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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER JONES,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a municipal corporation,

Defendant.

Case No:

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

(1) Discrimination on the Basis of Disability
in Violation of Title II of the ADA (42
U.S.C. § 12131, et seq.)

(2) Discrimination on the Basis of Disability
in Violation of Section 504 of the
Rehabilitation Act (29 U.S.C. § 794, et seq.)

(3) Violation of the Due Process Clause of
the Fourteenth Amendment for a Deliberate

Indifference to a Substantial Risk of Harm to Health and Safety Prior to Conviction (42 U.S.C. § 1983)

(3) Violation of the Eighth Amendment for a Deliberate Indifference to a Substantial Risk of Harm to Health and Safety after Conviction (42 U.S.C. § 1983)

(4) Violation of Article 1, § 6 of the Nevada Constitution for a Deliberate Indifference to a Substantial Risk of Harm to Health and Safety after Conviction

JURY TRIAL DEMANDED

For its complaint against Defendant Las Vegas Metropolitan Police Department (“LVMPD”), Plaintiff Christopher Jones (“Jones”), by and through counsel, hereby alleges and complains as follows:

I. NATURE OF THE CASE

This is an action for discrimination on the basis of disability pursuant to 42 U.S.C. § 12131, *et seq.* and 29 U.S.C. § 794, *et seq.*; violations of the Eighth Amendment’s prohibition on cruel and unusual punishments for deliberate indifference to a substantial risk of harm to health and safety pursuant to 42 U.S.C. § 1983 after conviction; and violations of Article 1, § 6 of the Nevada Constitution for a deliberate indifference to a substantial risk of harm to health and safety after conviction. This action is a result of the pervasive mistreatment of deaf and hard of hearing people incarcerated at Clark County Detention Center (“CCDC”) by Defendant’s failure to provide qualified sign language interpreters, videophones, and simple modifications to CCDC programs, procedures, and practices to ensure effective communication for Plaintiff’s disability.

II. JURISDICTION

1. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

2. The Court has personal jurisdiction over LVMPD because it is a municipal corporation in the State of Nevada that operates the largest jail in the state, the Clark County

1 Detention Center (“CCDC”). LVMPD incarcerates over 70,000 people annually at CCDC.

2 3. Venue properly lies within the unofficial Southern Division of the United States
3 District Court for the District of Nevada pursuant to 28 U.S.C. § 1391(b)(2) because a substantial
4 part of the events giving rise to this cause of action took place in Clark County, Nevada, which is
5 in that jurisdiction.

6 **III. PARTIES**

7 4. Jones is a person who, at all times relevant to this complaint, was confined at CCDC
8 in Las Vegas, Nevada, and under the jurisdiction of the State of Nevada.

9 5. LVMPD is a municipal corporation located in the State of Nevada and operates
10 CCDC, which is located at 330 South Casino Center Boulevard, Las Vegas, Nevada 89101.

11 6. LVMPD wholly operates and controls CCDC.

12 7. LVMPD is responsible for the hiring, control, and supervision of all of CCDC’s
13 staff, medical staff, and corrections officers and agents.

14 8. CCDC’s staff are all LVMPD employees or contractors.

15 9. LVMPD is required to provide services and auxiliary aids to deaf people detained
16 at CCDC to ensure they have a similar experience as hearing people.

17 10. However, LVMPD fails to ensure effective communication access to deaf and hard
18 of hearing people in its custody, by depriving them of necessary auxiliary aids and services and
19 reasonable modifications.

20 **IV. FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

21 11. Effective communication with officers, counselors, wardens, and other prison staff
22 is essential for all incarcerated people.

23 12. People detained at CCDC are wholly dependent on LVMPD staff for medical,
24 dental, educational, mental health, employment, and religious needs, among other services.

25 13. People detained at CCDC are also dependent on LVMPD staff for all of their basic
26 daily needs, including food, exercise, and safety.

27 14. American Sign Language (“ASL”) is a language used by many deaf and hard of
28

1 hearing people in the United States.

2 15. For many deaf and hard of hearing people, ASL is their primary or only means of
3 communication.

4 16. Many deaf people whose primary language is ASL have extremely limited literacy
5 in reading or writing English.

6 17. Like spoken languages, ASL has its own unique rules of grammar and syntax—it
7 is not merely a 1:1 translation of words into signs, nor is it simply English on the hands.

8 18. ASL has no written component.

9 19. Jones is deaf and his primary and preferred language is ASL.

10 20. Jones's ability to read and write the English language or understand English
11 grammar and syntax rules is limited because the English language entirely different from his
12 primary and preferred language of ASL.

13 21. For deaf people whose primary language is ASL, qualified ASL interpreters are
14 often necessary to ensure effective communication with people who are not proficient in ASL.¹

15 22. Speech-reading², fingerspelling³, or *ad hoc* gestures are not effective means of
16 communication for people who communicate in ASL.

17 23. Notes and other writings are almost never an effective communication tool for deaf
18

19 ¹ A qualified interpreter is “an interpreter who, via a video remote interpreting (VRI) service or an
20 on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and
21 expressively, using any necessary specialized vocabulary.” U.S. Dep’t of Just., Americans with
22 Disabilities Act Title II Regulations, Section 35.104, <https://www.ada.gov/law-and-regs/title-ii-2010-regulations/>. For some deaf people, qualified interpretation requires a team of interpreters,
23 including both an ASL interpreter (who is hearing and who can interpret from English to ASL),
and a Certified Deaf Interpreter (“CDI”). A CDI is a deaf person who works with the ASL
interpreter to facilitate effective communication.

24 ² Speech-reading is the ability to understand some portion of speech by carefully watching the lip
25 patterns and movement of the tongue and face of the person speaking, and is more commonly
26 known as “lip reading.” Only a small amount of the spoken sounds of aural language are visible,
27 and many sounds appear identical on the lips. However, a large part of Jones’ detention was during
the COVID-19 pandemic when masks that covered the mouth were required, reducing the efficacy
of this method even further.

28 ³ Fingerspelling is the process of spelling out words by using hand shapes that correspond to the
letters of the word (the signed alphabet).

1 people, particularly for complex and important topics such as medical care, mental health care,
2 prison rules and requirements, disciplinary hearings, or parole and probation requirements.

3 24. For deaf and hard of hearing people who are fluent in both ASL and English, written
4 notes may sometimes be effective for simple interactions, but most deaf and hard of hearing people
5 who are bilingual in ASL and English still require ASL interpreters for complex or important
6 interactions.

7 25. Speech-reading is virtually never an effective communication method for a deaf or
8 hard of hearing person.

9 26. CCDC is the largest detention center in Nevada, incarcerating over 70,000 people
10 annually.

11 27. LVMPD is aware of its obligations under law, including the ADA, the
12 Rehabilitation Act, the United States Constitution, and the Nevada Constitution, to provide
13 services and auxiliary aids to deaf people detained at the facility to ensure they have an equal
14 opportunity to benefit from and participate in CCDC's programs, services, and activities as hearing
15 people.

16 28. LVMPD receives "[f]ederal financial assistance" for CCDC within the meaning of
17 29 U.S.C. § 794(a).

18 29. The operations of CCDC are "program[s] or activit[ies]" within the meaning of 29
19 U.S.C. § 794(b)(1)(A)—(B) and/or (b)(2)(B).

20 30. CCDC's Inmate Handbook and written policies detail LVMPD's responsibilities
21 and obligations under law.

22 31. As far back as 2004, LVMPD offered trainings for its CCDC staff on the rights of
23 deaf people detained at the facility and the services to which deaf people are entitled, but the
24 trainings are clearly deficient due to the systemic failure to provide services required under ADA,
25 United States Constitution, and Nevada Constitution.

26 32. LVMPD is responsible for the hiring, control, and supervision of all of CCDC's
27 staff, medical staff, and corrections officers and agents.

1 33. LVMPD is responsible for implementing CCDC's policies and maintaining the
2 health and safety of people detained at the facility.

3 34. LVMPD has systemically failed to honor its obligations under the ADA, the
4 Rehabilitation Act, and the United States Constitution.

5 35. LVMPD fails to provide deaf people detained at CCDC effective communication
6 by denying deaf people access to qualified interpreters and other necessary auxiliary aids and
7 services for medical evaluations, disciplinary proceedings, and therapeutic, educational, and
8 religious programming offered by the jail. This constitutes a failure to provide constitutionally
9 minimum standards of medical treatment.

10 36. LVMPD does not provide deaf people detained at CCDC the same access to
11 telecommunication devices as hearing people.

12 37. For example, LVMPD does not make videophones ("VP")⁴ available to deaf
13 people.

14 38. Instead, LVMPD only offers a teletypewriter ("TTY") to deaf people at CCDC.

15 39. TTY is an antiquated technology that requires the use of a written language like
16 English. For a person whose primary language is ASL, this is an ineffective alternative.

17 40. LVMPD does not provide deaf people detained at CCDC with any auxiliary aids or
18 services when given instructions from corrections officers. When corrections officers explain
19 anything to people detained at CCDC from ordinary booking procedures to life-or-death matters
20 such as COVID-19, these explanations are conducted without interpreter services or written
21 materials.⁵

23 ⁴ Videophones are video conferencing technology which allow people with hearing or speech
24 disabilities to make telephone calls over a broadband connection. In direct VP to VP calls, both
25 parties to the conversation can see each other and communicate directly via ASL. Deaf and hard
26 of hearing people can also use a videophone to make calls to people who do not use sign language
27 via Video Relay Service ("VRS"). On a VRS call, the signer communicates with a communication
assistant in ASL and the communications assistant then speaks what is signed to the person on the
other end of the call, and signs responses from that person back to the signer.

28 ⁵ LVMPD may occasionally provide written materials upon request, such as the Inmate Handbook,
but this requires an affirmative request from the detainee.

1 41. LVMPD uses only auditory signals for most announcements or alerts at CCDC,
2 meaning that deaf people frequently miss these announcements and alerts.

3 42. LVMPD, through its lack of appropriate policies and practices, fails to provide
4 communication access for deaf and hard of hearing people in LVMPD's custody and control.
5 Specifically, LVMPD routinely fails to provide qualified interpreters and other auxiliary aids and
6 services for deaf and hard of hearing people in custody and under supervision.

7 43. LVMPD's failure to ensure communication access deprives deaf and hard of
8 hearing people under LVMPD's control of effective communication in critical situations,
9 including medical and mental health appointments, health and safety announcements, and
10 disciplinary hearings.

11 44. LVMPD also deprives deaf and hard of hearing people who are detained at CCDC
12 of necessary auxiliary aids and services, such as qualified interpreters, during important programs,
13 such as educational classes, rehabilitative courses, and religious services.

14 Christopher Jones' Detention at CCDC

15 45. Jones was incarcerated at CCDC from November 27, 2019, through October 7,
16 2022.

17 46. Jones was incarcerated at CCDC in pretrial detention until November 16, 2021.

18 47. On November 16, 2021, he was sentenced to a fixed period of probation of five (5)
19 years.

20 48. As a term of his probation, Jones was required to serve three hundred twenty-five
21 days (325) days in CCDC, which ended on October 7, 2022.

22 49. Jones is deaf and his primary and preferred language is ASL.

23 50. Jones requires auxiliary aids and services and reasonable modifications to
24 communicate effectively with people who do not use ASL.

25 51. As such, he is entitled to qualified interpreters, other auxiliary aids and services,
26 and reasonable modifications to LVMPD policy under law, including Title II of the Americans
27 with Disabilities Act (ADA) and the Rehabilitation Act, to ensure that communications with him
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1 are as effective as those with a similarly-situated hearing detained person.

2 52. While Jones was detained at CCDC, LVMPD did not provide Jones with qualified
3 interpreters, other auxiliary aids and services, and reasonable modifications to LVMPD policy to
4 ensure that communications with him were as effective as those with a similarly-situated hearing
5 detained person.

6 53. Jones was only able to consistently attempt to communicate while incarcerated with
7 LVMPD staff and other detained people through written notes because interpreter services were
8 not provided, but this communication was ineffective.

9 54. CCDC's provided Jones a tablet to connect him to remote interpreter services only
10 during the last few months of Jones' detention.

11 55. Writing utensils, such as pens and paper, were not provided to Jones free of charge.
12 He either had to purchase these items from the commissary or was denied these items while in
13 solitary confinement or the psychiatric unit.

14 56. Based upon Jones' observations, corrections officers who rotated through Jones'
15 units did not appear to have had experience working with deaf detained people based on the
16 corrections officers' treatment of Jones.

17 57. Jones is now out of custody on supervised probation in case C-21-353570-1 before
18 the Eighth Judicial District Court of the State of Nevada.

19 58. As part of his probation, Mr. Jones must follow the conditions imposed by the judge
20 at the time of his sentencing.

21 59. Many of the conditions imposed on Mr. Jones require him to engage in conduct that
22 he would otherwise not be required to do.

23 60. Many of the other conditions bar Mr. Jones from engaging in activities that are
24 otherwise legal.

25 61. As a condition of his probation, Mr. Jones must follow any "directive" of his
26 probation officer and his "conduct" is required to "justify the opportunity granted to [him]", though
27 these terms are not defined.

1 62. As a condition of his probation, Mr. Jones is required to provide a monthly written
2 report to his probation officer.

3 63. As a condition of his probation, Mr. Jones is required to meet regularly with his
4 probation officer based upon a schedule set by that officer.

5 64. As a condition of his probation, Mr. Jones must maintain a place of residence, report
6 that residence to his probation officer, and not change that residence without notification to the
7 officer.

8 65. As a condition of his probation, Mr. Jones may not possess or have access to a
9 “weapon”, though his terms of probation do not define what constitutes a “weapon”.

10 66. As a condition of his probation, Mr. Jones may not associate with anyone convicted
11 of felony, on probation, on parole, or detained in a correctional institution without prior permission
12 from his probation officer.

13 67. As a condition of his probation, Mr. Jones must maintain or seek employment and
14 provide proof of that employment to his probation officer.

15 68. As a condition of his probation, Mr. Jones is required to subject himself to random
16 drug testing on a weekly basis.

17 69. As a condition of his probation, Mr. Jones must refrain from the use, possession, or
18 control of any alcoholic beverage.

19 70. As a condition of his probation, Mr. Jones was required to complete a mental health
20 and substance abuse evaluation.

21 71. As a condition of his probation, Mr. Jones is required to complete any
22 recommended counseling from that evaluation.

23 72. As a condition of his probation, Mr. Jones comply with all prescribed medication
24 recommended by that evaluation.

25 73. If Mr. Jones is accused of violating any of these conditions, his probation officer
26 may immediately arrest him.

1 74. If Mr. Jones is arrested for a probation violation, he will be transported to Nevada
2 and re-incarcerated at CCDC.

3 75. This includes any “technical” violations where Mr. Jones has not broken any laws,
4 such as missing a drug test or a meeting with his probation officer.

5 76. If not provided the appropriate auxiliary aids and services and reasonable
6 modifications, people who are deaf or hard of hearing are more likely to be penalized under
7 community supervision due to miscommunication with officials who are supervising them and the
8 lack of auxiliary aids and services and reasonable modifications for the programs that they are
9 expected to attend as condition of release.

10 77. Mr. Jones has already struggled with this lack of auxiliary aids and services and
11 reasonable modifications: when he has been asked to sign paperwork prior to giving a urine sample
12 for drug testing, he has been expected to do so without an ASL interpreter to translate the
13 paperwork prior to signing.

14 78. If Mr. Jones is arrested for a probation violation, he will be incarcerated in CCDC
15 until he can appear before the court in Nevada’s Eighth Judicial District that is supervising his
16 probation.

17 79. He will continue to be incarcerated in CCDC until the supervising court decides to
18 either re-instate or revoke his probation.

19 Instructions During Booking

20 80. Jones went through CCDC’s booking process over a three-day span from
21 November 27, 2019 to November 29, 2019.

22 81. During that three day period LVMPD did not provide Jones with an interpreter or
23 any other auxiliary aids to assist him in communicating with staff.

24 82. LVMPD continued to deny Jones auxiliary aids and services and reasonable
25 modifications at his intake and booking, even after he specifically requested an interpreter.

26 83. CCDC staff verbally prompt hearing people for a significant amount of information
27 during the booking process to ensure proper classification, including identifying information and
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1 health history.

2 84. Hearing detained people are provided a significant amount of information verbally
3 by CCDC staff during the booking process, including basic procedures at CCDC and how to seek
4 assistance for emergencies.

5 85. No information was effectively communicated by LVMPD to Jones during the
6 booking process as LVMPD did not provide information in a language that he could understand.
7 Specifically, LVMPD did not provide an ASL interpreter or any other auxiliary aid or service to
8 ensure effective communication with Jones.

9 86. Moreover, although LVMPD only offers a TTY to deaf detained people—which is
10 an ineffective means to communicate for a person whose primary language is ASL—no LVMPD
11 staff members at CCDC explained to Jones during booking that a TTY was available to him upon
12 request.

13 87. Upon information and belief, Jones did not receive CCDC's Inmate Handbook
14 when he was initially incarcerated at CCDC, causing him to be entirely uninformed of CCDC's
15 rules and procedures.

16 88. For example, CCDC's staff never explained the formal grievance process and the
17 appeals process to Jones.

18 89. If CCDC staff did explain the formal grievance process and appeals process to
19 Jones, it was not communicated in ASL or other manner that Jones would have been able to
20 understand.

21 90. All information Jones received about CCDC's grievance process was provided to
22 him by other detained people through handwritten messages.

23 91. For example, in an incident that occurred on September 30, 2020, Jones asked a
24 corrections officer in his module for a Citizen Review Board Complaint Form by writing the
25 question on a piece of paper, believing this was the primary grievance system. The corrections
26 officer repeatedly questioned Jones and gave him a formal rule violation for disrupting his module.
27 As a result of this violation, Jones was brought before the Conduct Adjustment Board ("CAB"),
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1 which placed him in solitary confinement because of his requests.

2 92. Jones suffered arbitrary discipline as a result of having no information on what rules
3 and procedures LVMPD mandates at CCDC.

4 93. When Jones finally learned LVMPD's grievance process, he found that LVMPD
5 expects people detained at CCDC to submit grievances in written English on an electronic kiosk
6 located in the detention units.

7 94. LVMPD does not have a mechanism to allow the submission of grievances in ASL,
8 nor do they provide auxiliary aids or services to ensure effective communication for deaf people
9 whose primary form of communication is ASL.

10 Issues with Instructions and Programming

11 95. Every day, LVMPD's staff at CCDC share essential information with all detained
12 people verbally, announcing mealtimes, pill calls, the beginning and end of daily count, laundry
13 calls, and shakedowns. This information is conveyed almost exclusively through speech and
14 auditory cues.

15 96. Deaf and hard of hearing people detained at CCDC almost never receive this
16 information. As a result, they miss meals, medication, appointments, laundry, and work. Deaf and
17 hard of hearing incarcerated people are sometimes awakened by their cellmates or guards banging
18 on the beds but often they are not awakened at all and miss these events.

19 97. Jones often missed announcements and alerts that only used auditory signals. For
20 example, Jones often missed "free time" periods each day because the signal for these periods is
21 seven loud "beeps." Without any non-auditory signals or indications that "free time" periods were
22 occurring, Jones had no way of knowing when those periods occurred.

23 98. Jones repeatedly requested the LVMPD staff serving in his detention unit in CCDC
24 notify him if an auditory signal was provided for "free time" or other events. Aside from one staff
25 member temporarily stationed in Jones's unit on the sixth floor of CCDC for about three (3) days
26 around May of 2022 who provided him with notice, Jones's requests were ignored.

27 99. Other than the *ad hoc* generosity of a single staff member, LVMPD's staff at CCDC
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1 failed to provide any visual or tactile cues when making an alert or announcement, including fire
2 alarms, instead relying exclusively on auditory signals.

3 100. While Jones was incarcerated, corrections officers regularly communicated
4 important verbal announcements to Jones's unit.

5 101. When these announcements were made, LVMPD did not provide an ASL
6 interpreter, written materials, or other auxiliary aid or service to make the verbal announcements
7 accessible to Jones.

8 102. Jones had to rely entirely on other detained people to let him know what
9 information was contained in those announcements.

10 103. Specifically, during the COVID-19 pandemic, CCDC's staff gave multiple
11 presentations to detained people about COVID-19 and the precautions the detained people would
12 need to take to protect themselves.

13 104. All of these presentations by CCDC's staff were given orally without any visual
14 aids, written explanations, or an interpreter.

15 105. Jones did not receive any information about the COVID-19 pandemic until another
16 detained person explained the situation to him through handwritten messages which were generally
17 ineffective as Jones' primary and preferred language is ASL.

18 106. LVMPD also failed to ensure that the televisions in Jones' CCDC unit had the
19 closed captioning on, denying him an opportunity that hearing people had to use the television.

20 107. Beyond announcements and alerts, Jones was unable to meaningfully participate in
21 any classes or group therapy offered by LVMPD at CCDC for rehabilitation for most his detention.

22 108. As documented in multiple grievances Jones filed while incarcerated at CCDC,
23 Jones requested an interpreter so he could participate in CCDC's programs, services, and activities,
24 but LVMPD denied his requests.

25 109. For example, Jones was placed in group therapy but was not offered an interpreter
26 and, therefore, was unable to share his experience and thoughts with the group or the coordinator.

27 110. Jones also wanted to attend classes and religious services offered at CCDC but was
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1 unable to participate without an interpreter.

2 Unequal Access to Telecommunications

3 111. Ensuring that people detained at CCDC can connect with people outside of the
4 facility is imperative for people detained pretrial to prepare their legal defense, people detained on
5 criminal sentences to transition back to the outside world once their sentences are complete, and
6 all detained people to cope with the psychological challenges of incarceration.

7 112. As the federal government has recognized, “[t]elephone privileges are a
8 supplemental means of maintaining community and family ties that will contribute to an inmate’s
9 personal development.” 28 C.F.R. § 540.100.

10 113. LVMPD provides hearing people detained at CCDC regular access to telephones
11 to communicate with family, friends, attorneys, and other people outside of the jail.

12 114. Phone banks are built into each unit used to house CCDC’s general population.

13 115. LVMPD provides consistent access to these phones to hearing people detained at
14 CCDC who are housed in general population.

15 116. Hearing people housed in these units may use these phones at any time designated
16 as “free time” to contact friends, family, or anyone else outside of CCDC they may wish.

17 117. Hearing people may can also consult with their attorneys, without cost, via specially
18 designated “blue phones” that allow for confidential conversations that are available in each unit
19 where CCDC houses its general population.

20 118. Similar to the phones reserved for friends and family, the “blue phones” can be
21 accessed at any time designated as “free time” by CCDC’s staff.

22 119. Jones was not provided access to any telecommunication device comparable to a
23 telephone allowing for visual communication, i.e. VP or TTY, for the first eight months of his
24 incarceration.

25 120. LVMPD eventually provided Jones with a TTY, a technology considered
26 significantly out-of-date by the deaf community, which did not allow Jones to effectively
27 communicate with third parties.

1 121. To even use the TTY provided by LVMPD, Jones required assistance from a
2 hearing detained person, specifically Jones needed a hearing person to let him know whether the
3 TTY had successfully connected as the TTY gives different auditory signals if it connects or not.

4 122. TTY technology is 60-years-old, error-prone, failure-prone, and causes delays in
5 communication.

6 123. TTY is a device equipped with a keyboard and display screen to enable deaf and
7 hard of hearing people to make and receive text-based telecommunication via telephone lines. This
8 device allows the user to send and receive typed messages over telephone lines. TTY users can
9 directly call other TTY users or they can call a person who does not have a TTY via a relay service.
10 If directly calling another TTY user, the TTY user types a message into the TTY, which is then
11 displayed on the other user's TTY, and vice versa. If using a relay service, the TTY user types a
12 message into the TTY, which the relay service operator receives and relays, by standard phone, to
13 a person who does not have a TTY. The standard phone user then replies to the TTY user by
14 speaking their message to the relay service operator who types the message to the TTY user, which
15 is displayed on their TTY display screen. This timely, ineffective process continues back and forth
16 throughout an entire conversation. A standard phone user can also place a call through a relay
17 service operator to a TTY user.

18 124. TTY requires the deaf user to type messages in English. People whose first
19 language is ASL are often not proficient in written English, and therefore, TTY is not accessible
20 for people who have extremely limited use of English. Moreover, TTY is ineffective even when
21 used by a person fluent in English. Typed TTY conversations necessarily take much more time
22 than traditional voice calls or video calls; TTY communications do not include important linguistic
23 information such as emotion, tone, or inflection, which can affect meaning and message
24 significantly; TTY messages are often garbled or indecipherable; and TTY users cannot interrupt
25 each other as typical in a natural, free-flowing conversation.

26 125. Put simply, TTY is an outdated technology that does not provide equally effective
27 communication for most deaf and hard of hearing people.
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1 126. For the most part, deaf and hard of hearing people in the United States have
2 abandoned the outdated and ineffective TTY.

3 127. Instead, deaf and hard of hearing people generally use videophones and captioned
4 telephones. Indeed, not only do many prisons and jails around the country offer videophones to
5 deaf detained people, but several courts have ordered correctional facilities to provide videophones
6 to people in those facilities.⁶

7 128. There is no valid security basis to deny deaf detained people access to videophones.

8 129. In CCDC, where calls are limited to 15 minutes, a TTY is untenable because the
9 TTY communication takes much longer due to the time spent typing and the slow speeds of TTYs.

10 130. Jones had to share the TTY with at least two other deaf people detained at CCDC
11 in different units, meaning that the TTY was moved from unit-to-unit. When the TTY was not in
12 Jones's unit, he did not have access to it. This is stark juxtaposition to hearing detained people
13 who can call from their phone bank whenever said detained people are on free time due to the
14 abundance of phones for hearing detained people.

15 131. When Jones requested the TTY and it was not in his unit, he routinely had to wait
16 up to twenty-four (24) hours to use the TTY, even waiting up to a week in some instances.

17 132. Moreover, the visibly dirty TTY was not cleaned after each use during the COVID-
18 19 pandemic and was covered in dust with no plastic cover. The person in Jones' unit responsible
19 for cleaning the TTY phone neglected this duty. Jones informed several officers in his unit that the
20 TTY phone was not getting cleaned. When the TTY was not Jones's unit, he had no way of
21 knowing whether it was being cleaned after use. Further, Jones filed a grievance about the TTY
22 phone not being cleaned to a LVMPD Lieutenant.

23 133. Jones requested a videophone, but LVMPD's staff at CCDC denied this request.
24

25 ⁶ See, e.g., U.S. Dep't of Just., Justice Department Reaches Agreement with Vermont Department
26 of Corrections to Improve Access for Inmates with Disabilities (Oct. 28, 2021),
27 [https://www.justice.gov/opa/pr/justice-department-reaches-agreement-vermont-department-](https://www.justice.gov/opa/pr/justice-department-reaches-agreement-vermont-department-corrections-improve-access-inmates)
28 [corrections-improve-access-inmates](https://www.justice.gov/opa/pr/justice-department-reaches-agreement-vermont-department-corrections-improve-access-inmates); Christie Thompson, *'Prison Within a Prison': New Mandate Offers Lifeline for Deaf People in Custody*, THE MARSHALL PROJECT (Mar. 21, 2023),
<https://www.themarshallproject.org/2023/03/21/deaf-prison-fcc-video-calls>.

1 153. CCDC's investigator recommended that Jones receive the maximum sentence for
2 the violation even though that same investigator acknowledged that (1) CCDC's staff members
3 were unaware that Jones was deaf when they orally ordered Jones to return to his bunk, and (2)
4 Jones calmed down once someone on the scene communicated with him in rudimentary ASL why
5 corrections officers were denying him access to CCDC's psychiatric staff.

6 154. Jones was not given a hearing for this violation until December 6, 2019.

7 155. At the hearing, LVMPD did not provide Jones with an interpreter or any other
8 effective auxiliary aid or service.

9 156. Due to the lack of interpreter, Jones was only able to provide a written statement,
10 specifically "the hand gesture (sic) [the corrections officer] was using does not mean stop.. i didn't
11 know what he was saying."

12 157. Jones was found "guilty" of the alleged violation during the hearing.

13 158. As a result of the December 3rd incident, Jones remained in solitary confinement
14 until December 11, 2019.

15 159. On September 30, 2020, Jones was accused of "Disrupting the Module" for not
16 responding to a correction officer's verbal commands that Jones could not hear.

17 160. The officer also accused Jones of "complaining loudly to the inmates around his
18 bunk area," though there was no indication that Jones knew he was being loud.

19 161. Jones was transferred to a disciplinary unit that same day.

20 162. The corrections officer recommended that Jones spend ten (10) days in disciplinary
21 housing for the violation, claiming that Jones was manipulative because "[Jones] would not
22 acknowledge what [the officer] wrote on a paper tablet unless [the officer] let [Jones] hold the
23 tablet" and because the officer believed that Jones could read his lips even after Jones stated he
24 could not.

25 163. Jones did not have a hearing regarding the allegations until October 8, 2020.

26 164. LVMPD did not provide Jones with an interpreter or any other effective auxiliary
27 aid or service for the hearing.

1 165. Jones was found “guilty” of this alleged violation during the hearing.

2 166. As a result of the September 30th incident, Jones remained in disciplinary housing
3 until October 14, 2020.

4 167. On February 3, 2022, Jones was accused of “Possession of Unauthorized Items,
5 Contraband, or Clothing,” for allegedly being in possession of “2 bags of coffee, 1 bowl, 1 tuna, 1
6 chili, 1 bag of rice, and 1 peanut butter.”

7 168. As a result of this allegation, he was transferred to a disciplinary unit.

8 169. Jones was initially scheduled for a disciplinary hearing on February 8, 2022, but
9 the hearing was unable to go forward as the officers failed to provide an interpreter, and unlike on
10 previous occasions, CCDC staff agreed that an interpreter was a necessary auxiliary aid or service.

11 170. Jones’s hearing was delayed as CCDC acquired the services of an interpreter for
12 his hearing.

13 171. Jones ultimately remained in disciplinary housing until February 12, 2022, due to
14 the delay.

15 **FIRST CLAIM FOR RELIEF**

16 **Discrimination on the Basis of Disability in Violation of Title II of the ADA (42 U.S.C. § 12131, *et seq.*)**

17 172. Jones alleges and incorporates by reference each and every allegation above as if
18 fully set forth herein.

19 173. On July 12, 1990, Congress enacted the ADA “to provide a clear and
20 comprehensive national mandate for the elimination of discrimination against individuals with
21 disabilities.” 42 U.S.C. §12101(b)(1). Title II of the ADA states that “no qualified individual with
22 a disability shall, by reason of such disability, be excluded from participation in or be denied the
23 benefits of services, programs, or activities of a public entity, or be subjected to discrimination by
24 any such entity.” 42 U.S.C. § 12132.

25 174. Jones is a “qualified individual with a disability” within the meaning of the ADA.

26 175. Public entities are required under the ADA to “take appropriate steps to ensure that
27 communication with . . . participants . . . with disabilities are as effective as communication with
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1 others.” 28 C.F.R. § 35.160(a)(1). Ensuring effective communication includes “furnish[ing]
 2 appropriate auxiliary aids and services,” 28 C.F.R. § 25. 160(b)(1), including “[q]ualified
 3 interpreters . . . real-time computer-aided transcription services . . . telephone headset amplifiers;
 4 assistive listening devices . . . telephones compatible with hearing aids; open and closed
 5 captioning, including real-time captioning; voice, text, and video-based telecommunications
 6 products and systems, including text telephones (TTYs), videophones, and captioned
 7 telephones[.]” 28 C.F.R. § 35.104.

8 The type of auxiliary aid or service necessary to ensure effective
 9 communication will vary in accordance with the method of
 10 communication used by the individual; the nature, length, and
 11 complexity of the communication involved; and the context in
 12 which the communication is taking place. In determining what types
 13 of auxiliary aids and services are necessary, a public entity shall give
 14 primary consideration to the requests of the individuals with
 disabilities. In order to be effective, auxiliary aids and services must
 be provided in accessible formats, in a timely manner, and in such a
 way as to protect the privacy and independence of the individual
 with a disability.

15 28 C.F.R. § 35.160(b)(2).

16 176. “Primary consideration” means that “[t]he state or local government must honor the
 17 person’s choice, unless it can demonstrate that another equally effective means of communication
 18 is available, or that the use of the means chosen would result in a fundamental alteration or in an
 19 undue burden.” U.S. Dep’t of Just., ADA Requirements: Effective Communication (Jan. 1, 2014),
 20 [ada.gov/resources/effective-communication](https://www.ada.gov/resources/effective-communication). *See also, e.g.*, 28 C.F.R. § 35.164; 28 C.F.R. Pt. 35,
 21 App. B (“The public entity must provide an opportunity for individuals with disabilities to request
 22 the auxiliary aids and services of their choice. . . . The public entity shall honor the choice unless
 23 it can demonstrate that another effective means of communication exists or that use of the means
 24 chosen would not be required under § 35.164.”). As explained in the U.S. Department of Justice’s
 25 ADA Title II Technical Assistance Manual, “[i]t is important to consult with the individual to
 26 determine the most appropriate auxiliary aid or service, because the individual with a disability is
 27 most familiar with his or her disability and is in the best position to determine what type of aid or
 28 service will be effective.” U.S. Dep’t of Just., Title II Technical Assistance Manual, Section II-

1 7.1100, ada.gov/taman2.html.

2 177. In providing any aid, benefit or service, a public entity “may not . . . [d]eny a
3 qualified individual with a disability the opportunity to participate in or benefit from the aid,
4 benefit or service,” “[a]fford a qualified individual with a disability an opportunity to participate
5 in an aid, benefit, or service that is not equal to that afforded others,” “[p]rovide a qualified
6 individual with a disability with an aid, benefit, or service that is not as effective in affording equal
7 opportunity . . . as that provided to others,” or “[o]therwise limit a qualified individual with a
8 disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.”
9 28 C.F.R. § 35.130(b)(1)(i), (ii), (iii), (vi). A public entity must “make reasonable modifications
10 in policies, practices, or procedures when the modifications are necessary to avoid discrimination
11 on the basis of disability, unless the public entity can demonstrate that making the modifications
12 would fundamentally alter the nature of the service, program, or activity.” 28 C.F.R.
13 § 35.130(b)(7).

14 178. LVMPD violated the ADA and its regulations by, *inter alia*: (a) failing to provide
15 effective communication to Jones, including communication with LVMPD staff, medical
16 personnel, other detained people, and people outside of CCDC; and (b) failing to make reasonable
17 modifications to policies, practices, and procedures to avoid disability discrimination in
18 handcuffing, administrative and punitive isolation, administrative grievance processes, and
19 emergency planning. Specifically, LVMPD failed to provide Jones with a qualified interpreter
20 during mental health evaluations, medical examinations, disciplinary hearings, classes and
21 religious services, group therapy, and crucial interactions with LVMPD staff, such as the booking
22 process and essential presentations about the ongoing COVID-19 pandemic.

23 179. LVMPD also failed to provide Jones with a telecommunications device during
24 incarceration at CCDC. While hearing people housed in CCDC’s general population may freely
25 use phones during free time, deaf people must request to use an antiquated telecommunication
26 device, and as Jones has learned, such a request may not be answered until days later. Furthermore,
27 the only such devices offered to deaf people detained at CCDC are TTYs, which deaf people like
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1 Jones cannot use without the assistance of a person who can hear. CCDC does not provide
2 videophones, the standard telecommunication device used by the signing deaf community today.
3 There is no valid security basis to deny deaf detained people access to videophones, which are
4 safely used in secure correctional facilities across the country.

5 180. LVMPD pervasively failed to provide auxiliary aids and services to Jones at CCDC
6 despite acknowledging these requirements in its written policies and procedures. LVMPD failed
7 to supplement auditory signals with any visual or tactile cues when making an alert or
8 announcement, including fire alarms. LVMPD failed to ensure that the televisions in Jones' unit
9 had the closed captioning on. LVMPD required Jones to buy his own writing materials, which
10 were the only means for Jones to communicate. However, "[a] public entity may not place a
11 surcharge on a particular individual with a disability or any group of individuals with disabilities
12 to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that
13 are required to provide that individual or group with the nondiscriminatory treatment required by
14 the Act or this part." U.S. Dep't of Just., Americans with Disabilities Act Title II Regulations,
15 Section 35.130, <https://www.ada.gov/law-and-regs/title-ii-2010-regulations/>.

16 181. LVMPD also failed to establish and provide personnel training, course materials,
17 and other mechanisms at CCDC while Jones was incarcerated at the facility to ensure that such
18 policies as they have established or may establish in the future to comply with the ADA with regard
19 to deaf or hard of hearing detained people or people under LVMPD supervision have been and
20 will be propagated effectively to wardens, guards, LVMPD officers, and other personnel to
21 produce necessary understanding and compliance.

22 182. LVMPD discriminated against Jones with deliberate indifference to his
23 communication needs, causing him to endure humiliation, fear, anxiety, and emotional distress.

24 183. Jones is entitled to damages, declaratory relief, injunctive relief, attorneys' fees and
25 costs, and such other and further relief as the Court deems just and proper.

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SECOND CLAIM FOR RELIEF

**Discrimination on the Basis of Disability in Violation of
Section 504 of the Rehabilitation Act (29 U.S.C. § 794, *et seq.*)**

184. Jones alleges and incorporates by reference each and every allegation above as if fully set forth herein.

185. Section 504 of the Rehabilitation Act states that no
qualified individual with a disability in the United States . . . shall,
solely by reason of [] disability, be excluded from the participation
in, be denied the benefits of, or be subjected to discrimination under
any program or activity receiving Federal financial assistance.
29 U.S.C. § 794(a).

186. Jones is a “qualified individual with a disability” within the meaning of the U.S. Department of Justice’s Americans with Disabilities Act Title II Regulations. U.S. Dep’t of Just., Americans with Disabilities Act Title II Regulations, Section 35.104, <https://www.ada.gov/law-and-regs/title-ii-2010-regulations/>.

187. LVMPD receives “[f]ederal financial assistance” for CCDC within the meaning of 29 U.S.C. § 794(a).

188. The operations of CCDC are “program[s] or activit[ies]” within the meaning of 29 U.S.C. § 794(b)(1)(A)—(B) and/or (b)(2)(B).

189. The Rehabilitation Act requires that recipients of federal financial assistance, including LVMPD,

shall provide appropriate auxiliary aids to qualified handicapped persons with impaired sensory, manual, or speaking skills where a refusal to make such provision would discriminatorily impair or exclude the participation of such persons in a program or activity receiving federal financial assistance.

28 C.F.R. § 42.503(f).

190. Appropriate auxiliary aids include, but are not limited to, “qualified interpreters . . . and telephonic devices.” 28 C.F.R. § 42.503(f).

191. As detailed herein, LVMPD violated Section 504 and United States Department of Justice regulations by, *inter alia*: (a) failing to provide effective communication to Jones, including

1 communication with LVMPD staff, medical personnel, other detained people, and people outside
2 of CCDC; and (b) failing to make reasonable modifications to policies, practices, and procedures
3 to avoid disability discrimination in handcuffing, administrative and punitive isolation,
4 administrative grievance processes, and emergency planning. Specifically, LVMPD failed to
5 provide Jones with a qualified interpreter during mental health evaluations, medical examinations,
6 disciplinary hearings, classes and religious services, group therapy, and crucial interactions with
7 LVMPD staff, such as the booking process and essential presentations about the ongoing COVID-
8 19 pandemic.

9 192. LVMPD also failed to provide Jones with a telecommunications device while
10 incarcerated at CCDC. While hearing detained people housed in general population may freely use
11 phones during free time, deaf detained people must request to use an antiquated telecommunication
12 device, and as Jones has learned, a request may not be answered until days later. Furthermore, the
13 only phones offered to deaf detained people are TTY phones, not the videophones that are
14 commonly used by the deaf community today. There is no valid security basis to deny deaf
15 detained people access to videophones, which are safely used in secure correctional facilities
16 across the country.

17 193. LVMPD pervasively failed to provide Jones with auxiliary aids and services despite
18 acknowledging these requirements in its written policies and procedures. LVMPD failed to
19 supplement auditory signals with any visual or tactile cues when making an alert or announcement,
20 including fire alarms. LVMPD failed to ensure that the televisions in Jones' unit had the closed
21 captioning on. LVMPD required Jones to buy his own writing materials, which were the only
22 means for Jones to communicate.

23 194. LVMPD also failed to establish and provide personnel training, course materials,
24 and other mechanisms at CCDC to ensure that such policies as they have established or may
25 establish in the future to comply with Section 504 with regard to deaf or hard of hearing detained
26 people or people under LVMPD supervision have been and will be propagated effectively to
27 wardens, guards, LVMPD officers, and other personnel to produce necessary understanding and
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1 compliance.

2 195. LVMPD failed to provide Jones with appropriate auxiliary aids and services in
3 violation of the Rehabilitation Act and denied Jones the same access to services, benefits,
4 activities, programs, and privileges as the access provided to hearing detained people at CCDC.
5 These failures are an illustration of LVMPD's routine practices which directly conflict with its
6 own written policies and procedures.

7 196. Jones is entitled to declaratory relief, injunctive relief, attorneys' fees and costs,
8 and such other and further relief as the Court deems just and proper.

9 **THIRD CLAIM FOR RELIEF**

10 **Violation of the Eighth Amendment for a Deliberate Indifference to a Substantial Risk of Harm to Health and Safety after Conviction (42 U.S.C. § 1983)**

11 197. Jones alleges and incorporates by reference each and every allegation above as if
12 fully set forth herein.

13 198. Under the Eighth Amendment of the U.S. Constitution, "Excessive bail shall not be
14 required, nor excessive fines imposed, nor cruel and unusual punishment inflicted." U.S. Const.
15 amend. VIII.

16 199. LVMPD violated the Eighth Amendment of the United States Constitution by its
17 act of deliberate indifference to the medical needs of Jones while he was incarcerated pursuant to
18 a judgement of conviction. As a prisoner, Jones was guaranteed the right to proper medical care
19 pursuant to the Eighth Amendment.

20 200. As made clear by its own policies and trainings, LVMPD is well aware it must
21 provide auxiliary aids to deaf detained people if requested.

22 201. After November 16, 2021, and after documented requests, LVMPD failed to
23 provide Jones with a qualified interpreter and other auxiliary aids during mental health evaluations,
24 medical examinations, classes and religious services, group therapy, and crucial interactions with
25 LVMPD staff while at CCDC, such as the booking process and essential presentations about the
26 ongoing COVID-19 pandemic.

27 202. Specifically, even when Jones requested an interpreter for his medical
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1 appointments and mental health evaluations, LVMPD's staff at CCDC denied Jones an interpreter,
 2 while other detained people would have been able to talk to a medical professional. In the context
 3 of complex, lengthy, and essential medical examinations and mental health evaluations, the
 4 presence of a qualified interpreter is imperative to obtaining high-quality and punctual healthcare.
 5 Jones was also not given an explanation as to how medications prescribed to him worked or if the
 6 medications had any potential side effects.

7 203. LVMPD, by its act of deliberate indifference in failing to provide auxiliary aids to
 8 Jones, violated the Fourteenth Amendment. Had LVMPD not acted with deliberate indifference to
 9 the obvious and serious disability of Jones, he would have received proper medical care.

10 204. LVMPD's failure to comply with its duties under the Fourteenth Amendment has
 11 resulted in harm to Jones.

12 205. Jones is entitled to compensatory damages, injunctive relief, attorneys' fees and
 13 costs, and such other and further relief as the Court deems just and proper.

14 **FOURTH CLAIM FOR RELIEF**

15 **Violation of Article 1, § 6 of the Nevada Constitution for a Deliberate Indifference to a 16 Substantial Risk of Harm to Health and Safety After Conviction**

17 206. Jones alleges and incorporates by reference each and every allegation above as if
 18 fully set forth herein.

19 207. Under Article 1, § 6 of the Nevada Constitution, "cruel or unusual punishment"
 20 shall not be inflicted.

21 208. LVMPD violated Article 1, § 6 of the Nevada Constitution by its act of deliberate
 22 indifference to the medical needs of Jones to the extent he was detained pursuant to a judgment of
 23 conviction. Specifically, Jones was deprived of his rights against cruel or unusual punishment
 24 stemming from LVMPD's failure to provide Jones with a qualified interpreter and other auxiliary
 25 aids while incarcerated at CCDC.

26 209. As made clear by its own policies and training, LVMPD is well aware it must
 27 provide auxiliary aids to deaf detained people if requested.

28 210. After documented requests, LVMPD failed to provide Jones with a qualified

1 interpreter and other auxiliary aids at CCDC during mental health evaluations, medical
 2 examinations, classes and religious services, group therapy, and crucial interactions with LVMPD
 3 staff, such as the booking process and essential presentations about the ongoing COVID-19
 4 pandemic.

5 211. Even when Jones requested an interpreter for his medical appointments and mental
 6 health evaluations, LVMPD denied Jones an interpreter, while other detained people at CCDC
 7 would have been able to talk to a medical professional. In the context of complex, lengthy, and
 8 essential medical examinations and mental health evaluations, the presence of a qualified
 9 interpreter is imperative to obtaining high-quality and punctual healthcare. Jones was also not
 10 given an explanation as to how medications prescribed to him worked or if the medications had
 11 any potential side effects.

12 212. LVMPD, by its act of deliberate indifference in failing to provide auxiliary aids to
 13 Jones, violated Article 1, § 6 of the Nevada Constitution. Had LVMPD not acted with deliberate
 14 indifference to the obvious and serious disability of Jones, he would have received proper medical
 15 care.

16 213. LVMPD's failure to comply with its duties under Article 1, § 6 of the Nevada
 17 Constitution has resulted in harm to Jones.

18 214. Jones is entitled to compensatory damages, injunctive relief, attorneys' fees and
 19 costs, and such other and further relief as the Court deems just and proper.

20 **V. PRAYER FOR RELIEF**

21 WHEREFORE, Jones respectfully prays that the Court grant the following relief:

22 1. A declaration that LVMPD violated Jones' rights under Title II of the ADA (42
 23 U.S.C. § 12131, *et seq.*); Section 504 of the Rehabilitation Act (29 U.S.C. § 794, *et seq.*); the
 24 Eighth Amendment of the United States Constitution; Article 1, § 6 of the Nevada Constitution;

25 2. An order enjoining LVMPD from engaging in the unlawful discrimination
 26 complained of herein at CCDC;

27 3. An order granting injunctive relief requiring LVMPD to comply with its obligations
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1 under the ADA, the Rehabilitation Act, and the United States Constitution and implement
2 appropriate remedial measures at CCDC;

3 4. An order awarding Jones his actual and exemplary/punitive damages, in an amount
4 to be determined at trial;

5 5. An order awarding Jones his pre-judgment and post-judgment interest as allowed
6 by law;

7 6. An order awarding Jones his attorneys' fees and costs of this action; and

8 7. An order awarding any and all other available damages and such other further relief
9 as the Court deems just and proper.

10 **JURY DEMAND**

11 Pursuant to Fed. R. Civ. P. 28, Jones hereby demands a trial by jury on all issues for which
12 a trial by jury may be had.

13 DATED this 11th day of January, 2024.

14 **DICKINSON WRIGHT PLLC**

15
16 /s/ John L. Krieger

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