

Straw v. Kloecker, 1:14-cv-1420-MIS (N.D. Ill.)

ALTERNATIVE FINAL ORDER

In this case, the defendant, Attorney Kloecker of Locke Lord LLP, sent a letter demanding access to Mr. Straw's Medicare claims account. He also wanted his SSN, Medicare number, date of birth, and other very sensitive and private information. The form indicated that the information would go to **an insurance company** for any possible settlement.

However, there was more to the [Kloecker letter](#). Kloecker stated that Straw would pay **\$1,000 per DAY** in Section 111 fines if he did not violate his own privacy and provide the above information.

Further, Kloecker did not demand that the information go to an insurance company and asked Straw instead to provide that information, that very sensitive Medicare claims account access, to **Kloecker's newspaper client**. On page 2 of the Kloecker letter is the following: "Please ensure that next to 'Name of Entity,' the form states Paddock Publications, Inc. and agents of Paddock Publications, Inc. with respect to this claim."

This case only existed because I claimed in a state lawsuit that Paddock Publications libeled me, publishing false things about me in its letters to the editor page. The original author of the letter settled with me for \$2,700 and [apologized in a notarized letter](#).

Kloecker's letter was extortionate to say the least, fishing in a pool of private Medicare claims information, and the letter itself stated that it went **both via U.S. Mail and email**, raising the issue of wire fraud and mail fraud, with two separate demands.

The Court was under presiding judge Milton Shadur and he is now dead. Shadur had a history of hostility toward civil rights plaintiffs. Even the 7th Circuit has called Shadur's decisions "**a cascade of errors**" and his attitude toward civil rights litigants "**a tone of derision.**" *U.S. v. Vrdolyak*, 593 F.3d 676, 683 (7th Cir. 2010); *Stuart v. Local 727, Int'l Bhd. of Teamsters*, 771 F.3d 1014, 1020 (7th Cir. 2014). This is also precisely the same attitude that Shadur brought to Straw's case.

On top of this, Kloecker and his firm hired the old law firm of Judge Shadur—[Miller, Shakman, & Beem](#)—for the appeal.

Kloecker's letter was abusive on its face and [Medicare stated](#) that Straw absolutely should not give any newspaper publisher or its lawyer such information.

One can be wrong about complicated legal topics such as CIVIL RICO but being wrong on a legal theory does not mean the case was frivolous on the facts.

There is no question, after [Medicare said](#) NOT to provide the information to this newspaper or its lawyer, that the letter was illegal and should have been punished. If the law did not provide any possible means to punish this abusive letter invading a disabled lawyer's *health privacy*, a new law needs to be passed to deal with this. This kind of abusive letter needs to have a tort or civil rights statute available to address it. In this case, such abuse when the underlying case was about state civil rights and disability rights in **handicap parking** and retaliation against Straw's 100% legitimate access work (150 missing handicap spaces were the underlying issue in Streamwood), the Kloecker letter was a violation of the ADA, Titles II & V.

To want to protect one's own health and disability privacy is reasonable on its face and Kloecker and his client should have lost. It

was not a frivolous case, but instead a very serious tort that Straw was trying to address the best way he knew how. The judge was unreasonable and extremely hostile and he is dead now, as is Mr. Kloecker. There was nothing frivolous about Straw's complaint or efforts to defend his own rights.