

1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

2 U.S. DISTRICT COURT
(Milwaukee Division)
EASTERN DISTRICT OF WISCONSIN
FILED

3 WILLIAM M. SCHMALFELDT, SR.)

Case No. 15-C-1516-NJ

4 Plaintiff pro se,)

2016 MAR - 7 P 1:04

5 v.)

6 SARAH PALMER, ET AL..)

JON W. SANFILIPPO
CLERK)

7 Defendants)

MOTION TO DISQUALIFY DEFENDANT'S
ATTORNEY, AARON JUSTIN WALKER, FOR
ALLEGED VIOLATIONS OF THE DC BAR
ASSOCIATION RULES OF PROFESSIONAL
CONDUCT, AS WELL AS THE FACT HE IS
LIKELY TO BE CALLED AS A WITNESS BY
THE PLAINTIFF, OR JOINED AS A
DEFENDANT

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15 NOW COMES Plaintiff William M. Schmalfeldt, Sr., pro se plaintiff in the above captioned case for the
16 purpose of filing this motion to disqualify Defendant's attorney, Aaron Justin Walker, from the instant case.
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18 I.

19 VIOLATIONS OF THE DC BAR ASSOCIATION RULES OF PROFESSIONAL CONDUCT

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21 A. Rule 8-4(c) states: "It is professional misconduct for a lawyer to (e)ngage in conduct involving
22 dishonesty, fraud, deceit, or misrepresentation." Aaron Walker is an Inveterate Liar.

23 Mr. Walker has engaged in dishonest conduct, deception and misrepresentation, including in the instant
24 case. In his recently submitted Memorandum of Law in Support of the Joint Motion to Dismiss and Opposition to
25 Leave to Amend Filed by Defendants Sarah Palmer and Eric Johnson, on page 13, Mr. Walker makes an outright
26 and blatant lie. Whether or not Defendant Johnson called Plaintiff a terrorist aside, Mr. Walker makes the provably
27 false statement that Plaintiff's friend, Mr. Brett Kimberlin of Bethesda, Maryland is "a convicted terrorist." That is a
28 blatant falsehood and Mr. Walker knows it is false.

In June 1981 Kimberlin was convicted of receipt of explosives by a convicted felon and sentenced to five years in federal prison and, in December 1981, of possession of an unregistered destructive device, unlawful manufacturing of a destructive device, malicious damage by means of explosives, and malicious damage by means of explosives involving personal injury.
https://en.wikipedia.org/wiki/Speedway_bombings

Kimberlin was never charged, nor convicted, for the specific charge of "terrorism" a charge for which the
FBI has a clear definition.

Appear(s) intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination. or kidnapping; (See <https://www.fbi.gov/about-us/investigate/terrorism/terrorism-definition>)

1 Mr. Walker also engages in deception when he tells the court that one of the bombings for which Mr.
2 Kimberlin was convicted “(cost) one man his life.” A person was, in fact, terribly injured in that bombing, which
3 resulted in the amputation of a leg. But it wasn’t the bombing that killed him. It was the carbon monoxide from his
4 car engine in a closed garage by which he intentionally took his own life in 1983, five years after the bombing. Thus
5 the claim that Mr. Kimberlin’s act cost this unfortunate man his life is incorrect and as Mr. Walker knows it to be
6 incorrect, repeating it is a lie.
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11 **II.**
12 **VIOLATIONS OF THE ABA MODEL CODE OF PROFESSIONAL RESPONSIBILITY**

13 **EC 9-6 “Every lawyer owes a solemn duty to uphold the integrity and honor of his profession; to**
14 **encourage respect for the law and for the courts and the judges thereof; to observe the Code of**
15 **Professional Responsibility; to act as a member of a learned profession, one dedicated to public**
16 **service; to cooperate with his brother lawyers in supporting the organized bar through the devoting**
17 **of his time, efforts, and financial support as his professional standing and ability reasonably permit;**
18 **to conduct himself so as to reflect credit on the legal profession and to inspire the confidence, respect,**
19 **and trust of his clients and of the public; and to strive to avoid not only professional impropriety but**
20 **also the appearance of impropriety.**

21 The past several years have seen numerous court battles between Mr. Walker and Mr. Kimberlin. Mr.
22 Kimberlin was involved in a law suit against another individual who was being given legal advice in a Bethesda,
23 Maryland, courtroom by a man identifying himself to the Court as Aaron Worthing. Mr. Kimberlin ascertained
24 “Worthing’s” true identity as Mr. Walker and learned that Mr. Walker was the proud author of a blog devoted to
25 getting his readers to draw pornographic images of the Islamic Prophet, Mohammed, during a time of increased
26 tensions between American Muslims and right wing Christian conservatives. Mr. Kimberlin learned that Mr. Walker
27 was employed as a compliance attorney at a Virginia home health care office. He notified the company that their
28 compliance attorney was risking the lives and safety of all employees in the building with his Islamophobic
activities. The company brought in another attorney to investigate, and that attorney paid a surprise visit to Mr.
Walker’s office to find it in a state of disarray, with some files impossible to locate, and proof that Mr. Walker was
devoting the majority of his time on office hours with his pseudonymous legal assistance to a client in a state Mr.
Walker has no privileges, and with his Islamophobic blogging. Mr. Walker was fired from the position. To the best
of Plaintiff’s knowledge, Mr. Walker has been unemployed since January 2012.

Plaintiff became involved in this mess when he wrote a story about the legal battle between Kimberlin and
Walker. At the time, Mr. Walker was already at the center of a right wing cult of personality headed by the right
wing muckraker Andrew Breitbart. Others were also in that cult, including an individual in Texas who falsely

1 accused Plaintiff of posting a rape threat on his blog. Even after local police responded to this individual's
2 complaint, examined Plaintiff's computer and found nothing that could remotely be called a threat, Mr. Walker
3 continued to assert on his "Allergic To Bull" blog that Plaintiff had indeed made such a threat. Plaintiff suggested to
4 Mr. Walker that he stop telling this lie or face legal ramifications. This brought him to the attention of another
5 member of this cult who was writing daily blog posts claiming past and current wrongdoings by Mr. Kimberlin.
6 Plaintiff was nearly immediately assigned a nickname by this blogger, and nearly daily posts ridiculing Plaintiff
7 were to follow for the next three years. The blogger in question managed to confuse a judge in Carroll County,
8 Maryland on how Twitter is used, and secured a peace order against Plaintiff. After that, the blogger in question
9 brought nearly 400 criminal charges against Plaintiff. All were dismissed save one that made it to trial, at which
10 Plaintiff was found not guilty.

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At nearly every court appearance for peace orders or a bogus copyright suit brought by the blogger in question, Mr. Walker sat in the courtroom by the side of the blogger in question, offering friendly legal advice.

The question as to whether this attorney is a member of the above-mentioned cult of personality will be made clear as soon as this filing is made public. This Court can witness the angry and outraged reactions by the various cult members to the filing of this motion on Defendant Palmer's <http://billysez.blogspot.com> blog; and non-party blogs such as <http://hogewash.com> and <http://thinkingmanszombie.com>.

III.

MR. WALKER MAY WELL FIND HIMSELF A WITNESS FOR THE PLAINTIFF AND/OR A DEFENDANT AS THE CASE IS PRESENTED

DC Bar Rules of Professional Conduct: Rule 3.7--Lawyer as Witness

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness except where:

- (1) The testimony relates to an uncontested issue;**
- (2) The testimony relates to the nature and value of legal services rendered in the case; or**
- (3) Disqualification of the lawyer would work substantial hardship on the client**

The Defendants in the instant case are relative newcomers to this "cult of personality." On information and belief, Mr. Walker was instrumental in whipping up the nearly religious fervor of hatred against Plaintiff by these people. Although the remarks have since been cleared from his Twitter page, Mr. Walker made numerous tasteless jokes about Plaintiff being fat, stupid, slovenly and drunk.

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These behaviors, supported by Exhibits 1 through 6, are not the sort of behavior that tend to reflect the highest traditions of the legal profession. In addition, it is entirely possible that during the discovery phase of this trial, Plaintiff will learn more about Mr. Walker's involvement in the alleged defamation by Defendants, and he could be called as a witness or even be added to the list of defendants.

Disqualifying Mr. Walker as counsel for the defendants will not cause any hardship on the Defendants, as Plaintiff will gladly agree to whatever this honorable Court decides as a reasonable time for them to acquire legal representation, prepare to act pro-se, or otherwise settle with Plaintiff.

WHEREFORE for the reasons expressed above, the Plaintiff asks that, in the interest of justice and a completely fair hearing, that Mr. Walker be disqualified as counsel for the defendants, that the Defendants be given however much time the Court decides they need to acquire new counsel, as well as for other relief the Court finds just and equitable.

As this issue is vital to the Plaintiff's ability to pursue his rights in this case, Plaintiff prays that this honorable court will act on this motion before deciding any other motion in the instant case.

Dated this 4th day of March 2016



William M. Schmalfeldt, Sr.
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bschmalfeldt@twc.com
Pro Se Plaintiff

CIVIL L. R. 7(A)(2) CERTIFICATION

In compliance with Civil L. R. 7(a)(2), I certify that no separate supporting memorandum or other supporting papers will be filed in relation to this motion.

VERIFICATION

I, William M. Schmalfeldt, state under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that all exhibits are true and correct copies of the originals.

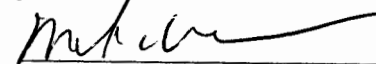
1 Executed on Friday, March 4, 2016.
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4 William M. Schmalfeldt, Sr.
5 *Pro Se Plaintiff*
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7 **CERTIFICATE OF SERVICE**

8 I hereby certify that a copy of this Motion to Disqualify has been sent by e-mail to Defendant's Counsel.
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10 William M. Schmalfeldt, Sr.
11 *Pro Se Plaintiff*
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