

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**BRANDON COBB, CARLOS HERRERA,
JOSEPH NETTLES, ERNEST WILSON,
JEREMY WOODY, and JERRY COEN,**
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, and
MICHAEL NAIL, in his official capacity
as Commissioner of the Georgia
Department of Community Supervision,**

Defendants.

Civil Action No.
1:19-cv-03285-WMR

CLASS ACTION

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION**

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Plaintiffs Brandon Cobb, Carlos Herrera, Joseph Nettles, Ernest Wilson, Jeremy Woody, and Jerry Coen (collectively, “Plaintiffs”) submit this memorandum of law in support of their motion for class certification for declaratory and injunctive relief purposes pursuant to Federal Rule of Civil Procedure 23(b)(2). Defendants Georgia Department of Community Supervision and its commissioner, Michael Nail (collectively, “GDCS”) deny Plaintiffs and other deaf and hard of hearing¹ individuals subject to GDCS supervision the auxiliary aids and services and reasonable modifications they require to communicate effectively and to participate fully in GDCS programs, services, and activities, in violation of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act (“Section 504”), and the Fourteenth Amendment of the United States Constitution. Plaintiffs seek to represent a class of all present and future deaf and hard of hearing individuals who are subject to supervision by GDCS.

Plaintiffs respectfully request that the Court certify this class because Plaintiffs have standing and can demonstrate that the proposed class satisfies the preliminary elements of Rule 23(a): numerosity, commonality, typicality, and

¹ Plaintiffs use the term “deaf and hard of hearing” to refer to individuals with hearing levels or hearing loss that qualify as disabilities under the ADA and Section 504 as defined herein. “Deaf” refers to individuals who self-identify as culturally deaf. The phrase “deaf and hard of hearing” used herein includes deaf, hard of hearing, d/Deaf-Disabled, d/DeafBlind, and Deaf individuals.

adequacy. *See, e.g., Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 398 (2010) (“By its terms [Rule 23] creates a categorical rule entitling a plaintiff whose suit meets the specified criteria to pursue his claim as a class action.”). Plaintiffs can further demonstrate the requirement of Rule 23(b)(2): that GDCS has acted or refused to act on grounds that apply generally to the class, making final injunctive or declaratory relief appropriate with respect to the class as a whole. Federal courts regularly certify classes of individuals with disabilities—including deaf and hard of hearing people—who are subject to control of the criminal legal system, such as people in prisons, jails, and on probation and parole.²

² *See, e.g., Armstrong v. Davis*, No. C-94-2307-CW, ECF No. 345 (N.D. Cal.) (certifying class of “all present and future California state prisoners and parolees with mobility, sight, hearing . . . disabilit[ies] that substantially limit one or more of their major life activities”), *aff’d*, 275 F.3d 849, 869 (9th Cir. 2001) (affirming class certification subject to two unrelated exceptions); *L.H. v. Schwarzenegger*, 519 F. Supp. 2d 1072, 1074 (E.D. Cal. 2007) (certifying class of “[j]uvenile parolees in or under the jurisdiction of California, including all juvenile parolees with disabilities as that term is defined in section 504 of the Rehabilitation Act and the Americans with Disabilities Act, who are: (1) in the community under parole supervision or who are at large, or (2) in custody in California as alleged parole violators and who are awaiting revocation of their parole, or (3) in custody after having been found in violation of parole and returned to custody”); *McBride v. Michigan Dep’t of Corr.*, No. 15-11222, 2017 WL 3097806, at *1, *8 (E.D. Mich. June 30, 2017), *report and recommendation adopted*, 2017 WL 3085785 (E.D. Mich. July 20, 2017) (certifying class of “all deaf and hard of hearing individuals in the custody of MDOC [Michigan Department of Corrections] (whether now or in the future), who require hearing-related accommodations, including but not limited to interpreters, hearing devices, or other auxiliary aids or services, to communicate effectively and/or to access or participate in programs, services, or activities available to individuals in the custody

I. Proposed Class Satisfies the Rule 23(a)(1) Numerosity Requirement

Rule 23(a)(1) requires that the “class is so numerous that joinder of all members is impracticable.” FED. R. CIV. P. 23(a)(1). Classes of “more than forty” members are adequate to satisfy this requirement. *See, e.g., Owens v. Metro Life Ins. Co.*, 323 F.R.D. 411, 417 (N.D. Ga. 2017) (citing *Cox v. Am. Cast Iron Pipe Co.*, 784 F.2d 1546, 1553 (11th Cir. 1986)); *see Cordoba v. DirecTV, LLC*, 320 F.R.D. 582, 600 (N.D. Ga. 2017), *appeal docketed*, No. 18-12077 (11th Cir. May 21, 2018).

Here, GDCS estimates that “approximately forty” of the individuals it supervises “have been identified as hearing impaired.” Defs’. Resp. to Mot. for Preliminary Injunction (ECF No. 34 at 5). This alone demonstrates numerosity, *see Owens*, 323 F.R.D. at 417, but also likely significantly understates the actual size of the proposed class. There are likely closer to 500 deaf and hard of hearing individuals subject to GDCS supervision.³ The proposed class also includes future class

of MDOC.”).

³ According to the Georgia Department of Corrections (“GDOC”), as of August 1, 2019, 153 incarcerated persons with significant hearing loss are in custody in GDOC prisons. These individuals are categorized by GDOC into three groups—those who have: (i) “[t]otal loss in one ear with mild loss in other”; (ii) “[s]evere loss in both ears”; or (iii) “[t]otal loss in both ears, requiring special housing.” *See Inmate Statistical Profile*, GDOC at 49, http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_all_inmates_2019_09.pdf. These individuals account for 0.29% of the 52,000 people incarcerated in GDOC prisons. *Facilities Division*, GDOC, <http://www.dcor.state.ga.us/Divisions/Facilities/Corrections>. Applying that percentage to

members (*e.g.*, individuals currently subject to supervision who will become class members through hearing loss, and deaf and hard of hearing people who will leave incarceration and enter supervision). *See, e.g., Braggs v. Dunn*, 317 F.R.D. 634, 653 (M.D. Ala. 2016) (“[T]he fluid nature of a plaintiff class—as in the prison-litigation context—counsels in favor of certification of all present and future members”); *Dunn v. Dunn*, 318 F.R.D. 652, 662 (M.D. Ala. 2016) (same, collecting cases); *see also Kilgo v. Bowman Transp., Inc.*, 789 F.2d 859, 878 (11th Cir. 1986) (affirming certification of class of present and future members yet to be identified). The class therefore satisfies the threshold size for numerosity and impracticability.⁴

the number of individuals subject to GDCS supervision (180,000), approximately 500 individuals would be expected to have significant hearing loss.

⁴ “[T]here is serious reason to doubt that the judicially-created ascertainability requirement applies to Rule 23(b)(2) classes[.]” *Braggs*, 317 F.R.D. at 671. “[T]he circuits that have squarely addressed the issue have generally concluded that the ascertainability requirement does not apply to Rule 23(b)(2) injunctive-relief classes.” *Id.* at 671–72 (citing *Shelton v. Bledsoe*, 775 F.3d 554 (3d Cir. 2015)) (ascertainability inapplicable to Rule 23(b)(2) classes). Should this Court nevertheless rule that ascertainability does apply, the proposed class here is adequately defined. A class is ascertainable where the class definition contains “objective criteria that allow for class members to be identified in an administratively feasible way.” *See, e.g., Karhu v. Vital Pharm., Inc.*, 621 F. App’x 945, 946 (11th Cir. 2015); *Jones v. Advanced Bureau of Collections LLP*, 317 F.R.D. 284, 289 (M.D. Ga. 2016). Class membership here can be ascertained by objective criteria—class members are deaf and hard of hearing GDCS supervisees.

II. Proposed Class Satisfies the Rule 23(a)(2) Commonality Requirement

The proposed class meets the commonality requirement of Rule 23(a)(2) because “there are questions of law or fact common to the class.” FED. R. CIV. P. 23(a)(2). “[F]or purposes of Rule 23(a)(2) even a single common question will do.” *Carriuolo v. Gen. Motors Co.*, 823 F.3d 977, 984 (11th Cir. 2016) (quoting *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 359 (2011)); *see also Williams v. Mohawk Indus., Inc.*, 568 F.3d 1350, 1355 (11th Cir. 2009) (“Commonality requires that there be at least one issue whose resolution will affect all or a significant number of the putative class members.”) (internal quotations omitted); *Thompson v. Jackson*, No. 1:16-cv-04217, 2018 WL 5993867, at *7–8 (N.D. Ga. Nov. 15, 2018) (same).

The commonality analysis turns on whether disputed legal or factual questions are capable of class-wide proof or resolution. *See, e.g., Murray v. Auslander*, 244 F.3d 807, 811 (11th Cir. 2001); *see also Carriuolo*, 823 F.3d at 984 (class certification “will resolve an issue that is central to the validity of each one of the claims in one stroke”) (quoting *Wal-Mart*, 564 U.S. at 350). Claims need not be identical and variations among the class are permissible. *See, e.g., Prado-Steiman ex rel. Prado v. Bush*, 221 F.3d 1266, 1279 (11th Cir. 2000). Plaintiffs need not show that common questions “predominate” over individual questions, as “even a single common question will do.” *Braggs*, 317 F.R.D. at 655 (quoting *Wal-Mart*, 564 U.S.

at 359).

Federal courts have routinely found that commonality exists for classes of people who allege system-wide failures by large state agencies, as here. *See Belton v. Georgia*, No. 1:10-cv-0583-RWS, 2011 WL 925565, at *4 (N.D. Ga. August 2, 2012) (commonality satisfied where the state failed to provide hearing services throughout its mental health facilities); *Dunn*, 318 F.R.D. at 662–63 (commonality satisfied where prison failed to implement ADA policies for class that included blind, deaf, and wheelchair-using prisoners); *Hoffer v. Jones*, 323 F.R.D. 694, 697–98 (N.D. Fl. 2017) (commonality satisfied where common questions of law related to prison’s deliberate indifference to standard of care for prisoners with Hepatitis C); *Ortega-Melendres v. Arpaio*, 836 F. Supp. 2d 959, 989 (D. Ariz. 2011), *aff’d sub nom. Melendres v. Arpaio*, 695 F.3d 990 (9th Cir. 2012) (“In a civil rights suit, commonality is satisfied where the lawsuit challenges a systemwide practice or policy that affects all of the putative class members.”) (internal citation omitted); Appendix A (disability-related classes certified in systemic contexts).

Numerous common questions of law and fact make this case appropriate for class-wide resolution and satisfy the Rule 23(a)(2) commonality requirement. Examples of several such common questions are described in detail below. These common questions relate to GDCS’s systemic discrimination against proposed class

members throughout Georgia. Resolution of these common questions will produce common answers that will affect all members of the proposed class at once.

A. Whether GDCS Denies Class Members Equally Effective Communication and Reasonable Modifications

The ADA and Section 504 require GDCS to “take appropriate steps to ensure that communications with . . . [individuals] with disabilities are as effective as communications with others” by “furnish[ing] appropriate auxiliary aids and services.” 28 C.F.R. §§ 35.160(a)(1), (b)(1).⁵ GDCS is further required to make reasonable modifications to ensure that these individuals are “afford[ed] an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.” 28 C.F.R. § 35.130(b)(1)(iii); *see also* 28 C.F.R. § 42.503(a), (b)(1)(i)–(iii). GDCS’s routine and repeated violations of federal law are well-documented and widespread.

1. GDCS Maintains Inadequate Policies and Procedures for Communicating with Class Members

GDCS’s “Interpreters” policy and procedure statement (“Interpreter Policy”) (ECF No. 34-7, Attach. 2) is insufficient and inadequate to ensure effective communication as required by law. The policy describes only three circumstances

⁵ “Auxiliary aids and services” include “[q]ualified interpreters . . . real-time computer-aided transcription services . . . [and] open and closed captioning, including real-time captioning.” 28 C.F.R. § 35.104; *see also* 28 C.F.R. § 42.503(f).

in which a GDCS official *could* use an interpreter for communicating with a deaf or hard of hearing supervisee: at arrest, at an initial interview/intake, and at a revocation hearing. The policy makes no mention of providing interpreters for other encounters with GDCS officers, apparently leaving deaf and hard of hearing people without communication access at high-stakes events such as interviews, meetings (including meetings at which changes to supervision requirements are reviewed), home searches, drug tests (and discussion of the test results), and lie detector tests. These interactions may lead to a violation or revocation. An individual may experience months of incarceration before a revocation hearing takes place.

In the limited settings when the policy *does* anticipate providing interpreters, it uses mandatory language only in the context of arrest. For an “Initial Interview/Intake,” the policy states that GDCS “*should* submit a written request via email” and that it is not permissible to use another supervision officer or law enforcement officer “*if* an interpreter is necessary to address ADA compliance.” *Id.* § IV.D (emphasis added). The policy provides no insight into what it means for an interpreter to be required “to address ADA compliance” or how a GDCS officer should determine whether an interpreter is necessary. For revocation hearings, the policy provides that GDCS “*should* submit a written request via email” for an interpreter, but only for a person who is *both* deaf and indigent. *Id.* § IV.E. An

indigency requirement is contrary to governing ADA regulations, which prohibit public entities from requiring deaf and hard of hearing persons to provide their own interpreters or to pay a “surcharge” for necessary auxiliary aids and services. 28 C.F.R. §§ 35.130(f), 35.160(c)(1).

In the event a GDCS employee *does* decide to use interpreters, the policy has a complex and ambiguous process for procuring interpreters, requiring action by at least five GDCS employees, with no timeline or assurance of prompt action:

1. The GDCS employee must “submit a written request via email to their [Chief Community Supervision Officer (“CCSO”)].” Interpreter Policy §§ IV.D, E.
2. The employee’s request “will be forwarded through the chain of command,” although the policy provides no insight into *who* will do this forwarding or what the appropriate channels are. *Id.*
3. The Division Director must approve the request. *Id.*
4. Once the request is approved, the CSSO “will contact Budget to schedule the service.” *Id.*
5. At some (unspecified) point in this process, the request “must be pre-approved by the applicable District Director.” *Id.* at § IV.

Though in many cases GDCS supervisees are required to register within 72 hours of release from prison, the policy gives no indication that this multi-step process can be completed within that timeframe.

Further, the policy fails to address how to ensure equally effective communication with deaf and hard of hearing supervisees. The policy does not say

that these individuals should be asked about which communication method they prefer, even though their preferred method of communication must be given “primary consideration” under federal law. 28 C.F.R. § 35.160(b)(2). The policy references only one type of auxiliary aid or service—sign language interpreters—and does not provide for “real-time computer-aided transcription services,” now more commonly referred to as “real-time captioning” or CART,⁶ despite the fact that this is expressly listed as an auxiliary aid or service that may be required under federal law. 28 C.F.R. § 35.104. The policy states that interpreters “should be utilized when necessary to ensure that offenders understand their conditions, alleged violations of those conditions, and the sanctioning process,” but does not acknowledge the need to ensure that GDCS officers, in turn, understand the questions, concerns, and responses of the deaf and hard of hearing supervisees.⁷

⁶ CART stands for Communication Access Real-Time Translation. A CART provider translates spoken word into English text using a stenotype machine with a phonetic keyboard and special software. The text created by the CART provider can be displayed on an individual’s computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems. CART can be provided on-site or remotely.

⁷ See *ADA Requirements: Effective Communication*, U.S. Dep’t of Justice, Civil Rights Division, Disability Rights Section, <https://www.ada.gov/effective-comm.htm> (“The purpose of the effective communication rules is to ensure that the

Interpreter Policy § IV. This is critical—enormous consequences flow from what officers understand their supervisees to be saying.

2. GDCS Fails to Comply with Its Own Inadequate Policies

By any measure, GDCS is failing to comply with its own policies and with the requirements of the ADA and Section 504. No Plaintiff was provided with prompt communication access at his “initial interview/intake” from prison. Cobb Decl. ¶¶ 11–17 (no interpreter at initial parole meeting, GDCS officer spoke only to sister); Herrera Decl. ¶¶ 14, 18 (no interpreter at first probation meetings); Wilson Decl. ¶ 7 (no CART at intake, GDCS officer spoke only to sister); Woody Decl. ¶ 5 (no interpreter at initial probation meeting); Nettles Decl. ¶¶ 9-10 (no interpreter at initial probation meeting, GDCS officer spoke to parents).⁸ Plaintiffs are informed and believe that these failures are systemic and class-wide.⁹

person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the covered entity”).

⁸ Plaintiffs direct the Court to their Complaint (“Compl.”) and the declarations attached hereto for a full recitation of the relevant facts. *See* Declarations of Brandon Cobb (“Cobb Decl.”), Carlos Herrera (“Herrera Decl.”), Ernest Wilson (“Wilson Decl.”), Jeremy Jay Woody (“Woody Decl.”), and Joseph Nettles (“Nettles Decl.”).

⁹ In addition to Plaintiffs’ and others’ experiences, GDCS invoices produced by Defendants through an Open Records Request show that eight class members (including three named Plaintiffs) had interpreters at intake between September 2017 and the present. If these records reflect all of the auxiliary aids and services

3. GDCS Fails to Provide Auxiliary Aids and Services to Class Members Across a Variety of Contexts

GDCS requires supervised individuals to report to regional offices at the beginning of their supervision and to attend numerous follow-up meetings at GDCS offices and individuals' homes throughout their supervision. Yet GDCS routinely fails to provide auxiliary aids and services to Plaintiffs and class members at these meetings. *See, e.g.*, Nettles Decl. ¶¶ 10, 17; Cobb Decl. ¶¶ 11–12, 23; Herrera Decl. ¶¶ 14–17, 23, 25; Woody Decl. ¶¶ 5, 11; Wilson Decl. ¶¶ 7–8, 13, 15; *see also* Szotkowski Decl., Exh. A. To Plaintiffs' knowledge, GDCS has never communicated with any Plaintiff or class member using a Deaf interpreter ("Deaf Interpreter" or "DI")¹⁰ or CART even though for some of these individuals, these are their preferred methods of communication and are necessary for them to fully understand and to communicate clearly. Cobb. Decl. ¶¶ 4–5 (no DI); Herrera Decl. ¶¶ 3, 5 (no DI); Wilson Decl. ¶ 3 (no CART). GDCS's systemic refusal to ensure effective communication deprives class members of the opportunity to communicate with their GDCS officers about critical matters, to clarify their supervision rules, to

GDCS has provided, GDCS has only provided them for a fraction of those who need them. Declaration of Stephanna Szotkowski, Exhibit A.

¹⁰ A DI is a Deaf person who works with a hearing sign language interpreter to facilitate effective communication as part of a team of interpreters.

inquire about any rule changes, and to determine what they are allowed to do (*e.g.*, accept a job, visit a particular location, or move to a new county).

Furthermore, on a class-wide basis, supervision requirements for Plaintiffs and class members are memorialized in long complex written documents. *See, e.g.*, ECF No. 34-1 Attach. 1; ECF No. 34-3 Attach. 1; ECF No. 34-5 Attach. 1; ECF No. 34-6 Attach. 1. Because the public education system has not accommodated their disabilities, many class members have extremely limited abilities to read and write in English.¹¹ GDCS routinely fails to provide auxiliary aids and services, including hearing and/or Deaf interpreters, necessary to communicate the crucial information in these documents effectively. *See, e.g.*, Nettles Decl. ¶ 10 (GDCS officers refused to provide interpreter necessary to understand lengthy and complex documents about supervision requirements); Cobb Decl. ¶¶ 11–12 (same); Herrera Decl. ¶¶ 14–17 (same); Woody Decl. ¶ 5 (same); *see also* Herrera Decl. ¶ 26 (GDCS officer refused to provide interpreter to interpret a document regarding curfew requirements).

¹¹ *See* Sen Qi & Ross E. Mitchell, *Large-Scale Academic Achievement Testing of Deaf and Hard-of-Hearing Students: Past, Present, and Future*, 17 J. DEAF STUDIES & DEAF EDUC. 1 (2012) (average English literacy for Deaf high school graduates is third to fourth grade level); Gabriel I. Lomas et al., *Deaf and Hard of Hearing Students*, in HANDBOOK OF SPECIAL EDUCATION 346 (Kauffman et al., eds. 2017); LaVigne & Vernon, *supra*, n. 3 at 854 (30% of college-aged Deaf adults read and write English at a grade level below 2.8, which is functionally equivalent to illiteracy). *See also, e.g.*, Cobb Decl. ¶ 4; Herrera Decl. ¶ 3; Woody Decl. ¶ 2; Nettles Decl. ¶ 4.

4. GDCS Routinely Employs Ineffective Communication Methods

When GDCS officers attempt to communicate with proposed class members, like Plaintiffs, they routinely rely on methods which fall well short of the requirements under federal law; including those described below:

- ***Unqualified “Interpreters”***: GDCS routinely relies on individuals who are not fluent in ASL, who are not qualified interpreters, and who make frequent signing errors to interpret for class members. These individuals do not satisfy the definition of “qualified interpreter” under the ADA, *see* 28 C.F.R. § 35.104, because they cannot “interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”
- ***Family Members as “Interpreters”***: By its own admission, GDCS frequently asks Plaintiffs’ family members to interpret instead of providing required auxiliary aids and services, *see, e.g.*, ECF No. 34-1 ¶ 17 (relied on Plaintiff’s sister to interpret), ECF No. 34-4 ¶ 16 (relied on Plaintiff’s mother and children), ECF No. 34-5 ¶ 17 (relied on Plaintiff’s daughter). This too violates ADA regulations, which prohibit reliance “on an adult accompanying an individual with a disability to interpret or facilitate communication.” 28 C.F.R. § 35.160(c)(2). Even if family members of proposed class members know ASL and have the specialized legal vocabulary necessary to interpret accurately and effectively—which many family members of deaf and hard of hearing individuals do not, *see, e.g.*, Nettles Decl. ¶¶ 10, 16, 18; Herrera Decl. ¶ 24; Cobb Decl. ¶ 12—family members cannot interpret impartially and can therefore never be deemed “qualified interpreters” under the ADA.
- ***Written Notes***: GDCS officers often attempt to communicate by writing notes. *See, e.g.*, Nettles Decl. ¶ 15. This is usually not an effective communication tool because many deaf and hard of hearing individuals have never been properly taught English and therefore cannot read or write in English. *See, e.g.*, Cobb Decl. ¶¶ 3–4; Nettles Decl. ¶¶ 3–4; Herrera Decl. ¶ 3; Woody Decl. ¶ 2.

- ***Speaking, Gesturing, or Ad Hoc Communication Attempts:*** GDCS officers sometimes attempt to communicate by, for example, speaking aloud, *see, e.g.*, Wilson Decl. ¶ 6, or using “body language, simple hand gestures, and head movements,” ECF No. 34-3 ¶ 19. This is plainly ineffective as are other *ad hoc* communication attempts by GDCS. *See* Compl. at 2.
- ***Video Relay Service (“VRS”):*** VRS is a telecommunications relay service that allows hearing individuals using a standard telephone to make calls to deaf and hard of hearing individuals who use a videophone. VRS is *only* intended for situations in which a phone call would typically be made. Because in-person use violates Federal Communication Commission rules, 70 Fed. Reg. 8034, 8037 (Feb. 17, 2005), once VRS operators realize a GDCS officer and a class member are in the same location, they disconnect the call. GDCS officers have used VRS during in-person meetings with supervised individuals. *See* ECF No. 34-6 ¶¶ 18–19; Woody Decl. ¶¶ 9, 13. VRS is ineffective for in-person meetings because communication is cut off frequently, preventing coherent communication. Woody Decl. ¶ 9.

B. Whether GDCS’s Policies and Practices Fail to Provide Class Members with Adequate and Equal Access to Programs, Activities, and Services

GDCS requires many supervised individuals to participate in programs (such as counseling) as a condition of supervision. *See* Compl. ¶ 12. But GDCS routinely excludes class members from accessing the programs and courses on the basis of their hearing disabilities. *Id.* ¶ 39. GDCS fails to provide interpreters at programming and when proposed class members attend programming, they are often unable to effectively communicate. For example, Mr. Herrera submits to lie detector tests and has been instructed to sit entirely still, which means that he cannot communicate at all during those tests. Herrera Decl. ¶¶ 28–30. At times, GDCS directs class members

not to attend programming because they are deaf. *See, e.g.*, Woody Decl. ¶ 7.

C. Whether GDCS Is Denying Class Members Due Process by Failing to Provide Adequate Notice of Supervision Rules and Conditions

The Fourteenth Amendment provides that no state shall deprive a person of liberty without due process of law, which requires “notice of the case against him” and a meaningful opportunity to be heard prior to the deprivation. *Mathews v. Eldridge*, 424 U.S. 319, 332–333, 348 (1976); *Gagnon v. Scarpelli*, 411 U.S. 778 (1973); *see also Zinermon v. Burch*, 494 U.S. 113, 127 (1990); *Kirby v. Siegelman*, 195 F.3d 1285, 1291 (11th Cir. 1999) (citing *Vitek v. Jones*, 445 U.S. 480, 488 (1980)). Defendant Nail, acting in his official capacity, has repeatedly refused to provide class members with auxiliary aids and services and reasonable modifications and has thereby denied them adequate notice of the rules and requirements of their supervision. Further, class members face serious liberty restrictions, including reincarceration, probation or parole revocation, or GPS monitoring, curfews, or increased drug testing, without being afforded an opportunity to explain whether the rules and requirements of their supervision were effectively communicated to them. The prospect of “technical” (non-criminal) violations of the rules of supervision due to Defendants’ failure to ensure communication access to Plaintiffs and class members is a further common question of law and fact.

III. Plaintiffs Satisfy the Rule 23(a)(3) Typicality Requirement

Rule 23(a)(3) requires that the “claims or defenses of the representative parties are typical of the claims or defenses of the class.” FED. R. CIV. P. 23(a)(3). While “[a] class representative must possess the same interest and suffer the same injury as the class members in order to be typical under Rule 23(a)(3),” *Murray*, 244 F.3d at 811, the typicality threshold is low. *See, e.g., Collins v. Int’l Dairy Queen, Inc.*, 168 F.R.D. 668, 674 (M.D. Ga. 1996) (“As is the case with commonality, the requirements of typicality are not high.”); *see also In re Scientific-Atlanta, Inc. Sec. Lit.*, 571 F. Supp. 2d 1315, 1326 (N.D. Ga. 2007) (“the test for typicality is not demanding”) (internal citation omitted).

Typicality “does not require identical claims or defenses,” *Kornberg v. Carnival Cruise Lines, Inc.*, 741 F.2d 1332, 1337 (11th Cir. 1984), and is satisfied when the representative class members’ claims “arise from the same event or pattern or practice and are based on the same legal theory” as the claims of unnamed class members. *See, e.g., Kornberg*, 741 F.2d at 1337; *Williams*, 568 F.3d at 1357; *Owens*, 323 F.R.D. at 418. A class representative’s claim may be typical even though “the evidence relevant to his or her claim varies from other class members, some class members would be subject to different defenses, and the members may have suffered varying levels of injury.” *Reese v. CNH Am. LLC*, 227 F.R.D. 483, 487–88 (E.D.

Mich. 2005) (internal citation omitted); *see also Thomas Cty. Branch of Nat'l Assoc. for Advancement of Colored People v. City of Thomasville Sch. Dist.*, 187 F.R.D. 690, 698 (M.D. Ga. 1999) (“A factual variation will not render a class representative’s claim atypical unless the factual position of the representative markedly differs from that of other members of the class.”).

Typicality is satisfied here because all class representatives’ claims and legal theories arise from GDCS’s failure to: (i) provide necessary auxiliary aids and services to ensure equally effective communication with Plaintiffs during supervision; (ii) ensure access to and effective communication at required supervision programs; and (iii) to make reasonable modifications to policies, practices and procedures to avoid discrimination on the basis of disability. This same course of conduct that is the basis of class representatives’ claims is the basis of the class-wide claims. GDCS’s policies and practices discriminate against class representatives and class members in the same manner, and class members and class representatives alike are pursuing the same legal theory based on the same conduct. *See, e.g., Belton*, 2011 WL 925565 at *3 (typicality satisfied where named plaintiffs and putative class members are deaf and require the same services that the state fails to provide); *Thomas Cty.*, 187 F.R.D. at 698 (typicality satisfied where class representatives suffered “fairly comparable” discriminatory practices).

Furthermore, class representatives' claims are typical of the class because class representatives, like unnamed class members, are deaf and hard of hearing. Plaintiffs' interests are aligned with class members, and Plaintiffs will adequately represent the interests of the entire class. *Dunn*, 318 F.R.D. at 666. Plaintiffs, like class members, identify across the spectrum of d/Deaf and hard of hearing¹² and require a wide range of auxiliary aids and services, including interpreters (hearing and Deaf interpreters) and CART.¹³

IV. Plaintiffs Satisfy the Rule 23(a)(4) Adequacy Requirement

Rule 23(a)(4) requires that class representatives “fairly and adequately protect the interests of the Class.” FED. R. CIV. P. 23(a)(4). Adequacy of representation means that “the representative Plaintiffs will fairly and vigorously prosecute the interests of the class through qualified counsel.” *Access Now, Inc. v. Ambulatory*

¹² Plaintiffs Cobb, Herrera, Coen, and Coen identify as Deaf (Cobb Decl. ¶ 3; Herrera Decl. ¶ 3; Woody Decl. ¶ 2; Compl. ¶ 25). Plaintiffs Nettles and Wilson identify as deaf. (Nettles Decl. ¶ 3; Wilson Decl. ¶ 2 (late-deafened); Compl. ¶¶ 26–27).

¹³ Plaintiffs Cobb and Herrera communicate primarily in ASL and need a hearing and Deaf interpreter team to communicate about important matters. Cobb Decl. ¶ 4; Herrera Decl. ¶¶ 3, 5. Plaintiffs Nettles, Woody, and Coen communicate primarily in ASL and need hearing sign language interpreters. Nettles Decl. ¶ 4; Woody Decl. ¶ 2; Compl. ¶ 25. Plaintiff Wilson can read, write, and speak in English, but cannot hear spoken words, does not know ASL, and needs CART to communicate. Wilson Decl. ¶¶ 2–3.

Surgery Ctr. Grp., Ltd., 197 F.R.D. 522, 528 (S.D. Fla. 2000); *see also Piazza v. Ebsco Indus., Inc.*, 273 F.3d 1341, 1346 (11th Cir. 2001). The adequacy analysis involves “two separate inquiries: (1) whether any substantial conflicts of interest exist between the representatives and the class; and (2) whether the representatives will adequately prosecute the action.” *Busby v. JRHBW Realty, Inc.*, 513 F.3d 1314, 1323 (11th Cir. 2008) (quoting *Valley Drug Co. v. Geneva Pharms. Inc.*, 350 F.3d 1181, 1189 (11th Cir. 2003)).

As to the first requirement of adequacy, the named Plaintiffs share the same interests with the proposed class without conflict. There are no fundamental conflicts that foreclose class certification such as “where some party members claim to have been harmed by the same conduct that benefitted other members of the class.” *See Valley Drug*, 350 F.3d at 1189. Class representatives and class members are similarly harmed by GDCS’s conduct. Plaintiffs, like members of the proposed class, seek injunctive relief, have suffered the same injuries, and can adequately, fully, and fairly represent the class members in the claim for relief. If granted, the injunctive relief sought will provide substantially equal benefits and relief to all class members. *Access Now, Inc.*, 197 F.R.D. at 528 (adequacy satisfied when class shares same injuries and relief will provide relief to all members). Likewise, because Plaintiffs are not seeking monetary damages, “the interests of the representative Plaintiffs do

not actually or potentially conflict with those of the class.” *Id.*¹⁴ As set forth above (*see supra* Point III, nn. 12–13), Plaintiffs’ range of disabilities and required auxiliary aids and services and reasonable modifications mean that they will adequately represent the range of disabilities of the entire class.

As to the second requirement, Plaintiffs and their counsel will continue to vigorously prosecute the interests of the class. Plaintiffs’ counsel are competent and dedicated advocates. They work at organizations devoted to civil rights advocacy and are experienced in complex class action litigation. For nearly 100 years, the ACLU has litigated countless cases vindicating the constitutional rights of marginalized groups. Arnold & Porter Kaye Scholer LLP is a foremost international law firm that has been protecting clients for over 70 years and is well-known for its

¹⁴ A request that class representatives receive a service award is not inconsistent with class certification. *See* Rubenstein, 5 Newberg § 17.3 (5th ed.); *George v. Acad. Mortg. Corp. (UT)*, 369 F. Supp. 3d 1356, 1373–74 (N.D. Ga. 2019) (“Service payments compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation . . . Courts have consistently found service awards to be an efficient and productive way to encourage members of a class to become class representatives.”) (internal quotation omitted); *Lunsford v. Woodforest Nat’l Bank*, No. 1:12-cv-103-CAP, 2014 WL 12740375, at *10 (N.D. Ga. May 19, 2014) (“Incentive awards compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation.”) (internal quotation omitted); *Ingram v. The Coca-Cola Co.*, 200 F.R.D. 685, 694 (N.D. Ga. 2001) (“Courts routinely approve incentive awards to compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation.”) (internal citation omitted).

commitment to pro bono matters, including civil rights cases involving deaf and hard of hearing individuals. The National Association of the Deaf is the premier civil rights organization of, by, and for deaf and hard of hearing persons and has been representing them for over 100 years. The ACLU of Georgia litigates civil rights issues exclusively in Georgia, including complex class actions, and its attorneys have considerable expertise in local practice and procedure.

A sufficient number of experienced and dedicated attorneys are dedicated to representing the class *pro bono*. *Georgia State Conference of Branches of NAACP v. State of Ga.*, 99 F.R.D. 16 at 34 (S.D. Ga. 1983) (adequate representation satisfied where several civil rights organizations and five experienced civil rights attorneys represented the class *pro bono*); *Jones*, 317 F.R.D. at 293 (“The Court concludes that it is apparent from counsels’ ability to manage similar suits in the past that they have the expertise and adequate resources to manage this lawsuit as well.”).

V. Final Injunctive Relief Is Appropriate Under Rule 23(b)(2)

Rule 23(b)(2) provides for class certification where the “party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” FED. R. CIV. P. 23(b)(2); *Amchem Prod., Inc. v. Georgia Windsor*, 521 U.S. 591, 614 (1997); *Holmes v. Cont’l Can Co.*, 706 F.2d 1144, 1155

(11th Cir. 1983); *Melanie K. v. Horton*, No. 1:14-cv-710-WSD, 2015 WL 1308368, at *5 (N.D. Ga. Mar. 23, 2015). Rule 23(b)(2) “has been liberally applied” in civil rights cases where the primary relief sought is “injunctive or declaratory in nature.” *Access Now*, 197 F.R.D. at 529; *see also Braggs*, 317 F.R.D. at 667. “Civil rights cases against parties charged with unlawful, class-based discrimination are prime examples” of proper Rule 23(b)(2) classification. *Amchem Prod.*, 521 U.S. at 614; *see also Appendix A*.

Here, GDCS is failing to provide auxiliary aids and services and reasonable modifications to ensure equally effective communication between supervision officials and deaf and hard of hearing people under supervision, and equal access to programs and activities. Compl. ¶¶ 5, 38–57. As a result, GDCS is denying Plaintiffs and proposed class members their rights under the ADA and Section 504, and is violating their procedural due process rights guaranteed by the Fourteenth Amendment to the U.S. Constitution. GDCS is acting or refusing to act on grounds that apply generally to the proposed class. Therefore, final injunctive relief is appropriate with respect to the proposed class as a whole. Compl. ¶¶ 15, 62, 70, 80, 90.

VI. Rule 23(g)(1): Designating Class Counsel

Rule 23 requires a court that certifies a class to appoint class counsel. FED. R.

Civ. P. 23(g)(1). In appointing class counsel, the Court must consider “(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class.” *Id.* 23(g)(1)(A)(i)–(iv).

Based on these factors, the Court should designate Plaintiffs’ counsel as class counsel. A team of dedicated and experienced attorneys is representing the Plaintiffs and putative class. Plaintiffs’ counsel has considerable experience in complex litigation and extensive knowledge of the applicable law of disability rights. Susan Mizner established the ACLU Disability Rights Program in 2012 and has been working to protect and defend the rights of persons with disabilities for more than 25 years. Mizner Decl. ¶¶ 4–7. Claudia Center has been class counsel in complex class actions to enforce the statutory and constitutional rights of people with disabilities in the criminal legal system for over twenty (20) years and has been recognized by the American Bar Association for her significant accomplishments. Center Decl. ¶¶ 4–6. Sean Young has litigated complex class actions for six (6) years and is experienced in Georgia law and practice. Young Decl. ¶ 4. Ian Hoffman is a partner at Arnold & Porter Kaye Scholer LLP who maintains an active pro bono

practice and has significant experience in pro bono disability rights matters. Hoffman Decl. ¶¶ 2, 6. Brittany Shrader is an attorney at the National Association of the Deaf and has three (3) years' experience litigating exclusively on matters relating to deaf and hard of hearing people. Shrader Decl. ¶¶ 5–6. These experienced lead attorneys are supervising additional attorneys in this case. Center Decl. ¶ 7; Young Decl. ¶ 7; Hoffman Decl. ¶ 11.

Further, Plaintiffs' counsel is fully committed to devoting all resources necessary to pursue this litigation. They have and will continue to devote all resources necessary to prosecute this case vigorously and thoroughly. Accordingly, this Court should designate Plaintiffs' counsel as class counsel under Rule 23(g)(1).

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their motion for class certification and certify the proposed class of all present and future deaf and hard of hearing individuals subject to GDCS supervision.

Respectfully submitted this 9th day of October, 2019



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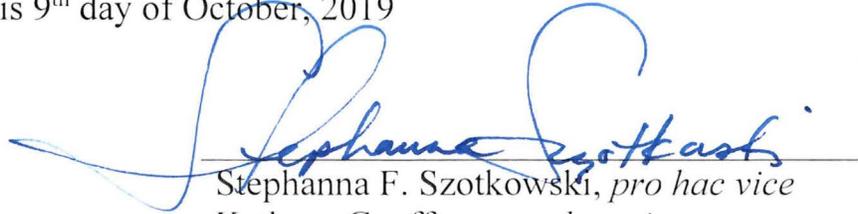
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CERTIFICATION OF COMPLIANCE

I hereby certify that the typeface used herein is 14-point Times New Roman and that the memorandum is compliant with L.R. 5.1 and L.R. 71.

Respectfully submitted this 9th day of October, 2019



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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, I caused the foregoing Plaintiffs' Motion for Class Certification, the Memorandum of Law in Support thereof, and the declarations and appendix attached thereto to be electronically filed with the Clerk of Court using the CM/ECF system.

Respectfully submitted this 9th day of October, 2019



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APPENDIX A

CERTIFIED CLASSES OF PEOPLE WITH DISABILITIES IN SYSTEMIC CONTEXTS

COBB V. GDCS, 1:19-CV-03285-WMR

Case	Disability Class Certified
<p><i>Armstrong v. Davis</i>, No. C-94-2307-CW, ECF No. 345 (N.D. Cal.), <i>aff'd</i>, <i>Armstrong v. Davis</i>, 275 F.3d 849, 869 (9th Cir. 2001) (abrogated on other grounds).</p> <p>Prisoners and parolees with six categories of disabilities, including hearing disabilities, brought ADA and Rehabilitation Act claims and constitutional claims regarding their rights to due process.</p>	<p>“[A]ll present and future California state prisoners and parolees with mobility, sight, hearing, learning, developmental, and disabilities that substantially limit one or more of their major life activities.”</p>
<p><i>Brooklyn Ctr. for Indep. of the Disabled v. Bloomberg</i>, 290 F.R.D. 409, 420–21 (S.D.N.Y. 2012).</p> <p>Individuals with a variety of disabilities brought claims under the ADA, the Rehabilitation Act, and the New York City Human Rights Law asserting that the city’s emergency and disaster planning discriminated against individuals with disabilities.</p>	<p>“All people with disabilities, as defined by the Americans with Disabilities Act, who are within the City of New York and the jurisdiction served by the City of New York’s emergency preparedness programs and services.”</p>
<p><i>Dunakin v. Quigley</i>, 99 F. Supp. 3d 1297, 1324, 1333 (W.D. Wash. 2015).</p> <p>Nursing facility residents with developmental disabilities brought ADA claims alleging that Medicaid-certified nursing facilities in Washington State unnecessary isolated individuals with disabilities.</p>	<p>“[A]ll individuals who: (a) are or will be residents of Medicaid-certified, privately-operated nursing facilities in the State of Washington; and (b) who are Medicaid recipients with an intellectual disability or related condition(s) such that they are eligible to be screened and assessed pursuant to 42 U.S.C. § 1396r(e)(7) and 42 C.F.R. § 483.122 <i>et seq.</i>”</p>

Case	Disability Class Certified
<p><i>Gray v. Golden Gate Nat’l Recreational Area</i>, 279 F.R.D. 501, 502–03 (N.D. Cal. 2011).</p> <p>Individuals with visual and/or mobility disabilities brought claims under the Rehabilitation Act against the National Park Service, alleging that NPS pervasively and illegally discriminated against them by failing to provide them with reasonable accommodations which would allow them to access parks and programming.</p>	<p>“All persons with mobility and/or vision disabilities who are being denied programmatic access under the Rehabilitation Act of 1973 due to barriers at park sites owned and/or maintained by Golden Gate National Recreation Area. For the purpose of class certification, persons with mobility disabilities are those who use wheelchairs, scooters, crutches, walkers, canes, or similar devices to assist their navigation. For the purpose of class certification, persons with vision disabilities are those who due to a vision impairment use canes or service animals for navigation.”</p>
<p><i>Hizer v. Pulaski Cty.</i>, No. 3:16-CV-885-JD-MGG, 2017 WL 3977004, at *4, *9 (N.D. Ind. Sept. 11, 2017).</p> <p>Individuals with mobility disabilities brought claims under the ADA and the Rehabilitation Act against Pulaski County, alleging that the county courthouse was inaccessible to people with mobility impairments or other physical disabilities.</p>	<p>“[A]ll persons with mobility impairments or other physical disabilities who access or attempt to access, or who will access or will attempt to access, the Pulaski County Courthouse.”</p>
<p><i>Glover v. Laguna Beach</i>, No. SACV 15-01332 AG (DFMx), 2017 U.S. Dist. LEXIS 167501 (C.D. Cal. June 23, 2017).</p> <p>Individuals with disabilities brought constitutional, ADA, and Rehabilitation Act claims against the City of Laguna Beach, alleging that the City failed to ensure that individuals with disabilities had equal access to city-operated shelter-like facilities for the homeless.</p>	<p>“All homeless persons who reside or will reside in the geographic area of Laguna Beach who have a mental and/or physical disability as defined under section 504 of the Rehabilitation Act and Americans with Disabilities Act and who have been, or are likely to be, cited for violations of California Penal Code section 647(e), Laguna Beach Municipal Code section 8.30.030 and/or Laguna Beach Municipal Code section 18.05.020.”</p>

Case	Disability Class Certified
<p><i>Kenneth R., ex rel. Tri-Cty. CAP, Inc./GS v. Hassan</i>, 293 F.R.D. 254, 271–72 (D.N.H. 2013).</p> <p>Individuals with psychiatric disabilities brought ADA and Rehabilitation Act claims against the State of New Hampshire, alleging that the State unnecessarily institutionalized individuals with disabilities and denied them adequate community-based services.</p>	<p>“All persons with serious mental illness who are unnecessarily institutionalized in New Hampshire Hospital or Glencliff or who are at serious risk of unnecessary institutionalization in these facilities. At risk of institutionalization means persons who, within a two year period: (1) had multiple hospitalizations; (2) used crisis or emergency room services for psychiatric reasons; (3) had criminal justice involvement as a result of their mental illness; or (4) were unable to access needed community services.”</p>
<p><i>Lane v. Kitzhaber</i>, 283 F.R.D. 587, 589-90 (D. Or. 2012).</p> <p>Individuals with intellectual and developmental disabilities brought ADA and Rehabilitation Act claims against the Oregon Department of Human Services, alleging that the Department’s employment services program unnecessarily separated disabled participants from nondisabled participants.</p>	<p>“[A]ll individuals in Oregon with intellectual or developmental disabilities who are in, or who have been referred to, sheltered workshops and who are qualified for supported employment services” (internal quotations omitted).</p>
<p><i>L.H. v. Schwarzenegger</i>, 519 F. Supp. 2d 1072, 1074 (E.D. Cal. 2007).</p> <p>Juvenile parolees brought ADA and Rehabilitation Act claims and constitutional claims against the parole board alleging denials of due process, equal protection, and effective assistance of counsel.</p>	<p>“Juvenile parolees in or under the jurisdiction of California, including all juvenile parolees with disabilities as that term is defined in section 504 of the Rehabilitation Act and the Americans with Disabilities Act, who are: (1) in the community under parole supervision or who are at large, or (2) in custody in California as alleged parole violators and who are awaiting revocation of their parole, or (3) in custody after having been found in violation of parole and returned to custody.”</p>
<p><i>Maziarz v. Hous. Auth. of Vernon</i>, 281 F.R.D. 71, 80, 85 (D. Conn. 2012).</p> <p>Disabled seniors brought ADA and Fair Housing Act claims against the Town of Vernon’s housing authority, alleging that the town denied seniors and disabled residents adequate access to housing services.</p>	<p>“All current and former residents of the Housing Authority of the Town of Vernon’s senior-disabled housing who were required to certify their ability to live independently and comply with the requirement of the Personal Care Sponsor Agreement as a condition of their tenancy from December 23, 2008 until the present.”</p>

Case	Disability Class Certified
<p><i>N.B. v. Hamos</i>, 26 F. Supp. 3d 756, 776 (N.D. Ill. 2014).</p> <p>Children with psychiatric and behavioral disabilities brought Medicaid Act, ADA, and Rehabilitation Act claims against the state’s Department of Healthcare and Family Services, challenging the Department’s denial of residential and community-based outpatient care.</p>	<p>“All Medicaid-eligible children under the age of 21 in the State of Illinois: (1) who have been diagnosed with a mental health or behavioral disorder; and (2) for whom a licensed practitioner of the healing arts has recommended intensive home- and community-based services to correct or ameliorate their disorders.”</p>
<p><i>Oster v. Lightbourne</i>, No. C 09-4668 CW, 2012 WL 685808, at *1–2, *6 (N.D. Cal. Mar. 2, 2012), <i>order corrected</i>, No. C 09-4668 CW, 2012 WL 1595102 (N.D. Cal. May 4, 2012).</p> <p>Individuals dependent on in-home support services (“IHSS”) brought claims under the ADA, Medicaid Act, Social Security Act, and Rehabilitation Act, challenging state budget cuts (under statutory provisions ABX4 4 and SB 73) to programs that enabled disabled elderly individuals to avoid institutionalization.</p>	<p>“All recipients of IHSS in the State of California whose IHSS services will be limited, cut, or terminated under the provisions of ABX4 4, and all applicants to IHSS in the State of California who would have been eligible for IHSS services but who are either not eligible, or are eligible for fewer services, as a result of ABX4 4.”</p> <p>“All recipients of IHSS in the State of California who have received or will receive notices of action that include a reduction of IHSS hours based on SB 73 or Defendants’ implementation of SB 73, including future applicants for IHSS services whose notice of action will reflect reduced IHSS hours as a result of SB 73 or Defendants’ implementation of SB 73.”</p> <p>“All present and future IHSS recipients and applicants who have been or would have been authorized to receive domestic and/or related IHSS, and whose IHSS will be reduced to eliminate some or all of their domestic and/or related services under the provisions of ABX4 4.”</p> <p>“All present or future IHSS recipients who are under the age of 21, who qualify for full-scope Medi-Cal with federal financial participation, and who therefore are entitled to the protections of the Early Periodic Screening Diagnosis and Treatment provisions of the federal Medicaid Act, 42 U.S.C. § 1396a(a), who have been or would have been authorized to receive IHSS, and whose IHSS services will be reduced or terminated under the provisions of ABX4 4.”</p> <p>“All present or future IHSS recipients who are under the age of 21, who qualify for full-scope Medi-Cal with federal financial participation, and who therefore are entitled to the protections of the Early Periodic Screening Diagnosis and Treatment provisions of the federal Medicaid Act, 41 U.S.C. § 1396a(a), who have received or will receive notices of action that include a reduction of IHSS hours based on SB 73 or Defendants’ implementation of SB 73, including future applicants for IHSS services whose notice of action will reflect reduced IHSS hours as a result of SB 73 or Defendants’ implementation of SB 73.”</p>

Case	Disability Class Certified
<p><i>O.B. v. Norwood</i>, No. 15 C 10463, 2016 WL 2866132, at *1, *5 (N.D. Ill. May 17, 2016).</p> <p>Medicaid-eligible children with disabling chronic health conditions brought ADA and Rehabilitation Act claims against the state Department of Healthcare and Family Services, challenging the denial of in-home nursing services.</p>	<p>“All Medicaid-eligible children under the age of 21 in the State of Illinois who have been approved for in-home shift nursing services by the Defendant, but who are not receiving in-home shift nursing services at the level approved by the Defendant, including children who are enrolled in a Medicaid waiver program, such as the Medically Fragile Technology Dependent (MFTD) Waiver program, and children enrolled in the nonwaiver Medicaid program, commonly known as the Nursing and Personal Care Services (NPCS) program.”</p>
<p><i>Pashby v. Cansler</i>, 279 F.R.D. 347, 356 (E.D.N.C. 2011), <i>aff'd and remanded sub nom. Pashby v. Delia</i>, 709 F.3d 307 (4th Cir. 2013).</p> <p>Medicaid receipts brought ADA, Rehabilitation, and Medicaid claims against the state’s Medicaid program, challenging a new program rule that altered the provision of covered personal care services (“PCS”).</p>	<p>“[A]ll current or future North Carolina Medicaid recipients age 21 or older who have, or will have, coverage of PCS denied, delayed, interrupted, terminated, or reduced by Defendant directly or through his agents or assigns as a result of the new eligibility requirements for in-home PCS and unlawful policies contained in IHCA Policy 3E.”</p>
<p><i>Pitts v. Greenstein</i>, No. CIV.A.10-635-JJB-SR, 2011 WL 2193398, at *3 (M.D. La. June 6, 2011).</p> <p>Disabled individuals brought ADA and Rehabilitation Act claims against the state’s Department of Health and Hospitals, challenging the Department’s reduction of home and community-based services.</p>	<p>“Louisiana residents with disabilities who have been receiving Medicaid-funded services through the LT-PCS program; who desire to reside in the community instead of a nursing facility; who require more than 32 hours of Medicaid-funded personal care services per week in order to avoid entering a nursing facility, and who do not have available (including through family supports, shared living arrangements, or enrollment in the ADHC waiver) other means of receiving personal care services.”</p>
<p><i>P.V. ex rel. Valentin v. Sch. Dist. of Phila.</i>, 289 F.R.D. 227, 236 (E.D. Pa. 2013).</p> <p>Autistic children and their families brought ADA, Rehabilitation Act, and Individuals with Disabilities Education Act claims challenging the system of transferring autistic students out of their preferred schools more frequently than other students.</p>	<p>“All children with autism in the School District of Philadelphia in grades kindergarten through eight (“K–8”) who have been transferred, are in the process of being transferred, or are at risk of being transferred, as a result of the School District's upper-leveling process, the parents and guardians of those children, and future members of the class.”</p>

Case	Disability Class Certified
<p><i>Steward ex rel. Minor v. Janek</i>, 315 F.R.D. 472, 493 (W.D. Tex. 2016).</p> <p>Persons with intellectual and developmental disabilities confined or at risk of being confined to nursing facilities brought ADA, Medicaid, and Rehabilitation Act claims, alleging a discriminatory deficiency in community-based mental health services.</p>	<p>“All Medicaid-eligible persons over twenty-one years of age with intellectual or developmental disabilities or a related condition in Texas who currently or will in the future reside in nursing facilities, or who are being, will be, or should be screened for admission to nursing facilities pursuant to 42 U.S.C. § 1396r(e)(7) and 42 C.F.R. § 483.112 <i>et seq.</i>”</p>
<p><i>Strouchler v. Shah</i>, 286 F.R.D. 244, 247–48 (S.D.N.Y. 2012).</p> <p>Disabled recipients of Medicaid brought constitutional, ADA, and Rehabilitation Act claims against the city health administrators challenging the reduction of their in-home services.</p>	<p>“All New York City Medicaid recipients of continuous personal care services who, at any time since January 1, 2011, have been threatened with unlawful reduction or discontinuance of these services or whose care has been unlawfully reduced or discontinued because the City Defendant has determined that they do not meet the medical criteria for these services.”</p>
<p><i>Toney-Dick v. Doar</i>, No. 12 Civ. 9162 (KBF), 2013 WL 5295221, at *3, *13 (S.D.N.Y. Sept. 16, 2013).</p> <p>Disabled residents of New York City brought ADA, Rehabilitation Act, and Food Stamp Act claims against city administrators challenging their implementation of the city’s Disaster Supplemental Nutrition Assistance Program (“D-SNAP”).</p>	<p>“All individuals who (a) have or had a physical or mental impairment that substantially limits one or more major life activities within the meaning of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § [§] 12101, <i>et seq.</i>, or have a record of such an impairment; (b) are or were eligible to apply for benefits from a New York City [HRA D–SNAP], including the D–SNAP benefits offered in response to “Superstorm Sandy;” (c) reside or resided in the covered zip codes for an HRA D–SNAP Program; and (d) need or needed reasonable accommodations to enable them to apply for D–SNAP benefits.”</p>
<p><i>Van Orden v. Meyers</i>, No. 4:09CV00971 AGF, 2011 WL 4600688, at *11 (E.D. Mo. Sept. 30, 2011).</p> <p>Civilly committed residents of the Missouri Department of Mental Health’s Sexual Offender Rehabilitation and Treatment Services (“SORTS”) facility brought constitutional claims alleging that the SORTS facility failed to provide adequate care and treatment and unlawfully failed to reimburse residents for the cost of care and treatment.</p>	<p>“The ‘Treatment Class’ shall include persons who are, or will be, during the pendency of this action, residents of SORTS of the State of Missouri as a result of civil commitment.”</p> <p>“The ‘Charging Class’ shall include all persons who are, or will be, during the pendency of this action residents, and former residents, of SORTS of the State of Missouri as a result of civil commitment, and who have been, or will be, billed or charged for care, treatment, room or board by SORTS.”</p>

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

_____, et al.,
Plaintiffs,

v.

**GEORGIA DEPARTMENT OF COMMUNITY
SUPERVISION, et al.**

Defendants.

Civil Action No. _____

CLASS ACTION

DECLARATION OF BRANDON COBB

1. My name is Brandon Cobb. I am a plaintiff in this case.
2. This paper describes things that have happened to me personally. I promise that everything in this paper is true. I know that I might be asked to be a witness in this case and to explain these facts in person. If I am a witness, I will say the same things in person that are written in this paper.
3. I am Deaf. When I was born, I could hear. But when I was a toddler, I got very sick. My illness caused me to lose my hearing.
4. My only language is American Sign Language (“ASL”). ASL is a totally different language than English. English is not my language. I can read and write some very basic words in English, but my understanding is very limited. I cannot understand lip-reading.
5. I prefer to have at least two interpreters—one hearing interpreter and one Deaf interpreter—when I talk with hearing people, especially when we are talking about important information. These two interpreters work together as a team to help me communicate clearly. I understand best when I have a team of hearing and Deaf interpreters.

6. I was in prison in Georgia from June 2014 until April 1, 2019. Now I am on parole. I believe that I will be on parole until 2022. After my parole term ends, I believe that I will be on probation until 2033.

7. While I was in prison, I had several different counselors. None of my counselors knew ASL. For most of my time in prison, my counselors could not communicate with me at all.

8. During my last year in prison, my counselors sometimes tried to communicate with me using Video Remote Interpreting (VRI). But there were a lot of problems with VRI. Often, the internet connection was very bad, and so the video screen was very fuzzy and choppy. Sometimes the video screen would freeze. Because of these technical issues, I had to repeat myself many times before my counselor could understand me. Using VRI when the connection was bad made me feel frustrated and unsettled. I didn't feel like I was an equal participant in the conversation. Also, VRI does not provide Deaf interpreters. So, even when the VRI was working well, I could not fully understand and communicate clearly with my counselor.

9. On Thursday, March 28, 2019, I met with my counselor at the prison. My counselor used VRI to tell me that I would be released from prison four days later, on Monday, April 1, 2019. My counselor also told me that I must report to the Douglas County Department of Community Supervision parole office on Tuesday, April 2, 2019. I had a lot of questions. I wanted to understand all of the rules so that I would not be sent back to prison. But the VRI was not working well. The screen was choppy and kept freezing. I knew that my counselor was telling me important information, but I did not understand everything and I could not ask all of my questions.

10. This meeting on March 28 was the first time that I learned my release date. I was happy that I was getting out of prison, but I was shocked that the prison did not tell me I was

getting out until just a few days before my release. I think the prison is supposed to help people before they are released. For example, I think the prison is supposed to help people find a place to live, find a job, and restart Social Security benefits. But the prison did not help me with any of these things. Because I only had four days to prepare for my release, I did not have time to make any plans. I did not have time to find a job. I did not have time to find my own place to live. Now, I live with my mom in Douglas County, Georgia.

11. On Tuesday, April 2, 2019, I went to the Department of Community Supervision parole office in Douglas County. My sister came to the parole office with me. Inside the parole office, there is a waiting room and a front desk. There were many other people in the waiting room as well. There was no ASL interpreter present, so I was not sure what I was supposed to do. I tried to figure out what to do by watching the other people there. My sister went to the front desk to sign me in. My sister told the person working at the front desk that I am Deaf.

12. The person working at the front desk gave my sister a big packet of documents written in English. There was no ASL interpreter to interpret the documents for me. I believe that the documents listed the rules that I am supposed to follow while I am on parole. But the documents were in English so I could not read them. My sister tried to explain what the documents said to me. But my sister does not know ASL. She tried to explain the documents by writing notes to me. But I did not understand my sister's notes because I cannot read English.

13. My sister pointed and gestured to explain that I should sign the documents. I did not want to sign the documents because I did not know what they said. But I was afraid that if I did not sign the documents, I would not be allowed to leave the parole office and I would be sent back to prison. So, I signed the documents even though I did not understand them.

14. After I signed the documents, my sister brought the packet to the front desk. Then, my parole officer came out to the waiting room. My parole officer did not bring an ASL interpreter. My parole officer did not try to communicate with me. She only spoke to my sister. My sister does not know ASL, so she could not tell me what my parole officer was saying. I still don't know what my parole officer said to my sister. No one else was meeting with their parole officer in the waiting room. I think they were meeting with their parole officers in private rooms. I did not have any privacy.

15. It was wrong for the parole officer to communicate only with my sister. My sister does not know ASL and so she could not interpret. Even if my sister knew ASL, I think it is wrong for the parole office to expect my sister to interpret for me. My parole office should provide interpreters itself. I need interpreters so that I can communicate in my language and participate as an equal in conversations with my parole officer. I am an adult and I should be having these conversations myself. I do not want my sister to know more about my parole rules than I do.

16. I was very surprised that there was no interpreter present on April 2. The parole office knew that I was required to report to them on April 2, and they know that I am Deaf.

17. Since there was no ASL interpreter at the meeting with my parole officer on April 2, when I left the parole office I did not understand any of the rules that I am supposed to follow while I am on parole. I want to follow all of the rules of parole so that I will never have to go back to prison. But I was very scared that I might accidentally break a rule that was not provided to me in my language.

18. My next meeting at the parole office was on May 13, 2019. Before this meeting, I think that my lawyer called the parole office and told them that I need an interpreter. This time,

there was an ASL interpreter present. I met with my parole officer and the interpreter in a private room.

19. During the May 13 meeting, the interpreter interpreted some documents that listed the rules that I am supposed to follow while I am on parole. With the interpreter, I could better understand the rules that I am supposed to follow while I am on parole. But, I still do not understand all of the rules because there was only one—hearing—interpreter present at the meeting. I need a hearing interpreter and a Deaf interpreter working as a team to fully communicate and understand.

20. Once the interpreter finished interpreting, I signed the documents. My parole officer kept the documents that I signed and did not give me a copy. I think that the documents I signed on May 13 were the same as some of the documents that I signed on April 2, but I am not sure. I think that I signed some documents on April 2 that have never been interpreted for me.

21. During the May 13 meeting, my parole officer said that she might visit me at my home. I said that she can visit my home, but she will need to bring an interpreter. My parole officer said that she would ask her boss about bringing an interpreter with her when she visits me at home. But my parole officer did not promise me that she would bring an interpreter if she visits my house. My parole officer has not visited me at my home. But I am afraid that she will visit my home without interpreters. If my parole officer visits my home without interpreters, I would be scared because there would be no way for me to communicate with her or ask her questions. I am afraid that if there is a miscommunication and the parole office thinks that I did something wrong, I will not be able to tell my side of the story.

22. My next meeting at the parole office was on June 6, 2019. There was one hearing ASL interpreter present, but there was no Deaf interpreter.

23. The terms of my parole keep changing. I don't understand why the rules change. I feel like the parole office does not know how to work with a Deaf person.

24. I am happy that the parole office had a hearing interpreter at my last two meetings. But there are still communication problems with the parole office. The parole office has never provided a Deaf interpreter to me. Even though the parole office has provided hearing interpreters sometimes, I am afraid that they will not provide interpreters consistently. I will be on parole (and then probation) for many years, and I will need interpreters at every meeting. I am not sure the parole office understands that I need interpreters at every meeting. And, I am afraid that my parole officer won't bring interpreters if she comes to my house.

25. The parole office has a lot of power over me. It is really important that I can communicate clearly with them.

26. I have experienced a lot of problems because I am Deaf. This paper only talks about some of the problems that I have experienced while on parole. The parole office has done many more things that are unfair, just because I am Deaf.

I promise that everything in this paper is true and correct. I know that this is a serious paper. I know that I am signing this paper "under penalty of perjury." This means that if I lie, I could get a new criminal charge against me for lying. I promise that I am telling the truth.

This paper was translated into ASL for me by:



Name:

(Deaf Interpreter)

Anna W McDuffie CI, CT, SL: L + NIC

Name:

(Hearing Interpreter)

I signed this paper on July 1, 2019 in Lithia Springs, Georgia.

Brandon Cobb

Brandon Cobb, Plaintiff

CARLOS HERRERA Declaration

1. My name is Carlos Herrera. I am a plaintiff in this case.

2. This paper describes things that have happened to me personally. Everything in this paper happened to me. I promise that everything in this paper is true and correct. I know that I might be a witness in this case, and that I might be asked to explain these facts in person. If that happens, I will say the same things that are written in this paper.

3. I am Deaf. I have been Deaf my whole life. My language is American Sign Language ("ASL"). ASL is a totally different language from English. I do not use or understand English. I know a few very simple words in English. I cannot read or write notes in English. English is not my language. I cannot understand lip-reading.

4. Also, I wear glasses and my vision is bad. I do not have the right glasses now. I can see ok with the glasses I have now, but it's not really clear. This can make it difficult for me to communicate with remote interpreters on small video screens like phones or tablets, or if the light is not good.

5. I like to have a team of 2 kinds of interpreters when I talk to hearing people. I communicate and understand best when there is one hearing interpreter and one Deaf interpreter. The two interpreters work together. This team of interpreters helps me understand and communicate most clearly. I need a team of hearing and Deaf interpreters especially for understanding and communicating about important information.

In Prison

6. I was in prison in Georgia for four years, from 2014 until 2018. I was in jail for a year before that. Most of the time I was in prison, I could not communicate at all with prison staff or hearing people. I was very alone.

7. I took some classes in prison. I sat through the classes, but there were not interpreters. Even if I went to class every time, I could not understand anything that was happening. Sometimes the prison would turn me away from classes because I am Deaf. I could not learn anything to help me prepare for release or help me improve myself. I did not learn anything in prison. It was very frustrating.

Parole Denial

8. I was denied parole in 2016. I believe I was denied parole because I did not take a specific class, called SOPP. I wanted to take the SOPP class. The judge told me to take the SOPP class. But the prison would not let me take the class because I am Deaf. There were no interpreters for the class. I believe I spent two extra years in prison because I could not take the SOPP class, because I am Deaf.

9. I never met with anyone from the parole board. They sent me letters. But I could not understand the letters, because they were in English. There were no interpreters to interpret the papers from English into ASL.

Pre-Release Preparation

10. I was released from prison on May 21, 2018. This was my "max-out date." That means the prison had to release me then. Before I was released, I had a lot of questions. I knew that there were special rules about what I could and could not do after I was released. I knew that I must tell an officer about where I live and about any job. I knew these things because

other Deaf incarcerated people in the prison explained them to me. None of the prison staff explained these rules.

11. A few days before I was released from prison, I had a meeting with a counselor. There was an interpreter at the meeting. I do not think the interpreter was qualified. The counselor showed me papers about rules I have to follow. There were pages and pages of words in English. I wanted the interpreter to interpret the papers to me. The interpreter looked at the paper. She said that the papers were very long. She said she would not interpret it because it was too long. The interpreter told me to read the paper myself. I could not read the rules. I can only understand a few simple words in English. So I signed the paper even though I did not know what the rules were. I just wanted to go home.

12. I was afraid about getting out. I knew I had to go to offices and register and get papers signed right away after I was released. I knew I could go back to prison if I broke the rules. I knew I could go back to prison if I did not get the papers signed. I was afraid that I would not understand the rules. I was afraid that I would accidentally break a rule that I did not understand. I asked counselors at the prison to help me understand the rules. But the prison staff did not make sure that I understood the rule before I was released. I did not understand the rules when I was released.

Release

13. In 2013 I went to court. I got a little piece of paper that had the address of the probation office in Calhoun, Georgia. That paper said I had to go to the probation office in Calhoun, Georgia, "ASAP" when I was released. I saved that paper for years. My lawyer, with an interpreter, told me that "ASAP" means as soon as possible. When I was released, on May

21, 2018, I went straight to that office. I would not have known where to go if I had lost that piece of paper from five years earlier.

14. The probation office in Calhoun did not have an interpreter. I could not communicate with them. I brought my lawyer with me to the probation office. The probation officer told my lawyer that I was at the wrong office. He said I first had to go to the sheriff's office in a different county, Floyd County. The probation officer had no way to tell *me* this information.

15. Next, I did what the probation officer in Calhoun told me. I went to the sheriff's office in Floyd County. They gave me a big packet of papers to fill out. That office also did not have a qualified interpreter. One officer tried to explain the papers to me by fingerspelling some words. But fingerspelling does not work for me, because I do not use English. And my lawyer told me that even the fingerspelling was wrong.

16. I asked for a qualified interpreter. The officer said that the sheriff's office would not pay for one. The officer asked if my family could interpret. My family does not know ASL. And the information in these meetings is private. Even if my family could use ASL, I do not want to share all of this information with them. The officer asked if I could pay for my own interpreter. I cannot afford to pay for my own interpreter. I just got out of prison. I do not believe I have to pay for my own interpreter to understand the rules of supervision. The officer said that the official language of the United States is English. I believe he was saying that it is my fault that I do not use English.

17. Then the officer said there was someone in the sheriff's office who could interpret. I had to go to a different office in Floyd County to talk to this person. This officer said she can communicate in ASL. But I did not understand a lot of what the officer said. She used a

lot of fingerspelling. Fingerspelling does not help me, because I do not know the English words. When she was using real ASL, she mixed up important words. For example, she signed “aggressive” instead of “address.” I was very confused. I asked for a qualified interpreter. The officer said that I can only have a qualified interpreter if I pay for it.

18. The officer in Floyd County told me to go back to the probation office in Calhoun, Georgia. I went back to the Calhoun probation office. They did not have an interpreter yet. They told my lawyer that they were getting a qualified interpreter the next day. The next day I went to the Calhoun probation office. It was my third time at that office. Finally, there was a qualified interpreter. The interpreter was pretty good. She was certified. She was qualified. I understood most of what she was saying. She interpreted what the papers said. I asked questions. I signed the papers. But there was still no Deaf interpreter. So I think there was still information that I missed, even though the hearing interpreter was pretty good.

19. Next, I went back to the sheriff’s office in Floyd County again. I had to register there soon. To register, I had to sign another set of papers at the sheriff’s office. These papers were different from the papers I signed at the probation office. It had been almost 72 hours since I was released. I believe I could go back to prison if I did not register within 72 hours. But the sheriff’s office still did not have a qualified interpreter. I signed the papers with the officer who knew a little sign language, even though I did not understand everything. I signed because I did not want to go back to prison.

20. I had to have eight different meetings in the first 72 hours after I was released. The probation offices and the sheriff’s offices seemed to have no idea how to work with a Deaf person. It was so confusing to go to different offices all over two different counties. And it was

so important that I get everything right. But I not communicate about these very important things.

Supervision Communication

21. I have been on probation for a little more than a year. The probation officers have *never* brought interpreters when they have come to my house. Probation has never given me a Deaf interpreter.

22. A probation officer comes to my house sometimes. I do not know when they are coming, so I try to stay home. I don't know what would happen if the probation officer came to my house and I wasn't there. Sometimes the probation officer comes once a month. Sometimes they come twice a month. I never know the schedule of when they are coming. Sometimes they come very late at night, when I am asleep. My sister has to wake me up. In June, they came two weeks in a row very late. Once they came after midnight. I do not know why they come so late. It's very unsettling when probation comes in the middle of the night.

23. The officer just shows up at my door. He talks to my sister, who lives with me. My sister does not know ASL. I do not know what my probation officer talks to my sister about, even though I am the one on probation. The officer sometimes gives me a "thumbs up" sign. But I have no communication with my own probation officer. I cannot ask questions. I cannot say if I want to start a job or a class. I cannot find out if there is any way I can get my probation reduced.

24. I live with my sister. Sometimes probation wants to use my sister as an interpreter. My sister does not know ASL. She only knows a few signs. Sometimes when probation relies on my sister to tell me things, she gets the information wrong. For example, I thought my sister told me probation would provide me with clothes for free, but later when I

asked probation about that they thought I made it up. I also like to keep my probation information private. I don't want probation discussing my private information with my sister.

25. I want to move in with my deaf friend, but I have to ask my probation officer first. I cannot communicate with my probation officer, so I haven't been able to ask him about moving. I know I cannot live near a church or a school, but I'm worried there may be other rules about where I can and cannot live. I don't want to break any of the rules. I need to know the rules.

Curfew

26. I have a lot of questions. But I cannot explain them or get answers. For example, in the middle of October 2018 a probation officer came to my house and handed me a paper. It was from probation, so I knew it was important. But I could not read it. No one from probation helped me understand the letter. There was no interpreter there. My sister was home and the probation officer spoke to my sister, but my sister is not an interpreter. My probation information is private and I don't want probation talking to my sister about it. I asked my sister what they were saying, but she didn't explain it to me like an interpreter would. The letter says something about being home from 6pm until 6am. I am very afraid of getting in trouble. So every night I make sure I am home by 6pm. I never leave the house before 6am.

27. My lawyers said the letter was only about one night. My lawyer said I just had to stay home from 6pm until 6am on Halloween night. But I'm not sure. And I do not have a way to figure this out with my probation officer. Prison was terrible, so I just stay home every night to be sure that I don't get in trouble and go back to prison. I wish I could communicate with my probation office and find out what exactly the letter means. I wish I could understand whether I have a curfew.

Lie Detector Tests

28. I also have a lot of questions about the lie detector tests. I had to take a lie detector test in January 2019. I had to take another one in May 2019. I found out about these tests because my probation officer handed me letters that said that I had to take the lie detector tests. But there was no interpreter with the probation officer when he gave me the letters. I could not communicate with the probation officer. I could not read the letters. I could not ask why I have to do these tests. My sister and my lawyers helped me understand where I had to go and what I had to do because I could not read the letters and because there were no interpreters.

29. The lie detector tests themselves are very strange and stressful. There was a hearing interpreter at both of the lie detector tests. The interpreter was ok. There was no Deaf interpreter.

30. I had big communication problems at both of the lie detector tests. The person who was giving me the test told me I could not move during the test. But my language is a full-body language. I cannot communicate if I cannot move. So the examiner asked me questions. The interpreter interpreted them into ASL. I could understand the questions, mostly. But I was not allowed to answer. I was not allowed to sign. I just sat there like a dead person. The examiner told me to just stay frozen. I have no idea why this happened. But this is what the examiner told me to do. I am not sure if I "passed" the test. The same thing happened both times I had the test. There was an interpreter but I was not allowed to communicate at all once the sensors were attached to my body. I had to pay \$100 for each test.

31. These tests are very important, because I could get in trouble if the examiner thinks I am lying. But I do not know how they could think I am lying if I am not allowed to communicate. I'm not sure why I have to take the tests or if I will have to take another one. It is

very scary. I have never learned what the results of the tests are or if probation thinks I am lying. I am always very honest but I am afraid probation will think I am not being truthful because I am not allowed to communicate.

Required Classes

32. I had to go to counseling every two weeks for two months. The probation office required this. I had to pay a lot of money for counseling. It cost \$90 each time I went. My only money is Social Security, so \$90 every two weeks is a lot. There was an interpreter at the counseling sessions, but I could not really understand the interpreter. I had to ask him to repeat things a lot. He did not understand me and I did not understand him. I asked for a different interpreter, but probation did not provide a different interpreter. There was no Deaf interpreter at the counseling sessions. I understand much more when there is a Deaf person interpreting on a team for me. So a lot of information is lost. I have followed every rule that I understand, but I might not understand all the rules. Or the interpreter might not understand what I am saying and the counselor might think I did something that I did not do. This is especially scary because I think the counselor can send me back to prison if they think I have broken a rule.

33. I will be on probation for 25 years. I need to be able to communicate with probation officers the whole time I am on probation. I am afraid that if I have an important question, I will not be able to communicate. I am afraid that if there is a miscommunication, and the probation office thinks I did something wrong, I will not be able to tell my side of the story. I am afraid that in the future I won't have a qualified interpreter. I am afraid that officers will continue to come to my house without interpreters. If anything goes wrong with the communication I could go back to prison.

34. This paper only talks about some of the problems I had in prison and on supervision. The probation office and the sheriff's office have done many more things that are unfair, just because I am Deaf.

I promise that everything in this paper is true and correct. I know that this is a serious paper. I know that I am signing this paper "under penalty of perjury." This means that if I lie, I could get a new criminal charge against me for lying. I promise that I am telling the truth.

This paper was interpreted into ASL for me by Jan B. Steffen CDI (Deaf Interpreter) and Ana W. McDevitt (Hearing Interpreter).

I signed his paper on July 2, 2019 in Rome, Georgia.

Carlos Herrera

Carlos Herrera

Plaintiff

Ernest Wilson Declaration

Ernest Wilson Declaration

1. This paper describes things that have happened to me personally. Everything in this paper happened to me. I know that I might be a witness in this case, and that I might be asked to explain these facts in person. If that happens, I will say the same things that are written in this paper.

2. I am deaf. I lost my hearing around 2002. I am completely deaf. I use English. I speak, but I cannot hear anything that anyone says. I need to be able to read what people are saying, because I can't hear anything. People can write down what they are saying, or if there is someone transcribing what people are saying, I can read that.

3. The best way for me to communicate is with a system called CART. This is where a person types everything that is said and I can read it in real-time on a computer screen. It is like a court reporter system. With CART, I can follow everything that happens in a conversation. I can ask questions and understand the answers.

4. I was in prison from 2007 until 2017. I had almost no communication in prison. It was horrible. Prison officers would not write anything down. There were no telephones that I could use. The prisons refused to let me take classes because I am deaf, even though the Parole Board said I would only get parole if I took those courses. It was so unfair and awful.

5. Now I am on probation. I live in Newton County. I am going to be on probation for eight more years.

6. I never want to go back to prison. I am doing everything I can to follow every rule of probation. I am very careful. But it is very hard for me because my probation officer does not do anything to communicate with me. No one from the Georgia Department of Community Supervision has ever used CART to communicate with me. My probation officer

Ernest Wilson Declaration

does not even write notes to me. I speak to him, but I can't understand anything about what he is saying back. I just see his lips moving. It makes me feel very isolated and alone. My probation officer has never written a note to me.

7. When I first got out of prison, I went to the probation office, and the officer handed me a stack of papers. The probation officer talked to my daughter, who is hearing. But I do not think that is right. I think the probation officer should speak directly to me, because I am the one who will go back to jail or prison if there is a problem.

8. I tried to learn the rules of probation from reading the papers the probation officer handed me. But I had no way to ask questions about these papers. I had no way to get information from my probation officer about what the rules and requirements were. I just had to figure them out myself. I read through all of the papers. Some of the papers were really complicated. I still had questions after I read the papers, but I had no way to get answers to my questions.

9. My probation officer comes to my house about twice a month. He looks around. Sometimes he holds out a cup and gestures that he wants to do a drug test. Sometimes a whole group of officers come and look through all of my things. Sometimes the probation officer talks to my roommate. But he never does anything to communicate with me directly. He never writes anything down. It's like he doesn't have enough ink in his pen to communicate with me.

10. I have to go to the sheriff's office once a year. They never write anything down either. They fingerprint me, and gesture to show me what to do. But I have no way to ask questions. I have no way to communicate.

11. I have no way to get information from my probation officer. I have no way to clarify things that I do not understand.

Ernest Wilson Declaration

12. For instance, I think I have a curfew at 7pm every day. But I'm not sure. Someone told me there is a curfew in my county, but I don't see anything about a curfew in the papers I have from probation. I'm confused. Because I absolutely don't want to get into any trouble, I follow the curfew. I am home every day by 7pm. But maybe this isn't required. I have no way to find out.

13. As another example, I don't know if I am allowed to spend a night or a weekend with family members. I don't know if that would violate my probation. Because I don't want to risk it, I never spend the night with family in other houses. I don't want to get in trouble for accidentally breaking rules I don't understand. But maybe it would be fine for me to spend the weekend with family. I have no way to find out because no one from probation communicates with me.

14. Before Halloween, I got a letter from the probation office saying that I had to go to the sheriff's office on Halloween night from 7pm until 10pm. But when I showed the letter to my probation officer, he gestured that I did *not* have to go. He gestured that I should stay at home. I was confused, though. If someone from probation came to my house and found me at home, they might think that I was breaking the rule. I might not be able to explain that my probation officer *told* me to stay home. My probation officer thought it was fine, but I'm the one who will go back to prison if there is a problem.

15. My son is 27 years old. He plays baseball. I would love to go to his baseball games. But my probation officer won't let me go to my son's games. I think the probation officer thinks it's a children's league. But my son is an adult. I tried to explain that, but the probation officer just shakes his head and says no. I am missing out on seeing my son's games because I can't communicate and clarify the situation with my probation officer.

Ernest Wilson Declaration

16. Being on probation without any communication makes me feel like I'm still in prison. I am isolated. I am afraid there will be a miscommunication and I will get in trouble, even though I am doing everything I possibly can to follow all the rules. I just can't follow rules if I don't understand them.

17. My probation officers have so much power. I am so afraid of going back to prison. I am so determined to never go back to prison. But I do not think I have a fair chance of getting through my probation since no one will communicate with me in a way I can understand.

18. This paper only talks about some of the problems and discrimination I had in prison and on supervision. The probation office and the sheriff's office have done many more things that are unfair, just because I am deaf.

I promise that everything in this paper is true and correct. I know that this is a serious paper. I know that I am signing this paper "under penalty of perjury." This means that if I lie, I could get a new criminal charge against me for lying. I promise that I am telling the truth.

I signed his paper on 6-27-2019 at Lithonia, Georgia.



Ernest Wilson

Plaintiff

Jeremy Jay Woody Declaration

Jeremy Jay Woody Declaration

1. This paper describes things that have happened to me personally. Everything in this paper happened to me. I promise that everything in this paper is true and correct. In some places, I say that I believe something is true. That means that I believe that fact is true, but I cannot promise that it is true. I know that I might be a witness in this case, and that I might be asked to explain these facts in person. If that happens, I will say the same things that are written in this paper.

2. I am Deaf. I have been Deaf my whole life. I can't hear anything. I do not speak at all. I cannot understand lip-reading. My language is American Sign Language ("ASL"). ASL is a totally different language from English. I can read and write some words and sentences in English, but English is not my language. I cannot read or write complicated things, and there are many words in English I do not know. Reading and writing notes is almost never effective communication for me, especially for things that are very important.

3. I was in prison in Georgia from 2013 until 2017. I was released from prison on August 18, 2017. Now I am on probation. I am supervised by the Georgia Department of Community Supervision. I did not have any meetings before I was released from prison about probation, or the rules, or what I had to do. An officer made me sign pages and pages of documents in English right before I was released. It was very rushed. There was no interpreter to interpret the documents into my language. The documents were very important, but I could not understand them.

4. I never want to go back to prison. But the prison did not help me understand what the rules were or what I needed to do to stay out.

5. When I was released, the prison put me on a bus to Athens, Georgia. I did not have anywhere to live. I did not know what the rules were. I was supervised in Hall County first. There was a rule that I was required to go to the Georgia Department of Community Supervision office in

Jeremy Jay Woody Declaration

Hall County. But there was also an order from the court that said I was not allowed to go to Hall County. The rules were very, very confusing. I was very afraid I would go back to prison. I went to the probation office at the Hall County Department of Community Supervision. I went to go to the Hall County Sheriff's Office, too. I went to each of these offices twice. I asked for interpreters at the offices each time. I wrote notes saying that I need ASL interpreters. I said that English is not my language. The officers refused to give me an ASL interpreter. I was forced to sign many papers. I could not understand them. I believe that if I refused to sign, I would go back to prison. I was forced to write my initials over and over. I could not understand what I was promising to do, or not to do, in those papers.

6. Right after I was released from prison, I was homeless. I was staying in a motel. Probation officers came, without interpreters, to the motel where I was staying. I did not know why they were there. One time a probation officer showed up to the motel but I could not hear him knocking so I did not answer the door. I was afraid I would get in trouble for not answering the door.

7. When I went to court before prison, the judge said I should get treatment for alcoholism. I was supposed to go to an inpatient drug and alcohol treatment program after I was released from prison. And I wanted to go somewhere to get treatment. But none of these programs would accept a Deaf person. So I could not go to treatment. After I was released, the judge changed the order and wrote that I did not need to get treatment. The judge said I had to leave Hall County. It was confusing because the rules and requirements kept changing. I was always afraid that I would accidentally break a rule and go back to prison, just because I did not understand the rules. I felt like probation was setting me up to fail.

8. In October 2017, I moved to Clayton County. I went to the Clayton County Department of Community Supervision. I wrote that I need an ASL interpreter. The probation

Jeremy Jay Woody Declaration

officer said they would not give me an interpreter. The probation officer said I could bring my own interpreter. I cannot afford my own interpreter. I had many meetings without an interpreter. I was always afraid they were going to arrest me, even though I was trying to follow all the rules. But I did not understand all the rules.

9. I believe my lawyer called the Clayton County Department of Community Supervision and explained that they had to provide an interpreter for me. Eventually, Clayton County gave me an interpreter for a few meetings. In October 2017, two months after I was released from prison, I had an interpreter and I finally understood the rules and the papers that I had signed. But even after that, officers in Clayton County still came to my house without interpreters. They tried to communicate by texting and writing notes back and forth. Sometimes they told me to use my video relay phone, even though this is not for in person meetings. With VRS the interpreter hangs up as soon as they realize both people are in the same room. So the conversation kept getting cut off. I asked for interpreters, but the probation officers said no. I was afraid to insist, because I did not want to get in trouble. But the communication on these visits was not good. The visits always made me anxious and confused.

10. In June 2018, I moved to Henry County. I had the same problem again. Georgia Department of Community Supervision Officers in Henry County did not get interpreters for me. They said the meetings were short, so we did not need interpreters. But these meetings are very important. If I break the rules, I can go back to prison. Even short meetings are very important for me. I do not think it is fair that the probation officers decide which meetings are important and which are not. I think they are all important.

11. For example, in July 2018, an officer from the Henry County Sheriff's Office told me that I could not keep my job. The officer said the assembly job was too close to a hotel swimming pool. I had been working at this job for months without any problems. The officer said

Jeremy Jay Woody Declaration

that it was her choice whether to be strict or not. But I could not ask all the questions I had. I still do not understand why the officer changed the rules. I think the officer misunderstood the rules and that I should have been able to keep my job. But when I tried to explain this to my probation officer, she would not change her mind. It was hard because I could not communicate well with her. She did not bring an interpreter for our meetings. But I am very sad that I had to leave my old job, just because the probation officer changed the rules and because I could not communicate well.

12. In November 2018, I moved again, to DeKalb County. When I first moved there, the DeKalb Sheriff's office said that they would provide an interpreter. But the person there was not a qualified interpreter. They were a person who worked for the Sheriff's office who knew a little sign language. I could not understand what the person was signing. I asked for a real, qualified interpreter. But they were aggressive and said I should just sign all the papers. I wanted to talk. I had questions. I didn't know the rules in DeKalb County. I wanted to make sure I understood what they expected of me. But I had no opportunity to meet with anyone or talk to anyone.

13. I am still living in DeKalb County. Officers come to my house, and they never bring interpreters. They tell me that we should communicate with VRS, using my videophone and relay interpreters. I know that the FCC says it is not allowed to use VRS when both people are in the same room. I have tried to tell the probation officers that this is not allowed, but they insist. When the VRS interpreters realize we are talking in the same place, they hang up. This is not good communication.

14. In May 2019, I had a very, very scary experience with probation. Five probation officers came to my house. There was no interpreter. The officers searched all over my room and looked at all of my things. They looked at the documents on my computer. They looked at the apps and pictures on my phone. I could not ask why this was happening. I was so scared. The officers talked to my roommate, who is not Deaf. But that did not help: my roommate is not an interpreter.

Jeremy Jay Woody Declaration

He does not know any ASL. And my probation information is private – I do not want my roommate to talk to my probation officers and learn about my personal situation. I especially don't want my roommate to know *more* about what is happening than me. But when the probation officers talked to my roommate instead of communicating with me, that's what happened. I really needed an interpreter that day. I was so scared.

15. The officers gestured that I should unlock an app on my phone. But I could not remember the password. It is an app that I have never used. The probation officers took my phone. I think they took my phone because I could not open that app. The next day, the officers gave me my phone back.

16. I have been on probation now since 2017. But this is not my first time having communication problems with probation. I was on probation starting in 2005 in Douglas County, and I had communication problems then too. I wanted to move to Washington State to get alcohol treatment. I got permission from my Georgia probation officer to move to Washington, and so I moved there. My probation officer knew I was in Washington. But then my probation officer retired without telling me. After he left, there was a miscommunication and the Douglas County, Georgia probation office put out a warrant for me, saying that I had left the state without permission. But this was wrong – I did have permission to move. But Douglas County refused to provide interpreters to clarify the situation, so I could not explain my side of the story and fix the miscommunication. I had to move back to Georgia. Douglas County extended my probation by five years because I could not communicate what had happened. I spent five extra years on probation just because the county would not provide interpreters.

17. Since I was released from prison in 2017, I have been through a lot on probation. I have lived in four counties. No county has provided interpreters consistently, even if I ask for them over and over. I feel like I am stuck. I feel like I am more likely to go back to jail or to get in

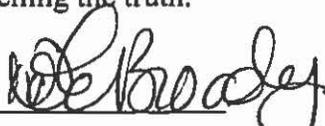
Jeremy Jay Woody Declaration

trouble, just because I am Deaf and probation refuses to give me the interpreters I need. I have to guess about the rules and hope that there is no miscommunication.

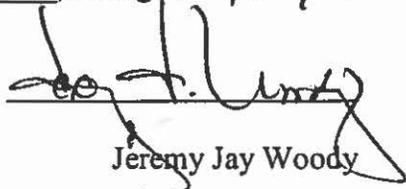
18. I am afraid that if I have a question, I will not be able to communicate. I am afraid that if there is a miscommunication, and the probation office thinks I did something wrong, I will not be able to tell my side of the story. I was so afraid when the officers searched my house in May 2019 that they would think there was a problem and that I would get arrested because we could not communicate. I am afraid that probation and the sheriff's office will keep refusing to give me interpreters. If anything goes wrong with the communication, I could go back to prison.

19. This paper only talks about some of the problems and discrimination I had in prison and on supervision. The probation office and the sheriff's office have done many more things that are unfair, just because I am Deaf.

I promise that everything in this paper is true and correct. I know that this is a serious paper. I know that I am signing this paper "under penalty of perjury." This means that if I lie, I could get a new criminal charge against me for lying. I promise that I am telling the truth.

This paper was translated into ASL for me by NICOLE BRADY  4/28/19

I signed his paper on Lithonia, GA at _____, Georgia. 4/28/19


Jeremy Jay Woody

Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

_____, et al.,
Plaintiffs,

v.

GEORGIA DEPARTMENT OF COMMUNITY
SUPERVISION, et al.,
Defendants.

Civil Action No. _____

CLASS ACTION

DECLARATION OF JOSEPH NETTLES

1. My name is Joseph Nettles. I am a plaintiff in this case.

2. This paper describes things that have happened to me personally. I promise that everything in this paper is true. I know that I might be asked to be a witness in this case and to explain these facts in person. If I am a witness, I will say the same things in person that are written in this paper.

3. I am deaf. When I was born, I could hear. When I was about three years old, I got very sick and almost died. My illness caused me to lose my hearing completely.

4. My first language is American Sign Language (“ASL”). ASL is a totally different language than English. English is not my language. I can read and write some simple words and sentences written in English, but I do not understand many words in English.

5. I was in prison in Georgia until 2011. Now I am on probation. I believe that I will be on probation until 2021.

6. While I was in prison, the prison officers did not use ASL interpreters when they spoke with me. Sometimes, the prison officers asked another inmate to act as an interpreter. The

other inmate could hear and he knew some ASL. But I did not want the other inmate to be at my meetings with the prison officers. During these meetings, the prison officers talked about a lot of things that were very private. They talked about the charges against me and they talked about my probation. I did not want this other inmate to know all of this private information about me. I think that it was wrong for the prison officers to ask another inmate to act as an interpreter for me.

7. The day before I was released from prison, I met with the prison officers. There was no ASL interpreter at this meeting. The officers showed me a map. They circled places on the map and wrote down dates and times. I believe that the officers were trying to tell me where to go once I was released from prison. But since there was no ASL interpreter, I could not understand what the officers were saying. I did not understand what I was supposed to do once I was released from prison.

8. I was released from prison on September 5, 2011. My mom picked me up from prison. When I was released, the prison officers did not try to communicate with me. Instead, the prison officers talked to my mom. The prison officers told my mom that I should report to the Waycross probation office within 72 hours after my release.

9. I reported to the Waycross probation office as instructed. My parents came with me. When I arrived at the probation office, there was no ASL interpreter. When I met with my probation officer, I told him that I cannot read or write English and I asked for an ASL interpreter. The probation officer told me that I needed special permission from the court to get an ASL interpreter, and that the court was supposed to arrange for an ASL interpreter to come to the probation office. The probation officer was wrong. I think the probation office is supposed to provide ASL interpreters itself.

10. The probation officer gave me a big packet of documents written in English. I believe that the documents listed the rules that I am supposed to follow while I am on probation. But the documents were very long and complicated and I could not read them. Since there was no ASL interpreter, the probation officer asked my mom to act as an interpreter. My mom knew some ASL and she knew some special non-ASL hand signals that we used at home. But my mom was not fluent in ASL. She was not an ASL interpreter. She could not sign the same way an interpreter would sign. I need an ASL interpreter to understand and communicate clearly with hearing people, especially when talking about important information. It was wrong for the probation officer to ask my mom to interpret for me at the meeting. I think the probation office is supposed to provide ASL interpreters.

11. I was afraid that if I did not sign the documents, I would not be allowed to leave the probation office and I would be sent back to prison. So I signed the documents even though I did not understand them.

12. Since there was no ASL interpreter at my first meeting with my probation officer, when I left the meeting I did not understand the rules that I am supposed to follow while I am on probation. When I got home, my mom tried to explain the probation rules to me. But my mom did not understand all of the rules. And my mom did not know enough ASL to explain the rules she did understand. I had a lot of questions about the probation rules, and my mom could not answer my questions.

13. I have been on probation for eight years. I have had three different probation officers. During the eight years that I have been on probation, a probation officer has come to my home every month. For the past two years, a probation officer has come to my home twice a

month. None of my probation officers have ever brought an ASL interpreter with them when they have visited my home.

14. When my probation officer visits me at my home, he walks inside and looks all around my house, including in my bedroom. Sometimes, my probation officer goes through my belongings, without explaining why. Since my probation officer does not bring an ASL interpreter when he visits my home, there is no way for me to communicate with him while he looks through my house and through my things. There is no way for me to ask him questions about what is going on or what he is looking for.

15. Sometimes, my probation officer tries to communicate with me by typing notes on his phone, and he asks me to respond by typing notes back to him on his phone. I try to communicate with notes, but I do not understand most of these notes because I cannot read English very well. Often, I nod and pretend that I understand because I don't want the probation officer to be angry at me.

16. If one of my family members is at my home when my probation officer visits, the probation officer will ask my family member to act as an interpreter. Some of my family members know limited ASL. But none of my family members are qualified ASL interpreters. My family members do not use enough ASL to help me communicate fully with my probation officers. It is wrong for my probation officer to ask my family members to act as interpreters. Information about my probation is private and I do not want my family members to know all of this private information about me.

17. Every year around July, I have to report to the Brantley County sheriff's office and sign a new packet of documents. I also have to get my picture and fingerprints taken. I believe that if I do not report to the county sheriff's office and do not sign the new packet of

documents, I will be sent back to prison. I have reported to the county sheriff's office every year as instructed. There has never been an ASL interpreter present when I report to the county sheriff's office. Without an ASL interpreter, I cannot read the documents or ask questions, and so I cannot understand what the documents say. But I sign the new documents every year even though I do not understand them, because I do not want to be sent back to prison.

18. One year, when I reported to the county sheriff's office and met with the officers, my daughter came with me. Since there was no ASL interpreter at the sheriff's office, my daughter tried to interpret for me. My daughter is not fluent in ASL. My daughter has a disability that makes her get tired very easily, and so trying to interpret ASL is even more challenging for her. While I was signing to my daughter during the meeting, I noticed that the officers seemed afraid of my signing. They jumped a lot and looked very startled and scared. My daughter explained that the officers said my signing was threatening. I was not threatening anyone. Sign language is an expressive, full-body language and I was just communicating in my language. But the officers could not understand me because they refused to provide an interpreter.

19. The rules that I have to follow while I am on probation are complicated. During the eight years that I have been on probation, a lot of the rules that I am supposed to follow have changed. In the past two years, many of the rules have become much stricter. Since I have never had an ASL interpreter during any of my meetings with my probation officers, I cannot ask my probation officers questions about the rules. I have done everything I can to understand and follow all of the probation rules. But even though I have been on probation for eight years, I am still not sure that I understand all of the rules.

20. I am very afraid that I might accidentally break a rule that has not been explained to me. I am also afraid that if there is a misunderstanding and the probation office thinks that I did something wrong, I will not be able to tell my side of the story. I am afraid that if I have important questions about my probation, I will not be able to ask my probation officer for answers.

21. I never want to return to prison. I want to follow all of the rules so that I can finish my probation. I want to be free and live a normal life. I need to be able to communicate with my probation officers while I am on probation so that I can understand the rules and ask important questions.

22. I have experienced a lot of discrimination because I am deaf. This paper only talks about some of the problems and discrimination that I have experienced while on probation. The probation office and the sheriff's office have done many more things that are unfair, just because I am deaf. I believe they do not care about deaf people.

I promise that everything in this paper is true and correct. I know that this is a serious paper. I know that I am signing this paper "under penalty of perjury." This means that if I lie, I could get a new criminal charge against me for lying. I promise that I am telling the truth.

This paper was translated into ASL for me by:


Name: Ramon Norrod, NAD V, Master

I signed this paper on 29 June 19 at Hoboken, Georgia.


Joseph Nettles, Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON COBB, et al.,
Plaintiffs, v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, et al.,**
Defendants.

No. 1:19-cv-03285-WMR

CLASS ACTION

**DECLARATION OF
STEPHANNA F.
SZOTKOWSKI**

I, Stephanna F. Szotkowski, declare:

1. I am admitted *pro hac vice* to practice before this Court and am associated with the law firm Arnold & Porter Kaye Scholer LLP (“Arnold & Porter”).
2. Arnold & Porter as pro bono counsel and the American Civil Liberties Union Foundation Disability Rights Program, the American Civil Liberties Union of Georgia, and the National Association of the Deaf jointly represent plaintiffs Brandon Cobb, Carlos Herrera, Jay Woody, Ernest Wilson, and Jerry Coen (collectively, “Plaintiffs”) in the above-referenced action.
3. I respectfully submit this declaration in support of Plaintiffs’ motion for class certification.

4. Attached hereto as Exhibit A is a true and correct copy of invoices produced by the Georgia Department of Community Supervision in connection with an Open Records Request.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Chicago, Illinois on October 8, 2019.


Stephanna F. Szotkowski

EXHIBIT A



Language Solutions

LATN Accounts Receivable
 P.O. Box 1150
 Cardiff, CA 92007
 Tel: 1-800-943-5286

INVOICE

RECEIVED
 FISCAL MGT. DIV.
 2017 OCT 24 PM 3:45

Date	Invoice #
10/17/2017	35745

Service For

Georgia Department of Community Supervisi
 Attn: Accounts Payable
 270 Washington St
 Suite 5181
 Atlanta, GA 30334

DEPT. OF
 COMMUNITY SUPV

Bill To

Georgia Department of Community Supervisi
 Attn: Accounts Payable
 270 Washington St
 Suite 5181
 Atlanta, GA 30334

Job Number	Terms	Rep	Service Date	Ordered By	Language
111245	Due Upon Receipt	LEr	9/28/2017	C. McCrary	Sign Language

Quantity	Item/Service	Description	Price Each	Amount
1	Basic	Sign Language Interpreting Services - DOAS - Basic-First Hour Rate	385.00	385.00
2	Basic	Sign Language Interpreting Services - DOAS - Basic-Additional Hour Rate	70.00	140.00
		Meeting with Community Supervision Officer LEP: J. Woody On Site Contact: Kristopher Ayers Time: 12:00 p.m. to 2:15 p.m.		

BU: 47700
 PO# 5729
 Rec# 10924
 Submitted By D. Norris
 Submitted Date 10-26-17

Make all payments to: LATN, Inc. P.O. Box 1150 Cardiff, CA 92007
 Tax ID# 58-2182907

Total \$525.00

Your partner for successful international communications. Visit us at www.latn.com

Payments/Credits	\$0.00
Balance Due	\$525.00

Number 25341
ACH 9699 11/30/17

RECEIVED
FISCAL MGT. UNIT
2017 NOV -1 AM 10:10
DEPT. OF
COMMUNITY SUPV



INVOICE

Absolute Quality Interpreting Services, LLC
P O Box 269
Chatsworth, GA 30705
PH: 813.785.1214
Fax: 813-200-3469

DATE: 10.31.2017
INVOICE #4945

TO: GA Department of Community Supervision
270 Washington Street, Suite 4181
Atlanta, GA 30334

CONTACT PERSON	JOB NUMBER	PAYMENT TERMS	ATTENTION
Phyllis Boyd Belinda Milligan	17.397.1019.1	Net 15	Accounts Payable Constance S McCrary

DESCRIPTION SIGN LANGUAGE INTERPRETER SERVICES	HOURS	PER HOUR RATE	LINE TOTAL
<i>PO # 4700-FM1-0000005943</i>			
10.19.17 (3:00pm to 4:30pm) Meeting with Probation Officer & Attorney	1.5	(flat rate)	\$205.50
Requester: Traci Watson, GCPCA #404-651-6752			
POC: Officer Shamara Mays or Officer Sonya Yarbrough			
Deaf consumer: Jeremy Woody			
Location: Morrow County Community Supervision, 1331 Citizens Parkway, Suite 201, Morrow, GA 30260			
Interpreter: Makeba Orr			

Thank you for your business and prompt payment!
For your convenience, we except EFT, ACH, Checks or
Visa & Master Card.

SUBTOTAL	\$205.50
TOTAL	\$205.50

BU: 47700
PO# 5943
Rec# 11528
Submitted By TW
Submitted Date 11/30/17





Language Solutions

LATN Accounts Receivable
 P.O. Box 1150
 Cardiff, CA 92007

INVOICE

*125064
 HC49618
 11/22/17*

RECEIVED
 FISCAL MGT. UNIT

2017 NOV 20 PM 4: 15

Date	Invoice #
11/14/2017	36145

<p>Service For</p> <p>Georgia Department of Community Supervisi Attn: Accounts Payable 270 Washington St Suite 5181 Atlanta, GA 30334</p>	<p>DEPT. OF COMMUNITY SUPV</p> <p>Bill To</p> <p>Georgia Department of Community Supervisi Attn: Accounts Payable 270 Washington St Suite 5181 Atlanta, GA 30334</p>
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Job Number	Terms	Rep	Service Date	Ordered By	Language
Various	Due Upon Receipt	Vario	10/31/2017	T. Watson	Sign Language

Quantity	Item/Service	Description	Price Each	Amount
1	Basic	Sign Language Interpreting Services - DOAS - Basic Two Assignments: 114045 114046	970.00	970.00

BU: 47700
 PO# 6124
 Rec# 11381
 Submitted By TW
 Submitted Date 11/21/17

Make all payments to: LATN, Inc. P.O. Box 1150 Cardiff, CA 92007
 Tax ID# 58-2182907

Total \$970.00

Your partner for successful international communications. Visit us at www.latn.com

Payments/Credits \$0.00

Balance Due \$970.00





Georgia Interpreting Services Network
 PO Box 4529
 LaGrange, GA 30241
 1-800-387-1236

12/22/17
 CK 5931

Invoice

RECEIVED
 FISCAL MGT. UNIT
 2017 DEC 15 AM 11:35
 DEPT. OF
 COMMUNITY SUPV

Date	Invoice #
11/21/2017	1117-77917

Georgia Commission on Family Violence
 Attn: Jennifer Thomas
 244 Washington Street
 Suite 300
 Atlanta, GA 30334

BU: 47700
 PO# 6417
 Rec# 11817
 Submitted By D. Norris
 Submitted Date 12-19-17

Assignment No.	Terms	REP
537937-11	NET 30	DEF

Item	Description	Qty	Rate	Amount
IS-40	Interpreter Hours	5.5	55.00	302.50
TR-40.	Interpreter Travel	4	55.00	220.00
MI-.535	Interpreter Mileage	197	0.535	105.40
IS-P/H/M	Interpreter -Parking/Hotel/Meals	1	8.00	8.00
	Services by Laura Tolbert (NIC, EIPA 3.5-3.9)			
IS-40	Interpreter Hours	5.5	55.00	302.50
IS-P/H/M	Interpreter -Parking/Hotel/Meals	1	8.00	8.00
TR-40.	Interpreter Travel	2.5	55.00	137.50
MI-.535	Interpreter Mileage	110.8	0.535	59.28
	Services by Jennifer Bowser (NIC)			
	Services on 11/7/2017 at the Classic Center 300 N. Thomas Street Athens, GA 30601 for GA Commission on Family Violence Conference for Deanna Swope. Requested by Jennifer Thomas			

Total	\$1,143.18
Payments/Credits	\$0.00
Balance Due	\$1,143.18

Please call 1-800-387-1236 to pay with a credit card.

RECEIVED
FISCAL MGT. DEPT.
MAY 30 PM 12:13
DEPT. OF
COMMUNITY SUPV



INVOICE

Absolute Quality Interpreting Services, LLC
P O Box 269
Chatsworth, GA 30705
PH: 813.785.1214
Fax: 813-200-3469

DATE: 05.30.2018
INVOICE #5657

TO: GA Department of Community Supervision
270 Washington Street, Suite 5181
Atlanta, GA 30334

CONTACT PERSON	JOB NUMBER	PAYMENT TERMS	ATTENTION
Phyllis Boyd Belinda Milligan	18.397.0523.1	Net 15	Accounts Payable Constance S McCrary

DESCRIPTION SIGN LANGUAGE INTERPRETER SERVICES	HOURS	PER HOUR RATE	LINE TOTAL
<i>PO # 8038</i>			
05.23.18 (2:30pm to 4:30pm) Meeting with Probation Officer	2	(flat rate)	\$300.00
Requester: Constance, Agency Procurement Officer #404-651-8298			
POC: Officer Justine Portivent, Probation Officer #404-293-5005			
Deaf consumer: Carlos Herrera			
Location: Ga Dept of Community Supervision, 210 S King St, Calhoun			
Interpreter: Debbie Driggers			
			BU: 47700
		PO# <u>8038</u>	
		Rec# <u>14066</u>	
		Submitted By <u>TL</u>	
		Submitted Date <u>6/4/18</u>	
		SUBTOTAL	\$300.00
		TOTAL	\$300.00

Thank you for your business and prompt payment!
For your convenience, we except EFT, ACH, Checks or
Visa & Master Card.



Invoice

dba ALC, inc.
172 Rollins avenue
Rockville, MD 20852 TAX ID #: 54-1725423

DATE	INVOICE NO.
7/19/2018	1806020

BILL TO

State of Georgia
 GA Department of Community Super
 2 Martin Luther King, Jr. Drive SE
 Suite 458, East Tower
 Atlanta, Georgia 30334-4909

SHIP TO

State of Georgia
 GA Department of Community Super
 2 Martin Luther King, Jr. Drive SE
 Suite 458, East Tower
 Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
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7/19/2018

Sign Language Interpretation services Requestor: Traci Watson Date: 6/7/2018 Time: 10:00 am Individual Requiring service: C.R. Subject Matter: Parole Intake Location: 27 West Doyle Street, Toccoa, GA 30577 POC: Christopher Lyle (706-840-9236)	2	74.00	148.00
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RECEIVED
 FISCAL ACCT. UNIT
 JUL 23 PM 12:55
 DEPT. OF
 COMMUNITY SUPV

BU: 47700
 PO# 8039
 Rec# 15023
 Submitted By TW
 Submitted Date 7/23/18

Total \$148.00

*T # 3395
Voucher # 33615*



Invoice

dba ALC, inc.
172 Rollins avenue
Rockville, MD 20852 TAX ID #: 54-1725423

DATE	INVOICE NO.
7/31/2018	1807033

BILL TO

State of Georgia
 GA Department of Community Super
 2 Martin Luther King, Jr. Drive SE
 Suite 458, East Tower
 Atlanta, Georgia 30334-4909

SHIP TO

State of Georgia
 GA Department of Community Super
 2 Martin Luther King, Jr. Drive SE
 Suite 458, East Tower
 Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
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7/31/2018

DESCRIPTION	QTY	RATE	AMOUNT
Sign Language Interpretation services Requestor: Traci Watson Date: 7/19/2018 Time: 10:00 am Individual Requiring service: C.R. Subject Matter: Parole Intake Location: 1677 Scenic Drive, Toccoa, GA 30577 POC: Christopher Lyle (706-840-9236)	2	75.00	150.00

Total \$150.00



dba ALC, inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

Invoice

DATE	INVOICE NO.
9/15/2018	1808043

BILL TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, Georgia 30334-4909

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA	
			9/15/2018		
Sign Language Interpretation services Requestor: John Carroll Date: August 27, 2018 Time: 2:00 pm – 4:00 pm Individual Requiring service: Casey Trent Clark Subject Matter: Certified legal interpreter for a hearing-impaired offender. The offender is reputing for intake Location: 100 Medical Lane Canton, GA, 30114 POC: Elizabeth Collado Elizabeth.collado@dcs.ga.gov T: 770-479-2602 OR John Carroll john.carroll@dcs.ga.gov T: 404- 695-5776		2	75.00	150.00	
Sign Language Interpretation services Requestor: Traci Watson Date: August 27, 2018 Time: 2:00 pm – 4:00 pm Individual Requiring service: Anthony Reid Subject Matter: Probation intake for new deaf offender Location: McDonough Parkway, McDonough, GA 30253 POC: Watson Carzo (Watson.carzo@dcs.ga.gov T:404-989-2485) OR Traci Watson Traci.watson@dcs.ga.gov T: 404-651-6752		2	75.00	150.00	
				Total	\$300.00

PO# 8932
 Rec# 16229
 Submitted By TW
 Submitted Date 10/26/18
 BU: 47700

PO# 8933
 Rec# 16230
 Submitted By TW
 Submitted Date 10/26/18
 BU: 47700



Invoice

Allworld Language Consultants, Inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

DATE	INVOICE NO.
11/19 2018	1810030

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			11/19/2018	COMMUNITY SUPV
Sign Language Interpretation services Requestor: Traci Watson Date: 10/3/2018 Time: 1:30 am to 3:30 pm Individual Requiring service: K.L.B. Subject Matter: Intake for offender in transferring offices Location: 100 Marable Way, Rome, GA 30165 POC: Krista Greene (706-331-8214)			2	DEPT. OF COMMUNITY SUPV
				RECEIVED FISCAL MGT. UNIT 2019 JUN-4 AM 11:34 148.00
				BILL: 47700 PO# 10605 Rec# 19863 Submitted By V. Rof S Submitted Date 6/3/19 PAY 6/3/19
Total				\$148.00



dba ALC, inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

Invoice

DATE	INVOICE NO.
11/19/2018	1810069

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA	
			11/19/2018		
Sign Language Interpretation services Requestor: Ashia C. Ferguson Date: 10/31/2018 Time: 4:45 PM - 5:00 PM Individual Requiring service: Annual Halloween Event Location: 1 Courthouse Square, McDonough, GA 30253 POC: Ashia C. Ferguson (ashia.ferguson@dcs.ga.gov OR 678-372-5567)					
			0.25	74.00	
Sign Language Interpretation services Requestor: Ashia C. Ferguson Date: 10/31/2018 Time: 5:01 PM - 10:00 PM Individual Requiring service: Annual Halloween Event Location: 1 Courthouse Square, McDonough, GA 30253 POC: Ashia C. Ferguson (ashia.ferguson@dcs.ga.gov OR 678-372-5567)					
			5	77.00	
BU: 47700 PO# <u>9196</u> Rec# <u>18914</u> Submitted By <u>TLW</u> Submitted Date <u>3/22/19</u>					
				Total	\$403.50

RECEIVED
 FEDERAL BUREAU OF INVESTIGATION
 NOV 19 2018 9:22 AM
 COMMUNITY SUPV



Invoice

dba ALC, inc.
172 Rollins avenue
Rockville, MD 20852 TAX ID #: 54-1725423

DATE	INVOICE NO.
12/31/2018	1812014

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			1/4/2019	
Sign Language Interpretation services Requestor: Traci Watson Individual Requiring Services: Charles Herrera UPI 11365563 Subject Matter: Male sex offender counseling classes Date: 12/2/2018 Time: 3:30 pm – 4:30 pm Location: 222 Glenn Milner Blvd Rome GA, 30161 POC: Tracy Alvord (talvord@gmail.com OR 404-788-5297)				
			2	77.00 154.00
Sign Language Interpretation services Requestor: Traci Watson Individual Requiring Services: Charles Herrera UPI 11365563 Subject Matter: Male sex offender counseling classes Date: 12/9/2018 Time: 2:30 pm – 3:30 pm Location: 222 Glenn Milner Blvd Rome GA, 30161 POC: Tracy Alvord (talvord@gmail.com OR 404-788-5297)				
			2	77.00 154.00
RECEIVED FISCAL MGT. UNIT 2019 MAR 26 AM 10: 09 DEPT. OF COMMUNITY SUPV			BU: 47700 PO# <u>10608</u> Rec# <u>18925</u> Submitted By <u>TW</u> Submitted Date <u>3/26/19</u>	
Total				\$308.00



dba ALC, inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

Invoice

DATE	INVOICE NO.
12/31/2018	1811059

BILL TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, Georgia 30334-4909

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			12/31/2018	
Sign Language Interpretation services Requestor: Traci Watson Date: 11/1/2018 Time: 3:30 pm to 4:30 pm Individual Requiring service: H,C. UPI 11365563 Subject Matter: Male Sex Offender Counseling Classes Location: 222 Glenn Milner Blvd., Rome, GA 30165 POC: Tracey Alvord (404-788-5297)				
			2	77.00 154.00
Sign Language Interpretation services Requestor: Traci Watson Date: 11/11/2018 Time: 3:30 pm to 4:30 pm Individual Requiring service: H,C. UPI 11365563 Subject Matter: Male Sex Offender Counseling Classes Location: 222 Glenn Milner Blvd., Rome, GA 30165 POC: Tracey Alvord (404-788-5297)				
			2	77.00 154.00
Sign Language Interpretation services Requestor: Traci Watson Date: 11/14/2018 Time: 9:00 am to 10:00 am Individual Requiring service: R, C.J. Subject Matter: Provide instructions to report to DCS Location: Hall County Jail- 1700 Barber Rd. Gainesville, GA 30507 POC: Chelsea Bartholomew (470-725-7976)				
			2	74.00 148.00
			BU: 47700 PO# <u>10605</u> Rec# <u>18926</u> Submitted By <u>TLW</u> Submitted Date <u>3/26/19</u>	
Total				

RECEIVED
 FISCAL MGT. UNIT
 2019 MAR 26 AM 10: 09
 DEPT. OF
 COMMUNITY SUPV



dba ALC, inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

Invoice

DATE	INVOICE NO.
12/31/2018	1811059

BILL TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, Georgia 30334-4909

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			12/31/2018	
Sign Language Interpretation services Requestor: Traci Watson Date: 11/26/2018 Time: 9:00 am to 11:00 am Individual Requiring service: R, C.I. Subject Matter: Provide instructions to report to DCS Location: 1002 Aviation Blvd, Gainesville, GA 30501 POC: Tina Brock (404-291-6129)			2	74.00
				148.00
Total				\$604.00



Allworld Language Consultants, Inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

V# 45179
 CK 9730
 6/4/19

Invoice

DATE	INVOICE NO.
12/31/2018	1811029

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

V# 45179

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			1/5/2019	
Sign Language Interpretation services Requestor: Traci Watson Individual Requiring Services: C.H. UPI 11365563 Subject Matter: Male sex offender counseling classes Date: 11/4/2018 Time: 3:30 pm – 4:30 pm Location: 222 Glenn Milner Blvd Rome GA, 30161 POC: Tracy Alvord (talvord@gmail.com OR 404-788-5297)				
			2	75.00
Sign Language Interpretation services Requestor: Traci Watson Individual Requiring Services: C.H. UPI 11365563 Subject Matter: Male sex offender counseling classes Date: 11/11/2018 Time: 3:30 pm – 4:30 pm Location: 222 Glenn Milner Blvd Rome GA, 30161 POC: Tracy Alvord (talvord@gmail.com OR 404-788-5297)				
			2	150.00
			RECEIVED FISCAL MGT. UNIT 2019 JUN -4 AM 11:34 DEPT. OF COMMUNITY SUPV	
			BU 47700 PO# 10605 Rec# 19867 Submitted By U. ROSS 6/4/19	
Total				\$300.00



dba ALC, inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

Invoice

DATE	INVOICE NO.
1/31/2019	1901013

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			1/31/2019	
DESCRIPTION		QTY	UNIT PRICE	AMOUNT
Sign Language Interpretation services Requestor: Traci Watson Individual Requiring service: H.C. Subject Matter: Polygraph Appointment Date: Sunday, January 27th, 2019 Time: 3:30 pm -5:30 pm Location: 510 Ave A NE, Rome, GA 30165 POC: Dan Sosnowski (770 - 843 -1019) Alternate POC: Traci Watson (traci.watson@dcs.ga.gov OR 470-582-6989) 2 Interpreters RECEIVED FISCAL MGT. UNIT 2019 MAR 26 AM 10: 09 DEPT. OF COMMUNITY SUPV		4	77.00	308.00
				BU: 47700 PO# <u>10605</u> Rec# <u>18927</u> Submitted By <u>TLW</u> Submitted Date <u>3/26/19</u>
Total				308.00



dba ALC, inc.
172 Rollins avenue
Rockville, MD 20852 TAX ID #: 54-1725423

V-9293
 C12 9287
 411149

Invoice

DATE	INVOICE NO.
3/1/2019	1902040

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

922

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			3/1/2019	
Sign Language Interpretation services Requestor: John Carroll Individual Requiring service: H.C. Subject Matter: Monthly Probation Meeting. The offender is reporting for an office visit with DCS. Date: Wednesday, February 20, 2019 Time: 10:00 am – 12:00 pm Location: 100 medical Lane Canton, GA 30114 POC: John Carroll (John.carroll@dcs.ga.gov OR (404) 695-5776: (770) 479-2602)		2	74.00	148.00
BU: 47700 PO# <u>10605</u> Rec# <u>18968</u> Submitted By <u>TW</u> Submitted Date <u>4/1/19</u> Per <u>9</u>				RECEIVED FISCAL MGT. UNIT 2019 APR - 1 PM 12: 57 DEPT. OF COMMUNITY SUPV
			Total	\$148.00



Invoice

Allworld Language Consultants, Inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

DATE	INVOICE NO.
6/1/2019	1905042

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			5/29/2019	
Sign Language Interpretation services Requestor: Mariah Mitchell Subject Matter: The Defendant needs to be read his terms and conditions with a certified translator. His reporting requirements and other policies need to be covered as well. Individual Requiring service: Brandon Cobb UPI: 11363077 Date: Thursday, May 16th, 2019 Time: 9:00 am - 10:00 am Location: Douglasville DCS, 8473 Durelee Ln. Suite 400 Douglasville, GA 30134 POC: Mariah Mitchell (mariah.mitchell@dcs.ga.gov OR 404-693-2542)		2	74.00	148.00
PO# 10605 Rec# 19899 Submitted By U.Kusps Submitted Date 6/5/19			RECEIVED FISCAL MGT UNIT 2019 JUN -5 AM 11:39 DEPT. OF COMMUNITY SUPV	
Total				\$148.00



Allworld Language Consultants, Inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

RECEIVED
 FISCAL MGT. UNIT

2019 JUN 19 AM 7:10

DEPT. OF
 COMMUNITY SUPV

Invoice

DATE	INVOICE NO.
6/1/2019	1905010

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA	
			6/1/2019		
Sign Language Interpretation services Requestor: Traci Watson Subject Matter: Polygraph Appointment Individual Requiring service: Carlos Herrera Date: Monday, May 6th, 2019 Time: 2:00 pm -4:00 pm Location: 510 Ave A NE, Rome, GA 30165 POC: Dan Sosnowski (770-843-1019)		PO #10605	2	74.00	148.00
BU: 47700 PO# <u>10605</u> Rec# <u>20463</u> Submitted By <u>DELLA GAUBAS</u> Submitted Date <u>7/2/2019</u>					
Total					\$148.00



INVOICE

Absolute Quality Interpreting Services, LLC
 P O Box 269
 Chatsworth, GA 30705
 PH: 813.785.1214
 Fax: 813-200-3469

DATE: 06.03.2019
 INVOICE #7149

PO# 47700 LINE 000001059

TO: Department of Community Supervision
 270 Washington Street, Suite 5181
 Atlanta, GA. 30334

CONTACT PERSON	JOB NUMBER	PAYMENT TERMS	ATTENTION
Phyllis Boyd Belinda Milligan	19.397.0517.1	Net 15	Accounts Payable

DESCRIPTION	HOURS	PER HOUR RATE	LINE TOTAL
SIGN LANGUAGE INTERPRETING SERVICES			
05.17.19 (1:00pm to 3:00pm) Intake meeting with Supervision Officer Requester: Traci Watson #470-582-6989 POC: Crystal Moore #404-985-8776 Deaf consumer: Brian Baell Location: 18 South Main Street, Mourtric, GA	2	\$150.00	\$300.00

RECEIVED
 FISCAL MGT. UNIT
 2019 JUN -4 AM 11:34
 DEPT. OF
 COMMUNITY SUPV

BU: 47700
 PO# 11059
 Rec# 19865
 Submitted By V. RYSS
 Submitted Date 6/4/19

SUBTOTAL \$300.00

Thank you for your business and prompt payment!
 For your convenience, we accept EFT, ACH, Checks or
 Visa & Master Card.

TOTAL **\$300.00**





Allworld Language Consultants, Inc.
 172 Rollins avenue
 Rockville, MD 20852 TAX ID #: 54-1725423

RECEIVED
 FISCAL MGT. UNIT.
 2019 JUL -3 AM 10:43
 DEPT. OF
 COMMUNITY SUPV

Invoice

DATE	INVOICE NO.
6/28/2019	1906019

BILL TO
State of Georgia GA Department of Community Super 270 Washington Street, Suite 5181 Atlanta, GA 30334

SHIP TO
State of Georgia GA Department of Community Super 2 Martin Luther King, Jr. Drive SE Suite 458, East Tower Atlanta, GA 30334-4909

P.O. NO.	TERMS	REP	SHIP DATE	SHIP VIA
			6/28/2019	
Sign Language Interpretation services Requestor: Mariah Mitchell Subject Matter: The Defendant needs to be read his terms and conditions with a certified translator. His reporting requirements and other policies need to be covered as well. Individual Requiring service: Brandon Cobb UPI: 11363077 Date: 6/6/2019 Time: 2:30pm – 5:30pm Location: Douglasville DCS, 8473 Durelee Ln. Suite 400 Douglasville, GA 30134 POC: Lena Scafel (lena.scafel@dcs.ga.gov OR 470-218-7033)			3	74.00
				222.00
				Total
				\$222.00

BU: 47700
 PO# 10605
 Rec# 20471
 Submitted By DELLA GRUBBS
 Submitted Date 7/3/2019
 ** FY19 **

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON COBB, et al.,
Plaintiffs, v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, et al.,**
Defendants.

No. 1:19-cv-03285-WMR

CLASS ACTION

**DECLARATION OF SUSAN
MIZNER IN SUPPORT OF
MOTION FOR CLASS
CERTIFICATION**

I, Susan Mizner, declare:

1. I have personal knowledge of the matters set forth herein, except as to those matters which are alleged on information and belief; and as to those matters I believe them to be true. I could and would competently testify to all such matters, if called upon to do so.

2. The American Civil Liberties Union Foundation (“ACLU”) Disability Rights Program, American Civil Liberties Union of Georgia, Arnold & Porter Kaye Scholer LLP, and the National Association of the Deaf (“NAD”) jointly represent the plaintiffs and the putative class in this matter.

3. I am among the counsel of record for the plaintiffs and the putative class in this matter. I am a member of the California bar. I am admitted to the Northern District of Georgia for this case *pro hac vice*. I graduated from Stanford

Law School in 1992. I received a B.A. *cum laude* in Chemical Engineering and English from Yale University in 1983.

4. I am the director of the American Civil Liberties Union Foundation (“ACLU”) Disability Rights Program. I founded the ACLU Disability Rights Program in 2012 and I lead the ACLU’s strategic plan for disability rights.

5. Founded in 1920, the ACLU is a nationwide, nonprofit nonpartisan organization of more than three million members, activists, and supporters dedicated to protecting the fundamental rights guaranteed by the Constitution and laws of the United States. Since its founding, the ACLU has been deeply involved in protecting the rights of detainees, prisoners, parolees, and others involved in the criminal legal system.

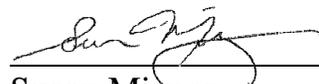
6. The Disability Rights Program litigates cases, introduces and supports legislation, and coordinates with national and state ACLU offices on disability rights litigation and policy. The ACLU is devoted to protecting the civil liberties and civil rights of people with disabilities across the country. I have overseen numerous lawsuits to protect and enforce the rights of people with disabilities, including cases about voting access for blind and low-vision voters and cases about restraint and seclusion of children with disabilities in schools.

7. Before joining the ACLU, I served for 13 years at the San Francisco

Mayor's Office on Disability, first as Deputy Director and then for 9 years as Director. As director of the Mayor's Office on Disability, I directed the city's ADA Self-Evaluation and Transition Plan and worked with the San Francisco Mayor, Board of Supervisors, community organizations, and local citizens on disability rights issues. I conducted the nation's first needs assessment on the needs of deaf and hard of hearing people in relation to city services. Before that, I worked for seven years as the Coordinating Attorney at the Bar Association of San Francisco's Poverty and Disability Rights Project.

8. The ACLU Disability Rights Program, along with plaintiffs' counsel from ACLU of Georgia, NAD, and Arnold & Porter Kaye Scholer LLP, have the necessary resources to zealously represent the interests of the class. Counsel have expended significant hours and resources investigating and identifying the claims in this matter. They have advanced the costs associated with the litigation to date and will continue to do so. They have expended many hours of time advancing this case and will continue to do so.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in San Francisco, California on October 7, 2019.



Susan Mizner

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON COBB, *et al.*,
Plaintiffs, v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, *et al.*,**
Defendants.

No. 1:19-cv-03285-WMR

CLASS ACTION

**DECLARATION OF CLAUDIA
CENTR IN SUPPORT OF
MOTION FOR CLASS
CERTIFICATION**

I, Claudia Center, declare:

1. I have personal knowledge of the matters set forth herein, except as to those matters which are alleged on information and belief; and as to those matters I believe them to be true. I could and would competently testify to all such matters, if called upon to do so.

2. The American Civil Liberties Union Foundation (“ACLU”) Disability Rights Program, American Civil Liberties Union of Georgia, Arnold & Porter Kaye Scholer LLP, and the National Association of the Deaf (“NAD”) jointly represent the plaintiffs and the putative class in this matter.

3. I am among the counsel of record for the plaintiffs and the putative class in this matter. I am a member of the California bar. I graduated from Berkeley Law in December 1991. I received a B.A. from Wesleyan University in

1987. I am admitted to the Northern District of Georgia for this case *pro hac vice*.

4. I am a Senior Staff Attorney at the American Civil Liberties Union Foundation (“ACLU”) Disability Rights Program. I have been a Senior Staff Attorney with the ACLU since April of 2014. Prior to joining the ACLU, I worked at the Legal Aid Society – Employment Law Center for 19 years, where I directed the disability rights program. Before that position, I worked at the National Abortion and Reproductive Rights Action League for two and a half years.

5. I have represented plaintiffs in disability rights, including complex class actions, for more than 20 years. Representative cases include: *U.S. Airways v. Barnett*, 535 U.S. 391 (2002); *Goldman v. Standard Insurance Company*, 341 F.3d 1023 (9th Cir. 2003); *Nunes v. Wal-Mart Stores*, 164 F.3d 1243 (9th Cir. 1999); *Eason v. New York State*, No. 16-CV-4292 (KBF) (S.D.N.Y., settlement reached 2019); *S.R. v. Kenton Cty.*, 2:15-cv-00143 (E.D. Ky., settlement reached 2018); *Dep’t of Fair Employment & Hous. v. Law Sch. Admission Council Inc.*, No. 12-CV-01830-JCS (N.D. Cal., settlement reached 2014) (counsel for individual intervenors); *Ortiz v. Home Depot*, 5:09-cv-03485-LH (N.D. Cal., settlement reached 2012); *McMillan v. State of Hawaii*, Case No. CV 08 00578 JMS LEK (D. Haw., settlement reached 2011); *Cookson v. NUMMI*, C10-02931 (N.D. Cal., settlement reached 2011); *Siddiqi v. Regents of the Univ. of California*,

No. C 99-0790 SI (N.D. Cal., settlement reached 2002). I have also served as *amicus* counsel in cases of importance to people with disabilities, including in cases about the intersection of disability and employment, education, high-stakes testing, professional licensing, incarceration, policing, the judiciary, decision-making, parenting, and voting.

6. In 2009, I received the Paul G. Hearne Award for Disability Rights from the American Bar Association Commission on Disability Rights. I have served as an adjunct professor of disability rights at the University of California Hastings College of the Law and at Berkeley Law School. I have written articles and given trainings about disability rights on many occasions. I believe that I am qualified to represent the class proposed in this action.

7. I supervise two ACLU attorneys in this case, Zoe Brennan-Krohn and Talila (“TL”) Lewis.

8. Ms. Brennan-Krohn is a staff attorney at the ACLU Disability Rights Program. She has worked at the ACLU for two and a half years. She is admitted to the state bars of California and New York. She is admitted to the Northern District of Georgia for this case *pro hac vice*.

9. Ms. Brennan-Krohn earned her J.D. *cum laude* from Harvard Law School in 2015. She served as a judicial law clerk to the Honorable Judith W.

Rogers of the U.S. Court of Appeals for the District of Columbia Circuit from 2016 to 2017. From 2012-2013, Ms. Brennan-Krohn served as a law clerk for President Theodor Meron at the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands.

10. TL Lewis received their J.D. from American University Washington College of Law in 2014, and their B.A. from American University in 2007. Lewis is admitted to the state bar of Maryland. Lewis's application for admission to this Court *pro hac vice* is pending. Lewis is fluent in sign language.

11. More than ten years ago, Lewis co-founded Helping Educate to Advance the Rights of Deaf communities (HEARD), a volunteer-dependent nonprofit organization that works to correct and prevent deaf wrongful convictions; end abuse of incarcerated people with disabilities; decrease recidivism for deaf and returning individuals; and increase representation of deaf people in professions that can combat mass incarceration. Lewis continues to serve as HEARD's volunteer director. Lewis has served as the Givelber Public Interest Lecturer at Northeastern University School of Law and as a visiting professor at Rochester Institute of Technology/ National Technical Institute for the Deaf. Lewis consults with social justice organizations on various topics including racial, economic, gender, and disability justice, and on cases involving deaf/disabled

people. Lewis has been recognized as a 2015 White House Champion of Change and one of Pacific Standard Magazine's Top 30 Thinkers Under 30, and has received awards from the American Bar Association, the American Association for People with Disabilities, National Black Deaf Advocates, and others.

12. The ACLU Disability Rights Program, along with plaintiffs' counsel from ACLU of Georgia, NAD, and Arnold & Porter Kaye Scholer LLP, have the necessary resources to zealously represent the interests of the class. Counsel have expended significant hours and resources investigating and identifying the claims in this matter. They have advanced the costs associated with the litigation to date and will continue to do so. They have expended many hours of time advancing this case and will continue to do so.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in San Francisco, California on October 7, 2019.



Claudia Center

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON COBB, *et al.*,
Plaintiffs, v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, *et al.*,**
Defendants.

No. 1:19-cv-03285-WMR

CLASS ACTION

**DECLARATION OF SEAN
YOUNG IN SUPPORT OF
MOTION FOR CLASS
CERTIFICATION**

I, Sean Young, declare:

1. I am the Legal Director of the ACLU of Georgia, where I have worked since 2017. I was previously a Staff Attorney with the ACLU Voting Rights Project, in New York, from 2013 to 2017. I am admitted to practice in Georgia and have been admitted to the bars of the U.S. Supreme Court; the U.S. Courts of Appeals for the First, Fifth, Sixth, Seventh, and Eleventh Circuits; the three U.S. District Courts in Georgia, and the Georgia courts including the Supreme Court of Georgia. I graduated from Yale Law School in 2006 and served as a Law Clerk to the Honorable Ann Claire Williams, U.S. Court of Appeals for the Seventh Circuit, from 2012 to 2013, and as a Law Clerk to the Honorable Laura Taylor Swain, U.S. District Court of the Southern District of New York, from 2007 to 2009. I was also a litigation associate with Skadden, Arps, Slate,

Meagher & Flom LLP from 2009 to 2012, and with Hughes, Hubbard & Reed LLP from 2006 to 2007.

2. In 2019, I was given the Attorney of the Year Award issued by the Daily Report, and I was also named a Best LGBT Lawyer Under the Age of 40 by the National LGBT Bar Association.

3. I have served as lead counsel in a certified class action for a civil rights lawsuit challenging Wisconsin's voter ID law. *See Frank v. Walker*, 196 F. Supp. 3d 893 (E.D. Wis. 2016).

4. In addition, I have 6 years of experience litigating successful civil rights lawsuits. As the Legal Director of the ACLU of Georgia, I have thus far filed three successful First Amendment challenges. In *Rubin v. Young*, 2019 WL 1418289, No. 1:19-cv-1158-SCJ (N.D. Ga. Mar. 14, 2019), I secured a temporary restraining order, later converted into a final judgment, prohibiting the Capitol Police from banning profanity in the State Capitol Building. In *Rasman v. Stancil*, 1:18-cv-1321-WSD (N.D. Ga. Mar. 29, 2018), Dkt. #3, I secured a temporary restraining order prohibiting the Capitol Police from banning hand-held signs in the State Capitol Building. And in *Solomon v. City of Savannah* (S.D. Ga. 2018), immediately following the lawsuit, the City of Savannah lifted its ban on signs displayed at the St. Patrick's Day Parade in which the Vice President of the United

States was a participant. In addition, I have filed three successful voting rights lawsuits. In *Martin v. Kemp*, 341 F. Supp. 3d 1326 (N.D. Ga. 2018), I secured a temporary restraining order enjoining the enforcement of a state law which allowed elections officials to reject absentee ballots due to a signature mismatch without providing due process, an order which the Eleventh Circuit refused to stay, *see Georgia Muslim Voter Project v. Kemp*, 918 F.3d 1262 (11th Cir. 2019), and which resolved when the Georgia General Assembly passed a law resolving the issue. In *Hopkins v. Kemp*, No. 2017CV293325 (Ga. Sup. Ct.), I filed a mandamus action challenging the illegal removal of approximately 160,000 voters from the active voter rolls based on the voters' recent intracounty change of residence, resulting in a settlement restoring those voters. In *ACLU of Georgia v. Fulton Cnty. Bd. of Registration and Elections*, No. 2017CV292939 (Ga. Sup. Ct.), I filed a mandamus action challenging Fulton County's failure to comply with state public notice requirements when voting to close down polling places, resulting in Fulton County's voluntary rescission of that decision.

5. While at the ACLU Voting Rights Project, I was the lead attorney in *Ohio NAACP v. Husted*, 768 F.3d 524 (6th Cir. 2014), which adopted the ACLU Voting Rights Project's proposed legal standard for vote denial claims under Section 2 of the Voting Rights Act, a legal standard that was then adopted by the

Fourth Circuit and the full en banc court of the Fifth Circuit. That litigation resulted in a settlement mandating weekend and evening early voting hours in all Ohio counties, which was the first time any state adopted weekend/evening early voting hours statewide for all elections. In addition, I was the lead attorney in *Frank v. Walker*, 819 F.3 d384 (7th Cir. 2016), which was the first court decision holding that voters who cannot obtain ID with reasonable effort may be exempt from a state's voter ID requirements. I also drafted and filed two amicus briefs with the United States Supreme Court, in *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n*, 135 S. Ct. 2652 (2015) and *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

6. Through these cases and others, I have come to have extensive experience litigation civil rights actions.

7. I supervise one ACLU of Georgia attorney in this case, Kosha S. Tucker.

8. Ms. Tucker is a Staff Attorney with the ACLU of Georgia, where she has worked since 2018. She was previously an Assistant Public Defender in the Stone Mountain Judicial Circuit of DeKalb County, Georgia from 2012 to 2018, and the Robin Nash Postgraduate Fellow in Law from 2011 to 2012 at Emory University School of Law. She is admitted to practice in Georgia and has been

admitted to the bars of the U.S. District Courts for the Northern and Middle Districts of Georgia, and the Georgia courts including the Supreme Court of Georgia. Ms. Tucker graduated from New York University School of Law in 2011, where she was a Root-Tilden-Kern Scholar in recognition of her commitment to public service, academic excellence, and potential for leadership.

9. As an Assistant Public Defender, Ms. Tucker was a trial attorney, handling hundreds of felony and misdemeanor cases in Georgia Juvenile, State, and Superior Courts, as well as post-conviction appeals to the Georgia Court of Appeals.

10. As the Robin Nash Postgraduate Fellow in Law at Emory, Ms. Tucker managed a caseload of young clients seeking habeas relief and served as a supervising attorney to law students in the Barton Child Law and Policy Clinics.

11. In 2016, Ms. Tucker was identified as an “emerging leader in the career of indigent defense” by the Georgia Public Defender Council (GPDC) and subsequently served on the faculty for the GPDC’s Transition into Law Practice Program (TILPP), training new public defenders across Georgia.

12. Since joining the ACLU of Georgia, Ms. Tucker has been involved in litigating civil rights cases, including class actions and other complex cases, and is qualified to represent the class proposed in this action.

13. The ACLU of Georgia, along with plaintiffs' counsel from the ACLU Disability Rights Program, NAD, and Arnold & Porter Kaye Scholer LLP, have the necessary resources to zealously represent the interests of the class. Counsel have expended significant hours and resources investigating and identifying the claims in this matter. They have advanced the costs associated with the litigation to date and will continue to do so. They have expended many hours of time advancing this case and will continue to do so.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Atlanta, Georgia on October 4, 2019.



Sean Young

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON COBB, et al.,
Plaintiffs, v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, et al.,**
Defendants.

No. 1:19-cv-03285-WMR

CLASS ACTION

**DECLARATION OF IAN S.
HOFFMAN IN SUPPORT OF
MOTION FOR CLASS
CERTIFICATION**

I, Ian S. Hoffman, declare:

1. I have personal knowledge of the matters set forth herein, except as to those matters which are alleged on information and belief; and as to those matters I believe them to be true. I could and would competently testify to all such matters, if called upon to do so.

2. I am admitted *pro hac vice* to practice before this Court and am a partner at the law firm Arnold & Porter Kaye Scholer LLP (“Arnold & Porter”).

3. I am licensed to practice law in the District of Columbia and the State of Virginia. In the federal system, I am admitted generally in six U.S. Circuit Courts and two federal district courts.

4. Arnold & Porter as pro bono counsel and the American Civil Liberties Union Foundation (“ACLU”) Disability Rights Program, the American Civil

Liberties Union of Georgia (the “ACLU of Georgia”), and the National Association of the Deaf (the “NAD”) jointly represent plaintiffs Brandon Cobb, Carlos Herrera, Jay Woody, Ernest Wilson, and Jerry Coen (collectively, “Plaintiffs”) in the above-referenced action.

5. I submit this declaration in support of Plaintiffs’ motion for class certification.

A. Professional Qualifications

6. I graduated from William & Mary Law School in 2007. Prior to joining Arnold & Porter, I served as a law clerk to the Honorable Claude M. Hilton, Senior Judge for the United States District Court for the Eastern District of Virginia (Alexandria Division). I have worked at Arnold & Porter since 2008, where I have practiced complex commercial litigation.

7. I have had relevant experience in pro bono deaf civil rights litigation. In *Heyer v. United States Bureau of Prisons*, 849 F.3d 202, 205 (4th Cir. 2017), I successfully pursued constitutional and statutory claims against the United States Bureau of Prisons (the “BOP”) based on the BOP’s failure to provide a deaf inmate with American Sign Language interpreters and other accommodations needed to allow Mr. Heyer to communicate with family and friends outside of prison. After the district court granted summary judgment in favor of the BOP, I won reversal in

the Fourth Circuit. Following remand, I achieved a court-enforceable settlement, preserving one First Amendment claim, which I pursued at trial on a first chair capacity.

8. Arnold & Porter has also represented other deaf and hard of hearing individuals in civil rights cases. *See, e.g., Ihetu et al. v. City of New York et al.*, 1:13-cv-01732 (E.D.N.Y.).

9. During my time in private practice, I have worked on a large number of complex commercial cases, including putative class actions, *Chao v. Aurora Loan Servs., LLC*, 2015 WL 294823, at *1 (N.D. Cal. Jan. 21, 2015); *In re Fannie Mae/Freddie Mac Senior Preferred Stock Purchase Agreement Class Action Litigation*, 1:13-mc-01288-RCL (D. D.C. Feb. 1, 2018).

10. I believe that I am qualified to represent the class proposed in this action.

B. Plaintiffs' Counsel Have Committed and Will Commit Significant and Coordinated Resources to Represent the Class

11. The Arnold & Porter team includes Stephanna F. Szotkowski and Kathryn Geoffroy in Chicago and Margaret Girard in Washington, D.C. These lawyers have committed to support the case, and I believe their work will further ensure the adequacy of the representation.

12. Other co-counsel in this case for Plaintiffs bring experiences and skills that are complimentary to those of Arnold & Porter. The ACLU Disability Rights Program, the ACLU of Georgia, and NAD offer great depth of experience in civil rights, disability rights, federal litigation, and class actions generally, as well as extensive experience in federal litigation with an emphasis on the barriers facing deaf and hard of hearing individuals.

13. Arnold & Porter, along with plaintiffs' counsel from the ACLU Disability Rights Program, the ACLU of Georgia, and NAD have the necessary resources to zealously represent the interests of the class. Counsel have expended significant hours and resources investigating and identifying the claims in this matter. They have advanced the costs associated with the litigation to date and will continue to do so. They have expended many hours of time advancing this case and will continue to do so.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Washington, D.C. on October 6, 2019.



Ian S. Hoffman

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANDON COBB, *et al.*,
Plaintiffs, v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, *et al.*,**
Defendants.

No. 1:19-cv-03285-WMR

CLASS ACTION

**DECLARATION OF
BRITTANY SHRADER IN
SUPPORT OF MOTION FOR
CLASS CERTIFICATION**

I, Brittany Shrader, declare:

1. I make this Declaration of my personal knowledge and based on a review of the records maintained by my office in the ordinary course of business. I could and would competently testify to all such matters, if called upon to do so.

2. The National Association of the Deaf (“the NAD”), the American Civil Liberties Union Foundation Disability Rights Program (“the ACLU”), the American Civil Liberties Union Foundation of Georgia, Inc. (“the ACLU of Georgia”) and Arnold & Porter Kaye Scholer LLP jointly represent the Plaintiffs in this matter.

3. I submit this declaration in support of the Motion for Class Certification.

4. I am among counsel of record for the plaintiffs and the putative class in this matter. I am a member of the New York bar. I graduated from Hofstra University School of Law in May 2009. I received a B.A. from the University of Virginia in 2006. I am admitted to the Northern District of Georgia for this case *pro hac vice*.

5. I am a staff attorney at the NAD Law and Advocacy Center. I have been a staff attorney at the NAD since October 2018. I am fluent in American Sign Language.

6. Prior to joining the NAD, I was a senior associate at the Eisenberg & Baum Law Center for Deaf and Hard of Hearing (“E&B”) for two years where I litigated civil rights disability discrimination cases involving individuals who are deaf and hard of hearing. While at E&B, I handled cases involving the failure to provide effective communication to individuals who are deaf and hard of hearing in a variety of contexts. Representative cases include: *Ortiz, et al. v. Westchester Medical Center Health Care Corporation, et al.*, No. 7:15-cv-05432-NSR-PED (S.D.N.Y. settlement reached 2017) (hospital), *Curry v. the Metropolitan College of New York*, No. 1:16-cv-06294-JGK (S.D.N.Y. settlement reached 2017) (graduate school), *Ganzzermiller et al v University of Maryland Upper Chesapeake Medical Center, et al.*, No. 1:16-cv-03696-CCB (D.Md.) (hospital); *Schwarz et al.*

v. The Villages Charter School, Inc. et al., No 12-cv-00177 (M.D. Fla. jury verdict in favor of Plaintiffs February 2017) (adult education courses), *Ana Christine Shelton, in her capacity as both the natural tutrix of T.A. and S.A. and the administratrix of the succession of Nelson Arce v. The State of Louisiana, et. al*, No. 2:16-cv-14003 (E.D.La. jury verdict in favor of Plaintiff December 2018) (jail and probation). I was lead trial counsel for both *Schwarz et al. v. The Villages Charter School, Inc. et al.*, No 12-cv-00177 (M.D. Fla.) (obtained liability findings after federal jury trial on behalf of all thirty deaf clients and damages as to twenty one.) and *Ana Christine Shelton, in her capacity as both the natural tutrix of T.A. and S.A. and the administratrix of the succession of Nelson Arce v. The State of Louisiana, et. al*, No. 2:16-cv-14003 (E.D.La.) (obtained liability finding after federal jury trial against both defendants for failure to provide decedent with sign language interpreters for probation meetings and in jail).

7. Prior to working at E&B, I worked for the New York City Law Department Family Court Division for seven years where I prosecuted juvenile delinquency cases. As a member of both the Major Case Unit and the Special Victims Unit, I tried over 100 cases and was the recipient of the Legal Rookie of the Year award in 2010.

8. I have been a trial attorney for my entire legal career, and I have focused on disability discrimination cases involving clients who are deaf and hard of hearing exclusively for the past three years.

9. I also serve as an adjunct professor at the University of Maryland Carey School of Law where I co-teach the Civil Rights of Persons with Disabilities Clinic.

10. The NAD, founded in 1880, is located in Silver Spring, Maryland. The mission of the NAD is to preserve, protect and promote the civil, human and linguistic rights of deaf and hard of hearing people in the United States of America. The NAD's Law and Advocacy Center was established in 1977.

11. The NAD is one of a small number of offices in the nation that focus on litigating disability discrimination and communication access issues for deaf and hard of hearing individuals such as this action. Litigating communication access cases requires specialized knowledge and skills. As the nation's premier civil rights organization of, by and for deaf and hard of hearing individuals in the United States of America, with a majority of its attorneys Deaf themselves, the NAD is specially equipped to handle these types of cases. As a result, NAD's assistance as co-counsel is frequently sought by other attorneys throughout the nation, and federal courts have long recognized the special expertise of NAD staff.

See, e.g., Argenyi v. Creighton University, 703 F.3d 441 (8th Cir. 2013); *Daniel-Rivera v. Keiser University*, Case No. 0:16-cv-60044-WPD (S.D. Fl. filed 1/7/2016); *Sunderland et al. v. Bethesda Health System, Inc.*, Nos. 16-10980, 16-13327 (11th Cir. 2017); *Innes et al. v. Bd. of Regents of the Univ. Sys. of Md., et al.*, 8:13-cv-02800-DKC (D. Md. 8/6/2015); Brief for the NAD as Amicus Curiae, *Ivy v. Morath*, 137 S.Ct. 414 (2016).

12. In addition to NAD's expertise in the area of civil rights litigation concerning the rights of deaf and hard of hearing individuals and their communication access needs, NAD has extensive experience in litigating communication access cases involving deaf prisoners. *See, e.g., Ricardo Harris, et al. v. Georgia Department of Corrections, et al.*, No. 5:18-cv-365-TES (M.D. Ga. filed Oct. 3, 2018); *John TC Yeh v. United States Bureau of Prisons, et al.*, Case No. 3:18-cv-00943-JMM-MCC, (D. Pa. filed May 3, 2018); *Jarboe, et al. v. Maryland Dep't of Public Safety and Correctional Services (DPSCS), et al.*, No. 1:12-cv-00572 (D. Md. 2/20/2015); *Hannah Sabata, et al., v. Nebraska Dep't of Correctional Services, et al.*, No. 4:17-cv-03107-RFR-MDN (D.Ne, filed 8/15/2017).

13. The NAD has also been involved in the litigation of several class action suits, including *Holmes et al. v. Godinez*, Case No. 1:11-cv-02961, N.D. Ill.

(May 04, 2011); *Calvin G, et al. v. The Board Of Education, et al*, Case No. 1:90-cv-03428, N.D. Ill. (June 22, 1990); *James Campbell, Complainant/Class Agent v. Sonny Perdue, Secretary, U.S. Department of Agriculture*, EEOC Case No. 570-2018-00277, Agency No. CRSD-2014-00665 (class certified); *National Association of the Deaf, et al. v. Harvard*, Case No. 3:15-cv-30023-MGM, (D. Mass. Feb. 12, 2015); *National Association of the Deaf, et al. v. MIT*, Case No. 3:15-cv-30024-MGM, (D. Mass. Feb. 12, 2015); *Jarboe, et al. v. Maryland Department of Public Safety and Correctional Services (DPSCS), et. al.*, No. 1:2012-cv-00572 (D. Md. 2/20/2015); and *Ricardo Harris, et. al. v. Georgia Department of Corrections, et. al.*, No. 5:18-cv-365-TES (M.D. Ga. filed Oct. 3, 2018) (class cert. motion pending); *Hannah Sabata, et al. v. Nebraska Dep't of Correctional Services, et al.*, No. 4:17-cv-03107-RFR-MDN (D. Ne. filed 8/15/2017) (motion for class certification pending).

14. Plaintiffs' counsel have the necessary resources to zealously represent the interests of the class. Counsel have expended significant hours and resources investigating and identifying the claims in this matter. They have advanced the costs associated with the litigation to date and will continue to do so. They have expended many hours of time advancing this case and will continue to do so.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in Silver Spring, MD on October 8, 2019.


Brittany Shrader