

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

RICARDO HARRIS, BRANDON)
COBB, TOMMY GREEN, LEROY)
HENDERSON, TONY MOORE, JR.,)
CHRISTOPHER SHIELDS, ANDREW)
SMITH, DARRELL SMITH, JR., and)
JORAE SMITH, on behalf of themselves)
and all others similarly situated,)

Plaintiffs,)

vs.)

GEORGIA DEP'T OF CORRECTIONS;)
GEORGIA STATE BOARD OF)
PARDONS AND PAROLES;)
GREGORY C. DOZIER, in his official)
capacity as Commissioner of the Georgia)
Department of Corrections; TERRY)
BARNARD, in his official capacity as)
Chairman of the Georgia State Board of)
Pardons and Paroles; TIMOTHY C.)
WARD, in his official capacity as the)
Chief of Staff of the Georgia Department)
of Corrections; CLAY NIX, in his official)
capacity as the Director of Professional)
Standards for the Georgia Department)
of Corrections; RICKY MYRICK, in his)
Official capacity as the Assistant)
Commissioner of the Facilities Division)
of the Georgia Department of)
Corrections; JACK "RANDY" SAULS,)
in his official capacity as the Assistant)
Commissioner of Health Service for the)
Georgia Department of Corrections; JAY)
SANDERS, in his official capacity as the)
Assistant Commissioner of Inmate)
of the Georgia Department of)
Corrections; TOMMY BOWEN, in his)
official capacity as Warden of Central)
State Prison; TED PHILBIN, in his)
official capacity as Warden of Augusta)
State Medical Prison; ANTOINE)
CALDWELL, in his official capacity as)
Warden of Johnson State Prison,)

Defendants.)

CIVIL ACTION FILE NO.:

5:18-cv-365 (TES)

FIRST AMENDED ANSWER AND DEFENSES

Come now Defendants, Georgia Department of Corrections, Georgia Department of Pardons and Paroles, Timothy Ward¹ and Terry Barnard, in their official capacities only, by and through the Attorney General for the State of Georgia, and file this First Amended Answer to Plaintiffs' Complaint. (Doc. 1).

FIRST DEFENSE

Plaintiffs fail to state a claim upon which relief can be granted.

SECOND DEFENSE

Some or all of Plaintiffs' claims may be barred by the doctrine of laches.

THIRD DEFENSE

Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

FOURTH DEFENSE

Because Plaintiffs are not being subjected to a current and ongoing deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States, this action is barred by the Eleventh Amendment.

FIFTH DEFENSE

Because Plaintiffs are not being subjected to a current and ongoing deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States, their requested relief is not authorized by the Prison Litigation Reform Act, 18 U.S.C. § 3626(a).

¹ Pursuant to Fed. R. Civ. P. 25(d), Timothy C. Ward is automatically substituted for former Commissioner Gregory C. Dozier, as Defendant in his official capacity as Commissioner of the Georgia Department of Corrections.

SIXTH DEFENSE

Some or all of Plaintiffs' claims are moot. As a result, this Court lacks jurisdiction.

SEVENTH DEFENSE

Some or all of Plaintiffs' claims may be barred by the statute of limitations.

EIGHTH DEFENSE

Plaintiffs may have failed to exhaust administrative remedies as required under the Prison Litigation Reform Act.

NINTH DEFENSE

Defendants are entitled to qualified immunity.

TENTH DEFENSE

Defendants have reasonably accommodated Plaintiffs' disabilities.

ELEVENTH DEFENSE

To the extent that Plaintiffs seek actions, accommodations, and/or modifications to services, programs, or activities of Defendants that would result in a fundamental alteration in the nature of the service, program, or activity, or in undue financial and/or administrative burdens, the accommodations and/or modifications are not required by federal law.

TWELFTH DEFENSE

Defendants retain the right to assert other defenses allowed by law at such time as the allegations are more specifically pled or developed.

Without waiving any of the above defenses or any other defenses to which they may be entitled, Defendants answer the specifically numbered paragraphs of the Complaint as follows:

1.

Denied as written. Defendants admit Plaintiffs are deaf or hard of hearing inmates who are incarcerated within the Department of Corrections. Defendants deny that Plaintiffs Ricardo

Harris, Jr. and Darrell Smith are eligible for parole consideration at this time. Defendants further answer by stating that Plaintiff Tony Moore, Jr., and Plaintiff Jorae Smith are ineligible for parole consideration.

2.

Denied.

3.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 3 of the Complaint, and therefore deny same.

4.

Denied.

5.

Denied.

6.

Denied.

7.

Denied.

8.

Denied.

9.

Denied.

10.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 10 of the Complaint, and therefore deny same. Defendants deny that Plaintiffs have been subjected

to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

11.

Denied.

12.

Denied.

13.

Defendants deny that Plaintiffs have been or are being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and as such, deny that Plaintiffs are entitled to any type of relief, including the declaratory and injunctive relief requested.

14.

Defendants do not dispute jurisdiction. Defendants deny that Plaintiffs are entitled to any relief, including the declaratory and injunctive relief requested.

15.

Defendants do not dispute that venue is proper in the Middle District of Georgia.

16.

Denied as written. Defendants admit that Plaintiff Ricardo Harris is a 38 year old man convicted of murder and serving a life sentence. Defendants admit he is currently incarcerated within the Department of Corrections at Central State Prison, that he has previously been housed at the Georgia Diagnostic & Classification Prison and Augusta State Medical Prison, and that he is a qualified individual under the ADA. Upon information and belief, Defendants answer by stating that Plaintiff Ricardo Harris has obtained a Bachelor's Degree, is not indicated by

assessment as needing educational testing, and that he has successfully completed programming offered by the Department. All other allegations in paragraph 16 are denied.

17.

Denied as written. Defendants admit that Plaintiff Brandon Cobb is a 30 year old man convicted of aggravated assault and serving a sentence of 20 years. Defendants admit he is currently incarcerated within the Department of Corrections at Central State Prison and that he has been previously housed at Georgia Diagnostic and Classification Prison, Augusta State Medical Prison, and Johnson State Prison, and that he is a qualified individual under the ADA. Upon information and belief, Defendants answer that Plaintiff Brandon Cobb has obtained a High School Diploma or the equivalent General Educational Development Degree and that he has successfully completed programming offered by the Department since 2014. All other allegations in paragraph 17 are denied.

18.

Denied as written. Defendants admit that Plaintiff Tommy Green is a 54 year old man convicted of murder and that he is serving a life sentence. Defendants admit that he is currently incarcerated within the Georgia Department of Corrections at Central State Prison, that he has previously been housed at Mens State Prison, Augusta State Medical Prison, and Baldwin State Prison, and that he is a qualified individual under the ADA. Defendants have insufficient knowledge at this time to admit or deny the allegations regarding Plaintiff Green's use of English. Defendants answer further by stating that Defendant Green has successfully completed numerous programs offered by the Department throughout his incarceration. All other allegations in paragraph 18 are denied.

19.

Denied as written. Defendants admit that Plaintiff Leroy Henderson is a 65 year old man convicted of aggravated assault and that he is serving a sentence of 20 years. Defendants admit, upon information and belief, that Plaintiff Henderson is currently incarcerated by the Department of Corrections, but housed at the Coffee Correctional Facility. Defendants further admit that he has previously been housed at Georgia Diagnostic and Classification Prison, Augusta State Medical Prison, Coastal State Prison, Hays State Prison, Phillips State Prison, Central State Prison, and Wilcox State Prison, and that he is a qualified individual under the ADA utilizing a hearing aid. Defendants answer further by stating that Plaintiff Henderson has been completing educational programs in the Department's custody since 2005, that he has at least 7 years of education, and that he communicates verbally with staff without any discernable difficulties. All other allegations in paragraph 19 are denied.

20.

Denied as written. Defendants admit Plaintiff Tony Moore, Jr., is a 39 year old man convicted as a recidivist offender and serving a 30 year sentence. Defendants admit further that Plaintiff Tony Moore is currently incarcerated by the Department of Corrections at Central State Prison and that he has previously been housed at Baldwin State Prison, Hays State Prison, West Georgia Boot Camp, Men's State Prison, Georgia Diagnostic and Classification Prison, Washington State Prison, and Coffee Correctional Facility. Defendants admit he is a qualified individual under the ADA. Defendants answer further by stating, upon information and belief, that Plaintiff Tony Moore, Jr., has obtained 7 to 10 years of education and that he has successfully completed programming offered by the Department. All other allegations in paragraph 20 are denied.

21.

Denied as written. Defendants admit Plaintiff Christopher Shields is a 38 year old man convicted of child molestation serving a 30 years sentence in the Department of Corrections and that he is currently housed at Central State Prison. Defendants admit further than Plaintiff Christopher Shields has been previously housed at the Georgia Diagnostic and Classification Prison, Hancock State Prison, and Men's State Prison, and that he is a qualified individual under the ADA. Defendants have knowledge insufficient to admit or deny the allegations regarding Plaintiff's primary communication or his ability to read lips,² and therefore deny same. Defendants answer further, upon information and belief, that Plaintiff Christopher Shields has obtained his High School Diploma or the equivalent General Educational Development Degree and that he has successfully completed programming offered by the Department. All other allegations in paragraph 21 are denied.

22.

Denied as written. Defendants admit Plaintiff Andrew Smith is a 33 year old man currently serving a five year sentence within the Department of Corrections for Sexual Battery. Defendants further admit that Plaintiff Andrew Smith is currently housed at Central State Prison and that he has previously been housed at Baldwin State Prison, Coffee Correctional Facility, Coastal State Prison, Men's State Prison, and Augusta State Medical Prison. Defendants admit he is a qualified individual under the ADA. Defendants answer further, upon information and belief, that he has an amputated leg and that he has been provided and utilizes a prosthetic. Defendants answer further, upon information and belief, that Plaintiff Andrew Smith has eleven years of education and that he has successfully completed programming offered by the

² Footnote 3 in paragraph 21 does not require an answer; to the extent an answer is required, Defendants have insufficient knowledge to admit or deny the statements contained therein, and therefore deny same.

Department. Defendants have knowledge insufficient to admit or deny the allegation regarding Plaintiff Andrew Smith's ability to read lips, and therefore deny same. Defendants deny all other allegations in paragraph 22.

23.

Denied as written. Defendants admit Plaintiff Darrell Smith is a 40 year old man presently confined in the Department of Corrections at Central State Prison, serving a life sentence for murder. Defendants further admit that he has previously been housed at Georgia Diagnostic and Classification Prison, Hancock State Prison, and Augusta Medical Prison. Defendants further admit that Plaintiff Smith has some type of medical issue with his eye or eyes. Defendants have knowledge insufficient to admit or deny the allegations regarding Plaintiff's ankle, and therefore deny same. Defendants admit that Plaintiff Darrell Smith is a qualified individual under the ADA. Defendants answer further, upon information and belief, by stating that he has obtained a High School Diploma or the equivalent General Educational Development Degree and that he has successfully completed programming offered by the Department. All other allegations in paragraph 23 are denied.

24.

Denied as written. Defendants admit Plaintiff Jorae Smith is a 23 year old man presently confined in the Department of Corrections at Central State Prison serving a 20 year sentence for, inter alia, Armed Robbery, Robbery by Force, and Aggravated Assault. Defendants further admit that he has previously been housed at Georgia Diagnostic and Classification Prison, Coastal State Prison, Georgia State Prison, Valdosta State Prison, and Augusta Medical Prison. Defendants have insufficient knowledge at this time to admit or deny the allegations regarding Plaintiff's alleged psychiatric disability, and therefore deny same. Defendants admit he is a qualified individual under the ADA. Defendants answer further, upon information and belief, by

stating that Plaintiff Jorae Smith has obtained seven to eleven years of education and has successfully completed programming offered by the Department. All other allegations in the complaint are denied.

25.

Admitted.

26.

Admitted.

27.

Denied as written. Defendants admit Defendant Gregory Dozier was the Commissioner of the Department of Corrections at the time this suit was commenced and was responsible for oversight for the Department of Corrections, including its day to day operations.³ Defendants further admit that Commissioner Dozier was responsible for ensuring legal compliance with federal disability nondiscrimination laws and the U.S. Constitution at all state prisons, and that he has been sued in his official capacity. All other allegations in paragraph 27 are denied.

28.

Denied as written. Defendant Terry Barnard admits he is the Chairman of the Board of Pardons and Paroles and that he is sued in his official capacity, and, further, than in his official capacity, he is responsible for ensuring compliance with federal disability nondiscrimination laws and the U.S. Constitution. Chairman Barnard denies the remaining allegations in paragraph 28.

³ On or around November 2018, Defendant Dozier was appointed to serve in Governor-elect Brian Kemp's transition team; Defendant Timothy Ward is now serving as interim Commissioner of the Department of Corrections.

29.

Denied as written. Defendant Timothy Ward admits he was the Chief of Staff for the Department of Corrections at the time this suit commenced, that he is sued in his official capacity, and that he is responsible for overseeing the supervision of over 53,000 felony state offenders and leading a team of more than 10,000 employees. Defendant Ward denies the remaining allegations in paragraph 29.

30.

Denied as written. Defendant Clay Nix admits he is the Director of Professional Standards for the Department of Corrections, that he is sued in his official capacity, and that he is responsible for the GDOC Criminal and Administrative Investigative Units, Fugitive and Canine Operations, and Compliance Unit. Defendant Nix answers further that the Criminal Investigations Division is responsible for conducting criminal investigations with a nexus to the GDOC; the Internal Investigative Unit is responsible for conducting administrative investigations pertaining to GDOC policy, Grievance Appeals, Disciplinary Appeals, and Use of Force reviews. Defendant Nix states further that the Ombudsman Unit is also attached to the Internal Investigations unit and the Compliance Unit is responsible for conducting security audits of Departmental facilities, Accreditation, PREA, Policy Administration, and ADA Compliance. The remaining allegations in paragraph 30 are denied.

31.

Denied as written. Defendant Ricky Myrick admits he is the Assistant Commissioner of the Facilities Division for the Department of Corrections and that he is sued in his official capacity. Defendant Myrick further admits that he is responsible for monitoring the overall supervision and safety of all inmates housed within GDC facilities, which include state prisons,

transitional centers, probation detention centers, and substance abuse centers. All other allegations in paragraph 31 are denied.

32.

Denied as written. Defendant Jack Sauls admits he is the Assistant Commissioner of Health Services for the Department of Correction and that he has been sued in his official capacity. Defendant Sauls admits he oversees the physical, mental, and dental health of offenders incarcerated within the Department of Corrections, including the provision of services to offenders for treatment of medically necessary conditions. All other allegations in paragraph 32 are denied.

33.

Denied as written. Defendant Jay Sanders admits he is the Assistant Commissioner of Inmate Services for the Department of Corrections and that he has been sued in his official capacity. Defendant Sanders further admits that he is responsible for overseeing the Department's academic education, vocational training, chaplaincy and risk reduction services, programming for Residential Substance Abuse Treatment Centers, and transitional services and reentry. All other allegations in paragraph 33 are denied.

34.

Denied as written. Defendant Tommy Bowen admits that he became the Warden at Central State Prison in August 2018, that he has been sued in his official capacity, and that, in his official capacity he is the legal custodian of offenders in custody at Central State Prison, responsible for those offenders' safe, secure, and humane treatment. Defendant Bowen answers further that in his official capacity, he is also responsible for the provision of programs, services, and activities offered via the Department. Defendant Bowen denies that he is the Appointing Authority as defined by Departmental policy for purposes of adverse actions taken against

Departmental employees. Defendant Bowen answers further that he Defendant Bowen admits he is aware of Departmental policy governing the policy and practice regarding deaf and hard of hearing offenders and he is aware that some offenders have written grievances. All other allegations in paragraph 34 are denied.

35.

Denied as written. Defendant Ted Philbin admits he is currently the Warden at Augusta State Medical Prison, that he has been sued in his official capacity, and that he is the legal custodian of offenders in custody at Augusta State Medical Prison, and that he responsible for those offenders' safe, secure, and humane treatment. Defendant Bowen answers further that in his official capacity, he is also responsible for the provision of programs, services, and activities offered via the Department. Defendant Bowen denies that he is the Appointing Authority as defined by Departmental policy for purposes of adverse actions taken against Departmental employees. Defendant Philbin answers further by admitting he is aware of Departmental policy governing the policy and practice regarding deaf and hard of hearing offenders and that he is aware that some offenders have written grievances. All other allegations in paragraph 35 are denied.

36.

Denied as written. Defendant Antoine Caldwell admits that he is the current Warden of Johnson State Prison, that he is responsible for the custody, control, safety, security, and treatment of offenders, and that he is sued in his official capacity. Defendant Caldwell answers further by stating that in his official capacity, he is also responsible for the provision of programs, services, and activities offered via the Department. Defendant Caldwell denies that he is the Appointing Authority as defined by Departmental policy for the purposes of adverse actions taken against Departmental employees. Defendant Caldwell admits he is aware of

Departmental policy governing the policy and practice regarding deaf and hard of hearing offenders. All other allegations in paragraph 36 are denied.

37.

The allegations in the introduction to paragraph 37 are denied.

(A) Denied.

(B) Denied.

(C) Denied.

(D) Denied.

(E) Denied.

(F) Denied.

(G) Denied.

38.

Admitted.

39.

Paragraph 39 does not appear to require an answer. To the extent an answer is required, Defendants have knowledge insufficient to admit or deny the conclusions contained within, and therefore deny same.

40.

Paragraph 40 does not appear to require an answer. To the extent an answer is required, Defendants have knowledge insufficient to admit or deny the conclusions contained within, and therefore deny same.

41.

Paragraph 41 does not appear to require an answer. To the extent an answer is required, Defendants have knowledge insufficient to admit or deny the conclusions contained within, and therefore deny same.

42.

Paragraph 42 does not appear to require an answer. To the extent an answer is required, Defendants have knowledge insufficient to admit or deny the conclusions contained within, and therefore deny same.

43.

Denied.

44.

Denied.

45.

Denied as written. Defendants admit that offenders are sent to the Georgia Diagnostic and Classification Prison, among others, for diagnostic processing upon entry into Departmental custody. Defendants further admit that security levels for offenders, housing assignments, classes, jobs, and programming for offenders are assessed at classification. Defendants deny that security classification is a required factor by the Board of Pardons and Paroles in making parole determinations and further denies that early release is almost always denied if an offender does not complete programming identified at classification.

46.

Denied as written. Defendants admit communication is important at the classification stage to determine what programs, medical care, services, or facilities an offender may need, but

deny that such determinations only occur during an offender's initial classifications. Defendants deny the remaining allegations in paragraph 46.

47.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 47, and therefore deny same.

48.

Denied as written. Defendants admit that offenders are provided orientation information on rules, policies, procedures, jobs, classes, and programming upon arrival at a new facility and admit that communication of this orientation information is important to the offenders. Defendants deny that programmatic and parole information is provided during such orientation. The remaining allegations in paragraph 48 are denied.

49.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 49, and therefore deny same.

50.

Admitted.

51.

Denied as written. Defendants deny that offenders are placed in solitary confinement. Defendants answer further that offenders can be housed in Disciplinary Segregation, Restrictive Housing, and/or Administrative Segregation pending investigations, disciplinary charges, or as assigned housing. Defendants admit the balance of the allegations contained in paragraph 51.

52.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 52, and therefore deny same. Defendants answer further by stating that each incident leading to the

issuance of a disciplinary report can be unique to the offender and to the incident and, further answer that the Department of Corrections ADA policy governs the provision of needed accommodation for offenders needing accommodations in the disciplinary process.

53.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 53, and therefore deny same. Defendants answer further that the Department of Corrections ADA policy governs the provision of needed accommodations in the disciplinary process.

54.

Denied.

55.

Defendants have insufficient knowledge to admit or deny the allegations in paragraph 55, and therefore deny same.

56.

Defendants have insufficient knowledge to admit or deny the allegations in paragraph 56, and therefore deny same.

57.

Denied as written. Defendants admit that the Department of Corrections provides educational, vocational, counseling, and religious programs for offenders in the Department's custody. Defendants further admit that offenders participating in certain programs can impact their eligibility to receive a reduction in their sentence by up to 12 months. Defendants deny that parole determinations are made solely on the basis of an offender's lack of programmatic participation. Defendants admit the allegations regarding programming as critical to a reentry initiative. Defendants answer further by denying that program participation is a required factor

for parole consideration and by denying that all offenders are eligible to earn PIC Points. All other allegations in paragraph 57 are denied.

58.

Defendants have knowledge insufficient at this time to admit or deny the allegations in paragraph 58, and therefore deny same. Defendants answer further that the Department of Corrections' ADA policy governs the provision of needed accommodation for offenders in the Departments' educational and programmatic processes.

59.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 59, and therefore deny same. Defendants answer further that the Department of Corrections' ADA policy governs the provision of needed accommodation for offenders in the Departments' educational and programmatic processes.

60.

Denied as written. Defendants deny that programming ordered by a sentencing judge determines parole eligibility as parole eligibility is solely within the purview of the Board of Pardons and Paroles. Defendants have knowledge insufficient to admit or deny the remaining allegations in paragraph 60, and therefore deny same. Defendants answer further that the Department of Corrections' ADA policy governs the provision of needed accommodation for offenders in the Departments' educational and programmatic processes.

61.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 61, and therefore deny same. Defendants answer further that the Department of Corrections' ADA policy governs the provision of needed accommodation for offenders' requests to participate in religious programs.

62.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 62, and therefore deny same. Defendants answer further that the Department of Corrections' ADA policy governs the provision of needed accommodation in the Departments' educational and vocational programs and for offenders' requests to participate in religious programs.

63.

Admitted.

64.

Denied.

65.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 65, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodations for qualified offenders.

66.

Denied as written. Defendants admit Plaintiff Harris was transferred to Central State Prison on or around February 27, 2018. Defendants have knowledge insufficient to admit or deny the remaining allegations in paragraph 66, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodations for qualified offenders.

67.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 67, and therefore deny same. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodations for qualified offenders.

68.

Denied as written. Defendants deny that all offenders are eligible for PIC points. Defendants deny all other allegations in paragraph 68.

69.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 69, and therefore deny same.

70.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 70, and therefore deny same.

71.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 71, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

72.

Admitted.

73.

Denied.

74.

Denied as written. Defendants admit Plaintiff Tommy Green is serving a life sentence for murder and has been incarcerated for more than 20 years. Defendants deny that Green has no effective means to communicate with prison staff. Defendants have knowledge insufficient to

admit or deny the remaining allegations in paragraph 74, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

75.

Denied.

76.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 76, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

77.

Denied as written. Defendants admit that Department of Corrections staff share information with offenders on a daily basis. Defendants answer further by stating that the Department has provided four offenders with vibrating watches on a test basis. The remaining allegations in paragraph 77 are denied.

78.

Denied as written. Defendants answer further by stating that inspections occur on a daily basis within the Georgia Department of Corrections. All other allegations in paragraph 78 are denied.

79.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 79, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

80.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 80, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

81.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 81, and therefore deny same.

82.

Denied as written. Defendants admit offenders incarcerated within the Department of Corrections are provided to a wide range of information through various mediums by Defendants. The remaining allegations of paragraph 82 are denied.

83.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 83, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

84.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 84, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

85.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 85, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

86.

Admitted.

87.

Denied.

88.

Denied.

89.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 89, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

90.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 90, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

91.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 91, and therefore deny same. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

92.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 92, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

93.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 93, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

94.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 94, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

95.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 95, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

96.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 96, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

97.

Denied as written. Defendants answer further by stating that not all offenders are required to provide an address for parole consideration. Defendants have knowledge insufficient to admit or deny the remaining allegations in paragraph 97.

98.

Denied as written. Defendants answer further by stating that offenders in general population generally have telephone access seven days a week.

99.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 99, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

100.

Denied as written. Defendants admit TTY conversations necessarily take more time than traditional voice calls and state further that Departmental policy affords offenders utilizing TTY communications more time than is allowed offenders using traditional voice calls. Defendants have knowledge insufficient to admit or deny the remaining allegations in paragraph 100, and therefore deny same.

101.

Denied as written. Defendants deny that the TTY phones at Central State Prison have been broken for at least 10 years. Defendants have knowledge insufficient to admit or deny the remaining allegations in paragraph 101, and therefore deny same.

102.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 102, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

103.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 103, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders and that most services provided to offenders, including the provision of services through Departmental budgeting, are paid with tax dollars.

104.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 104, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders and that most services provided to offenders, including the provision of services through Departmental budgeting, are paid with tax dollars.

105.

Denied.

106.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 106, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

107.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 107, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

108.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 108, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

109.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 109, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

110.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 110, and therefore deny same. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

111.

Denied.

112.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 112, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

113.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 113, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

114.

Denied.

115.

Denied.

116.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 116, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

117.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 117, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

118.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 118, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

119.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 119, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

120.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 120, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

121.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 121, and therefore deny same. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

122.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 122, and therefore deny same. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

123.

Denied.

124.

Denied.

125.

Denied.

126.

Denied as written. Defendants admit that the Department of Corrections has a grievance policy available to all offenders, which provides an open and meaningful forum for complaints and the resolution of complaints, that the grievance procedure is an important feature and that exhaustion of administrative procedures, including grievance procedures, and that it is a prerequisite for an offender to file suit *pro se*. Defendants deny that the Department of Corrections' grievance procedure is the sole procedure afforded deaf and hard of hearing inmates a forum to seek accommodations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

127.

Denied.

128.

Denied.

129.

Denied.

130.

Denied as written. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders. All other allegations are denied.

131.

Denied.

132.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 132, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

133.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 133, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency.

Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

134.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 134, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

135.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 135, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

136.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 136, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

137.

Upon information and belief, paragraph 137 is denied.

138.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 138, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

139.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 139, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited English proficiency. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

140.

Defendants admit that at the time Plaintiffs filed suit, the Department of Corrections Grievance policy was a two-step process. Defendants have knowledge insufficient to admit or deny the remaining allegations in paragraph 140, and therefore deny same.

141.

Admitted.

142.

Admitted.

143.

Admitted.

144.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 144, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

145.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 145, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

146.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 146, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

147.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 147, and therefore deny same. Defendants answer by stating that the Department of Corrections'

grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

148.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 148, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

149.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 149, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

150.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 150, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

151.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 151, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

152.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 152, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

153.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 153, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

154.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 154, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

155.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 155, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

156.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 156, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with limited hearing or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

157.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 157, and therefore deny same. Defendants answer by stating that the Department of Corrections'

grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

158.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 158, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

159.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 159, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

160.⁴

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 160, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English

⁴ Footnotes 12 and 13 do not appear to require an answer; to the extent an answer is required, Defendants have knowledge insufficient to admit or deny the allegations, and therefore deny same.

proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

161.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 161, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

162.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 162, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

163.

Denied as written. Defendants admit Plaintiff Leroy Henderson communicates verbally with staff and that he does not use sign language. Defendants have insufficient knowledge at this time to admit or deny the allegations regarding Plaintiff Leroy Henderson's psychiatric state or fears, and therefore deny same. Defendants answer further by stating that Plaintiff Henderson has been completing educational programs in the Department's custody since 2005, that he has at

least 7 years of education, and that he communicates verbally with staff without any discernable difficulties. All other allegations in paragraph 163 are denied.

164.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 164, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

165.

Denied.

166.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 166, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

167.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 167, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

168.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 168, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

169.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 169, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

170.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 170, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

171.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 171, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

172.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 172, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

173.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 173, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

174.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 174, and therefore deny same. Defendants answer by stating that the Department of Corrections'

grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

175.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 162, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

176.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 176, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

177.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 177, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

178.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 178, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

179.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 179, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

180.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 180, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

181.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 181, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

182.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 182, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

183.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 183, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

184.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 184, and therefore deny same. Defendants answer by stating that the Department of Corrections'

grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

185.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 185, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

186.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 186, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

187.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 187, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of

Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

188.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 188, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

189.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 189, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

190.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 190, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

191.

Denied.

192.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 192, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

193.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 193, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

194.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 194, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

195.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 195, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

196.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 196, and therefore deny same. Defendants answer by stating that the Department of Corrections' grievance policy includes mechanisms for assisting inmates with hearing limitations or English proficiency limitations. Defendants answer further by stating that the Department of Corrections' ADA policy governs the provision of needed accommodation for qualified offenders.

197.

Defendants admit Plaintiffs seek to bring suit on behalf of themselves and on behalf of a class of all those similarly situated pursuant to FRCP Rule 23(a) and (b)(2). Defendants have knowledge insufficient to ascertain whether Plaintiffs meet the requirements of Rule 23(a) and (b)(2), and therefore deny same.

198.

Defendants admit Plaintiffs seek to represent a class as stated in paragraph 198. Defendants have knowledge insufficient to ascertain whether Plaintiffs meet the requirements of Rule 23(a) and (b)(2), and therefore deny same.

199.

Defendants have knowledge insufficient to ascertain whether Plaintiffs meet the requirements of Rule 23(a) and (b)(2), and therefore deny the allegations in paragraph 199.

200.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 200, and therefore deny same.

201.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 201, and therefore deny same.

202.

No answer is required to paragraph 202. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

203.

Admitted.

204.

Admitted.

205.

Admitted.

206.

Admitted.

207.

Denied.

208.

Denied.

209.

Denied.

210.

No answer is required to paragraph 210. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and deny that Plaintiffs are entitled to any relief or award.

211.

No answer is required to paragraph 211. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

212.

Admitted.

213.

Admitted.

214.

Admitted.

215.

Admitted.

216.

Admitted.

217.

Admitted.

218.

Denied.

219.

Denied.

220.

Denied.

221.

No answer is required to paragraph 221. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and deny that Defendants are entitled to any type of relief or award.

222.

No answer is required to paragraph 222. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

223.

Admitted.

224.

Denied.

225.

Denied.

226.

Denied.

227.

Denied.

228.

Denied.

229.

Denied. Defendants answer further by denying that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and denying that Plaintiffs are entitled to any form of relief.

230.

No answer is required to paragraph 230. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and deny that Defendants are entitled to any type of relief or award.

231.

No answer is required to paragraph 231. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States.

232.

Admitted.

233.

Denied.

234.

Denied.

235.

Denied. Defendants answer further by denying that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and denying that Defendants are entitled to any type of relief or award.

236.

No answer is required to paragraph 236. To the extent an answer is required, Defendants deny that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and deny that Defendants are entitled to any type of relief or award.

237.

Defendants have knowledge insufficient to admit or deny the allegations in paragraph 237, and therefore deny same.

PRAYER FOR RELIEF

Defendants have knowledge insufficient to ascertain whether Plaintiffs meet the requirements of Rule 23(a) and (b)(2), and therefore deny same. Defendants answer further by denying that Plaintiffs have been or are currently being subjected to a deprivation of any rights, privileges, or immunities secured by the Constitution or laws of the United States and denying that Defendants are entitled to any type of relief or award.

Respectfully submitted, this 5th day of December, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2019, I electronically filed this proposed First Amended Answer and Defenses with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: NONE

This 5th day of December, 2019.

/s/Cristina M. Correia
CRISTINA M. CORREIA 188620
Senior Assistant Attorney General