

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

DISTRICT OF COURT  
EASTERN DISTRICT-WI  
FILED

2016 MAR 18 P 12:48

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

Case No. 2:15-cv-01516-NJ

MOTION FOR SUMMARY JUDGMENT,  
WITH PROPOSED ORDER

JON W. SANEILIPPO  
CLERK

NOW COMES Plaintiff William M. Schmalfeldt, Sr., to lay before the court this Motion for Summary Judgment and a Proposed Order for Summary Judgment.

Discussion

1. According to Rule 56 of the Federal Rules of Civil Procedure:

**A party may move for summary judgment, identifying each claim or defense — or part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.**

2. FRCP § 56(b) states:

**Unless a different time is set by local rule or the court orders otherwise, a party may file for summary judgment at any time until 30 days after the close of discovery.**

3. There is no genuine dispute over the fact that falsely accusing a person in a public forum of creating child pornography is libel per se.

4. Personal tastes aside, as there is no law outlawing audio child pornography in the United States, there is no genuine dispute over the fact that the comedy routines Defendant Johnson refers to as Child Pornography are audio in nature and therefore, in the United States, not Child Pornography.

5. There is no genuine dispute over the fact that the comedy routines to which Defendant Johnson attaches the label of Child Pornography were produced in their entirety by

one person, the Plaintiff, who obtained the age of majority in 1973. There are no other voices used in the routines.

6. Neither Defendant Johnson nor current counsel have raised any sort of defense against Plaintiff's allegation of falsely being accused of creating and selling Child Pornography and Johnson's use of that false, defamatory, disgusting allegation in a failed attempt to get Plaintiff kicked out of his home.

7. There is no genuine dispute over the fact that Plaintiff's name is Bill Schmalfeldt.

8. There is no genuine dispute over the fact that Defendant Palmer uses Plaintiff's name in the searchable title of her blog, <http://billysez.wordpress.com>

9. There is no genuine dispute over the fact that Plaintiff has demanded Defendant Palmer cease using his name in the title of her blog.

10. There is no disputable fact that the entire blog is devoted to Defendant Palmer's daily imputation of wrong-doing by Plaintiff.

11. There is no disputable fact that the blog operated by Defendant Palmer contains a Pay Pal donation button, meaning she asks for donations from readers who are motivated to read her blog because of their interest in the subject matter.

12. There is no genuine issue over the fact that Plaintiff is not a public celebrity as that term is understood and that his right to privacy is protected by the United States Constitution.

13. There is no genuine issue over the fact that readers of Defendant Palmer's blog come away with a false impression of the Plaintiff, his reasons for doing things, his manner of thinking, his life in general. These blog posts, made without even one time consulting with Plaintiff as to the truthfulness of the statements, cast a false light on Plaintiff and his character.

14. Neither Defendant Palmer nor her counsel have raised a word of defense to suggest that Palmer's misappropriation of Plaintiff's name and image is proper, that her blog exists for the sole purpose of defaming Plaintiff (a private citizen), that Palmer's blog casts a false light on the Plaintiff's character, or that taking actual words written by Plaintiff and quoting them out of context to place them in a defamatory setting is somehow proper.

WHEREFORE, due to the fact that there is no genuine issue of controversy surrounding the main issues Plaintiff brings against Defendants, and there has been not a single word of defense to these allegations made by either Defendant or their current counsel, Plaintiff prays:

1. That this Honorable court GRANT Plaintiff's Motion for Summary Judgment and AWARD Plaintiff the relief sought in his Amended Complaint.
2. Any other relief this honorable court deems just and necessary.

Submitted this 17<sup>th</sup> Day of March, 2016



William M. Schmalfeldt, Sr.  
3209 S. Lake Dr., Apt. 108  
Saint Francis, WI 53235  
414-249-4379  
bschmalfeldt@twc.com  
*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.

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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 Motion for Summary Judgment.

**CERTIFICATE OF SERVICE**

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

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William M. Schmalfeldt, Sr.  
*Pro Se Plaintiff*

on February 4, 2016, the Court RULE in Plaintiff's favor on his included Motion for Summary Judgment.

Submitted this 17<sup>th</sup> Day of March, 2016



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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 and motion to dismiss.

#### 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.

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William M. Schmalfeldt, Sr.  
*Pro Se Plaintiff*