

IN THE U.S. DISTRICT COURT OF CONNECTICUT  
at Hartford

John Sakon  
*Petitioner*

v

State of Connecticut  
*Defendant*  
Tammy Nguyen-O'Dowd  
*Defendant*

Case: 3:22cv897

ADA Retaliation/Discrimination

MOTION TO STRIKE

Plaintiff moves by F.Rule 12(f) to strike defendants' motion to dismiss [33] for lack of legal sufficiency, scandal, and fraud. AAG Nunley pleads falsely under F.Rule 12(b)(1) claiming federal courts lack subject matter jurisdiction over ADA complaints, such pleading is meritless, vexatious, frivolous, scandalous, holding no purpose in resolving the instant matter. ADA is of federal construction with federal remedy available in this court. AAG Nunley pleads falsely under F.Rule 12(b)(6) of no claim stated, in defiance of the due process protections of the ADA, where the federal court is the proper forum to complain of state non-compliance. AAG Nunley's demand for dismissal with prejudice runs afoul of F.Rule 41(b), as the 12(b)(1) jurisdiction claim prohibits such, not being adjudication on the merits.

AAG Nunley is seeking summary judgment by misuse of practice rules, rather than responding to the complaint, admitting non-compliance; state's burden, tossing 37 pages of distraction on the bench to impede resolution. AAG Nunley

maliciously avoids addressing retaliation by defendant state employee Nguyen, the nub of the complaint; claim of immunity is a defense, not grounds for dismissal.

Plaintiff restates state duty, compliance burden to the Act, where filing frivolous motions is non-compliant, being willful violation of federal civil rights law, by an attorney admitted to this court, being misconduct in view of the court, requiring discipline for grotesque professional incompetence in representation of a sovereign people. Rebutting the five points of the dismissal claim:

1. *Rooker-Feldman* does not exempt state employees from the Act, nor condone retaliation and discrimination proscribed as a civil right. See *Sung Cho v City of New York*, 910 F.3d 639,644 (2<sup>nd</sup> Circuit); the instant complaint deals with an act of retaliation and discrimination, not review of state court ruling.
2. Eleventh Amendment claim is irrelevant to ADA, Title II which burdens the state with compliance, where complaint in federal court is prima facie evidence the state fails duty to comply. Remedy for retaliation is administrative requirement of the Act; denied by Chief Court Administrator. Instant matter remains ripe for U.S. Department of Justice to join on behalf of the plaintiff to enforce ADA Title II on the state, dismissal is denial of redress, while thwarting congressional intent for federal action of enforcement upon offending states.
3. Family abstention doctrine is irrelevant, as retaliation for exercising accommodation rights under the Act not being a family matter. Discrimination

against a citizen under color of state dissolution law, by claim of mental defect (disability) is not a family matter, violation of a citizen's civil rights is not a family matter.

4. Judicial immunity does not create right of conduct of malicious retaliation and discrimination, does not allow a state employee to assault a citizen by being draped in a black robe, retaliation in violation of the Act is not a judicial function, for which no immunity lies.

5. Failure to state claims is false, the complaint of violation of the Act and deprivation of rights being properly before the court, claim for relief stated.

WHEREFORE, the Connecticut Attorney General having blown smoke across the bench for no purpose in law, but to delay proceedings, demand for dismissal under Rule 12(b) being improper, disingenuous, scandalous, and fraudulent; now wasting everyone's time, be struck.

11 January 2023

/s/ \_\_\_\_\_  
John Sakon