

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT



Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
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ORDER

October 6, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*
MICHAEL B. BRENNAN, *Circuit Judge*

No. 20-2343	BRENDA L. WHITE, Plaintiff - Appellant v. ST. LAWRENCE CATHOLIC SCHOOLS, Defendant - Appellee
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Originating Case Information:

District Court No: 1:20-cv-01129-RLY-MPB
Southern District of Indiana, Indianapolis Division
District Judge Richard L. Young

Upon consideration of the **AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on August 20, 2020, by pro se appellant,

IT IS ORDERED that the motion for leave to proceed on appeal in forma pauperis is **DENIED**. Appellant has not identified a potentially meritorious argument that the district court erred in dismissing the complaint for failure to state a claim. Appellant shall pay the required docketing fee within 14 days, or else this appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRENDA L. WHITE,)
Plaintiff,)
v.) No. 1:20-cv-01129-RLY-MPB
ST. LAWRENCE CATHOLIC SCHOOLS,)
Defendant.)

ORDER DISMISSING CASE WITH PREJUDICE

Plaintiff brought the present action on behalf of her African American granddaughter, alleging that in 2013, a Caucasian woman at St. Lawrence Catholic Schools slammed the door on her granddaughter's arm, causing her injury. Plaintiff alleged that the woman engaged in that conduct because of her granddaughter's race. The court issued an Order to Show Cause why this case should not be barred by the two-year statute of limitations applicable to claims for race discrimination under 42 U.S.C. § 1981 and for claims for battery under Indiana state law. Plaintiff filed a timely response, explaining she did not gain custody of her granddaughter until November 2017.

Plaintiff's claim is beyond the statute of limitations. The only way she could save her claim is by invoking a tolling doctrine such as equitable tolling or equitable estoppel. The doctrine of equitable tolling "permits a plaintiff to avoid the bar of the statute of limitations if despite all due diligence [s]he is unable to obtain vital information bearing on the existence of his claim." *Shropshear v. Corp. Counsel of the City of Chi.*, 275 F.3d

593, 595 (7th Cir.2001). The doctrine of equitable estoppel "comes into play if the defendant takes active steps to prevent the plaintiff from suing in time[.]" *Cada v. Baxter Healthcare Corp.*, 920 F.2d 446, 450-51 (7th Cir. 1990). Neither doctrine applies here. And to the extent Plaintiff is bringing this action on behalf of her grandchild, she may not do so pro se. *See Cheung v. Youth Orchestra Found. of Buffalo, Inc.*, 906 F.2d 59, 61 (2d Cir.1990) ("[A] non-attorney parent must be represented by counsel in bringing an action on behalf of his or her child."). Accordingly, the court must **DISMISS** this case **with prejudice**. Final judgment shall issue forthwith.

SO ORDERED this 9th day of July 2020.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Copy by mail to:
Brenda White
4141 N. Ridgeview Drive
Indianapolis, IN 46226!

*** PUBLIC DOCKET ***

APPEAL,CLOSED

U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:20-cv-01129-RLY-MPB

WHITE v. ST. LAWRENCE CATHOLIC SCHOOLS
Assigned to: Judge Richard L. Young
Referred to: Magistrate Judge Matthew P. Brookman
Cause: 28:1331 Fed. Question

Date Filed: 04/13/2020
Date Terminated: 07/09/2020
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

BRENDA L. WHITE

represented by **BRENDA L. WHITE**
4141 N Ridgeview Drive
Indianapolis, IN 46226
317-875-1957
PRO SE

V.

Defendant

**ST. LAWRENCE CATHOLIC
SCHOOLS**

represented by **ST. LAWRENCE CATHOLIC
SCHOOLS**
PRO SE

Date Filed	#	Docket Text
04/13/2020	<u>1</u>	COMPLAINT against ST. LAWRENCE CATHOLIC SCHOOLS, filed by BRENDA L. WHITE. (No fee paid with this filing) (Attachments: # <u>1</u> Envelope). (AKH) (Entered: 04/13/2020)
04/13/2020	<u>2</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AKH) (Entered: 04/13/2020)
04/13/2020	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff BRENDA L. WHITE. (AKH) (Entered: 04/13/2020)
04/23/2020	<u>4</u>	CONSENT to Jurisdiction to US Magistrate Judge by BRENDA L. WHITE. (Attachments: # <u>1</u> Envelope)(AAS) (Entered: 04/23/2020)
05/29/2020	<u>5</u>	ORDER GRANTING IFP AND ORDER TO SHOW CAUSE - Plaintiffs motion to proceed in forma pauperis is GRANTED Filing No. <u>2</u> . Plaintiff is

		ORDERED to show cause why her case should not be dismissed. Plaintiff shall respond by June 5, 2020. Failure to respond shall result in dismissal of this case. Copy to Plaintiff via US Mail. Signed by Judge Richard L. Young on 5/29/2020.(AAS) (Entered: 05/29/2020)
06/16/2020	<u>6</u>	RESPONSE, re <u>5</u> Order to Show Cause, filed by Plaintiff BRENDAL. WHITE. (Attachments: # <u>1</u> Envelope)(AAS) (Entered: 06/16/2020)
07/09/2020	<u>7</u>	ORDER DISMISSING CASE WITH PREJUDICE - Accordingly, the court must DISMISS this case with prejudice. Final judgment shall issue forthwith. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Richard L. Young on 7/9/2020.(JRB) (Entered: 07/09/2020)
07/09/2020	<u>8</u>	FINAL JUDGMENT - Consistent with the court's Order issued this date, this case is dismissed with prejudice. Final judgment is now entered in favor of Defendant and against Plaintiff. Copy sent to Plaintiff via US Mail. Signed by Judge Richard L. Young on 7/9/2020.(JRB) (Entered: 07/09/2020)
07/21/2020	<u>9</u>	NOTICE OF APPEAL as to <u>8</u> Closed Dismissed, <u>7</u> Order, filed by Plaintiff BRENDAL. WHITE. (No fee paid with this filing) Rec'd by USCA on 7/21/2020; Rec'd by INSD on 7/22/2020 (RSF) (Entered: 07/22/2020)
07/21/2020	<u>10</u>	MOTION to Proceed on Appeal in forma pauperis, filed by Plaintiff BRENDAL. WHITE. Rec'd by USCA on 7/21/2020; Rec'd by INSD on 7/22/2020. (RSF) (Entered: 07/22/2020)

Case #: 1:20-cv-01129-RLY-MPB

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

BRENDA L. White / KNCase No. 1:20-CV-01129-RLY-MPB*(to be filled in by the Clerk's Office)*

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

St. Lawrence Catholic Schools

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name BRENDA L. White / KN a minorStreet Address 4141 N. Ridgerview DriveCity and County INDIANAPOLISMarionState and Zip Code INDIANA46226Telephone Number 317-875-1957E-mail Address Ridge41@ATT.NET

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

St. Lawrence Catholic Schools
6944 E. 46th St.
INDIANAPOLIS Lawrence
INDIANA 46226
317-546-4065

Defendant No. 2

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

Defendant No. 3

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

Defendant No. 4

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (*if known*)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 U.S.C. § 1331

Child Abuse in School by teacher

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

St. Lawrence Catholic Schools

B. What date and approximate time did the events giving rise to your claim(s) occur?

May 2013 approx. 8¹⁵ A.M.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

My daughter asked me to take KN to school. Upon arrival, I asked KN where should I take her. I let her out of car, and I watched her walk to door and rang the doorbell. A teacher came to door, opened door and slammed the door on KN arm about (3) times. I reported the matter to principal.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured. I am requesting \$500,000.00. Because KN still remembers incident, and principal expelled her from the school for this incident. Attorney threatened me and KN's mother. KN's mother is deceased now, and KN wants to attend college.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$500,000.00 mental damages for KN and myself. I walked up to door that morning and rang the doorbell. The same teacher came to door. She held the door for me. I didn't attempt to reach for it. I was numb and in shock that she did that. I asked for her name. I was discouraged that my reporting this matter lead to KN's departure from school that she loved. She doesn't like school anymore.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

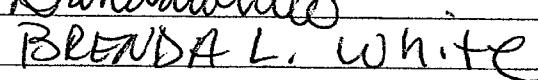
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11-11-20

Signature of Plaintiff



Printed Name of Plaintiff



B. For Attorneys

Date of signing: _____

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address



P

SUPREME COURT of the
UNITED STATES
1 FIRST STREET, NE
WASHINGTON, DC 20543

From the:
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH DISTRICT

From the:
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRENDA L. WHITE, PRO SE)
Appellant/Plaintiff)
No. 20-2343 v.) No.: 1:20-cv-01129-RLY-MPB
ST. LAWRENCE CATHOLIC SCHOOLS)
Appellee/Defendant)
PETITION the COURT to
WRITS of CERTIORARI

I, Brenda L. White, pro se, comes to petition the U.S. Supreme Court to hear the above-listed Case, and I come to ask the Court to grant a Writ of Certiorari.

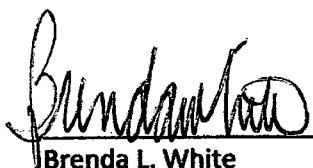
Respectfully submitted,



Brenda L. White
4141 N. Ridgeview Drive
Indianapolis, IN 46226

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served upon the following counsel of the record by first-class mail this 19th day of October, 2020.



Brenda L. White

