

24-5017
No. _____

ORIGINAL

in the **Supreme Court of the United States**

AARON ABADI,

Applicant,

v.

Supreme Court, U.S.
FILED

JUL - 1 2024

OFFICE OF THE CLERK

INDIANA CIVIL RIGHTS COMMISSION

& APPLE, INC.,

Respondents.

On petition for writ of certiorari to review a decision by the **State of Indiana Supreme Court**, affirming the Indiana Court of Appeals decision, that affirmed the agency's decision to dismiss the Complaint against Apple, Inc.

PETITION FOR WRIT OF CERTIORARI

Applicant:

Aaron Abadi (Pro se)
82 Nassau Street Apt 140
New York, NY 10038 Tel:
212-785-0370
abadi.rne@gmail.com

QUESTIONS PRESENTED

- 1) In light of the alleged injuries, requested damages, and established legal principles articulated by this Court, does the denial of standing and the claim of mootness by the Indiana Court of Appeals and the Supreme Court of Indiana remain appropriate in a case involving ADA and Indiana Civil Rights Law violations when the complaint seeks damages, thereby keeping the case live until judicial resolution, settlement, or expiration of statutory limitations?

- 2) Would a COVID-19 mask mandate be considered moot, given that Congress recently passed and the President signed HR3935, which prohibits airlines from mandating masks or vaccines for COVID-19? If Congress still regards this as an open issue and courts must follow Congress' lead, doesn't this demonstrate that the issue is not moot?

PARTIES TO THE PROCEEDING

The parties to this proceeding are Aaron Abadi, with name, address, and contact info listed above, as Applicant.

Respondent/Appellee is the Indiana Civil Rights Commission (“ICRC”) which is the state agency responsible for enforcing civil rights laws and addressing discrimination. They are located at Indiana Government Center North, 100 North Senate Avenue, Room N300, Indianapolis, IN 46204.

Respondent is Apple, Inc. (“Apple”), which runs retail stores throughout the country. The Corporation is based in Cupertino, CA. The local address and the location where the incident occurred is at 8702 Keystone Crossing, Indianapolis, IN 46240.

CORPORATE DISCLOSURE STATEMENT

Plaintiff is a pro se litigant, and not a corporation.

STATEMENT OF RELATED PROCEEDINGS

There are no cases directly related to this case, that Applicant is aware of.

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PETITION FOR WRIT OF CERTIORARI

Aaron Abadi respectfully petitions this Court, the Highest Court in the Land, for a writ of certiorari to review the judgments of the Indiana Supreme Court, the Indiana Court of Appeals, and the Administrative Law Judge ("ALJ") in this case.

OPINIONS BELOW

The Opinions Below are not recorded or published, but are all included in the Appendix.

➤ The Administrative Law Judge of the STATE OF INDIANA OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS dismissed the case on May 4, 2023.

Administrative Cause No.: ICRC-2203-000404 Underlying Agency Action No.: PAha21090390. Appendix Page ??

➤ The COURT OF APPEALS OF INDIANA affirmed the dismissal on December 20, 2023. Court of Appeals Case No. 23A-EX-1387. Appendix Page ??

➤ The SUPREME COURT OF THE STATE OF INDIANA denied the petition to transfer, affirming the lower courts' decisions on April 4, 2024. Appendix Page ??

JURISDICTION

This petition is timely, as the decision of the Supreme Court of Indiana was issued on April 4, 2024, and this Petition was postmarked within the 90-day requirement, which concluded on July 3, 2024.

This Court has jurisdiction under 28 U.S.C. § 1257, which provides that:

“(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari...”

PROVISIONS, STATUTES, & REGULATIONS

42 U.S. Code § 12182 - Prohibition of discrimination by public accommodations: Americans with Disabilities Act of 1990 (“ADA”)

“No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.”

Indiana Code Title 22. Labor and Safety § 22-9-1-2

“Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(b) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, disability, national origin, or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this state and shall be considered as discriminatory practices.”

STATEMENT OF THE CASE

Background

1) Petitioner, Aaron Abadi, initiated a complaint against Apple Inc., alleging disability discrimination under the Americans with Disabilities Act (ADA) and the Indiana Civil Rights Law (ICRL). The complaint arose after Abadi was denied entry to an Apple store in Indiana due to a mask mandate, despite his disability preventing him from wearing a mask.

Procedural History

2) Abadi filed his complaint with the Indiana Civil Rights Commission (ICRC) on September 9, 2021. The ICRC issued a Notice of Finding on March 4, 2022, determining probable cause existed that Apple had engaged in discriminatory practices.

3) However, the Administrative Law Judge (ALJ) subsequently dismissed the complaint, ruling the claims moot since Apple had rescinded the mask mandate and finding that Abadi, a resident of New York, lacked standing as he had no plans to return to Indiana.

Appellate Court Ruling

4) The Court of Appeals of Indiana upheld the ALJ's decision, agreeing that the case was moot and that Abadi lacked standing. The court emphasized that

the mask mandate at issue was no longer in effect, rendering the relief sought by Abadi irrelevant. Subsequently, the Supreme Court of Indiana affirmed the same.

Petition for Certiorari

5) Petitioner now seeks review by the Supreme Court of the United States on the grounds that the lower courts misapplied the doctrines of mootness and standing and failed to adequately consider the implications of the ADA and ICRL. Petitioner argues that mootness does not apply when there are unresolved claims for damages.

6) As this Court recently held in **Muldrow v. City of St. Louis**, 601 U.S. ___ (2024), absent a specific requirement in the statute, standing does not require harm to be significant or material. Even just some anxiety, discomfort, and/or inability to properly use his iPhone for a while, should be sufficient to provide standing.

7) Additionally, the lower courts dismissed injunctive relief, assuming that since the COVID-19 regulations have ended, the issue is moot. However, Congress recently enacted a law, HR3935,¹ signed by the President, banning COVID mandates on airplanes. If Congress considers this an ongoing issue, it cannot be deemed moot by the courts.

¹ <https://www.congress.gov/bill/118th-congress/house-bill/3935>

WHY THE COURT SHOULD GRANT THIS WRIT

CONFLICT BETWEEN COURTS

8) The Circuit Courts are all disagreeing with each other. Some are saying the Covid mandates are now moot. Others are saying that they are not. Judges within the same courts are disagreeing with each other. It is sad that after years of this pandemic, we still have no clarity as to legal remedies.

9) Congress now showed that they do not believe it to be moot, as Congress recently enacted a law, HR3935,² signed by the President, banning COVID mandates on airplanes. If Congress considers this an ongoing issue, it cannot be deemed moot by the courts.

10) This Court has the final decision, and should clarify and articulate how the lower courts should treat these cases.

MISCARRIAGE OF JUSTICE

11) The Court in this case, and many other courts in so many cases, have been using standing and mootness as a great way to avoid getting involved in a somewhat politically charged discussion.

12) It is not appropriate for judges to deny people their right to justice. Yes, there is a component of political discussions, but judges should rise above that. This Plaintiff/Appellant/Petitioner does not come to the courts with any of the political aspects.

² <https://www.congress.gov/bill/118th-congress/house-bill/3935>

13) This is purely a discrimination case, that no one denies happened.

Abadi has a serious and legitimate sensory disability. Why should he suffer because some people do not like to wear masks and do not like mandates that they do not think are appropriate. The judges should not conflate the two scenarios.

14) Abadi brought dozens of cases, as he has been discriminated against wherever he turned. Without this Court's involvement, he will never get justice.

15) There is a likelihood of a new pandemic in the near future as predicted by many experts.³

16) If all Abadi's cases are considered moot, and then imagine that another pandemic happens. How will he ever get justice? How can he ever leave his home or enter a store or fly on a plane? Even if the pandemic lasts two years, it takes much more than that to get a case resolved. By the time the case comes to trial, it will be moot again.

17) Do people with disabilities not have rights to justice?!

18) It would seem that the idea of standing and mootness was taken a bit out of proportion, and is now being used to avoid certain type cases.

19) This case is simple. It does not require hundreds of hours of research. It just requires fair and honest justices to reflect on the situation and spend a few hours to rectify it.

³ <https://www.fox26houston.com/news/disease-x-the-next-pandemic-could-hit-hard>

CONCLUSION

WHEREFORE, Applicant requests that this court grant this writ of certiorari, and respond and resolve the questions and issues herein.

Respectfully submitted on June 30, 2024,



AARON ABADI, Applicant
82 Nassau Street Apt 140
New York, NY 10038
Tel 516-639-4100
Email: abadi.rne@gmail.com