

# DISSENT ON REHEARING



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# IN THE COURT OF APPEALS OF INDIANA

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Noe Escamilla,  
*Appellant-Plaintiff,*

v.

Shiel Sexton Company, Inc.,  
*Appellee-Defendant*

July 13, 2016

Court of Appeals Case No.  
54A01-1506-CT-602

Appeal from the Montgomery  
Superior Court

The Honorable Heather L.  
Dennison, Judge

Trial Court Cause No.  
54D01-1107-CT-562

**Baker, Judge, dissenting.**

[1] I respectfully dissent from the majority’s decision to deny Escamilla’s petition for rehearing and I wish to reiterate the position that I expressed in greater detail in my previous dissenting opinion. *See Escamilla v. Shiel Sexton Co.*, No. 54A01-1506-CT-602, Slip Op. at \*8 (Ind. Ct. App. March 31, 2016) (Baker, J., dissenting). I believe that knowledge of a party’s immigration status alone sheds no meaningful light on the question of whether that party will one day face deportation. Such information cannot be “considered,” in any real sense of the word, and can serve only as a basis for speculation that will likely result in prejudice. I would vote to grant the petition for rehearing as I believe that the majority should address these concerns.