

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Andrew U.D. Straw,

Appellant-Plaintiff,

v.

State of Indiana,

Appellee-Defendant.

August 15, 2023

Court of Appeals Case No.
23A-PL-775

Appeal from the
Monroe Circuit Court

The Honorable
Kara E. Krothe, Special Judge

Trial Court Cause No.
53C06-2110-PL-2081

Memorandum Decision by Senior Judge Baker.
Judges Brown and Foley concur.

Baker, Senior Judge.

Statement of the Case

- [1] Andrew U.D. Straw appeals the trial court’s denial of his motion to amend his complaint against the State of Indiana. Concluding this appeal is, in substance, an inappropriate attempt to challenge the Indiana Supreme Court’s prior suspension of his law license in this forum, and the trial court did not err in denying Straw’s motion to amend, we affirm.

Facts and Procedural History

- [2] On February 14, 2017, the Indiana Supreme Court suspended Straw’s law license “for a period of not less than 180 days, without automatic reinstatement, effective immediately.” *Matter of Straw*, 68 N.E.3d 1070, 1073 (Ind. 2017). The Court explained Straw could seek reinstatement of his license if he: (1) paid the costs of the proceeding; (2) fulfilled the duties of a suspended attorney; and (3) satisfied the requirements for reinstatement set forth in Indiana Admission and Discipline Rule 23(18). *Id.* Straw later filed with the Indiana Supreme Court several requests for reinstatement, but his suspension remains in effect.
- [3] The current case began in October 2021, when Straw sued the State of Indiana, alleging the uncompensated suspension of his law license was an unconstitutional taking. In November 2021, Straw amended his complaint. The State moved to dismiss Straw’s complaint under Indiana Trial Rule 12(B)(6) for failure to state a claim, and the trial court granted the motion. A

panel of this Court affirmed in a memorandum decision. *Straw v. State*, No. 22A-PL-766, 2022 WL 2232335 (Ind. Ct. App. June 22, 2022) (*Straw I*).

[4] Next, Straw moved to amend his complaint again. The trial court denied his motion and dismissed the case with prejudice. Straw appealed the trial court's decision. This Court dismissed Straw's appeal in an order, determining he had failed to timely pay the filing fee. *Straw v. State*, No. 22A-PL-2352, (Ind. Ct. App. Dec. 14, 2022) (*Straw II*).

[5] On January 4, 2023, Straw filed still another motion to amend his complaint. The trial judge recused from the case. On January 10, while the selection of a special judge was pending, Straw filed a Motion to Vacate Order and Grant Plaintiff's Motion to Allow Amended Complaint. The trial court, via the special judge, later held a hearing and denied Straw's motion to amend. The court also dismissed Straw's complaint with prejudice. This appeal followed.¹

Discussion and Decision

[6] Straw argues the trial court should not have denied his motion to amend his complaint because he was entitled to one amendment. A trial court has "broad discretion in granting or denying amendments to pleadings." *Hilliard v. Jacobs*,

¹ Straw has not included the trial court's Chronological Case Summary or his January 10, 2023 motion in the Appellant's Appendix, in violation of Indiana Appellate Rule 50(A) (the Appellant's Appendix shall contain copies of "the chronological case summary" and "pleadings and other documents from the Clerk's Record in chronological order that are necessary for resolution of the issues raised on appeal").

In addition, Straw has filed a number of motions and statements in this appeal. We deny Straw's motions by separate order.

927 N.E.2d 393, 398 (Ind. Ct. App. 2010), *trans. denied*. We will reverse only upon a showing of an abuse of that discretion, which occurs “if the trial court’s decision is clearly against the logic and effect of the facts and circumstances before the court, or if the court has misinterpreted the law.” *Id.*

[7] In general, once a party has filed a pleading, and a response to the pleading has been filed, the party may amend the pleading “only by leave of court or by written consent of the adverse party” Indiana Appellate Rule 15(A). The trial court shall grant leave “when justice so requires.” *Id.* Straw argues the trial court disregarded a related rule, Indiana Trial Rule 12(B), which states:

When a motion to dismiss is sustained for failure to state a claim under subdivision (B)(6) of this rule the pleading may be amended once as of right pursuant to Rule 15(A) within ten [10] days after service of notice of the court’s order sustaining the motion and thereafter with permission of the court pursuant to such rule.

Straw contends he had a right under Rule 12(B) to amend his complaint after this Court affirmed the dismissal of his complaint in *Straw I*, and the trial court erroneously violated his right.

[8] We disagree with Straw on two grounds. First, Straw’s lawsuit appears to be an attempt to continue to litigate the merits of the Indiana Supreme Court’s suspension of his law license. *See* Appellant’s Br. p. 7 (“The Indiana Supreme Court invented a suspension and then made it last forever even when there was [sic] no grounds for doing so”); Reply Br. p. 17 (“76 months of bogus suspension by a political opponent entity with no crime by me, no dishonest act

by me”). The proper venue for his claims is in the Indiana Supreme Court’s pending disciplinary case, not in successive lawsuits. *See* Ind. Admission & Discipline Rule 23(1)(b) (“The Supreme Court has exclusive jurisdiction of all cases in which an attorney is charged with misconduct under this Rule.”); *Matter of Crumpacker*, 431 N.E.2d 91, 93 (Ind. 1982) (rejecting party’s attempt to relitigate disciplinary decision in different case).

- [9] Second, Straw’s attempt to amend his complaint again is barred by res judicata. The doctrine of res judicata prevents relitigation of an issue where there has been a final adjudication on the merits of the same issue between the same parties or their privies by a court of competent jurisdiction. *Counciller v. Counciller*, 810 N.E.2d 372, 376 (Ind. Ct. App. 2004). Straw attempted to amend his complaint under Trial Rule 12(B)(6) right after this Court decided *Straw I*. The trial court denied his motion to amend and dismissed the case, leading to the appeal in *Straw II*. After this Court dismissed *Straw II*, he then requested leave to amend yet again, raising the same points. Straw may not challenge the denial of his amendment after an adjudication on the merits the first time. The trial court did not abuse its discretion in denying Straw’s motion to amend and dismissing the case.

Conclusion

- [10] For the reasons stated above, we affirm the judgment of the trial court.
- [11] Affirmed.

Brown, J., and Foley, J., concur.