

FILED

2019 APR -8 PM 3:02

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

Gordon Wayne Watts, Individually,  
and on behalf of similarly situated  
persons (some, but not all, whom are  
named in the instant complaint)

Lead Plaintiff,

vs.

Case No.: 8:19 cv 829 T369T

\* Circuit Court of Cook County, Illinois ; et. al.,

Defendants.

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**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION  
AND INCORPORATED MEMORANDUM OF LAW**

Plaintiffs, Gordon Wayne Watts, et. al., by and through undersigned counsel, and pursuant to Fed.R.Civ.P. 65 and Local Rule 4.06, hereby move This Honourable Court to enter a **Preliminary Injunction**, enjoining the named defendants from dismissing the pending appeal, *GMAC v. Watts*, case number 1-18-0091, for alleged "want of prosecution," which will occur as a "FINAL EXTENSION that will be allowed for filing the record [i]f the record is not filed by May 28, 2019," as promised in the 03/08/2019 order of defendant, ILLINOIS FIRST APPELLATE COURT—and plaintiffs respectfully move This Honourable Court to enter a **Permanent Injunction**, enjoining the named defendants from enforcing "Supreme Court Rule 321," which is unconstitutional on its face—and as applied. In support thereof, Plaintiff state:

As the VERIFIED Complaint alleges (and supported by a sworn, witnesses, and

notarised affidavit—and supporting court documents), one of the plaintiffs harmed is elderly, and was made homeless by the title-theft Mortgage Fraud, based on what even the courts admitted was basically a forged signature. As this is the only “live” case litigating that matter (which has not been reviewed on its merits, and thus not *Res Judicata* barred), dismissal of this case would cause grave, and irreparable, harm to this class plaintiff. Moreover, lead plaintiff, Watts, was harmed in many documented ways (financial, emotional, etc.), and his request for Due Process (both Substantive and even Procedural) was denied by all state courts in question—and his appeal “hangs by a thread,” and will be dismissed for reasons that are out of his control—purposely put out of his control so-as-to deny him appeal review.

**MEMORANDUM OF LAW IN SUPPORT OF PRELIMINARY AND  
PERMANENT INJUNCTIONS IN THE 2 MATTERS CITED ABOVE—AND  
MOTION FOR SUMMARY JUDGMENT ON THE RULE 321 STATE LAW**

The court should issue a preliminary injunction, enjoining defendant, ILLINOIS First Appellate Court, from dismissing Plaintiff’s appeal because Plaintiffs clearly have: “(1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury if the injunction were not granted; (3) that the threatened injury to plaintiffs outweighs the harm an injunction may cause the defendant; and (4) that granting the injunction would not disserve the public interest.” *International Cosmetics v. Gapardis Health*, 303 F.3d 1242 (11th Cir. 2002) *Siebert v. Allen*, 506 F.3d 1047, 1049 (11th Cir. 2007); see also *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981) (“[A] preliminary injunction is customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits. A party thus is not required to prove his case in full at a preliminary-injunction hearing.”).

**I. Likelihood of Success of the Merits**

This Court is presented with an opportunity to address long-standing corruption in ILLINOIS Courts, which harm our nation, both substantively and via a diminished reputation. The documented and verified facts, as well as legal bases in the complaint proper, show that the rights to have appellate review were clearly blocked and denied, not to mention the other clear violations “under the Colour of Law,” too numerous to mention here—but detailed in painful detail in the 40-page complaint (which went over the usual 25-page limit). Movant's arguments (in his Complaint proper ) are, for the sake of space (Judicial Economy), hereby incorporated into this Amendment as if fully set forth herein. There is a 100% chance of success on the merits, given enough time and opportunity for a fair court to review them.

**II. Threat of Irreparable Injury if Injunction were not Granted**

As noted in the complaint, itself, [[1]] one plaintiff is elderly, around eighty (80) years of age, and that alone suffices to put this case on fast track. And, [[2]] the fact he was made homeless by the actions of the court, which gave his home, land, and much equity to another party WITHOUT ANY CONSIDERATION (payment) WHATSOEVER. [[3]] Lead plaintiff, Watts, has a threat of dismissal for reasons that are out of his control—and it looms on the horizon, only a few weeks hence. [[4]] Adding 1—3, above, we have much irreparable harm, and not merely the threat thereof.

**III. Injury to plaintiffs outweighs harm injunction may cause defendants**

No known scenario can exist whereby defendants' harm (if they are harmed at all) would outweigh the grave danger and harm and irreparable injury that plaintiffs would (and

have) incur(ed). (If there is such a scenario, This Court is welcome to clarify.)

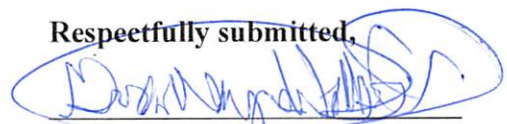
**IV. Granting the Injunction would not disserve the public interest**

It would not. (If This Court disagrees, then This Court is welcome to clarify.)

**Conclusion:**

Therefore, Plaintiffs respectfully motion This Honourable Court to enjoin, via preliminary injunction, the appeals court, from dismissal of *GMAC v. Watts*, 1-18-0091, pending before the ILLINOIS First Appellate Court—and to issue, as a matter of summary judgment, declaratory and injunctive relief holding ILLINOIS SUPREME COURT “Rule 321” to be unconstitutional both facially and as applied—and for the reasons elucidated in the forty (40) page complaint filed by plaintiff Watts in this cause. For the reasons stated, Plaintiffs respectfully request that the Court grant their motion and enjoin Defendants from further enforcing these harmful and unconstitutional laws.

Date: Monday (Day of Week) ,  
the 8<sup>th</sup> day of April, 2019

Respectfully submitted,  
  
(Signature of Counsel)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding *pro se*  
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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

**Gordon Wayne Watts, Individually,  
and on behalf of similarly situated  
persons** (some, but not all, whom are  
named in the instant complaint)

**Lead Plaintiff,**

vs.

Case No.: \_\_\_\_\_

\* Circuit Court of Cook County, Illinois ; et. al.,

**Defendants.**

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**[Proposed] Order granting preliminary injunction and  
Declaring Illinois Supreme Court Rule 321 unconstitutional**

This matter comes before This Court upon the Plaintiffs' motion for a preliminary injunction and summary judgment. The issues in this complaint include, *inter alia*, a denial of ability to seek appellate review, actions committed by defendants, selected state courts in Illinois. The role of the courts is to hear cases in which one party is harmed, and chief in our nation's judicial heritage is the ability of a party to seek appeal review of an adverse decision. Since the plaintiffs have made a colourable argument, where there is a lower standard for an preliminary injunction (as compared to a permanent injunction), a "party thus is not required to prove his case in full at a preliminary-injunction hearing." See: *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395, 101 S. Ct. 1830, 68 L. Ed. 2d 175 (1981)

While a hearing on this matter might further clarify the factual (and legal) matters in question, This Court notes that the time-sensitive nature, and grave threatened damages

looming on the horizon, outweigh the need to hold a hearing, and This Court enters an order enjoining the ILLINOIS First Appellate Court from dismissing Watts' appeal during the pendency of these proceedings.

The standard for a summary judgment is a bit higher, and assumes the facts in question are not disputed. However, a cursory review of the Illinois court system's online resources verifies plaintiff's allegations on the factual predicates of Rule 321. Therefore This Court takes plaintiff's assertions of fact to be true. As to the legal bases for this order, it is clear that "Rule 321" places unreasonable barriers to one seeking appellate review, and thus Equal Protection is invoked. That there are some circumstances in which R.321 would allow a poor litigant to appeal is not a preclusion to unconstitutionality: "an exception need not "on its face and in every one of its provisions, be totally incompatible with the prohibition of the anti-injunction statute." *Mitchum v. Foster*, 407 U.S. 225, 237 (1972)

Therefore, This Court, being advised on the matters before it, issues a preliminary injunction, enjoining the appeals court from dismissing Watts' appeal, 1-18-0091, and holding the IL Sup.Ct. Rule 321 as unconstitutional, both on its face and as applied. The defendants may, if they wish, seek reconsideration of this order, or move this court for a hearing, but, the matter for summary judgment seems clear, and This Court shall strike Rule 321 as unconstitutional.

**IT IS SO ORDERED.**

/s/

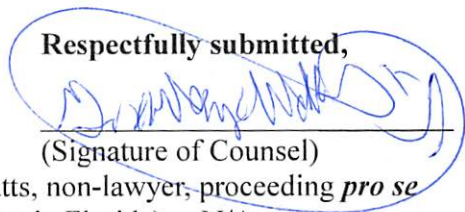
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**(District Judge or Magistrate)**

**Certificate of Service**

I, **GordonWayne Watts**, hereby certify that I have filed a copy of this motion (“PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION AND INCORPORATED MEMORANDUM OF LAW”) with the clerk of the Circuit Court, Middle District of Florida, Tampa Division, this 8th day of April, 2019, but on no one else, as I am filing *In Forma Pauperis*, and am depending – with full faith and credit – upon The Court to authorise and order the U.S. Marshall Service to serve all other parties of record.

Date: Monday (Day of Week),  
the 8th day of April, 2019

Respectfully submitted,  
  
(Signature of Counsel)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding *pro se*  
Florida Bar Identification Number (if admitted to practice in Florida): – N/A  
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