

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN SAKON,	:	NO. 3:23-cv-00602 (AWT)
NF OWS,	:	
<i>Plaintiffs</i>	:	
	:	
v.	:	
	:	
STATE OF CONNECTICUT,	:	
TAMMY NGUYEN-O'DOWD,	:	
LEO DIANA,	:	
ROBERT NASTRI,	:	
<i>Defendants</i>	:	JUNE 30, 2023

DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants hereby request that this Court dismiss Plaintiffs' Complaint in its entirety. Plaintiff John Sakon, on behalf of both himself and his minor son OWS as next friend, seeks to collaterally attack a custody judgment entered in Connecticut Superior Court in a dissolution action between Sakon and the mother of the minor child, alleging violations of the Americans with Disabilities Act ("ADA") and 42 U.S.C. §1983 and §1985 by the State of Connecticut and Superior Court Judges Tammy Nguyen-O'Dowd, Leo Diana, and Robert Nastri. This Court lacks jurisdiction to hear their claims under the *Rooker-Feldman* doctrine, the Eleventh Amendment, and the family relations abstention doctrine. Their claims are further barred by the rule against duplicative litigation and judicial immunity. In addition, this Court lacks jurisdiction over the claims brought on behalf of Sakon's minor son for the additional reasons that Sakon is not a proper representative or next friend for his son as

Oral argument not requested

required by Rule 17(c) and, even if he were, he cannot appear pro se on his son's behalf. Finally, even if Plaintiffs' claims survive these jurisdictional hurdles, which they should not, they have failed to state claims for which relief may be granted under either the ADA, §1983, or §1985. Therefore, this Court should dismiss their Complaint in its entirety.

DEFENDANTS,

STATE OF CONNECTICUT

TAMMY NGUYEN-O'DOWD

LEO DIANA

ROBERT NASTRI

WILLIAM TONG

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