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' REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF MOTION FOR CLASS CERTIFICATION

INTRODUCTION

Plaintiffs are deaf and hard of hearing individuals under Defendants' supervision who are experiencing continuing violations of law. Plaintiffs' proposed class is ascertainable and meets all requirements of Federal Rule 23(a). Injunctive relief is appropriate under Rule 23(b)(2). Plaintiffs had and continue to have standing to pursue their claims. The proposed class should be certified.

ARGUMENT

I. Plaintiffs' Proposed Class Meets the Commonality, Typicality, and Adequacy Requirements of Rule 23(a).

GDCS concedes that Plaintiffs' proposed class satisfies Rule 23(a)'s numerosity requirement, and that Plaintiffs' counsel are adequate. ECF 67 at 4. To show commonality, Plaintiffs need only "a single common question" of law or fact that may be capable of class-wide resolution. *Carriuolo v. Gen. Motors Co.*, 823 F.3d 977, 984 (11th Cir. 2016) (quoting *Wal-Mart v. Dukes*, 564 U.S. 338, 350, 359 (2011)). Plaintiffs assert numerous common questions of law and fact that apply to all class members and which are capable of generating common answers. Examples, each of which is sufficient, include: whether GDCS maintains inadequate policies and procedures for communication with class members, *see* ECF 53-1 at 7 and IV(B)(4), *infra*; whether class members are being denied effective communication with GDCS officers, resulting in confusion and lack of understanding, *see* ECF 53-1 at 11; whether GDCS fails to communicate the contents of complex written documents to class members who, because of their

disabilities, are not fluent in reading or writing English, *id.* at 13; and whether GDCS's policies and procedures deny class members equal access to classes, counseling, and mandated programming, *id.* at 15-16.

Courts have repeatedly certified classes in cases like these, where deaf and hard of hearing people allege system-wide failures, even where individual circumstances vary. *See, e.g. McBride v. Mich. Dep't of Corr.*, No. CV 15-11222, 2017 WL 3097806, at *6 (E.D. Mich. June 30, 2017), *report and recommendation adopted*, 2017 WL 3085785 (E.D. Mich. July 20, 2017) ("[T]he mere fact that each potential class member may have a hearing impairment somewhat different than other class members does not negate the 'focus' of this litigation: the MDOC's alleged failure to accommodate the needs of all of these proposed class members in terms of their ability to effectively communicate and participate in MDOC programs, services, and activities."); *Holmes v. Godinez*, 311 F.R.D. 177, 220 (N.D. Ill. 2015) ("Despite factual variations in putative class members' situations, Plaintiffs' allegations regarding IDOC's system-wide failures are the 'glue' that ties their claims together."); *Greater Los Angeles Agency on Deafness, Inc. v. Reel Servs. Mgmt.* LLC, 2014 WL 12561074, at **1, 9, 13 (C.D. Cal. May 6, 2014) (certifying class of deaf and hard of hearing patrons of movie theater chain despite argument that "putative class members have differing types and levels of hearing disabilities"); *Belton v. Georgia*, No. 1:10-CV-0583-RWS, 2011 WL 925565, at *4 (N.D. Ga. Mar. 14, 2011) (certifying class of deaf Georgians seeking access to

public mental health services despite argument that named plaintiffs received waivers not granted other class members); *see also Kurlander v. Kroenke Arena Co.*, 276 F. Supp. 3d 1077, 1081, 1089 (D. Co. 2017) (certifying class of deaf and hard of hearing patrons of sports arena); *Braggs v. Dunn*, 317 F.R.D. 634, 657 (M.D. Ala. 2016) (certifying class of individuals with mental illness in prison and noting: "[T]here is no requirement that every class member be affected by the institutional practice or condition in the same way."); *Williams v. Conway*, 312 F.R.D. 248, 254 (N.D.N.Y. 2015) (certifying class of deaf and hard of hearing people in jail despite argument that jail enacted policies and installed equipment following release of named plaintiff); *Belton v. Georgia*, 2013 WL 4216714, at *4 (N.D. Ga. Aug. 13, 2013) (denying defendants' motion to de-certify class).

The cases Defendants cite are inapposite. In *Chandler v. City of Dallas*, 2 F.3d 1385, 1396 (5th Cir. 1993), the Fifth Circuit decertified two classes – of people with diabetes and people with impaired vision – excluded from jobs by a city's Driver Safety Program, reasoning that "whether an individual is handicapped or 'otherwise qualified' [to safely drive] are necessarily individualized inquiries." Here, there is no issue of whether class members are "otherwise qualified" to participate in GDCS supervision: they are court-ordered to do so. There is also no question that the class members are disabled under federal law.[1]

[1] *Chandler* pre-dates the ADA Amendments Act of 2008, which broadened the definition of "disability" under the ADA and Section 504. 42 U.S.C. § 12102; 28 C.F.R. § 35.108(d)(2)(iii)(A) ("Deafness substantially limits hearing[.]").

In *Truesdell v. Thomas*, 889 F.3d 719 (11th Cir. 2018), the court affirmed denial of certification of a proposed class of drivers whose personal information was accessed – in some instances lawfully – by the defendant. Because liability for each of 42,000 searches turned on the defendant's state of mind in conducting that search, the court found that deciding liability would be akin to "numerous mini-trials." *Id.* at 725-26. That context is inapplicable here. Plaintiffs allege that they and class members are being routinely denied auxiliary aids and services necessary to ensure effective communication. Such denial is unlawful class-wide.

II. Plaintiffs' Proposed Class is Ascertainable.

Plaintiffs' proposed class is specific and objective: people under supervision who are deaf or hard of hearing and have a "disability" under the ADA. Courts regularly certify classes by reference to the ADA. *See Dunn v. Dunn*, 318 F.R.D. 652, 658 (M.D. Ala. 2016) (settlement class including any prisoner "who has a disability as defined in 42 U.S.C. § 12102"); *Hernandez v. Cnty. of Monterey*, 305 F.R.D. 132, 149 (N.D. Cal. 2015) (class of people "who have a disability, as defined by federal and California law"); *Bumgarner v. NCDOC*, 276 F.R.D. 452, 454, 458 (E.D.N.C. 2011) (class of "'qualified individuals with disabilities' under the ADA and the Rehabilitation Act"). Such definitions "are sufficiently narrow" and do not depend on "subjective standards." *Hernandez*, 305 F.R.D. at 152.

Defendants can readily identify class members. Defendants' own records – which include documents from the Georgia Department of Corrections for many

class members[2] – indicate which supervisees are deaf or hard of hearing.[3] Where class members can be identified using defendants' own records, the class is ascertainable. *Lacy v. Cook Cnty., Ill.*, 897 F.3d 847, 864 n.36 (7th Cir. 2018) ("[T]hat the Department of Corrections keeps records of all wheelchair-assigned detainees also undermines the defendants' argument that member of the class 'cannot be determined through 'clear objective criteria' [and] will require 'complex, highly individualized' determinations.' These records provide an extremely clear and objective criterion for ascertaining the class.") (citation omitted); *M.H. v. Berry*, No. 1:15-CV-1427-TWT, 2017 WL 2570262, at *3 (N.D. Ga. June 14, 2017) (class ascertainable where "members can be ascertained through a review of [Defendants'] records"); *see also Jones v. Advanced Bureau of Collections LLP*, 317 F.R.D. 284, 289-90 (M.D. Ga. 2016). Class members may also be identified through context, a simple inquiry, or self-identification.[4]

III. Plaintiffs' Proposed Class Meets the Requirements of Rule 23(b).

Defendants' policies and practices continue to harm the entire class, who are all subject to the denial of equally effective communication while under

[2] Defendants concede that GDC has the ability – and obligation – to identify deaf and hard of hearing people in its control. ECF 67 at 15-16.

[3] Documents produced by Defendants include notations such as: "DEF IS DEAF AND DOES NOT SPEAK. SIGN LANGUAGE ONLY!" (Def. 29); "OFFENDER IS DEAF" (Def. 73); "Inmate is completely deaf" (Def. 165); "Inmate is deaf" (Def. 254); "HE IS DEAF" (Def. 310); "INMATE IS DEAF" (Def. 422).

[4] Any class member – including one who is deaf, Deaf (a person who identifies as "culturally" Deaf), or hard of hearing – can self-identify. *Cf.* ECF 53-1 at 1 n.1.

supervision. The injunctive relief sought – a requirement that Defendants implement policies, practices, and procedures that meaningfully ensure equally effective communication, auxiliary aids and services, and reasonable modifications for supervisees who are deaf and hard of hearing – would address the harms Plaintiffs are suffering. That the specific aids and services each Plaintiff requires are individualized does not defeat appropriateness of injunctive relief under Rule 23(b)(2). *See* pp. 2-3, *supra*. Defendants' assertion that certifying the class would impede their ability to assert affirmative defenses, ECF 67 at 25, is unpersuasive. Accepting this argument would eliminate the option of a class action in any ADA or Rehabilitation Act case, contrary to Rule 23 and disability class action case law.

IV. Plaintiffs Have Standing to Seek Injunctive and Declaratory Relief

All Plaintiffs have standing to pursue the claims in this action. The claims are not mooted by Defendants' recent actions that post-date the filing of this case.

A. Plaintiffs Have Standing For Ongoing, Present Discrimination.

Defendants' focus on disputing whether Plaintiffs are subject to the threat of reincarceration, ECF 67 at 4-10, is misplaced. With or without the threat of reincarceration, Plaintiffs are experiencing ongoing, present denial of effective communication. In the context of communication in a hospital, the Eleventh Circuit has explained that such denial, by itself, violates federal law:

> [T]he exchange of information between doctor and patient is part-and-parcel of healthcare services. Thus, regardless of whether a patient ultimately receives the correct diagnosis or medically acceptable treatment, that patient has been denied the equal opportunity *to participate* in healthcare services

> whenever he or she cannot communicate medically relevant information effectively with medical staff. It is not dispositive that the patient got the same ultimate treatment that would have been obtained even if the patient were not deaf. …
>
> [W]hat matters is whether the handicapped patient was afforded auxiliary aids sufficient to ensure a *level of communication* about medically relevant information substantially equal to that afforded to non-disabled patients. In other words, the ADA and RA focus on the communication itself, not on the downstream consequences of communication difficulties …

Silva v. Baptist Health S. Fla, Inc., 856 F.3d 824, 834 (11th Cir. 2017) (emphases in original); *accord Crane v. Lifemark Hosps., Inc.*, 898 F.3d 1130, 1135 (11th Cir. 2018) ("[T]he focus of the Court's inquiry … is on Crane's equal opportunity to communicate medically relevant information to hospital staff."); *Seremeth v. Bd. of Cnty. Comm'rs Frederick Cnty.*, 673 F.3d 333, 337 (4th Cir. 2012) ("The injury is the failure to make communication as effective as it would have been among deputies and persons without disabilities."). Here, communication between supervisees and GDCS officers is "part-and-parcel" of supervision. Defendants concede as much. ECF 76-1, Attach. 1 at 9 ("The effective supervision of offenders requires meaningful interactions with the offender."). Plaintiffs have standing as they are denied effective communication with their GDCS officers.

Moreover, Plaintiffs are experiencing additional injuries caused by the denial of effective communication, including: denial of access to work, *see* ECF 1 at ¶¶ 2, 11(b), ECF 53-1 at 12-13; anxiety, confusion and stress caused by not being sure of what the GDCS officer is saying; the embarrassment and invasion of privacy caused by GDCS communicating with Plaintiffs' parents or siblings, *see*

ECF 1 at ¶ 1, ECF 53-1 at 14-15; and liberty restrictions that Plaintiffs self-impose as a result of communication failures and Plaintiffs' understandable caution, *see* ECF 1 at ¶ 11(c), ECF 53-1 at 12-13. These harms are present and ongoing.

Defendants' reliance on *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983), is unavailing. Plaintiffs are subject to Defendants' control and that they will remain so subject for months and years to come. Plaintiffs describe ongoing, routine denial of auxiliary aids and services during interactions that will continue to take place at regular intervals for the foreseeable future. There is no *Lyons* problem here.

B. Defendants' New Policy Does Not Moot Plaintiffs' Claims.

"It has long been the rule that 'voluntary cessation of allegedly illegal conduct … does not make the case moot.'" *Nat'l Adver. Co. v. City of Miami*, 402 F.3d 1329, 1333 (11th Cir. 2005) (citations omitted). Since the defendant is "free to return to his old ways," *United States v. W.T. Grant Co.*, 345 U.S. 629, 632 (1953), "he bears a heavy burden of demonstrating that his cessation of the challenged conduct renders the controversy moot." *Rich v. Sec'y, Fla. Dep't of Corr.*, 716 F.3d 525, 531 (11th Cir. 2013). For government actors, the court considers "whether the termination of the offending conduct was unambiguous." *Id.* "[T]he timing and content of the decision are … relevant in assessing whether the defendant's 'termination' of the challenged conduct is sufficiently 'unambiguous[.]'" *Harrell v. The Fla. Bar*, 608 F.3d 1241, 1266 (11th Cir. 2010). Also relevant is "whether the change in government policy or conduct appears to

be the result of substantial deliberation, or is simply an attempt to manipulate jurisdiction." *Rich*, 716 F.3d at 532 (citations omitted). The court must "ask whether the government has consistently applied a new policy or adhered to a new course of conduct." *Id*. (citation omitted). Defendants cannot meet this standard.

1. The Policy Post-Dates and Responds to Plaintiffs' Case.

The timing of voluntary cessation is a crucial factor in determining whether the defendants' unlawful behavior is likely to recur. When voluntary cessation was "not made before litigation was threatened," this change is "late in the game" and therefore suspect. *Id.*; *see also Harrell*, 608 F.3d at 1266; *Burns v. Pa. Dep't of Corr.*, 544 F.3d 279, 284 (3d Cir. 2008) ("[W]e are more skeptical of voluntary changes that have been made long after litigation has commenced"). Here, the new policy appears to have been created in direct response to Plaintiffs' litigation and critiques of existing policies and practices. It was adopted less than one month ago. ECF 76-1, Attach. 1 ("Policy"). This is not an unambiguous termination.

2. Defendants Aver that They Are Not Bound by Their Policies.

Defendants assert that the Court should ignore any flaws with an existing policy as "DCS has not considered itself bound to this written policy." ECF 67 at 10. If GDCS "has not considered itself bound" to existing policies, then we cannot be certain that Defendants are unambiguously committed to its latest policy. The chain of events here, together with Defendants' characterization of its own policies, suggest that the new policy is not the result of substantial deliberation and

commitment, but a temporary fix to "deal with" the inconvenience of litigation.

3. Plaintiffs Challenge Longstanding and Deliberate Practices.

The Eleventh Circuit is "more likely to find a reasonable expectation of recurrence when the challenged behavior constituted a continuing practice or was otherwise deliberate." *Doe v. Wooten*, 747 F.3d 1317, 1323 (11th Cir. 2014). Here, Plaintiffs' declarations – submitted in support of their motions for preliminary injunction and for class certification – describe a complete lack of communication access going back years and despite many requests and complaints.[5]

4. The Policy is Facially Inadequate.

The new policy (ECF fails to ensure appropriate affirmative steps by Defendants to ensure effective communication. Instead, it requires people under GDCS supervision to follow inaccessible burdensome bureaucratic mechanisms to request accommodations or to complain of the lack of accommodations.

a. The Policy Does Not Require Affirmative Steps by Defendants.

"The ADA expressly provides that a disabled person is discriminated against when an entity fails to '*take such steps as may be necessary* to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids

[5] *See, e.g.*, ECF 53-4 at ¶¶ 8-9 (Plaintiff Nettles requested an interpreter upon release in 2011, was denied, had never had an interpreter as of June 2019); ECF 53-6 at ¶¶ 5 (Plaintiff Woody requested interpreters at DCS offices in 2017, was denied, 14 (DCS officers searched Mr. Woody's home without interpreters).

and services.' … Congress intended to impose an affirmative duty on public entities to create policies or procedures to prevent discrimination based on disability." *Delano-Pyle v. Victoria Cnty., Tex.*, 302 F.3d 567, 575 (5th Cir. 2002) (citation omitted, emphasis in original); *accord* 28 C.F.R. § 35.160(a)(1) ("A public entity shall take appropriate steps to ensure that communications with [people] with disabilities are as effective as communications with others."), (b)(1) ("A public entity shall furnish appropriate auxiliary aids and services … to afford qualified individuals with disabilities … an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.").

The district court in *Pierce v. D.C.*, 128 F. Supp. 3d 250 (D.D.C. 2015), held that only providing accommodations when explicitly requested was insufficient:

> [B]ecause Congress was concerned that '[d]iscrimination against the handicapped was ... most often the product, not of invidious animus, but rather of thoughtlessness and indifference—of benign neglect[,]' the express prohibitions against disability-based discrimination in Section 504 and Title II include *an affirmative obligation* to make benefits, services, and programs accessible to disabled people. ….
>
> [T]he District's insistence here that prison officials have no legal obligation to provide accommodations for disabled inmates unless the inmate specifically requests such aid…is untenable and cannot be countenanced. … [N]othing in the disability discrimination statutes even remotely suggests that covered entities have the option of being passive in their approach to disabled individuals as far as the provision of accommodations is concerned. … Section 504 and Title II mandate that entities act *affirmatively* … to … ensure that people with disabilities will have meaningful access to those services.

Id. at 266, 269 (citations omitted, emphases in original).

The new policy fails on its face to meet Defendants' affirmative obligations under federal law. The sole affirmative obligation is an instruction to GDCS officers to ask, at their initial meeting with new supervisees, "Do you have a request for accommodation due to a disability?" Policy at IV.C.1. But the policy says nothing about how to make that question accessible, such as providing an interpreter for the meeting, or simplifying the language. Outside of this insufficient direction, the policy says nothing about how GDCS will affirmatively ensure effective communication with deaf and hard of hearing supervisees. It says nothing about the thousands of people already under supervision, many of whom require auxiliary aids and services and are long past their initial meeting. There is no guidance for what to do when an individual is obviously deaf or hard of hearing or has an apparent need for accommodations. Instead, the policy relies in almost all cases upon supervisees themselves requesting auxiliary aids and services (and filing appeals and grievances) through complex inaccessible written procedures.

b. The Policy Does Not Ensure Appropriate Auxiliary Aids and Services Needed for Effective Communication.

Even if a GDCS officer wanted to take affirmative steps for a deaf or hard of hearing supervisee, the policy gives no guidance other than to "provide reasonable accommodations." There is no discussion of how an officer can secure an ASL interpreter (including a Deaf interpreter) or a CART provider. The declaration of Darrell E. Smith states that a GDCS officer may engage VRI services at any time. ECF 76-1 at ¶ 5. But the policy does not say this and it is unknown how officers

would know when or how to use VRI. Moreover, in many cases VRI will not provide effective communication. It may not function well due to technological requirements. It does not work when people need CART or a Deaf interpreter. It is not appropriate for long, complex, or high-stakes interactions.[6] Parsing the documents, the only way that communication with a supervisee might include an auxiliary aid or service other than VRI is if the *supervisee* makes a formal request, which may be granted or denied 24 or more days later. *Id.* at ¶ 6 & Policy at IV(F). This is inadequate.

c. The Policy Imposes Multiple Inaccessible Procedures on Deaf and Hard of Hearing Supervisees.

The policy requires that deaf and hard of hearing supervisees comply with multiple inaccessible written procedures to seek interpreters and other auxiliary aids and services. The "Reasonable Accommodation Request Process" requires the deaf or hard of hearing person to fill out a request form and give it to his GDCS officer, who gives it to the ADA Coordinator. Policy at IV(F). The policy does not

[6] VRI is appropriate for brief, routine encounters. It is not effective: in high-stakes encounters; where the technology or internet connection is insufficient to provide a clearly delineated image; where the deaf person is in distress or pain; or for group settings like a classroom. *See Harris v. GDC*, No. 5:18-cv-00365-TES, ECF 60-2 (Declaration of GDC ADA Coordinator) at ¶¶ 14-15 (in GDC facilities, VRI is used for "non-complex, routine interactions," and in-person interpreters "are typically used for more complex, longer, and involved interactions, appointments … and meetings, as well as for … group settings … or when VRI is not otherwise feasible (ex. [incarcerated person] has difficulty viewing screen because of vision loss, cannot be properly positioned to view screen, or because of injury or other conditions) or is not available (ex. the technology is not working).").

say how the supervisee knows about or gets the form. The ADA Coordinator has *24 business days or longer* to respond by email to the GDCS officer. *Id.* If the request is denied, the supervisee may "file" an "appeal" within 15 calendar days of the "accommodation denial." *Id.* at IV(G) ("Appeals Process for Reasonable Accommodation Request"). The policy does not say whether the person must fill out a specific form, where he gets that form, or to whom he gives the form. *Id.* The 15-day clock on appeals apparently starts on the day of the "denial," but there is no requirement that the GDCS officer promptly inform the supervisee of such denial. *Id.* at IV(F)(7-8). There is no provision for assisting people who cannot read or write in English. Any appeal the supervisee *does* manage to submit "must address in writing one or more of [three] bases for appeal." *Id.* at IV(G)(1). The "bases" for appeal require complex legal and factual analysis.[7]

The policy lays out a separate "ADA Grievance Procedure," *id.* at IV(H), with no explanation of how it interacts with the Accommodation Request process. This process also begins with the supervisee filling out a written form. The policy does not say how to get a copy of this form. There is no provision for assistance to people who cannot fill out forms in English. This document must be faxed or sent by U.S. mail, meaning that it is only available to people who have money. The ADA Coordinator has 30 days to respond to ADA grievances. *Id.* at IV(H)(4). If a

[7] For example, supervisees are instructed to reference "the record" in their appeals, with no indication of what constitutes the "record" or how they could access it. Another "basis" for appeal requires supervisees to explain the federal or state laws that they believe support their accommodation request. Policy at IV(G)(1)(a), (c).

person under supervision disagrees with the grievance response, he must "submit[]" a "notice in writing to the HR Director" within 15 days of the decision. *Id.* at IV(I) ("ADA Grievance Appeals Process"). The policy does not say how a supervisee should find the contact information for the "HR Director." There is no provision for assisting people under supervision who, because of their disabilities, cannot fill out documents in English. The HR director has 30 days or longer to respond. *Id.* These procedures are patently inaccessible to deaf and hard of hearing supervisees, and inconsistent with Defendants' affirmative obligation under federal law to ensure that communications with deaf and hard of hearing supervisees "are as effective as communications with others." 28 C.F.R. § 35.160(a)(1).

5. The Policy Has Not Been Implemented.

Defendants' new policy is three weeks' old. There is no information about any roll-out or implementation plan. There is no information about any training of staff. There are no assurances that Plaintiffs and class members will receive prompt, accessible information about the contents of the policy. Neither the policy nor the related forms appear on GDCS's website. Plaintiffs' counsel have not seen the forms. Meanwhile, Plaintiffs continue to face communication barriers, including during interactions as recent as December 17, 2019.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their motion for class certification and certify the proposed class.

Respectfully submitted this 20th day of December, 2019

/s/ Zoe Brennan-Krohn
Zoe Brennan-Krohn

Ian Hoffman, *pro hac vice*
Margaret Girard, *pro hac vice*
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Ave, NW
Washington, DC 20001
Phone: (202) 942-5000
Fax: (202) 942-5999
Ian.Hoffman@arnoldporter.com
Margaret.Girard@arnoldporter.com

Stephanna F. Szotkowski, *pro hac vice*
Kathryn Geoffroy, *pro hac vice*
ARNOLD & PORTER KAYE SCHOLER LLP
70 West Madison Street, Suite 4200
Chicago, Illinois 60602
Phone: (312) 583-2354
Fax: (312) 583-2591
Stephanna.Szotkowski@arnoldporter.com
Kathryn.Geoffroy@arnoldporter.com

Brittany Shrader, *pro hac vice*
NATIONAL ASSOCIATION OF THE DEAF
LAW AND ADVOCACY CENTER
8630 Fenton Street, Suite 820
Silver Spring, MD 20910
Phone: (301) 587-2907
brittany.shrader@nad.org

Susan Mizner, *pro hac vice*
Claudia Center, *pro hac vice*
Zoe Brennan-Krohn, *pro hac vice*
Talila A. Lewis, *pro hac vice*
AMERICAN CIVIL LIBERTIES UNION
DISABILITY RIGHTS PROGRAM
39 Drumm Street
San Francisco, CA 94111
Phone: (415) 343-0781
Fax: (415) 395-0950
SMizner@aclu.org
CCenter@aclu.org
ZBrennan-Krohn@aclu.org
Talila.A.Lewis@gmail.com

Sean Young, GA State Bar No. 790399
Kosha Tucker, GA State Bar No. 214335
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF GEORGIA, INC.
P.O. Box 77208
Atlanta, GA 30357
Phone: (678) 981-5295
Fax: (770) 303-0060
SYoung@acluga.org
KTucker@acluga.org

Attorneys for Plaintiffs

CERTIFICATION OF COMPLIANCE

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

Respectfully submitted this 20th day of December, 2019

/s/ Zoe Brennan-Krohn
Zoe Brennan-Krohn, *pro hac vice*
AMERICAN CIVIL LIBERTIES UNION
DISABILITY RIGHTS PROGRAM
39 Drumm Street
San Francisco, CA 94111
Phone: (415) 343-0769
Fax: (415) 395-0950
ZBrennan-Krohn@aclu.org

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2019, I caused the foregoing Plaintiffs' Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Class Certification to be electronically filed with the Clerk of Court using the CM/ECF system.

Respectfully submitted this 20th day of December, 2019

/s/ Mika Aoyama
Mika Aoyama
AMERICAN CIVIL LIBERTIES UNION
DISABILITY RIGHTS PROGRAM
39 Drumm Street
San Francisco, CA 94111
Phone: (415) 343-0773
Fax: (415) 395-0950
MAoyama@aclu.org