

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

INTRODUCTION

Plaintiffs are deaf and hard of hearing incarcerated individuals who are experiencing systemic violations of law, including: an inadequate ADA policy; an unlawful ADA grievance procedure; a failure to provide communication access in programs, services, and activities, including in medical care; a failure to provide equal access to telecommunications; a failure to provide equal safety; and a failure to provide reasonable modifications including in handcuffing, discipline, and solitary confinement. Plaintiffs' proposed class meets the numerosity, commonality, typicality, and adequacy requirements of Rule 23(a), and injunctive relief is appropriate under Rule 23(b)(2). The class should be certified.

I. The Proposed Class Meets Commonality, Typicality, and Adequacy Requirements.

A. Commonality

Defendants do not dispute numerosity or adequacy of representation, and focus primarily on commonality. But Plaintiffs are required only to put forth "a single common question" of law or fact that is susceptible to classwide 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 that are capable of generating common answers. Examples, each of which is sufficient to demonstrate commonality, include:

- Whether Defendant GDC's ADA policy is inadequate;
- Whether Defendant GDC's practice of assessing the communication needs of class members is inadequate;
- Whether Defendant GDC fails to provide effective communication in its programs, services, and activities;
- Whether Defendant GDC's use of VRI in medical care fails to ensure effective communication;¹
- Whether class members have equal access to telecommunications;
- Whether GDC fails to provide captioned telephones² or functioning amplified phones;
- Whether Defendant GDC fails to make reasonable modifications in handcuffing, discipline, and solitary confinement;

¹ This is undisputed by Defendants. *Compare* Motion ("Mot."), ECF 49 at 13 (alleging that VRI fails to ensure effective communication in medical and mental health care); *with* Opposition ("Opp'n"), ECF 60 (no response).

² This is undisputed by Defendants. *Compare* Mot. at 10 *with* Opp'n (no response).

- Whether Defendant GDC denies class members equal safety;³
- Whether Defendant GDC's ADA Grievance policy imposes an unlawful surcharge;⁴ and
- Whether Defendant GBOP fails to communicate effectively with class members.⁵

Defendants challenge the factual basis of certain claims, but it is premature to litigate the merits at this stage of the case. *See Amgen Inc. v. Conn. Ret. Plans & Tr. Funds*, 568 U.S. 455, 466 (2013) (“Rule 23 grants courts no license to engage in free-ranging merits inquiries at the certification stage.”).

Following *Wal-Mart*, courts have repeatedly certified classes in cases where deaf and hard of hearing plaintiffs in prison allege system-wide failures, even though these affect individual plaintiffs in varying ways. *See, e.g. 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.”); *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.”); *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).

Courts have certified classes in other prisoner cases, even where the factual circumstances of individuals differ. *See, e.g., Dunn v. Dunn*, 317 F.R.D. 634, 655 (M.D. Ala. 2016) (“[S]uch individual differences do not defeat certification because there is no requirement that every class member be affected by the institutional practice or condition in the same way.”) (citation omitted); *Scott v. Clarke*, 61 F.Supp.3d 569, 586 (W.D. Va. 2014) (“While the claims of the class members must arise from

³ This is undisputed by Defendants. *Compare* Mot. at 14-15 (outlining failures of emergency planning and accessible alarms); *with* ECF 60-2 at ¶ 33 (ADA coordinator is “in the process of following up on ... efforts” to install flashing lights).

⁴ This is undisputed by Defendants. *Compare* Mot. at 7 (alleging ADA appeal process, requiring appeals be sent via U.S. mail, imposes an unlawful surcharge in violation of federal law), *with* Opp’n (no response).

⁵ This is undisputed by Defendants. *Compare* Mot. 14-15 (alleging that GBOP communicates with class members solely in writing and fails to make reasonable modifications) *with* ECF 60-1 at ¶ 11 (no response).

similar practices and be based on the same legal theory, the commonality requirement does not require that all class members share identical factual histories.”); *Jones v. Gusman*, 296 F.R.D. 416, 466 (E.D. La. 2013) (certifying class where plaintiffs alleged systemic “discrete and particularized practices” that are “mutually enforcing causes of [the jail]’s deficient conditions”); *Hughes v. Judd*, No. 8:12-CV-568-T-23-MAP, 2013 WL 1821077 at *24 (M.D. Fla. Mar. 27, 2013), *report and recommendation adopted as modified*, 2013 WL 1810806 (M.D. Fla. Apr. 30, 2013) (certifying class and noting that “[t]he type of mental illness each class member suffers from is irrelevant”).

Defendants’ authority is unpersuasive. In *Fluellen v. Wetherington*, 1:02-CV-479-JEC, 2003 LEXIS 21712 (N.D. Ga., Mar. 21, 2003), the court found no commonality where the plaintiffs’ claims were discrete, distinct occurrences of mistreatment by numerous actors, which were not unified by any single policy or practice. *Id.* at *42-43. Here, Plaintiffs identify numerous policies and practices applicable across the class. And in a subsequent published opinion, the Northern District of Georgia rejected the *Fluellen* court’s commonality analysis, and the Tenth Circuit case upon which *Fluellen* relied. *Kenny A. ex rel. Winn v. Perdue*, 218 F.R.D. 277, 301 n.37 (N.D. Ga. 2003).

Conceding that *Fluellen* was subsequently rejected, Defendants cite *Truesdell v. Thomas*, 889 F.3d 719 (11th Cir. 2018), and *Wal-Mart v. Dukes*. In *Truesdell*, the appellate court affirmed a denial of certification of a proposed class of drivers whose personal information was accessed – in some instances lawfully – by the defendant. Liability for each instance of accessing the personal information turned on the defendant’s state of mind and purpose for conducting that search. For each of 42,000 searches complained of, the court found that it would be akin to a “mini-trial” to determine if the search was legitimate based on its purpose and intent. *Id.* at 725-26. That context is off the mark here. The factual variations here are qualitatively different from the variations in *Truesdell* or *Wal-Mart*.

B. Typicality and Adequacy of Plaintiffs

Defendants assert that the named Plaintiffs’ claims are not typical because they have varying hearing levels and communication methods, and because GDC has made *some* changes. This is unpersuasive. Typicality is “permissive,” asking only whether the representatives’ claims are “reasonably co-extensive with those of absent class members.” *A&M Gerber Chiropractic LLC v.*

GEICO Gen. Ins. Co., 321 F.R.D. 688, 698 (S.D. Fla. 2017). Here, the common questions turn on systemic policies and practices, not “individual assessment[s]”. *Cf.* Opp’n at 23. Like the members of the class, Plaintiffs are routinely experiencing discrimination and denial of effective communication and reasonable modifications – including lack of interpreters and access to telecommunications – in Defendants’ programs, services, and activities. The variations in the named Plaintiffs’ communication methods *support* typicality, as they demonstrate that the Plaintiffs can well represent the entire class.

That the named Plaintiffs are not housed at each GDC facility does not affect typicality. Classes are routinely certified without a requirement that at least one class member live at or utilize the services of each facility. *See, e.g., Burgarner v. NCDOC*, 276 F.R.D. 452, 456-57 (E.D.N.C. 2011) (certifying class across all state DOC facilities); *Disability Law Ctr. v. Utah*, 2016 WL 5396681 (D. Utah Sept. 27, 2016) (certifying class of people housed in any Utah county jail); *Graham v. Parker*, 2017 WL 1737871, at *2, *7 (M.D. Tenn. May 4, 2017) (certifying class of prisoners in any state DOC facility); *Hoffer v. Jones*, 323 F.R.D. 694, 700 N.D. Fla. 2017) (certifying class of prisoners in any DOC prison).

C. Appropriateness of Injunctive Relief

Defendants’ assertion that Plaintiffs’ claims fail under Rule 23(b)(2) is unpersuasive. Defendants’ policies and practices continue to harm the entire class, and the injunctive relief sought will benefit named plaintiffs and unnamed class members alike.⁶ All or nearly all Plaintiffs and class members are subject to the authority of GBOP, including through reprieve, pardon, or transfer to Transition Centers.⁷ The entire class will benefit from injunctive relief.

II. Plaintiffs’ Claims Are Not Moot.

To show that a case is moot, Defendants bear a “heavy,” *Rich v. Sec’y, Fla. Dep’t of Corr.*, 716 F.3d 525, 531 (11th Cir. 2013), and “formidable burden,” *Doe v. Wooten*, 747 F.3d 1317, 1322 (11th Cir. 2014). Defendants must demonstrate “unambiguous termination” of the challenged conduct. *Id.* Termination is not unambiguous “if a governmental entity decides in a[n] ... irregular manner to cease a challenged behavior[.]” *Harrell v. The Fla. Bar*, 608 F.3d 1241, 1267-68 (11th Cir. 2010); *accord*

⁶ Plaintiffs do not “acknowledge[.]” that certain of their claims are satisfied with respect to interpreters or telecommunications. *Cf.* Opp’n at 24. These violations continue. *See infra*, Section II.

⁷In the alternative, the Court could designate a subclass of class members who are eligible for parole through GBOP.

Martin v. Houston, 226 F.Supp.3d 1283, 1295 (M.D. Ala. 2016). Even where conduct *has* ended, the court must still “ask whether the government has consistently applied a new policy or adhered to a new course of conduct.” *Rich*, 716 F.3d. at 532 (quotation omitted). Defendants cannot meet these standards.

A. GDC’s ADA Policy Does Not Moot the Case.

Defendant GDC’s ADA Policy does not moot the case because it does not, either in theory or practice, unambiguously terminate the conduct complained of by Plaintiffs. Contrary to Defendants’ assertion, Opp’n at 10-11, the core facts relied on in the Complaint and Motion for Class Certification occurred or continued after the policy and through to the present. Plaintiffs detail systemic denial of access to telecommunications, interpreters, announcements, alarms, classes, medical care, hearing aids, communication with counselors and guards, and reasonable modifications – all *after* the ADA Policy was adopted in April 2018.⁸ Plaintiffs have not “conceded” that their complaints are resolved with respect to interpreters or videophones. Plaintiffs document systemic ongoing failures by GDC.⁹

Finally, Defendants fail to respond to Plaintiffs’ review of the shortcomings of the ADA Policy

⁸ *See, e.g.*, Complaint, ECF 1 at ¶ 61 (Harris not permitted to attend church in 2018); ¶ 65 (Moore denied access to interpreters for meetings with counselors throughout 2018); ¶ 70 (Green denied access to interpreters for communication at work as of October 2018); ¶ 78 (Harris punished in April 2018 for not knowing about inspection); ¶ 80 (A. Smith missed meals and arrives late at work due to lack of accessible alarms as of October 2018); ¶ 90 (Moore denied access to cochlear implant processor as of October 2018); ¶ 92 (J. Smith denied access to interpreters at mental health appointments May through August 2018); ¶ 93 (Shields denied access to interpreters for medical appointment in June 2018); ¶ 105 (all Plaintiffs denied reliable access to videophones as of October 2018); ¶ 110 (Henderson denied access to captioned telephone as of October 2018); ¶ 125 (all Plaintiffs excluded from emergency announcements due to lack of visual and tactile notification as of October 2018); ECF 49-4 at ¶ 9 (A. Smith denied interpreters for meetings, inspections, classes as of February 2019); ECF 49-7 at ¶ 13 (D. Smith denied consistent access to interpreters for GED class as of October 2018); ¶ 14 (D. Smith denied accessible information about announcements as of October 2018); ¶ 23 (D. Smith denied accessible emergency alarms as of October 2018); ECF 49-8 at ¶ 4 (D. Smith denied access to Deaf Interpreters as of February 2019); ECF 49-10 at ¶ 4 (Henderson denied access to his hearing aids from November 2018 through March 2019); ¶ 5 (Henderson denied accessible information about announcements and alarms as of March 2019); ¶ 7 (Henderson denied access to captioned phone or amplified phone as of March 2019); ECF 49-12 ¶ 28 (J. Smith denied access to hearing aids as of August 2018); ECF 49-15 at ¶ 3 (Moore denied access to VP in his dorm as of February 2019); ECF 49-16 at ¶ 36 (Shields denied access to grievance appeal process unless he provided his own stamp); ECF 49-17 ¶ 4 (Shields denied equal access to communication at medical as of February 2019).

⁹ Moreover, GDC has failed to remedy the present harms caused by lack of communication that occurred *before* the ADA Policy; the ADA Policy has no provisions for mitigating these harms. *See, e.g.*, Complaint, ECF 1 at ¶ 55 (Moore handcuffed behind the back and denied interpreters at disciplinary hearing in 2017, negative disciplinary outcome remained on his profile as of October 2018); ¶ 91 (D. Smith denied access to interpreters in February and March 2018 medical appointments, still did not understand his diagnosis or prognosis as of October 2018); ECF 49-7 at ¶ 8 (D. Smith denied access to interpreters at meeting with parole in Georgia Diagnostic and Classification Prison in 2010, has never received accessible information about parole and did not understand parole eligibility as of October 2018); ECF 49-16 at ¶ 5 (Shields denied interpreters at classification in 2010, erroneous notations and incorrect profiles still present as of August 2018); ¶ 11 (Shields’ hearing aid case confiscated in shakedown in February 2018, still no hearing aid case as of October 2018); ¶ 15 (Shields denied interpreters at medical appointments before 2018, confusion and uncertainty about chronic illness as of October 2018).

itself, including that the Policy is inaccessible, imposes an unlawful surcharge for disability-related grievances, and fails to ensure prompt access to effective interpreters, especially in high-stakes encounters like disciplinary and medical proceedings. The Policy says nothing about access to parole information, telephones, or modifications in segregation. *See* Motion at 5-8. Defendants similarly fail to respond to the shortcomings of other GDC policies, including that the telephone policy does not ensure videophones, captioned phones, or amplified phones, that the segregation policy provides for no modifications to isolation for class members, and that the grievance policy is inaccessible.

B. Subsequent Conduct by Defendants After Filing Does Not Moot the Case.

Defendants cite to the ADA Policy, changes made in mid-2019, and even changes promised for the future during an ongoing “implementation” period as evidence of mootness. *See* Opp’n at 5, 6, 9-10. But Plaintiffs’ claims are not resolved, and the case is not moot. Plaintiffs continue to experience routine, ongoing, widespread violations of their federal and constitutional rights by Defendants. In sworn statements, Plaintiffs report ongoing ineffective communication, discrimination, failure to provide reasonable modifications, and unconstitutional treatment, including the following: disciplinary proceedings and sanctions without effective communication;¹⁰ failure by GDC to comply with its Handcuffing SOP;¹¹ exclusion from participation in classes, programming, and encounters with prison staff;¹² denial of effective communication in medical, dental, and mental health care;¹³ denial of hearing-related care, including hearing aids and cochlear implant processors;¹⁴ denial of accessible

¹⁰ *See, e.g.*, Exs. A, Interrog. 12 (Henderson subjected to disciplinary hearing without functioning hearing aid batteries, preventing him from understanding the proceedings, and punished with 30 days in solitary confinement and 90 days of telephone, store, and mail restrictions); B, Interrog. 12 (Moore punished in October 2019 for alleged disciplinary infraction; GDC provided no interpreters, did not hold a disciplinary hearing, did not provide Mr. Moore with any opportunity to explain the miscommunication that led to the allegation, and sent Mr. Moore to solitary for 17 days.)

¹¹ *See, e.g.*, Ex. B, Interrog. 21 (Moore handcuffed behind his back every time he left his cell at Smith State Prison and Johnson State Prison in September, October, and part of November 2019).

¹² *See, e.g.*, Exs. B, Interrog. 13 (Moore excluded from GED testing in November 2019 because GDC did not provide an interpreter for full length of testing); C, Interrog. 13 (As of November 2019, D. Smith excluded from half of each day’s GED class because GDC does not provide interpreters for the full class period); D, Interrog. 16 (Harris excluded from communication with warden in November 2019 because dorm inspection took place without interpreter).

¹³ *See, e.g.*, Exs. D, Interrog. 17 (Harris denied effective communication at tooth extraction in November 2019, and denied accessible information about pill call after extraction, preventing him from completing prescribed antibiotics); C, Interrog. 18 (D. Smith denied effective communication at tooth extraction in November 2019); E, Interrog. 18 (J. Smith denied effective communication about important medical information and follow-up care) (under seal).

¹⁴ *See, e.g.*, Ex. B, Interrog. 18 (Moore denied access to cochlear implant processor in November 2019).

telecommunications;¹⁵ failure to provide accessible alarms and announcements;¹⁶ failure to provide effective communication access at orientation;¹⁷ failure to provide effective communication and modifications in solitary confinement;¹⁸ and failure to provide effective communication about parole and transitional centers.¹⁹

Defendants' assertions to the contrary are disputed and insufficient to meet Defendants' "heavy burden." For example, Defendants point to a purported policy of "moving any deaf [incarcerated person] who communicates using ASL to a facility that has videophones or adding VRS to the [person's] facility." Opp'n at 11. But in September 2019, GDC transferred Plaintiff Moore to Smith State Prison, a facility without videophones, and held him there for six weeks before moving him to Johnson State Prison in October 2019, where the videophones were not functioning.²⁰ Defendants assert that no Plaintiffs who submitted declarations "have been adjudicated guilty in disciplinary proceedings under the new ADA policy." *Id.* But Plaintiff Henderson received a written Disciplinary Report in October 2019 and was found guilty at a disciplinary hearing during which he had no access to hearing aids. He then spent six weeks in solitary confinement.²¹ Plaintiff Moore spent approximately six weeks in solitary in September through November 2019; GDC provided no interpreters or any process to allow Mr. Moore to understand the alleged infractions or to defend himself.²² As a third example, Defendants assert that Defendant GDC "uses qualified ASL interpreters in a variety of settings, including education

¹⁵ *See, e.g., id.*, Interrog. 19 (Moore denied access to videophones entirely in Smith State Prison, allowed to use VP only once a week for 15 minutes in Johnson State Prison).

¹⁶ *See, e.g., id.*, Interrog. 6 (Moore denied access to visual alarms or alerts in September, October, November 2019).

¹⁷ *See, e.g., id.*, Interrog. 11 (no interpreters for orientation/intake at Smith State Prison in September 2019; 5-minute VRI encounter upon arrival at Johnson State Prison in October 2019).

¹⁸ *See, e.g., id.*, Interrog. 20 (Moore held in isolation for six weeks at Smith State Prison in September and October 2019 without interpreters, fresh air, sunlight, videophones, JPay GOAL tablet, medical or mental health care; held in isolation for 17 days at Johnson State Prison in October and November 2019 without interpreters, videophones, TTY, television, JPay GOAL tablet, medical or mental health care); Ex. A, Interrog. 20 (Henderson held in isolation for six weeks at Coffee Correctional Facility in October and November 2019 without effective communication or regular access to hearing aids).

¹⁹ *See, e.g.*, Exs. F, Interrogs. 2, 3, 4, 6 (D. Smith does not know if or when he is eligible for parole, or what he can do to maximize his chances, and has received documents about parole he cannot understand); G, Interrogs. 2, 3, 4, 6 (Henderson has been denied parole because he has not been to a Transition Center, and believes he has been denied access to TC because he is hard of hearing); H, Interrogs. 2, 3, 4, 6 (Harris has never received information about parole eligibility); I, Interrogs. 2, 3, 4, 6 (GBOP officer met with J. Smith in 2016 without interpreter, J. Smith did not understand the information).

²⁰ Ex. B, Interrog. 19.

²¹ Ex. A, Interrog. 12.

²² Ex. B, Interrog. 12.

classes, mental health and medical appointments, meetings [and] ... orientation.” Opp’n at 6. But as of late November 2019, Plaintiff Darrell Smith was being excluded from the first hours of his GED class *every day* because GDC fails to provide interpreters for the full class period. In November 2019, he was sent to Augusta State Medical Prison where he had a tooth extraction with no interpreters at all.²³ In November 2019, Plaintiff Harris was subjected to a dorm inspection without effective communication.²⁴

For many of Plaintiffs’ allegations, Defendants have no response at all. Defendants do not respond to the allegation that GDC’s use of VRI in medical care does not ensure effective communication, or that class members statewide are excluded from emergency planning and alarms (except that, as of November 2019, the state ADA coordinator was “in the process of following up on ... efforts” to install flashing lights), or that GBOP communicates with people entirely in writing with no policy to make reasonable modifications, or that the ADA Grievance policy imposes an unlawful surcharge on all disability-related grievance appeals, or that no GDC facility has captioned telephones.

To the extent that GDC *has* taken steps to improve access, these changes are insufficient to show mootness. Most changes postdate Defendants’ notice of this litigation,²⁵ and some changes cited by GDC are simply promised for the future.²⁶ Defendants’ policies are applied inconsistently, intermittently, and incompletely.²⁷ All of these factors weigh against mootness. *Rich*, 716 F.3d at 532.

III. The Proposed Class is Ascertainable.

Where the members of a class can be identified using the defendant’s own records, the class is ascertainable. *Lacy v. Cook Cnty.*, 897 F.3d 847, 864 n.36 (7th Cir. 2018) (“The fact that the Department

²³ Ex. C, Interrogs. 13, 18.

²⁴ Ex. D, Interrog. 16.

²⁵ See Opp’n at 6 (VRI implemented May 2019); ECF 60-1 at ¶ 12 (VRS implemented in July 2018); ECF 60-2 at ¶¶ 25 (filming videos with interpreters began in June 2019), 27 (pocket talker offered to Plaintiff Henderson in October 2019), 29 (hearing aid issued to Plaintiff J. Smith in March 2019).

²⁶ See Opp’n at 33 (“in the process of following up” on “investigating the availability and visibility” of visual alarms as of November 2019); ECF 60-14 (March 2019 meeting “discuss[ing] ... the possibility of installation” of visual alarms); ECF 60-15 at 30, 33 (as of 2019, GDC “will” issue vibrating watches to deaf incarcerated people “[o]nce approved by GDC”).

²⁷ Plaintiff Moore’s experience shows that Defendants are failing to comply with their policy of ensuring people who use ASL will be held in facilities that have videophones. Defendants point to their new restraint policy, which limits handcuffing of deaf incarcerated people, see Opp’n at 9, ECF 60-2 at ¶ 43, but Plaintiffs are routinely handcuffed behind their backs. Plaintiffs’ attorneys have personally witnessed Plaintiffs Moore and Henderson handcuffed behind their backs for routine transport to attorney visits in October and November 2019. GDC’s ADA coordinator states that “no [incarcerated person] shall be placed in disciplinary isolation for more than 30 days,” ECF 60-2 at ¶ 44, but Plaintiffs Moore and Henderson have each spent more than 30 consecutive days in disciplinary isolation in September, October and November 2019.

of Corrections keeps records of all wheelchair-assigned detainees also undermines the defendants' argument that members 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 was ascertainable where "members can be ascertained through a review of [Defendants'] records"); *see also Jones v. Advance Bureau of Collections LLP*, 317 F.R.D. 284, 288 (M.D. Ga. 2016) (finding class ascertainable).

Here, Defendants contend that Plaintiffs' proposed class—all present and future deaf and hard of hearing individuals in GDC custody and/or subject to GBOP authority who are persons with "disabilities" under the ADA and Section 504, and who require hearing-related accommodations and services to communicate effectively and/or to access or participate in programs, services, or activities—is not reasonably ascertainable because there are "no objective criteria" to identify class members and identification would not be feasible. But class members can be identified with GDC's own procedures and records. Defendant GDC "evaluates all offenders for hearing," and maintains lists of people in its custody by levels of hearing loss. Opp'n at 15; ECF. 60-29. And, under its own policy, GDC determines whether each incarcerated person is a "qualified individual[] under the ADA," ECF. 60-4. And obviously, GDC maintains records of audiological assessments and the procurement of hearing aids, sign language interpreters, and other auxiliary aids and services. Defendants' position is meritless.

Defendants' argument that the class includes "individuals with *any* level of hearing impairment" Opp'n at 15, is incorrect. The class definition is limited to "deaf and hard of hearing individuals" who are persons with "disabilities" under the ADA and Section 504. ECF 49 at 2 n.1. Such a "disability" is an impairment "that substantially limits ... hearing." 42 U.S.C. § 12102(1)(A) & (2)(A); 29 U.S.C. § 705(20)(B). Courts regularly certify classes by reference to the ADA. *See Dunn*, 318 F.R.D. at 658 (approving 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) (certifying class of people in jail "who have a disability, as defined by federal and California law"); *Bumgarner v. NCDOC*, 276 F.R.D. 452, 454 (E.D.N.C. 2011) (certifying class of "qualified individuals with disabilities under

the ADA and Rehabilitation Act”) (quotation marks omitted). Such definitions “are sufficiently narrow” and do not depend on “subjective standards.” *See Hernandez*, 305 F.R.D. at 152.

IV. The PLRA does not limit class certification.

Defendants’ claim that Section 3626 of the PLRA “counsels” against certifying a class is nowhere supported by the text of the statute. Section 3626 is about relief, not case structure. Courts have repeatedly rejected Defendants’ argument. *Anderson v. Garner*, 22 F. Supp.2d 1379, 1383 (N.D. Ga. 1997) (PLRA does not “in any way affect[.]” class certification motion); *Yates v. Collier*, 868 F.3d 354, 369 (5th Cir. 2017) (“The text of Section 3626(a)(1)(A) plainly says nothing at all about class actions or the requirements for class certification.”); *Shook v. El Paso Cty.*, 386 F.3d 963, 969-71 (10th Cir. 2004) (“Congress did not intend the PLRA to alter class certification requirements under Rule 23[.]”).

The cases cited by Defendants do not suggest otherwise. *Ball v. LeBlanc*, 792 F.3d 584, 599-600 (5th Cir. 2015), discusses the substantive relief available in a case that was *not* pled as a class action. *Parrish v. Ala. Dep’t of Corrections*, 156 F.3d 1128 (11th Cir. 1998), only discusses the question of relief, terminating a 15-year old injunction about jail overcrowding in a case that was not pled as a class action. And *Brown v. Plata*, 563 U.S. 493 (2011), discusses the PLRA only in the context of relief in a prison case that *was* a certified class. The Supreme Court gave no indication in *Plata* that the PLRA had limited or curtailed the availability of prisoner class actions.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their Motion for Class Certification under Federal Rule of Civil Procedure 23(b)(2).

Respectfully submitted this 4th day of December, 2019,



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CERTIFICATE OF SERVICE

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

Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama _____
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CLASS ACTION

**DECLARATION OF CLAUDIA
CENTER IN SUPPORT OF
PLAINTIFFS' REPLY IN SUPPORT
OF CLASS CERTIFICATION**

I, Claudia Center, declare:

1. I am among the counsel of record for the plaintiffs and the putative class in this matter.
2. Attached hereto as **Exhibits A-I** are true and correct copies of interrogatory responses served on Defendants today. Exhibit E, Plaintiff Jorae Smith's interrogatory responses to the Georgia Department of Corrections, is subject to protective order in this case. ECF 31.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in San Francisco, California on December 4, 2019.

/s/ Claudia Center
Claudia Center

Exhibit A

**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

Responses of Plaintiff Leroy Henderson
to Interrogatories of Defendant Georgia
Department of Corrections

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Leroy Henderson (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Department of Corrections as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects that this set of interrogatories includes compound interrogatories such that the entire set of questions actually totals to at least 86 interrogatories, far in excess of Rule 33's limitation of interrogatories to 25.

5. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns.

6. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

7. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or

ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

8. Plaintiff objects to any interrogatory as unduly burdensome, open-ended, and impossible to answer to the extent that it requests “each,” “any,” “each and every,” “any and all,” or “all” facts, statements, documents, individuals, or instances of an occurrence. Plaintiff is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual, ongoing, systemic denials of communication access and auxiliary aids and services. It would be impossible for any person to recall each such occurrence. Plaintiff does not write English fluently and has not had consistent access to pen and paper. He has not maintained a written record or diary. Plaintiff has made a good faith effort to describe examples of each instance, fact, occurrence, or individual in his responses below, but objects to the extent he is being asked to affirm that these responses are complete as to each instance.

9. Plaintiff objects to any interrogatory as unduly burdensome and impossible to answer to the extent that it requests full names and contact information of individuals involved in events or individuals who witnessed events. Many GDC staff members, including CERT officers and counselors, do not wear nametags. Some officers actively prevent incarcerated people from learning their names. Plaintiff cannot and would not ask GDC staff to share their first name. Plaintiff has made a good faith effort to include names that he recalls, spelled as close to accurate as possible.

10. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it requests the specific dates of occurrences. Plaintiff does not write English fluently and has not

had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. Plaintiff also has mental health disabilities, and a history of extended time in solitary confinement, which further impede a precise recall of dates. In answering these interrogatories, Plaintiff has made a good faith effort to estimate months and years. Plaintiff further objects because the dates of many events, such as transfers, orientations, disciplinary events, and medical or mental health encounters, are more easily available to Defendants through its files than to Plaintiff.

11. Plaintiff Leroy Henderson is hard of hearing and communicates with speech and residual hearing. Mr. Henderson has psychiatric disabilities and limited literacy. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using a pocket talker. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

12. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

13. No objection or response contained herein is an admission concerning the

existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants GDC's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

14. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Please provide the name, physical address, email address, and telephone numbers (including cellular numbers) of each individual with knowledge or information related to your claims, identifying for each the specific knowledge or information possessed by each such person. Without limitation, this request includes those persons listed in your Initial Disclosures.

RESPONSE TO INTERROGATORY 1:

See attached document.

INTERROGATORY 2:

Identify each statement that you have obtained, written or otherwise recorded, related to your claims against each Defendant. For each such statement, please (a) state the substance of the statement, (b) provide the name, physical address, email address, and telephone numbers

(including cellular numbers) of the person giving the statement, and (c) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person(s) having possession, custody, or control of any such statement.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to the extent that this interrogatory seeks information protected by the attorney-client privilege and the work-product doctrine. Plaintiff further objects that the substance of any statement contained in Plaintiff's documents may be ascertained by Defendant GDC more easily than by Plaintiff. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 3:

Identify fully each and every fact upon which you have based each claim for relief against the Georgia Department of Corrections, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform the Georgia Department of Corrections of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC. Plaintiff's counsel refers Defendant GDC to the other responses in this document, to Plaintiff's documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 4:

Do you contend that you have been denied access to any auxiliary aid or service since January 1, 2017? If yes, please identify and describe the nature of each auxiliary aid or service you were denied, including the date of each said denial, the reason given for each said denial, the name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform any of the Defendants of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad

contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 5:

Identify your preferred communication method, and to the extent you contend you have not been asked your preferred communication method by GDC (either through a GDC employee or contractor), please describe any and all efforts made by you to identify your preferred communication method to any person with GDC, including the date and means of that communication.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) preferred communication method; and (2) all efforts to inform

GDC including date and means of communication. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 6:

Do you contend that you have been denied information regarding any facility wide announcement or any emergency situation, or excluded from emergency planning as alleged in paragraph 125, since January 1, 2017? If yes, please describe all facts supporting your claim that you were denied such information, including but not limited to the date of each such event, a description of each such event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the events described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to failing to receive the information.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied announcements or emergency planning since January 1, 2017? (2) all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 7:

Do you contend that you have been discriminated against by any Defendant, or any employee or contractor of any Defendant, since January 1, 2017, due to the fact that you suffer from a hearing impairment? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of any alleged discrimination, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of discrimination, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the alleged discrimination including the content of any such communication, the method by which such communication was made, the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 7:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) discriminated against since January 1, 2017? (2) if yes, all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 8:

Do you contend that you have been denied the ability to effectively communicate with anyone since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 8:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied ability to effectively communicate since 1/1/2017? (2) If yes: all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 9:

Do you contend that you have been excluded from participation in or been denied the benefits of the services, programs, or activities of Defendants because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform any of the Defendants of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 9:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of program, service, or activities since 1/1/2017? (2) if yes, all facts supporting, each program, service, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including

content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 10:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GDC that you contend fails to provide effective communication access for deaf and hard of hearing individuals in Defendants' custody and control, including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform any of the Defendants of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 10:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access? (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers

Defendant GDC to the other responses in this document, to Plaintiff's documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 11:

Do you contend that you have experienced a lack of communication access at classification or orientation as alleged in paragraphs 47 and 49 of your Complaint since January 1, 2017? If yes, please describe all facts that support or relate to the allegations in paragraph 47 and 49 of your Complaint, including but not limited to, the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 11:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) lack of communication access at classification (Paragraph 47) since January 1, 2017? (2) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (3) documents that support or memorialize that; (4) efforts to inform GDC about that including content, method of communication, and date; (5) lack of communication access at prison orientation (Paragraph 49) since January 1, 2017? (6) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (7)

documents that support or memorialize that; and (8) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 12:

Describe all facts that support or relate to the allegations in paragraph 56 of your Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 12:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access at disciplinary proceedings (Paragraph 56), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 13:

Describe all facts that support or relate to the allegations in paragraph 62 of your

Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 13:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access in vocational, educational, religious, and other programming (Paragraph 62), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 14:

Describe all facts that support or relate to your allegations in paragraph 67 of the Complaint, including but not limited to the date of each such event, a description of each alleged

event including the subject matter and length of any such meeting, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 14:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access in meetings (Paragraph 67), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 15:

Describe all facts that support or relate to your allegations in paragraph 71 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each

event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 15:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication in jobs and seeking employment (Paragraph 71), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 16:

Describe all facts that support or relate to your allegations in paragraph 76 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication

was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 16:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access re parole, probation, and reentry planning (Paragraph 76), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 17:

Describe all facts that support or relate to your allegations in paragraphs 81, 84, and 85 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 17:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools.

Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegations of lack of access to oral communication (Paragraphs 81 & 84), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts supporting allegations of lack of access to written communication (Paragraphs 85 & 84), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 18:

Describe all facts that support or relate to your allegations in paragraphs 94 and 96 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described including but not limited to any “life-threatening illness” for which you have “go[ne] without treatment” as alleged in paragraph 4.

RESPONSE TO INTERROGATORY 18:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegations of failure to provide effective communication in medical, dental, mental health care (Paragraph 96 & 94), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; and (3) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 19:

Describe all facts that support or relate to your allegations in paragraphs 110 and 112 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 19:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of unequal access to telecommunications (Paragraphs 110 & 112), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 20:

Describe all facts that support or relate to your allegations in paragraph 117 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 20:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools.

Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of unreasonable use of or failure to modify isolation (Paragraph 117), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; and (3) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 21:

Describe all facts that support or relate to your allegations regarding the filing of grievances and administrative exhaustion, including those allegations set forth in paragraphs 137 through 139, and 163 through 165 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 21:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least nine separate subparts: (1) all facts that support allegation re retaliation for filing grievances (Paragraph 137); (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation re February

2018 meeting and subsequent events (Paragraph 138); (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date; (7) all facts that support allegation re lack of accessible grievance procedure (Paragraphs 139 & 163 to 165); (8) documents that support or memorialize that; and (9) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 22:

In paragraph 19 of your Complaint, you allege that you have “experienced the violations described” within the Complaint. Please describe the circumstances of each and every such alleged violation experienced, including the facility in which you were housed, when the alleged violation occurred, the persons involved or who witnessed the alleged violation, any document that records, reflects, or memorializes any such event, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 22:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation re allegations re “experienced the violations described,” dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of

communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document, to Plaintiff's documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 23:

As alleged in paragraph 13 of your Complaint, please identify all "injunctive relief" and the "additional remedies" that you are seeking on behalf of yourself and "those similarly situated."

RESPONSE TO INTERROGATORY 23:

See attached document.

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Leroy Henderson
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Question #1: Question about who are the people who know what has happened to me

People who know what has happened to me are: the wardens at the prisons I have been at, my counselors, my medical doctors, and other officers. I don't know all of their names. I don't know what specific information they have.

Question #2: Question about what documents I have

I have given my lawyer the papers and documents I have that might be useful. I don't know about other documents.

Question #3: Question about legal claims and facts

My lawyer told me not to answer this question because it is too complicated.

Question #4: Question about times the prison did not give me things that help me hear and communicate

I talk about this in my answer to Questions 6, 11, 12, 13, 14, 15, 16, 18, 19, 20.

Please look at those answers.

Question #5: Question about how I like to communicate

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I use hearing aids. I speak using my voice. I communicate by speaking and by listening with hearing aids and other amplification. When I am in a class or in church, I prefer for the person talking to use a microphone. When I am talking one on one, I prefer to use amplification like a Pocket Talker. Someone at the prison tried to give me a Pocket Talker right before my lawyer came to visit, in October 2019. This was the first time in my 18 years in prison anyone offered me a Pocket Talker. But I was nervous because I wasn't sure what the device was, and I was confused about why I had to sign a paper to get the device. I get nervous about signing papers I don't understand, and there was not good communication when the prison officer tried to give me the Pocket Talker. We were talking through the slot in the door of my cell in the hole, and my hearing aid batteries weren't working.

No one from the prison has ever asked me how I prefer to communicate.

Question #6: Question about alarms and announcements that are hard for me to hear.

I have missed lots of meals because I didn't know it was chow time. Officers come in and shout "chow," but sometimes I don't hear them. Sometimes another

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inmate taps me and tells me what is happening. But sometimes they don't. This has happened at every prison I have been at.

No one at Coffee Correctional Facility has ever held up signs about chow time or pill call or anything. I do not think it's fair that I have to get this information from other inmates instead of from the prison staff. I do not trust other inmates, and I would feel safer if I got information directly from the officers.

Question #7: Question about discrimination.

My lawyer told me not to answer this question because it is too complicated.

Question #8: Question about times when I could not communicate well in prison.

There were lots of times when I could not communicate well with people in prison. I write about some of those times in this paper. For example I write about this in my answers to Questions 6, 11, 12, 13, 14, 15, 16, 18, 19, 20.

Question #9: Question about times when I was left out of things in prison because I am hard of hearing.

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I have been left out of lots of things because I am hard of hearing. I have missed meals, church services. I didn't get parole. I explain examples of these things in the other answers to these questions. For example, I write more about this in my answers to Questions 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.

Question #10: Question about policies in the prisons.

My lawyer told me not to answer this question because it is too complicated.

Question #11: Question about orientation in new prisons.

I got to Coffee in November 2018. They gave me a rule sheet. There were meetings with lots of people in Building 6, and some officers were talking. But I could not understand what the officers were saying. I didn't have any hearing aids. The officers did not use a microphone. I did not have any amplification device. The room was loud and the sound was bouncing all around. I had to watch and guess what the rules are.

It was even worse when I got to Johnson State Prison. That was around early 2018. At Johnson, orientation was in a big gym. There were lots of people around. It was very loud. Lots of people were talking at one time. I didn't have hearing aids. I gave my hearing aids to a doctor at Coastal State Prison and asked

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him to fix them, but they shipped me to Johnson before I got the hearing aids back.

I could hardly understand anything. I could not say what kind of job I wanted.

Question #12: Question about DRs

I went into the hole at the beginning of October 2019. I went into the hole because of a misunderstanding. I had a doctor's appointment in the morning. After the appointment I wanted to go into the chow hall to eat breakfast. I had not eaten

anything, and I need to eat food with my medication. But chow was over. I asked one officer if I could go in for breakfast, and they said ~~no~~ ^{Then the first shift officer came on} ~~yes~~. I started walking out of the building on my way to the chow hall, and another officer told me to stop. I was getting different information from different people. I went to the hole because I got cross commands. I got different commands from two officers.

L.H.
NO. I asked her if I could go to chow, and she said yes go ahead.
L.H.

I spent two weeks in the hole before my DR hearing. At the DR hearing, my hearing aids weren't working. The batteries had run out. The batteries last 5 days. I can get new hearing aid batteries only every 7 days. The day of the DR hearing I didn't have my hearing aids. I had to ask people to say things over and over. I think the people at the hearing were mad because I was talking loud. I think the people were mad because they had to say things again and again when I couldn't

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understand them. But I was talking loud because I could not hear well and because I didn't have my hearing aids.

Question #13: Question about classes and church

I am very religious. My relationship with God is very important to me. I try to go to church as often as I can. But when I didn't have hearing aids, I could not hear what the pastor was saying. The pastor didn't use a microphone, and the room was loud. There were lots of people. After a while, I stopped going to church because I couldn't hear enough. This happened when I was in Augusta. I was very angry and sad about missing church. Church is the most important part of my life.

In Coffee, I told an inmate choir server, "why shouldn't everyone use a microphone at church?" I guess he told a head officer, and now they use microphones at church at Coffee. I'm glad I can hear.

I have taken many classes in prison. I have tried very hard to make my life better in prison. I have been here a long time and I have tried to grow and be a good person every day. But it has been hard to do this, because I don't always know what is happening in classes. The teachers don't use microphones, and sometimes I don't have hearing aids or batteries. I don't have an amplification

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device. I don't think I have gotten all the information from classes because I don't hear everything.

Question #14: Question about talking to counselors and officers.

It is hard for me to communicate clearly with prison staff. Sometimes the officers get mad at me because I talk loud. Sometimes the officers get mad if I don't understand them and ask them to say something again. So sometimes I just pretend to understand because I don't want to get in trouble. But sometimes there are problems when I can't understand what the officers are saying. I miss important information about what is happening. I don't know the names of most officers. I try to keep my distance. It has hard to communicate with them.

Question #15: Question about jobs

I have been at Coffee since November 2018. My job here is dorm orderly. They say I can't have another job because I'm "mental health." I am Mental Health level 2. But other people who are level 2 have real jobs. Maybe they don't give me a job because I'm hard of hearing, or because I'm old. But my counselors say I can't have the jobs I want. I have not been able to go to a TC. I want to work in the kitchen. I think if I had a job in the kitchen, it would help me get into a TC.

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I think if I got into a TC, it would help me get parole. I feel stuck because no one will let me do anything except dorm orderly. I am a hard worker and I want to have a job and do well at it.

Question 16: Question about parole

I have been denied parole many times. I have gotten letters from parole, but they are hard to understand. Last Christmas, in 2018, I thought I was going to finally get parole. My probation officer came to my sister's house. That is where I will live when I get out. Then in January 2019 I got a letter denying my parole. They said I have to do some kind of work before I can get parole. But I have tried to work. I have asked for jobs. I have asked to go to a transitional center. My counselors say they will try, but nothing ever happens. I am afraid they won't send me to a TC because I am hard of hearing. And I am afraid I am not getting parole because I can't go to a TC. It feels very unfair.

I try to communicate with the parole board. I write lots of letters to explain my situation. I have never gotten a letter back. It is hard for me to write letters clearly. I would like it better if I could just talk to someone at the parole board. I think then I could understand what is happening.

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Question 17: Question about announcements in the prison and when I get things on paper.

I explain about what happens when there are announcements in my answer to Question #6.

I get lots of paper from prison. The papers are hard to understand. I get papers to sign in medical sometimes. Sometimes my counselor gives me papers to sign. But no one ever explains what the papers say. The papers always have words on them that I don't understand. I will not sign papers when I don't understand some of the words. I don't think that's safe. I think people will try to get me in trouble for signing things when I don't understand them.

But no one from the prison gives me papers in clear, simple English. They use hard words and I think they can use those words later to mean different things. No one explains what the hard words mean.

Question 18: Question about medical and mental health.

I see a psychiatrist every 90 days. I see him through a video connection. If my hearing aids are working, it is ok. I can understand the doctor, and I think he can understand me. Usually the connection is ok. But when my hearing aids are not working, the communication is bad. I try to take my hearing aid batteries out

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sometimes to make them last longer, so that I make sure to have hearing aids when I really need them, like for doctor's appointments. But this doesn't always work. And it's very frustrating. It doesn't seem fair that my hearing aids only sometimes work.

I have spent a lot of time without hearing aids since I've been in prison. For example, in November 2018, a prison doctor took my hearing aids. He said he would fix them. But I didn't get my hearing aids back until March 2019. No one explained to me why my hearing aids were gone for so long, or when I would get them back. Without hearing aids, it was extremely hard to talk to people or understand what people are saying. I like the hearing aids I have now. I just wish I always had batteries for them. I am now in my second week without hearing aid batteries. I have asked a nurse and officers for new hearing ^{27.} aids. But nothing has _{aid batteries.} happened. I don't know why.

I have eye problems. I had surgery twice, once when I was in Coastal State Prison and once when I was in Johnson. It was good at first, but now my vision is getting blurry again. I don't know how to get a doctor's appointment while I'm in the hole. I am afraid I will go to ASMP to see a doctor on a day my hearing aid batteries are not working. It will be much harder to explain what is happening and understand what the doctor is saying without my hearing aids.

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Question #19: Question about Telephones

It is hard for me to use a regular telephone. I can't always hear what the other person is saying. There are buttons on the phones that change the volume, but they only change it a little bit. And it is hard to hear because the part of the prison where the phones are is very loud. There are lots of people talking in a big space. This is how it is now, in Coffee Correctional. This was the same when I was in Johnson State Prison in 2018. This is the same as how it was when I was in Augusta State Medical Prison. At every prison I have been at, there have been regular phones with volume control buttons that only change the volume a little. I have always had a difficult time talking to my family.

I would like a phone that connects to my hearing aids. I would like a phone where I could read the words the other person was saying. I have never had either of these in prison. I didn't even know these existed until my lawyer told me about them. I don't know who to ask about this. I don't know what these kinds of phones are called.

Question #20: Question about the hole

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I have been in the hole since early October 2019. I have not have hearing aids all the time. I do not get batteries often enough. The batteries run out before they give me new ones. I have been waiting 2 weeks now for new batteries. When my hearing aid batteries don't work, it is hard to talk to people in the hole. For instance, a mental health person comes to my door in the hole, and talks to me through the food slot. But it is hard to communicate that way. It is extremely hard to communicate that way without my hearing aids. It is loud in the hole, and so I can't hear well. And the counselor is talking to me through a slot at the bottom of my cell door, so it's hard for me to look through and watch her mouth. It is not good communication. I can shout from my cell to try to talk ot officers, but if they answer, I can't hear them. They are in a room far away from my cell and I can't see them.

When I was in Wilcox State Prison, I was in the hole for 87 days. It was terrible.

Question 21: Question about Grievances

I do not feel safe writing grievances in the prison. I am afraid that people in the prison are going to hurt me and add new charges against me and that they will try to kill me. I do not know who I can trust to write grievances. I have been in

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prison for 18 years. I only wrote 3 grievances in all those years. In October 2019 I wrote a grievance because I was upset about why I was put in the hole. I had to write it because it is righteous to write it, because I wasn't treated right. I wrote the grievance even though it felt dangerous. The prison denied my grievance. The answer had lots of long words in it. It was hard to understand. I don't know how I could get help understanding the words on the form, because they are very complicated.

Question 22: Question about the prison breaking the law about disabled people

My lawyer told me not to answer this question because it's too complicated.

Question 23: Question about what I want.

I want hearing aids all the time, with batteries that work all the time. I want an extra set of batteries in my cell so I always have hearing aids that work. I want a promise that if my hearing aids break the prison will fix them right away, so I don't have to wait 4 months for new ones. I want all the deaf and hard of hearing people at GDC to have their hearing aids and batteries.

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I want a phone that I can connect to my hearing aids and where I can read the words the other person is saying. I want all of the deaf and hard of hearing people at GDC to have phones they can use.

I want clear information about parole that is written in simple English. I would like to talk to someone from the parole office in person, with my hearing aids, in a quiet room where I can communicate well. I want a promise from parole that they are not punishing me for things I could not control, like for not having a job.

I want a chance to have jobs and to go to a transition center. I want a promise that at my job, or at a TC, I will have my hearing aids and I will be able to communicate clearly.

I want a promise that if I have a DR again, I will have better, clear communication at the hearing. I want a way to communicate clearly with counselors and officers while I'm in the hole.

I want to get out of the hole, since I'm only here because of a communication problem. I want the prison to take the DR off my record because it wasn't fair.

I promise that everything in this paper is true and correct. I know that this

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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: 11-20-19

A handwritten signature in black ink that reads "Leroy Henderson". The signature is written in a cursive style and is positioned above a horizontal line.

Leroy Henderson

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Leroy Henderson to Interrogatories of Defendant Georgia Department of Corrections on Defendants by email addressed to:

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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
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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
Responses of Plaintiff Tony Moore to
Interrogatories of Defendant Georgia
Department of Corrections

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Tony Moore (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Department of Corrections as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects that this set of interrogatories includes compound interrogatories such that the entire set of questions actually totals to at least 101 interrogatories, far in excess of Rule 33's limitation of interrogatories to 25.

5. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns.

6. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

7. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or

ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

8. Plaintiff objects to any interrogatory as unduly burdensome, open-ended, and impossible to answer to the extent that it requests “each,” “any,” “each and every,” “any and all,” or “all” facts, statements, documents, individuals, or instances of an occurrence. Plaintiff is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff alleges systemic and ongoing violations of his rights. It would be impossible for any person to recall each such occurrence. Plaintiff does not write English fluently and has not had consistent access to pen and paper. He has not maintained a written record or diary. Plaintiff has made a good faith effort to describe multiple examples of each instance, fact, occurrence, or individual involved in his claim below, but Plaintiff objects to the extent he is being asked to affirm that these responses are complete as to each instance.

9. Plaintiff objects to any interrogatory as unduly burdensome and impossible to answer to the extent that it requests full names and contact information of individuals involved in events or individuals who witnessed events. Many GDC staff members, including CERT officers and counselors, do not wear nametags. Some officers actively prevent incarcerated people from learning their names. Plaintiff cannot and would not ask GDC staff to share their first name. Plaintiff has made a good faith effort to include names that he recalls, spelled as close to accurate as possible.

10. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it

requests the specific dates of occurrences. Plaintiff does not write English fluently and has not had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. Plaintiff also has a history of extended time in solitary confinement, which further impede a precise recall of dates. In answering these interrogatories, Plaintiff has made a good faith effort to estimate months and years. Plaintiff further objects because the dates of many events, such as transfers, orientations, disciplinary events, and medical or mental health encounters, are more easily available to Defendants through its files than to Plaintiff.

11. Plaintiff Tony Moore is deaf and communicates with American Sign Language (ASL) and Signed Exact English (“SEE”). He can read and write only simple information in English. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff’s counsel has communicated the interrogatories to him using ASL/SEE interpreters. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

12. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

13. No objection or response contained herein is an admission concerning the

existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants GDC's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

14. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Please provide the name, physical address, email address, and telephone numbers (including cellular numbers) of each individual with knowledge or information related to your claims, identifying for each the specific knowledge or information possessed by each such person. Without limitation, this request includes those persons listed in your Initial Disclosures.

RESPONSE TO INTERROGATORY 1:

The people who know about what happened to me are: Central State Prison Warden Jefferson; former Central State Prison Wardens Tommy Bowen, Clinton Perry, former Smith State Prison Warden Terence Kilpatrick, Smith State Warden Ryan Adams, Johnson State Prison Warden Antoine Caldwell, Counselor Chambers, Thorpe, Bragg, and other counselors, Deputy Wardens, Lieutenants, and Unit Managers. I don't know a lot of people's names. I do not know

what information each person has. I do not know anyone's physical address, email address, or telephone number.

INTERROGATORY 2:

Identify each statement that you have obtained, written or otherwise recorded, related to your claims against each Defendant. For each such statement, please (a) state the substance of the statement, (b) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person giving the statement, and (c) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person(s) having possession, custody, or control of any such statement.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to the extent that this interrogatory seeks information protected by the attorney-client privilege and the work-product doctrine. Plaintiff further objects that the substance of any statement contained in Plaintiff's documents may be ascertained by Defendant GDC more easily than by Plaintiff. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns. Without waiving these objections, and subject thereto, Plaintiff responds:

I gave my lawyers all documents that I have that may be related to this lawsuit. I understand that my lawyers will review the documents and give them to GDC for this lawsuit. Some documents are notes and grievances by me. I think that GDC keeps all grievances that I

have submitted but I do not know the name of the person at GDC who keeps the files with the grievances. I do not know anyone's physical address, email address, or telephone number.

INTERROGATORY 3:

Identify fully each and every fact upon which you have based each claim for relief against the Georgia Department of Corrections, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform the Georgia Department of Corrections of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; (3) efforts to inform GDC. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 4:

Do you contend that you have been denied access to any auxiliary aid or service since January 1, 2017? If yes, please identify and describe the nature of each auxiliary aid or service you were denied, including the date of each said denial, the reason given for each said denial, the

name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform any of the Defendants of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21. I tell about being denied access to interpreters and telecommunications and telling GDC. Please look at my documents. My documents include grievances.

INTERROGATORY 5:

Identify your preferred communication method, and to the extent you contend you have not been asked your preferred communication method by GDC (either through a GDC employee or contractor), please describe any and all efforts made by you to identify your preferred communication method to any person with GDC, including the date and means of that communication.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) preferred communication method; and (2) all efforts to inform GDC including date and means of communication. Without waiving these objections, and subject thereto, Plaintiff responds:

My first language is sign language. I use a mix of ASL and Signed Exact English (SEE). For very simple things, I can talk and sometimes understand some things with lipreading. But the lipreading only works if the person is speaking very clearly, and if they don't have facial hair or braces on their teeth. And it only works if the communication is very simple. I can speak for myself in a quiet room, where the other person is listening carefully and checking to make sure they understand me. But this also only works for simple things. I prefer to have my cochlear

implant working. That helps me understand what people are saying more through lipreading. But I have not been able to use my cochlear implant since I've been in prison.

For anything complicated or serious or important, I need a sign language interpreter.

No one from GDC has ever asked me how I prefer to communicate.

INTERROGATORY 6:

Do you contend that you have been denied information regarding any facility wide announcement or any emergency situation, or excluded from emergency planning as alleged in paragraph 125, since January 1, 2017? If yes, please describe all facts supporting your claim that you were denied such information, including but not limited to the date of each such event, a description of each such event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the events described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to failing to receive the information.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied announcements or emergency planning since January 1, 2017? (2) all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto,

Plaintiff responds:

There was a flashing light in the hole in Johnson, but it was very far from my cell. It would not have woken me up.

Now I am in D Dorm in Johnson State Prison. I haven't seen any flashing lights or alarms in the dorm.

I never saw a flashing light in the hole in Smith. Even if there was a flashing light right outside of my cell in the hole, I wouldn't have seen it, because the door was solid. I don't know what would have happened if there was a fire.

Here in Johnson State Prison, there are no signs or any way for me to know when it's time for chow or first block or count or other things that happen often. The officers walk into the dorms and shout what is happening, but I don't hear it. I have friends who are incarcerated who usually tell me what's happening, but the prison doesn't do anything to give me this information.

In Central State Prison, the officers had signs to tell deaf people what was happening, but the officers hardly ever used them. I missed meals and classes at CSP because I didn't hear the announcements or because I was sleeping and no one woke me up.

INTERROGATORY 7:

Do you contend that you have been discriminated against by any Defendant, or any employee or contractor of any Defendant, since January 1, 2017, due to the fact that you suffer from a hearing impairment? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of any alleged discrimination, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of discrimination, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the alleged discrimination

including the content of any such communication, the method by which such communication was made, the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 7:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) discriminated against since January 1, 2017? (2) if yes, all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 8:

Do you contend that you have been denied the ability to effectively communicate with anyone since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any

such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 8:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied ability to effectively communicate since 1/1/2017? (2) If yes: all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21. I tell about times I was denied the ability to effectively communicate with people in prison. I have had problems communicating almost every day. Please look at my documents. My documents include grievances.

INTERROGATORY 9:

Do you contend that you have been excluded from participation in or been denied the benefits of the services, programs, or activities of Defendants because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions,

including but not limited to identifying each service, program or activity, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform any of the Defendants of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 9:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to fully understand and answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of program, service, or activities since 1/1/2017? (2) if yes, all facts supporting, each program, service, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 20. I tell about being excluded from participation in GDC programs, services, and activities. This has happened to me many, many times in prison. Please look at my documents. My documents include grievances.

INTERROGATORY 10:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GDC that you contend fails to provide effective communication access for deaf and hard of hearing individuals in Defendants' custody and control, including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform any of the Defendants of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 10:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access? (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to

inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document, to Plaintiff's documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 11:

Do you contend that you have experienced a lack of communication access at classification or orientation as alleged in paragraphs 47 and 49 of your Complaint since January 1, 2017? If yes, please describe all facts that support or relate to the allegations in paragraph 47 and 49 of your Complaint, including but not limited to, the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 11:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) lack of communication access at classification (Paragraph 47) since January 1, 2017? (2) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (3) documents that support or memorialize that; (4) efforts to inform GDC about that including content, method of communication, and date; (5) lack of communication access at prison orientation (Paragraph 49) since January 1, 2017? (6) if yes, all

facts supporting that, dates, description, persons who participated or witnessed, harm; (7) documents that support or memorialize that; and (8) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I got to Jackson in 2010. There were no interpreters in Jackson. I had to do testing. I tried to figure out what was happening but it was confusing. They figure out what security level you are in Jackson too. But I don't know how they figure that out. I think they looked at my charges and made a choice.

When I got to Smith State Prison in September 2019, there were no interpreters. No one explained the rules of the prison to me. This was especially important because I was in the hole at Smith. I needed to know what to do if there was an emergency. I needed to know how to find out when it was time for a shower, or if there were phones I could use, and how I could see a doctor if I needed to. But I didn't get any information at all about what was happening at Smith. When I got off the bus at Smith, the officers were talking to the other incarcerated people, but I couldn't hear what the officers were saying. I couldn't ask my own questions. I think some of the officers were explaining what it's like in Smith and giving important information, but I didn't get that information. It was very scary and confusing.

Then in October 2019, I moved to Johnson State Prison. A counselor used VRI to give me a little information about the prison on my first day there. We talked for about 5 minutes. It wasn't a full orientation. But I got a little information. But then when I went to the hole in Johnson a few days later, no one from the prison explained why I was there or how things worked in the hole or other important information. I was just on my own trying to watch and see what other people did.

INTERROGATORY 12:

Describe all facts that support or relate to the allegations in paragraphs 55 and 56 of your Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 12:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of lack of communication access at disciplinary proceedings (Paragraph 56), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation of lack of communication access and other events in a September 2017 disciplinary hearing (Paragraph 55), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I had a DR in 2016 or 2017. An officer was trying to make me walk through a metal

detector on the way into chow. I won't walk through the metal detector because I know the alarm is going to go off because of my cochlear implant. I tried to explain this to the officer, but he got mad and had a bad attitude. There were no interpreters so I couldn't communicate clearly with the officer. The officer was trying to force me into cuffs, but I was just trying to go eat. Then the officer picked me up and threw me on the ground. Then he lied and said I threatened to beat him up. That wasn't true. I was just trying to explain about the implant in my body, and the officer was horrible. The officer wrote a DR on me for that. I had a DR hearing. There were no interpreters at the DR hearing. I couldn't explain my side of the story and what had happened. They found me guilty and I got 90 days' store and phone restriction. It wasn't fair and I didn't have a chance to explain myself.

In August 2019, someone at Central State Prison thought that I had broken a rule with the videophone. There was never a DR. There were never interpreters to talk about what had happened. I kind of figured out from gesturing what was happening, but I was never able to have a real conversation about what the officers thought happened, and to explain what really happened.

Soon after that, I got transferred to Smith State Prison. I was in the hole at Smith State Prison. This seemed like punishment. Smith State Prison is higher security than CSP. It was dangerous and scary. And the hole is even scarier. But I never had a chance to understand why I was punished, or explain my side of the story, or defend myself. I spent six weeks in solitary in Smith State Prison without any chance to understand why or explain that there was a misunderstanding.

Around October 21, 2019, I was transferred to Johnson State Prison. It was freezing in the cell, and I didn't have a jacket. I stood as close as I could do the heater in the hallway

outside the cell, and put my hands into my pants to keep them warm with my body heat. An officer saw me and I think she thought I was masturbating. I wasn't. The officer was talking to me without an interpreter or VRI. I couldn't understand anything the officer was saying. Then another officer came up and said everything the first officer said again. I could understand a little of what the second officer was saying by lipreading and the officer's gestures. But I couldn't explain the miscommunication to anyone. The CERT team showed up. There was still no interpreter or VRI. I gestured that I'm deaf. A CERT officer gave me a "thumbs up," then signaled that I should turn around and he handcuffed me behind my back. The CERT team took me to the hole in Johnson. I spent about 17 days in the hole in Johnson, from around October 21, 2019 until November 6, 2019. I never got a DR related to this incident. I never had a DR hearing. I never had any chance to explain the miscommunication. I was stuck with a severe punishment and had no way to communicate with anyone about it.

INTERROGATORY 13:

Describe all facts that support or relate to the allegations in paragraph 62 of your Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 13:

Plaintiff objects to this interrogatory because it is an improper overbroad contention

interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access in vocational, educational, religious, and other programming (Paragraph 62), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; and (3) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I have taken classes since I've been in prison. I think I have taken all the classes I need to take for parole. I took the RSAT drug class and Motivation for Change. I took both of those at CSP. There weren't interpreters at the classes but I kept showing up and tried to understand what I could. I finished the classes, but I didn't get a certificate. I have no idea why. I don't know if my profile shows that I took those classes. I don't know if I got credit for those classes. I didn't get PIC points for those classes.

I left school after 11th grade, so I don't have a high school diploma. I tried to take GED classes in Central State Prison, but the classes were often cancelled for deaf people because interpreters didn't show up. It was a waste of time to go to the classes because I missed so much. It was very frustrating. It felt like they were discriminating against deaf people. They would put hearing people in the class instead of deaf people. I did not know that GED was required for anything. I just wanted a high school diploma.

But then around November 7, 2019, an interpreter came to Johnson State Prison for a meeting with the chief counselor, Bragg. Bragg told me I have to finish the GED before I can go to a TC. This was the first time I ever heard that a GED is required. I think other people have gotten into TCs without a GED. I am frustrated because I didn't focus on my GED until now, because no one told me that the GED was so important. I would have finished my GED by now if CSP had given me interpreters.

In November 2019, I started taking the test to find out what GED classes I have to take. The test takes 3 hours. But I could only do the first hour of the test because the interpreter had to leave after one hour. I tried to do the test as fast as I could, but I couldn't finish it and I was rushing. The interpreter said she would come back again the next Friday. That's tomorrow, November 22. I hope there is enough time for me to finish the GED test tomorrow to find out what classes I have to take for the GED.

But I'm confused about how I will take the actual GED classes. Counselor Bragg said the interpreter will come every Friday for a few hours. But the GED classes are every day. They're not on Fridays. So I don't know how I will actually be able to take the GED classes. I am afraid this is going to make it hard for me to get into a TC, all because the prisons are not giving me enough interpreters.

INTERROGATORY 14:

Describe all facts that support or relate to your allegations in paragraphs 65 and 67 of the Complaint, including but not limited to the date of each such event, a description of each alleged event including the subject matter and length of any such meeting, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform

any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 14:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegations of lack of communication access in meetings (Paragraphs 65 & 67), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I'm listed as "close" security. I got changed from medium to close security around 2015. I was in CSP then. I think they changed my security level because of my DRs. I learned about this change from other incarcerated people. No one from the prison explained why they changed my security level. No one has ever told me why I'm close security or what I can do to get changed back to medium security. Lots of my DRs came from misunderstandings. But I'm still listed as "close" security even though I don't think this is fair. Being "close" security means I can't do certain jobs, like working outside of the prison. The guards pay more attention to me and get on me more because I'm listed as close security.

I have had two transfers this fall. In September 2019, I was transferred from CSP to Smith. In October 2019, I was transferred from Smith to Johnson. There were no interpreters at any part of either transfer. I couldn't talk to the officers about where I was going or why. I didn't know I was going to Smith until I got there. I thought maybe I was going to a Transitional Center, but I wasn't. I think hearing people could ask the officers or the bus drivers where they are going and why, but I didn't have that chance. It was really stressful and scary to be moved around without any idea of where I was going or why.

When I got to Smith in September 2019, someone told me that I could talk to a counselor right away. I really wanted to talk to a counselor because I was scared and upset about being in the hole at Smith. I wanted to ask why I was there and try to find a way to get out of the hole. No one had ever told me why I was there so it was really important for me to talk to someone and understand what was happening and why. A counselor finally came after I had been in the hole for two weeks. I had so much I wanted to say to my counselor and so many questions. But the counselor didn't bring an interpreter. She didn't use VRI. She just wrote notes to me, and passed them through the food slot, and I tried to write notes back to her. It was not good communication. Writing notes isn't good for me because my English is limited. And writing notes takes a really long time. The counselor did not have patience to have a whole conversation with me in written notes. It seemed like she didn't want to be in the hole and she was rushed. I didn't end up learning much or getting any answers. I was so miserable in the hole, I felt like I was losing my mind and I didn't feel safe at all and it was horrible not to be able to tell anyone about that. I don't remember that counselor's name. Two other people came while I was in the hole in Smith. I think they were counselors too. But none of them brought interpreters. I didn't

know which of the three people was my counselor. None of them told me their names. I couldn't communicate with any of them. None of them came more than once.

A few days after I got to Johnson in October 2019, I went into the hole. While I was in the hole, a Unit Manager came to see me, but she didn't use interpreters either. I tried to ask her to let me out, and I think she said she would try, but I couldn't really understand her, and I don't think she could really understand me.

Since I got out of the hole, I have had an interpreter once, and used VRI once. I talked about classes with Chief Counselor Bragg at the meeting with the live interpreter. I talked to a nurse and Chief Counselor Braggs about my cochlear implant with the VRI. Those are the only times I've really been able to communicate with prison staff.

I have tried to communicate with the Deputy Warden at JOhnsen twice since I got out of the hole, but she doesn't use interpreters or VRI, so we have to write notes back and forth. This causes misunderstandings. I don't know her name. She is a black woman with braids. The deputy warden doesn't use an interpreter or VRI. We have to communicate by writing notes. The communication was not clear. The first time I saw this Deputy Warden she told me she would give me an iPad. The second time she said something different. It was really confusing. I wrote a note to the Deputy Warden asking what was taking so long to fix the VP. She wrote back that she was working on it. I asked about the iPad, and she something different from what she'd said before. She said she would not give me a iPad. I am confused. I am also waiting for my JPay tablet still. I haven't had a JPay tablet since I went into the hole in CSP in August 2019.

INTERROGATORY 15:

Describe all facts that support or relate to your allegations in paragraph 71 of the

Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 15:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication in jobs and seeking employment (Paragraph 71), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

There are a lot of jobs I can't get because I am listed as "close" security. But I don't think this is the right security level for me. I don't know how to change my security level.

INTERROGATORY 16:

Describe all facts that support or relate to your allegations in paragraph 76 of the

Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 16:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access re parole, probation, and reentry planning (Paragraph 76), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I don't think I can get a TPM or get out on parole. When I was in court, my lawyer said I could not get parole because of my charge. But then when I got to Jackson, someone from parole told me I could get parole after three or four years. The parole person in Jackson did not use an interpreter. But I thought she told me I am eligible or parole. But then my mom called parole and the parole person she talked to said I would have to do my full sentence and could not get parole. This was very confusing and frustrating.

But I think I might still be able to get PIC points. And I think I can still get into a TC.

But as of now, I don't have any PIC points. I don't know why. I think the parole board might have some power over whether I go to a TC, but I don't understand that process. Parole has never communicated with me in any way I can understand. I don't know how I would get information from parole to find out how TCs and PIC points work. I don't know if parole understands that I took classes even though they aren't on my profile. I don't know if parole understands that I have not finished the GED because CSP refused to give me interpreters. I have been trying.

INTERROGATORY 17:

Describe all facts that support or relate to your allegations in paragraphs 81 and 85 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 17:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and

contains at least nine separate subparts: (1) all facts that support allegations of lack of access to oral communication (Paragraphs 81), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts supporting lack of access to written communication (Paragraph 85), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date; (7) all facts supporting lack of access to written communication (Paragraph 85), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (8) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

See my answer to Interrogatory 6. In CSP I missed meals and events because officers never made announcements in a way that I could understand.

In Johnson, the officers also just shout what is happening. I don't hear it. There aren't any signs for me to know what is happening. I don't have anything like a vibrating watch or bedshaker to give me information. I just have to depend on other incarcerated people to tell me what the officers are saying.

INTERROGATORY 18:

Describe all facts that support or relate to your allegations in paragraphs 90 and 96 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described

including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described including but not limited to any “life-threatening illness” for which you have “go[ne] without treatment” as alleged in paragraph 4.

RESPONSE TO INTERROGATORY 18:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegations of failure to provide effective communication in medical, dental, mental health care (Paragraph 96), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegations of refusal to permit use of cochlear implant, breaking of hearing aid, and refusal to repair hearing aid (Paragraph 90); (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

When I was in Smith State Prison in September 2019, I had no way to see anyone at medical or talk to anyone about my mental health. I didn't know how to request sick call and there was no one I could communicate with or ask. I felt like I was losing my mind in the hole. I

wanted to talk to someone and get some help because it was so awful and traumatizing there. But I couldn't communicate to ask for an appointment. And even if I got to medical, I did not think they would have interpreters or VRI that worked.

After I moved to Johnson State Prison in October 2019, I had one appointment at medical. There were no interpreters or VRI. The medical person tried to talk to me with fingerspelling. I did not understand what she was saying. Fingerspelling is very slow, and it's not how I communicate, and the person was not clear or smooth in her spelling. It didn't work at all. I couldn't talk about how so much time in the hole had affected me or ask for help.

In November 2019, after I got out of the hole, I went to medical again. There was a nurse there. The nurse used VRI. The nurse asked if I wanted a hearing aid. I said I don't use a hearing aid because I have a cochlear implant. I asked about getting a processor for my cochlear implant. I haven't had the processor the whole time I've been in prison. Without the processor, my cochlear implant doesn't work at all. Both parts are necessary for it to work. The nurse said she would look into getting me a processor. I asked for a processor at CSP, too. The doctor there said that it would be "dangerous" to have a processor. I don't know what that means. That doesn't make sense. I am much safer if I can use my cochlear implant and if I can hear more. But there weren't interpreters at the meeting with the doctor at CSP, so I couldn't explain myself well. I really want to get a processor so I can use my cochlear implant.

INTERROGATORY 19:

Describe all facts that support or relate to your allegations in paragraphs 109 and 112 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each

event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 19:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of unequal access to telecommunications (Paragraphs 109 & 112), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Videophones are how I communicate with people in other places. TTY is very old and difficult. I can communicate very simple, short information with TTY but it's not real, fluid communication. With VP I can communicate in my language. For most of the time I was in prison, there was no VP in the prison. I did not have an equal chance to talk to my family and friends and lawyers.

Sometime in 2018, Central State Prison installed VPs in some of the dorms. I was living in K dorm then. But they didn't install VP in K dorm right away. Before there was VP in K

dorm, I could only use the VP if an officer let me go to another dorm that had VPs. CSP finally put VPs in K dorm around April or May 2019. In the summer of 2019, there was a problem with the VP in K dorm. I think one of the officers thought that I had put Facebook onto the VP computer or something like that. I never really understood what they thought happened. I didn't do that. But the officers thought I was doing something with the VP, so they took the VP out of K dorm altogether. I didn't have access to VP anymore. There was no DR or DR hearing or anything in writing or any chance with interpreters for me to explain what happened. They just punished me by taking away the VP without finding out what I had to say.

After they took the VP out of K dorm, I asked to move to E dorm, because E dorm has a VP. I tried to talk to a Lieutenant about this. I don't know her name. We were communicating with lip reading and me speaking. It was not clear or good communication at all. I think the Lieutenant understood what I was asking, and I think she said she would talk to the Unit Manager about moving me to E dorm. But I never got to E dorm. I was in the hole in CSP for about two weeks in August 2019. There was no VP in the hole. Then they moved me back to K dorm in CSP, where there was no VP either.

Then I moved to Smith State Prison. I never saw a VP in Smith. I got to use a TTY once in six weeks.

Then I moved to Johnson State Prison. I saw a VP, but it wasn't plugged in. There was no VP in the hole in Johnson State Prison. I got out of the hole in Johnson State Prison on November 6, 2019. Now I am out of the hole. There is no working VP in the dorm in Johnson State Prison. The VP is there, but it's not plugged in, so I can't use it. There is some problem about the wires.

There is a VP in the counselor's office, but I can only use it sometimes. I used it once, around the 12th or 13th of November. The counselor said I could only use it for 15 minutes. I tried to use it again on Monday, November 18, but the counselor would not let me use it. She said I could use it again on Friday, November 22. Hearing people have phones they can use every day almost all day. I can only use the VP once in a while. That's not fair.

INTERROGATORY 20:

Describe all facts that support or relate to your allegations in paragraph 117 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 20:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of unreasonable use of or failure to modify isolation (Paragraph 117), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; and (3) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Smith State Prison

I was in the hole at Smith State Prison from September 4, 2019 until October 18, 2019. It was horrible. I didn't know why I was there. I didn't get a DR or a DR hearing. I couldn't talk to anyone. The guards just rushed through really fast; they didn't stop to talk to me. There were no interpreters. When the officers did stop to look into the cell, they never opened the door. I had to try to talk through the slot at the bottom of the door where they slide food through. It was basically impossible to communicate. I didn't have my cochlear implant. There weren't interpreters. It was too loud in the hole for me to catch any of the sounds of what the person was saying. I couldn't see the officer's face well enough to read lips. I was totally cut off.

I was very isolated in the hole. Officers at CSP took my JPay tablet. They said they would give it back but I never had it at Smith. There was no TV. The window was painted over with thick black paint so there was no sunlight. I couldn't control the lights in my cell. I never got any information about when it was yard time. I'm not sure if other people in the hole got yard time. Maybe the officers made announcements but I didn't hear them. I didn't get any fresh air or see any sunlight the whole six weeks I was in Smith. I missed shower time sometimes because I didn't hear when the guard said it was time to shower. Sometimes when I did leave the cell to take a shower, I couldn't shower because there was another person sleeping on the shower floor, or there were human feces on the floor. Some people in the hole are in cells that don't have toilets. Everything smelled horrible. There was no mattress or bed. I slept on the concrete floor.

I couldn't use a phone. I never saw a VP while I was in Smith. I could see hearing people leave their cells from the hole and make phone calls. I think other people could talk on the phone every day, even if they were in the hole. But I only got a chance to use a TTY once in

six weeks. And the TTY is a very old, difficult way to communicate. It is not the same as having a clear, fluent conversation. I need VP for that.

Hearing people could talk to each other and they could talk to the officers when they went by. Hearing people could also talk to each other about what was happening and the rules and help each other. I could not do that because I am deaf.

Johnson State Prison

Around October 21, 2019, I went to the hole in Johnson State Prison for 17 days. There were no interpreters. There was no VRI. I still didn't have my JPay tablet. There was no television. I couldn't control the lights. At Johnson there was a mattress in the hole, but there were no blankets. It was very cold. Officers would walk by and look through the little window in my cell, but I couldn't communicate with them, because there were no interpreters or VRI. I was very, very isolated in the hole in Johnson. Sometimes a deputy warden would look in the little window in the cell door, but it seemed like they were just checking to see if you were alive. I never got to actually talk to any deputy wardens in the hole in Johnson.

Once, in Johnson, I went to medical. I was hoping that I would be able to communicate with someone and explain my side of the story and fix the misunderstanding. But there was no interpreter at medical. The doctor or nurse at medical tried to talk to me with fingerspelling, but I couldn't understand it at all. They were very bad at fingerspelling, and fingerspelling is not a good way to communicate in general.

I didn't have access to a videophone or even a TTY while I was in the hole at Johnson.

INTERROGATORY 21:

Describe all facts that support or relate to your allegations in paragraphs 120 and 122 of the Complaint, including but not limited to the date of each such event, a description of each

alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 21:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of use and placement of handcuffs without regard to communication (Paragraph 122), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation of being handcuffed behind his back at a disciplinary hearing (Paragraph 120), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date.

Without waiving these objections, and subject thereto, Plaintiff responds:

From September 4, 2019 until about October 18, 2019, I was in Smith State Prison. I was in the hole there. Whenever they moved me outside of the cell, I was cuffed behind my back. When I was in the hole at Johnson State Prison, it was the same. I was cuffed behind my back anytime I was out of my cell. I was never combative or aggressive or anything. I couldn't gesture or communicate or write notes or anything cuffed behind my back.

When I had a disciplinary hearing in 2016 or 2017, I was handcuffed behind my back the whole time. The officer handcuffed me behind my back before he took me to the hearing, then I stayed handcuffed behind my back while I walked to the hearing. I was handcuffed behind my back during the whole hearing. I was handcuffed behind my back after the hearing on my way back to the cell. I couldn't gesture or communicate or write notes or anything cuffed behind my back. I had no way at all to explain my side of the story.

INTERROGATORY 22:

Describe all facts that support or relate to your allegations regarding the filing of grievances and administrative exhaustion, including those allegations set forth in paragraphs 137 through 139, and 166 through 170 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 22:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least 12 separate subparts: (1) all facts that support allegation re retaliation for filing grievances (Paragraph 137); (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation re February

2018 meeting and subsequent events (Paragraph 138); (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date; (7) all facts that support allegation re lack of accessible grievance procedure (Paragraph 139); (8) documents that support or memorialize that; (9) efforts to inform GDC about that including content, method of communication, and date; (10) all facts that support allegations re efforts to draft and file a grievance beginning in August 2017 and subsequent events and interactions through May 2018 (Paragraphs 166 to 170); (11) documents that support or memorialize that; (12) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

In December 2017, I wrote a grievance about being handcuffed behind my back at the DR hearing in 2016 or 2017. The warden denied the grievance. I don't remember why. I wrote an appeal for that grievance, but it was denied too.

I filed three or four other grievances. I filed one when I was in the hole around 2012 or 2013. I wrote that I didn't have shoes because someone stole them from me. You don't get to keep your shoes while you're in the hole. You have to leave your shoes in the lockbox. When I got out of the hole, my shoes were gone. The warden denied the grievance because he said there wasn't proof that I had those shoes when I went into the hole.

I don't remember all of the grievances I wrote or when. It is hard to remember these things. I think the prison has records of all of my grievances.

I had to figure out how the grievance process worked on my own. No one ever explained it to me in a way I can understand.

INTERROGATORY 23:

In paragraph 20 of your Complaint, you allege that you have “experienced the violations described” within the Complaint. Please describe the circumstances of each and every such alleged violation experienced, including the facility in which you were housed, when the alleged violation occurred, the persons involved or who witnessed the alleged violation, any document that records, reflects, or memorializes any such event, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 23:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation re allegations re “experienced the violations described,” dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Plaintiff’s counsel refers Defendant GDC to the other responses in this document, to Plaintiff’s documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 24:

As alleged in paragraph 13 of your Complaint, please identify all “injunctive relief” and the “additional remedies” that you are seeking on behalf of yourself and “those similarly situated.”

RESPONSE TO INTERROGATORY 24:

I want interpreters for all of my classes and for meetings and for medical appointments. I want a chance to take the GED class right away, with interpreters. I want to make sure parole and my counselor understand that I have been trying to take the GED class. I want to go to a TC as soon as possible.

I want a promise that I won't ever be in the hole for no reason again. I want to make sure if someone thinks I've broken a rule, I'll have the chance to explain myself with an interpreter right away. I want a promise that if I ever do go to the hole again, I won't be so isolated. I want a promise that if I am ever in the hole again, I'll have time outside and that I'll be able to communicate with people with interpreters, and I'll have a tablet and access to showers and VP, and books and TV and blankets and sunlight.

I want a promise that I won't be handcuffed behind my back. I don't think it's fair for deaf people who use sign language to be cuffed behind their back.

I want a cochlear implant processor and I want to make sure I have the batteries and everything I need for it to work all the time. I want all deaf people who use cochlear implants to be able to use them in prison.


I want to understand if I can get PIC points.

I know that there are experts in what prisons should do for deaf and hard of people. I want GDC to follow what those experts say about making things fair for deaf people, including about things like videophones, interpreters, VRI, captioning, alarms and announcements, emergency planning that includes deaf and hard of hearing people, amplification systems, handcuffing, discipline proceedings, and solitary confinement.

I promise that everything *in italics* 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: 11-21-19



Tony Moore

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Tony Moore to Interrogatories of Defendant Georgia Department of Corrections on Defendants by email addressed to:

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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
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Exhibit C

**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
Responses of Plaintiff Darrell Smith to
Interrogatories of Defendant Georgia
Department of Corrections

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Darrell Smith (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Department of Corrections as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects that this set of interrogatories includes compound interrogatories such that the entire set of questions actually totals to at least 95 interrogatories, far in excess of Rule 33's limitation of interrogatories to 25.

5. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns.

6. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

7. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or

ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

8. Plaintiff objects to any interrogatory as unduly burdensome, open-ended, and impossible to answer to the extent that it requests “each,” “any,” “each and every,” “any and all,” or “all” facts, statements, documents, individuals, or instances of an occurrence. Plaintiff is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual, ongoing, systemic denials of communication access and auxiliary aids and services. It would be impossible for any person to recall each such occurrence. Plaintiff does not write English fluently and has not had consistent access to pen and paper. He has not maintained a written record or diary. Plaintiff has made a good faith effort to describe examples of each instance, fact, occurrence, or individual in his responses below, but objects to the extent he is being asked to affirm that these responses are complete as to each instance.

9. Plaintiff objects to any interrogatory as unduly burdensome and impossible to answer to the extent that it requests full names and contact information of individuals involved in events or individuals who witnessed events. Many GDC staff members, including CERT officers and counselors, do not wear nametags. Some officers actively prevent incarcerated people from learning their names. Plaintiff cannot and would not ask GDC staff to share their first name. Plaintiff has made a good faith effort to include names that he recalls, spelled as close to accurate as possible.

10. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it requests the specific dates of occurrences. Plaintiff does not write English fluently and has not

had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. In answering these interrogatories, Plaintiff has made a good faith effort to estimate months and years. Plaintiff further objects because the dates of many events, such as transfers, orientations, disciplinary events, and medical or mental health encounters, are more easily available to Defendants through its files than to Plaintiff.

11. Plaintiff Darrell Smith is Deaf and communicates via American Sign Language (ASL). He cannot read or write in English. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using ASL and Deaf interpreters. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

12. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

13. No objection or response contained herein is an admission concerning the existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained

in Defendants GDC's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

14. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Please provide the name, physical address, email address, and telephone numbers (including cellular numbers) of each individual with knowledge or information related to your claims, identifying for each the specific knowledge or information possessed by each such person. Without limitation, this request includes those persons listed in your Initial Disclosures.

RESPONSE TO INTERROGATORY 1:

People who know about what has happened to me are: CSP Warden Jefferson; former CSP Wardens Tommy Bowden; Clinton Perry; Walter Berry, Terry; GDC Counselors Pashion Chambers; Thorpe; Davis; Thomas; Durham; Kaigel; ASMP medical and dental staff who; CSP dental and medical staff who have treated me; and other incarcerated or formerly incarcerated people, including Jeremy Jay Woody, Shawn Greiner, Kerry Smith, and Jerry Coen. I don't know a lot of the names of people who work for GDC, because they don't wear nametags and don't introduce themselves.

I do not know what information each person has. I do not know anyone's physical address, email address, or telephone number. There might be other people.

INTERROGATORY 2:

Identify each statement that you have obtained, written or otherwise recorded, related to your claims against each Defendant. For each such statement, please (a) state the substance of the statement, (b) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person giving the statement, and (c) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person(s) having possession, custody, or control of any such statement.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to the extent that this interrogatory seeks information protected by the attorney-client privilege and the work-product doctrine. Plaintiff further objects that the substance of any statement contained in Plaintiff's documents may be ascertained by Defendant GDC as easily as by Plaintiff, *see* Rule 33(d). Without waiving these objections, and subject thereto, Plaintiff responds:

I gave my lawyers all documents that I have that may be related to this lawsuit. I understand that my lawyers will review the documents and give them to GDC for this lawsuit. Some documents are notes and grievances by me. I think that GDC keeps all grievances that I have submitted but I do not know the name of the person at GDC who keeps the files with the grievances. I do not know anyone's physical address, email address, or telephone number.

INTERROGATORY 3:

Identify fully each and every fact upon which you have based each claim for relief against the Georgia Department of Corrections, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform the Georgia Department of Corrections of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; (3) efforts to inform GDC. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 4:

Do you contend that you have been denied access to any auxiliary aid or service since January 1, 2017? If yes, please identify and describe the nature of each auxiliary aid or service you were denied, including the date of each said denial, the reason given for each said denial, the name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any

alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform any of the Defendants of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds:

The prison has refused to give me interpreters many many times. This still happens very often. I didn't have any interpreters at all in prison from when I arrived in 2011 until around 2017. I was completely isolated for all those years. The prison has still never once given me a

Deaf interpreter. Please see my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18, 19. I talk about times the prison did not give me what I need to communicate.

INTERROGATORY 5:

Identify your preferred communication method, and to the extent you contend you have not been asked your preferred communication method by GDC (either through a GDC employee or contractor), please describe any and all efforts made by you to identify your preferred communication method to any person with GDC, including the date and means of that communication.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) preferred communication method; and (2) all efforts to inform GDC including date and means of communication. Without waiving these objections, and subject thereto, Plaintiff responds:

I am Deaf. I do not use English at all. I need an ASL interpreter. For anything important or complicated, I need an ASL interpreter and a Deaf interpreter. They work as a team and that is how I communicate with hearing people best. If I get papers in English, I need someone to explain them to me with an interpreter. I understand very few English words.

I have asked for interpreters many times. I asked for interpreters at every prison I have been in. At Jackson, I asked and they said no. At Hancock, I asked for interpreters, but there were none. When I first got to CSP, I also asked for interpreters, but there weren't any.

No one from the prison has ever asked me how I like to communicate.

INTERROGATORY 6:

Do you contend that you have been denied information regarding any facility wide announcement or any emergency situation, or excluded from emergency planning as alleged in paragraph 125, since January 1, 2017? If yes, please describe all facts supporting your claim that you were denied such information, including but not limited to the date of each such event, a description of each such event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the events described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to failing to receive the information.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied announcements or emergency planning since January 1, 2017? (2) all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

There are emergency drills sometimes at CSP. There is no flashing light in my cell. There is nothing in my bed that vibrates. I have a big vibrating thing that I can use as an alarm clock. But it's not connected to the fire alarms or to any information from the prison. I would

like a vibrating watch that is connected to announcements in the prison. If there was an emergency at night, I would not wake up.

The prison guards make announcements every day for things like chow, count, first block, pill call. But I can't hear them. There are no signs to tell me what is happening. There is nothing I can see or feel that tells me what is happening. I just follow where everyone else goes. If I am asleep, sometimes another inmate will tap me to tell me what's happening. But that doesn't always happen. Sometimes I miss meals or other activities if I'm asleep. I have to rely on other incarcerated people and my own eyes to know what's happening. The officers just say things and expect us to read lips. They don't give us information in any way I can access.

INTERROGATORY 7:

Do you contend that you have been discriminated against by any Defendant, or any employee or contractor of any Defendant, since January 1, 2017, due to the fact that you suffer from a hearing impairment? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of any alleged discrimination, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of discrimination, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the alleged discrimination including the content of any such communication, the method by which such communication was made, the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 7:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less

burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) discriminated against since January 1, 2017? (2) if yes, all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 8:

Do you contend that you have been denied the ability to effectively communicate with anyone since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 8:

Plaintiff objects to this interrogatory because it contains an improper overbroad

contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied ability to effectively communicate since 1/1/2017? (2) If yes: all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. I write about times when I was denied the ability to effectively communicate with people in prison. I have had problems communicating almost every day. I had no communication at all with interpreters for years in prison. Now I have interpreters sometimes, but there are still lots of times when I need interpreters and the prison doesn't give them to me. This happens every time I go to my GED class and that is almost every day. Please look at my documents. My documents include grievances.

INTERROGATORY 9:

Do you contend that you have been excluded from participation in or been denied the benefits of the services, programs, or activities of Defendants because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity, all persons who participated in or witnessed the event or events, the date or dates when the event or events

occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform any of the Defendants of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 9:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of program, service, or activities since 1/1/2017? (2) if yes, all facts supporting, each program, service, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20. I write about times when I was left out of things in prison. I have had problems communicating

almost every day. Please look at my documents. My documents include grievances.

INTERROGATORY 10:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GDC that you contend fails to provide effective communication access for deaf and hard of hearing individuals in Defendants' custody and control, including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform any of the Defendants of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 10:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access? (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 11:

Do you contend that you have experienced a lack of communication access at classification or orientation as alleged in paragraphs 47 and 49 of your Complaint since January 1, 2017? If yes, please describe all facts that support or relate to the allegations in paragraph 47 and 49 of your Complaint, including but not limited to, the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 11:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) lack of communication access at classification since January 1, 2017? (2) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (3) documents that support or memorialize that; (4) efforts to inform GDC about that including content, method of communication, and date; (5) lack of communication access at prison orientation since January 1, 2017? (6) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (7) documents that support or memorialize that; (8) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I got to Jackson around early 2011. I had a bad experience there. There were no interpreters. I saw no interpreters at all for years after I got to prison. People from the prison stood up and talked. Nobody tried to communicate with me at all. I had no idea what they were saying. I saw a doctor, a counselor, and a parole board officer. I was trying to write notes to them, but it was very hard to communicate. I know very, very little English. I had no idea what the doctor, counselor, or parole officer were trying to say to me. I could not ask any questions. I was very frustrated. The doctor and counselor seemed friendly. But the guards were very strict and had a bad attitude. One guard was mean to me, more than he was to other people. I don't remember his name. He expected me to read lips and to use my voice. I tried to explain to him that I was Deaf. But he had no sensitivity to my situation. I didn't get any information about the rules of life in prison, or the classes or programs available, or if I could get parole. I was lost.

I was at Jackson for four months. Then I went to Hancock for two weeks. I've been here at CSP since 2011. When I got to CSP, there were no interpreters at all. I never got any information about the rules and programs at CSP. A counselor decided what classes I should take. I did not take any tests to know what classes I should take. I didn't have a chance to say what I wanted to learn or what I wanted to do. The counselor made the decision just by looking at some document. I just do whatever they tell me I need to do. I did not have a chance to talk about what classes there are at this prison, or say what I want to learn.

INTERROGATORY 12:

Describe all facts that support or relate to the allegations in paragraph 56 of your Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each

event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 12:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access at disciplinary proceedings (Paragraph 56), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I have had 3 DRs in prison. The first was in 2011. The second and third were around 2012 or 2013. I had a DR hearing after each DR. There were no interpreters at any DR hearing. I knew the officers were talking about me and about what happened, but I couldn't participate at all, because there were no interpreters. I was just standing there watching them while they talked about me and tried to figure out what happened, but I couldn't explain my side of the story or tell what happened. They always found me guilty. They didn't have all the information they needed to make a fair decision. But they decided against me anyway, and punished me. It was awful and scary to be in these DR hearings without any communication.

INTERROGATORY 13:

Describe all facts that support or relate to the allegations in paragraphs 58 and 62 of your Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 13:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over his incarceration. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of lack of communication access in vocational, educational, religious, and other programming (Paragraph 62), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation of Plaintiff not being able to take a GED class for years due to lack of interpreters (Paragraph 58), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and

subject thereto, Plaintiff responds:

I am taking a GED class at CSP right now. The class starts at 7:45 am and ends at 11:45 am. But the interpreters aren't there at 7:45am. The interpreters come between 9am and 10am. I get to the GED class at 7:45am every day. But the guard makes me sit in the library until the interpreter arrives. One day, when the interpreter arrived at the beginning of the GED class, I asked the guard why I have to wait outside. The guard said Ms. Thorpe told the guards that I'm not allowed to go into the classroom until the interpreter arrives. The guard and I were communicating with the interpreter. This means I can't even sit in the classroom until the interpreter arrives. I miss one or two hours or more of every class before the interpreter gets there. I miss a lot of information because there are not interpreters for the whole class and because I can't even be in the room for the whole class time. I think it is not fair. I think deaf people are not getting equal education. This is happening right now.

I have taken other classes in prison, like Motivation for Change and Reentry. But there were not interpreters at those classes, so they were very hard to follow.

INTERROGATORY 14:

Describe all facts that support or relate to your allegations in paragraph 67 of the Complaint, including but not limited to the date of each such event, a description of each alleged event including the subject matter and length of any such meeting, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was

made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 14:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over his incarceration. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access in meetings (Paragraph 67), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

My counselors change a lot. I do not know my counselor's name. She is a Black woman. We talked once. She used VRI. Sometimes the VRI doesn't work. When the VRI doesn't work, the counselor cancels the appointment. There are no Deaf Interpreters with VRI. It is harder to talk to my counselor without a Deaf Interpreter. There are in-person interpreters only for classes and church right now. Everything else is VRI or nothing. I don't think that's right. VRI doesn't work well for me for complicated things.

There are inspections sometimes in the dorm. The warden comes in. He bring other people with him. He does not bring interpreters. I have never talked to the new warden. I can't communicate or ask questions at inspections.

INTERROGATORY 15:

Describe all facts that support or relate to your allegations in paragraphs 69 and 71 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 15:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over his incarceration. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of lack of communication in jobs and seeking employment (Paragraph 71), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation of lack of communication in CSP serving line job and related grievance and events (Paragraph 69), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of

communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I worked in the kitchen for a few years in CSP. I liked the job in the kitchen. But there were no interpreters. I had to watch and guess what was happening. It was frustrating and hard to communicate and know what was happening. There were meetings for all the kitchen staff about once a week. I didn't get any information from these meetings and I couldn't ask any questions. I was totally left out.

In March 2018 I wrote a grievance. I asked for interpreters for meetings and for important information at work. The prison kept saying they would get interpreters for the meetings, but they never did. Eventually I stopped working there because it was so stressful without any communication. I never had an interpreter any time while I was working in the kitchen.

INTERROGATORY 16:

Describe all facts that support or relate to your allegations in paragraph 76 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 16:

Plaintiff objects to this interrogatory because it is an improper overbroad contention

interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access re parole, probation, and reentry planning (Paragraph 76), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I think I'm eligible for parole but I don't understand when or how this might happen. I don't know what my TPM is. I think that I was first sentenced to 30 years to life. I didn't know about parole.

I got one letter from GBOP right after I got to prison, when I was in Jackson. There was a person there from parole there, and there was a chart on the wall that I think explained how long you had to serve before you could get parole. But there weren't interpreters at Jackson, so I couldn't really understand the chart or what it meant for me.

Then I got a letter in from a counselor. I think it was around 2016. The letter had a lot of English that I couldn't understand. The letter also had a date written on it: 9/16/2039. There was no interpreter so I couldn't ask the counselor what the paper meant. I didn't understand any of the words on the paper. But I was pretty sure the letter was about getting out of prison. The counselor just handed me the paper and pointed to the date that said 9/16/2039. I couldn't ask any questions about it. I think the letter said my sentence was changed to 30 years, or maybe it said that I could get parole after 30 years. But I still don't really understand it.

If I am going to have a chance for parole, I want to make sure I'm doing everything I can to get parole. But I feel stuck because I don't understand the papers I get about parole. And I

am afraid to ask my counselor too many questions, because I think that people who ask about parole are more likely to get denied parole. I don't feel safe asking questions about parole, but I don't have access to the same information about parole that people who use English have.

INTERROGATORY 17:

Describe all facts that support or relate to your allegations in paragraphs 81 and 85 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 17:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over his incarceration. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of lack of access to oral communication (Paragraph 81), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method

of communication, and date; (4) all facts supporting allegations of lack of access to written communication (Paragraph 85), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Officers occasionally use signs to tell us when to get up. But they don't use the signs very often. New guards sometimes see me and hold up the signs. I figure out where to go and what to do by watching other people. When everyone goes somewhere I go there too. I have missed meals and classes and appointments before because I don't know it's time to go.

INTERROGATORY 18:

Describe all facts that support or relate to your allegations in paragraphs 91 and 96 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described including but not limited to any “life-threatening illness” for which you have “go[ne] without treatment” as alleged in paragraph 4.

RESPONSE TO INTERROGATORY 18:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools.

Plaintiff further objects that he cannot state under oath each and every occurrence over his incarceration. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of failure to provide effective communication in medical, dental, mental health care (Paragraph 96), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation of lack of communication access at various appointments regarding vision loss and ankle pain including in February and March 2018 at ASMP (Paragraph 91), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

My tooth started hurting in the summer of 2019. I filled out a sick call to see the dentist. I saw the dentist at CSP in the summer of 2019. I don't remember which month. The dentist used VRI before the appointment. I sat with the dentist in the room with VRI. This is a different room than the exam room. With VRI, the dentist asked me questions and I told the dentist what the problem was. Then we went into the exam room. There was no communication during the exam. There is no VRI in the exam room. The dentist looked at my tooth. Then the appointment was over. The dentist did not use VRI after he looked at my tooth. I had no idea what he saw in my mouth. I had no idea what the plan was. I didn't know what was happening. The dentist at CSP didn't explain anything after he looked at my teeth.

Then in November 2019, the prison took me to ASMP. An officer came into my cell at 10:30pm the night before. The officer wrote on a piece of a paper "Darrell Smith ASMP." The officer also gave me a piece of paper that said something about 4:30am. I had no idea what the appointment was for until I got there. I didn't know I was going to see the dentist. There was no VRI or interpreter before I left for ASMP. When I got to ASMP, I saw a dentist. There was no VRI. There were no interpreters. But it's in my chart that I'm Deaf. The prison knows I'm Deaf. They should know that I need an interpreter. The dentist pulled out my tooth. I didn't have any chance to ask questions or get information about what was happening. I didn't know they were going to pull my tooth until it was happening. I don't know why they didn't use VRI or an interpreter.

The dentist wrote some words on a paper. Some of the words were "shot," "numb," "x-ray," and "are you ready." After the dentist pulled my tooth, he wrote down something about medicine. I did not understand all the words on the paper. I did not write anything back. I figured out that I should take pills three times a day, and that I should rinse with salt water. The dentist didn't give me a chance to write anything back to him or ask any questions. My English is not good so I would not have been able to ask clear questions even with paper and pen, though. I did not have any way to ask questions or get more information. I didn't get any information about the next steps, and if I would have a follow-up at CSP. There wasn't any real communication at all. The only paper they gave me was asking me to sign something. I didn't understand the paper I signed.

I got back to CSP the same day, late at night. My tooth hurt and I had a headache. I have not seen anyone at CSP about my tooth since I've been back. I don't know what is going to happen.

I have gone to medical many other times in prison, usually without VRI or interpreters. I had eye surgery and other serious conditions, without communication. This is just the most recent thing that happened to me.

INTERROGATORY 19:

Describe all facts that support or relate to your allegations in paragraph 112 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 19:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over his incarceration. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of unequal access to telecommunications (Paragraph 112), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject

thereto, Plaintiff responds:

I have been in prison for nine years. For the first 8 years, there was no way I could talk to my family or friends outside of the prison. There was no videophone. I cannot use a TTY. I do not use English. TTY only works with English. I could not talk to anyone outside the prison unless they came to visit me in person. It was very lonely.

In 2018, they got videophones in CSP. With videophones, I can talk to my family and lawyers outside the prison. I am very happy about that. But there are problems with the videophones. The VP screen is stuck to the wall. It is too high. I have to sign with my hands up high so the VP interpreter can see me. That is not comfortable. There is a very low stool stuck to the ground by the VP.

Sometimes there is a problem with the VP connection. I can't use the VP when that happens. Sometimes other people complain that the VP is very loud. There is no remote control so I don't know how to change the volume.

I go to ASMP sometimes for medical appointments. I have never seen a VP at ASMP. Someone at ASMP said I could use a TTY in a counselor's office.

INTERROGATORY 20:

Describe all facts that support or relate to your allegations regarding the filing of grievances and administrative exhaustion, including those allegations set forth in paragraphs 133, 137 through 139, and 182 through 189 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the

Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 20:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least 12 separate subparts: (1) all facts that support allegation re retaliation for filing grievances (Paragraph 137); (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation re February 2018 meeting and subsequent events (Paragraph 138); (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date; (7) all facts that support allegation re lack of accessible grievance procedure (Paragraph 139); (8) documents that support or memorialize that; (9) efforts to inform GDC about that including content, method of communication, and date; (10) all facts that support allegations re events regarding filing of grievances and appeals and GDC responses, and related events and conversations, from September to December 2016, and from August 2017 to February 6, 2018 (Paragraphs 181 to 189); (11) documents that support or memorialize that; (12) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I wrote a grievance in March 2018. I wrote that I had medical appointments without interpreters, and that this wasn't fair. I asked for interpreters for every medical appointment. The prison said the grievance was "resolved" because the prison said I had signed a paper that

I was ok with going to medical without an interpreter. But I didn't understand the paper I signed. I didn't agree to have medical appointments without interpreters. I wrote an appeal. The Central Office answered on January 3, 2019. The Central Office said that the prison would give me an interpreter for all of my appointments, programs and classes. But this has not happened. I still have lots of classes without interpreters the whole time. And I just had a tooth pulled at ASMP without any communication at all. The prison has not done what it said it would do.

I also wrote a grievance in December 2017, saying that I wanted interpreters to understand how my job works and communicate with my boss at CSP.

I also wrote a grievance in October 2018. I think it was about getting an interpreter for my GED classes. It is hard for me to remember all of the grievances and what they are about, because I can't read them on my own and there are no interpreters to translate.

I didn't understand how grievances worked before the lawyers came and told me about grievances. No one from the prison ever explained the grievance process with ASL interpreters. I can't fill out a grievance form without an interpreter, because I don't write in English. I don't know how I would get help writing grievances clearly.

INTERROGATORY 21:

In paragraph 23 of your Complaint, you allege that you have “experienced the violations described” within the Complaint. Please describe the circumstances of each and every such alleged violation experienced, including the facility in which you were housed, when the alleged violation occurred, the persons involved or who witnessed the alleged violation, any document that records, reflects, or memorializes any such event, all efforts by you to inform any of the

Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 21:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation re allegations re “experienced the violations described,” dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Plaintiff’s counsel refers Defendant GDC to the other responses in this document, to Plaintiff’s documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 22:

As alleged in paragraph 13 of your Complaint, please identify all “injunctive relief” and the “additional remedies” that you are seeking on behalf of yourself and “those similarly situated.”

RESPONSE TO INTERROGATORY 22:

I want Deaf interpreters for important things in prison, like medical appointments, surgery, disciplinary meetings, parole meetings, and other important things. For those important meetings, I want Deaf interpreters who work with hearing interpreters so I can understand everything. I want interpreters for my whole GED class, not just part of it. I want equal access to that class. I want equal access to all classes. I want the prison to stop using VRI

for long, important meetings. I think all Deaf people should have interpreters for classes and for other important things in prison. I think all Deaf people who need Deaf interpreters in prison should have them too.

I want videophones when I visit other prisons. I want a promise that the prison will make sure the videophones are working all the time. I want a promise that the prison will fix the videophones right away if they break.

I want a vibrating watch that vibrates to tell me about announcements, alarms, and other information from the prison. I want to get information about what is happening in the prison. I had something like this before I was in prison, and I want one here.

I want a way to get interpreters when I get papers from the prison or from parole. I want a way to get interpreters to help me write out papers in English.

I know that there are experts in the things that prisons should do for deaf and hard of people. I want GDC to follow what those experts say about things for deaf people in prison, like videophones, interpreters, VRI, captioning, alarms and announcements, emergency planning, microphones and amplifiers, handcuffing, DR and discipline, and solitary confinement.

I promise that everything *in italics* 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: 11/22/19



Darrell Smith

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Darrell Smith to Interrogatories of Defendant Georgia Department of Corrections on Defendants by email addressed to:

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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
Mika Aoyama
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Exhibit D

**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
Responses of Plaintiff Ricardo Harris to
Interrogatories of Defendant Georgia
Department of Corrections

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Ricardo Harris (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Department of Corrections as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects that this set of interrogatories includes compound interrogatories such that the entire set of questions actually totals to at least 92 interrogatories, far in excess of Rule 33's limitation of interrogatories to 25.

5. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns.

6. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

7. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or

ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

8. Plaintiff objects to any interrogatory as unduly burdensome, open-ended, and impossible to answer to the extent that it requests “each,” “any,” “each and every,” “any and all,” or “all” facts, statements, documents, individuals, or instances of an occurrence. Plaintiff is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual, ongoing, systemic denials of communication access and auxiliary aids and services. It would be impossible for any person to recall each such occurrence. Plaintiff does not write English fluently and has not had consistent access to pen and paper. He has not maintained a written record or diary. Plaintiff has made a good faith effort to describe examples of each instance, fact, occurrence, or individual in his responses below, but objects to the extent he is being asked to affirm that these responses are complete as to each instance.

9. Plaintiff objects to any interrogatory as unduly burdensome and impossible to answer to the extent that it requests full names and contact information of individuals involved in events or individuals who witnessed events. Many GDC staff members, including CERT officers and counselors, do not wear nametags. Some officers actively prevent incarcerated people from learning their names. Plaintiff cannot and would not ask GDC staff to share their first name. Plaintiff has made a good faith effort to include names that he recalls, spelled as close to accurate as possible.

10. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it requests the specific dates of occurrences. Plaintiff does not write English fluently and has not

had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. In answering these interrogatories, Plaintiff has made a good faith effort to estimate months and years. Plaintiff further objects because the dates of many events, such as transfers, orientations, disciplinary events, and medical or mental health encounters, are more easily available to Defendants through its files than to Plaintiff.

11. Plaintiff Ricardo Harris is Deaf and communicates with American Sign Language (ASL). He has limited English. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using ASL interpreters. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

12. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

13. No objection or response contained herein is an admission concerning the existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants GDC's Interrogatories. These written responses are made without waiving, but, on

the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

14. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Please provide the name, physical address, email address, and telephone numbers (including cellular numbers) of each individual with knowledge or information related to your claims, identifying for each the specific knowledge or information possessed by each such person. Without limitation, this request includes those persons listed in your Initial Disclosures.

RESPONSE TO INTERROGATORY 1:

People who know about what has happened to me are: CSP Warden Jefferson; former CSP Wardens Tommy Bowen and Clinton Perry; former ASMP Warden Ted Philbin; former ASMP Warden Antoine Caldwell; GDC Counselors: Pashion Chambers; Madie Kitchens; Juanita Thorpe; Ms. Durham; my current counselor; ASMP medical staff who treated me; CSP dental and medical staff who treated me; and other incarcerated or formerly incarcerated people, including Andrew Smith, Brandon Cobb, Dante, and Carlos Herrera, my old roommate Corey Ellis in ASMP, my current roommate Jamie Clemson. I don't know a lot of the names of people who work for GDC, because they don't wear name tags and don't introduce themselves.

I do not know what information each person has. I do not know anyone's physical address, email address, or telephone number. There might be other people.

INTERROGATORY 2:

Identify each statement that you have obtained, written or otherwise recorded, related to your claims against each Defendant. For each such statement, please (a) state the substance of the statement, (b) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person giving the statement, and (c) provide the name, physical address, email address, and telephone numbers (including cellular numbers) of the person(s) having possession, custody, or control of any such statement.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to the extent that this interrogatory seeks information protected by the attorney-client privilege and the work-product doctrine. Plaintiff further objects that the substance of any statement contained in Plaintiff's documents may be ascertained by Defendant GDC as easily as by Plaintiff. GDC has complete, electronic access to all of Plaintiff's GDC records and files. Plaintiff has access to far fewer documents, those he has created or that have been given to him by GDC. Many documents Plaintiff does not retain as they are submitted to GDC (such as a grievance or sick call); Plaintiff does not have copies of such documents unless GDC staff agrees to make copies. Many documents Plaintiff does not retain because they are taken, lost, or destroyed in transfers or shakedowns. Without waiving these objections, and subject thereto, Plaintiff responds:

I gave my lawyers all documents that I have that may be related to this lawsuit. I understand that my lawyers will review the documents and give them to GDC for this lawsuit. Some documents are notes and grievances by me. I think that GDC keeps all grievances that I

have submitted but I do not know the name of the person at GDC who keeps the files with the grievances. I do not know anyone's physical address, email address, or telephone number.

INTERROGATORY 3:

Identify fully each and every fact upon which you have based each claim for relief against the Georgia Department of Corrections, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform the Georgia Department of Corrections of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 4:

Do you contend that you have been denied access to any auxiliary aid or service since January 1, 2017? If yes, please identify and describe the nature of each auxiliary aid or service you were denied, including the date of each said denial, the reason given for each said denial, the

name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform any of the Defendants of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18. I explain about times when I was denied access to interpreters and telecommunications and about telling GDC about this. Please look at my documents. My documents include grievances.

INTERROGATORY 5:

Identify your preferred communication method, and to the extent you contend you have not been asked your preferred communication method by GDC (either through a GDC employee or contractor), please describe any and all efforts made by you to identify your preferred communication method to any person with GDC, including the date and means of that communication.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) preferred communication method; and (2) all efforts to inform GDC including date and means of communication. Without waiving these objections, and subject thereto, Plaintiff responds:

My preferred communication method is American Sign Language.

No one from GDC has ever asked me how I prefer to communicate. When I was in Jackson, a doctor figured out that I was Deaf. He wrote that down. He did not ask how I wanted to communicate.

I have asked for interpreters many times. But I have to be careful about asking for interpreters, because I do not want staff to get mad at me. Prison staff have a lot of power. In

Jackson and Augusta, I did not feel safe asking for interpreters a lot of the time. I tried to do my best to figure out what was happening. I did not want to get into trouble or make anyone angry.

I also asked for an interpreter my first day at Jackson. I don't know the name of the person I asked. It was a man wearing a uniform but he didn't have a name tag. The officer ignored my request. He didn't answer. He didn't get me an interpreter.

For example, when I got to ASMP in September 2015, a man named Red was trying to explain the rules of ASMP. I think that was part of orientation. I told Red that I needed an interpreter. He said I should try to read his lips. I could only understand a very little bit about what Red was saying to me.

I figured out quickly that it was a waste of time to ask for interpreters. No one got interpreters for me, so I didn't get anything out of asking. But officers would be annoyed if I asked, so it put me at risk to keep asking.

INTERROGATORY 6:

Do you contend that you have been denied information regarding any facility wide announcement or any emergency situation, or excluded from emergency planning as alleged in paragraph 125, since January 1, 2017? If yes, please describe all facts supporting your claim that you were denied such information, including but not limited to the date of each such event, a description of each such event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the events described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to failing to receive the information.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied announcements or emergency planning since January 1, 2017? (2) all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I have no idea what I am supposed to do if there is an emergency in the prison.

While I was in ASMP, there was never a fire drill. There was a flashing light to signal for an emergency in one part of my dorm, but it was far away from my bed. The light would not have woken me up if I was asleep. There was never any information provided to me about what to do in case of an emergency.

At CSP, there is no flashing light in my dorm that I can see from my bed. There are flashing lights in the day room, but I cannot see these from my bed. The lights in the day room would not wake me up. In February 2019, another deaf incarcerated person asked ADA Coordinator Frazier about getting visual alarms that we could see in the dorm. That person's name is Ryan Salehzadeh. Ms. Frazier said she would try to do something about that and get visual alarms for us. But as far as I know, nothing has changed since then.

There was one fire drill while I was at CSP. I think it was around May 2019. It was after Ryan asked about getting visual alarms. But there was still no visual or tactile information for me to know that the drill was happening or that the alarm was going off. I learned that the fire

drill was happening when a hearing incarcerated person tapped me, and said "fire drill." I could kind of figure out what he was saying by trying to read his lips and by looking at what other people were doing. We all had to leave the prison and meet outside. I figured out what to do by watching and following everyone else. There were no signs or interpreters to explain what the procedure was. I went outside because everyone else was going outside. I only sort of knew what was happening because other hearing incarcerated people helped me. The prison itself didn't do anything to make sure I knew there was a fire drill. Once we got into the yard after the fire drill there was an interpreter. The interpreter signed, "this was a fire drill, thank you for coming." I don't know why the interpreter was not inside to explain what to do during the drill. The interpreter did not explain the rules or plans for what we should do if there is a real fire.

INTERROGATORY 7:

Do you contend that you have been discriminated against by any Defendant, or any employee or contractor of any Defendant, since January 1, 2017, due to the fact that you suffer from a hearing impairment? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of any alleged discrimination, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of discrimination, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of the alleged discrimination including the content of any such communication, the method by which such communication was made, the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 7:

Plaintiff objects to this interrogatory because it contains an improper overbroad

contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) discriminated against since January 1, 2017? (2) if yes, all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 8:

Do you contend that you have been denied the ability to effectively communicate with anyone since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 8:

Plaintiff objects to this interrogatory because it contains an improper overbroad

contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) denied ability to effectively communicate since 1/1/2017? (2) If yes: all facts supporting, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 5, 6, 11, 12, 13, 14, 15, 16, 17, 18. I write about times when I was denied the ability to effectively communicate with people in prison. I have had problems communicating almost every day. Please look at my documents. My documents include grievances.

INTERROGATORY 9:

Do you contend that you have been excluded from participation in or been denied the benefits of the services, programs, or activities of Defendants because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform any of the Defendants of each event including the content of any such

communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 9:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of program, service, or activities since 1/1/2017? (2) if yes, all facts supporting, each program, service, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents. Without waiving these objections, and subject thereto, Plaintiff responds:

Please look at my answers to Interrogatories 6, 11, 12, 13, 14, 15, 16, 17, 18. I write about being excluded from participation in GDC programs, services, and activities. This has happened to me many, many times in prison. Please look at my documents. My documents include grievances.

INTERROGATORY 10:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GDC that you contend fails to provide effective communication access for deaf and hard of hearing individuals in Defendants' custody and control, including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform any of the Defendants of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 10:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access? (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document, to Plaintiff's documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 11:

Do you contend that you have experienced a lack of communication access at

classification or orientation as alleged in paragraphs 47 and 49 of your Complaint since January 1, 2017? If yes, please describe all facts that support or relate to the allegations in paragraph 47 and 49 of your Complaint, including but not limited to, the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 11:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) lack of communication access at classification (Paragraph 47) since January 1, 2017? (2) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (3) documents that support or memorialize that; (4) efforts to inform GDC about that including content, method of communication, and date; (5) lack of communication access at prison orientation (Paragraph 49) since January 1, 2017? (6) if yes, all facts supporting that, dates, description, persons who participated or witnessed, harm; (7) documents that support or memorialize that; and (8) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

[Classification](#)

I did not have effective communication at classification when I arrived at Georgia Diagnostic and Classification Prison in Jackson. That was before January 1, 2017, but I will say what happened. I got to Jackson in August 2015. I stayed there for about 2 weeks. There were no interpreters the whole time I was in Jackson. I guessed what I was supposed to do by watching what other people were doing. I followed the crowd. There was no communication. Other hearing inmates pointed or tapped me to tell me when someone was calling my name. A doctor gave me an ID badge that said "DEAF."

I told everyone at Jackson that I am Deaf. I pointed to my ears and gestured that I can't hear. It seemed like no one knew that a Deaf person was coming to Jackson. Once I got to Jackson, the staff knew I was Deaf, but they did not communicate with me effectively. I tried very hard to communicate and understand as well as possible. But I only got very short pieces of information, if I got any information at all. Once people saw the "Deaf" ID card, they would start gesturing to me. But that was not effective communication.

There were many kinds of tests at Jackson. There were medical tests. Someone took my blood pressure, a dentist looked at my teeth, someone took a blood test, someone checked my eyes, and things like that. There was also an IQ test, but I didn't take it. I think it was a test where you had to put on headphones to listen to something and then answer questions. I think the test was to see what classes or programs you should take. But I had to skip it, because they didn't have any way for a Deaf person to take the test.

There was a meeting to decide what security level I was. There was a meeting with a counselor. There were no interpreters at any of these meetings. I could not understand what was happening. I could not give important information to staff about my education or my health history or my worries. At most of those meetings, there was no communication at all. At the

meeting with my counselor, we were writing notes back and forth, but the communication was not good. The counselor was asking important questions about my life. I could not give full answers. I could not ask any of the questions I had.

I was in a scary, dangerous dorm for the first 3 days in Jackson. I don't know why I was in that dorm. I think if I had been able to communicate I would have been able to avoid being in that dorm.

I do not remember the names of the officers at Jackson. Some of them were not wearing nametags. I could not hear if they said my name. I was traumatized and in shock while I was there.

I was very, very scared and confused in Jackson. I was afraid of getting hurt. I did not know anything about prison rules or how life in prison is. I did not get any of that information in Jackson. I could not explain what kinds of classes or programs or counseling I needed. I felt very, very isolated. It was awful.

I think that what happened in Jackson still affects me now, because I think there are still things in my file about my education and my intelligence and my health that might not be right, because I couldn't communicate.

Orientation at ASMP

I transferred to Augusta State Medical Prison (ASMP) in September 2015. When I got there, another incarcerated person who knew a little bit of sign language came to be my "interpreter." He's not a real, qualified interpreter. His name is Dante. I don't know his last name. He knows a little ASL. But ASMP used him as an interpreter for me. I got a little bit of information from Dante, but it was not good, clear communication.

When I got to my dorm, there were two other Deaf people in the dorm, Carlos Herrera and Brandon Cobb. They also use ASL. They explained some of the rules to me. I think they had figured out the rules by watching people, too.

The Unit Manager at ASMP was a man named Red. When I got to ASMP, Red was trying to explain the rules of ASMP. I think that was part of orientation. I told Red that I needed an interpreter. He said I should try to read his lips. I could only understand a very little bit about what Red was saying to me.

My second day at ASMP, I met with my counselor. Her name was Ms. Tarrell. She did not have an interpreter. We were writing back and forth. Ms. Tarrell said she was trying to get an interpreter, but that the prison could not afford one. Ms. Tarrell gave me pieces of paper to sign. I did not have time to read them. I did not have a way to ask questions about what the papers said. I could not understand a lot of what was in the papers.

At ASMP, I saw a video about PREA, but there were no captions. I asked the staff to turn on the captions, but they did not know how to. I did not get any information from the video because I am Deaf and there were no captions.

I missed so much information when I got to ASMP because there were no interpreters. I could not tell anyone how traumatized and scared I was. I could not ask for help. I could not learn the rules of the prison. I could not explain what work I wanted to do or what my interests were. I had to rely on other incarcerated people to get information. That information was not complete, and it was not private.

Orientation at CSP

In February 2018 I transferred to Central State Prison. I transferred at the same time as Brandon Cobb, Carlos Herrera, Jorae Smith, and Andrew Smith. There was no interpreter when

we arrived at CSP. I got to CSP on a Thursday. The next Monday, there was an interpreter for orientation. That was the first interpreter at CSP. I do not remember that interpreter's name.

The communication was ok, but it was not great.

INTERROGATORY 12:

Describe all facts that support or relate to the allegations in paragraphs 61 and 62 of your Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 12:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of lack of communication access in vocational, educational, religious, and other programming (Paragraph 62), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of

communication, and date; (4) all facts that support allegation re exclusion from chapel and lack of interpreters at religious services at ASMP (Paragraph 61), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

There are many, many examples of times when I could not go to classes or church or work because there weren't interpreters, or because people didn't think I could do things because I'm Deaf.

For example, I have taken two classes in prison. I took Motivation for Change when I was in ASMP. I finished it. There were not interpreters. I just watched other people and tried to understand what was happening and tried to read the papers. I did not get a lot out of the class, but I finished it. I also took most of the Reentry class in ASMP. There were interpreters at some of the Reentry classes, but not always. I think there were interpreters at about half of the classes. Sometimes, the interpreters showed up late. When there were not interpreters, I just watched other people and tried to guess what was happening. I had two weeks left of the Reentry class when I transferred to CSP in February 2018. When I got to CSP, I told Miss Chambers that I wanted to finish the Reentry class and get a certificate, but I never got into the class. I still don't have a certificate for Reentry. I have asked Miss Chambers to finish Reentry. The last time I asked Miss Chambers and Miss Thorpe about this class was around the spring of 2019. They ignored my question. At that time, I noticed that Reentry had been added to my detail sheet. I was happy that I would have the chance to take the class and finally finish it. So I showed up to the class, but the teacher told me to go back to my dorm. I don't know why. There

was no interpreter there. After a while Reentry wasn't on my detail sheet anymore. I don't understand this.

I don't think there are other classes that I'm required to take, but I'm not sure. When I got to ASMP, a counselor decided what would be on my list of programs and activities and jobs. There was no interpreter, so the communication was not good. The counselor asked if I wanted to take a GED class, but I wrote to her that I have a high school diploma and that I was already partway through college. The counselor did not really believe me. I never had clear communication about what classes are available, and why I might want to take them.

I am still pretty confused about whether there are other classes or programs I could be taking.

When I was in Augusta, there were no interpreters for church services. I went to church, because I care a lot about religion, but I couldn't follow it. The other incarcerated person named Dante would sign a little sometimes during services, but it was not at all equal communication. Now I go to Deaf services at CSP. The service is all in ASL. I like that.

INTERROGATORY 13:

Describe all facts that support or relate to your allegations in paragraphs 66 and 67 of the Complaint, including but not limited to the date of each such event, a description of each alleged event including the subject matter and length of any such meeting, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event including the written notes referenced in paragraph 66, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm

which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 13:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least six separate subparts: (1) all facts that support allegation of lack of communication access in meetings (Paragraph 67), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date; (4) all facts that support allegation of lack of communication access in 2018 meetings with Counselor Chambers (Paragraph 66), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that including written notes; and (6) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I have had many counselors since I have been in prison. When I was in Jackson, I met with a counselor without an interpreter. When I was in ASMP, I met with multiple counselors, always without an interpreter. The meetings were usually short. The counselors would sometimes write notes to me. Sometimes they would give me the thumbs up. There was never an interpreter or VRI at any meeting with a counselor at ASMP. I have had many counselors at CSP. My first counselor was Miss Chambers. She was my counselor from around March 2018

until about November 2018. She used an interpreter once at one meeting in May 2018. But after that, I met with her several times and she did not use an interpreter. I had to write notes if I had questions. Mostly I just nodded and said everything was ok, because I could not communicate with her. After Miss Chambers, I had a counselor named Miss Thorpe for a few months. It was until January 2019. Miss Thorpe used VRI, but the VRI was not very clear and the connection was bad. After that, I had Miss Durham. She used an in-person interpreter for a meeting. I liked that. I could communicate clearly. Then she left in about March 2019. I believe she was arrested.

Now I have a new counselor. I saw her the first time during the summer 2019. I don't know her name. She has never told me her name or introduced herself. I saw a paper posted in the dorm that said she is the new ADA coordinator. Counselors do not wear name tags. My new counselor uses an iPad with VRI to communicate with me. Sometimes the VRI connection is clear, other times it freezes and doesn't work well. I think it works about half the time. When the VRI connection is not working, I tell the counselor that the communication is not clear, and that I don't understand. The counselor tells me that I have to deal with it.

I want to talk to my counselor about getting a real job. I have been a dorm orderly since I got to CSP. But I want a maintenance job. In the spring of 2019, I tried to ask Miss Durham about getting a maintenance job or a job related to medical supply, like I had in ASMP. When I asked her, she used an in-person interpreter. She told me she put my name on the waiting list. But Miss Durham got arrested and nothing happened. When I got my new counselor, I asked her through VRI about if my name was on the waiting list. She said she didn't know. The VRI connection was not very clear. It was not as good of communication as an in-person interpreter. I haven't heard anything since. I've asked for updates, but she said she would check on it.

Nothing happens. Now I stop asking about it because it's a waste of my time. I'm frustrated because my counselor does not seem like she wants to help me.

I want to understand how to get a real job for many reasons. I want to work. I want to be busy. I had a job in IT before I was in prison. I have skills and I want to use them. I want to do hands-on work in prison. And I think it is good for parole or for moving to a Transitional Center to have a job. But I am stuck, because I can't communicate well and figure out what I need to do.

INTERROGATORY 14:

Describe all facts that support or relate to your allegations in paragraph 71 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 14:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and

contains at least three separate subparts: (1) all facts that support allegation of lack of communication in jobs and seeking employment (Paragraph 71), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

In ASMP, I first worked in the career center for 6 months. I helped inmates with their resumes. I got a certificate for being a hard worker. I then worked at the library. My third job was in medical supply. I really liked this job. I had it for about one year, from February 2017 to February 2018. There were no interpreters at any of these jobs, and no interpreters when I started each of the jobs. So I had to just figure out what to do by watching and guessing. Once I learned how to do each job, it was ok, but it was hard at the beginning to understand what was happening and what I was supposed to do.

When I got to CSP, I started asking for a job right away. I like to work, and I like to keep busy and keep my mind occupied. I feel better when I have a job. Time goes faster, I'm not bored, and I can stay more positive. But I have never had a job except dorm orderly the whole time I've been in CSP. I asked Miss Chambers about getting a job right when I got here, but nothing has happened. In the summer of 2019, I took some kind of test to see what kind of work I could do, but then the counselor who gave me that test got arrested and I never heard anything else about that.

I asked Miss Durham through an interpreter if I could do a maintenance job, but nothing has happened. I've kept asking, but nothing is done. I have struggled because I can't get a real job every single day since I got to CSP. It is very, very hard for my mental health. I like to be active and I am suffering every day with not having anything to do.

Miss Chambers said a while ago that I could work at ISO. That is where most of the Deaf people work. But that is not a job I want. It's not a job I would be good at. I think at CSP they want everyone who is deaf to work at ISO. Hearing people seem to get jobs much more easily than me, and they can have different kinds of jobs, not just in ISO.

INTERROGATORY 15:

Describe all facts that support or relate to your allegations in paragraph 76 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 15:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of lack of communication access re parole, probation, and reentry planning (Paragraph 76), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; and (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I don't know if I am eligible for parole. No one has ever talked to me about parole with an interpreter. I have not gotten any letters from the Parole Board. I have never had a counselor explain my chances of parole to me with an interpreter or in any way I can understand. I think I have to wait 15 years before I am eligible for parole. Another incarcerated person told me that I had to wait 15 years. I'm not sure if that's correct. I don't know what I have to do to increase my chances of parole.

INTERROGATORY 16:

Describe all facts that support or relate to your allegations in paragraphs 78, 81, and 85 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 16:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least nine separate subparts: (1) all facts that support allegation of lack of access to

oral communication (Paragraph 81), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts supporting allegations of lack of access to written communication (Paragraph 85), dates, description, persons who participated or witnessed, harms; (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date; (7) all facts that support allegation of lack of access to communication during April 2018 dorm inspection and subsequent events (Paragraph 78); (8) documents that support or memorialize that; and (9) efforts to inform GDC about that including content, method of communication, and date.

Without waiving these objections, and subject thereto, Plaintiff responds:

I miss a lot of information because I do not hear announcements or other notifications, and because the prison staff do not provide this information to me. This happens to me at least once a week, usually more often. It is a constant problem. For example, sometimes the warden comes into the dorm for an inspection. I think someone announces that the inspection is about to happen, and people can get ready. But I do not get this information, because there is no visual notification, and no interpreter. So I only know about an inspection if another prisoner gestures that it is happening. This is a problem because people can get in trouble at an inspection. When people know there is about to be an inspection, they can clean up their bunk and make sure everything is ready for an inspection, so they don't get in trouble. I don't have an equal chance to prepare for the inspections.

In April 2018, I got in trouble because I did not know there was going to be an inspection. I did not hear the announcement. There was no visual or other notification that I could see or feel that there would be an inspection. So when the Warden came, he was mad that

I had not cleaned up my bunk or made my bed. He got mad at me and Brandon Cobb, who is also Deaf, because our bunks looked messy. But we did not have the same information about the inspection as hearing people. I am always afraid I will get in trouble and get a DR for something like this.

Some of the prison staff openly mock me and other deaf people. They wave their arms around to imitate ASL. There is a captain I see often in the chow hall who gets up in my face and shouts at me and tells me to read his lips, really aggressively. I don't know the captain's name. He is still a captain at CSP. I have to stay calm because I don't want to get in trouble but it makes me really angry to get treated that way. It feels like bullying. I don't think the officers think at all about what it would feel like if they were in our shoes. When this happens, I also don't actually understand whatever information the officers are trying to tell me, because I can't actually read lips and because it is so upsetting when this happens that I can't focus.

Now there is a new CSP Warden. He also does inspections. Sometimes a deputy warden or a CERT team member is present at the inspection. There is never an interpreter or VRI at the inspections. I have no way to communicate during the inspection. The warden talks to everyone in the dorm during an inspection. I do not know what he is saying. Other incarcerated people can ask the warden questions, and talk about things that they want changed during inspections. I can't do that because there are no interpreters. I ask other incarcerated people about what is happening, but this is not equal communication. It feels unfair to be ignored like that. There are things I want to talk to the warden about, like asking about problems with the videophone and questions about what is happening in prison. I don't have a chance to ask those questions the way hearing people do. There was an inspection on November 18, 2019 in my dorm. There was no interpreter or VRI. The warden came in, gave me a thumbs up, and I gave him a thumbs up

back. That was the whole communication. Other people talked with the warden freely, but I couldn't because I'm Deaf and there were no interpreters.

I also miss information about when it is time to eat, or go to medical, or when it is count, or when it is first or second or third block. The officers announce these times out loud, but I can't hear them. There are signs that officers are supposed to use to announce some of these things, but they almost never use them. The signs just sit in the officers' booth almost all the time. The officers just shout the information. I have to ask other incarcerated people what the officers said. I don't think that's fair.

INTERROGATORY 17:

Describe all facts that support or relate to your allegations in paragraph 96 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described including but not limited to any "life-threatening illness" for which you have "go[ne] without treatment" as alleged in paragraph 4.

RESPONSE TO INTERROGATORY 17:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a

week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of failure to provide effective communication in medical, dental, mental health care (Paragraph 96), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize that; and (3) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

Broken Jaw

In September 2017, I broke my jaw when another incarcerated person attacked me. I was at ASMP at the time. The attack was unprovoked, and the other person hit me with a closed fist on my jaw. I felt my jaw crack and I felt blood in my mouth. I went to medical, and a doctor looked at my jaw. I do not remember the doctor's name. The doctors did not use an interpreter or VRI. We were trying to write notes back and forth. This was a very bad way to communicate, especially when I was in a lot of pain. The doctor wrote that I should not eat anything. The doctor referred me to see a dentist.

I saw a dentist the next day. I do not remember the dentist's name. The dentist did not use an interpreter or VRI. The dentist and I tried to write notes back and forth, and the dentist was also trying to communicate to me by gesturing and pointing. We were talking about serious, complicated things, but I could not actually understand what was happening. The dentist took an X-ray. He wrote that I had three fractures in my jaw. The dentist wrote that I should have surgery, and that he wanted to put plates into my bone. I did not trust the doctors to do surgery on my jaw. I had a lot of questions I needed answers to before I could consent to major jaw

surgery. But I could not communicate to ask these questions and get the information I needed. So I said no, I said I did not want the surgery.

The dentist tried to explain to me another option. But he did not have interpreters, so the communication was extremely limited. The dentist showed me some screws and pointed toward his jaw and kind of acted out having his jaw stuck shut. I figured out from that gesture that he was saying that he could put screws in my jaw and wire my jaw shut. The dentist pointed to another prisoner who had his jaw wired shut to show me what the dentist was talking about. I wanted to know if they would use anesthesia for the procedure. I couldn't ask that directly, so I gestured being asleep, and the doctor shook his head. From that I figured out that the dentist would not use anesthesia for this procedure. I agreed to that. I wanted a lot more information, but I did not have a choice. I was in a lot of pain. It was an emergency. I had three fractured bones. I needed medical care, but I could not communicate or understand my options. So I agreed to have my jaw wired shut.

My jaw was wired shut for months. I could not eat solid foods. I could only drink Ensure. I lost 50 pounds. Even after the dentist removed the wires, I could only eat soft foods for a long time. I learned that I could only eat soft foods because the dentist gestured that I should not chew or open my mouth.

My bite and jaw were changed after this. Now my top teeth are behind my bottom teeth. I have an underbite. I never had that before. I don't know if the dentist did something wrong, or what I can do to fix this. My jaw is uncomfortable and it is painful.

I never once had an interpreter at any medical or dental appointment about my broken jaw. I never had clear communication about what happened, what my options were, or the risks or benefits of these options. I was never able to ask the questions I had clearly. I had to guess

about what was happening. The doctor and dentist were never able to get clear, complete information from me. I suffered physically and mentally for months during this experience. Physically, I experienced pain and hunger in the months right after the injury. I still experience jaw pain. Mentally, I was scared and isolated. It was awful.

Emergency Room Visit

Around December 2017, I got very sick. I was living at ASMP. It felt like I had food or air or something stuck in my throat. I could not eat or drink anything. When I tried to take a sip of water, I threw up. It was hard to breathe. I went to medical and saw a doctor. I don't remember the doctor's name. There was no interpreter or VRI at medical. I tried to explain to the doctor what was going on. I wrote some notes, and I gestured and tried to act out what was happening. The doctor gave me a glass of water and I tried to drink it and threw up. The doctor wrote a note saying that I needed to go to the hospital. I could not communicate clearly to ask questions, or fully explain my symptoms. I did not know what was happening. I was scared.

I waited 6 hours before a transport picked me up to go to the hospital. There was no interpreter at the hospital. The doctors at the hospital were trying to write with me. I did not understand what was happening. After a few hours, I was feeling a little better. I could swallow some water and eat some jello. I went back to ASMP.

There was no follow up when I got back to ASMP. I did not get a sick call to talk to the doctor about what had happened. I did not know what my diagnosis was. I did not know what the prognosis was. I did not know if there were medications I should be taking, or if there were things I could do to prevent this from happening again. I never had an interpreter or communication about this scary encounter.

Dental Visit

In October 2019, I went to the dentist and got a filling. My tooth was painful. First the dentist looked at my tooth. I wrote a note that said "left bottom tooth" and I pointed to the tooth that was hurting. I didn't want him to do something to the wrong tooth. After he looked at my tooth, the dentist used VRI. The VRI was in a room in the dentist's office, but it's in a separate room from the exam room. So after the dentist looked at my tooth, we left the exam room and walked into the room with the VRI, and we talked about my tooth. The connection wasn't great, but I could understand most of what the dentist was saying. I explained that my tooth was causing pain, and the dentist said that there was a cavity.

Then the dentist and I went back into the exam room and I sat in the chair while the dentist did the filling. There was no communication during the actual procedure, because the VRI wasn't in that room. After the filling, the dentist wrote that the cavity was deep and near the nerve. He said if it kept hurting, I should fill out another sick call. But that was just writing back and forth, without any interpreter or even VRI. It was not the same kind of communication that hearing people have. My tooth kept hurting. I filled out another sick call form at the end of October. I didn't see the dentist again for two weeks after I submitted the sick call.

I went back to see a dentist on November 13. My tooth was still hurting. I started off in the exam room, and I pointed to the tooth that had been filled, and the dentist looked at it and took an x-ray. We couldn't actually communicate for that part of the appointment. Then we went into the room with the VRI, and the dentist told me he had to pull the tooth because the filling didn't work. He did not give me any other options like another filling or a root canal or anything. Pulling a tooth seems kind of extreme. This is the second time I've had a tooth pulled in my seven years in prison.

The dentist said he would give me shots to numb me and pull the tooth out and put in stitches. He told me he would give me pills to take after, for pain and antibiotics. He said I would go back to see him on Monday, November 18. After this conversation with VRI, we went back into the exam room and the dentist pulled the tooth. During the procedure, I couldn't communicate with him because the VRI wasn't in the same room and there was no interpreter. After the appointment, we didn't use VRI again. The dentist pointed to a paper to tell me to go to pill call at 3 o'clock. So I went to pill call that day. Pill call never has interpreters. I put my paperwork through the slot. It's hard to see through the little window. I couldn't ask any questions about the medication. I don't know if I'm supposed to take the pills before or after food or on an empty stomach. No one told me what antibiotic I was taking or what the dosage was.

I couldn't finish the antibiotics because I kept missing pill call. I missed pill call because I don't hear when the officers announce it, and because the officers don't use the signs to tell us about pill call, or give us any way to find out that it's pill call. Once pill call is over, there's no way to get pills if you missed it, even if you miss it because you're Deaf and there's no communication. Other times I get to pill call really late because the officers don't announce it in a way I can access, and so when I realize that it's pill call, there's a long line and it is frustrating to wait in such a long line, just because I'm Deaf and there's no communication with me.

INTERROGATORY 18:

Describe all facts that support or relate to your allegations in paragraph 112 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any

documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 18:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Plaintiff further objects that he cannot state under oath each and every occurrence over the 23 months since January 1, 2017. He is subject to the authority of Defendant GDC seven days a week, 24 hours a day, and alleges routine, habitual denials of communication access and auxiliary aids and services. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation of unequal access to telecommunications (Paragraph 112), dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

My primary language is ASL. I use videophones to communicate effectively with people who are not in the same location as me. From 2015 until about July 2019, I had no access to videophones at all in any prison in Georgia. I had no access to effective telecommunications. I could not communicate effectively with my family or my lawyer or my friends unless they came to visit me.

ASMP had a TTY, but there were many problems with it. First, it did not always work. Sometimes it was broken for months at a time. Second, it was in a counselor's office instead of in the dorm, so I could only use it when the counselor was in her office and when she had time and chose to let me use the TTY. Hearing people can use the phones almost all the time. Third, TTY is not an effective way for me to communicate. It is old technology, and it is all in English. It does not allow me to communicate freely. I was extremely limited in telecommunications at ASMP.

When I got to CSP, there were also only TTYs for several months. I saw videophone hardware at CSP in the spring of 2019, but for a long time the VPs were not actually working. I think they were not installed until the internet connection was fixed. They were just sitting in a counselor's office, unplugged.

Finally, in about July 2019, VP was installed in my dorm in CSP. There are still some problems with the VP, though. The VP was broken for a month. Ms. Thorpe said the internet was down, but the internet was working for JPay and for the counselors. I told Ms. Thorpe many times that the VPs were broken, but for a month, nothing happened. I could not communicate with my family or my lawyers. This was a big problem because my criminal defense lawyer was writing a brief for my case, requesting a new trial. I could not communicate with her by phone to ask about her progress or to give her information about my case. Other hearing inmates could use the phones to contact their family or lawyers.

Now the VPs are working again in my dorm. But the VP screen is bolted to the wall. It used to be attached to a kind of moveable arm so you could adjust the screen to see the interpreter well. But a few months ago, Ms. Thorpe came in with a maintenance person and they bolted the screens to the wall. The screens are very high, and the stool that is bolted to the floor

is very low. I have to bring my pillow and blanket out of my dorm to sit on them so I can be high enough that the interpreter can actually see me signing. It is uncomfortable to have to sign with my hands held high up above my head, and I can't communicate well that way. In ASL different signs mean different things based on where your hands are in relation to your body, but I can't sign fluently because the interpreter can only see me from about the neck up.

Deaf inmates are also treated unequally in their use of the VPs. When it is count, hearing inmates can continue to use the regular phones. But the officers make me stop using the VP and go back to my room during count. One time, a female officer actually hung up the phone while I in the middle of a conversation with my girlfriend. Hearing inmates are not treated this way. I am treated unequally because I am Deaf and use the VPs.

INTERROGATORY 19:

Describe all facts that support or relate to your allegations regarding the filing of grievances and administrative exhaustion, including those allegations set forth in paragraphs 137 through 139, and 145 through 148 of the Complaint, including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 19:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools.

Plaintiff further objects that this is a compound interrogatory, and contains at least 12 separate subparts: (1) all facts that support allegation re retaliation for filing grievances (Paragraph 137); (2) documents that support or memorialize that; (3) efforts to inform GDC about that including content, method of communication, and date; (4) all facts that support allegation re February 2018 meeting and subsequent events (Paragraph 138); (5) documents that support or memorialize that; (6) efforts to inform GDC about that including content, method of communication, and date; (7) all facts that support allegation re lack of accessible grievance procedure (Paragraph 139); (8) documents that support or memorialize that; (9) efforts to inform GDC about that including content, method of communication, and date; (10) all facts that support allegations re events regarding filing of grievances in December 2017 and subsequent events including retaliation (Paragraphs 145 to 148); (11) documents that support or memorialize that; (12) efforts to inform GDC about that including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I did not understand the grievance process or why it was important before my lawyers started visiting me in December 2017. I was nervous about writing grievances because I didn't want to get in trouble. But I was frustrated about not having good communication for important things in prison, so I decided to write grievances, with help from my lawyers. I wrote one grievance on December 17, 2017 about my problems with not being able to communicate in medical situations. No one from the prison responded to that grievance. I did not write an appeal because someone from the prison, Miss Kitchens, told my boss, Lloyd, that I was "on thin ice" and that I shouldn't write grievances. Lloyd told me this. He told me that I could lose my job. I was scared of getting in trouble because the officers were mad at me for writing grievances. I wrote another grievance on December 17, 2017 about needing alarms that I could

see or feel. I didn't get an answer to that grievance either. I didn't appeal because I was afraid I would get in trouble or be punished, even though I didn't think this was fair.

I have not written grievances since then because I continue to be afraid of getting in trouble or punishment.

INTERROGATORY 20:

In paragraph 16 of your Complaint, you allege that you have “experienced the violations described” within the Complaint. Please describe the circumstances of each and every such alleged violation experienced, including the facility in which you were housed, when the alleged violation occurred, the persons involved or who witnessed the alleged violation, any document that records, reflects, or memorializes any such event, all efforts by you to inform any of the Defendants of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each event described.

RESPONSE TO INTERROGATORY 20:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) all facts that support allegation re allegations re “experienced the violations described,” dates, description, persons who participated or witnessed, harms; (2) documents that support or memorialize; (3) efforts to inform GDC including content, method of communication, and date. Plaintiff’s counsel refers Defendant GDC to the other responses in this document, to Plaintiff’s documents, and to the discovery and filings that have occurred to date.

INTERROGATORY 21:

As alleged in paragraph 13 of your Complaint, please identify all “injunctive relief” and the “additional remedies” that you are seeking on behalf of yourself and “those similarly situated.”

RESPONSE TO INTERROGATORY 21:

I want interpreters every time I need to communicate with prison staff. I want emergency alarms that I can see and feel. I want a flashing light that would wake me up in an emergency in my dorm. I want a way to see or feel when there are announcements in the prison, like chow. I want to be able to communicate with my doctors and nurses during my medical examinations, not just before through VRI. I want a policy so that VRS will get fixed right away if it breaks again. I want privacy screens or a privacy booth for videophone calls. I want to be able to communicate with the Warden during inspections. I want equal access to jobs. I want to be able to do jobs that interest me, not just the job that all the deaf people do. I want a promise that if I get written documents from the prison or the parole board, an interpreter will be there to go through the documents with me and someone from the GDC staff. I want a promise that if I go to another prison, I will have interpreters and VRS. I want a promise that if I want to file a grievance, someone will help me with the English and no one will threaten me for writing grievances. I think that all deaf people in GDC should have these things.

I promise that everything *in italics* 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: 11-19-19



Ricardo Harris

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Ricardo Harris to Interrogatories of Defendant Georgia Department of Corrections on Defendants by email addressed to:

Tina M. Piper, Senior Assistant Attorney General
Meghan Davidson, Assistant Attorney General
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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
Mika Aoyama
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Exhibit F

**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
Responses of Plaintiff Darrell Smith to
Interrogatories of Defendant Georgia
Board of Pardons and Paroles

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Darrell Smith (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Board of Pardons and Paroles as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information.

5. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

6. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

7. Plaintiff Darrell Smith is Deaf and communicates via American Sign Language (ASL). He cannot read or write in English. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using ASL and Deaf interpreters. Plaintiff can answer under oath interrogatories about topics

that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

8. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

9. No objection or response contained herein is an admission concerning the existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants BOP's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

10. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Identify fully each and every fact upon which you have based each claim for relief against the GBOP, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform GBOP of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 1:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to fully understand and answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; (3) efforts to inform GBOP. Plaintiff's counsel refers Defendant GBOP to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 2:

Do you contend that GBOP has denied you access to any auxiliary aid or service? If yes, please identify and describe the nature of each auxiliary aid or service you were denied by GBOP, including the date of each said denial, the reason given for each said denial, the name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service

denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform GBOP of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds:

I think I'm eligible for parole but I don't understand when or how this might happen. I don't know what my TPM is. I think that I was first sentenced to 30 years to life. I didn't know about parole. Parole has not given me interpreters. They had a meeting with me in Jackson that I didn't understand, because there was no interpreter. I got two letters that I think are from

parole. I didn't understand these letters, because there was no one to interpret them for me. I think hearing people know more about parole than I do. I don't think that's fair.

INTERROGATORY 3:

Do you contend that GBOP has denied you the ability to effectively communicate with GBOP or any agent or employee of GBOP since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform GBOP of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) denied ability to effectively communicate with GBOP? (2) if yes, all facts, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize denial; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

The Parole Board only writes letters to me. I cannot read letters. I got two letters from

parole. I could not understand either of them.

I got one letter from GBOP right after I got to prison, when I was in Jackson. There was a person there from parole there, and there was a chart on the wall that I think explained how long you had to serve before you could get parole. But there weren't interpreters at Jackson, so I couldn't really understand the chart or what it meant for me.

Then I got a letter in from a counselor. I think it was around 2016. The letter had a lot of English that I couldn't understand. The letter also had a date written on it: 9/16/2039. There was no interpreter so I couldn't ask the counselor what the paper meant. I didn't understand any of the words on the paper. But I was pretty sure the letter was about getting out of prison. The counselor just handed me the paper and pointed to the date that said 9/16/2039. I couldn't ask any questions about it. I think the letter said my sentence was changed to 30 years, or maybe it said that I could get parole after 30 years. But I still don't really understand it.

If I am going to have a chance for parole, I want to make sure I'm doing everything I can to get parole. But I feel stuck because I don't understand the papers I get about parole. And I am afraid to ask my counselor too many questions, because I think that people who ask about parole are more likely to get denied parole. I don't feel safe asking questions about parole, but I don't have access to the same information about parole that people who use English have.

INTERROGATORY 4:

Do you contend that GBOP has excluded you from participation in or denied you the benefits of any service, program, or activity because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity from which you were excluded or denied

participation, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform GBOP of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of service, program, or activity since 1/1/2017? (2) if yes, all facts, each service, program, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I think parole is not giving me the same information as hearing people get. I think they are not giving me important information that I really want. They have written letters and tried to talk to me without an interpreter. That doesn't work for me. I think the parole board is not doing what they should to make sure I have important information about parole, and TCs, and PIC points. I think the parole board is not doing what it should do to communicate with a Deaf person who communicates with sign language.

INTERROGATORY 5:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GBOP that you contend fails to provide effective communication access for deaf and hard of hearing individuals who are “subject to GBOP’s parole power,” including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform GBOP of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access; (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff’s counsel refers Defendant GDC to the other responses in this document and to Plaintiff’s documents.

INTERROGATORY 6:

Describe all facts that support or relate to the allegations in paragraph 75 of your Complaint, including identifying any documents or other evidence that support your contentions,

and all specific harm which you contend you suffered as a result of the allegations described.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) all facts that support failure to ensure communication access in parole and reentry planning, harms; and (2) documents or other evidence that supports. Without waiving these objections, and subject thereto, Plaintiff responds:

I do not think I am getting an equal chance to get parole. I don't understand how to get parole. I don't know if parole understands my situation. I'm not sure if the parole board knows that I am trying my best to get my GED, but that it is taking me a long time because there are not interpreters for the whole classes.

If I get out on parole, I will need someone to explain all the rules to me clearly in a way I can understand. The people from parole need to use interpreters, including Deaf interpreters. I am worried about getting out on parole and then accidentally getting in trouble because I don't understand the rules of parole.

I promise that everything *in italics* 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: 11/22/19



Darrell Smith

AMERICAN CIVIL LIBERTIES UNION

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Darrell Smith to Interrogatories of Defendant Georgia Board of Pardons and Paroles on Defendants by email addressed to:

Tina M. Piper, Senior Assistant Attorney General
Meghan Davidson, Assistant Attorney General
Cristina M. Correia, Senior Assistant Attorney General
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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
Mika Aoyama
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Exhibit G

**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
Responses of Plaintiff Leroy Henderson
to Interrogatories of Defendant Georgia
Board of Pardons and Paroles

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Leroy Henderson (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Board of Pardons and Paroles as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information.

5. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

6. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

7. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it requests the specific dates of occurrences. Plaintiff does not write English fluently and has not had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. Plaintiff also has mental health disabilities, and a history of extended time in

solitary confinement, which further impede a precise recall of dates. In answering these interrogatories, Plaintiff has made a good faith effort to estimate months and years.

8. Plaintiff Leroy Henderson is hard of hearing and communicates with speech and residual hearing. Mr. Henderson has psychiatric disabilities and limited literacy. He can read and write simple things in English. However, he is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using a pocket talker. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

9. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

10. No objection or response contained herein is an admission concerning the existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants GBOP's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency,

privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

11. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Identify fully each and every fact upon which you have based each claim for relief against the GBOP, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform GBOP of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 1:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to fully understand and answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support

or memorialize; (3) efforts to inform GBOP. Plaintiff's counsel refers Defendant GBOP to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 2:

Do you contend that GBOP has denied you access to any auxiliary aid or service? If yes, please identify and describe the nature of each auxiliary aid or service you were denied by GBOP, including the date of each said denial, the reason given for each said denial, the name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform GBOP of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents

that support or memorialize; (7) efforts to inform GBOP including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 3:

Do you contend that GBOP has denied you the ability to effectively communicate with GBOP or any agent or employee of GBOP since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform GBOP of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) denied ability to effectively communicate with GBOP? (2) if yes, all facts, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize denial; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 4:

Do you contend that GBOP has excluded you from participation in or denied you the benefits of any service, program, or activity because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity from which you were excluded or denied participation, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform GBOP of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of service, program, or activity since 1/1/2017? (2) if yes, all facts, each service, program, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

INTERROGATORY 5:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or

practice of GBOP that you contend fails to provide effective communication access for deaf and hard of hearing individuals who are “subject to GBOP’s parole power,” including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform GBOP of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access; (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff’s counsel refers Defendant GDC to the other responses in this document and to Plaintiff’s documents.

INTERROGATORY 6:

Describe all facts that support or relate to the allegations in paragraph 75 of your Complaint, including identifying any documents or other evidence that support your contentions, and all specific harm which you contend you suffered as a result of the allegations described.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) all facts that support failure to ensure communication access in parole and reentry planning, harms; and (2) documents or other evidence that supports. Without waiving these objections, and subject thereto, Plaintiff responds: See attached document.

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Leroy Henderson
Questions about Parole

Question #1: Question about legal claims and facts

My lawyer told me not to answer this question because it is too complicated.

Question #2: Question about times parole did not give me things that help me hear and communicate

I think parole should have an in-person meeting with me in a quiet room, with plenty of time, and with a pocket talker and my hearing aids. Then I could understand what I need to do to get parole. I could tell the parole person what I have done in prison and how hard I am working.

Question #3: Question about talking to people at parole.

The parole board has not communicated clearly with me. They write letters that I don't understand. They do not answer my letters. I don't know if they understand that I haven't done work release because the prison won't let me do work release. I don't know why I've been in prison so long. I think there is a problem with parole, but I don't know how to fix it.

Question #4: Question about times when I was left out of parole because I am hard of hearing.

Leroy Henderson

Questions about Parole

I think parole keeps saying no to me partly because I'm hard of hearing. I think they won't let me go to a TC because I'm hard of hearing. And I think parole says no because I haven't been to a TC. I write letters to parole to tell them this, but I'm not sure if they get the letters or read them or understand them. Sometimes people have trouble understanding what I am saying in writing.

Question #5: Question about policies

My lawyer told me not to answer this question because it's too complicated.

Question #6: Question about equal chance at parole

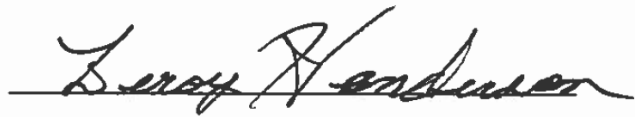
I do not think I have had a fair chance to get parole. I got a very very long sentence. I have almost served 90 percent of it. I have been up for parole many times, and every time I get denied. I don't know what I should be doing differently. I don't know what the problem is. I think part of the problem is because I'm hard of hearing, and because I'm mental health. But that doesn't seem fair. All I want to do is go home. My mother is very old and sick. She lives too far away to visit me. I really want to see her before she passes away.

But if I get parole, I will need help understanding the rules. My parole officer will have to talk slowly and use a pocket talker and explain the rules to me in a way I can understand. If they don't do that, I might not understand the rules and do something wrong by accident.

Leroy Henderson
Questions about Parole

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: 11-20-19

A handwritten signature in black ink that reads "Leroy Henderson". The signature is written in a cursive style and is positioned above a horizontal line.

Leroy Henderson

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Leroy Henderson to Interrogatories of Defendant Georgia Board of Pardons and Paroles on Defendants by email addressed to:

Tina M. Piper, Senior Assistant Attorney General
Meghan Davidson, Assistant Attorney General
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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
Mika Aoyama
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Exhibit H

**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
Responses of Plaintiff Ricardo Harris to
Interrogatories of Defendant Georgia
Board of Pardons and Paroles

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Ricardo Harris (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Board of Pardons and Paroles as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information.

5. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

6. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

7. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it requests the specific dates of occurrences. Plaintiff does not write English fluently and has not had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. In answering these interrogatories, Plaintiff has made a good faith effort to

estimate months and years.

8. Plaintiff Ricardo Harris is Deaf and communicates with American Sign Language (ASL). He can read and write simple information in English. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using ASL interpreters. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

9. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

10. No objection or response contained herein is an admission concerning the existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants GBOP's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information provided herein, in whole or in part, in any subsequent proceeding in this action or any other

action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

11. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Identify fully each and every fact upon which you have based each claim for relief against the GBOP, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform GBOP of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 1:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to fully understand and answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; (3) efforts to inform GBOP. Plaintiff's counsel refers Defendant GBOP to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 2:

Do you contend that GBOP has denied you access to any auxiliary aid or service? If yes, please identify and describe the nature of each auxiliary aid or service you were denied by GBOP, including the date of each said denial, the reason given for each said denial, the name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform GBOP of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and

subject thereto, Plaintiff responds:

I don't know if I am eligible for parole. No one has ever talked to me about parole with an interpreter. I have not gotten any letters from the Parole Board. I have never had a counselor explain my chances of parole to me with an interpreter or in any way I can understand. I think I have to wait 15 years before I am eligible for parole. Another incarcerated person told me that I had to wait 15 years. I'm not sure if that's correct. I don't know what I have to do to increase my chances of parole.

I think hearing people have a chance to talk to someone from parole when they first get to prison in Jackson. I did not have interpreters there so I did not get that information. No one from GBOP has ever talked to me with an interpreter. I think hearing people have information about if and when they are eligible for parole that I don't have.

INTERROGATORY 3:

Do you contend that GBOP has denied you the ability to effectively communicate with GBOP or any agent or employee of GBOP since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform GBOP of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) denied ability to effectively communicate with GBOP? (2) if yes, all facts, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize denial; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I could not communicate effectively with GBOP when I first got to prison in Jackson. I am afraid I will not be able to communicate with GBOP in the future. I don't know if there are things I should do to increase the chance I could get parole.

INTERROGATORY 4:

Do you contend that GBOP has excluded you from participation in or denied you the benefits of any service, program, or activity because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity from which you were excluded or denied participation, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were excluded or denied, all efforts by you to inform GBOP of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of service, program, or activity since 1/1/2017? (2) if yes, all facts, each service, program, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I think GBOP has not given me equal access to information about parole and what I could do to increase my chances of parole and when I will be eligible for parole. I think some hearing people have that information, but I didn't have interpreters to talk to the parole people when I was in Jackson. Someone from GBOP should explain it to me now with interpreters.

INTERROGATORY 5:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GBOP that you contend fails to provide effective communication access for deaf and hard of hearing individuals who are “subject to GBOP’s parole power,” including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform GBOP of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of

each instance described.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access; (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff's counsel refers Defendant GDC to the other responses in this document and to Plaintiff's documents.

INTERROGATORY 6:

Describe all facts that support or relate to the allegations in paragraph 75 of your Complaint, including identifying any documents or other evidence that support your contentions, and all specific harm which you contend you suffered as a result of the allegations described.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) all facts that support failure to ensure communication access in parole and reentry planning, harms; and (2) documents or other evidence that supports. Without waiving these objections, and subject thereto, Plaintiff responds:

I don't have clear information about when I might get parole and what I have to do to

increase my chances of parole, because I have not been able to talk to anyone from parole about this with an interpreter. I think a hearing person might be able to get out earlier because they could understand what the rules and requirements were.

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 the 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 Andrea Smith, Adhisme Clegg.

I signed this paper on Nov 19 2019 at Macon, Georgia.



Ricardo Harris
Plaintiff

AMERICAN CIVIL LIBERTIES UNION

Zoe Brennan-Krohn

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Kosha Tucker
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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Ricardo Harris to Interrogatories of Defendant Georgia Board of Pardons and Paroles on Defendants by email addressed to:

Tina M. Piper, Senior Assistant Attorney General
Meghan Davidson, Assistant Attorney General
Cristina M. Correia, Senior Assistant Attorney General
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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
Mika Aoyama
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Exhibit I

**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

Responses of Plaintiff Jorae Smith to
Interrogatories of Defendant Georgia
Board of Pardons and Paroles

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Jorae Smith (Plaintiff) hereby responds to the Interrogatories propounded by the Defendant Georgia Board of Pardons and Paroles as follows:

GENERAL RESPONSES AND OBJECTIONS

Each of the below responses, in addition to any specifically stated objections, is subject to and incorporates the following general responses and objections. The assertion of the same, similar, or additional objections, or a partial response to any individual request does not waive any of the general responses and objections.

1. Plaintiff objects to any interrogatory that seeks information constituting or containing information concerning communications between the plaintiffs and their counsel, which are protected by the attorney-client privilege.
2. Plaintiff objects to any interrogatory that seeks information constituting or containing information prepared in anticipation of or as a result of litigation or which is otherwise protected by the work product doctrine or other available privilege or protection.
3. Plaintiff objects to any interrogatory to the extent that it purports to impose upon them any obligation beyond those imposed by the Federal Rules of Civil Procedure, including,

but not limited to, any interrogatory that exceeds the scope of Federal Rules of Civil Procedure 26(b) and 33.

4. Plaintiff objects to any interrogatory as unduly and unnecessarily burdensome to the extent that it seeks information that is matter public record, already in the Defendants' possession, or otherwise readily available to the Defendants, and, therefore, may be accessed and obtained by the Defendants with less burden than the plaintiffs can identify and provide requested information.

5. Plaintiff objects to any interrogatory to the extent it is a contention interrogatory. This type of interrogatory is premature and improper in light of the present early stage of discovery. Complying with such interrogatories would cause Plaintiff to suffer unnecessary burden and would not serve to narrow the issues that are in dispute. Defendants can obtain the same information with far less burden through other forms of discovery, such as: tailored, non-contention interrogatories; review of Plaintiff's documents; and a deposition of Plaintiff.

6. Plaintiff objects that the answers to certain interrogatories may be derived or ascertained from the records already produced in this case. Where the burden of deriving or ascertaining the answer to such interrogatories from such records and documents is substantially the same for the Defendant as for Plaintiff, Plaintiff will respond to such interrogatories by identifying the documents and records from which the answer may be ascertained. *See* Fed. R. Civ. P. 33(d).

7. Plaintiff objects to any interrogatory as unduly burdensome to the extent that it requests the specific dates of occurrences. Plaintiff does not write English fluently and has not had consistent access to a calendar, pen, and paper. He has not maintained a written record or diary of events. Plaintiff also has mental health disabilities, and a history of extended time in

solitary confinement, which further impede a precise recall of dates. In answering these interrogatories, Plaintiff has made a good faith effort to estimate months and years.

8. Plaintiff Jorae Smith is deaf and communicates via American Sign Language (ASL). He is not fluent in written English. He is not able to read and understand complex legal documents such as interrogatories. Plaintiff's counsel has communicated the interrogatories to him using ASL interpreters. Plaintiff can answer under oath interrogatories about topics that are specific and concrete. Interrogatories that are broad and open-ended, and that assume an understanding of abstract legal terms or categories, are not feasible for Plaintiff to answer under oath.

9. The inadvertent provision of information or the production by Plaintiff of documents pursuant to Fed. R. Civ. P. 33(d) containing information protected from discovery by the attorney-client privilege, work product doctrine or any other applicable privilege, shall not constitute a waiver of such privileges with respect to that information or those or any other documents. In the event that inadvertent production occurs, Defendants shall return all inadvertently produced documents to the plaintiffs upon request, and/or shall make no use of the contents of such information or documents nor premise any further discovery on information learned therefrom.

10. No objection or response contained herein is an admission concerning the existence of any documents or materials, the relevance or admissibility of any documents, materials or information, or the truth or accuracy of any statement or characterization contained in Defendants GBOP's Interrogatories. These written responses are made without waiving, but, on the contrary, expressly reserving: (a) the right to object, on the grounds of competency, privilege, relevancy, materiality or any other proper grounds, to the use of the information

provided herein, in whole or in part, in any subsequent proceeding in this action or any other action; (b) the right to object on any and all grounds, at any time, to other discovery requests involving or relating to the subject matter of these requests; and (c) the right at any time to revise, correct, add or clarify any of the responses provided herein.

11. To the extent that the provided responses contain confidential information, the responses will be deemed subject to the protective order.

INTERROGATORIES

INTERROGATORY 1:

Identify fully each and every fact upon which you have based each claim for relief against the GBOP, including but not limited to identifying all persons who participated in or witnessed the allegations described for each claim, the date or dates when the allegations occurred, any documents that support your allegations for each claim, any documents that memorialize the allegations or claims described, all efforts by you to inform GBOP of the allegations or claims described, and all specific harm that you contend you suffered as a result of each allegation or claim described.

RESPONSE TO INTERROGATORY 1:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to fully understand and answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least three separate subparts: (1) each fact upon which you base claims of relief, persons who participated or witnessed, dates, harms; (2) documents that support or memorialize; (3) efforts to inform GBOP. Plaintiff's counsel refers Defendant GBOP to the

other responses in this document and to Plaintiff's documents.

INTERROGATORY 2:

Do you contend that GBOP has denied you access to any auxiliary aid or service? If yes, please identify and describe the nature of each auxiliary aid or service you were denied by GBOP, including the date of each said denial, the reason given for each said denial, the name of every individual Plaintiff was not able to communicate with due to said auxiliary aid or service denial, a description of any program, service, or activity you were unable to participate in due to said auxiliary aid or service denial, all persons who participated in or witnessed any alleged denial, any documents that support your contentions, any documents that memorialize any alleged denial, all efforts by you to inform GBOP of any denial including the content of any such communication, the method by which such communication was made, and the date such communication was made, all specific harm which you contend you suffered as a result of each denial, and whether or not you filed a grievance of said denial. If you contend that you filed a grievance regarding any such denial, please provide the date of the grievance.

RESPONSE TO INTERROGATORY 2:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least eight separate subparts: (1) denied access to auxiliary aid or service? (2) if yes, nature of each auxiliary aid or service, date denied, persons who participated or witnessed, harms; (3) whom you were unable to communicate with due to denial; (4) what program, service, or activity you were unable to participate in due to denial; (5) reason for denial; (6) documents that support or memorialize; (7) efforts to inform GDC including content, method of

communication, and date; and (8) whether grievance and date of grievance. Without waiving these objections, and subject thereto, Plaintiff responds:

When I was in Georgia Diagnostic and Classification Prison in Jackson, in 2016, there was someone from the Parole Board who tried to talk to me. I think this person was explaining to new prisoners if they could get parole, when they would be eligible for parole, and what they had to do to increase their chances of parole. But there was no interpreter when the parole person was trying to talk to me. The officer was trying to show me some paperwork, but I didn't understand it. I didn't think it was correct, but I couldn't ask questions. I did not get information about whether I am eligible for parole.

INTERROGATORY 3:

Do you contend that GBOP has denied you the ability to effectively communicate with GBOP or any agent or employee of GBOP since January 1, 2017? If yes, please describe all facts supporting your claim including but not limited to the date of each such event, a description of each alleged event, the identity of all persons who participated in or witnessed each event described, any documents that support your allegations of each event, any documents that memorialize each event described, all efforts by you to inform GBOP of each event described including the content of any such communication, the method by which such communication was made, and the date such communication was made, and a description of any harm or adverse consequence suffered by you due to each event alleged.

RESPONSE TO INTERROGATORY 3:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and

contains at least three separate subparts: (1) denied ability to effectively communicate with GBOP? (2) if yes, all facts, dates, description, persons who participated or witnessed, harms; (3) documents that support or memorialize denial; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

No one from parole has contacted me or written me a letter or talked to me since January 1, 2017. My mother told me that I am not eligible for parole because of my charge. I did not understand that when I was in court. No one has ever explained about parole to me in prison. But my mother went to talk to someone in the parole office to find out about parole for me because I was confused. The person at the parole office told my mother that I can't get parole. But no one from the prison or from the parole board has ever explained this to me.

I would like to understand if I can still get PIC points even if I can't get parole. I would like to understand if I can still go to a TC even if I can't get parole. I want to be able to talk to someone from parole about this, but I have no way to communicate with them. I think the one chance I had to talk to someone from parole was at Jackson, when there was no interpreter.

INTERROGATORY 4:

Do you contend that GBOP has excluded you from participation in or denied you the benefits of any service, program, or activity because of your disability since January 1, 2017? If yes, please describe all facts that support or relate to your contentions, including but not limited to identifying each service, program or activity from which you were excluded or denied participation, all persons who participated in or witnessed the event or events, the date or dates when the event or events occurred, any documents that support your contentions, any documents that memorialize the services, programs, or activities from which you contend you were

excluded or denied, all efforts by you to inform GBOP of each event including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of the event or events.

RESPONSE TO INTERROGATORY 4:

Plaintiff objects to this interrogatory because it contains an improper overbroad contention interrogatory. As to this subpart, Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) excluded from participation or denied benefits of service, program, or activity since 1/1/2017? (2) if yes, all facts, each service, program, or activity, persons who participated or witnessed, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform BOP including content, method of communication, and date. Without waiving these objections, and subject thereto, Plaintiff responds:

I think maybe I could be getting PIC points or could be going to a TC even though I have a serious charge. And I think the Parole Board has something to do with both of these things. I think if I could have PIC points, it would be easier for me to go to a TC. But I'm not sure if that's right. I have tried to figure out these systems since I've gotten into prison. It is hard to understand what things parole can do and what are things that the prison can do. But I think there are things that parole could be helping me with or working with me on that they are not, like PIC and TCs.

INTERROGATORY 5:

As alleged in paragraph 43 of your Complaint, please identify each and every policy or practice of GBOP that you contend fails to provide effective communication access for deaf and

hard of hearing individuals who are “subject to GBOP’s parole power,” including but not limited to, any specific instance of that policy or practice having that effect in the past three years, any witnesses thereto, the date of any specific instance described, any documents that support your contentions, any documents that memorialize the instances described, all efforts by you to inform GBOP of each policy, practice, or instance described herein including the content of any such communication, the method by which such communication was made, and the date such communication was made, and all specific harm which you contend you suffered as a result of each instance described.

RESPONSE TO INTERROGATORY 5:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this interrogatory is too open-ended, broad, and abstract for him to answer under oath. Plaintiff further objects that this is a compound interrogatory, and contains at least four separate subparts: (1) every practice or policy that fails to provide effective communication access; (2) for each resulting failure of communication access over past three years, witnesses, dates, harms; (3) documents that support or memorialize; and (4) efforts to inform GDC including content, method of communication, and date. Plaintiff’s counsel refers Defendant GDC to the other responses in this document and to Plaintiff’s documents.

INTERROGATORY 6:

Describe all facts that support or relate to the allegations in paragraph 75 of your Complaint, including identifying any documents or other evidence that support your contentions, and all specific harm which you contend you suffered as a result of the allegations described.

RESPONSE TO INTERROGATORY 6:

Plaintiff objects to this interrogatory because it is an improper overbroad contention interrogatory. Defendant can get the same information through less burdensome discovery tools. Plaintiff further objects that this is a compound interrogatory, and contains at least two separate subparts: (1) all facts that support failure to ensure communication access in parole and reentry planning, harms; and (2) documents or other evidence that supports. Without waiving these objections, and subject thereto, Plaintiff responds:

I think maybe I should be getting PIC points and that maybe that means I could get out earlier. I think maybe I could go to a TC. But because I don't have clear information about this, and because I have not been able to talk to anyone from parole about this with an interpreter, I'm not sure. I think a hearing person might be able to get out earlier because they could understand what the rules and requirements were.

I don't know anything about what the rules will be when I get out of prison. I think I will be on probation for eight years. I am afraid I will get in trouble when I get out because there aren't interpreters or because I don't understand the rules.

I promise that everything *in italics* 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: 11/18/19

Jorae Smith
Jorae Smith

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2019, I electronically served the foregoing Responses of Plaintiff Jorae Smith to Interrogatories of Defendant Georgia Board of Pardons and Paroles on Defendants by email addressed to:

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Respectfully submitted this 4th day of December, 2019,

/s/ Mika Aoyama
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