

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

WILLIAM WINDSOR,

CASE NO. 2018-CA-010270-O

Plaintiff,

vs.

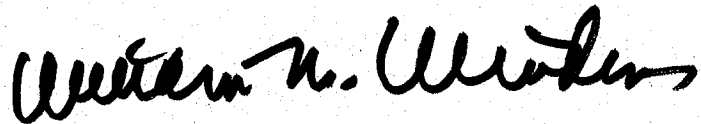
ROBERT KEITH LONGEST, an individual, and BOISE CASCADE BUILDING MATERIALS
DISTRIBUTION, L.L.C., a Foreign Limited Liability Company,

Defendants.

NOTICE OF FILING PETITION FOR WRIT OF PROHIBITION

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

This 15th day of February, 2021.



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

CERTIFICATE OF SERVICE

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

to:

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

This 15th day of February, 2021.



William M. Windsor
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Leesburg, Florida 34748
352-577-9988
billwindsor1@outlook.com
bill@billwindsor.com

CASE NO. _____

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

CASE NO. 2018-CA-010270-O

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

In re William M. Windsor

William M. Windsor,

Petitioner

v.

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

Respondents.

PETITION FOR WRIT OF PROHIBITION

William M. Windsor

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

David I. Wynne and Scotty Astrin

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

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INTRODUCTION

1. Pursuant to Florida Rules of Appellate Procedure ("FRAP") Rule 9.100 and this Court's Inherent Power, Petitioner, WILLIAM M. WINDSOR ("Windsor"), respectfully petitions this Court for a writ of prohibition restraining Judge Jeffrey L. Ashton, Judge of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County Florida from presiding as a circuit judge in the matter of WILLIAM M. WINDSOR vs. ROBERT KEITH LONGEST ("Longest") and BOISE CASCADE BUILDING MATERIALS DISTRIBUTION, L.L.C. ("Boise Cascade") in Case No. 2018-CA-01270-O.

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

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

4. The Petition was premised on FRAP 2.330, Florida Statutes, and the Florida Code of Judicial Conduct, all of which require that a judge disqualify himself once a party has established a reasonable fear that he will not obtain a fair hearing. See Florida Rules of Judicial Administration ("FRJA") 2.160; Fla. Stat. §§ 38.02, 38.10; Fla. Code Jud. Conduct, Canon 3-B (7) and E. 2 I.

BASIS FOR INVOKING JURISDICTION

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

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

NATURE OF RELIEF SOUGHT

7. The nature of the relief sought in this Petition is a Writ of Prohibition precluding Judge Jeffrey L. Ashton from conducting proceedings in this case. Windsor also seeks to have this Court declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest, Judge Lisa T. Munyon, and Judge Jeffrey L. Ashton.

STATEMENT OF THE FACTS AND PROCEDURAL HISTORY

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

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

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

10. Plaintiff's Request for Admissions to Boise Cascade was filed on 9/20/2018.

[APPENDIX 2.] Plaintiff's Request for Admissions to Longest was filed on 9/20/2018.

[APPENDIX 3.] Plaintiff's Interrogatories to Boise Cascade was filed on 9/20/2018.

[APPENDIX 4.] Plaintiff's Interrogatories to Longest was filed on 9/20/2018. [APPENDIX 5.]

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

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

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

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

13. On May 16, 2019, David I. Wynne ("Wynne") became the attorney for the Defendants. [APPENDIX 10.] On March 19, 2020, Newlin was terminated by Windsor.

[APPENDIX 11.] This was because Windsor was completely unhappy with their work and lack of work.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49. Judge John Marshall Kest issued an "Order Requiring Compliance by Attorneys and *PRO SE* Litigants with Procedures and Administrative Orders on September 1, 2020.

[APPENDIX 44.] This Order states:

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

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

50. Administrative Order 2012-03 states:

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

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

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

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

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

to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASONS WHY THE WRIT SHOULD ISSUE

86. Windsor's Affidavits of Prejudice stated very clearly the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized. The reasons for the belief are material and stated with particularity. [APPENDIX 66.] [APPENDIX 67.]

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

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

88. Judge John Marshall Kest claimed, without legal authority, that Windsor's objections were not made in good faith. [APPENDIX 58, Page 5.] This is laughable. See APPENDIX 14, especially ¶¶ 18-42. The Objections were made under oath under penalty of perjury. Windsor's sworn statements of fact are uncontroverted. Windsor identified five false answers. Windsor identified several counts of perjury, and he provided evidence. Windsor identified incomplete answers that Longest knew were incomplete, completely inadequate answers. Longest committed 55 violations of Florida Rules of Civil Procedure ("FRCP") Rule 1.340 (a). [APPENDIX 14, ¶ 44.] Longest gave false sworn answers to Interrogatories Number 6, 8, 10, 11, 23. Longest failed to answer Interrogatory Numbers 5 and 7. Longest gave incomplete answers to Interrogatory Numbers 2, 10, 13, 18, 24, and 27. [APPENDIX 18, APPENDIX 41.] Longest has committed fraud on the court. And Judge John Marshall Kest let him get away with it and has sanctioned Windsor. Judge Jeffrey L. Ashton ignored all of this. [APPENDIX 69.]

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

90. FRCP Rule 1.380 (a) (2) provides that if a deponent fails to answer a question propounded or submitted under rule 1.310 or 1.320, or a corporation or other entity fails to make a designation under rule 1.310(b)(6) or 1.320(a), or a party fails to answer an interrogatory submitted under rule 1.340, or if a party in response to a request for inspection submitted under rule 1.350 fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, or if a party in response to a request for examination of a person

submitted under rule 1.360(a) objects to the examination, fails to respond that the examination will be permitted as requested, or fails to submit to or to produce a person in that party's custody or legal control for examination, the discovering party may move for an order compelling an answer.... FRCP Rule 1.380 (a) (3) provides that an evasive or incomplete answer shall be treated as a failure to answer. Judge John Marshall Kest's order violates the law. [APPENDIX 58, Page 5.] Judge John Marshall Kest LIED in his order claiming Windsor did not comply with the Rules. This Court should simply read APPENDIX 14, 15, and 58 and see that Judge John Marshall Kest lied to inflict his prejudice, and then Judge Jeffrey L. Ashton continued that lie. [APPENDIX 65.] THERE IS ABSOLUTELY NO BASIS FOR THIS COURT TO CLAIM THAT WINDSOR VILLATED ANYTHING IN HIS OBJECTIONS AND MOTION FOR SANCTIONS. The actions of Judge John Marshall Kest and Judge Jeffrey L. Ashton should be considered crimes. Windsor will study the RICO Statutes, as this certainly seems to be organized crime at work.

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

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

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

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

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

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

http://lawlessamerica.com/index.php?option=com_content&view=article&id=479:eleventh-circuit-judges-demonstrate-how-they-commit-crimes&catid=120&Itemid=222. Windsor traveled to all 50 states and interviewed thousands of alleged victims. He published over 2,000 videos -- <https://www.youtube.com/c/lawlessamericamovie>. His website has thousands of stories -- www.LawlessAmerica.com, and he had over 50,000 followers on his Facebook Page until Facebook removed it without explanation.

93. Judge John Marshall Kest claimed there was no valid legal basis to object to Longest's answers to request for admissions. FRCP Rule 1.370 (a) provides the legal authority that Windsor cited. The answers were false, and Longest knew they were false. There was perjury proven! FRCP 1.370 requires: "The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is

requested, the party shall specify so much of it as is true and qualify or deny the remainder.”

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

94. The actions of Longest in this case have been fraudulent. Longest has filed a fraudulent answer, false sworn answers to interrogatories, false answers to requests for admissions, and he has lied in his deposition and in court. [APPENDIX 41.] Judge Jeffrey L. Ashton ignored it. He claimed in his order [APPENDIX 69] that he had reviewed the file, but in a few hours, that was physically impossible. He LIED.

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

96. Judge John Marshall Kest claimed there is no valid legal basis to object to Boise’s answers to request for admissions. [APPENDIX 58, P. 6.] The answers were false, and Boise knew they were false. FRCP 1.370 requires: “The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.” FRCP 1.370 provides “The party who has requested the admissions may move to determine the sufficiency of the answers or objections.” Judge Jeffrey L. Ashton ignored it. He claimed in his

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

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

98. Judge John Marshall Kest claimed Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade; Motion for Sanctions to Strike the Answer of Longest; Motion for Fraud on the Court; Motion for Sanctions for Violations of the Rules and Motion for Evidentiary Hearing did not provide evidence. [APPENDIX 58, P. 7.] There is massive evidence, and the court would have been reminded at the requested evidentiary hearing that was never held. Judge John Marshall Kest has amazingly said that Windsor is obligated to comply with the Florida Bar Rules of Professional Conduct, which the law does not provide, yet he claims there is no basis for the Court to sanction attorneys for violating the Rules. And, he has ordered sanctions against Windsor pursuant to the rules of civil procedure. This is prejudice and bias. Judge John Marshall Kest is dishonest and likely corrupt. Judge Jeffrey L. Ashton ignored it. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

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

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

101. Judge John Marshall Kest falsely stated that many of Windsor's motions are not based on statutory or Florida case law and some are not legally sufficient. [APPENDIX 58.] Judge John Marshall Kest did not identify these. Windsor asks this Court to review each motion to see this is false. Windsor has complied with all statutes and Rules, and his motions are legally sufficient. Judge John Marshall Kest just wrote this to inflict his prejudice against Windsor. Judge Jeffrey L. Ashton embraced this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

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

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

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

105. Judge John Marshall Kest denied Windsor's motions to compel the Defendants to produce documents and for sanctions without a hearing. [APPENDIX 58.] This is OUTRAGEOUS. There was nothing improper about these requests. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

106. Judge John Marshall Kest has limited Windsor to one hour per deposition, apparently as a sanction. [APPENDIX 58, P. 3.] This is totally inadequate as to the two Defendants. Windsor has never taken a deposition, and he is dealing with liars. Judge John Marshall Kest wants to do whatever he can to screw *Pro Se* Windsor as he retires. Windsor will file a Bar Complaint against him. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

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

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

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

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

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

109. Judge John Marshall Kest denied Windsor’s Motion to Compel Subpoenas for Documents from Dr. Stephen Goll. [APPENDIX 58, P. 3.] The Motion fully explains the need, but Judge John Marshall Kest feigned ignorance. [APPENDIX 28.] Dr. Stephen Goll relied on the notes he made while examining Windsor, and these are discoverable. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.]

110. Judge John Marshall Kest outrageously denied Windsor’s Motion for Sanctions against each of the Defendants for Fraud on the Court. He denied hearings. He claims the findings of the prior judge are valid, but she did not address the issues that were clearly stated. This smacks of corruption. Perhaps Judge John Marshall Kest has been paid off by the attorneys for the Defendants to issue such outrageous orders. Judge Jeffrey L. Ashton ignored this. He claimed in his order that he had reviewed the file, but in a few hours, that was physically impossible. He LIED to inflict his bias. [APPENDIX 69.] The Defendants could be looking at a multi-million-dollar damage award to Windsor, and it would be less expensive to them to pay off one or both judges.

111. Judge John Marshall Kest established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the “appearance of impropriety,” a standard that must be safeguarded under applicable recusal law. Judge Jeffrey L. Ashton has done the same.

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

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

114. Judge Jeffrey L. Ashton’s actions prove that he has exercised his power in this civil action for his own personal purposes rather than the will of the law.

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

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

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

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

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

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

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

STANDARD OF REVIEW

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

LEGAL ARGUMENT

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

123. In reviewing the legal sufficiency of a motion for disqualification, i.e. whether the movant has alleged facts giving rise to a well-founded fear that the movant will not receive a fair

trial, the facts must be taken as true and must be viewed from the movant's perspective. See *Livingston*, 441 So.2d 1083 ("The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of the judge's ability to act fairly and impartially.").

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

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

126. The prejudice of a judge is a delicate question for a litigant to raise but when raised as a bar to the trial of a cause, **if predicated on grounds with a modicum of reason, the judge in question should be prompt to recuse himself. No judge under any circumstances is warranted in sitting in the trial of a cause whose neutrality is shadowed or even questioned.** *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Aguiar v. Chappell*, 344 So.2d 925 (Fla. 3d DCA 1977). *State v. Steele*, 348 So. 2d 398, 401 (Fla. 3rd DCA 1977). Judge Jeffrey L. Ashton simply lied, as so many do in court, so he could rape an elderly disabled man. Windsor has expressed his outrage in many words, but as to a **modicum of reason**, he has provided facts and evidence.

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

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

129. The test for determining the legal sufficiency of a motion for disqualification is an objective one which asks whether the facts alleged in the motion would place a reasonably prudent person in fear of not receiving a fair and impartial hearing. See *Livingston v. State*, at 1087. "When the judge enters into the proceedings and becomes a participant, a shadow is cast upon judicial neutrality so that disqualification [of the circuit] is required." (*Chastine v. Broome*, 629 So.2d 293, 19 Fla. L. Weekly D14 (Fla.App. Dist.4 12/22/1993).) In the instant case, it appears Judge Jeffrey L. Ashton is working for the Defendants' attorneys.

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

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

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

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

132. Windsor swore under oath under penalty of perjury that “Lies, conspiracy, false statements to law enforcement, alleged bribery, fraud, attempted fraud, false pleadings, a host of discovery violations, numerous violations of the Florida Rules of Professional Conduct, concealment of the key evidence, concealment of the identity of one of the key fraudsters, perjury, alleged fraud by a paid expert witness, violation of a court order, contempt, malicious prosecution, and fraud on the Court. The Defendants and their attorneys have done it all.” Windsor presented Judge John Marshall Kest and Judge Jeffrey L. Ashton with 298 causes of action for sanctions. [APPENDIX 18 and 19; APPENDIX 34 and 35; APPENDIX 41 and 42.]

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

134. Judge John Marshall Kest denied the motions without the requested evidentiary hearing claiming they were motions for “reconsideration.” And Judge Jeffrey L. Ashton had to acknowledge this was not reconsideration, but he didn’t. [APPENDIX 45, Page 1.] On September 2, 2020, Judge John Marshall Kest issued an “ORDER ON MOTIONS FOR RECONSIDERATION, REQUEST FOR HEARING AND DIRECTING DEFENDANT TO FILE A RESPONSE.” [APPENDIX 45.] This ORDER is absolutely false, claiming the August 29, 2020 motions filed by Windsor were “motions for reconsideration.” [APPENDIX 45, P. 1.] The opening paragraphs of the motions state that on June 24, 2020, Windsor originally presented 98 counts to show FRAUD ON THE COURT by each of the Defendants. And that “since the 98 counts were first presented, the Defendants and its attorneys have each committed another 51 counts. Fraud on the court requires a clear and convincing showing, so this Motion includes all of the counts that are part of the scheme.” [APPENDIX 41, 42.] 102 new counts against the Defendants does not constitute a “motion for reconsideration.” This is inexcusable. And Judge Jeffrey L. Ashton made the same ruling by refusing to reconsider.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Code of Judicial Conduct sets forth basic principles of how judges should conduct themselves in carrying out their judicial duties. Canon 3-C(1) states that “[a] judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned” This is totally consistent with the case law of this Court, which holds that a party seeking to disqualify a judge need only show “a well grounded fear that he will not receive a fair trial at the hands of the judge. It is not a question of how the judge feels; it is a question of what feeling resides in the affiant’s mind and the basis for such feeling.” *State ex rel. Brown v. Dewell*, 131 Fla. 566, 573, 179 So. 695, 697-98 (1938). See also *Hayslip v. Douglas*, 400 So.2d 553 (Fla. 4th DCA 1981). The question of disqualification focuses on those matters from which a litigant may reasonably question a judge’s impartiality rather than the judge’s perception of his ability to act fairly and impartially.

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

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

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

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

151. Judge Jeffrey L. Ashton did not consider Florida Statute 38.10, Florida Rule of Judicial Administration 2.330, and Canons 2 and 3 of the Code of Judicial Conduct, all other relevant statutory and state and federal case law, as well as the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Due Process Clause of the Fifth

Amendment to the U.S. Constitution, the Constitution of the State of Florida, and the Court's inherent powers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

162. See *King v. State*, 840 So.2d 1047, 1049 (Fla.2003), and should only be disturbed if "the record clearly refutes the successor judge's decision to deny the motion." *Pinfield v. State*, 710 So.2d 201, 202 (Fla. 5th DCA 1998); see also *Quince v. State*, 732 So.2d 1059, 1062 (Fla.1999). (*Ardis v. Ardis*, 130 So.3d 791, 39 Fla. L. Weekly D 260 (Fla.App. Dist.1 02/04/2014).)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

176. Judge Jeffrey L. Ashton has violated Windsor's civil and constitutional rights under color of law.

"...[t]rial before an 'unbiased judge' is essential to due process." *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted). (See also *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)

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

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

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

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

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

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

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

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

182. The Sixth Amendment provides the Constitutional right to self-representation. That right should be enjoyed without fear of harassment or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right. Theoretically, *Pro Se* Litigants have no less of a right to effective due process as those who utilize an attorney. This is what Windsor's children used to call a fig newton of imagination. This Court is asked to review the cases of Judge John Marshall Kest and Judge Jeffrey L. Ashton to see how many *Pro Se* Plaintiffs have won their cases in their courts. Windsor will not be shocked to find NONE.

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

184. The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision-making process. See *Carey v. Piphus*, 435 U.S. 247, 259-262, 266-267 (1978). The

neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976). At the same time, it preserves both the appearance and reality of fairness, 'generating the feeling, so important to a popular government, that justice has been done,' *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 172, (1951) (Frankfurter, J., concurring), by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).

185. Canon 3E, Fla. Code Jud. Conduct, and Rule 2.160, Fla. R. Jud. Admin., mandate that a judge disqualify himself in a proceeding "in which the judge's impartiality might reasonably be questioned." The disqualification rules require judges to avoid even the appearance of impropriety: It is the established law of this State that every litigant is entitled to nothing less than the cold neutrality of an impartial judge. It is the duty of the court to scrupulously guard this right of the litigant and to refrain from attempting to exercise jurisdiction in any manner where his qualification to do so is seriously brought into question. The exercise of any other policy tends to discredit and place the judiciary in a compromising attitude which is bad for the administration of justice. *Crosby v. State*, 97 So.2d 181 (Fla. 1957); *State ex rel. Davis v. Parks*, 141 Fla. 516, 194 So. 613 (1939); *Dickenson v. Parks*, 104 Fla. 577, 140 So. 459 (1932); *State ex rel. Mickle v. Rowe*, 100 Fla. 1382, 131 So. 3331 (1930).

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

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

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

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

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

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

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

CONCLUSION

WHEREFORE, Petitioner, WILLIAM M. WINDSOR, respectfully urges the Court to enter a writ prohibiting Judge Jeffrey L. Ashton from proceedings in this case; declare that Pro Se parties are not subject to the Florida Bar Rules of Professional Conduct; declare that Windsor

has no hourly restriction on depositions; and order a newly-assigned judge to reconsider the orders of Judge John Marshall Kest, Judge Lisa T. Munyon, and Judge Jeffrey L. Ashton.

This 10th day of February, 2021.

A handwritten signature in black ink, appearing to read "William M. Windsor", written in a cursive style. The signature is positioned above a horizontal line.

William M. Windsor

APPENDIX INDEX

- APPENDIX 1 -- Complaint to institute Case No. 2018-CA-01270-O in the Ninth Judicial Circuit in Orange County, Florida filed by Dan Newlin on 9/20/2018.
- APPENDIX 2 -- Plaintiff's Request for Admissions to Boise Cascade filed on 9/20/2018.
- APPENDIX 3 -- Plaintiff's Request for Admissions to Longest filed on 9/20/2018.
- APPENDIX 4 -- Plaintiff's Interrogatories to Boise Cascade filed on 9/20/2018.
- APPENDIX 5 -- Plaintiff's Interrogatories to Longest filed on 9/20/2018.
- APPENDIX 6 -- Plaintiff's Request to Produce to Boise Cascade filed on 9/20/2018.
- APPENDIX 7 -- Plaintiff's Request to Produce to Longest filed on 9/20/2018.
- APPENDIX 8 -- Defendants' Answer to Plaintiff's Original Complaint filed on 10/10/2018.
- APPENDIX 9 -- Plaintiff's Request for Copies received in response to Notices of Production to Non-Parties filed on 4/29/2019.
- APPENDIX 10 -- Stipulation for Substitution of Counsel for Defendants naming David I. Wynne filed on 5/10/2019.
- APPENDIX 11 -- Order Granting Withdrawal of Dan Newlin filed on 3/19/2020.
- APPENDIX 12 -- Plaintiff's Motion to Compel Incomplete Answer to Interrogatory filed 6/3/2020.
- APPENDIX 13 -- Plaintiff's Motion to Compel Production of Purported Privileged Documents filed 6/3/2020.
- APPENDIX 14 -- Plaintiff's Objections to Longest's Answers to Interrogatories and Motion for Sanctions Against Defendant Longest filed 6/24/2020.
- APPENDIX 15 -- Plaintiff's Objections to Boise Cascade's Answers to Interrogatories and Motion for Sanctions Against Defendant Boise Cascade filed 6/24/2020.
- APPENDIX 16 -- Plaintiff's Motion to Determine Sufficiency of Longest's Answers to Requests for Admissions and Motion for Sanctions Against Defendant Longest filed 6/24/2020.
- APPENDIX 17 -- Plaintiff's Motion to Determine Sufficiency of Boise Cascade's Answers to Requests for Admissions and Motion for Sanctions Against Defendant Boise Cascade filed 6/24/2020.

- APPENDIX 18 -- Plaintiff's Amended Motion for Sanctions Against Longest for Fraud on the Court filed 7/1/2020.
- APPENDIX 19 -- Plaintiff's Amended Motion for Sanctions Against Boise Cascade for Fraud on the Court filed 7/1/2020.
- APPENDIX 20 -- Defendants' Emergency Motion Requesting the Court Determine if Pro Se Plaintiff William Windsor is Competent to Represent Himself filed 7/20/2020.
- APPENDIX 21 -- Plaintiff's Motion to Cancel August 4, 2020 Hearing and Motion to Strike filed 7/27/2020.
- APPENDIX 22 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 7/27/2020.
- APPENDIX 23 -- Plaintiff's Motion to Strike Confidential Information and Motion for Sanctions filed 8/4/2020.
- APPENDIX 24 -- Plaintiff's Motion to find Boise Cascade in Contempt filed 8/4/2020.
- APPENDIX 25 -- Plaintiff's Motion to Compel Depositions filed 8/4/2020.
- APPENDIX 26 -- Plaintiff's Motion to Compel Production of Documents and Motion for Sanctions Against Boise Cascade filed 8/4/2020.
- APPENDIX 27 -- Plaintiff's Motion to Compel Production of Documents and Motion for Sanctions Against Longest filed 8/4/2020.
- APPENDIX 28 -- Plaintiff's Motion to Compel Document Subpoena to Dr. Stephen Goll filed 8/4/2020.
- APPENDIX 29 -- Defendants' Comprehensive Motion for Protective Order on All Discovery filed 8/4/2020.
- APPENDIX 30 -- Plaintiff's Amended Response to Motion for Protective Order and Motion to Strike filed 8/11/2020.
- APPENDIX 31 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Granting Protective Order filed 8/19/2020.
- APPENDIX 32 -- Notice of Appearance of Scott Astrin filed 8/19/2020.
- APPENDIX 33 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Motion to Exceed 30 Interrogatories and 30 Requests for Admissions filed 8/22/2020.

- APPENDIX 34 -- Plaintiff's Request for Findings of Fact and Conclusions of Law on Order Denying Plaintiff William M. Windsor's Motion to Strike Defendants' Emergency Motion Requesting the Court Determine if Pro Se Plaintiff William Windsor is Competent to Represent Himself filed 8/22/2020.
- APPENDIX 35 -- Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions Against Defendant Robert Keith Longest for Fraud on the Court filed 8/23/2020.
- APPENDIX 36 -- Plaintiff's Motion for Reconsideration of Order on Motion for Sanctions against Defendant Boise Cascade for Fraud on the Court filed 8/24/2020.
- APPENDIX 37 -- Plaintiff's Verified Response to Motion to Dismiss, Motion to Strike, and Motion for Sanctions filed 8/25/2020.
- APPENDIX 38 -- Plaintiff's Response to Motion for Competency, Motion to Strike, and Motion for Sanctions filed 8/25/2020.
- APPENDIX 39 -- Order Granting Windsor's Verified Motion to Disqualify Judge Lisa T. Munyon filed 8/25/2020.
- APPENDIX 40 -- Plaintiff's Letter to Judge Kest requesting 18 motions to be set for hearing, sent 8/25/2020.
- APPENDIX 41 -- Plaintiff's Motion for Sanctions to Strike the Answer of Longest for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 8/29/2020.
- APPENDIX 42 -- Plaintiff's Motion for Sanctions to Strike the Answer of Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 8/29/2020.
- APPENDIX 43 -- Plaintiff's Letter to Judge Kest requesting two motions for fraud on the court to be set for hearing, sent 8/29/2020.
- APPENDIX 44 -- Order Requiring Compliance by Attorneys and *PRO SE* Litigants with Procedures and Administrative Orders filed 9/1/2020.
- APPENDIX 45 -- Order Denying Windsor's Motion for Sanctions to Strike the Answers of Longest and Boise Cascade for Fraud on the Court; Motion for Sanctions for Violations of the Rules; and Motion for Evidentiary Hearing filed 9/2/2020.

- APPENDIX 46 -- Motion for Reconsideration of Order dated 9/2/2020 filed 9/2/2020.
- APPENDIX 47 -- Defendants' Response to Pro Se Plaintiff's Motions for Reconsideration filed 9/21/2020.
- APPENDIX 48 -- Plaintiff's Letter to Judge Kest advising him that Windsor was filing a motion to disqualify him, sent 9/23/2020.
- APPENDIX 49 -- Plaintiff's Motion to Cancel September 29, 2020 Hearing and Motion for Sanctions filed 9/27/2020.
- APPENDIX 50 -- Plaintiff's Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.
- APPENDIX 51 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.
- APPENDIX 52 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.
- APPENDIX 53 -- Order Denying Windsor's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/20/2020.
- APPENDIX 54 -- Plaintiff's Supplement to Verified Motion to Disqualify Judge John Marshall Kest filed 9/28/2020.
- APPENDIX 55 -- Plaintiff's Motion for Reconsideration of Orders of Judge Lisa T. Munyon filed 9/29/2020.
- APPENDIX 56 -- Order Denying Windsor's Verified Motion to Disqualify Judge John Marshall Kest filed 9/30/2020.
- APPENDIX 57 -- Order Denying Defendants' Motion to Dismiss and Emergency Motion to Determine Competency filed 10/1/2020.
- APPENDIX 58 -- Order on Multiple Motions filed 10/20/2020.
- APPENDIX 59 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest filed 11/3/2020.
- APPENDIX 60 -- Plaintiff's Motion for Reconsideration of Orders of Judge John Marshall Kest dated October 20, 2020 filed 11/6/2020.
- APPENDIX 61 -- Plaintiff's Second Verified Motion to Disqualify Judge John Marshall Kest filed 11/19/2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

BY

JOHN H. ...

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy

in the Department of ...

Chicago, Illinois

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VERIFICATION

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

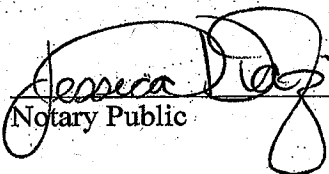
I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 10th day of February, 2021,



William M. Windsor

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



Notary Public

