

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

AMANDA PURDUE, on her own behalf and on behalf)
of a class of those similarly situated, ACLU OF)
INDIANA–INDIANA UNIVERSITY SCHOOL OF)
LAW–INDIANAPOLIS CHAPTER,)

Plaintiffs,)

v.)

Case No. 1:09-cv-00842-TWP-MJD

THE INDIVIDUAL MEMBERS OF THE INDIANA)
STATE BOARD OF LAW EXAMINERS, in their)
official capacities,)

Defendants.)

ROBERT M. SHAW, Interested Party.)

ORDER DENYING MOTION TO REOPEN CASE

This matter is before the Court on a motion to reopen this case filed by Interested Party Robert Shaw (“Mr. Shaw”) (Dkt. [238]). This lawsuit began in 2009 when Plaintiff Amanda Perdue sued the Indiana State Board of Law Examiners contending that they were violating the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, by requiring applicants to the Indiana bar to answer questions about their mental health history. The ACLU of Indiana–Indiana University School of Law–Indianapolis Chapter later joined the lawsuit as a plaintiff. This Court granted Plaintiffs’ motion to certify a class. *See* Dkt. [84]. Class counsel of the ACLU of Indiana represented both Plaintiffs. On October 6, 2011, this Court entered a Judgment that enjoined the Indiana State Board of Law Examiners from using certain questions on the Indiana bar examination. This action has been closed since October 6, 2011 when closed judgment was entered. *See* Dkt. [193].

Mr. Shaw seeks to reopen this closed class action lawsuit so that he can pursue summary

judgment against Defendant, The Individual Members of the Indiana State Board of Law Examiners (“the Board”). Mr. Shaw states that he has a Master’s degree in Law and Juris Doctorate degree from Novus University. He believes the Board is prejudiced against him because he suffers from diabetes (which causes him to urinate frequently) and because his law degree is from Novus University. In particular, Mr. Shaw writes that he has “found the Board to be prejudice [sic] concerning Novus University degrees, but the Plaintiff points out Novus was wrongfully called a Diploma Mill by Touro University an ABA school...” Dkt. 238 at 2. He seeks summary judgment relief in this action because “the Court knows all the issues.” *Id.* at 3.

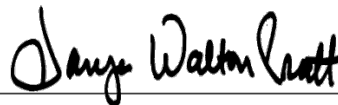
Mr. Shaw’s motion must be denied for several reasons. First, Mr. Shaw is not a member of the plaintiff class, therefore, he lacks standing to seek the relief which is sought in this post-judgment motion. The final judgment entered on October 6, 2011 did not award Mr. Shaw any relief, did not adjudicate any claim asserted by Mr. Shaw, and did not create or modify conditions under which Mr. Shaw would become licensed to practice law in the State of Indiana. Even if Mr. Shaw were a member of the class, he could not individually litigate the filed motion. The Court certified this lawsuit as a class action and appointed counsel to represent the class. Federal Rule of Civil Procedure 23(g). Class counsel represents both the named Plaintiffs and the class. (*See* Dkt. [4], Dkt. [39], and Dkt. [86].) Therefore, only class counsel may seek relief for the class because individual class members “lack standing to individually litigate matters relating to the class action.” *McNeil v. Guthrie*, 945 F.2d 1163, 1166 (10th Cir. 1991). Finally, the Court notes that it has previously notified Mr. Shaw that he must initiate a separate action for his claim that he has suffered discrimination because of his physical disabilities. He will also have to litigate his concerns of bias against his law school by filing a new action.

For the reasons stated above, Mr. Shaw's Motion to reopen this case, (Dkt. [238]), is

DENIED.

SO ORDERED.

Date: 5/8/2019



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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