

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

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-O

Plaintiff,

vs.

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

Defendants.

MOTION FOR RECONSIDERATION
OF 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.]¹ 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.

¹ 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 2/42/2021, 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. 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).

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. 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).” (*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
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This 14th day of February, 2021.



William M. Windsor
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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).

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

CASE NUMBER: 2018-CA-010270-0

WILLIAM WINDSOR

Plaintiff(s),

VS.

ROBERT KEITH LONGEST

Defendant(s).

OMNIBUS ORDER ON MULTIPLE MOTIONS¹

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.²

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

¹ The Court has recently taken over this case, as the prior judge has recused herself.

² 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 motion 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 Orders³ 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 a 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,

³ AOSC20-23, Amendment 6 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 countenanced 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 unsupportable, 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. 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's "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 Court⁴ 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.

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.

⁴ 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 8/29/2020.⁵ 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.⁶ 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 fees under both the discovery rules and *Fla. Stat.* §57.105.

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

⁶ 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 were 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.⁷

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



John Marshall Kest
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY 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

⁷ For the edification of the *pro se* litigant in this case, while each case is important to the Court, Division 37 has 3228 case on its civil docket of which this case is but one.

ePortal System

Diane Jacore

Judicial Assistant to Judge John Marshall Kest

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, 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. 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, 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-010270-0
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, 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

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-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**

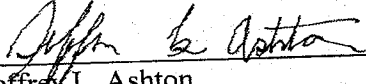
THIS CAUSE having come before the Court on Defendants' Motion for Attorney's Fees and Costs Pursuant to the Omnibus Order on Multiple Motions, and the Court having conducted a hearing on February 2, 2021, and being otherwise fully advised in the premises, after consideration of oral argument and review 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.