

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN
(Milwaukee Division)

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

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WILLIAM M. SCHMALFELDT, SR.
Plaintiff pro se,
v.
SARAH PALMER, ET AL.,
Defendants

) Case No. 2:15-cv-01516-NJ
)
) **MOTION TO SUPPLEMENT**
) **PLAINTIFF'S MOTION TO**
) **DISQUALIFY DEFENDANT'S COUNSEL**
) **(ECF 18) WITH ADDITIONAL**
) **INFORMATION ABOUT AARON**
) **WALKER'S INCOMPETENCE AND**
) **MENTAL INSTABILITY**

JON W. SANFILIPPO
CLERK

NOW COMES Plaintiff William M. Schmalfeldt Sr. with this MOTION TO SUPPLEMENT PLAINTIFF'S MOTION TO DISQUALIFY DEFENDANT'S COUNSEL (ECF 18) WITH ADDITIONAL INFORMATION ABOUT AARON WALKER'S INCOMPETENCE AND MENTAL. Plaintiff's intent with this motion is to lay before this honorable Court the "big picture" about Walker's lack of competence and unstable mental condition to show that he is incapable of giving Defendants Palmer and Johnson a full and competent defense in the instant case.

I.

WALKER HAS BEEN A DIRECT PARTICIPANT IN A THREE YEAR ATTACK ON PLAINTIFF WHICH RESULTED IN HIS HAVING TO RELOCATE FROM MARYLAND TO WISCONSIN

1. On information and belief, Walker has been acting as something of a de facto legal adviser in the cases filed against Plaintiff by non-parties William John Joseph Hoge III (HOGE) who Walker now refers to as his "paralegal" despite Hoge's lack of any recognized legal training.

2. Plaintiff does not consider being called “fat” defamatory. He does note, however, that Walker until recently has used his Twitter feed (<http://twitter.com/aaronworthing>) as a vehicle to make snide, inappropriate juvenile jokes about Plaintiff for years. (Exhibit 1)

3. Walker’s “paralegal” Hoge has asked the Carroll County, Maryland, to bring a total of three hundred sixty seven (367) criminal charges against Plaintiff. Only one of these charges ever made it out of the Carroll County State’s Attorney and Plaintiff was acquitted at the trial. He has secured two peace orders against Plaintiff by confusing an elderly Carroll County circuit court judge about how Twitter is used, claiming that it’s harder to block a person on Twitter than it is to change your telephone number to avoid telemarketers.

4. Walker’s “paralegal” Hoge filed a horribly botched Copyright Infringement Suit against Plaintiff. Many of the technical and procedural errors made by Hoge can be seen in Exhibit 2.

5. Walker’s “paralegal” attempted to seek a “Contempt of Court” charge against Plaintiff in Carroll County in which, at the hearing, he produced a letter “proving” Plaintiff had contacted him against the order of the Court. The letter was not written by Plaintiff and bears a signature obviously traced from a previous document submitted by Plaintiff. The contempt petition was denied.

6. After his second Peace Order tolled, Walker’s “paralegal” Hoge tried several more times to get further Peace Orders against Plaintiff. By this time, Plaintiff was aware of Maryland Code CJ § 6-201 which states in relevant part:

“Subject to the provisions of §§ 6-202 and 6-203 and unless otherwise provided by law, a civil action shall be brought in a county where the defendant resides, carries on a regular business, is employed, or habitually engages in a vocation.”

As Plaintiff lived in Howard County and Hoge lives in Carroll County, his efforts to secure another Peace Order were barred in Carroll County, and denied in Howard County. Hoge appealed all the way to the Carroll County Circuit Court, which denied the appeal.

7. At practically every one of his “paralegal’s” court appearances, Hoge received direct legal advice and support from Walker, who sat in the courtroom observing the proceedings, and then using his blog to blame the Maryland legal system for Hoge’s multiple defeats.

8. In March 2013, when the Howard County State’s Attorney declined to accommodate Walker and his “paralegal” Hoge and dropped criminal charges they sought to bring against Plaintiff, together they conspired to launch a campaign to slow down or stop law enforcement efforts in the county by what is called a “blogswarm” which they called “Everyone Blog About Howard County” day. Hoge posted in his blog:

I propose the following. Over the next couple of weeks, I encourage bloggers to contact the Howard County State’s Attorney Dario J. Broccolino for comments on those cases and the following questions in particular:

1. Is it the position of the State’s Attorney that operation of a blog allows one unlimited license to contact another person without regard to Maryland Criminal Statutes 3-803 and/or 3-805?

2. Does Mr. Broccolino (sp) believe that a public person such as himself may not seek to demand that someone cease contacting him as provided by Maryland Criminal Statutes 3-803 and/or 3-805?

3. Is it the policy of State’s Attorney that non-residents of Maryland must or should avoid entering the state if they are being stalked by a Maryland resident?

On Monday, 8 April, 2013, I suggest that those bloggers who have contacted the Howard County State’s Attorney post the answers they have received along with any comments they feel would be appropriate—8 April should be *Everyone Blog About the Howard County State’s Attorney Day*.

**The Howard County State's Attorney's phone number is (410) 313-2108.
The fax number is (410) 313-3294.
The email address is sao@howardcountymd.gov. (See
<http://hogewash.com/2013/03/25/everyone-blog-about-the-howard-county-states-attorney-day/>)**

In his blog, Aaron Walker wrote:

To set the scene a little, on March 1, 2013, I had filed harassment and electronic harassment charges against Bill Schmalfeldt. As you know by now, convicted terrorist Brett Kimberlin chose that day to stalk my wife as we were waiting to get a temporary peace order, and he stalked me again the next Friday when I had to be in court for a continuance of the peace order hearing.

The next Monday (March 11), I had to meet with Assistant State's Attorney Jim Brewer of Howard County, Maryland. I shared the story with Becca Lower and she was kind enough to publish it. Do read the whole thing, please. Brewer told us he was going to dismiss the harassment charges against Schmalfeldt. So I asked him also about the stalking, telling him what Kimberlin had done. First he said, "it's a public place" as if that made a difference. For instance, in *Hackley v. State*, one of the acts of "stalking" included driving down a public street in front of the victim's home and the Maryland Court of Appeals upheld that decision. In fact what the Court of Appeals held was that any activity that created a reasonable fear of any kind of assault would support a stalking charge whether or not it involved following a person around or not.

I tried to explain to him this about the law and somewhere in that conversation is when he uttered that phrase in the face of my tearful wife:

"If you're so concerned for your safety, don't come to Maryland."

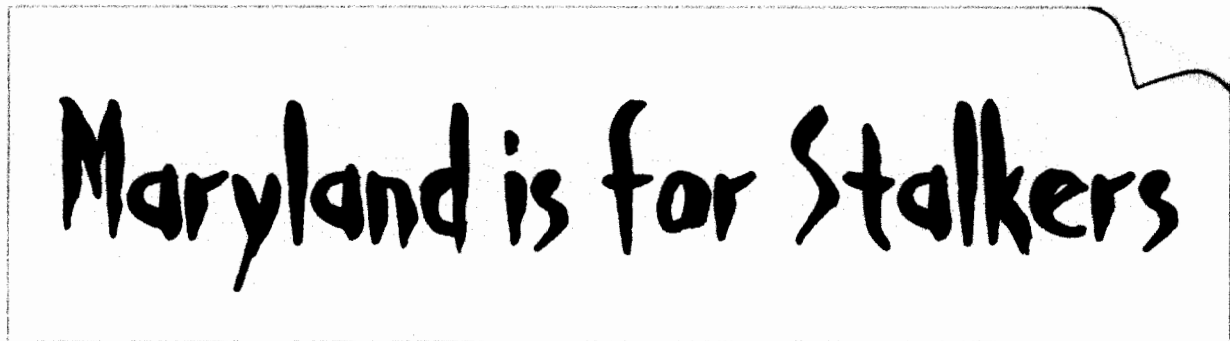
You got that? Good, peaceful, law-abiding citizens who don't want to be terrorized—or for their wives to be terrorized—shouldn't come to Maryland. Indeed by this logic, I guess all the good people presently living there should just leave.

My flippant attitude is hiding, to a degree, my anger about what happened. What this represents is an abdication of their duty to protect the public.

So if you agree that this is outrageous, then there may be something you can do to help. My good friend John Hoge has suggested an Everyone Blog About the Howard County State's Attorney Day. What he is suggesting, in essence is a blogswarm where we all try to get a comment from the Howard County state's attorney about the matter and report back what happened.

So please read what Mr. Hoge has to say and consider participating in it. No state in our union should be off limits to peaceful, law-abiding citizens in favor of unreformed domestic terrorists. And it is disgusting that we are reduced to fighting for such a basic principle. (See <http://allergic2bull.blogspot.com/2013/03/everyone-blog-about-howard-county-md.html>)

This organized effort to harass Howard County Law Enforcement for failing to prosecute Plaintiff was joined with, among other things, an attempt to make a profit off the situation by the sale of merchandise, such as the “Maryland is for Stalkers” bumper stickers which are still available online for \$4.20 each.



(See [http://www.zazzle.com/maryland is for stalkers car bumper sticker-128096459467617799](http://www.zazzle.com/maryland+is+for+stalkers+car+bumper+sticker-128096459467617799))

9. When Plaintiff’s wife died in June 2015, Plaintiff concluded that these attacks would continue as long as Plaintiff remained an easy target by staying in Maryland. He relocated to Wisconsin in August 2015.

10. The harassment did not stop. Defendant Johnson, who had been promulgating the false and defamatory conclusion that Plaintiff was dealing in Child Pornography, made at least two direct contacts with the management of the Juniper Court apartment complex making his ridiculous and actionable accusations against Plaintiff. He also posted on at least one website a list of the names and addresses of all members of the Cardinal Capital Management board of directors, the entity that manages Juniper Court for the Sisters of St. Francis of Assisi who own the complex, urging readers to call and demand Plaintiff’s eviction as the “friend of a terrorist”

and a man who creates “child pornography.” On information and belief, these actions were done under the guidance and blessing of Mr. Walker.

11. A non-party in Shirley, MA, applied for a Restraining Order in his state, knowing that Plaintiff’s medical condition precluded a long trip to that state, because Plaintiff sent him a “Tweet” after the non-party demanded he cease. On information and belief, this was done in coordination and under the guidance of Mr. Walker.

12. Plaintiff believed that a non-party living in St. Charles, IL, might be the anonymous blogger Paul Krendler. In an effort to ascertain if that was true, Plaintiff left two very polite, non threatening phone messages with the non-party’s parents, with whom she lives. The non-party declared those innocent phone messages to be harassment and won an uncontested restraining order against plaintiff. On information and belief, this was also accomplished in coordination with Mr. Walker.

13. When Plaintiff noticed that Defendant Palmer was operating a commercial blog with the Plaintiff’s name as part of the title, he contacted Palmer ordering her to cease and desist. She not only refused, she demanded Plaintiff cease contact and subsequently got a Rockingham County, North Carolina, court to issue a restraining order for herself and for her three-year old grandson. Plaintiff denies ever illegally contacting or harassing anyone, let alone a toddler. On information and belief this was done under the guidance of Mr. Walker.

14. Mr. Walker by rights should be disqualified as counsel of record for defendants as he has been complicit and an active participant in the very torts Plaintiff is asking this court to decide. He should be dismissed as he has exposed himself to allegations of in-concert liability.

15. Thornwood v. Jenner & Block, 344 N.E.2d 15 (Ill.App. 2003) provides a classic example of an in-concert liability claim against a lawyer in the context of a fraud claim. In that

case, Jenner & Block was alleged to have aided one partner in the purchase a partnership interest from another partner. At that time, unbeknownst to the selling partner, the purchasing partner was negotiating a deal which was about to make the partnership very valuable. Jenner & Block was accused of aiding the purchasing partner in the negotiation while knowing that the selling partner had no knowledge of this impending deal. The lawyer participated in the transaction including counseling the purchasing partner and drafting all of the documents. The Illinois Court of Appeals, in overturning dismissal on a motion to dismiss, held that these alleged acts constituted knowing substantial assistance, which was sufficient to state a claim for aiding and abetting the alleged fraud committed by the purchasing partner.

16. By advising his “paralegal” Hoge in his hundreds of attempts to put Plaintiff in jail, by providing material support to non-parties in Massachusetts and Illinois seeking bogus restraining orders, by assisting defendants Palmer and Johnson in the execution of their tortuous activities, this Court would be well within its rights to find that Mr, Walker has made himself vulnerable to a charge of in-concert liability. Thus, he should be immediately removed as defense counsel for defendants who, on information and belief, Walker assisted in committing the torts alleged in the instant case.

II.

WALKER’S ALLEGED MENTAL INSTABILITY AND INCOMPETENCE COULD DEPRIVE DEFENDANTS OF A FAIR TRIAL

17. This Court should consider whether or not Mr. Walker is mentally stable or competent enough to act as Defendant’s Counsel in the instant case.

18. Walker’s involvement in the anti-Islam smear campaign is well known.

“The Charlie Hebdo offices in Paris France were attacked by terrorists on the morning of January 7th 2015, killing 12 people, with a total of 17 people dead before the crisis was over. The attack was supposedly in retaliation for cartoons of the

Prophet Muhammed that the Hebdo cartoonists published. Law enforcement agencies have clamped down to prevent further violence, but several prominent right wingers in the United States have viewed this attack as an opportunity to score political points. One of the more prominent examples is Aaron Walker, who hails from Manassas, Virginia. For years now, Mr. Walker has produced “cartoons” (stick-figure drawings, really) of Islam’s founder that are far more explicit and offensive than anything the staff ever produced at Charlie Hebdo. Even before the incident was over, Walker went on a mini jihad on Twitter, posting cartoons from his old #EveryoneDrawMohammed cartoon database. These depictions concentrated on one of Aaron Walker’s personal pet peeves when it comes to the Prophet, namely allegations of pedophilia because of his marriage to a child bride. Aaron Walker used this meme throughout the aftermath of the Paris crisis while recruiting others to spread his, um, ‘cartoons’ born from an extreme right wing ideology. To Walker, the Charlie Hebdo attack was a personal vindication of his tasteless and talentless efforts to inflame opinion and invite attacks — on other people. (Exhibit 3) Mr. Walker has been producing these cartoons for more than four years. Although his work is still protected by the First Amendment, it’s not comedy or satire. It’s juvenile extremism designed to invite the worst possible response from a world away. Walker seeks more than attention; he claims to carry a revolver and actively taunts terrorists to “come and get me, bitches.” On his EverybodyDrawMuhammad blog, he called on other people to submit “fatwa-worthy cartoons” and drawings that would get them put on some terrorist’s death list. He even claims in his tweets that he wants to die or be killed. Walker used to be an anonymous figure, but due to a legal fight he picked in 2011, ‘Aaron Worthing’ was identified as attorney Aaron Walker of Manassas, Virginia. Walker had lied to everyone about his name. After fighting numerous legal battles with his arch nemesis through a mentally ill proxy, his real name came out, and he finally had to explain to his readers that he had lied to them all along. The reason he lied to them? Because his wife (who, let us reiterate, checks under the family car every day for bombs while he stays inside to provide covering fire with his little six-shooter) didn’t want him to have a public battle with real terrorists. She rather wisely wanted him to remain anonymous while producing said images of Mohammed. And of course there is Walker’s rank cowardice which shows a yellow streak down his back a mile long. However Walker continued to encourage readers to submit their pen sketches under their real names and locations to show how courageous they were.” (See <http://www.breitbartunmasked.com/2015/01/23/the-manassas-virginia-jihad-aaron-walker-is-no-charlie-hebdo/>)

19. When his identity was revealed, Mr. Walker displayed a callous lack of concern for his former coworkers. The attorney hired by his employer to dispose of him attempted to get Walker to post on his blog that he was no longer connected to the home health care firm, for which he was employed as a compliance attorney. (Exhibit 4)

20. Walker's reply to Mr. Hodges was almost uncanny in its careless attitude for the lives of his coworkers. He didn't care less if they were harmed or killed. Walker was only upset that Mr. Hodges and his former employer were treating him "shabbily;" his most pressing concern was dinner at home with his wife that evening. (Exhibit 5)

21. The e-mail sent by James Hodges, the attorney hired by PHRI to dispense with Mr. Walker's services (ECF 17, Exh. 3) in which he outlines the reasons for firing Walker contained a very telling "P.S." at the end. (Exhibit 6)

III.

ON INFORMATION AND BELIEF, WALKER AND HIS "PARALEGAL" HOGE ARE FANNING THE FLAMES OF HATRED AGAINST PLAINTIFF AND ENCOURAGING THREATENING MESSAGES TO BE SENT IN THE APPARENT HOPE OF INTIMIDATING PLAINTIFF

22. The messages are always sent through anonymous, overseas servers. No one ever uses their own name. But the messages are in line with the meme being promulgated by Walker and his "Paralegal" Hoge.

23. Plaintiff has received the following threats through the comment section of his blog, <http://thepontificator.com> (Exhibit 6):

Bill, your admissions in this post prove you are the DumbFuck Of All DumbFucks. It's only going to get worse from here. If you ever get incarcerated, being a known child stalker is not going to workout well for you. Your best bet may be to take the cure. I hear it's painless. (*"The cure" is a constant reference as to how Plaintiff can cure his Parkinson's disease by shooting himself in the head.*)

His Lawsuit Needs a Name — The Stage I Dementia Lawsuit of Perceived Conspiracy and Evil Confederates

Only a Dumbfuck like yourself would stoop so low...I bet you get your ass handed to you! That will be epic! Can't wait...

As a human judge and jury; It is painfully evident that you really need a new hobby.

**Or just end it in a Darwin Award sense.
You bring nothing to humanity except your whining and complaining.
You're lost and will unlikely never be found.
We pray you rest in peace.**

Bill, it's been speculated that one of the reasons that Neal [redacted buy plaintiff] has not been apprehended on swatting charges is that he's working a deal with law enforcement. So, Bill, if he starts snitching on Team Pedophile, what will he say about you? Did you receive any communication and/or communicate about the Buffalo FBI Conspiracy? Your past as a former Breitbart Unmasked writer may come to bite you and bite hard. And projecting on Twitter how you would like to you would like to shake a innocent baby around in your teeth just like a dog would is not going to look good in court. Your in deep now and you can't back out without consequences. What ever are you going do to when they take your computer. You are more than fucked!

Mark in MD and Bill Schmalfeldt seem to have the same complex issues. If they can't decide on which Mommy-girls gets the mayonnaise flowing, they let a loved one die alone and neglected while deciding about which scouts look like dear old dad!

Hey Bill, I understand that 21 grams is a convenient way to still keep turning out a Truck Stop Dolly after death. Only deranged cyberstalker; such as yourself, can really ash up Juniper Court. *(The "Truck Stop Dolly" is a reference to Plaintiff's late wife, who died on June 17, 2015. This group takes delight in referring to Gail Schmalfeldt as a truck stop prostitute. Same is true as to any reference to urns or ashes.)*

Bill, you are a DumFuck extraordinaire. People have tried to give you advice but you are too much of a DumbFuck to listen to any decent common sense. An adjudicated child stalker; such as yourself, who is also documented child pornographer belongs behind bars being forced to do the the old in-n-out. You seem to be a DumbFuck hell-bent on achieving this feat. Keep going Fat Boy more head dent await you.

Your fucking with teh wrong people. Let this go. That is my final warnings. Sarah is a grandmother for fucksake. Your attacking a grandmother!!!! Back the fuck off.

**Billy, your such the toddler stalker! Yes,you did publish a picture of [redacted] child as a corpse. Yes you did, you toddler stalker. Is it because of your homosexual tendencies that seems to be geared toward cub scouts? Anyway, here little Valentine's Day card you should find entertaining.
This one is going to bite you in the ass, Dumbfuck! I can't wait!**

Like you're going to be believed in court...that will be funny to see, Dumbfuck! A Turd-rolling Dumbfuck!

WHEREFORE, due to his established and alleged in-concert liability, his willingness to place strangers in the line of fire in his personal war against Islamic Terrorism, but not himself, his demonstrated propensity for prevarication, his inability to offer a single word of defense to his clients, and his willingness to stoke the fires of hatred — endangering my life and that of everyone living or working in this apartment complex, Plaintiff prays:

1. That this Honorable court move with all due haste to remove Aaron Justin Walker as defense counsel for Defendants Palmer and Johnson.
2. A speedy ruling on all other matters and motions currently set before the court so this lawsuit may proceed without Mr. Walker's past, present and (if allowed) further attempts to muddy the waters with his nonsensical and oft-self-contradictory motions.
3. Any other relief this honorable court deems just and necessary.

Submitted this 17th Day of March, 2016




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Pro Se Plaintiff

VERIFICATION

I, William M. Schmalfeldt, Sr., 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.

Executed on Tuesday, March 17, 2016.



William M. Schmalfeldt, Sr.
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 except those already attached will be filed in relation to this supplemental motion.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading and Exhibits have on this day been sent by e-mail under a joint agreement to Aaron J. Walker, currently serving as Defendant's Attorney.


William M. Schmalfeldt, Sr.
Pro Se Plaintiff

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