

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

RICARDO HARRIS, et al.,

Plaintiffs, v.

**GEORGIA DEPARTMENT OF
CORRECTIONS, et al.,**

Defendants.

Civil Action No. 5:18-cv-365-TES

CLASS ACTION

**PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs Ricardo Harris, Tommy Green, Leroy Henderson, Tony Moore, Jr., Christopher Shields, Andrew Smith, Darrell Smith, Jr., and Jorae Smith, by and through their attorneys, bring this Motion for Class Certification pursuant to Federal Rule of Civil Procedure 23. Defendants Georgia Department of Corrections (“GDC”) and GDC officers deny Plaintiffs and other deaf and hard of hearing incarcerated people the modifications and auxiliary aids and services they require to communicate effectively and to participate in GDC programs, services, and activities, in violation of the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act (“Section 504”), and the Eighth and Fourteenth Amendments of the Constitution of the United States. While in GDC custody, some Plaintiffs are also subject to decision-making authority of Defendant Georgia Board of Pardons and Paroles (“GBOP”), which has the authority to grant parole and reprieve to certain incarcerated people. GBOP maintains policies that fail to make reasonable modifications or provide auxiliary aids and services to ensure effective communication with Plaintiffs and other deaf and hard of hearing people subject to its control, in violation of the ADA and Section 504.

Pursuant to Rule 23(b)(2), Plaintiffs move to certify a class of all present and future deaf and hard of hearing individuals in GDC custody and/or subject to GBOP authority, who require

hearing-related accommodations and services – including but not limited to interpreters, hearing devices, other auxiliary aids or services, or reasonable modifications – to communicate effectively and/or to access or participate in programs, services, or activities available to individuals in GDC custody and subject to GBOP authority.

Respectfully submitted this 4th day of October 2019,

Ralph Miller, *pro hac vice*
Ariane Moss, *pro hac vice*
WEIL, GOTSHAL & MANGES LLP
2001 M Street, NW
Suite 600
Washington, DC 20036
Phone: (202) 682-7000
Ralph.Miller@weil.com
Ariane.Moss@weil.com

Audrey Stano, *pro hac vice*
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Phone: (650) 802-3000
Audrey.Stano@weil.com

Brian Liegel, *pro hac vice*
WEIL, GOTSHAL & MANGES LLP
1395 Brickell Avenue, Suite 1200
Miami, FL 33131
Phone: (305) 577-3180
Brian.Liegel@weil.com

/s/ Claudia Center
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
FOUNDATION
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, Georgia Bar No. 790399
Kosha Tucker, Georgia 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

Brittany Shrader, *pro hac vice*
Anna Bitencourt, *pro hac vice*
NATIONAL ASSOCIATION OF THE DEAF
8630 Fenton Street, Suite 820
Silver Spring, MD 20910
TTY: (301) 587-1789
Fax: (301) 587-1791

Brittany.Shrader@nad.org
Anna.Bitencourt@nad.org

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2019, I caused the foregoing Plaintiffs' Motion for Class Certification with accompanying Memorandum of Points and Authorities in Support of Motion to be electronically filed with the Clerk of Court using the CM/ECF system.

Respectfully submitted this 4th day of October, 2019,

/s/ Mika Aoyama

Mika Aoyama

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

DISABILITY RIGHTS PROGRAM

39 Drumm Street

San Francisco, CA 94111

Phone: (415) 343-0781

Fax: (415) 395-0950

maoyama@aclu.org