

2 Children Plaintiffs Represented By Pro Se Dad Have Sued Johnson County Chief Judge; PreTrial Dad Nearly Pins Chief

Family Court Corruption Claims in Kansas Bring Large State Concerns

Case 2:23-cv-02536-TC-TJJ Document 17 Filed 01/18/24 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MATTHEW ESCALANTE, S.J.E., and
S.G.E.,

Plaintiffs,

v.

CHARLES DROEGE, in his official capacity
As Chief Judge of the Johnson County
District Court,

Defendant.

Case No. 23-2536-TC-TJJ

DEFENDANT'S MOTION FOR STAY

COMES NOW Defendant Charles Droege and moves the Court for an Order to stay these proceedings pending the resolution by the Court of Defendant's Motion to Dismiss (ECF No. 11).

In support of this Motion, Defendant states as follows:

1. On January 16, 2024, Defendant filed a Motion to Dismiss (ECF No. 11) which raises defenses of absolute, qualified and 11th Amendment immunities as well as abstention under

Kansas City, Kansas Jan 26, 2024 ([Issuewire.com](https://www.issuewire.com)) - A pro se father and his two minor daughters, as plaintiffs filed a civil rights lawsuit against Chief Judge Charles Droege of Johnson County, Kansas Courthouse weeks ago, alleging that the chief judge has violated Constitutional Amendment 14.S1.5.8.1 Parent and Children's right to due process in a criminal action of deception. Mr. Escalante, who is his own attorney, claims that Judge Droege deceived county court dockets to lock him out of his own civil cases on Oct 16, 2023, preventing his reunification with his children. This claim is said to be in retaliation for Mr. Escalante filing another lawsuit against another judge, Burmaster, who is a subordinate under Droege. Judge Burmaster is in his own hot mess with the dad in another case 2:23-CV02559.

On Wednesday, Judge Droege's defense attorney Greg Goheen tried to dismiss the Droege lawsuit by claiming immunity and lack of grounds. However, Mr. Escalante immediately filed a counter motion to strike the entries of appearances and that put Judge Droege at risk of defaulting, potentially winning the case in Mr. Escalante's favor. In response, Judge Droege's counsel was forced to try to move a motion

to stay the entire case rather than risk defaulting, if Escalante's strike hit first. A motion to stay the proceeding when a Droege dismissal is seemingly shut down indicates counsel Goheen sees that Droege's judicial immunity may not hold intact in this high court case. There has been a plethora of misconduct allegations and corruption evidence from the 10th district Johnson County courthouse. The implications of such a discovery now also potentially involving the leader of the district would bring large consequences.

https://www.pacermonitor.com/public/case/51592544/Escalante_v_Droege

The fathers initial entry into the Kansas High Court was against District Judge Paul Burmaster on Oct 19, 2023, and now has led the family court judge into US case 2:23-CV02559.

Case 2:23-cv-02536-TC-TJJ Document 17 Filed 01/18/24 Page 1 of 3

1 of 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MATTHEW ESCALANTE, S.J.E., and
S.G.E.,
Plaintiffs,
v.
CHARLES DROEGE, in his official capacity
As Chief Judge of the Johnson County
District Court,
Defendant.

Case No. 23-2536-TC-TJJ

DEFENDANT'S MOTION FOR STAY

COMES NOW Defendant Charles Droege and moves the Court for an Order to stay these proceedings pending the resolution by the Court of Defendant's Motion to Dismiss (ECF No. 11). In support of this Motion, Defendant states as follows:

- On January 16, 2024, Defendant filed a Motion to Dismiss (ECF No. 11) which raises defenses of absolute, qualified and 11th Amendment immunities as well as abstention under the Ruckelshaus or Younger v. Harris doctrines.
- The Supreme Court has instructed that trial courts should not allow discovery until the threshold immunity questions are resolved. *Harkins v. Fitzgerald*, 457 U.S. 800, 838 (1992); *Anderson v. Crighton*, 483 U.S. 635, 646 n.6 (1986) ("one of the purposes of the *Harkins* qualified immunity standard is to protect public officials from the broad-ranging discovery that can be particularly disruptive of effective government. [citation omitted] For this reason, we emphasize that qualified immunity questions should be resolved at the earliest possible stage of a litigation."). Each of the immunities raised are a complete defense to suit and Defendant should not be required

1

Case 2:23-cv-02536-TC-TJJ Document 17 Filed 01/18/24 Page 2 of 3

to bear the costs associated with litigation until such immunity defenses have been ruled upon by the Court.

- Pursuant to Federal Rule of Civil Procedure 26(b)(2), this Court has discretion to limit discovery by order. Under the Supreme Court precedents cited above, Defendant is entitled to a stay of discovery until Defendant's Motion to Dismiss (ECF No. 11) is resolved.
- Additionally, Defendant would request that all other proceedings in this matter be stayed until the resolution of Defendant's Motion to Dismiss (ECF No. 11). Because no discovery shall be conducted, it would be impractical, if not impracticable, to proceed in this matter with non-discovery related proceedings until such time as the Court has ruled on Defendant's pending Motion to Dismiss (ECF No. 11).

WHEREFORE, Defendant Charles Droege requests that this Court enter an Order staying all proceedings until the Court has ruled on Defendant's Motion to Dismiss.

6:59

All Inboxes Activity in C...

U.S. District Court
DISTRICT OF KANSAS

Notice of Electronic Filing

The following transaction was entered on 1/17/2024 at 6:52 AM CST and filed on 1/17/2024

Case Name: Escalante v. Droege
Case Number: [2:23-cv-02536-TC-TJJ](#)
Filer: Matthew Aaron Escalante
Document Number: [13](#)

Docket Text:
STATEMENT Plaintiff's Motion for Clerk's Entry of Default upon Review of Defendants Doc 12 not being attached to its Support Doc #11 When Filed as Entry of Appearance by Plaintiff Matthew Aaron Escalante. (Attachments: # (1) Affidavit Affidavit in Support of Motion for Clerk's Entry of Default)(Escalante, Matthew)

2:23-cv-02536-TC-TJJ Notice has been electronically mailed to:

Gregory P. Goheen
ggoheen@mvplaw.com,
kbrokeesh@mvplaw.com

   

Media Contact

Missouri Media News Syndicate

pressrelease@riversidemissourimedia.online

Source : Missouri Media News Syndicate - Platte City MO

[See on IssueWire](#)