

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

Dayniah Manderson,

Plaintiff,

-against-

THE NEW YORK CITY DEPARTMENT OF  
EDUCATION, THE CITY OF NEW YORK,  
and RICHARD A. CARRANZA, in his official  
capacity as Chancellor of the New York City  
Department of Education,

Defendants.

No. 1.21-CV-2047

**COMPLAINT**

**Introduction**

1. This employment-related, disability civil rights action is brought by Dayniah Manderson, a longtime educator with the New York City (“NYC”) Department of Education (“DOE”), to challenge the DOE’s longstanding failure to provide her with necessary reasonable accommodations and failure to engage in the interactive process as required under the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act (“Section 504”), and the New York City Human Rights Law (“NYCHRL”).

2. Ms. Manderson has a mobility disability and uses a motorized wheelchair for mobility. She has taught for the DOE since 2003 and has been a middle school English teacher in the same DOE school building since 2008.

3. Ms. Manderson has been unable to use the restroom at work since she began teaching in her current school building in 2008 because, despite repeated requests for a reasonable accommodation, the DOE has failed to provide her with a restroom that accommodates her needs as a motorized wheelchair user. The staff restrooms in her school

building are too small to provide space for her personal care attendant and do not contain a toilet at a height that allows her to transfer safely from her wheelchair.

4. Ms. Manderson suffers short- and long-term health consequences because she is denied restroom access at work. She is forced to ration her water intake, limiting her ability to take certain prescription pills, and the long periods she endures without using the restroom put her at risk for long-term health consequences.

5. The DOE has also repeatedly denied Ms. Manderson's other requested reasonable accommodations, including her request for a clear egress path throughout the Fire Safety Room, her designated evacuation point, and her request that students in her class be allowed to write in online journals so that she can grade them from her home computer because she is unable to physically carry seventy-five journals home from work.

6. Ms. Manderson seeks injunctive and declaratory relief, compensatory damages, and attorneys' fees and costs, as well as all other appropriate relief as determined by this court, for Defendants' violations of her rights.

### **JURISDICTION**

7. Ms. Manderson bring claims under Title I of the ADA, 42 U.S.C. §§ 12101, *et seq.*; Section 504 of the Rehabilitation Act, 29 U.S.C. § 794; and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, *et seq.*

8. This Court has subject matter jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4) as this is a civil action arising under the laws of the United States. This Court has jurisdiction over the supplemental claims arising under the NYCHRL pursuant to 28 U.S.C. § 1367(a). Moreover, this Court has jurisdiction to issue a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

**VENUE**

9. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District because one or more of the parties are located within this District. Moreover, a substantial part of the events or omissions giving rise to the claims alleged herein occurred in this District.

**PARTIES**

10. Ms. Manderson resides in the Bronx, New York, and is a person with a disability under Title I of the ADA, Section 504 of the Rehabilitation Act, and Section 8-102 of the NYCHRL. Ms. Manderson is informed and believes, and thereon alleges, that Defendants also regard her as disabled within the meaning of local and federal disability nondiscrimination laws.

11. Defendant the NYC DOE is responsible for operating the public school program in New York City.

12. State law vests control of the NYC DOE with a Chancellor who is appointed by the Mayor of the City of New York. N.Y. Educ. Law § 2590-h. The City is also responsible for appointing a majority of the members to the Panel for Educational Policy, which runs the NYC DOE.

13. The Chancellor is tasked with overseeing every aspect of the schooling of New York City children. The City is a recipient of federal financial assistance related to the provision of educational services within the meaning of Section 504.

14. Defendant Richard A. Carranza, sued in his official capacity, is the Chancellor of the New York City Department of Education.

15. Defendant City of New York (“the City”) was, and is, a municipal entity created and authorized under the laws of the State of New York.

**EXHAUSION OF ADMINISTRATIVE REMEDIES**

16. In May 2020, Ms. Manderson filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”).

17. On January 26, 2021, after more than 180 days had passed, Ms. Manderson requested a Notice of Right to Sue from the EEOC. Ms. Manderson received her Notice of Right to Sue from the EEOC on February 1, 2021; this letter is attached as Exhibit 1. This action was filed within ninety days of Ms. Manderson’s receipt of her Notice of Right to Sue.

18. Contemporaneously with filing this Complaint, Ms. Manderson is serving a copy of it upon the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the requirements of Section 8-502(c) of the New York City Administrative Code.

**FACTUAL ALLEGATIONS**

19. Ms. Manderson has Spinal Muscular Atrophy Type II and uses a motorized wheelchair for mobility.

20. She has a master’s degree in school building leadership and received tenure in 2008.

21. Ms. Manderson began working for the DOE as a classroom teacher in 2003.

22. In 2008, Ms. Manderson began working at the Urban Assembly Academy of Civic Engagement Middle School in the Bronx as a middle school English teacher.

23. In 2015, the Urban Assembly Academy of Civic Engagement consolidated and Ms. Manderson began teaching Eighth Grade English at Mott Hall Community School (“Mott Hall”) in the exact same building and classroom that she has been teaching in since 2008.

24. Since March 2020, Ms. Manderson has been teaching remotely as a result of the Covid-19 Pandemic. Once the DOE fully resumes in-person instruction Ms. Manderson intends to return to Mott Hall and resume teaching in the same building and classroom.

25. Mott Hall has an elevator and Ms. Manderson teaches on the third floor.

**Failure to Provide Restroom Access**

26. In order to use the restroom, Ms. Manderson requires a restroom facility that is large enough so that her personal care attendant can assist her in transferring from her wheelchair to the toilet. She also requires a toilet that is at a height such that she can complete the transfer safely.

27. There is no restroom that meets Ms. Manderson's access needs on either the third floor where she teaches, or in the entire Mott Hall school building.

28. Ms. Manderson has been unable to use the restroom during the workday since she began teaching in her present school building in 2008.

29. During the school year, Ms. Manderson generally arrives at work around 7:15 AM and remains at work until approximately 3:00 PM, except for Mondays when she is required to remain in the building until around 5:15 PM for parent outreach and staff development.

30. Approximately four to five times a year, Ms. Manderson remains at Mott Hall until 7:30 PM for parent-teacher conferences, meaning she is forced to spend over twelve hours at Mott Hall without use of the restroom.

31. Ms. Manderson is harmed by her inability to use the restroom at work.

32. Due to her Spinal Muscular Atrophy, Ms. Manderson is vulnerable to infections which have a disproportionately negative impact on her short and long-term health.

33. Her physician cautions that not being able to use the toilet for the duration of her workday on an ongoing basis could result in a long-term negative impact on Ms. Manderson's kidney function, and on her overall health.

34. Because of her lack of access to a restroom at work, Ms. Manderson is forced to limit her consumption of fluids and food at work, in an attempt to reduce bladder discomfort.

35. Due to her lack of restroom access, Ms. Manderson must avoid taking antibiotics, muscle relaxers or other prescription pills that must be taken with a significant amount of water. Avoiding these prescriptions has negative implications for her general health and well-being.

36. On several occasions, Ms. Manderson has taken time off work when starting necessary antibiotic regimes, so she can consume the necessary amount of water without having to worry about not having access to a restroom.

37. Ms. Manderson also experiences anxiety, frustration, sleeplessness, fatigue, and poor health due to dehydration, stress, and feelings of marginalization and dehumanization due to her inability to use the restroom at work.

38. Since 2008, on multiple occasions Ms. Manderson has informed her Assistant Principal ("AP") and other members of school leadership that she cannot use the restroom at work.

39. In January 2018, Ms. Manderson verbally requested a reasonable accommodation allowing her to use the restroom at Mott Hall.

40. On February 12, 2018, Ms. Manderson emailed the DOE to memorialize her January verbal request that they modify a restroom at Mott Hall so that she would be able to use the restroom at work as a reasonable accommodation.

41. In response, a representative from the DOE's Office of Accessibility Planning stated via email on March 19, 2018, that the project would take some time but assured Ms. Manderson that it was being worked on.

42. Eight months later, in or about September 2018, the DOE completed a restroom renovation on the third floor of Mott Hall. However, the DOE failed to consult Ms. Manderson regarding whether the specifications of the restroom would meet her disability-related needs or provide her notice that the renovation would be taking place. The renovated restroom did not effectively accommodate Ms. Manderson because the toilet installed by the DOE was too low to allow Ms. Manderson to transfer safely without risking injury.

43. In or about November 2018, a DOE Accessibility Coordinator reviewed the September 2018 renovations and expressed concerns to the Construction Manager about the toilet seat's low height and the functionality of the automatic door opener.

44. In or about November 2018, Ms. Manderson also expressed concerns to the DOE in person, emphasizing her continued inability to use the restroom at work due to the toilet's low height and requesting that the DOE provide a usable reasonable accommodation.

45. The DOE installed a toilet seat riser in May 2019. However, the toilet seat riser is an inadequate and potentially dangerous alternative because it can shift during transfer and place Ms. Manderson at risk of falling.

46. On May 20, 2019, Ms. Manderson emailed the DOE to again request a reasonable accommodation allowing her to use the restroom safely at work. Her email reiterated that the toilet seat riser is not an effective accommodation because it is not in a fixed position, can shift during transfer, and places her at risk of falling.

47. The DOE did not respond to this email but told Ms. Manderson verbally that it would look into resolving the issue.

48. However, DOE officials failed to communicate further with Ms. Manderson about addressing these continuing barriers.

49. The DOE did not engage in an effective interactive process or cooperative dialogue with Ms. Manderson or inquire about her specific access needs so that she could use the restroom safely and comfortably.

50. In its EEOC Response, the DOE states that it conducted an additional renovation to the restroom in September 2019; however, Ms. Manderson received no communication from the DOE or staff at Mott Hall informing her about the September 2019 renovation or asking if it met her needs for an accommodation.

51. Ms. Manderson was in fact unaware of any alleged adjustments to the restroom, and the DOE did not engage in any dialogue process at that time to assess Ms. Manderson's needs to ensure that any modifications provided an effective reasonable accommodation.

52. Ms. Manderson is presently still unable to use the restroom at Mott Hall because it remains too low to the ground for her to transfer safely and she therefore continues to be denied a reasonable accommodation.

53. Additionally, the restroom's automatic door opener, which Ms. Manderson requires in order to open the restroom door independently, is chronically broken, meaning that she cannot even utilize the restroom to have a few minutes of privacy during the day.

54. Ms. Manderson again emailed the DOE on January 6, 2020, stating that the automatic door opener was presently unworkable and had been unworkable for several months.

She attached a video depicting the inoperable automatic door opener. Her January 6 email also addressed ongoing issues regarding the height of the toilet seat.

55. As of November 16, 2020, there is still no bathroom at Mott Hall that Ms. Manderson can safely use because the toilet seat is too low to the floor to allow her to transfer safely.

**Failure to Accommodate Emergency Evacuation Needs**

56. The DOE has also consistently failed to provide Ms. Manderson a clear and safe path of travel throughout the Fire Safety Room at Mott Hall, which is her designated evacuation point in the event of an emergency.

57. Ms. Manderson has repeatedly requested that the DOE stop inappropriately using the Fire Safety room to store school equipment, because when the room is overcrowded, she cannot navigate her wheelchair to the window and therefore cannot be safely evacuated from the building. This practice also places the students and other staff who utilize the Fire Safety room at risk in an emergency.

58. The Fire Safety room is also used to store combustible equipment, which is an additional safety concern in the event of a fire.

59. In February 2019, Ms. Manderson emailed DOE's leadership to express concern regarding various obstructions (including bicycles, toolkits, and other objects) blocking the path to the window and blocking the window itself which the evacuees and fire department would need to gain access to in an emergency. She noted that her email was the third time she had raised this issue with the DOE.

60. The issue was still not resolved nearly eight months later, so Ms. Manderson again emailed the DOE on October 3, 2019, stating that the "[Fire Safety] room, needs to allow

clear access to the fire department to rescue persons with disabilities or those needing physical help during an emergency.”

61. At one point during a routine safety check, Ms. Manderson heard a Fire Department representative telling the AP that the Fire Safety room was so full of barriers that it was not functioning as an effective safe room. The AP temporarily addressed these concerns by removing some furniture from the room to allow a path of travel, but within a few weeks the Fire Safety room was again so overly full that it could not function effectively as a safe evacuation space.

62. As of March 2020, the last month Ms. Manderson was teaching in person at Mott Hall, the Fire Safety room habitually lacked a safe path of egress.

**Failure to Provide Journal Grading Accommodations**

63. Ms. Manderson’s work duties include grading her seventy-five to ninety eighth grade students’ journals on a weekly basis.

64. The students write in physical journals, and Ms. Manderson does not have sufficient time during the school day to complete all her grading. She is often required to serve as a substitute for other teachers during her preparatory periods and does not have a Personal Care Attendant during these blocks, meaning she cannot effectively use that time to grade journals.

65. Due to her disability, it is a significant hardship for Ms. Manderson to carry seventy-five to ninety journals home; she therefore asked her AP for the reasonable accommodation of allowing her students to write in online journals so she could grade them from her home computer. Her AP denied her request for a reasonable accommodation on the basis that she was seeking “special treatment” and that the school needed to remain consistent.

66. Providing students the opportunity to write in their journals electronically would benefit students who could also journal at home. Notably, the DOE has provided computers to all students during the Covid-19 Pandemic. Thus, all of Ms. Manderson’s students should be able to complete their journals online.

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**Disability Discrimination in Violation of the  
Americans with Disabilities Act  
(42 U.S.C. §§ 12101, *et seq.*)**

67. Ms. Manderson incorporates by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

68. The ADA prohibits an employer from discriminating “against a qualified individual on the basis of disability in regard to . . . terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a).

69. At all times relevant to this action, Defendants have been a covered entity and an employer for purposes of Title I of the ADA. 42 U.S.C. § 12111(2) and (5)(A).

70. At all times relevant herein, Ms. Manderson was and is a “qualified individual” with a disability who, with or without reasonable accommodation, can perform the essential functions of her employment position. 42 U.S.C. § 12102(1)-(2), 12111(8), 29 C.F.R. § 1630.2(g) and (m).

71. Discrimination “against a qualified individual on the basis of disability” includes “not making reasonable accommodations to the known physical . . . limitations of an otherwise qualified individual with a disability who is an . . . employee, unless such covered entity can demonstrate the accommodation would impose an undue hardship on the operation of the business of such covered entity.” 42 U.S.C. § 12112(b)(5)(A).

72. The ADA further prohibits “utilizing standards, criteria, or methods of administration— (A) that have the effect of discrimination on the basis of disability . . .” 42 U.S.C. § 12112(b)(3)(A).

73. An employer must provide reasonable accommodation to its employees with disabilities, and is required to engage in an interactive process with an employee who needs reasonable accommodations when such process is necessary to determine the appropriate accommodation. 42 U.S.C. § 12112(b)(5)(A); 29 C.F.R. § 1630.2(o)(1)(3).

74. The interactive process “should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.” 29 C.F.R. § 1630.2(o)(3).

75. “Reasonable accommodation” includes “[m]odifications or adjustments to the work environment, . . . that enable an individual with a disability who is qualified to perform the essential functions of that position” or “[m]odifications or adjustments that enable a covered entity’s employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.” 29 C.F.R. § 1630.2(o)(1)(ii)–(iii).

76. “Reasonable accommodation” may include but is not limited to “[m]aking existing facilities used by employees readily accessible to and usable by individuals with disabilities” and other accommodations such as “the acquisition or modifications of equipment or devices.” 29 C.F.R. § 1630.2(o)(2)(i)–(ii).

77. In violation of Ms. Manderson’s rights under the ADA to be free from disability-based discrimination in employment, Defendants failed to provide reasonable accommodations to Ms. Manderson. 42 U.S.C. § 12112(a), (b)(5)(A); 29 C.F.R. § 1630.9(a), (e).

78. Throughout her employment, Ms. Manderson has requested reasonable accommodations, and Defendants knew or should have known that accommodation was needed. Defendants failed to accommodate Ms. Manderson and to implement policies, procedures, and practices to ensure that she was and is provided with accommodations.

79. Defendants discriminated against Ms. Manderson on the basis of her disability by discriminating against her in regard to the terms, conditions and privileges of her employment in violation of 42 U.S.C. § 12112(a); limiting, segregating, or classifying her in a way that adversely affects her opportunities or status in violation of 42 U.S.C. § 12112(b)(1); using standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability in violation of 42 U.S.C. § 12112(b)(3)(A); and failing to make reasonable accommodations in violation of 42 U.S.C. § 12112(b)(5)(A). *See also* 29 C.F.R. §§ 1630.4(a), 1630.5, 1630.9(a), (e).

80. In failing to accommodate Ms. Manderson, Defendants violated the ADA. 29 C.F.R. § 1630.9(a), (e); 29 C.F.R. § 1630.2(o)(1), (2), (4).

81. In failing to engage in a timely and good faith interactive process with Ms. Manderson to determine effective reasonable accommodations, Defendants violated the ADA. 29 C.F.R. § 1630.2(o)(1)-(3).

82. As a direct and proximate result of the unlawful acts described herein, Ms. Manderson has suffered and continues to suffer injuries including emotional distress, anxiety, frustration, sleeplessness, fatigue, stress, and feelings of marginalization and dehumanization.

83. As a result of these violations, pursuant to 42 U.S.C. §§ 12205, 12117, Ms. Manderson is entitled to recover compensatory damages, declaratory and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this court.

**SECOND CAUSE OF ACTION**  
**Discrimination Based on Disability**  
**in Violation of the Rehabilitation Act of 1973**  
**(29 U.S.C. § 794(a))**

84. Ms. Manderson re-alleges and incorporates herein all previously alleged paragraphs in this Complaint.

85. Ms. Manderson is an “individual with a disability” within the meaning of the Rehabilitation Act because she has a physical impairment that substantially limits one of more major life activities. 29 U.S.C. § 705(20)(A), (B); 34 C.F.R. § 104.3(j)(i).

86. At all relevant times, the NYC DOE was and is a program or activity that receives federal financial assistance for purposes of Section 504 and thereby is prohibited from subjecting a qualified person with a disability to discrimination in employment. 29 U.S.C. § 794(b); 34 C.F.R. § 104.11(a)(1).

87. At all times during her employment, Ms. Manderson was and is fully qualified for, and met or exceeded the performance requirements and expectations for, all aspects of her position.

88. Defendants failed to make reasonable accommodations necessary to accommodate Ms. Manderson’s disability in violation of Section 504. 34 C.F.R. § 104.12. “Reasonable accommodation” may include making facilities readily accessible and usable by employees with disabilities. *See* 34 C.F.R. § 104.12(b)(1).

89. Pursuant to Section 504 of the Rehabilitation Act, “[n]o otherwise qualified individual with a disability. . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance[.]” 29 U.S.C. § 794(a).

90. Defendants violated Section 504 by excluding Ms. Manderson from participation in their programs and activities and denying her the benefits of their programs and activities. Defendants otherwise subjected Ms. Manderson to discrimination solely on the basis of disability by failing to reasonably accommodate her, failing to make its facilities readily accessible and usable to her, and failing to provide accommodations to enable her to satisfy the essential requisites of her job duties.

91. As a direct and proximate result of these unlawful acts, Ms. Manderson has suffered and continues to suffer damages, including emotional distress.

92. As a result of these violations, pursuant to 29 U.S.C. § 794a, Ms. Manderson is entitled to recover compensatory damages, declaratory and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this court.

**THIRD CAUSE OF ACTION**  
**Failure to Accommodate in Violation of the**  
**New York City Human Rights Law**  
**(N.Y.C. Admin. Code §§ 8-101, *et seq.*)**

93. Ms. Manderson incorporates by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

94. Ms. Manderson qualifies as “person with a disability” per the NYCHRL. N.Y.C. Admin. Code § 8-102. At all times relevant to this action, Defendants have been covered entities and employers within the meaning of N.Y.C. Admin. Code § 8-102.

95. N.Y.C. Admin. Code § 8-107(1)(a)(3) makes it an unlawful discriminatory practice for an employer to discriminate against an employee with a disability in the “terms, conditions or privileges of employment.”

96. N.Y.C. Admin. Code § 8-107(15) makes it an unlawful discriminatory practice for an employer “not to provide a reasonable accommodation to enable a person with a disability

to satisfy the essential requisites of a job or enjoy the right[s]” of the position, provided that the disability is known or should have been known by the employer. N.Y.C. Admin. Code § 8-107(15)(a).

97. Ms. Manderson is an aggrieved person within the meaning of N.Y.C. Admin. Code § 8-502(a), which extends a cause of action and relief to “any person claiming to be a person aggrieved by an unlawful discriminatory practice” on the basis of her disability.

98. Defendants knew of Ms. Manderson’s disability and unreasonably failed to provide reasonable accommodations, despite her multiple requests.

99. By the acts and practices described above, Defendants unlawfully discriminated against Ms. Manderson due to her disability, in violation of the NYCHRL.

100. As a result of these violations, pursuant to N.Y.C. Admin. Code § 8-502, Ms. Manderson is entitled to recover compensatory damages, declaratory and injunctive relief, attorneys’ fees and costs, and other appropriate relief as determined by this court.

**FOURTH CAUSE OF ACTION**  
**Failure to Engage in Cooperative Dialogue**  
**in Violation of the New York City Human Rights Law**  
**(N.Y.C. Admin. Code § 8-107)**

101. Ms. Manderson incorporates by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

102. N.Y.C. Admin. Code § 8-107(28)(a) makes it an unlawful discriminatory practice for an employer to fail to engage in a cooperative dialogue within a reasonable time with an employee who requests a disability-related accommodation or to fail to engage in a cooperative dialogue if the covered entity has notice that an individual may require an accommodation.

103. The term “cooperative dialogue” per the NYCHRL “means the process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an

accommodation under the law, engage in good faith in a written or oral dialogue concerning the person's accommodation needs; potential accommodations that may address the person's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the covered entity." N.Y.C. Admin. Code § 8-102.

104. Defendants were obligated to engage in a cooperative dialogue independently of their related obligation to provide a reasonable accommodation to Ms. Manderson pursuant to N.Y.C. Admin. Code § 8-107(15).

105. Defendants failed to engage in a cooperative dialogue with Ms. Manderson regarding her need for a reasonable accommodation to allow her to use the restroom at work, by failing to communicate in good faith and in an effective manner with Ms. Manderson concerning her need for accommodations and failing to communicate with Ms. Manderson regarding her specific needs with regard to restroom accommodations despite being on notice for many years that she required such an accommodation, in violation of N.Y.C. Admin. Code § 8-107(28)(a).

106. Defendants also failed to engage in a cooperative dialogue with Ms. Manderson following her formal requests for reasonable accommodations regarding the restroom renovation and the fire safety room, in violation of N.Y.C. Admin. Code § 8-107(28)(a).

107. Defendants failed to provide Ms. Manderson with a written, final determination identifying any accommodation granted or denied. N.Y.C. Admin. Code § 8-107(28)(d).

108. By the acts and practices described above, Defendants unlawfully discriminate against Ms. Manderson because of her disability in violation of the New York City Human Rights Law.

109. As a result of these violations, pursuant to N.Y.C. Admin. Code § 8-502, Ms. Manderson is entitled to recover compensatory damages, declaratory and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this court.

**FIFTH CAUSE OF ACTION**  
**Declaratory Relief**

110. Ms. Manderson re-alleges and incorporates herein all previously alleged paragraphs in this Complaint.

111. A present and actual controversy exists between Ms. Manderson and Defendants concerning their rights and respective duties. Ms. Manderson contends that Defendants violated her rights under the ADA, Section 504, and the NYCHRL.

112. Defendants disagree with Ms. Manderson's contention.

113. A judicial declaration is necessary and appropriate at this time in order that each of the parties may know their respective rights and duties and act accordingly.

Wherefore, Ms. Manderson prays for relief as set forth below.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff respectfully requests this Court enter a judgment:

114. Declaratory judgment finding Defendants' acts, practices and omissions complained herein to be in violation of Ms. Manderson's rights under the ADA, Section 504, and the NYCHRL;

115. An order and judgment enjoining preliminarily and permanently enjoining Defendants from violating the ADA, Section 504, and the NYCHRL, and requiring Defendants to provide Ms. Manderson with reasonable accommodations as outlined herein;

116. Compensatory damages including emotional distress under the ADA, Section 504, and the NYCHRL;

117. Retaining jurisdiction of this case until Defendants have complied with the orders of this Court and there is a reasonable assurance that Defendants will continue to comply with reasonable accommodations in the future, absent continuing jurisdiction;

118. Awarding reasonable attorneys' fees and costs; and

119. Such other relief as the Court deems necessary, just, and proper.

Dated: March 10, 2021  
New York, New York

Respectfully submitted,  
DISABILITY RIGHTS ADVOCATES



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