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No.:

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In the  
Supreme Court of the United States

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Andrew U. D. Straw,  
*Petitioner,*

v.

Indiana Supreme Court, et. al.  
*Respondents.*

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On Petition for a Writ of Certiorari  
to the Seventh Circuit U.S. Court of Appeals  
Case Number 18-1497

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

Whether the Court of Appeals below abused its discretion in denying jurisdiction when it had the option under FRAP Rule 2 and the 5<sup>th</sup> Amendment to set aside the normal rules and decide a matter that has deprived me of 5 law licenses, my ABA membership, critical damage to my ADA career, and even caused my family to lose their poisoning case appeals at the 11<sup>th</sup> Circuit from Camp LeJeune poisoning under the FTCA and the 5<sup>th</sup> Amendment.

Whether in fact the District Court was wrong to assert that its dismissal based on lack of service made refiling impossible, leading directly to the incorrect *res judicata* decision in *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir. 7/6/2017)(cert. denied 1/8/2018), which the 7<sup>th</sup> Circuit has defended tooth and nail even though it hired one of my Indiana Supreme Court appellees (the “hearing officer”) and then favored all of my appellees.

This case is to sort out the truth of the discrimination and 5<sup>th</sup> Amendment violations against me and what the right result is. This case is right at the root and the injustice must be dug out and thrown away.

## PARTIES TO THE PROCEEDINGS BELOW

I, *petitioner* Andrew U. D. Straw, a disability rights advocate living in Kane County, Illinois, have been deprived of **5 law licenses** because the courts of the 7th Circuit at the appellate and district level have dishonestly deprived me of due process, even having **hired my appellee Indiana hearing officer, James R. Ahler**, making him into a judge and a millionaire on the U.S. Treasury payroll and then violated me with **bias and prejudice**, favoritism of the highest order. I cannot depend on the 7th Circuit to give me the time of day, much less justice.

Respondent Indiana Supreme Court and its employees (and former employees) are an entity of the State of Indiana and must be responsible for their actions when they violate the 5<sup>th</sup> and 14<sup>th</sup> Amendments and the ADA by taking my right to a law license by abusing me with false, unjust discipline that was done in retaliation for my own ADA complaint. This is all in the later case record. *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind.) *See also*, VSB ORDER in the Appendix, calling Indiana's discipline "a drive-by shooting."

## CORPORATE DISCLOSURE STATEMENT

No corporations are parties, and there are no parent companies or publicly held companies owning any corporation's stock to my knowledge. I, *petitioner* Andrew U. D. Straw, am a suspended Indiana attorney and I live in Kane County, Illinois. My federal licenses were suspended because of the Indiana Supreme Court and the failure of the Southern District of Indiana and the 7<sup>th</sup> Circuit to protect me by providing any hearing. My suspended licenses: **N.D. Ind., S.D. Ind., and N.D. Ill, and W.D. Wis.**

Indiana Supreme Court suspended me, with no hearing and inadequate process. The in-absentia hearing done by corrupt hearing officer James R. Ahler does not count as a hearing because the tribunal was not fair and impartial. Both with respect to my law license and my ability to use the Court, there were no hearings, no opportunity to meaningfully object in any fashion whatsoever, with my defense documents ignored. **The Seventh Circuit has hired one of my Indiana Supreme Court appellees and favored him and the others. Namely, the corrupt disciplinary "hearing" officer from the Indiana Supreme Court: James R. Ahler.**

Ahler was favored, but I am a citizen **judicially attainted** in violation of the Fifth Amendment, with disabilities from public service to the **Indiana Supreme Court** and the **U.S. Marine Corps**. I am poor. I use public housing and food stamps.

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## PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Seventh Circuit in this case.

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### OPINIONS BELOW

The state court's opinion is reported as *In Re Straw*, 68 N.E.3d 1070 (Ind., 2/14/2017). I sought review because the Indiana discipline is disability discrimination against me as a former employee of that state court, but **no federal court would review it**: *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir., cert. denied 1/8/2018). The same district court that would not review the discipline for discrimination imposed it reciprocally and suspended my federal law license with **no hearing**. On appeal, this was upheld based on the *in-absentia* hearing of the hearing officer the 7<sup>th</sup> Circuit **hired** as my appellee, James R. Ahler. *Straw v. U.S. District Court*, 17-2523 (7<sup>th</sup> Cir.) (Dkt. 36, 12/21/2017), 17-7499, \_\_\_U.S.\_\_\_ (on petition for certiorari, docketed January 22, 2018). The decision below on review here is *Straw v. Indiana Supreme Court, et. al.*, 18-1497, (7<sup>th</sup> Cir., 3/27/2018) and this final ORDER denied jurisdiction to determinate a critically important issue: whether the earlier case in the district court

below should have been considered as dismissed without prejudice in 2016 so as to allow refiling within the statute of limitations because the case was indisputably dismissed due to lack of service, as noted in the opinion of *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir. 7/6/2017) (cert. denied 1/8/2018). It is also important to determine if James R. Ahler was subject to my second suit when he was not included in the case below and his ADA-violating actions were not considered in the case below. These matters can only be decided by invoking FRAP Rule 1 and the 5<sup>th</sup> Amendment to provide jurisdiction and justice. IFP status obviously should also have been granted, but was denied by a 7<sup>th</sup> Circuit that hired one of the appellees in my later suit, James R. Ahler, and favored him and all of the appellees, including defendants here. This is why I am suing the Seventh Circuit for 5<sup>th</sup> Amendment violations. *Straw v. U.S. Court of Appeals for the Seventh Circuit*, 2:18-cv-00028-RL (N.D. Ind.). The Seventh Circuit is biased against me and their judgment is tainted. This is why the choice not to take jurisdiction was arbitrary and capricious and was meant to seal and commit to past errors that damaged me severely.

## JURISDICTION

The relevant judgment below was entered on March 27, 2018. Jurisdiction to this Honorable Court from

the Court of Appeals is under 28 U.S.C. §1254. The time limit for appeal is 90 days from the 7<sup>th</sup> Circuit decision done on March 27, 2018. The deadline is June 25, 2018. 28 U.S.C. §2101(c). Original jurisdiction in the Courts below is under the Fifth Amendment and the absolute failure of due process in giving me the right answer. *Bell v. Hood*, 327 U.S. 678 (1946), provides that constitutional claims always confer jurisdiction on federal courts. That right answer is that the case below was indisputably decided based on lack of service and past precedents of this Circuit has said that in such cases, dismissal is without prejudice and refileing is allowed within the statute of limitations. Obviously, those who were never defendants in the earlier case and their actions never examined must not be considered as defendants and not protected by res judicata. This is also critically important to establish.

## CONSTITUTIONAL PROVISION AT ISSUE

U.S. Constitution, Amendment V

App'x at A5

## INTRODUCTION

I, petitioner Andrew U. D. Straw, am petitioning for a writ of certiorari from this Honorable Court because the Indiana Supreme Court imposed discipline on me suspending my law license and did so in violation of my rights as a disabled lawyer and

disability rights advocate who used to work there. The matter on appeal here is whether the Court of Appeals has abused its discretion by refusing to invoke FRAP Rule 2 and the 5<sup>th</sup> Amendment to establish that the case below was dismissed based on lack of service and therefore without prejudice, thereby allowing refiling on the same matter without any *res judicata* issues. The later case had no service issues because all of the defendants agreed to waive service, ironically.

This determination is vitally important because the *only* grounds given for dismissing my appeal (while hiring my appellee, James R. Ahler) in *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir. 7/6/2018) was *res judicata*. *Res judicata* when the case was admittedly dismissed for lack of service and James R. Ahler was never a defendant. Ahler got off scot free with no relevant reason except having been hired by the Court of Appeals 3 weeks earlier. This is dirty and it must be cleared up.

The right outcome is that there was no *res judicata* because the case below was dismissed for lack of service and therefore **without prejudice**. *Ligas & Cardenas* are both 7<sup>th</sup> Circuit cases that support this outcome and were written by my panel members. Ahler of course was never victorious on appeal because he was never a defendant in the first case. As

far as I am concerned, I won against him and I am awaiting my payment from the State of Indiana.

I also lost my ABA membership.<sup>1</sup> My losing the Indiana license and 4 district court licenses (including in the District Court below) was used against me at the 11<sup>th</sup> Circuit to prevent me from representing my family members, suffering from the poisoning and **DEATH** from Camp LeJeune. *Straw v. United States*, 16-17573-GG (11<sup>th</sup> Cir.); 17-7536, \_\_\_U.S.\_\_(certiorari denied 3/19/2018).

To interfere with this poisoning justice over a couple of abusive federal judges spouting “frivolous” is **obscene**. My family lost their appeal for lack of prosecution when I was banned from bar membership. The 7<sup>th</sup> Circuit and the Indiana Supreme Court caused this. *Straw v. U.S. Court of Appeals for the Seventh Circuit*, 2:18-cv-00028 (N.D. Ind.)

I had the right to refile and the Court of Appeals is once again using discretion to deny justice under the Fifth Amendment and Rule 2 of FRAP.

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<sup>1</sup> *Straw v. ABA*, 1:17-cv-5714-RPP (N.D. Ill.)

## STATEMENT OF THE CASE

My case here is simple. I had the right to refile the case below and I did so, but the 7<sup>th</sup> Circuit acted as though the case below was dismissed with prejudice, when it could not be because it was dismissed for lack of service. It's that simple.

Simple, but also profound, because it shows that a district court can muddle up matters by making *dicta* statements on top of dismissing for lack of service. I thought that the case was dismissed without prejudice and that I could not realistically appeal with the lack of service as a barrier at the Court of Appeals.

This type of case needs to be decided because lack of service often happens in our complicated service regime at the federal level, sometimes relying on federal law and sometimes on complicated state service rules, like Indiana's.

I rely on the Supreme Court to state that lack of service means being able to refile. The jurisdiction issue is a shield the Courts below are using to cover up their injustices. Reject their jurisdiction refusals.

## REASONS FOR GRANTING THE WRIT

- I. Supreme Court Rule 10(c): “a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.”
- II. The Court of Appeals and the District Court have totally abandoned any semblance of due process for me and feel free to protect Indiana and bend over backwards to ensure I will be damaged, and I was damaged.
- III. The U.S. Supreme Court has taken strong positions on the importance of law licenses as a constitutional matter, and the U.S. District Court below has simply ignored the process needed to avoid miscarriages of justice, and a miscarriage has happened here.
- IV. The Court of Appeals is narrowly construing its power to provide justice by not invoking Rule 2 of the FRAP or the 5th Amendment, which should require an analysis of whether the Court below improperly dismissed with prejudice in February 2016 based on lack of service (and other grounds, irrelevant to the matter). This issue of my being denied the ability to refile later, as I attempted, caused me to lose 5 law licenses and many other damages were done.



## CONCLUSION

This case is about protecting me from my former employer's discrimination and its collateral damage in the suspensions of 4 federal licenses. *Straw v. U.S. District Court*, 17-2523 (7<sup>th</sup> Cir.) (SDIN suspension); 17-7499, \_\_\_U.S.\_\_\_ (pet. for certiorari); *Straw v. U.S. District Court*, 17-3550 (7<sup>th</sup> Cir.) (WIWD suspension); *Straw v. U.S. District Court*, 18-1117, 18-1118 (7<sup>th</sup> Cir., 3/16/2018, this case) (ILND); *Straw v. U.S. District Court*, 2:18-cv-00043 (N.D. Ind.) (INND), 18-1387 (7<sup>th</sup> Cir.); *Straw v. U.S. District Court*, 1:18-cv-607 (S.D. Ind.) (SDIN 5<sup>th</sup> Amendment money damages sought).

The issue is whether I could refile my 2015 case or not and the only precedent, *Ligas* and *Cardenas*, in the 7th Circuit show that I should have been able to refile. The earlier case was dismissed for lack of service. That meant I should have been able to refile. Inventing that I waited too long to enable an injustice to be inflicted on me by the Court that hired my appellee is unacceptable.

James R. Ahler, hired by the 7<sup>th</sup> Circuit, was never a defendant in the first case and he was unlawfully and unconstitutionally defended by the 7th Circuit because that Court *hired him* when he was my appellee. This explodes everything that

happened below and I should be compensated for every cent of damage done. **\$56,500,000** in total.

The federal judges decided *against* discipline in all four cases, and Indiana inflated this total lack of discipline to 180 days of suspension without automatic reinstatement. *I will not apologize* for aggressively using the ADA with facts and law before irascible and WRONG federal judges. Therefore, **all 5 of these licenses** are *de facto* disbarments, with my license in Virginia in active and good standing status.

It is bizarre how this is the result, but understandable in the context of discrimination by the Indiana Supreme Court and the other courts in the 7<sup>th</sup> Circuit. It is understandable when the 7<sup>th</sup> Circuit dishonestly **hired my appellee, James R. Ahler**, the Indiana Supreme Court hearing officer, making him **a judge**, a **millionaire**, and a **avored litigant** in my case, like all the other appellees. This is a disgrace, a due process nightmare for me, and every bit of it needs to be denounced and punished. No court has the right to ban me for doing ADA work. No court has the right to suspend me for doing ADA work after my mental and physical disabilities in service to the **United States Marine Corps** and the **Indiana Supreme Court and 400+ lower Indiana courts**. That's all anyone should be thinking about. I OWN the equity here.

My service has been dishonored by dishonest judges who do not deserve their offices.

The worst violations of me always seem to happen in Chicago. Ahler was hired by the 7<sup>th</sup> Circuit. That should guarantee my victory in every aspect of this mess that keeps getting wider and uglier. But it started by denying me the RIGHT to refile when my first case was dismissed for lack of service.

If this case stands for anything, it should stand for the U.S. Supreme Court disapproving of a court of appeals **hiring the litigants** before that court and favoring the chosen ones with the appeal still pending! If it does this, it will mean **I had the right to refile** and there was NO *res judicata* in *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir.)(cert. denied 1/8/2018).

**Bias and favoritism** are 5<sup>th</sup> Amendment procedural due process issues of the highest order in a civil case. These violations are so severe, I am asking compensatory and punitive damages for **ruining my law career** in the Midwest over judges abusing the term frivolous a couple of times.

I want compensation for the procedural due process violations, again done by the 7<sup>th</sup> Circuit and

benefiting the Indiana Supreme Court. *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971); *Carey v. Phiphus*, 435 U.S. 247 (1978); *Ex Parte Garland*, 71 U.S. 333, 379 (1867) (One does not hold a law license merely “as a matter of grace and favor.”); *In Re Ruffalo*, 390 U.S. 544 (1968); *In Re Ming*, 469 F.2d 1352 (1972) *Supreme Court of N.H. v. Piper*, 470 U.S. 274, 281 (1985) (“The opportunity to practice law is a ‘fundamental right’ which falls within the ambit of the Privileges and Immunities Clause.”).

I want federal judges to stop stealing my justice from me. **STEALING**, because it is criminal what has happened to me, always losing, at least 50 times by my count getting ripped off with a biased and unreasonable “**DENIED.**” The 7<sup>th</sup> Circuit is not a court to me. It is a circus of self-interested judges favoring other self-interested judges at the district and state level and it happens *at my expense*.

This is why the denial of *IFP* status is so utterly offensive to me. The exact opposite would have been justice. To take my law license with no hearing and relying on a liar and cheat like **James R. Ahler** is just more of the dishonesty I have come to expect from every court in the 7<sup>th</sup> Circuit at all levels.

Congress should abolish the 7<sup>th</sup> Circuit and impeach all its judges. The 7<sup>th</sup> Circuit hiring my

*appellee* is enough to justify this result. The entire circuit court supported these violations of me, including **reciprocal suspension in 4 district courts**. Including banning me from using the district court where I live.

I don't have years of my life to dedicate to fighting their consistent dishonesty when losing costs me so much time and effort. My life is likely to be shorter because I was born on the Superfund site known as Camp LeJeune Marine Corps base in 1969, when the whole base was contaminated.

I ask for respect for that sacrifice and my shortened life. My mother got cancer and died at 48. I am 49 this month and this Court issued two more denials of certiorari and my justice on my birthday.

Thanks, Supreme Court of the United States. You dishonored the death of my mother on my birthday. You dishonored the disabilities of my daughter on my birthday, her broken spine from the Marine Corps poisoning. You dishonored my disabilities on my birthday, my mental illness and migraines with blindness and pain.

I am disabled from public service to the **Indiana Supreme Court** and the **U.S. Marine Corps**. [www.andrewudstraw.com](http://www.andrewudstraw.com) I suffer enough

without having to struggle against a dishonest legal system that refuses to enforce disability law and abuses me with false “frivolous” and unjust “DENIED.” I have NEVER filed anything frivolous, but I have been abused by state and federal judges hundreds of times and I want you to remember it.

Look at me and my suffering in poverty because courts discriminate. Courts *HIRE MY APPELLEES*, I am so disfavored. I will not go through this again. I WILL NOT. James Madison is spinning in his grave at how corrupt the federal courts are toward the descendant of American Founder, Dr. Thomas Young.

Grandpa Young, author of the first Pennsylvania Constitution (1776) would not approve of what Judge Young or the Court below did to me. He would say that the 5<sup>th</sup> Amendment demands that I be given jurisdiction and justice as due process, the damages against me are so wide, so deep. The violators must not escape.

Take the knife out of my back.

The right result here is that my IFP should have been granted. I had the right to refile because the earlier case was dismissed on lack of service grounds. James R. Ahler was never protected by *res*

*judicata* because he was not in the earlier case and his offending actions happened after that case was closed, including his being hired by the 7<sup>th</sup> Circuit. Ergo, the result in *Straw v. Indiana Supreme Court, et. al.*, 17-1338 (7<sup>th</sup> Cir.) is wrong at the roots and must be ripped up. Reinstate my refiled case, please: *Straw v. Indiana Supreme Court, et. al.*, 1:16-cv-3483-SEB-TAB (S.D. Ind.). I have had a motion to amend so I can go after Ahler and no one else, but this motion has been sitting there for months. Please force the Court below to allow this amendment.

### CERTIFICATE OF TRUTH AND CORRECTNESS

I, Andrew U. D. Straw, certify that my statements and factual allegations above and any in the attached appendix are true and correct to the best of my knowledge, information, and belief under penalty of perjury. **Date: March 28, 2018**

Respectfully submitted,  
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