

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
at Hartford**

John Alan Sakon

Petitioner

12/9/2022

v.

Case No. 3:22-cv-897-AWT

State of Connecticut

Defendant

Jury Trial Demanded

Tammy Nguyen-O'Dowd

Defendant

AMENDED COMPLAINT

Plaintiff John Sakon brings claim for relief against defendants for deprivation of rights under color of state law, in violation of Americans With Disabilities Act Title II, a prohibited act under 28 CFR 35.134; a 42 USC §1983 action;; being federal remedy for deprivation of due process and equal protection rights, created by discriminatory conduct of the State, who holds burden under the ADA for compliance, failing said duty.

NATURE OF ACTION

The plaintiff is a qualified individual, under the ADA, who suffers retaliation and discrimination at the hand of defendant Tammy Nguyen-O'Dowd, an employee of the judicial branch of the State of Connecticut, in administration of state services. Nguyen-O'Dowd retaliates against plaintiff on March 15, 2022, dismissing pleadings with prejudice for his exercise of ADA accommodation. Further, Nguyen-O'Dowd decrees mental defect of plaintiff as cause to sever father-son bonds, being a deprivation of rights, absent due process; and discriminatory conduct, prohibited by the ADA.

JURISDICTION AND VENUE

The court has jurisdiction over the subject matter and the parties pursuant to 28 USC §§1331, 2201, and 2202. Plaintiff brings suit under Title II of the Americans with Disabilities Act of 1990 (“ADA”), as amended, 42 USC § 12101, *et seq.* Venue is proper pursuant to 28 USC §1391(b)(2), (c).

PARTIES

Plaintiff John Alan Sakon is a qualified individual, under the ADA, engaged in state provided public service litigation of dissolution of marriage in the Connecticut Superior Court.

Defendant State of Connecticut, an entity covered under Title II of the ADA, with federal obligation for compliance.

Defendant Tammy Nguyen-O’Dowd, a State of Connecticut employee, judge of the Superior Court, engaged in prohibited discrimination, prohibited retaliation and deprivation of federal rights.

FACTS

On December 8, 2021, the Superior Court of the State of Connecticut issued an accommodation order *limiting the remaining days of trial to half-day morning sessions.*

See Order of the Superior Court 435698 - Exhibit A.

After plaintiff exercised his accommodation, on March 15, 2022, defendant Nguyen-O’Dowd retaliated against plaintiff for exercising his accommodation, by dismissing pending motions with prejudice, terminating trial, and proceeding to judgment. See Order of the Superior Court 438577 - Exhibit B.

In terminating trial and proceeding to judgment, defendant Nguyen-O'Dowd:

1. retaliated against the plaintiff for his exercise of a court ordered accommodation which is prohibited under 28 CFR 35.134;
2. further retaliated against plaintiff wherein her decree cites plaintiff's alleged mental defect as a cause to sever the father's custody of the child and to deny father-son visitation, pending treatment to remedy the disability and supervised visitation while acknowledging the plaintiff lacked the financial means to effect this end;
3. further retaliated against plaintiff by violating plaintiff's due process rights by terminating trial and denying the plaintiff's ability to submit contrary evidence as to the alleged mental defect;
4. further retaliated against plaintiff's protections under the law by refusing to hear and denying the more than 70 contempt motions which were pending for more than three years for plaintiff's loss of court ordered visitations of his child; "*Courts are in the business of ruling on litigants' contentions ... duty to determine every question*". *Ahneman v. Ahneman*, 243 Conn. 471, 484 (1998);
5. further retaliated against plaintiff by failing to provide the required "active and consistent" involvement of divorced parents in their children's lives pursuant to State Law C.G.S. §46b-56(b);
6. further retaliated against plaintiff by severing parent-child relationship being a constitutionally protected right under the due process clause of the Fourteenth Amendment and its Fifth Amendment counterpart, being a fundamental liberty interest predating the Founding. See *Troxel v. Granville*, 530 US 57, 65 (2000);

7. further retaliated against plaintiff by decreeing his alleged narcissist beliefs to be of mental defect thereby giving cause to sever the parent-child relationship, despite the fact that the Connecticut Department of Child and Family Services found the plaintiff *“did not pose a risk to the health, safety or well-being of the child”*; such an action being a further violation of the American with Disabilities Act;
8. further retaliated against plaintiff by decreeing his alleged narcissistic beliefs to be of mental defect thereby giving cause to sever the parent-child relationship, despite the fact that plaintiff is a law-abiding citizen with no criminal record; despite the fact that the plaintiff has no history of alcohol or substance abuse; despite the fact that the plaintiff has raised other children to adulthood with success; and despite the fact that the Connecticut Department of Child and Family Services found the plaintiff *“did not pose a risk to the health, safety or well-being of the child”*; such an action of retaliation being a “compulsory unification of opinion” which is antithetical to the values set forth in the First Amendment to wit: *“..no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” West Virginia State Board of Education, et al v. Walter Barnette et al., 319 U.S. 624 (1943).*

Retaliation is proscribed under ADA implementing regulation 28 CFR §34.134(b), where Tammy Nguyen-O’Dowd, acting on behalf of the public entity did personally, and without judicial authority, retaliate against the plaintiff, not being a judicial function, where no immunity lies. The public entity further fails ADA compliance, failing remedy thru administrative means, 28 CFR §35.107; complaint rejected by Melanie Buckley, agent of Chief Court Administrator, Patrick Carroll.

Discrimination by the public entity, acting thru defendant Nguyen-O'Dowd extends to decree, discriminating against plaintiff and his son, in violation of the ADA. Nguyen-O'Dowd cites a mental defect/personality disorder to deny father-son contact, where the public entity labels plaintiff a 'qualified individual' under the ADA, then cites disability to deny fundamental liberty interest; discriminatory conduct prohibited by the ADA; 28 CFR §35.130. Discrimination extending against the child, for his relationship with a qualified individual, a deprivation of fundamental liberty interest of consortium of the child with his father, so proscribed by the ADA; 28 CFR §35.130(g).

CLAIM FOR RELIEF

Plaintiff, being a victim of retaliation/discrimination in violation of the ADA, claims injunctive and declaratory relief, compensatory damages, fees, costs. The §1983 nature of the complaint, applying enforcement by Ku Klux Klan Act of 1871, requires federal courts to take enforcement action against persons to assure compliance with protections afforded citizens by federal law. ADA, Title II: compliance enforcement being court duty, hereby noticed. Plaintiff seeks declaratory judgment that the public service provided by the defendants violated the ADA and protections of the Fourteenth and First Amendment, that injunctive relief is necessary to arrest the decree that violates the ADA and civil rights of the plaintiff and son. The court to recognize that the public entity systematically violates the ADA in similar decrees, see *Tiberi v. Tiberi*, by state employee Grossman: *Ambrose v. Ambrose*; *Stvan v. Stvan* by Adelman; *Grohs v. Grohs*, by Ficeto; *Tittle v. Tittle*, *Liberti v. Liberti*, by Munro; *Eisenlohr v. Eisenlohr*, by Danaher; *Gizzi v. Gizzi*, *Anderson-Harris v. Harris*, By Schofield; that parents and children suffer discrimination, as in the instant matter, in violation of the ADA, by

unscrupulous state actors, under the color of state law, where culpably negligent persons fail to arrest deprivation of rights; that the defendant State uses federal funds in administration of ADA non-compliant services, being fraud, in violation of Governor's warranty against use for impropriety or deprivation of rights.

PRAYER FOR RELIEF

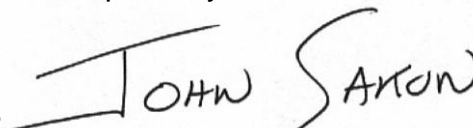
WHEREFORE, plaintiff requests the court:

1. Enjoin defendants from unlawful discrimination complained herein.
2. Provide injunctive relief against decree that violated ADA, fails due process, discriminates against plaintiff and his son.
3. Award compensatory and punitive damages as determined by jury.
4. Award reasonable costs and fees.
5. Other such proper relief.
6. Court to invoke enforcement authority for the Fourteenth Amendment upon the State, appoint overseer to audit defendant's compliance to the ADA.

JURY DEMAND

Plaintiff demands jury trial of all claims and causes of action.

Respectfully Submitted,

BY: 
John Alan Sakon, Pro Se Plaintiff
28 Fenwick Drive
Farmington, CT 06040
860-793-1000
johnsakon@yahoo.com

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. 1621.

Executed at Farmington, Connecticut on 12/09/2022.

BY: JOHN SAKON
John Alan Sakon, Pro Se Plaintiff

CERTIFICATION

I hereby certify that on the above caption date, a copy of the foregoing was filed with the court and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by electronic mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System. The foregoing was also served on the aforementioned date, by email and/or mail to the parties as indicated below.

Attorney General of the State of Connecticut, 165 Capital Avenue, Hartford, CT 06106;
alma.nunley@ct.gov .

By: JOHN SAKON
John Alan Sakon, Pro Se