

IN THE SUPREME COURT
STATE OF VERMONT

ANDREW U. D. STRAW,)
A Virginia Attorney (43651),)
Active in Good Standing,)
64711 Apple Ridge Rd)
Goshen, IN 46526,)
)
Plaintiff,)

Civil Case# 141-4-19 Wrcv
140-4-19 Wrcv
139-4-19 Wrcv

v.)

STATE OF INDIANA,)
Indiana State House)
Indianapolis, IN 46204)
140-4-19 Wrcv)

Hon. Michael R. Kainen
Judge Presiding

VILLAGE OF STREAMWOOD,)
139-4-19 Wrcv)

IL. STATE BD OF ELECTIONS,)
141-4-19 Wrcv)

Defendant.)

JURY TRIAL DEMANDED

NOTICE OF APPEAL TO SERVE AS INFORMAL BRIEF

Plaintiff Andrew U. D. Straw, makes the following NOTICE OF APPEAL:

This Court has denied me a forum for 3 ADA cases. 139-4-19 Wrcv, 140-4-19-
Wrcv, and 141-4-19 Wrcv. I seek to make a consolidated appeal because there is only
one question and it is the same in all three cases.

The only reason given for dismissal was a lack of jurisdiction.

I believe the problem here is a retaliatory dismissal because my cases involve
disability rights in all three. I provided enough grounds for jurisdiction by necessity

and I also informed the Court that it is against the policy of the entire judicial branch of Vermont to retaliate against or interfere with an ADA complaint.

The Court below did not provide any citations or precedent to justify its radical action of a total dismissal. It did not indicate that it would seek clarification on jurisdiction from a higher court or a U.S. District Court. It simply dismissed. It is forcing me to ask this Supreme Court of Vermont or the U.S. Supreme Court to confirm that my cases cited to justify jurisdiction are in fact still good. One was from 1945, making this area of law quite settled.

I don't have a forum for these three cases otherwise. The factual background is quite intense and can be found in my pleadings in *Straw v. United States District Court, et. al.*, 1:18-cv-278-CMH (E.D. Va.), which I incorporate by reference. I experienced ADA coordinator retaliation when I made an ADA complaint about her employer, the Indiana Supreme Court, which was also my employer 18 years ago. She made a disciplinary complaint based on my ADA work and so retaliated just days after I made my ADA complaint. This would not be possible in Vermont because Vermont has a very stern policy on the subject of ADA complaint retaliation. That Indiana ADA coordinator would have been punished because what she did is NOT TOLERATED in Vermont. This shows there is a strong policy reason in favor of Vermont's position, but ironically, the new Indiana ADA coordinator says retaliation is not allowed, so they did it to me, and now they say it is not allowed. But even with this apparent policy change, I am still suspended in Indiana and have been for 2 years and 2 months. Indiana accused me of incompetence, but in 2019, the Indiana

Supreme Court's legal reasoning was 100% rejected on an 8th Amendment matter in the case of *Timbs v. Indiana*, 586 U.S. ____ (2019). If the Indiana Supreme Court is so incompetent and hostile to citizen rights that it loses a **Bill of Rights case 9-0**, how can they pretend to be more competent than I am when I push for ADA rights to be expanded? Their own ADA coordinators have diametrically opposing positions on retaliating against ADA complaints. That shows the justices in Indiana have not provided consistent policies, and it hurt me. I have never lost a case at the U.S. Supreme Court 9-0. The justices who attacked me do have that dubious distinction that may justify them resigning.

The Virginia State Bar exonerated me 2 years ago and I asked the Court below to simply give **full faith and credit** to that Virginia State Bar ORDER, which called the Indiana attack on me “a drive-by shooting.” <https://www.vsb.org/docs/Straw-062217.pdf> Not providing full faith and credit by entering the Virginia ORDER and enforcing it to the fullest extent of the law violates the U.S. Constitution and for that case against Indiana, that VSB ORDER should have been enough. **U.S. Constitution, Article IV, Section 1.**

The two Illinois governments that violated my ADA rights refused me the right to have **sidewalks cleared of snow** in the winter and refused me **any ADA accommodations** whatsoever when I ran for U.S. House of Representatives in the 8th District of Illinois. My broken legs and pelvis from serving the Indiana Supreme Court are shown on my disabilities website: www.andrewudstraw.com

The Court below must enforce U.S. laws and the U.S. Constitution. **U.S. Const. Article VI.** That cannot happen without jurisdiction and an open, fair, neutral forum.

No such forum exists in Illinois or Indiana for me. Because the 7th Circuit has banned me from using any federal court as punishment for **me opposing perjury** 100% proven from the opposing counsel, any case I might bring in state court could simply be removed under 28 U.S.C. § 1446 and then disposed of because I am unable to make any filing. The 7th Circuit made this so. *Straw v. Indiana*, 18-2878 (7th Cir. 2018) It was so determined to block me, when I filed a motion for *en banc* review of the ORDER defending perjury, the panel ORDER prevented me from even doing that under FRAP Rule 35. No civil right that a person can protect in a civil case is available to me in the 7th Circuit, which is comprised of Indiana, Illinois, and Wisconsin.

I am seeking a large amount of damages for what the 7th Circuit and other federal courts did to me. *Straw v. U.S. District Court, et. al.*, 1:18-cv-278-CMH (E.D. Va.) This case was granted *In Forma Pauperis* status in the last year, which means under 28 U.S.C. § 1915(e)(2) that it is not frivolous, not malicious, is not against an immune defendant, and states a claim on which relief could be granted. This is a very powerful statement by the U.S. District Court that essentially, I have proven corruption so serious and so widespread as to merit pursuing the case *IFP* rather than dismissing it for some reason like the court below here.

U.S. SUPREME COURT CASES

It is important to note the cases I cited to the court below that were absolutely ignored. That court has acted in an irrationally hostile manner with an **arbitrary and capricious ORDER** in each case being the result. All I want is a forum to deal with these problems that I cannot resolve where they happened. This is the main reason

for having a **doctrine of necessity** and it is why the Vermont Constitution has a catchall in its **Bill of Rights, Article 4**. Similarly, the 14th Amendment, the 5th Amendment, and the First Amendment guarantee a right to use the courts. It's not discretionary, despite the attitude of the court below.

As Justice Jackson said, "giv[ing] a **plaintiff a choice of courts**" is important "so that he may be quite **sure of some place to pursue his remedy.**" *Gulf Oil Corp v. Gilbert*, 330 U.S. 401, 507 (1945).

In *Bill Johnson's Restaurants, Inc., Petitioner v. National Labor Relations Board*, 461 U.S. 731 (1983), the U.S. Supreme Court said:

In *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510, 92 S.Ct. 609, 611, 30 L.Ed.2d 642 (1972), we recognized that **the right of access to the courts** is an aspect of the **First Amendment right to petition the Government for redress of grievances.**

It seems manifest that if the federal courts deny me a forum, as they have, in the 7th Circuit and the 11th Amendment prevents me from using the federal courts in Vermont and 28 U.S.C. § 1446 provides the Midwest state courts and governments a way to paralyze my ability to participate due to the ban on me making any filings, **I don't have a forum** to deal with the substantiated ADA violations in my 3 complaints and other pleadings and exhibits.

Further, *Nevada v. Hall*, 440 U.S. 410 (1979) makes another point in favor of jurisdiction. If a state can haul its sister state into its own state courts and get relief, I have that right too and it applies to lower state governments like agencies and local governments. Equality before the law demands it, especially when **I don't have another forum.** U.S. Const. Am. XIV.

I honestly don't know what "precedents" my cases violate that the judge below would dismiss them in such a fashion, but I reject that reason whatever it is. He did not provide any citations that contradict mine. **I asked Hon. Kainen to provide citations** and he became angry and demanded that I appeal and not make any other filings in my cases. I say if I provide precedents that strongly support providing a forum to every U.S. citizen like myself so there is **no pocket or concept of lawlessness** in our legal system in the United States, that should be the grounds for jurisdiction.

Because the trial judge below is being so hostile, I ask the Vermont Supreme Court to transfer my 3 cases to another court in another county that may be less hostile but instead neutral and fair and gives me the forum I need. Ideally in a county that allows e-filing since I use that.

QUESTION FOR APPEAL: If I have genuine, substantiated grievances with another state and state and local governments/agencies and have no forum where those governments are located in which to fairly and with a neutral court resolve the matters, will Vermont let me use its own courts due to the necessity I asserted since I am moving to Vermont when I return from Philippines disability research shortly?

ATTACHMENTS: JUDGMENTS BELOW ON JURISDICTION, EXCLUDING REFUSALS TO RECONSIDER ORDERS

IFP STATUS FOR APPEAL: I have provided a notarized IFP application for the case below and ask that this be used for the appeal. My income on SSDI as a disabled person is **below 150% of the U.S. HHS poverty line** for one person.

ORAL ARGUMENT: I waive oral argument since there is no counsel for defendants to my knowledge and this informal brief is sufficient to decide the matter on the papers.

I, *plaintiff* Andrew U. D. Straw, verify that the above statements are true and correct on penalty of perjury to the best of my knowledge, information, and belief. DATE: **April 17, 2019**

Respectfully,
s/ Andrew U. D. Straw
64711 Apple Ridge Rd
Goshen, IN 46526
(802) 552-3030
andrew@andrewstraw.com

CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that I filed the above NOTICE OF APPEAL TO SERVE AS INFORMAL BRIEF AND ATTACHMENTS with the Clerk of this Court via the e-file and filed it on **April 17, 2019**. There are no attorneys of record at this point, and I seek that the Clerk will serve these papers.

I will serve this Notice of Appeal to the Supreme Court at the following address:

Vermont Supreme Court
109 State Street
Montpelier, VT 05609

I will email the following contacts for the defendants with this Notice of Appeal on the same date, **April 17, 2019**:

scostello@atg.state.il.us

clerk@streamwood.org

benjamin.jones@atg.in.gov

Respectfully submitted,



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