

Exhibit B

**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

Declaration of Mark Birdow

1. I have personal knowledge of all of the facts in this declaration. I promise that everything written here is true or correct. I know that I might be called as a witness in this case to explain the facts in this declaration. If I am called as a witness, I will testify to the facts written here.
2. My name is Mark Birdow. I am incarcerated at Augusta State Medical Prison. I have been at this facility since 2017.
3. I have fibrous dysplasia and neurofibromatosis type 2. As a result of this condition, I have been deaf in my right ear all my life. I have only a small amount of residual hearing in my left ear. I have one hearing aid which does not provide assistance because my conditions cause hearing loss. The hearing aids the prison provides are not calibrated to me and so they are not sufficient. I got the hearing aid I am currently using last year. Neurofibromatosis also causes tumors to grow on and in my body.
4. For in person communication, I generally rely on reading lips with small audio input. For remote communications using video, like video conferences and telemedicine, I need captioning to understand the information.
5. My medical condition also cause other chronic issues, such as issues with my bladder. Because of my medical conditions, I am housed at ASMP and on the chronic care list.

6. I miss a lot in prison because GDC doesn't help me with my hearing disability. It is hard to be in prison because GDC doesn't give me what I need. It affects my quality of life.

Announcements and Notifications

7. I live in an open dorm that has two levels. There are about 32 people downstairs and 32 people upstairs. When staff makes announcements – such as pill call and chow call – they call out at the door to the dorm. About twenty-five percent of the time, the staff just puts a sign in the window that says “pill call” and relies on incarcerated people to call it out. This is the only way that prison staff makes these important announcements. The facility installed flashing lights but does not use them.
8. I cannot hear the announcements when they are made.
9. Prison staff does not make any extra efforts to alert me, even though they know that I am deaf and cannot hear the announcements. I wear a badge on my chest that says “deaf” to alert people, but even that is not sufficient.
10. I am forced to rely on other incarcerated people to let me know when there are announcements. I have to compensate them with commissary items for them to notify me. I rely mostly on one other incarcerated person, but I also have to pay a few other people as backup, in case the person I rely on is not around. Depending on incarcerated people puts me in a risky position.
11. There is no consistent time that events like pill call or meals occur. Because I cannot hear announcements, when other incarcerated people are not notifying me, I have to always stay alert and look at the door in case staff comes in to make announcements. This is very exhausting and stressful for me.

12. Having to rely on other incarcerated people to receive announcements for pill call and meals is concerning to me, because it is important that I take my medication as prescribed due to my serious medical conditions. Before I started compensating other incarcerated people, I regularly missed medication and meals. If I stopped compensating people to tell me about announcements, I would start missing chow and pill call again.
13. It also feels dangerous to rely on other prisoners, because they know that I would miss important things like meals and medication without their help. GDC treats me as less human than other prisoners because I have a hearing disability.

Effective Communication in Medical/Mental Health Encounters

14. ASMP has different “sessions” or “blocks” for medical appointments.
15. About half of my appointments are telemedicine. The telemedicine appointments do not include captioning and medical staff does not use aids to communicate with me. During these telemedicine meetings, I try to read lips, but it is hard because the sound and video are often not in sync. I can understand much less information over telemedicine than if I had an in-person appointment. I miss information during telemedicine medical appointments. I have told prison staff over and over again that I cannot communicate using telemedicine without captioning, but they have not fixed the problem. They call me “special.”
16. In about April, medical staff scheduled a surgery relating to my bladder. This is an invasive surgery. Medical staff said that they had talked to me about the surgery, but I was not aware of it. This was a big lapse in communication. I did not consent to the procedure, and it was not explained to me, or if it was, I did not receive the

information because I could not hear it. GDC said I was declining services, but that wasn't correct. I wanted treatment for my condition. But I wanted information about the procedure so I could discuss whether there were less invasive options than a surgery. I wanted to understand the risks and benefits of the proposed surgery. I wanted a second opinion and to speak to someone face to face, not through telemedicine.

17. I am also missing information on the medication I am being prescribed. For example, I have stage two kidney disease. I was told this was an effect of the NSAID medication I am on, but I don't know what steps to take to solve this problem. Getting this information is important to me because I have serious medical conditions. Before prison, I was given information about medications and their side effects, which I needed to understand. But, GDC does not provide this information to me, or if they do, I cannot hear it because they do not attempt to communicate with me in a way I can understand.
18. Because of GDC's failure to communicate information to me, I do not know what I am supposed to do to take care of my condition. I want to be informed about my health. My health is a priority for me.

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.

Dated: 10-20-2026

Mark Birdow

Mark Birdow