

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

WILLIAM WINDSOR,
Plaintiff,

CASE NO. 2018-CA-010270-O

vs.

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

EMERGENCY MOTION FOR STAY AND/OR CONTINUANCE

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

1. Windsor did not receive fair treatment from Judge John Marshall Kest ("Judge Kest"). The orders of Judge Kest provide evidence of his prejudice and bias. Windsor respectfully submits that his Petition for Writ of Prohibition provides overwhelming evidence of prejudice and wrongdoing by Judge Kest. [EXHIBIT 1.]
2. Newly-assigned Judge Ashton is being asked to declare monetary sanctions against Windsor for the outrageous actions of the Defendants, their attorneys, and Judge Kest. Windsor will be without legal recourse. Windsor will be unable to pay, and Windsor is unsure if that will cause him to be jailed or lose his case. Windsor has suffered serious injuries caused by the Defendants, and he is destined for a miserable existence until he dies unless he can win this case and obtain the funds needed for multiple surgeries.
3. Windsor's Petition for Writ of Prohibition (Case No. 5D2020-2666) was filed on December 21, 2020, but the Appendix was rejected multiple times because Windsor couldn't figure out how to do all the special things the appellate courts want appellants to do

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

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

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

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

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

Submitted this 27th day of January, 2021.



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 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 21st day of December, 2020.

A handwritten signature in black ink, appearing to read "William M. Windsor", is written over a horizontal line.

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

Exhibit

1

CASE NO. _____

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

CASE NO.: 2018-CA-010270

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

In re William M. Windsor

William M. Windsor,

Petitioner

v.

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

PETITION FOR WRIT OF PROHIBITION

William M. Windsor

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INTRODUCTION

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

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

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

BASIS FOR INVOKING JURISDICTION

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

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

NATURE OF RELIEF SOUGHT

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

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

STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46. Plaintiff sent a letter to Judge Kest requesting two motions for fraud on the court to be set for evidentiary hearings; this was sent on 8/29/2020. [APPENDIX 43.] Neither was set for hearing.

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

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

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

48. Administrative Order 2012-03 states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASONS WHY THE WRIT SHOULD ISSUE

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

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

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

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

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

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

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

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

[APPENDIX 41.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[APPENDIX 50, 61.]

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

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

STANDARD OF REVIEW

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

LEGAL ARGUMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118. Judge Kest identified nothing that was legally insufficient.

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

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

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

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

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

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

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

G. JUDGE KEST PREJUDGED WINDSOR'S CASE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148. Administrative Order 2012-03 provides:

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

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

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

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

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

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

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

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

K. THE IMPARTIALITY OF JUDGE KEST MUST BE QUESTIONED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O. JUDGE KEST VIOLATED THE CONSTITUTIONAL RIGHTS OF WINDSOR.

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

This 17th day of December, 2020.



William M. Windsor

APPENDIX INDEX

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 48 -- Plaintiff's Letter to Judge Kest advising him that Windsor was filing a motion to disqualify him, sent 9/23/2020.

APPENDIX 49 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 9/27/2020.

APPENDIX 50 -- Plaintiff's Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.

APPENDIX 51 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.

APPENDIX 52 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.

APPENDIX 53 -- Order Denying Windsor's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/20/2020.

APPENDIX 54 -- Plaintiff's Supplement to Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.

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

APPENDIX 56 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.

APPENDIX 57 -- Order Denying Defendants' Motion to Dismiss and Emergency Motion to Determine Competency filed 10/1/2020.

APPENDIX 58 -- Order on Multiple Motions filed 10/20/2020.

APPENDIX 59 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest filed 11/3/2020.

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

APPENDIX 61 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.

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

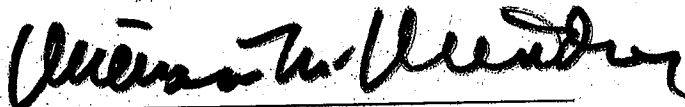
Judge John Marshall Kest filed 11/20/2020.

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

CERTIFICATE OF COMPLIANCE

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

This 17th day of December, 2020.



William M. Windsor

CERTIFICATE OF SERVICE

David I. Wynne and Scotty Astrin

Law Offices of Scott L. Astrin

100 N. Tampa Street, Suite 2605, Tampa, Florida 33602

david.wynne@aig.com, tampapleadings@aig.com,

emily.christopher@aig.com, scott.astrin@aig.com

813-526-0559 - 813-218-3110 - Fax: 813-649-8362

Judge John Marshall Kest

c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest

Courtroom 18-C, Orange County Courthouse

425 N Orange Avenue, Orlando, Florida 32801

ctjadi1@ocnjcc.org

This 21st day of December, 2020.



William M. Windsor

100 East Oak Terrace Drive, Unit B3

Leesburg, Florida 34748

352-577-9988

billwindsor1@outlook.com - bill@billwindsor.com

VERIFICATION

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, William M. Windsor, who after being duly sworn deposes and states that he is authorized to make this verification and that the facts alleged in the foregoing are true and correct based upon his personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters he believes them to be true.


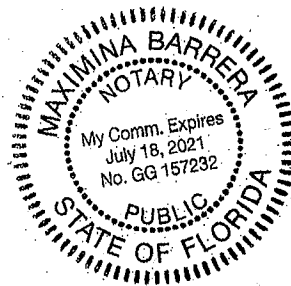
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 17th day of December, 2020,



William M. Windsor

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


Notary Public

2

CASE NO. 5D2020-2666

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

CASE NO.: 2018-CA-010270

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

In re William M. Windsor

William M. Windsor,

Petitioner

v.

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

Respondents.

EMERGENCY MOTION FOR STAY

William M. Windsor

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David I. Wynne and Scotty Astrin

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emily.christopher@aig.com, scott.astrin@aig.com
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Comes Now, William M. Windsor ("Windsor" or "Petitioner"), and provides this Emergency Motion for Stay. Windsor shows the Court as follows:

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

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

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

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

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

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

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

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

Submitted this 21st day of December, 2020.



William M. Windsor
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Leesburg, Florida 34748
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CERTIFICATE OF SERVICE

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Judge John Marshall Kest

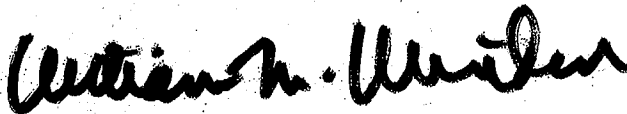
c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest

Courtroom 18-C, Orange County Courthouse

425 N Orange Avenue, Orlando, Florida 32801

ctjad1@ocnjcc.org

This 21st day of December, 2020.



William M. Windsor

100 East Oak Terrace Drive, Unit B3

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Exhibit

1

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

CASE NUMBER: 2018-CA-010270-O

WILLIAM WINDSOR

Plaintiff(s),

vs.

ROBERT KEITH LONGEST

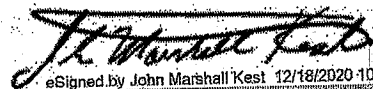
Defendant(s).

ORDER DENYING EMERGENCY MOTION TO STAY

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

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

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



eSigned by John Marshall Kest 12/18/2020 10:50:15 fatzGQA1

John Marshall Kest
Circuit Judge

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

CERTIFICATE OF SERVICE

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

Diane Lacone
Signature of Diane Lacone, Judicial Assistant to Judge John Marshall Kest

Judicial Assistant to Judge John Marshall Kest

Exhibit

3

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EXHIBIT

CASE NO. 5D2020-2666

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

CASE NO.: 2018-CA-010270

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

In re William M. Windsor

William M. Windsor,

Petitioner

v.

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

Respondents.

EMERGENCY MOTION TO WAIVE COMPLIANCE WITH RULE 9.220

William M. Windsor

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

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

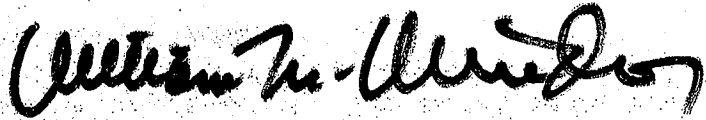
that he is attempting to convert contain signatures, and the Petitioner knows those are always corrupted in conversions.

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

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

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

This 21st day of December, 2020.



William M. Windsor

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Judge John Marshall Kest

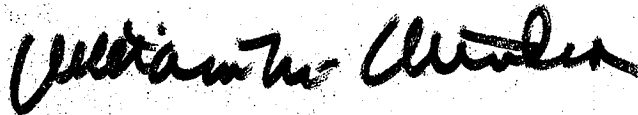
c/o Ms. Diane Iacone - Judicial Assistant to Judge John Marshall Kest

Courtroom 18-C, Orange County Courthouse

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ctjadil@ocnjcc.org

This 21st day of December, 2020.



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