

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

ANGELA E. BROOKS-NGWENYA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:15-cv-01648-JMS-DKL
)	
THE MIND TRUST,)	
UNITED WAY OF CENTRAL INDIANA,)	
CENTRAL INDIANA EDUCATION)	
ALLIANCE,)	
PHALEN LEADERSHIP ACADEMIES,)	
INDIANAPOLIS PUBLIC SCHOOLS,)	
)	
Defendants.)	

Entry Dismissing Action and Directing Entry of Final Judgment

In the Entry of October 21, 2015, the Court directed the plaintiff to show cause why her claim against IPS should not be dismissed based on *res judicata*. The plaintiff was also directed to supplement her complaint with additional factual allegations describing how the remaining four defendants copied the claimed work.

The plaintiff responded with a motion to submit response, request for relief from unfavorable judgment, and request for new trial and evidentiary documents. The plaintiff’s motion [dkt. 12] is **denied** because although she clearly disagrees with the results of prior litigation against IPS which she chronicles from 2003 through 2008, the prior rulings cannot be reversed through this action. As noted in the October 21, 2015, Entry, she has been informed, “if Plaintiff files another Complaint in this court against IPS which asserts the same claims, the court will dismiss it based on *res judicata*.” *Brooks-Ngwenya v. Indianapolis Public Schools*, 1:13-cv-0152-RLY-

DKL (S.D.Ind. Mar. 14, 2014) (dismissed copyright claim again against IPS for *res judicata*). In addition, the Seventh Circuit affirmed the dismissal of the plaintiff's 2007 copyright infringement claim against IPS because she did not prove that IPS actually copied her product. *Brooks-Ngwenya v. Indianapolis Public Schools*, 564 F.3d 804 (7th Cir. 2009) (plaintiff failed to show that the form of words in which she embodied her ideas was copied). This Court cannot grant a new trial on claims that were dismissed in other cases. The copyright claim against IPS is **dismissed** based on the doctrine of *res judicata*.

The plaintiff has also failed to allege any facts that would support an inference that the other defendants copied any copyrighted work. The Certificate of Registration attached to the complaint reflects that a copyright has been registered to "Transitioning Into Responsible Students." Dkt. 1, pp. 5-6. The complaint does not allege that defendants The Mind Trust, United Way of Central Indiana, Central Indiana Education Alliance, and Phalen Leadership Academies have copied this work in its original form, nor has the plaintiff supplemented the complaint by describing how these defendants copied the work.

As explained in *Brooks-Ngwenya v. Indianapolis Public Schools*, 564 F.3d at 808, "[i]t is not the idea that is protected, but rather the original expression of the idea." The plaintiff directs the Court's attention to Exhibit 7, dkt. 5-2, pp. 23-26, but this document does not mention any of the other defendants nor demonstrate that they copied "the form of words in which she embodied her ideas." *Id.* Therefore, the copyright infringement claims against The Mind Trust, United Way of Central Indiana, Central Indiana Education Alliance, and Phalen Leadership Academies are **dismissed** for failure to state a claim upon which relief can be granted.

For the reasons set forth above, the action is dismissed. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: December 15, 2015

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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