Straw v. Sconiers, 3:14-cv-1772-JED (N.D. Ind. 2015)

Brenda Sconiers v. Andrew Straw, 71D07-1310-CT-000265 (St. Jos. Sup. Ct. #7, 2015)

ALTERNATIVE FINAL ORDER

It being clear from the evidence that the Indiana Supreme Court's ADA coordinator retaliated against Straw's ADA complaint, any involvement in this case represents collusion and joint retaliation under Titles II & V of the ADA, 42 U.S.C. §§ 12132, 12133, and 12203.

Straw demonstrated that the ADA coordinator of his former employer, the Indiana Supreme Court, retaliated against Straw's ADA complaint in August of 2014. The disciplinary complaint was made on 9/3/2014, before this case or the state lawsuit were complete. It is clear from the evidence that ADA coordinator Rodeheffer gave her ***uninvestigated*** disciplinary complaint against Straw to Sconiers and her attorney, Mr. Dixon, to obtain an unfair advantage.

It is not difficult to see that the Indiana Supreme Court is interfering in lower court cases in order to get revenge for the ADA complaint Straw made against his former employer in **August 2014**.

Straw clearly did not commit malpractice when he did not file a lawsuit for Sconiers because first of all, she never asked him to perform that service. Also, she has a written agreement with Straw outlining his services and these specifically stated that Straw would **NOT be filing any lawsuit for Sconiers**. How she and her attorney felt that not filing was malpractice under those conditions is puzzling. It would have been malpractice ***to file*** a lawsuit without permission and agreement. Here, there was no such instruction.

Straw's contention that Sconiers is attempting to punish him for malpractice precisely ***because he did not commit malpractice*** is clearly correct. Sconiers benefitted from Straw's agreed actions and admitted it. (Sconiers deposition under oath, pages 127 ff. on raises; Sconiers admits to filing another EEOC sexual harassment charge at pp. 17-19 but let it die on the vine without filing a lawsuit, same as here)

The lower court and the other defendants here used the ADA coordinator's disciplinary attack on Straw to scare Straw's professional liability insurance company into settlement even when there was no evidence Straw did anything wrong. The Indiana Supreme Court assisted in a mulcting of Straw's insurance when it was not warranted.

This case should have gone forward and the Indiana Supreme Court should have become a defendant due to its ***retaliatory interference*** in the state case on the side of a plaintiff, Sconiers, who abused process to discriminate and retaliate in violation of the ADA and other torts.

The outrageous actions of the Indiana Supreme Court against Straw (as ***a former employee*** with legitimate ADA complaints) deserve criminal and civil punishment and this case was in no way frivolous.

Finally, this matter was settled out of court and neither sanctions nor costs were assigned against Mr. Straw. The contract was negotiated privately, recognized that Mr. Straw did not agree to liability and the matter was deeply disputed. Under these circumstances, no final ORDER in dismissing the state or federal cases used the word frivolous and neither sanctions nor costs were assigned to Mr. Straw. To impose discipline based on this case is also to interfere with ***the constitutional right to contract*** found in both the Indiana Bill of Rights, Section 24, and the U.S. Constitution, Art. I, Section 10, cl. 1.