Glaucoma. Windsor then spent an hour on the phone with Moderna to explain what had happened. It seems "hallucinations" can be a COVID-19 side effect.

83. On 2/1/2021, Judge Jeffrey L. Ashton denied the motion for stay without explanation. [APPENDIX 75.]

84. On 2/2/2021, Judge Jeffrey L. Ashton purportedly conducted a hearing without Windsor. [APPENDIX 77.] Windsor was denied the opportunity to defend himself and to show that the attorneys for the Defendants had likely committed fraud upon the court with their outrageous request for attorney's fees. Windsor was denied the right to examine the attorneys for the Defendants, and he was denied the right to question the fantasy of the billing records. The "Minutes" indicate that there was no testimony, and there was no evidence presented. Attorney Asstrin filed an affidavit claiming his request for \$2,500 was due to time expended to prepare responsive pleadings to address each motion filed by the Plaintiff. He said "numerous motions." But Judge John Marshall Kest only awarded attorney's fees on two motions to compel. Judge Jeffrey L. Ashton allowed Asstrin to inflate the bill, and he did not have to provide any proof.

85. Windsor filed a Motion for Issuance of a Written Opinion, Rehearing, and for Rehearing En Banc with this Court (regarding Judge John Marshall Kest) on 2/10/2021, referenced and incorporated herein.

#### REASONS WHY THE WRIT SHOULD ISSUE

86. 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 66.] [APPENDIX 67.]

87. Judge John Marshall Kest **WRONGFULLY** ordered attorneys' fees against Windsor for filing his Objections to Robert Keith Longest's Answers to Interrogatories and Motion for Sanctions against Defendant Robert Keith Longest, and Judge Jeffrey L. Ashton ignored this while falsely claiming he had reviewed the documents. [APPENDIX 69.] No honest

judge would say Windsor did anything wrong. Just two extremely dishonest judges – Judge John Marshall Kest and Judge Jeffrey L. Ashton.

88. Judge John Marshall Kest claimed, 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 John Marshall Kest let him get away with it and has sanctioned Windsor. Judge Jeffrey L. Ashton ignored all of this. [APPENDIX 69.]

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

90. 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 John Marshall Kest's order violates the law. [APPENDIX 58, Page 5.] Judge John Marshall 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 John Marshall Kest lied to inflict his prejudice, and then Judge Jeffrey L. Ashton continued that lie. [APPENDIX 65.] THERE IS ABSOLUTELY NO BASIS FOR THIS COURT TO CLAIM THAT WINDSOR VILLATED ANYTHING IN HIS OBJECTIONS AND MOTION FOR SANCTIONS. The actions of Judge John Marshall Kest and Judge Jeffrey L. Ashton should be considered crimes. Windsor will study the RICO Statutes, as this certainly seems to be organized crime at work.

91. Judge Jeffrey L. Ashton has never met or spoken with Windsor so his bias and prejudice must be extrajudicial. Judge Jeffrey L. Ashton seems to hate Windsor because he is pro se, has been an activist working to expose judicial corruption, and because Judge John Marshall Kest hated him for the same reasons and wanted to protect the Defendants from having their pleadings stricken. The sleazy attorneys for the Defendants filed a motion to dismiss based upon a void order. This required Windsor to file evidence in that regard which brought to light his efforts as a champion against judicial corruption. This seemed to get the goat of corrupt Judge John Marshall Kest, so he set out to devastate Windsor in this case.

92. While Windsor has not been working on judicial corruption for several years, he was regarded as the leading authority in America on judicial corruption. Windsor's experiences

with corrupt judges in Florida have renewed his pledge to expose as much judicial corruption as possible. Windsor has published very popular articles about the various ways in which judges commit their wrongdoing. See

[http://lawlessamerica.com/index.php?option=com\\_content&view=article&id=58:how-judges-break-the-law&catid=121&Itemid=222](http://lawlessamerica.com/index.php?option=com_content&view=article&id=58:how-judges-break-the-law&catid=121&Itemid=222) and

[http://lawlessamerica.com/index.php?option=com\\_content&view=article&id=793:how-judges-violate-the-code-of-judicial-conduct-commit-fraud-upon-the-court-and-commit-crimes-against-parties&catid=43&Itemid=222](http://lawlessamerica.com/index.php?option=com_content&view=article&id=793:how-judges-violate-the-code-of-judicial-conduct-commit-fraud-upon-the-court-and-commit-crimes-against-parties&catid=43&Itemid=222) and

[http://lawlessamerica.com/index.php?option=com\\_content&view=article&id=2001:how-to-fight-judicial-corruption-know-how-judges-commit-crimes-2&catid=135&Itemid=216](http://lawlessamerica.com/index.php?option=com_content&view=article&id=2001:how-to-fight-judicial-corruption-know-how-judges-commit-crimes-2&catid=135&Itemid=216) and

[http://lawlessamerica.com/index.php?option=com\\_content&view=article&id=479:eleventh-circuit-judges-demonstrate-how-they-commit-crimes&catid=120&Itemid=222](http://lawlessamerica.com/index.php?option=com_content&view=article&id=479:eleventh-circuit-judges-demonstrate-how-they-commit-crimes&catid=120&Itemid=222). Windsor

traveled to all 50 states and interviewed thousands of alleged victims. He published over 2,000 videos -- <https://www.youtube.com/c/lawlessamericamovie>. His website has thousands of stories -- [www.LawlessAmerica.com](http://www.LawlessAmerica.com), and he had over 50,000 followers on his Facebook Page until Facebook removed it without explanation.

93. Judge John Marshall Kest claimed 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. There was perjury proven! 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.”

94. 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.] Judge Jeffrey L. Ashton ignored it. He claimed in his order [APPENDIX 69] that he had reviewed the file, but in a few hours, that was physically impossible. He LIED.

95. Judge John Marshall Kest’s denial of all Objections to Boise Cascade’s Answers to Interrogatories and Motion for Sanctions against Defendant, except 15 and 24, were similarly wrong. [APPENDIX 58, P. 5.] Judge Jeffrey L. Ashton ignored it. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

96. Judge John Marshall Kest claimed 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.” Judge Jeffrey L. Ashton ignored it. He claimed in his



order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

97. Consider this one example in Windsor's Objections and Motion for Sanctions regarding Interrogatories: "Interrogatory Number 5: 'Describe in detail how the incident described in the Complaint happened, including all actions taken by the you to prevent the accident.' The outrageous response of Longest was: 'Defendant Longest objects to Interrogatory No. 5 as overly broad, unduly burdensome and to the extent it requests information protected from disclosure by the attorney-client work privilege and/or attorney work product doctrine.' Windsor doesn't believe it's possible to have a much more outrageous "answer." How in God's name could an honest judge claim there is no valid legal basis to object. An honest judge cannot.

98. Judge John Marshall Kest claimed 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 that was never held. Judge John Marshall 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 John Marshall Kest is dishonest and likely corrupt. Judge Jeffrey L. Ashton ignored it. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

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

100. Orders of Judge John Marshall Kest demonstrate significant prejudice and bias, and he has ignored the law and the rules. [APPENDIX 44, 45, 51, 53, 56, 57, 58, 62.] Judge Jeffrey L. Ashton embraced that prejudice and bias. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

101. Judge John Marshall Kest 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 John Marshall Kest did not identify these. Windsor asks this Court to review each motion to see this is false. Windsor has complied with all statutes and Rules, and his motions are legally sufficient. Judge John Marshall Kest just wrote this to inflict his prejudice against Windsor. Judge Jeffrey L. Ashton embraced this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

102. An honest judge would have stricken the pleadings of the Defendants. [APPENDIX 18, 19, 35, 36, 41, 42, 45.] Judge John Marshall Kest is not honest. Judge Jeffrey L. Ashton is not honest.

103. Judge John Marshall Kest objected to Windsor filing so many motions. The only reason Windsor has filed much of anything was the wrongdoing of the Defendants and the judges. Judge John Marshall Kest is terminally biased. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

104. Judge John Marshall Kest did nothing about the totally frivolous Defendants' motions for competency and motion to dismiss. Windsor's motion for sanctions was IGNORED. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

105. Judge John Marshall 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. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

106. Judge John Marshall 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 John Marshall Kest wants to do whatever he can to screw *Pro Se* Windsor as he retires. Windsor will file a Bar Complaint against him. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

107. Judge John Marshall Kest awarded attorney's fees pursuant to Florida Rules of Civil Procedure Rule 1.380 (a) (4):

"Award of Expenses of Motion. If the motion is granted and after opportunity for hearing, the court shall require the party or deponent whose conduct necessitated the motion or the party or counsel advising the conduct to pay to the moving party the reasonable expenses incurred in obtaining the order that may include attorneys' fees, unless the court finds that the movant failed to certify in the motion that a good faith effort was made to obtain the discovery without court action; that the opposition to the motion was substantially justified, or that other circumstances make an award of expenses unjust. If the motion is denied and after opportunity for hearing, the court shall require the moving party to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion that may include attorneys' fees,

unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust. If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred as a result of making the motion among the parties and persons."

108. Windsor was denied a hearing by Judge Jeffrey L. Ashton, in violation of Procedure Rule 1.380 (a) (4). Judge Jeffrey L. Ashton also failed to make a finding as to the reasonable expenses incurred in opposing the motion, a clear requirement of this Rule.

[APPENDIX 76.] But hey, he's a judge, so he apparently doesn't have to adhere to the rules or the law.

109. Judge John Marshall 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 John Marshall Kest feigned ignorance. [APPENDIX 28.] Dr. Stephen Goll relied on the notes he made while examining Windsor, and these are discoverable. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

110. Judge John Marshall Kest outrageously denied Windsor's Motion for Sanctions against each of the Defendants for Fraud on the Court. He 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 John Marshall Kest has been paid off by the attorneys for the Defendants to issue such outrageous orders. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.] The Defendants could be looking at a multi-million-dollar damage award to Windsor, and it would be less expensive to them to pay off one or both judges.

111. Judge John Marshall 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. Judge Jeffrey L. Ashton has done the same.

112. On 2/1/2021, Judge Jeffrey L. Ashton denied Windsor's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest [APPENDIX 69.] He claimed he had reviewed the file. Windsor believes this is false because no honest judge could review the file and not reconsider the outrageous orders.

113. Judge Jeffrey L. Ashton has effectively denied Windsor's rights of equal protection under the law under Article VI of the Constitution.

114. Judge Jeffrey L. Ashton'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.

115. Windsor has not received fair and impartial treatment with Judge Jeffrey L. Ashton. He is prejudiced against Windsor. There is no way Judge Jeffrey L. Ashton is an honest, impartial judge. Windsor would have been better off if Longest had come another foot into Windsor's lane after he lifted Windsor's tiny convertible off the ground. Windsor would be dead, and he would not have to endure the intentional infliction of emotional distress.

116. 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 Jeffrey L. Ashton doesn't care about the facts and doesn't want to apply the law.

117. The United States Constitution theoretically guarantees an unbiased judge who will always provide litigants with full protection of ALL RIGHTS. Judge Jeffrey L. Ashton is

biased against Windsor. He has demonstrated this again and again and again.

118. Windsor's motions, affidavits, certificates of good faith, and memorandum of authorities meet the requirements for a motion to disqualify. [APPENDIX 66, 67, 68.]

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

120. Judge Jeffrey L. Ashton 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

121. 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

122. 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).

123. 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.").

124. 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).

125. The feeling that resides in Windsor's mind is that Judge Jeffrey L. Ashton is incompetent, corrupt, and totally biased against him.

126. 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). Judge Jeffrey L. Ashton simply lied, as so many do in court, so he could rape an elderly disabled man. Windsor has expressed his outrage in many words, but as to a **modicum of reason**, he has provided facts and evidence.

127. 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).

128. **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.

129. 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*, 629 So.2d 293, 19 Fla. L. Weekly D14 (Fla.App. Dist.4 12/22/1993).) In the instant case, it appears Judge Jeffrey L. Ashton is working for the Defendants' attorneys.

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



130. There are a host of reasons why any reasonable prudent person would be in fear of not receiving a fair trial in this case.

- a. Judge Jeffrey L. Ashton had his judicial Assistant send an email with requirements to the parties prior to a hearing, and then he violated his own rules while denying Windsor the ability to present evidence and case law.
- b. Judge Jeffrey L. Ashton denied reasonable requests for a continuance.
- c. Judge Jeffrey L. Ashton ignored Windsor's hospitalization at the time of the 2/2/2021 hearing and purportedly held a hearing without him.
- d. Judge Jeffrey L. Ashton ordered \$2,500 in "sanctions" against Windsor when the appropriate amount could not have been over \$100.
- e. Judge Jeffrey L. Ashton threatened Windsor, and he had no legal basis to do so.
- f. Judge Jeffrey L. Ashton violated Florida Rules of Civil Procedure Rule 1.380 (a) (4).
- g. Judge Jeffrey L. Ashton falsely claimed he had reviewed the file in the case.
- h. Judge Jeffrey L. Ashton violated well-established law on attorney's fees.
- i. Judge Jeffrey L. Ashton has shown contempt for Windsor as a pro se party and as an activist who has exposed judicial corruption. Honest judges have praised Windsor's efforts. Dishonest judges, like Judge John Marshall Kest and Judge Jeffrey L. Ashton, do whatever they can to destroy Windsor.

131. This consideration is easy by looking at what Judge Jeffrey L. Ashton did when ignoring sanctions against the Defendants.

132. 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 John Marshall Kest and Judge Jeffrey L. Ashton with 298 causes of action for sanctions. [APPENDIX 18 and 19; APPENDIX 34 and 35; APPENDIX 41 and 42.]

133. Surely 298 violations are destined for the Guinness Book.

134. Judge John Marshall Kest denied the motions without the requested evidentiary hearing claiming they were motions for "reconsideration." And Judge Jeffrey L. Ashton had to acknowledge this was not reconsideration, but he didn't. [APPENDIX 45, Page 1.] On September 2, 2020, Judge John Marshall 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. And Judge Jeffrey L. Ashton made the same ruling by refusing to reconsider.

135. While this alone should be enough, Judge John Marshall Kest outrageously sanctioned Windsor. [APPENDIX 58.] There is no logical explanation for the actions of Judge John Marshall Kest. He is clearly prejudiced. He may have other problems. Judge Jeffrey L. Ashton picked up the corrupt ball and ran with it.

136. Judge Jeffrey L. Ashton held a Kangaroo Court on 2/2/2021. He held a hearing in violation of his own rules when Windsor's hospitalization prohibited him from attending. (*Pasha v. State*, SC13-1551 (Fla. 05/11/2017).)

137. Judge Jeffrey L. Ashton a prejudiced bully who could care less about decency, honesty, and fair treatment.

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

**B. JUDGE JEFFREY L. ASHTON FALSELY CLAIMED THE MOTION TO DISQUALIFY WAS NOT LEGALLY SUFFICIENT.**

139. Judge Jeffrey L. Ashton ordered: "The Court finds that the Motion is legally insufficient." [APPENDIX 69 -- ORDER, P. 1, ¶ 3.] He gave no explanation. Indeed, he couldn't. It will be simple for this Court to determine that Judge Jeffrey L. Ashton was simply inflicting his bias and prejudice yet again.

140. A Motion to Disqualify is governed by Florida Statute 38.10 and FRJA 2.330, and Windsor met all requirements. [APPENDIX 66.]

"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)).

141. **MOTION:** The Motion to Disqualify was in writing. Windsor filed an Affidavit of Prejudice stating his fear that he will not receive a fair trial due to the prejudice of Judge Jeffrey Ashton. It provides the facts and the reasons for the belief that such bias and prejudice exist. This Motion is signed under oath. There has been one previously granted motion to disqualify a former judge. There has been one previously denied motion to disqualify Judge John Marshall Kest that is still on appeal. A Certificate of Good Faith is also filed. This Motion to Disqualify is filed with the Clerk, and a copy has been sent by email to Judge Ashton's assistant, Keitra Davis.

142. **GROUND:** The Motion to Disqualify showed that the Plaintiff fears he will not receive a fair trial because of specifically described prejudice or bias of Judge Jeffrey L. Ashton.

143. **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.

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

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

145. Judge John Marshall Kest identified nothing that was legally insufficient.

146. The Motion to Disqualify Judge John Marshall Kest was legally sufficient and procedurally adequate, and Judge John Marshall 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.

D. **THE IMPARTIALITY OF JUDGE JEFFREY L. ASHTON MUST BE QUESTIONED.**

147. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of Judge Jeffrey L. Ashton.

148. The Code of Judicial Conduct required that Judge Jeffrey L. Ashton disqualify himself. Judge Jeffrey L. Ashton totally ignored this obligation:

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.

**E. JUDGE JEFFREY L. ASHTON FAILED TO ADDRESS ANY OF THE LEGAL GROUNDS FOR DISQUALIFICATION.**

149. The Motion to Disqualify [APPENDIX 66, Page 1] asked:

“...that Jeffrey L. Ashton (“Judge Ashton”) 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.”

150. Judge Jeffrey L. Ashton did not address a one. He cited one case – *Rivera v. State*, 717 So. 2d 477 (Fla. 1998). [APPENDIX 69, P.1:]

151. Judge Jeffrey L. Ashton did not consider 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.

152. The lone authority of Judge Jeffrey L. Ashton says more than what Judge Jeffrey L. Ashton cited: He LIED, #1 in Judge Jeffrey L. Ashton's Order filed 2/2/2021 [APPENDIX 69] claims "Adverse rulings do not support a reasonable fear of bias." The case actually says "The fact that the judge has made adverse rulings in the past against the defendant... are **generally considered** legally insufficient reasons to warrant the judge's disqualification." [emphasis added.]

153. Windsor conducted a search of every appellate court case in the history of Florida. Not a single case says "Adverse rulings do not support a reasonable fear of bias," so this Petition must be granted. Judge Jeffrey L. Ashton lied, and he provided no legal authority for his order in which he claimed *Rivera v. State* provided what it clearly does not. This is one of the techniques used by corrupt judges.

154. The truth is that outrageous adverse rulings are often the only evidence a litigant has.

155. The second claim by Judge Jeffrey L. Ashton is "Claims that the Court formed fixed opinions on an issue before it do not support a reasonable fear for bias." The case actually says "allegations that the trial judge had formed a fixed opinion of the defendant's guilt... are **generally considered** legally insufficient reasons to warrant the judge's disqualification."

"We have repeatedly held that a motion to disqualify a judge 'must be well-founded and contain facts germane to the judge's undue bias, prejudice, or sympathy.' *Jackson v. State*, 599 So.2d 103, 107 (Fla.1992); *Gilliam v. State*, 582 So.2d 610, 611 (Fla.1991); *Dragovich v. State*, 492 So.2d 350, 352 (Fla.1986). The motion will be found legally insufficient 'if it fails to establish a well-grounded fear on the part of the movant that he will not receive a fair hearing.' *Correll v. State*, 698 So.2d 522, 524 (Fla.1997). The fact that the judge has made adverse rulings in the past against the defendant, or that the judge has previously heard the evidence, or 'allegations that the

trial judge had formed a fixed opinion of the defendant's guilt, even where it is alleged that he judge discussed his opinion with others,' are generally considered legally insufficient reasons to warrant the judge's disqualification. Jackson, 599 So.2d at 107. Under those standards, we now examine Rivera's proffered bases for Judge Ferris's disqualification." (*Rivera v. State*, 717 So.2d 477, 23 Fla. L. Weekly S343 (Fla. 06/11/1998).)

156. Judge Jeffrey L. Ashton then claims he can be fair and impartial, has reviewed the files, and does not have any personal bias against Windsor. He LIED. He then proceeded to deny resetting a hearing when his Judicial Assistant did not provide adequate notice for the preparation he required, and then he awarded the Defendants \$2,500 for 10-minutes of work and threatened Windsor with sanctions if he doesn't pay. Windsor had provided the Court with evidence that he is indigent and can't afford to pay. Windsor would love to see Jeffrey L. Ashton when he isn't fair and impartial. He would probably sentence someone to death for jaywalking.

157. Florida Rules of Judicial Administration 2.330 (g) addresses "Successive Motions:"

If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (d)(1), a successor judge shall not be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion.

158. Judge Jeffrey L. Ashton failed to rule on the truth of the facts alleged. This is required by Rule 2.330 (g).

159. "The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged." Fla. R. Jud. Admin. 2.330(f). However, "[i]f a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (d)(1), . . . a successor judge may rule on the truth of the facts alleged in support of the motion." Fla. R. Jud.

Admin. 2.330(g). The denial of a motion to disqualify by a successor judge will only be reversed if the record clearly refutes the successor judge's decision to deny the motion. *Kokal v. State*, 901 So.2d 766, 774 (Fla. 2005).

160. The record in the instant case reflects that the trial court did abrogate its role as a neutral arbitrator. The record clearly refutes Judge Jeffrey L. Ashton's denial of the Motion to Disqualify.

161. Windsor argues that a "more stringent standard of review" on a successive motion to disqualify is misguided. As litigants deserve a fair and impartial trial, it shouldn't matter which number the judge is. Windsor has shown that the record clearly refutes Judge Jeffrey L. Ashton's denial of the Motion to Disqualify.

162. 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). (*Ardis v. Ardis*, 130 So.3d 791, 39 Fla. L. Weekly D 260 (Fla.App. Dist.1 02/04/2014).)

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

163. On 2/2/2021, Judge Jeffrey L. Ashton purportedly conducted a hearing without Windsor. [APPENDIX 77.] Windsor was denied the opportunity to defend himself and to show that the attorneys for the Defendants had likely committed fraud upon the court with their outrageous request for attorney's fees. Windsor was denied the right to examine the attorneys for the Defendants, and he was denied the right to question the fantasy of the billing records.



The "Minutes" indicate that there was no testimony, and there was no evidence presented. Attorney Asstrin filed an affidavit claiming his request for \$2,500 was due to time expended to prepare responsive pleadings to address each motion filed by the Plaintiff. He said "numerous motions." But Judge John Marshall Kest only awarded attorney's fees on two motions to compel. Judge Jeffrey L. Ashton allowed Asstrin to inflate the bill, and he did not have to provide any proof.

164. On 1/27/2021 in his EMERGENCY MOTION TO STAY AND/OR FOR CONTINUANCE, Windsor said:

"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.

"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.

"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."

165. In *Peacock v. Ace*, 24 So. 3d 750 (Fla. 2d DCA 2009), Ms. Peacock argued that the final judgment's award of attorney's fees in favor of Ace is fundamentally erroneous on its face because it does not contain specific findings concerning the number of hours reasonably expended and the reasonableness of the attorney's hourly rate. See *Markovich v. Markovich*, 974 So.2d 600, 601 (Fla. 2d DCA 2008). "...this court previously has determined that the absence of the required findings in the written order renders the order fundamentally erroneous on its face and that the lack of transcript 'does not preclude appellate review.'" *Harris v. McKinney*, 20

So.3d 400, 403 (Fla. 2d DCA 2009) (quoting *Baratta v. Valley Oak Homeowners' Ass'n at the Vineyards*, 891 So.2d 1063, 1065 n. 4 (Fla. 2d DCA 2004).)

166. Windsor has argued that the attorney's fees could not be more than \$100.

Windsor could not dispute the number of hours because no evidence was submitted.

167. Windsor was denied the ability to present evidence or case law. [APPENDIX 72.]

168. In *Dr. Gail Van Diepen, PA v. Brown*, 55 So. 3d 612 (Fla. 5th DCA 2011), the court said it is the party seeking attorney's fees on multiple claims who has an affirmative burden to demonstrate what portion of the effort was expended on the claim that authorized attorney's fees. See *Rockledge Mall Assoc., Ltd. v. Custom Fences of Brevard, Inc.*, 779 So.2d 558, 559 (Fla. 5th DCA 2001). In *Crown Custom Homes* the second district held that: "[T]he party seeking fees has the burden to allocate them to the issues for which fees are awardable or to show that the issues were so intertwined that allocation is not feasible." *Lubkey v. Compuvac Sys., Inc.*, 857 So.2d 966, 968 (Fla. 2d DCA 2003); see also *Ocean Club Cmty. Ass'n v. Curtis*, 935 So.2d 513, 517 (Fla. 3d DCA 2006) (holding that the party seeking an award of attorney's fees "bears an affirmative burden to demonstrate what portion of the effort was expended on the claim which allowed attorney's fees," (quoting *Rockledge Mall Assocs., Ltd. v. Custom Fences of Brevard, Inc.*, 779 So.2d 558, 559 (Fla. 5th DCA 2001)). *Crown Custom Homes*, 18 So.3d at 740. Many other cases are to the same effect. See, e.g., *Ocean Club Cmty. Ass'n; Lubkey v. Compuvac Sys., Inc.*, 857 So.2d 966, 968 (Fla. 2d DCA 2003); *Salisbury v. Spielvogel*, 451 So.2d 974, 975 (Fla. 4th DCA 1984); *United Servs. Auto. Ass'n v. Kibbler*, 364 So.2d 57 (Fla. 3d DCA 1978).

169. Judge Jeffrey L. Ashton made no finding as to the reasonableness of the charges and failed to address whether hourly rates were reasonable. Perhaps another go-round at law

school would be appropriate. *Smith v. School Board of Palm Beach County*, 981 So. 2d 6 (Fla. 4th DCA 2007).

170. There was no testimony, much less expert testimony in this matter. There was no evidence and no time records.

"...we find error was committed with regard to the award of attorney's fees to the wife. The only evidence presented regarding attorney's fees was the former wife's testimony that she had agreed to pay her attorney \$75.00 per hour, and she estimated his fees would be \$4,000.00 in this case. The attorney representing the wife did not testify nor present evidence as to the number of hours spent on the case, nor was any expert witness called to testify as to the reasonableness of the fee. Cases are legion that expert testimony is required." (*Markham v. Markham*, 485 So. 2d 1299 (Fla. 5th DCA 1986).)

"An award of attorney's fees requires competent and substantial evidence. Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee." *Brewer v. Solovsky*, 945 So.2d 610, 611 (Fla. 4th DCA 2006) (citation omitted). This court has held that an attorney's time records, in their entirety, are critical to determining the propriety of the hours expended on a client's behalf. *Tucker v. Tucker*, 513 So.2d 733, 735 (Fla. 2d DCA 1987); see also *Warner v. Warner*, 692 So.2d 266, 268 (Fla. 5th DCA 1997) (holding that to establish an award of fees, a party must present evidence detailing exactly what services were performed); *Carlson v. Carlson*, 639 So.2d 1094, 1096 (Fla. 4th DCA 1994) (holding that the trial court erred in failing to make findings detailing the breakdown of reasonable hours expended among the various personnel in attorney's office)." (*Braswell v. Braswell*, 4 So. 3d 4 (Fla. 2d DCA 2009).)

171. One thing is for sure. Attorneys Wynne and Asstrin are pluckers:

"...numbers plucked from the air and standing alone will not support a fees award." (*Brake v. Murphy*, 736 So. 2d 745 (Fla. 3d DCA 1999).)

"A fee award must be supported by evidence detailing the nature and extent of the services performed and by expert testimony regarding the reasonableness of the fee." *Morton v. Heathcock*, 913 So.2d 662, 669 (Fla. 3d DCA 2005); see *Fla. Patient's Comp. Fund v. Rowe*, 472 So.2d 1145, 1150 (Fla. 1985) ("Florida courts have emphasized the importance of keeping accurate and current records of work done and time spent on a case, particularly when someone other than the client may pay the fee. To accurately assess the labor involved, the attorney fee applicant should present records detailing the amount of work performed.") (citations omitted); *Brewer v. Solovsky*, 945 So.2d 610, 611 (Fla. 4th DCA 2006) ("An award of attorneys' fees requires competent and substantial evidence. Competent evidence includes invoices, records and other information detailing the services provided as well as the testimony from the attorney in support of the fee.") (citations omitted). While we recognize that where an attorney has not kept

contemporaneous time records, a fee award may still be secured on a reconstruction of time expended, the reconstruction must consist of "something more than wild guesses." *Brake v. Murphy*, 736 So.2d 745, 747 (Fla. 3d DCA 1999); see also *Cohen & Cohen, P.A. v. Angrand*, 710 So.2d 166, 168 (Fla. 3d DCA 1998) (confirming that where no time records have been kept, it is permissible for a reconstruction of the time expended may be prepared)." (*Trumbull Ins. Co v. Woltenarski*, 2 So. 3d 1050 (Fla. 3d DCA 2009).)

172. The Fourth DCA has stated that "Florida courts have required testimony by the attorney performing the services (for which the fees are sought) and testimony by an expert fees witness as to the value of those services." (*Island Hoppers, Ltd. v. Keith*, 820 So. 2d 967 at 970 (Fla. 4th DCA 2002).)

173. Judge Jeffrey L. Ashton ordered Windsor to pay \$2,500 in attorneys' fees and costs on 2/5/2021 in the District Court. The order says Windsor could be sanctioned if he doesn't pay. [APPENDIX 76.] The "Omnibus Order" awarded attorney's fees and costs under Fla. R. Civ. P. 1.380, and there is no provision for further sanctions for non-payment. Judge Jeffrey L. Ashton is inventing rules and laws to further inflict his hatred and bias against Windsor. He is threatening Windsor without a legal basis, and he needlessly structured his order with a threat, presumably the threat of jail. If Windsor gets sent to jail, he will die there.

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

174. Windsor is entitled to an impartial judge, and that isn't Judge Jeffrey L. Ashton. Unless this Court acts, Windsor will receive the cold prejudice and bias of Judge Jeffrey L. Ashton and his commitment to deny any and all rights to Windsor.

"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).

175. If this Petition is not granted, Windsor begs this Court to explain how it determined the actions of Judge Jeffrey L. Ashton do not support the record.

#### **H. JUDGE JEFFREY L. ASHTON FAILED TO PROVIDE DUE PROCESS AND EQUAL PROTECTION TO WINDSOR.**

176. Judge Jeffrey L. Ashton 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 *Leyne 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)

177. Windsor has just cause to believe that he cannot be given a fair trial. This is an understatement.

178. 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.

179. Judge Jeffrey L. Ashton has effectively denied Windsor's rights of the equal protection under the law under Article VI of the Constitution.

180. Judge Jeffrey L. Ashton is Hell-bent on ignoring Windsor's rights while working for the Defendants' attorneys.

I. **JUDGE JEFFREY L. ASHTON VIOLATED THE CONSTITUTIONAL RIGHTS OF WINDSOR.**

181. Judge Jeffrey L. Ashton has violated Windsor's Constitutional rights. He's a new judge. Perhaps he hasn't taken the time to read it.

182. 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.

Theoretically, *Pro Se* Litigants have no less of a right to effective due process as those who utilize an attorney. This is what Windsor's children used to call a fig newton of imagination.

This Court is asked to review the cases of Judge John Marshall Kest and Judge Jeffrey L. Ashton to see how many *Pro Se* Plaintiffs have won their cases in their courts. Windsor will not be shocked to find NONE.

183. Judge John Marshall Kest harassed Windsor as a *Pro Se* litigant, and Judge Jeffrey L. Ashton seems hopelessly prejudiced.

184. 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. *Manshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

185. 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).

186. 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 Jeffrey L. Ashton has done. He has ignored the law, ignored the facts, and claimed laws and rules provide something they do not provide, while abusing and disadvantaging Windsor.

187. 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 Jeffrey L. Ashton has violated Windsor's rights by using his power to inflict his bias.

188. For due process, Windsor has the right to protections expressly created in statute and case law. Due process allegedly ensures the government will respect all of a person's legal rights and guarantee fundamental fairness. Judge Ashton violated Windsor's rights by using his power to ignore facts and the law.

189. 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 Jeffrey L. Ashton has interfered with the process and violated rules for the purpose of damaging Windsor.

190. An inherent Constitutional right is the honesty of the judge. Like Judge John Marshall Kest, Judge Jeffrey L. Ashton has not been honest. They violated Canon 2 and other Canons of the Code of Judicial Conduct.

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

192. Judge Jeffrey L. Ashton has effectively denied Windsor's rights of equal protection under the law.

### CONCLUSION

WHEREFORE, Petitioner, WILLIAM M. WINDSOR, respectfully urges the Court to enter a writ prohibiting Judge Jeffrey L. Ashton 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, Judge Lisa T. Munyon, and Judge Jeffrey L. Ashton.

This 10th day of February, 2021.

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

**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.

APPENDIX 64 -- Amended Motion for Reconsideration of Orders of Judge John Marshall Kest filed 12/21/2020.

APPENDIX 65 -- Order on Plaintiff's Amended Motion for Reconsideration of Orders of Judge John Marshall Kest filed 2/2/2021.

APPENDIX 66 -- Plaintiff's Verified Motion to Disqualify Judge Jeffrey L. Ashton filed 2/1/2021.

APPENDIX 67 -- Windsor's Affidavit of Prejudice of Judge Jeffrey L. Ashton filed 2/1/2021.

APPENDIX 68 -- Certificate that Motion to Disqualify is filed in Good Faith filed 2/1/2021.

APPENDIX 69 -- Order denying Windsor's Motion to Disqualify Judge Jeffrey L. Ashton filed 2/2/2021.

APPENDIX 70 -- Emergency Motion to Stay and/or Continuance filed 1/27/2021.

APPENDIX 71 -- Order denying Motion to Stay and/or Continuance filed 1/28/2021.

APPENDIX 72 -- Request for Cancellation of Hearing filed 2/2/2021.

APPENDIX 73 -- Motion for Reconsideration of Emergency Motion for Stay and/or Continuance filed 1/28/2021.

APPENDIX 74 -- Second Emergency Motion for Stay and/or Continuance filed 1/30/2021.

APPENDIX 75 -- Order on Second Emergency Motion for Stay and/or Continuance filed 2/1/2021.

APPENDIX 76 -- Order Granting Defendants' Motion for Attorney's Fees filed 2/4/2021.

APPENDIX 77 -- Court Minutes dated 2/2/2021.



**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.

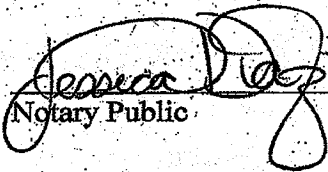
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 10th day of February, 2021,



William M. Windsor

Sworn and subscribed before me this 10th day of February, 2021, by means of physical presence.



Notary Public





# Appendix 18

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

CASE NO.: 2018-CA-010270-O

DIVISION 37

WILLIAM WINDSOR

PLAINTIFF(S)

v.

ROBERT KEITH LONGEST; BOISE CASCADE  
BUILDING MATERIALS DISTRIBUTION LLC

DEFENDANT *et al.*

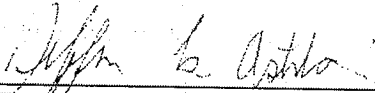
**ORDER ON DEFENDANT'S MOTION FOR RECONSIDERATION  
ON FEBRUARY 4, 2021 ORDER OF JUDGE JEFFREY L. ASHTON**

THIS CAUSE coming before the Court on Defendant's Motion for Reconsideration on February 4, 2021 Order of Judge Jeffrey L. Ashton filed February 14, 2021, and the Court, being fully advised in the premises, does hereby

**ORDER AND ADJUDGE:**

1. The Defendant's Motion for Reconsideration on February 4, 2021 Order of Judge Jeffrey L. Ashton is Denied.

**DONE AND ORDERED** at Orlando, Orange County, Florida, this 16<sup>th</sup> 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 19

Many of these emails and pleadings are filed after business hours, between the hours of midnight and 6 a.m., and on the weekends.

4. The majority of the emails and pleadings filed by Mr. Windsor are harassing in nature, have no legal merit, have already been ruled on several times, question our clients character as well as the attorneys of records David Wynne and Scott Astrin, and disparage the presiding Judge and the judicial system. In addition, the majority of Mr. Windsor's emails end with the ongoing threat "I will file a Motion for Sanctions" if he does not get his way.
5. In addition to the above, during the course of this litigation, research has revealed Mr. Windsor has a lengthy litigation history and a pattern of harassment, filing of pleadings without legal merit and a complete disdain and disrespect of the judicial process, Judges and court personnel. The following is a summary of Mr. Windsor's litigation history known to date.

### **WINDSOR'S LITIGATION HISTORY**

#### **The Montana Litigation**

6. Litigation in Montana arose from "cyber-blog" exchanges between Windsor and Sean Boushie ("Boushie"). Boushie lives in Montana; Windsor lives in Georgia, South Dakota, or Texas. The two have never met in person.
7. Boushie's only contact with Windsor was when Boushie sent a cease and desist letter to Windsor's ex-wife regarding Windsor's harassment of Boushie on the website lawlessamerica.com. Windsor ran the website but his ex-wife was the legally registered owner.
8. Boushie was granted a Temporary Order of Protection against Windsor who had repeatedly drove past Boushie's residence; showed up at Boushie's workplace at the University of

Montana, where he videotaped Boushie's vehicle for approximately ninety minutes; and created a website at SeanBoushie.com, where he posted false and defamatory information about Boushie and his wife.<sup>1</sup>

9. The Municipal Court's order barred Windsor from threatening to harm or harming Boushie's wife; harassing or otherwise contacting Boushie's wife or University of Montana staff; coming within 1,500 feet of Boushie's residence, Boushie's wife and the University of Montana; and possessing a certain firearm. It also required Windsor to release SeanBoushie.com to Boushie and to refrain from posting Boushie's name online.
10. Windsor moved to vacate the Temporary Order of Protection. He also moved for discovery regarding a number of different things, including Boushie's mental health and online activities. He sought a jury trial, and substitution of the judge.
11. The District Court denied Windsor's requests and, ultimately, affirmed the Municipal Court's decision regarding the Temporary Order of Protection. In its order, the District Court also determined that it was necessary to issue an injunction because of Windsor's "extraordinary abuse of the state judicial system by repeatedly filing frivolous, malicious and vexatious lawsuits". Accordingly, the court enjoined Windsor from filing any complaint or initiating any proceedings without leave from the district court judge.
12. On appeal, the Montana Supreme Court held that the District Court was proper in "sanctioning Windsor as a vexatious litigant through imposing a pre-filing order. The court did not abuse its discretion in requiring Windsor to seek court approval before filing future lawsuits or administrative proceedings. Indeed, such action was tailored to address Windsor's demonstrated proclivity for filing voluminous lawsuits of questionable merit." See "**Exhibit A**" attached hereto.

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<sup>1</sup> Windsor owns several other similar websites, for instance, AllieOverstreet.com and ClaudineDombrowski.com.

**The Northern District of Georgia Litigation**

13. Windsor was a pro se plaintiff in a Federal Court action styled *William Windsor v. James N. Hatten, et al.*, Case No.: 1:11-CV1923-TWT, in the United States District Court, N.D. Georgia, Atlanta Division against the Clerk of the Court and various judges of the Court and the Eleventh Circuit Court of Appeals.
14. As a result of the Windsor's overly burdensome, vexatious, and frivolous litigiousness, the District Court issued an injunction prohibiting Windsor from filing any further actions without prior approval from a federal district court.
15. On February 12, 2018, Federal District Judge Thomas W. Thrash, Jr. rendered an Opinion and entered an Order in the case of *Windsor v. Hatten, et al.* See "**Exhibit B**" attached hereto.
16. Judge Thrash's Order reads in part:

**IT IS HEREBY ORDERED that the Plaintiff, William M. Windsor, and any parties acting in concert with him or at his behest, are PERMANENTLY ENJOINED from filing any complaint or initiating any proceeding, including any new lawsuit or administrative proceeding, in any court (state or federal) or agency in the United States without first obtaining leave of a federal district court in the district in which the new complaint or proceeding is to be filed. In seeking such leave, the Plaintiff must present any such court with a copy of this Order.**

See Exhibit B.

17. The totality of Windsor's 11<sup>th</sup> Circuit litigation is as follows:

#	Case	Case No. & Court	Date Filed	Case Type	Status
1.	v. USA	09-13998 11th Circuit Court of Appeals	08/07/2009	Torts, Personal Property & Other Fraud	Open
2.	In Re: William M. Windsor	09-14018 11 <sup>th</sup> Circuit Court of Appeals	08/10/2009	Unknown	Closed
3.	In Re: William M. Windsor	09-15232 11 <sup>th</sup> Circuit Court of Appeals	10/16/2009	Unknown	Closed
4.	v. USA	09-16417 11 <sup>th</sup> Circuit Court of	12/28/2009	Torts, Personal Property &	Closed

		Appeals		Other Fraud	
5.	In Re: William M. Windsor	09-16448 11 <sup>th</sup> Circuit Court of Appeals	12/29/2009	Unknown	Closed
6.	In Re: William M. Windsor	09-16494 11 <sup>th</sup> Circuit Court of Appeals	12/30/2009	Unknown	Closed
7.	In Re: William M. Windsor	09-16493 11 <sup>th</sup> Circuit Court of Appeals	12/30/2009	Unknown	Closed
8.	v. USA	10-10349 11 <sup>th</sup> Circuit Court of Appeals	01/22/2010	Other Fraud	Terminated
9.	In Re: William M. Windsor	10-10700 11 <sup>th</sup> Circuit Court of Appeals	02/17/2010	Unknown	Terminated
10.	In Re: William M. Windsor	10-10701 11 <sup>th</sup> Circuit Court of Appeals	02/17/2010	Unknown	Terminated
11.	In Re: William M. Windsor	10-10698 11 <sup>th</sup> Circuit Court of Appeals	02/17/2010	Unknown	Terminated
12.	In Re: William M. Windsor	10-10699 11 <sup>th</sup> Circuit Court of Appeals	02/17/2010	Unknown	Terminated
13.	v. USA	10-14485 11 <sup>th</sup> Circuit Court of Appeals	09/27/2010	Other Fraud	Terminated
14.	v. USA	10-14899 11 <sup>th</sup> Circuit Court of Appeals	10/25/2010	Other Fraud	Terminated
15.	v. USA	10-15331 11 <sup>th</sup> Circuit Court of Appeals	11/19/2010	Other Fraud	Terminated
16.	v. USA	10-15795 11 <sup>th</sup> Circuit Court of Appeals	12/21/2010	Other Fraud	Terminated
17.	v. USA	10-15798 11 <sup>th</sup> Circuit Court of Appeals	12/21/2010	Other Fraud	Unknown
18.	v. USA	11-10237 11 <sup>th</sup> Circuit Court of Appeals	01/21/2011	Other Fraud	Terminated

19.	v. B. Grutby, et al	11-13214 11 <sup>th</sup> Circuit Court of Appeals	07/18/2011	Other Civil Rights	Terminated
20.	v. Judge William Duffey, et al	11-13212 11 <sup>th</sup> Circuit Court of Appeals	07/18/2011	Other Civil Rights	Terminated
21.	v. Thrash, et al	11-13215 11 <sup>th</sup> Circuit Court of Appeals	07/18/2011	Other Statutory Actions	Terminated
22.	v. B. Grutby, B. Gutting, et al	11-13244 11 <sup>th</sup> Circuit Court of Appeals	07/20/2011	Other Civil Rights	Terminated
23.	v. B. Grutby, et al	11-1339 11 <sup>th</sup> Circuit Court of Appeals	07/25/2011	Other Civil Rights	Terminated
24.	v. B. Grutby, et al	11-13363 11 <sup>th</sup> Circuit Court of Appeals	07/27/2011	Other Civil Rights	Terminated
25.	v. Maid of the Mist Corp, et al	11-13523 11 <sup>th</sup> Circuit Court of Appeals	08/04/2011	Other Civil Rights	Terminated
26.	v. Huber, et al	11-13771 11 <sup>th</sup> Circuit Court of Appeals	08/18/2011	Other Civil Rights	Terminated
27.	v. Thrash, et al	11-13920 11 <sup>th</sup> Circuit Court of Appeals	08/26/2011	Other Statutory Actions	Terminated
28.	v. Duffey, Jr., et al	11-13997 11 <sup>th</sup> Circuit Court of Appeals	08/31/2011	Other Civil Rights	Terminated
29.	v. B. Grutby, et al	11-14021 11 <sup>th</sup> Circuit Court of Appeals	09/01/2011	Other Civil Rights	Terminated
30.	v. Huber, et al	11-14023 11 <sup>th</sup> Circuit Court of Appeals	09/01/2011	Other Civil Rights	Terminated
31.	v. Duffey, Jr., et al	11-14073 11 <sup>th</sup> Circuit Court of Appeals	09/06/2011	Other Civil Rights	Terminated
32.	In Re: William M. Windsor	11-14124 11 <sup>th</sup> Circuit Court of Appeals	09/08/2011	Unknown	Terminated
33.	In Re: William M. Windsor	11-14125 11 <sup>th</sup> Circuit Court of Appeals	09/08/2011	Unknown	Terminated



34.	In Re: William M. Windsor	11-14126 11 <sup>th</sup> Circuit Court of Appeals	09/08/2011	Unknown	Terminated
35.	v. B. Grutby, et al	11-14502 11 <sup>th</sup> Circuit Court of Appeals	09/29/2011	Other Civil Rights	Terminated
36.	v. Huber, et al	11-14500 11 <sup>th</sup> Circuit Court of Appeals	09/29/2011	Other Civil Rights	Terminated
37.	v. Huber, et al	11-14499 11 <sup>th</sup> Circuit Court of Appeals	09/29/2011	Other Civil Rights	Terminated
38.	v. Thrash, et al	11-14505 11 <sup>th</sup> Circuit Court of Appeals	09/29/2011	Other Statutory Actions	Terminated
39.	v. Huber, et al	11-14527 11 <sup>th</sup> Circuit Court of Appeals	09/30/2011	Other Civil Rights	Terminated
40.	v. Duffey, Jr., et al	11-14526 11 <sup>th</sup> Circuit Court of Appeals	09/30/2011	Other Civil Rights	Terminated
41.	v. Maid of the Mist Corp, et al	11-14569 11 <sup>th</sup> Circuit Court of Appeals	10/03/2011	Other Civil Rights	Terminated
42.	v. Duffey, Jr., et al	11-14567 11 <sup>th</sup> Circuit Court of Appeals	10/03/2011	Other Civil Rights	Terminated
43.	v. Duffey, Jr., et al	11-14572 11 <sup>th</sup> Circuit Court of Appeals	10/03/2011	Other Civil Rights	Terminated
44.	v. Thrash, et al	11-15037 11 <sup>th</sup> Circuit Court of Appeals	10/18/2011	Other Civil Rights	Terminated
45.	v. B. Grutby, et al	11-14847 11 <sup>th</sup> Circuit Court of Appeals	10/19/2011	Other Civil Rights	Terminated
46.	v. Huber, et al	11-14848 11 <sup>th</sup> Circuit Court of Appeals	10/19/2011	Other Civil Rights	Terminated
47.	v. B. Grutby, et al	11-15275 11 <sup>th</sup> Circuit Court of Appeals	11/09/2011	Other Civil Rights	Terminated
48.	v. Huber, et al	11-15274 11 <sup>th</sup> Circuit Court of Appeals	11/09/2011	Other Civil Rights	Terminated

49.	v. Thrash, et al	11-15276 11 <sup>th</sup> Circuit Court of Appeals	11/09/2011	Other Civil Rights	Terminated
50.	v. Maid of the Mist Corp, et al	11-15468 11 <sup>th</sup> Circuit Court of Appeals	11/21/2011	Other Civil Rights	Terminated
51.	v. USA	11-15823 11 <sup>th</sup> Circuit Court of Appeals	12/12/2011	Other Fraud	Terminated
52.	v. Thrash, et al	12-10095 11 <sup>th</sup> Circuit Court of Appeals	01/06/2012	Other Statutory Actions	Terminated
53.	v. Huber, et al	12-10098 11 <sup>th</sup> Circuit Court of Appeals	01/09/2012	Other Civil Rights	Terminated
54.	v. B. Grutby, et al	12-10157 11 <sup>th</sup> Circuit Court of Appeals	01/10/2012	Other Civil Rights	Terminated
55.	v. Hatten	18-11067 11 <sup>th</sup> Circuit Court of Appeals	03/19/2018	Other Civil Rights	Terminated

### **The Texas Litigation**

18. In a Texas litigation, Chief Judge Tom Gray of the Tenth Circuit Court of Appeals, in a concurring opinion, noted that:

"Windsor has exhibited a flagrant disregard for the legislative enactments and the rules of the judicial branch and has, at every turn, demonstrated a complete disregard for the orderly administration of justice. He has frustrated the judicial process and used it as a tool of oppression against his victims and as a means to delay the ultimate disposition of proceedings in which he was involved, many of which he started. Windsor failed to follow explicit orders of this Court and filed unnecessary and frivolous notices of appeal, motions, and new proceedings. In my opinion, it is long past the time, and this Court would be totally justified, to dismiss these appeals, thus affirming the trial court's orders about which Windsor complains."

See "**Exhibit C**" attached hereto.

19. Chief Judge Gray continued stating that "it is clear that Windsor has no regard for the proper

and orderly administration of justice and is using the process to trifle with our patience and our jurisdiction, making a mockery of the judicial process." *Id.*

**Florida Litigation**

20. Mr. Windsor currently has six (6) pending and open lawsuits in the State of Florida in which he is proceeding as a pro se plaintiff. The cases are as follows:

#	Case	Case No. & Court	Date Filed	Case Type	Status
1.	v. Longest, et al	18-10270 Orange County Circuit Court	09/20/2018	Auto Negligence	Pending
2.	v. Coach Houses at Leesburg Condominium Association	19-001528 Lake County Circuit Court	07/16/2019	Condominium	Open
3.	v. Coach Houses at Leesburg Condominium Association	19-001871 Lake County Circuit Court	08/29/2019	Condominium	Open
4.	v. Fleming	20-001436 Lake County Circuit Court	09/04/2020	Negligence Other	Closed
5.	v. Coach Houses at Leesburg Condominium Association, etc., et al	20-001438 Lake County Circuit Court	09/04/2020	Condominium	Open
6.	v. Coach Houses at Leesburg Condominium Association	20-001647 Lake County Circuit Court	10/13/2020	Condominium	Open
7.	v. Longest & Boise Cascade Building Materials, etc. et al	5D20-2666 5 <sup>th</sup> DCA	12/21/2020	Civil Prohibition	Open

**The Instant Florida Litigation**

21. As set forth above, Mr. Windsor began representing himself in March 2020. In the past eleven (11) months, Mr. Windsor has spent his time filing at best fifty motions and pleadings attaching voluminous documents, sometimes over a 1000 pages. A majority of the Motions are repetitive seeking reconsideration. The Court has denied these same Motions several times.

22. In addition, Mr. Windsor has filed Motions to Recuse the presiding Judge three (3) times to include your Honor. Furthermore, he has a pending action in the 5<sup>th</sup> DCA wherein he has

filed a Writ of Prohibition seeking your Honor's recusal and additional affirmative relief. The first Writ of Prohibition was summarily denied without hearing.

23. Despite the denials of his Motions, Mr. Windsor continues to inundate the court and litigants with voluminous filings. This includes at least 10 filings over the past week.

24. Defense attorneys in the Lake County Florida litigation identified above, in specific, Case No.: 2019 CA 001871 recently filed a similar Emergency Motion. The Motion was considered by presiding Circuit Court Judge Dan R. Mosley. Upon review of the Motion and evidence submitted, Judge Mosley granted the Defendants' Motion and drafted a detailed Order dated February 12, 2021. This Order is attached hereto as *Exhibit D*.

25. Considering the above, the Defendants request the Court require Mr. Windsor's submissions and pleadings to the court be reviewed, approved and signed by a member of the Florida Bar.

#### **ARGUMENT AND CITATION TO AUTHORITY**

The court file demonstrates voluminous and unnecessarily long pleadings and motions. The Court does have the authority to limit what is submitted to the Court, and what is filed with the clerk. Everything filed with the clerk in a litigated case takes the time of the court. Matters that are unnecessary or unnecessarily long and repetitive take the court's time that would otherwise be available to other cases.

The Court does have the authority to limit submittals and, in extreme circumstances, to prohibit submission unless signed by a member of the Florida Bar. *George May v. Patrick C. Barthet* 934 So.2d 1184 (Fla. 2006). Defendants submit that such need lies in the protection of the rights of all litigants. The resources of our court system are finite and must be reserved for resolution of genuine disputes. As noted by the United States Supreme Court, "Every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources. A part of the Court's responsibility is to see that these resources are allocated in a

way that promotes the interests of justice." *In re McDonald*, 489 U.S. 180, 109 S. Ct. 993, 103 L. Ed. 2d 158 (1989).

WHEREFORE, the Defendants, ROBERT LONGEST and BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C., respectfully request this Court require Pro Se Plaintiff, William M. Windsor's Submissions and Pleadings to the Court Be Reviewed, Approved and Signed by a Member of the Florida Bar and/or in the alternative an attorney ad litem be appointed to review and execute any filings in this case any other relief the Court deems appropriate.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 17th day of February, 2021, to: William Windsor, billwindsor1@outlook.com and bill@billwindsor.com (Plaintiff Pro Se).

/s/ Scott L. Astrin

SCOTT L. ASTRIN  
Florida Bar Number 0084557

/s/ David I. Wynne, Jr.

DAVID I. WYNNE, JR.  
Florida Bar Number 326290

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Attorney for Defendants

# Exhibit A



**FILED**

June 10 2014

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

DA 13-0785

IN THE SUPREME COURT OF THE STATE OF MONTANA

2014 MT 153

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SEAN BOUSHIE,

Petitioner and Appellee,

v.

WILLIAM M. WINDSOR,

Respondent and Appellant

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APPEAL FROM: District Court of the Fourth Judicial District,  
In and For the County of Missoula, Cause No. DV-13-969  
Honorable John W. Larson, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

William M. Windsor, self-represented, Dallas, Texas

For Appellee:

Sean Boushie, self-represented, Stevensville, Montana

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Submitted on Briefs: May 14, 2014  
Decided: June 10, 2014

Filed:

\_\_\_\_\_  
Clerk

Justice Michael E Wheat delivered the Opinion of the Court.

¶1 William M. Windsor (Windsor) appeals from the order of the Montana Fourth Judicial District Court, Missoula County, extending the Temporary Order of Protection (TOP) against Windsor granted to Sean Boushie (Boushie); denying several of Windsor's motions and discovery requests; and enjoining Windsor from filing further proceedings with the court without leave. We affirm, but strike one condition of the District Court's order.

### ISSUES

¶2 Windsor's appeal raises at least six issues with many subparts, most of which are without merit. Rule 12(1)(b) of the Montana Rules of Appellate Procedure provides: "Parties are encouraged to limit the number of issues to 4 or fewer." From the issues Windsor has presented for our review, we have distilled the relevant issues to two:

*1. Did the District Court abuse its discretion in affirming the Municipal Court TOP; denying Windsor's numerous motions; and remanding to the Municipal Court for further proceedings?*

*2. Did the District Court err by permanently enjoining Windsor from filing any new pleadings without prior District Court approval; and requiring him to post a \$50,000 bond if such a proceeding is filed against a judge or court employee?*

### FACTUAL AND PROCEDURAL BACKGROUND

¶3 The current controversy apparently arose from "cyber-blog" exchanges between Windsor and Boushie. Boushie lives in Montana; Windsor lives in Georgia, South Dakota, or Texas. The two have never met in person. Boushie asserts that his only contact with Windsor was when Boushie sent a cease and desist letter to Windsor's ex-wife regarding



Windsor's harassment of Boushie on the website lawlessamerica.com. Windsor ran the website but his ex-wife was the legally registered owner.

¶4 Following the cyber-blog exchanges and cease and desist letter, in 2013, Windsor drove to from Georgia to Montana, where he sought a TOP against Boushie. In fact, the District Court found that he filed four separate petitions for protective orders against Boushie; and filed approximately six police reports about Boushie over nineteen months. All of the petitions for protective orders were denied and no charges have been pressed related to the police reports. Windsor also repeatedly drove past Boushie's residence; showed up at Boushie's workplace at the University of Montana, where he videotaped Boushie's vehicle for approximately ninety minutes; and created a website at SeanBoushie.com, where he posted false and defamatory information about Boushie and his wife. Windsor owns several other similar websites, for instance, AllieOverstreet.com and ClaudineDombrowski.com. Previously, the U.S. District Court for the Northern District of Georgia determined Windsor was a vexatious litigant and permanently enjoined him from filing any complaint or initiating any proceeding in any court or agency of the United States without first obtaining leave of the federal district court in the district in which the action was filed.

¶5 As a result of Windsor's behavior, Boushie requested and was granted a TOP against Windsor, in Municipal Court. The Municipal Court's order barred Windsor from threatening to harm or harming Boushie's wife; harassing or otherwise contacting Boushie's wife or University of Montana staff; coming within 1,500 feet of Boushie's residence, Boushie's wife and the University of Montana; and possessing a certain firearm. It also required

Windsor to release SeanBoushie.com to Boushie and to refrain from posting Boushie's name online.

¶6 A hearing on the TOP was scheduled for September 9, 2013. Boushie filed a request to affirm and extend the order of protection in the District Court on September 17, 2013. Windsor moved to vacate the TOP. He also moved for discovery regarding a number of different things, including Boushie's mental health and online activities. He sought a jury trial, and substitution of the judge.

¶7 The District Court denied Windsor's requests and, ultimately, affirmed the Municipal Court's decision regarding the TOP. In its order, the District Court also determined that it was necessary to issue an injunction because of Windsor's "extraordinary abuse of the state judicial system by repeatedly filing frivolous, malicious and vexatious lawsuits . . . ." Accordingly, the court enjoined Windsor from filing any complaint or initiating any proceedings without leave from the district court judge. The court's order also provided that if the lawsuit or proceeding named judges or court employees, Windsor had to tender a \$50,000 bond sufficient to satisfy an award of sanctions.

#### STANDARD OF REVIEW

¶8 This Court will not overturn a district court's decision to continue, amend, or make permanent an order of protection absent an abuse of discretion. *Lockhead v. Lockhead*, 2013 MT 368, ¶ 12, 373 Mont. 120, 314 P.3d 915. We also review a pre-filing order entered against a vexatious litigant for abuse of discretion. *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1056 (9th Cir. 2007). The question under this standard is not whether we would

have reached the same decision as the trial judge, but whether the trial judge acted arbitrarily without conscientious judgment or exceeded the bounds of reason. *Lockhead*, ¶ 12.

## DISCUSSION

¶9 1. *Did the District Court abuse its discretion in affirming the Municipal Court TOP; denying Windsor's numerous motions; and remanding to the Municipal Court for further proceedings?*

¶10 The purpose of Title 40, chapter 15, MCA, is “to promote the safety and protection of all victims of partner and family member assault, victims of sexual assault, and victims of stalking.” *Lear v. Jamrogowicz*, 2013 MT 147, ¶ 22, 370 Mont. 320, 303 P.3d 790. Section 40-15-102, MCA, provides criteria for eligibility for an order of protection—victims meeting these may seek relief from their perpetrators under the statute. “As the statutes taken together establish, the object of a TOP proceeding is the swift and efficient protection of one who is being harassed and intimidated by another.” *Lear*, ¶ 26. District courts, justices’ courts, municipal courts and city courts all have jurisdiction to issue TOPs. Section 40-15-301(1), MCA. If the court finds that the individual petitioning for a TOP is in danger of harm if the court does not act immediately, the court must issue a TOP that grants appropriate relief. Section 40-15-201(2), MCA. Such relief includes:

- (a) prohibiting the respondent from threatening to commit or committing acts of violence against the petitioner and any designated family member;
- (b) prohibiting the respondent from harassing, annoying, disturbing the peace of, telephoning, contacting, or otherwise communicating, directly or indirectly, with the petitioner, any named family member, any other victim of this offense, or a witness to the offense;

(d) directing the respondent to stay 1,500 feet or other appropriate distance away from the petitioner, the petitioner's residence, the school or place of employment of the petitioner, or any specified place frequented by the petitioner and by any other designated family or household member;

(j) directing other relief considered necessary to provide for the safety and welfare of the petitioner or other designated family member.

Section 40-15-201(2), MCA. Pursuant to § 40-15-204(5), MCA, a district court has the authority to continue a TOP for "an appropriate time period," make the order permanent, or terminate the order upon the petitioner's request that the order be dismissed. *See Albrecht v. Albrecht*, 2011 MT 316, ¶ 13, 363 Mont. 117, 266 P.3d 1275. A district court must consider the record of the proceedings in assessing whether to grant or deny a respondent's motion to vacate a temporary order of protection. *Lockhead*, ¶ 18.

¶11 Here, following the hearing on the TOP, the District Court determined that Windsor was stalking Boushie and Boushie's wife, and Boushie thereby satisfied the criteria for eligibility for a TOP pursuant to § 40-15-102(2), MCA. The court concluded that the TOP should remain in effect. The court explained:

Windsor has purposely or knowingly caused Boushie and Boushie's wife substantial emotional distress by repeatedly driving by the Boushie home and showing up at Boushie's work place. Windsor has repeatedly harassed, threatened, and intimidated Boushie and his wife by setting up a website at SeanBoushie.com and posting defamatory and false information about Boushie and his wife. Windsor drove from Georgia to Montana to follow Boushie and his wife around with a video camera. Boushie and his wife are eligible for an order of protection because, despite a cease and desist letter, Windsor continues to follow, threaten, harass, and intimidate both Boushie and his wife causing them both substantial emotional distress. Contrary to Windsor's assertions Windsor's activities are not protected as a member of the press. . . . Windsor has no television show, nor has he made any sort of documentary film. Windsor films snippets of stalking his various victims and

posts them to YouTube calling them news. . . . This is stalking behavior and any member of the press engaged in such would be held accountable under the criminal statutes of Montana.

¶12 In light of the record before the District Court, we cannot say the District Court's decision to affirm the TOP was an abuse of discretion. Although Windsor claims the District Court ignored his sworn testimony in affirming the TOP, "[i]t is within the province of the finder of fact to weigh the evidence presented and determine the credibility of witnesses; in the event of conflicting evidence on factual issues, the trier of fact determines which will prevail." *State v. Gladue*, 1999 MT 1, ¶ 40, 293 Mont. 1, 972 P.2d 827. In any case, it is difficult to see how—as Windsor asserts on appeal—Boushie could be stalking Windsor, when it was Windsor who drove across the country to follow Boushie around with a video camera and seek a TOP against Boushie. Considering Windsor's activities, we conclude that the District Court's decision to affirm the TOP was not arbitrary and did not otherwise exceed the bounds of reason.

¶13 Windsor claims the District Court erred by denying his request for a jury trial. The District Court's order explained that "an appeal of a TOP is not the type of case in which a jury trial is authorized." The District Court is correct. Requiring a jury trial at the request of the respondent where a TOP is requested would defeat the purpose of a TOP—to provide swift and efficient protection of the victim.

¶14 Windsor also complains about several of the TOP conditions. Section 40-15-201, MCA, provides a process by which victims of offenses, including stalking, may obtain relief from the perpetrators. All of the conditions Windsor challenges are permitted by the statute. The condition barring Windsor from harming or threatening to harm Boushie's wife is

authorized by § 40-15-201(2)(a), MCA. The condition barring Windsor from harassing or otherwise contacting Boushie's wife or University of Montana staff is authorized by § 40-15-201(2)(b), MCA. The condition preventing Windsor from coming within 1500 feet of Boushie's residence, wife or place of employment is permitted by § 40-15-201(2)(d), MCA. The condition barring Windsor from possessing a certain firearm is within what is contemplated by § 40-15-201(2)(j), MCA. Finally, the condition requiring Windsor to transfer SeanBoushie.com into Boushie's name and to refrain from posting about Boushie on the site is also permissible within § 40-15-201(2)(j), MCA, under the circumstances. The District Court did not abuse its discretion in affirming the TOP.

¶15 Windsor further asserts that the District Court erred by denying him discovery. In denying Windsor's discovery requests, the District Court cited to our decision in *Lear*. There, we explained that broad discovery, including pursuit of personal information about one petitioning for a TOP, is "antithetical to the purpose of a TOP." *Lear*, ¶25. The District Court quoted the following language from our decision there:

The statutory scheme contemplates that the petition will succeed if the petitioner establishes good cause for the entry of an order, and will fail if she does not. The provision of discovery rights to the respondent in this situation does nothing to protect a victim from harm; rather it can exacerbate an already untenable situation. For these reasons, we conclude that unless extraordinary circumstances justify it, courts should not compel a petitioner . . . to be subjected to discovery at the hands of the respondent.

(quoting *Lear*, ¶26). Applying this decision, the District Court concluded that the type of discovery Windsor requested was not permissible. We agree, and also note that Windsor has failed to show any extraordinary circumstances justifying the invasive "discovery" that he requests.

¶16 Finally, Windsor alleges that the District Court wrongfully denied consideration of his Motion for Substitution of Judge, and “falsely claimed” that this appeal was not a trial de novo. The record reveals, however, that the District Court considered Windsor’s Motion for Substitution of Judge and observed that because Windsor’s appeal of the TOP did not constitute a trial de novo, no right to substitute a judge under § 3-1-804, MCA, arose. Windsor has not pointed out any legal error in the District Court’s reasoning and we decline to address his contention further.

¶17 The District Court did not abuse its discretion in affirming the TOP and remanding to the Municipal Court.

¶18 2. *Did the District Court err by permanently enjoining Windsor from filing any new pleadings without prior District Court approval; and requiring him to post a fifty thousand dollar bond if such a proceeding is filed against a judge or court employee?*

¶19 Montana district courts possess inherent power to sanction willful or reckless conduct, especially when combined with frivolousness, harassment, or improper purpose. *See Motta v. Granite County Comm’rs*, 2013 MT 172, ¶¶ 17, 22, 370 Mont. 469, 304 P.3d 720. We have observed that although Article II, § 16, of the Montana Constitution guarantees every person access to the courts of the state, that right is not an absolute right and may be reasonably restricted in light of a “legitimate state interest.” *Motta*, ¶ 18. To review pre-filing orders entered against vexatious litigants, we adopted the criteria used by the Ninth Circuit Court of Appeals: Whether the litigant was given notice and a chance to be heard before the order was entered; whether the trial court has compiled an adequate record for review; whether the trial court has made substantive findings about the frivolous or harassing nature of the plaintiff’s litigation; and whether the vexatious litigant order is narrowly

tailored to closely fit the specific vice encountered. *Motta*, ¶ 20 (citing *Molski*, 500 F.3d at 1057). We further endorsed the Ninth Circuit's five-factor test to examine whether a pre-filing order is justified:

- (1) the litigant's history of litigation and, in particular, whether it has entailed vexatious, harassing, or duplicative lawsuits;
- (2) the litigant's motive in pursuing the litigation; e.g., whether the litigant has an objective good faith expectation of prevailing;
- (3) whether the litigant is represented by counsel;
- (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and
- (5) whether other sanctions would be adequate to protect the courts and other parties.

*Motta*, ¶ 20 (citing *Molski*, 500 F.3d at 1058). We affirmed the District Court's entry of a pre-filing order to address problems with a vexatious litigant where the court's order was supported by detailed findings that addressed the Ninth Circuit factors. *Motta*, ¶¶ 22-23.

¶20 Here, following a hearing, and aided by a record that Windsor himself points out is extensive, the District Court concluded Windsor deserved to be sanctioned as a vexatious litigant. In reaching that determination, the court noted that "Windsor has a history of filing frivolous actions in courts all over the country and engaging in precisely the type of stalking behavior alleged by Boushie in his original Sworn Petition." The court recognized that Windsor had previously been deemed a vexatious litigant by the U.S. District Court for the Northern District of Georgia and that Windsor ran several websites aimed at harassing and threatening particular individuals, including Boushie. The court further discussed the burden to clerical and judicial resources caused by Windsor's "voluminous frivolous filings"—the



extent and nature of which are easily confirmed from review of the record. Based on these determinations, the court concluded it was necessary to enjoin Windsor from initiating any further proceedings without seeking leave of the court; and to require Windsor to post a \$50,000 bond sufficient to satisfy an award of sanctions if the proceeding named judges or court employees, since such an action would be presumably frivolous.

¶21 We conclude that the District Court adequately weighed the *Motta* factors in sanctioning Windsor as a vexatious litigant through imposing a pre-filing order. The court did not abuse its discretion in requiring Windsor to seek court approval before filing future lawsuits or administrative proceedings. Indeed, such action was tailored to address Windsor's demonstrated proclivity for filing voluminous lawsuits of questionable merit. We are not persuaded, however, that the condition of the court's order requiring Windsor to post a \$50,000 bond sufficient to cover sanctions in the event that Windsor files an action or proceeding against a judge or court employee is sufficiently closely tailored to fit the specific vice encountered. *See Motta*, ¶ 20. The District Court's order made no reference to any instance in which Windsor has brought a lawsuit or other action against any court employee or judge. A blanket sanction for filing lawsuits or other proceedings aimed at judges and court employees without any evidence that Windsor has engaged in such conduct in the past is an abuse of discretion. We conclude that the condition requiring Windsor to post a \$50,000 bond if an action he files names judges or court employees must be stricken from the court's order. Because we uphold the court's sanction preventing Windsor from filing actions without prior court approval, we will leave to the approving court's discretion the determination of whether a bond is required and, if so, in what amount.

**CONCLUSION**

¶22 The District Court's order is affirmed, as amended by this Opinion.

/S/ MICHAEL E WHEAT

We Concur:

/S/ BETH BAKER

/S/ LAURIE McKINNON

/S/ PATRICIA COTTER

/S/ JIM RICE

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, et al.,

Defendants.

CIVIL ACTION FILE  
NO. 1:11-CV-1923-TWT

OPINION AND ORDER

This is a pro se civil action against the Clerk of this Court and various judges of this Court and the Eleventh Circuit Court of Appeals and others. It is before the Court on the Plaintiff William Windsor's Motion to Modify Injunction [Doc. 225]. As a result of the Plaintiff's overly burdensome, vexatious, and frivolous litigiousness, this Court previously issued an injunction prohibiting the Plaintiff from filing any further actions without prior approval from a federal district court. The Plaintiff complains that the injunction is overly broad, and now petitions the Court to modify it in four ways, in order to clarify that 1) appeals of existing cases are not covered, 2) approval is not required for criminal complaints or protective orders, 3) the injunction does not cover state court matters, and 4) to eliminate the bond requirement. The Plaintiff's motion is GRANTED in part, and DENIED in part. The Court's injunction is hereby modified to read as follows:

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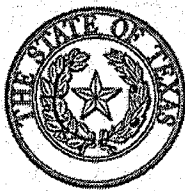
IT IS HEREBY ORDERED that the Plaintiff, William M. Windsor, and any parties acting in concert with him or at his behest, are PERMANENTLY ENJOINED from filing any complaint or initiating any proceeding, including any new lawsuit or administrative proceeding, in any court (state or federal) or agency in the United States without first obtaining leave of a federal district court in the district in which the new complaint or proceeding is to be filed. In seeking such leave, the Plaintiff must present any such court with a copy of this Order. If the lawsuit or administrative proceeding names federal judges or court employees, the Plaintiff must also tender a \$50,000.00 cash bond or a \$50,000.00 corporate surety bond sufficient to satisfy an award of Rule 11 sanctions since such actions are presumably frivolous.

The above restrictions do not apply to appeals in actions already in existence on July 15, 2011, criminal complaints, or petitions for protective orders the Plaintiff feels necessary to protect his personal safety. However, any proceedings – whether criminal or civil – initiated against any judge or government employee for actions taken in the course of their official duties are still enjoined according to the restrictions outlined above. Failure to obey this Order, including by attempting to avoid or circumvent the intent of this Order, will be grounds for sanctions including contempt.

SO ORDERED, this 12th day of February, 2018.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge

# **Exhibit C**



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-14-00355-CV**

**WILLIAM M. WINDSOR,**

**Appellant**

**v.**

**SAM ROUND,**

**Appellee**

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**No. 10-15-00069-CV**

**WILLIAM M. WINDSOR,**

**Appellant**

**v.**

**KELLIE MCDOUGALD,**

**Appellee**

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**No. 10-15-00092-CV**

**WILLIAM WINDSOR,**

**Appellant**

**v.**

**JOEYISALITTLEKID, ET AL,**

**Appellees**



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From the 378th District Court  
Ellis County, Texas  
Trial Court No. 88611

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CONCURRING OPINION

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In these proceedings, the Court now affirms the trial court's orders that: granted Round's special appearance, granted McDougald's motion for sanctions, and dismissed Windsor's underlying suit in the trial court case number 88611 for want of prosecution. I would have dismissed these proceedings three years ago which would have had the same effect.<sup>1</sup> See Nos. 10-14-00355-CV, *Windsor v. Round*; 10-14-00392-CV, *Windsor v. Fleming*, 10-15-00069-CV, *Windsor v. McDougald*; and 10-15-00092-CV, *Windsor v. Joeyisalittlekid, et al.* (Tex. App.—Waco Aug. 3, 2016, Gray, C.J., dissent to Orders) (not designated for publication). The effect of the opinion and resulting judgments is to affirm the trial court's orders granting a special appearance, sanctions, and a dismissal. Thus, while I do not join the Court's opinion, I respectfully concur in the effect of the Court's judgments.

As I noted in my dissent to the referenced orders on August 3, 2016, the simple action of again striking Windsor's brief was obviously inadequate to address the

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<sup>1</sup> Another Windsor proceeding was disposed of by this Court on August 7, 2019: 10-14-00392-CV, *Windsor v. Fleming*.

*Windsor v. Round*

*Windsor v. McDougald*

*Windsor v. Joeyisalittlekid, et al.*

overarching problem in that Windsor has exhibited a flagrant disregard for the legislative enactments and the rules of the judicial branch and has, at every turn, demonstrated a complete disregard for the orderly administration of justice. He has frustrated the judicial process and used it as a tool of oppression against his victims and as a means to delay the ultimate disposition of proceedings in which he was involved, many of which he started. Windsor failed to follow explicit orders of this Court and filed unnecessary and frivolous notices of appeal, motions, and new proceedings. In my opinion, it is long past the time, and this Court would be totally justified, to dismiss these appeals, thus affirming the trial court's orders about which Windsor complains.

While the Court goes into some extensive history of this proceeding, it is worthwhile to be familiar with and understand the result of Windsor's pattern and litigation techniques. Windsor had so burdened the federal courts that a federal court rendered an order enjoining him from filing any proceeding in a state or federal court without the prior approval of a federal judge in the district where the proceeding was to be filed. Windsor has argued that we are not bound by this federal injunction. He may be right in his argument that a State of Texas court is not bound by it. Windsor convinced the trial court to ignore the injunction.

Windsor is wrong, however, to think that he is not bound by this federal injunction. He is also wrong to think that we cannot act upon his violation of that

injunction; his failure to comply with it. In this regard, he had been advised to seek approval for the filings not only of the proceedings he had filed in Ellis County, but also of the various appeals he had filed in this Court.

Eventually, Windsor requested and obtained a setting for a hearing before a federal district court to seek the court's approval to file these proceedings. When the date for the hearing approached, Windsor rescheduled the hearing so that he could attend telephonically. When the scheduled date for the rescheduled telephonic hearing was near, he unilaterally cancelled the hearing.

As the district court found, the proceeding was not dismissed because it was moot. The hearing was dismissed because the filing party, Windsor, asked that it be dismissed. This left Windsor in the legal position in state court, this Court, that he was in before the federal court proceeding was dismissed at his request. Windsor was in violation of the injunction because it was filed without the federal court's approval.

And when the trial court and this Court were diligently trying to proceed to hear and consider and resolve his complaints, Windsor filed a petition for removal of the proceeding to South Dakota. The effort to remove his case to a federal court in another state was destined for failure because there is no legal basis for a plaintiff in a state court proceeding that selected the venue in the first instance to then remove it to federal court. Further, removal of a pending Texas state court proceeding to a South Dakota federal

court is so unsupported by any legal authority and lacking in any legal basis that it can only have been intended for an improper purpose. Moreover, by removing the proceeding to a federal district court, he was in direct violation of the previously mentioned federal pre-filing injunction because he was entering a federal court by the removal petition and had not obtained the approval of a federal judge to do so.

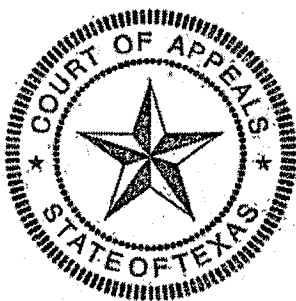
By these two specific actions, as well as his many others, it is clear that Windsor has no regard for the proper and orderly administration of justice and is using the process to trifle with our patience and our jurisdiction, making a mockery of the judicial process. See *Browning v. Ryan*, 756 S.W.2d 379, 385 (Tex. App.—Dallas 1988, writ denied); *Humble Exploration Co. v. Browning*, 677 S.W.2d 111, 114 (Tex. App.—Dallas 1984, writ ref'd n.r.e.). See also *Spence v. State National Bank*, 5 S.W.2d 754, 756 (Tex. Comm'n App. 1928, jdgmt adopted). Accordingly, I would dismiss these appeals without regard to the merits and would thus not engage in the waste of time and resources of spending 38 pages to address 6 issues, several of which the Court finds are either not preserved or that they are inadequately briefed.

We have previously dismissed another of Windsor's appeals. See *Windsor v. Joeyisalittlekid*, No. 10-15-00199-CV, 2015 Tex. App. LEXIS 7354 (Tex. App.—Waco July 16 2015, no pet.) (mem. op) (appeal dismissed noting Windsor's efforts to mislead the court and the failure of Windsor to follow the court's instructions). We should have done the

same thing with these appeals three years ago. Because the Court effectuates the right result by now affirming the trial court's orders granting a special appearance, sanctions, and dismissal, which is the functional equivalent to dismissing the appeals, I respectfully concur in the Court's judgments but not the opinion or basis thereof.

TOM GRAY  
Chief Justice

Concurring Opinion issued and filed August 28, 2019.



Windsor v. Round  
Windsor v. McDougald  
Windsor v. Joeyisalittlekid, et al.

Page 6

# Exhibit D

IN THE CIRCUIT COURT OF THE FIFTH  
JUDICIAL CIRCUIT, IN AND FOR LAKE  
COUNTY, FLORIDA

WILLIAM M. WINDSOR

Plaintiff,

CASE NUMBER: 35-2020-CA-0001438-  
AXXX-XX

v.

COACH HOUSES AT LEESBURG  
CONDOMINIUM ASSOCIATION, INC.;  
OMAR NUSIBEH; VICKI HEDRICK;  
KAREN BOLLINGER; SHEHNEELA  
ARSHI; ISABEL CAMPBELL; SERGIO  
NAUMOFF; ED CROOM, JR; L MARTA  
CARBAJO; SUE YOKLEY; WENDY  
KRAUSS; HOWARD SOLOW; SENTRY  
MANAGEMENT, INC.; CHARLIE ANN  
ALDRIDGE; ART SWANTON; BRAD  
POMP; CLAYTON & MCCULLOH, P.A.;  
RUSSEL KLEMM; FLORIDA  
DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION;  
MAHLON C. RHANEY; LEAH SIMMS;  
and DOES 1-20,

Defendants.

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**ORDER GRANTING C&M'S EMERGENCY MOTION TO REQUIRE PRO SE  
PLAINTIFF'S SUBMISSIONS TO THE COURT BE SIGNED BY  
A MEMBER OF THE FLORIDA BAR**

THIS CAUSE came before the Court on C&M's Emergency Motion to Require Pro Se Plaintiff's Submissions to the Court be Signed by a Member of the Florida Bar. The Court has read the motion and response, reviewed the file, consulted the relevant authority, conducted a hearing and has otherwise been fully advised.

The Florida Constitution provides for open access to the courts for all parties. In rare circumstances, this requires a court to restrain a litigant from engaging in abusive

practices to protect the rights of others timely review of their legitimate filings. *May v. Barthel*, 934 So. 2d 1184, 1187 (Fla. 2006). See also *Attwood v. Singletary*, 661 So. 2d 1216 (Fla. 1995) (“this order furthers the right of access because it permits us to devote our finite resources to the consideration of legitimate claims of persons who have not abused the process”). It is well established that under such circumstances it is within a court’s authority to prohibit further *pro se* filings unless they are signed by a member of the Florida Bar. See *Sibley v. Sibley*, 885 So.2d 980 (Fla. 3d DCA 2004); *Lussy v. Fourth Dist. Court of Appeal*, 828 So.2d 1026 (Fla. 2002). In considering whether to prohibit a litigant from further *pro se* filings, a court should consider “(1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant’s motive in pursuing litigation, e.g., does the litigant have an objective good faith expectation of prevailing; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or posed unnecessary burden on the courts and their personnel, and (5) whether other sanctions would be adequate to protect the courts and other parties.”

Plaintiff has represented himself *pro se* since filing his complaint on September 4, 2020. In the five months since, he has filed 60 requests for production, 48 requests for admission, 27 interrogatories, 20 motions to compel and numerous exhibits.<sup>1</sup> 47 separate filings by Plaintiff exceed 100 pages in length. Defendants have produced one such filing. Many of the exhibits are duplicative, irrelevant and frivolous. For example, Plaintiff’s responses to the current motion comprised over 2000 pages. Those exhibits included

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<sup>1</sup> As of the order, Plaintiff’s own exhibit count is at 2,342. Whether this represents the actual number of exhibits filed in this case is unclear, as the exhibits are not sequential in this case. For example, “Exhibits – Part 1” of Plaintiff’s “Verified Response to Defendant Clayton & McCulloh, P.A.’s Notice of Joinder” begins with Exhibit C, followed by Exhibit 255, Exhibit 1, Exhibit A4, Exhibit B1, Exhibit B2, Exhibit E4, and so on.



complete copies of multiple motions previously filed in this case, complete copies of multiple filings in previous cases in Georgia, Texas, and Montana, apparently in an attempt to relitigate those cases, approximately 200 pages of what appear to be thumbnails of YouTube videos, and two exhibits consisting simply of citations to the Facebook pages of what are presumably his parents. Similarly, Plaintiff has repeatedly attempted to claim that the filings of Defendants should be stricken or dismissed as unsigned, despite the clear presence of typed signatures pursuant to Fla. R. Jud. Pro. 2.515(c)(1). Plaintiff has also repeatedly disparaged opposing counsel, other litigants, other judges, and court staff. See *Martin v. State*, 747 So. 2d 386, 389 (Fla. 2000) (litigant barred from further *pro se* filings because his inability to refrain from injecting personal insults into the proceedings was “abusive” and “malicious.”)

A litigant’s past history of abusive filings in other courts may also be considered. See *Lussy v. Fourth District Court of Appeals*, 828 So.2d 1026 (Fla. 2002) (noting litigant had been prohibited from further *pro se* filings in Montana state and federal court in determining he should be prohibited from further *pro se* filings in Florida). Plaintiff has previously been prohibited from further *pro se* filings in both Montana state court and the Federal Court in the Northern District of Georgia. Notably, the Northern District of Georgia ordered Plaintiff to request permission from the federal court before engaging in further *pro se* filings in any court, state or federal. Plaintiff insists the injunction was “void”, but regardless of whether a federal court has authority to bind a state court, the Georgia injunction does not purport to do so; rather, it enjoins Plaintiff. A concurring opinion in the Texas Court of Appeals also argued as much, while also stating that Plaintiff “has no regard for the proper and orderly administration of justice and is using the process to trifle

with our patience and our jurisdiction, making a mockery of the judicial process.” Additionally, although Plaintiff claims to have sought and received such permission in his affidavit, the issue before this Court is not enforcement of the order (a matter for the federal court), but rather the findings regarding his vexatious tactics.

Thus, the Court finds that Plaintiff's history of past abusive and vexatious litigation weighs in favor of sanctions. Likewise, regardless of the merits or lack thereof of the underlying complaint, Plaintiff's voluminous submissions have no legitimate purpose; rather, they appear to be an attempt to drown both opposing parties and the Court in vexatious filings. Plaintiff has also repeatedly contacted the Court's judicial assistant demanding hearing be set without coordination with the other parties. A recent email sent at approximately 2:30am threatened charges against the judicial assistant and Judge if his demands were not met. The Court further finds that the abusive behavior of Plaintiff has posed significant burdens on the courts and their personnel, as well as opposing parties. Finally, the Court finds that other sanctions would not be adequate to protect the Court and other parties. Attorney's fees have not deterred Plaintiff from similar practices in previous litigation, and there is no reason to believe they would do so in this matter either.

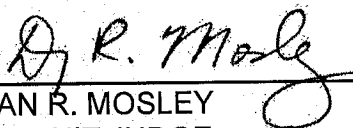
The Court also notes that Plaintiff has filed a notice of appeal, in which he appeals several orders of dismissal which he claims to be final orders. While an appeal is pending, a trial court retains jurisdiction to enter procedural orders. Fla. R. App. Pro. 9.600(a). Procedural orders are those that do not affect the subject matter on appeal or otherwise interfere with the jurisdiction of the appellate court. *Berenstein v. Berrin*, 516 So. 2d 1042 (Fla. 2d DCA 1987); *Schultz v. Schickedanz*, 884 So. 2d 422 (Fla. 4th DCA 2004).

Whether Plaintiff is permitted to make *pro se* filings is a procedural matter that does not affect the orders of dismissal; thus, the Court still has jurisdiction in this matter.

Accordingly, it is

ORDERED AND ADJUDGED that Defendant CM's Emergency Motion to Require Pro Se Plaintiff's Submissions to the Court Be Signed by a Member of the Florida Bar is GRANTED. Plaintiff is prohibited from further *pro se* filings, and the Clerk of Court is directed not to accept further filings from Plaintiff that are not signed by a member of the Bar of Florida in good standing. As an exception, Plaintiff may file a *pro se* request for the appointment of an attorney *ad litem*.

DONE AND ORDERED in chambers at Tavares, Lake County, Florida this 12<sup>th</sup> February 2021.

  
DAN R. MOSLEY  
CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 12th day of February, 2021, I electronically filed the foregoing document with the Clerk of the Court using the Florida Courts E-Filing Portal. I also certify that the foregoing document is being served this day on all counsel of record and interested parties, via transmission generated by the Florida Courts E-Filing Portal.

*Andrea Coluccio*

---

Andrea Coluccio, Judicial Assistant

**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