

2019 WL 845841 (Minn.Dist.Ct.) (Trial Pleading)
District Court of Minnesota.
Second Judicial District
Ramsey County

Brian RINKEL, Eric Jaeger, Michael Sherman, Kevin Adams, and Tiffany Gagner, Plaintiffs,
v.
MINNESOTA DEPARTMENT OF CORRECTIONS, Defendant.

No. 62-CV-19-1165.
February 21, 2019.

Jury Trial Demanded
Case Type: Other Civil

Complaint

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INTRODUCTION

1. Plaintiffs Brian Rinkel, Kevin Adams, and Michael Sherman are persons currently being held as inmates in Minnesota state prisons operated by the Minnesota Department of Corrections (MN DOC). Plaintiff Eric Jaeger is a person who, until October 2017, was held as an inmate in Minnesota state prisons operated by the Minnesota Department of Corrections. All of the Plaintiffs are persons who are deaf. Hereafter, Plaintiffs Rinkel, Adams, Jaeger and Sherman are collectively referred to as “the Inmate Plaintiffs.”

2. Defendant Minnesota Department of Corrections (hereafter “the Defendant” or “the Department”) has failed to provide Plaintiffs with full and equal access to the services, programs and activities it provides to other inmates in Minnesota state prison facilities. Among other services, it has failed to provide Plaintiffs equal access to and benefit from the following services, programs and activities: Telephone communications with friends, family, loved ones and other people outside the prison; Confidential telephone communication with legal counsel; Access to educational and other programs and services Defendant provides to other inmates; Access to educational and recreation programs Defendant provides through JPay Tablets it provides to inmates; and Announcements and notifications Defendant makes to all inmates.

3. Among other services, for most, if not all the time, Defendant held Plaintiffs Adams, Jaeger, Rinkel and Sherman in Minnesota state prisons, Defendant failed to provide them access to video telecommunications devices they could use to effectively communicate with family, friends and other people, using their primary language, American Sign Language (ASL). Defendant knew Plaintiffs need video telecommunications devices to communicate with their friends, families, loved ones and other people, as effectively as Defendant allows other inmates to communicate with their friends, families, loved ones and other people.

4. For approximately two years, Defendant responded to Plaintiffs’ complaints concerning the barriers to equal telephone communications at the prisons by telling Plaintiffs and other advocates for and representatives of people who are deaf in

Minnesota that it will install video communication services in all state prisons in Minnesota. However, during this period, Defendant did not take adequate actions to provide video telecommunications services Plaintiffs could use while Defendant negotiated a final contract with a video telecommunications vendor and installed the video communication system.

5. Defendant finally made video communication devices available in some Minnesota prisons beginning in approximately November - December 2017. Defendant made video communication devices available for inmates at MCF - Faribault beginning in approximately December 2017, and at MCF - Lino Lakes beginning in approximately January 2018. Defendant still has not made video communication devices available at MCF - Rush City, MCF - Stillwater or other Minnesota state prisons.

6. When Defendant finally began providing video communication devices for inmates who are deaf in the state prisons listed above, they did so subject to unequal and more restrictive rules and procedures, as compared to the rules and procedures Defendant applies to other inmates who use telephones. Examples of the unequal and more restrictive rules and procedures Defendant applies to inmates who are deaf include: requiring inmates who are deaf to ask permission of guards to be able to make calls, only allowing access to the video communication devices when guards have the time or inclination to allow access to the devices and providing access to video communication devices at locations other than the housing units of inmates who are deaf.

7. Plaintiff Tiffany Gagner, a woman who is deaf, is the fiancé of Brian Rinkel. Defendant's failure to provide Brian Rinkel with an effective video communications service has deprived Ms. Gagner of equal access to and benefits from Defendant's prison telephone service by denying her the ability to have effective communication with Mr. Rinkel, using their primary language (ASL).

8. Plaintiffs bring this action pursuant to the Minnesota Human Rights Act (MHRA) (Minn. Stat. § 363A.12). They bring this action to obtain all damages declaratory relief and injunctive relief provided by the law. Plaintiffs also seek to recover statutory attorney's fees incurred in bringing this action.

JURISDICTION

9. This Court has jurisdiction over Plaintiffs' case because the Defendant is an agency of the Minnesota state government operating all state prisons in Minnesota.

10. Venue is proper within this District.

11. Plaintiffs Eric Jaeger and Kevin Adams filed timely charges of disability discrimination against the Defendant with the Minnesota Department of Human Rights. They commenced this lawsuit within the time period required by Minn. Stat. § 363A.33, Subd. 1(3).

PARTIES

12. There are five individual Plaintiffs to this lawsuit. Four of the Plaintiffs (Brian Rinkel, Eric Jaeger, Michael Sherman and Kevin Adams) are inmates or former inmates who were held in the custody of Defendant in Minnesota prisons. (Hereafter, these four inmates will be referred to as 'the Inmate Plaintiffs.') Plaintiff Tiffany Gagner is the fiancé of Plaintiff Brian Rinkel who wished to communicate with Mr. Rinkel on a full and equal basis as compared to the ability of inmates who are hearing to communicate with their friends, family and loved ones who are outside the prison.

Brian Rinkel

13. Plaintiff Brian Rinkel is currently an inmate held in the Minnesota Correctional Facility in Lino Lakes, Minnesota (also referred to as MCF - Lino Lakes').

14. Mr. Rinkel is deaf, which is a condition that severely limits his ability to hear and to communicate with other people.

15. Mr. Rinkel's primary language is American Sign Language ("ASL"). The main language with which Mr. Rinkel communicates with other deaf people and with people who are not deaf is American Sign Language ("ASL").

16. When Mr. Rinkel communicates with hearing people concerning significant and complex matters, such as legal matters and policies and procedures, he needs a qualified ASL interpreter to ensure effective communication occurs.

Eric Jaeger

17. Plaintiff Eric Jaeger was an inmate held in its Minnesota Correctional Facility - St. Cloud ("MCF - Saint Cloud"), a prison located in St. Cloud, Minnesota, from June 25, 2015 through July 22, 2015 and its Minnesota Correctional Facility - Rush City ("MCF - Rush City"), a prison located in Rush City, Minnesota, from July 22, 2015 to October 3, 2017.

18. On October 3, 2017, Defendant released Plaintiff Jaeger from MCF - Rush City to the Stearns County Community Corrections Department under supervised release for the remainder of his sentence, which is set to expire on February 1, 2019.

19. If Mr. Jaeger violates the terms of his supervised release in the future, he may be returned to the custody of Defendant.

20. Mr. Jaeger is deaf, which is a condition that severely limits his ability to hear and to communicate with other people.

21. Mr. Jaeger's primary language is ASL. The main language Mr. Jaeger uses to communicate with other deaf people and with people who are not deaf is American Sign Language ("ASL").

22. When Mr. Jaeger communicates with hearing people concerning significant and complex matters, such as legal matters and policies and procedures, he needs a qualified ASL interpreter to ensure effective communication occurs.

Michael Sherman

23. Plaintiff Michael Sherman is currently an inmate held in MCF - Faribault, a prison located in Faribault, Minnesota.

24. Mr. Sherman is deaf, which is a condition that severely limits his ability to hear and to communicate with other people.

25. Mr. Sherman's primary language is American Sign Language (ASL). The main language Mr. Sherman uses to communicate with other deaf people and with people who are not deaf is American Sign Language ("ASL").

26. When Mr. Sherman communicates with hearing people concerning significant and complex matters, such as legal matters and policies and procedures, he needs a qualified ASL interpreter to ensure effective communication occurs.

Kevin Adams

27. Plaintiff Kevin Adams is currently an inmate held in MCF - Faribault, a prison located in Faribault, Minnesota.

28. Mr. Adams is deaf, which is a condition that severely limits his ability to hear and to communicate with other people.

29. Mr. Adams' primary language is American Sign Language (ASL). The main language Mr. Adams uses to communicate with other deaf people and with people who are not deaf is American Sign Language ("ASL").

30. When Mr. Adams communicates with hearing people concerning significant and complex matters, such as legal matters and policies and procedures, he needs a qualified ASL interpreter to ensure effective communication occurs.

Tiffany Gagner

31. Plaintiff Tiffany Gagner resides in Northfield, Minnesota.

32. Ms. Gagner is, and was at all time relevant to this Complaint, a friend and fiancé of Plaintiff Brian Rinkel.

33. Ms. Gagner is deaf, which is a condition that severely limits her ability to hear and to communicate with other people.

34. Ms. Gagner's primary language is American Sign Language (ASL). The main language Ms. Gagner uses to communicate with other deaf people is American Sign Language ("ASL") and with people who are not deaf.

35. When Ms. Gagner communicates with hearing people concerning significant and complex matters, such as legal matters and policies and procedures, she needs a qualified ASL interpreter to ensure effective communication occurs.

Defendant

36. Defendant Minnesota Department of Corrections (the Department or MN DOC) is an agency of the State of Minnesota.

37. Defendant MN DOC operates all state prisons and correctional facilities in the State of Minnesota, including the prisons where the Inmate Plaintiffs are currently being held and have been held in the past.

FACTS - GENERAL (ALL PLAINTIFFS/CLAIMS)

38. The following sections of this Complaint (Sections 38-238) set forth the facts on which Plaintiffs' claims are based, beginning with the general acts concerning the Defendant's actions which Plaintiffs assert violate the statutes on which their claims are based (Sections 38 - 78), and following with facts concerning the individual claims of each of the Plaintiffs (Sections 79 - 238).

39. Defendant provides various services, programs and benefits to inmates in Minnesota state prisons, including but not limited to: telecommunications services to allow calls between inmates and their family, friends, and other people; access to confidential telephones for making phone calls to attorneys; educational and recreational programs, in classrooms and through J-Pay Tablets; and daily announcements concerning activities, programs and significant information.

Unequal Access To And Benefit From Telecommunications Services

Defendant Provides Telephone Service For Inmates

40. As one of its services, programs and benefits, Defendant allows inmates in Minnesota prisons to make telephone calls from the prison to family, friends, loved ones, and other people.

41. Defendant provides telephones in the Minnesota state prisons inmates can use to make telephone calls to family, friends, loved ones, and other people.

42. Inmates who are not deaf can make calls using the telephones the Defendant provides.

43. The Inmate Plaintiffs and other deaf inmates cannot use the telephones Defendant provides to make calls because they are deaf.

44. The Inmate Plaintiffs have made multiple requests to Defendant and its staff for access to video telecommunications devices as an alternative to the inaccessible telephones in the Minnesota state prisons.

45. Video telecommunications technology exists, and has been in existence for many years, that allows deaf people to make telephone calls with friends, family, loved ones, and other people.

46. An effective video communications system does not require any specialized equipment. It requires only a computer, a laptop, or a tablet with a video camera, and high-speed internet service.

47. Many jails in Minnesota provide video telecommunications systems and devices that allow inmates who are deaf to have full and equal access to telephone service while they are held in the jail. The jails include, but are not limited to, the Hennepin County Jail, Ramsey County Jail, and Dakota County Jail.

48. Defendant has the equipment, software and internet service to be able to provide video telecommunications services for inmates who are deaf.

Complaints And Defendant's Representations That The Problem Would Be Fixed

49. The Inmate Plaintiffs each made multiple complaints to Defendant and its staff, beginning shortly after each of them arrived in a Minnesota state prison facility, that they could not use telephones and needed a video telecommunications device in order to communicate equally and effectively with their family, friends, loved ones and other people, as other inmates could do.

50. Organizations for people who are deaf, including the Minnesota Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans, have also complained to the Defendant that telephones and TTY's in the Minnesota prisons do not provide equal and effective access to the service of allowing inmates to communicate with people who are not held at the prison. These organizations told Defendant it is necessary to provide video telecommunications devices to give inmates who are deaf full and equal access to and benefit from its telephone services.

51. Defendant agreed that the Inmate Plaintiffs could not use the telephones installed in their prison facilities and responded to Plaintiffs' complaints by informing each of them that the Defendant was in the process of obtaining and installing video telecommunications devices they could use to communicate with their families, friends, loved ones and other people outside the prison.

52. To Plaintiffs' knowledge and belief, Defendant has been since on or before December 18, 2015, in the process of contracting with a vendor to provide a video telecommunications system for inmates who are deaf. There is, and has been, litigation challenging the Defendant's contracting process for video telecommunications services in its prisons. To the best of Plaintiffs' knowledge and belief, Defendant is still in the process of contracting with a vendor to provide video telecommunications services for inmates who are deaf.

53. Defendant has failed, and until recently in some prisons continues to fail, to implement an alternative and interim system for providing video telecommunications services during the process of completing its contract with a vendor to provide the video telecommunications services.

TTY Devices Do Not Provide Effective Telecommunications Services

54. When Plaintiffs asked Defendant for video telecommunications devices as auxiliary aids that would allow them to access telephone service, Defendant provided the Plaintiffs with TTY devices.

55. TTY devices are outmoded devices that do not provide an effective method of telecommunication for people who are deaf. Most people who are deaf no longer have or use TTY devices. The Inmate Plaintiffs could not call many of their friends, family, or loved ones using the TTY devices, and the Inmate Plaintiffs could not effectively communicate with them.

56. When Defendant provided TTY's for the Inmate Plaintiffs, the TTY's often did not work, produced garbled messages and Defendant's guards and other staff did not know how to use them.

57. In addition, using a TTY requires a higher level of English language skill to communicate effectively, than the Plaintiffs possess.

58. Without having access to video communications devices, the Inmate Plaintiffs were unable to effectively make telephone calls to their families, friends, loved ones and other people.

59. Defendant did not provide video telecommunications devices that inmates who are deaf could use to make calls to friends, family, loved ones, and other people in any of the Minnesota state prisons until approximately December 2017, when it began providing a video communication device in one of the housing units at MCF - Faribault. Later, in approximately January 2018, Defendant made a video communication device available in one of the housing units at MCF - Lino Lakes. To the best of Plaintiffs' knowledge and belief, Defendant has not made video communication devices available for inmates who are deaf in any of the other state prisons.

Defendant Applies More Restrictive Rules and Procedures For Using Telecommunication Services To Inmates Who Are Deaf

60. When Defendant provided the Inmate Plaintiffs with access to TTY devices, Defendant applied rules and procedures to them that are more restrictive than the rules and procedures Defendant applied to inmates who are hearing who used the standard telephone, including, but not limited to:

a. The TTY's are not immediately available to the Inmate Plaintiffs. Inmates who are deaf had to ask a guard to get the TTY and had to wait for the guard to bring the TTY to them or bring them to the TTY. Often there was a significant delay before the guard brought the TTY to the Plaintiff. On many occasions, the guard did not bring the TTY to the Plaintiff at all. Inmates who are hearing did not have to ask guards to use the standard telephone.

b. Plaintiffs had to make their calls in the presence of prison guards. The guards do not watch the calls of inmates who are hearing.

61. Defendant applies different and more restrictive rules to inmates who are deaf to use video communication devices compared to the rules Defendant applies to other inmates who use telephones, including:

a. Requiring inmates who are deaf to ask permission of guards to access the video communication devices.

b. Applying different and shorter length of call restrictions.

c. Locating video communication devices in buildings other than the inmate's housing unit.

62. Guards frequently tell inmates who are deaf that they do not have time to arrange for video calls, resulting in lengthy delays for inmates who are deaf to make calls. Inmates who are not deaf have immediate access to telephones in their housing units and do not have to ask guards to arrange their calls.

Unequal Access To Confidential Telephone Calls With Attorneys

63. Defendant allows inmates who are hearing to communicate confidentially with their attorneys by telephone.

64. Inmate Plaintiffs cannot use the telephone to make telephone calls to their attorneys because they cannot hear.

65. Until late 2017 - early 2018, Defendant did not provide Plaintiffs Rinkel, Sherman, and Adams access to a video communication device they could use to communicate with their attorneys using ASL and the video relay service (VRS).

66. Defendant at first denied Plaintiff Jaeger's request for a video communications device he could use to communicate with his attorney using ASL. After Plaintiff Jaeger objected and advocacy groups, including the Minnesota Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans (a State Commission) also objected, Defendant finally provided Plaintiff Jaeger with a laptop video communication device to communicate with his attorney. However, Defendant only allowed Plaintiff Jaeger to use the laptop video phone communication device to make calls to his attorney. Defendant refused to allow Plaintiff Jaeger to make calls using the laptop videophone system to family, friends, loved ones, or any other person besides Plaintiff Jaeger's attorney.

67. Defendant did not make a laptop video communication device available to Plaintiffs Adams, Rinkel or Jaeger to allow them to communicate confidentially with their attorneys.

Unequal Access To And Benefit From Educational And Other Classes And Programs

68. Defendant provides a number of different educational and other programs to inmates who are hearing, including, but not limited to: parenting classes, education classes, anger management classes, Alcoholics Anonymous ("AA") meetings, group therapy, church, and bible study.

69. Defendant does not regularly provide qualified ASL interpreters for the programs they offer to inmates that would allow Inmate Plaintiffs to effectively participate in and benefit from the programs Defendant offers.

Defendant Provide Inmates With JPay Devices That Are Not Accessible For Inmates Who Are Deaf

70. Defendant provides inmates with JPay devices to access educational and entertainment programs, as well as to other programs and services.

71. The J-Pay device is a handheld electronic/digital tablet approximately the size of a small notebook that has a touchscreen with square buttons for accessing apps, much like an Apple iPad or Microsoft tablet.

72. The programs Defendant provides through the JPay devices are not captioned and are not accessible to the Inmate Plaintiffs and other inmates who are deaf.

Public Address System Announcements Are Not Accessible

73. On a daily basis, Defendant's staff communicates information to inmates by oral announcements made using a public address system. These announcements include announcements to notify inmates of various events, such as meal times, recreational times, when the pill counter opens, inmate counts, lockdowns, and church.

74. The Inmate Plaintiffs cannot hear the oral announcements made by Defendant's staff.

75. Defendant provided pagers to the Inmate Plaintiffs and other inmates who are deaf to attempt to alert them to the oral announcements which were made using the public address system.

76. The pager devices Defendant provided for the Inmate Plaintiffs and other inmates who are deaf often do not work, and do not notify to Inmate Plaintiffs that an announcement was being made. On many occasions, Defendant's guards and staff "forget," or otherwise fail, to communicate announcements using the pager.

77. In addition, the pagers do not communicate to the Inmate Plaintiffs any information about the content of the announcements that Defendant's staff made using the public address system.

78. As a result of Defendant's actions, the Inmate Plaintiffs often missed the announcements Defendant's staff made and missed the events that Defendant's staff were announcing.

FACTS - BRIAN RINKEL

79. Plaintiff Brian Rinkel is deaf.

80. Defendant has known that Mr. Rinkel is deaf since he first entered the Minnesota state prison system.

81. Mr. Rinkel is currently an inmate held in MCF - Lino Lakes.

82. Mr. Rinkel has been held in Defendant's prisons since July 12, 2016. He first was held in MCF - Saint Cloud from July 12, 2016 to August 12, 2016. He was later transferred to MCF - Lino Lakes and has been held there since August 12, 2016.

Unequal Access To And Benefit From Telephone Services

83. Mr. Rinkel did not have access to an effective and accessible telecommunication device between the date when he entered the MCF prison system and sometime in January 2018.

84. Mr. Rinkel made many requests and complaints to Defendant's staff and officials concerning his inability to use the telephone system and his lack of access to an effective telecommunication device, such as a video telecommunication device.

85. In response to Mr. Rinkel's requests, Defendant only offered Mr. Rinkel access to a TTY device, which often did not work and is not an effective communication device. Defendant did not provide a video communication device as he requested in order to effectively communicate with people outside of prison.

86. The TTY device is an outmoded method of communication that does not provide effective communication. Most people who are deaf do not have TTY systems and use video communications systems instead.

87. TTYs are not an effective communication device for Mr. Rinkel because they require a higher level of English language skill than Mr. Rinkel has to be able to communicate effectively. Mr. Rinkel cannot communicate using ASL when he has to use a TTY.

88. On many occasions when Mr. Rinkel attempted to use the TTY to communicate with people outside the prison, the TTY did not work properly. On many occasions, it produced garbled messages.

89. Mr. Rinkel was not able to communicate using his primary language (ASL) with his family, friends, loved ones and other people between the time he entered the MN DOC prison system and approximately January 2018 when Defendant finally gave him access to a video telecommunication device.

90. One of the people Plaintiff Rinkel wished to call is his fiancé, Plaintiff Tiffany Gagner.

91. Mr. Rinkel wished to call Ms. Gagner using their primary language (ASL) as other inmates who are hearing can do when they communicate with their family, friends and loved ones. Defendant prevented Mr. Rinkel from doing so until it finally provided a video communication device for Mr. Rinkel sometime in January 2018.

92. As a result of Defendant's actions concerning its telecommunications systems, Mr. Rinkel has suffered emotional harm.

Unequal Access To Confidential Telephone Calls With Attorney

93. During the time Mr. Rinkel was held in the Minnesota state prisons, he was represented by one or more attorneys in various legal matters.

94. On several occasions since his incarceration began, Mr. Rinkel wished to be able to speak to his attorneys confidentially and by telephone.

95. Until Defendant recently provided a video communication device Mr. Rinkel could use, Mr. Rinkel could not effectively communicate with his attorney by telephone.

96. Mr. Rinkel could not effectively communicate with his attorney using a TTY because he does not have sufficient English language skills to be able to fully and accurately communicate his questions and his thoughts and ideas, and he cannot fully and adequately understand written messages from his attorney using written English.

97. As a result of Defendant's actions concerning its failure to provide Mr. Rinkel access to confidential attorney calls, Mr. Rinkel has suffered emotional harm.

Defendant Applies More Restrictive Rules And Procedures For Using Telecommunication Devices To Inmates Who Are Deaf

98. Since the time Mr. Rinkel first entered the Minnesota state prison system, Defendant has applied different and more strict rules and procedures to his attempts to make telecommunication calls than it applied to other inmates who wanted to make standard telephone calls.

99. When Defendant only provided access to a TTY to Mr. Rinkel, Defendant applied different and more restrictive rules and restrictions to his use of the TTY, including but not limited to:

a. Defendant required Mr. Rinkel to ask guards for permission to use the TTY, and to get it for him. This often meant guards refused permission, or did not get the TTY for him until after a substantial delay. Other inmates who are not deaf and who use the telephone were not required by Defendant to ask permission to make calls. Defendant provides telephones in the housing units of its prison facilities. Consequently, the telephones are directly and immediately available for inmates to use.

b. Defendant allowed Mr. Rinkel to make only a limited number, and fewer calls compared to other inmates who use the standard telephones.

100. As a result of Defendant's more restrictive rule to access telecommunications services, Mr. Rinkel has suffered emotional harm.

Unequal Access To And Benefit From Educational Programs

101. Defendant offers educational and training programs for the use and benefit of inmates in its prisons.

102. Mr. Rinkel wanted to register for and participate in several of the Defendant's educational programs.

103. Throughout his incarceration in Minnesota state prisons, Mr. Rinkel repeatedly asked Defendant's staff on several occasions for a qualified ASL interpreter for a number of activities, programs, and services offered by Defendant that he wanted to attend. An ASL interpreter was necessary for Mr. Rinkel to effectively communicate during such activities, programs, and services.

104. Despite Mr. Rinkel's repeated requests for a qualified ASL interpreter, Defendant did not regularly provide one for Mr. Rinkel on numerous occasions for the activities, programs, and services Mr. Rinkel wanted to take.

105. As a result of Defendant's refusal to provide an ASL interpreter, Mr. Rinkel could not participate in some of those programs at all and was not able to fully and equally participate in other programs.

106. As a result of Defendant's actions, and its failures to act, concerning its educational programs, Mr. Rinkel suffered mental and emotional harm.

J-Pay Tablets Do Not Have Captioned Programs

107. Defendant provides some educational and recreational programming for inmates using J-Pay Tablets.

108. When Defendant made J-Pay Tablets available for inmates in Mr. Rinkel's housing unit, the educational, instructional and entertainment programs on the JPay Tablets were not captioned, and still are not captioned.

109. Mr. Rinkel could not fully and equally participate in and benefit from the program material Defendant provided on the J-Pay Tablet because the programs are not captioned, and he could not hear the spoken material in the programs.

110. As a result of Defendant's actions, and its failures to act, concerning programs on the JPay Tablets, Mr. Rinkel suffered mental and emotional harm.

Unequal Access To Daily Announcements

111. Defendant provides information to inmates at MCF - Lino Lakes by making oral announcements over an intercom/public address system ("PA system"). These announcements include such things as notifying inmates of various events, such as meal times, recreational times, when the pill counter opens, inmate counts, lockdowns, and church.

112. Because Mr. Rinkel cannot hear, he could not hear or understand announcements made by Defendant's staff using the PA system.

113. At first, Defendant did not provide any auxiliary aids or services to effectively communicate these spoken announcements.

114. As a result, Mr. Rinkel could not hear or understand the announcements made by Defendant's staff using the PA system, causing him to miss numerous announcements, meal times, recreational times, medication times, inmate counts, lockdowns, and other programs and events on numerous occasions.

115. At some point, Defendant provided Mr. Rinkel with a pager as an auxiliary aid to attempt to accommodate his inability to hear announcements made over the PA system.

116. Defendant's staff, however, regularly forgot to notify Mr. Rinkel's pager concerning the announcements it makes to other inmates using the intercom system.

117. As a result of Defendant's actions, and its failures to act, concerning its announcement communication system, Mr. Rinkel suffered mental and emotional harm.

FACTS - ERIC JAEGER

118. Plaintiff Eric Jaeger is deaf.

119. At all times relevant to the facts of this Complaint, Defendant knew Mr. Jaeger was deaf and that he needed a qualified

ASL interpreter and other auxiliary aids and services for effective communication.

120. Defendant accepted custody of Mr. Jaeger from the Stearns County Jail and transferred him to the Minnesota Correctional Facility - St. Cloud on June 25, 2015 to complete his initial intake and evaluation process. Defendant held Mr. Jaeger at MCF - Saint Cloud from June 25, 2015 through July 22, 2015, when it transferred Mr. Jaeger to its Minnesota Correctional Facility - Rush City. Mr. Jaeger was held at MCF - Rush City from July 22, 2015 until October 3, 2017.

121. Mr. Jaeger is currently released from prison, but remains on supervised released, and is subject to being returned to prison until February 1, 2019.

Unequal Access To And Benefit From Telephone Services

122. Defendant provides telephones that inmates at MCF - Saint Cloud and MCF - Rush City may use to call friends, family, loved ones, and other people outside of the correctional facility while the inmates are incarcerated.

123. From the time that Mr. Jaeger first began his incarceration in the Minnesota prison system, he wanted to use an accessible telecommunications device to call his friends, family, loved ones, including his daughter, and other people outside of the facility while he was incarcerated at MCF - Saint Cloud and MCF - Rush City.

124. Mr. Jaeger cannot use the telephones Defendant provides for other inmates at MCF - Saint Cloud and MCF - Rush City because he is deaf.

125. Mr. Jaeger asked Defendant's staff at MCF - Saint Cloud and MCF - Rush City on numerous occasions throughout his incarceration for an accessible videophone device he could use to communicate with people outside of prison using ASL.

126. In response to Mr. Jaeger's requests, Defendant only offered Mr. Jaeger access to a TTY, which often did not work and is not an effective communication device. Defendant did not provide a video communication device as he requested in order to effectively communicate with people outside of prison.

127. The TTY device is an outmoded method of communication that does not provide effective communication. Most people who are deaf do not have TTY systems and use video communications systems instead.

128. TTY is not an effective communication device for Mr. Jaeger because it requires a higher level of English language skill than Mr. Jaeger has to be able to communicate effectively. Mr. Jaeger cannot communicate using ASL when he has to use a TTY.

129. Mr. Jaeger tried on numerous occasions to explain to Defendant's MCF -Rush City staff that he requested access to a videophone because he could not contact his family and friends using a TTY because they do not have access to a TTY.

130. As a result of Defendant's actions, and its failures to act, concerning its telecommunication service, Mr. Jaeger suffered mental and emotional harm.

Unequal Access to Confidential Telephone Calls With Attorney

131. Mr. Jaeger was represented by an attorney when he was incarcerated at Minnesota state prison facilities who advised him concerning his legal rights, including his legal rights regarding accessible communications in the prison.

132. When Mr. Jaeger asked Defendant to use an accessible video telecommunications device to speak with his legal counsel, Defendant's staff initially denied his request and instead told him to use the TTY system.

133. When Mr. Jaeger attempted to use the TTY system to communicate with his attorney, the TTY did not allow effective communication between Mr. Jaeger and his attorney. On at least one occasion, the TTY was broken. When the TTY was

repaired, communication between Mr. Jaeger and his attorney was not effective because the TTY requires communication to take place in English, and Mr. Jaeger does have adequate English language skills to communicate effectively and accurately in English.

134. As a result, Mr. Jaeger could not fully, accurately, and effectively communicate with his legal counsel and receive legal advice.

135. After Mr. Jaeger experienced this barrier to communication with his attorney, the Deaf and Hard of Hearing Services, and Mr. Jaeger's attorney, all advocated on Mr. Jaeger's behalf to Defendant to try to persuade Defendant to allow Mr. Jaeger access to a videophone.

136. In response, Defendant provided Mr. Jaeger a video communication software system on a laptop, which Mr. Jaeger was only able to use on and after August 12, 2016. However, it only allowed Mr. Jaeger to use the videophone for communications with his attorney. Defendant did not allow him to use the videophone system to communicate with his friends, family, loved ones, or other people.

137. As a result of Defendant's actions, and its failures to act, concerning access to confidential attorney calls, Mr. Jaeger suffered mental and emotional harm.

Unequal Access To And Benefit From Educational and Recreational Programs

138. The Defendant provided various educational and recreational programs for inmates at MCF - Saint Cloud and MCF - Rush City.

139. Throughout his incarceration at MCF - Saint Cloud and MCF - Rush City, Mr. Jaeger repeatedly asked Defendant's staff on several occasions for a qualified ASL interpreter for a number of activities, programs, and services offered by Defendant at MCF - Saint Cloud and MCF - Rush City to inmates that he wanted to attend. These requested auxiliary aids and services were necessary for Mr. Jaeger to effectively communicate during such activities, programs, and services.

140. Despite Mr. Jaeger's repeated requests for a qualified ASL interpreter, Defendant did not provide Mr. Jaeger a qualified ASL interpreter on numerous occasions for the activities, programs, and services that Defendant offered to inmates while he was incarcerated at MCF - Rush City.

141. As a result, Mr. Jaeger could not full and equally participate in the programs he attended, because he could not fully and effectively communicate with and/or understand what Defendant's staff, the instructors, or fellow inmates communicated to him during the activities, programs, and services that Defendant offered while he was incarcerated at MCF - Rush City. Additionally, as a result of Defendant's refusal to provide an ASL interpreter, Mr. Jaeger could not participate in some of those activities, programs, and services at all.

142. In addition, Defendant provided videos and television channels during educational and recreational activities, programs, and services it offered that also did not have closed captioning.

143. Mr. Jaeger made multiple complaints to Defendant about his struggle to communicate and/or understand communications during the activities, programs, and services that Defendant offered because of Defendant's failure to provide a qualified ASL interpreter.

144. As a result, Mr. Jaeger could not fully and equally participate in and/or benefit from the activities, programs, and services that Defendant provides to its inmates that Mr. Jaeger wanted to attend because he could not effectively communicate during such activities, programs, and services. Defendant failed to provide Mr. Jaeger access to and/or benefit from its activities, programs, and services offered by Defendant at MCF -Saint Cloud and MCF - Rush City on the same basis as other non-deaf inmates.

145. As a result of Defendant's actions, and its failures to act, concerning its educational programs, Mr. Jaeger suffered

mental and emotional harm.

Failure To Provide J-Pay Units With Closed Captioning

146. Defendant provides many educational opportunities and videos to inmates in Minnesota prisons, through a “JPay” Tablet, which it makes available to inmates.

147. The JPay Tablet provided to Mr. Jaeger utilized an educational app called “KA Lite” that offers both educational and recreational classes and videos that Defendant offers as an alternative to live, in-person classes.

148. Mr. Jaeger could not fully use and/or understand the program and information on the JPay Tablet or KA Lite because neither the device nor the app provided closed captioning for any of the educational and recreational videos or materials.

149. As a result, without closed captioning, Mr. Jaeger could not understand what was being communicated to him through the educational and recreational videos or materials on the JPay Tablet, KA Lite app, and/or programing on a television.

150. Mr. Jaeger made multiple requests to Defendant to provide closed captioning for the educational and recreational videos or materials on the JPay Tablet, KA Lite app, and for programing presented on the television.

151. Defendant, however, did not provide any closed captioning for the educational and recreational videos or materials available on the JPay Tablet, KA Lite app, and the television.

152. Mr. Jaeger could not understand any of the educational and recreational videos or materials presented on the JPay Tablet, KA Lite app, and the television without closed captioning.

153. Mr. Jaeger made multiple complaints to Defendant about his problems understanding the communications presented on the educational and recreational videos, the materials on the JPay Tablet, KA Lite app, and the programing on the television without closed captioning. Defendant, however, still did not provide closed captioning.

154. As a result, Mr. Jaeger could not fully access and/or benefit from the services Defendant offered through the JPay Tablet, KA Lite, or the videos/programing on the television because he could not hear and/or understand what they were communicating without closed captioning.

155. As a result of Defendant’s actions, and its failures to act, concerning access to JPay programs, Mr. Jaeger suffered mental and emotional harm.

Unequal Access To Daily Announcements

156. Defendant provides information to inmates at MCF - Saint Cloud and MCF - Rush City by making oral announcements over an intercom/public address system (“PA system”). These announcements include such things as notifying inmates of various events, such as meal times, recreational times, when the pill counter opens, inmate counts, lockdowns, and church.

157. Because Mr. Jaeger cannot hear, he could not hear or understand announcements made by Defendant’s staff using the PA system.

158. When Mr. Jaeger arrived at MCF - Saint Cloud on June 25, 2015, Defendant did not provide any auxiliary aids or services to notify Mr. Jaeger of these audible announcements over the PA system.

159. As a result, Mr. Jaeger could not hear or understand any of the announcements made by Defendant’s staff using the PA system while he was at MCF -Saint Cloud, causing him to miss numerous announcements, meal times, recreational times, medication times, inmate counts, lockdowns, and other programs and events on numerous occasions while Defendant held him at MCF - Saint Cloud.

160. When Defendant transferred Mr. Jaeger's to MCF - Rush City on July 22, 2015, Defendant did not provide any auxiliary aids or services to notify Mr. Jaeger of these audible announcements over the PA system.

161. After Mr. Jaeger asked MCF - Rush City staff on numerous occasions to develop a non-auditory announcement system to inform him of the announcements, Defendant provided Mr. Jaeger with a pager as an auxiliary aid to attempt to accommodate his inability to hear announcements made over the PA system.

162. Defendant's staff, however, regularly forgot to page Mr. Jaeger's pager concerning the announcements it makes to other inmates using the intercom system throughout the entirety of his incarceration at MCF - Rush City.

163. As a result, Defendant's staff regular failure to consistently page Mr. Jaeger caused him to miss numerous announcements, meal times, recreational times, medication times, inmate counts, lockdowns, and other programs and events on numerous occasions while Defendant held him at MCF - Rush City.

164. Mr. Jaeger repeatedly notified Defendant about the failure of its staff to consistently use the use the pager system to inform him about announcements made over the intercom system; however, his complaints did not result in Defendant's staff consistently using the pager system.

165. Defendant has also placed Mr. Jaeger in a cell that uses a strobe light to alert Mr. Jaeger concerning some notifications.

166. There have been several occasions when the strobe light has not functioned, causing Mr. Jaeger to miss important events.

167. As a result of Defendant's actions, and its failures to act, concerning its failure to provide accessible announcements, Mr. Jaeger suffered mental and emotional harm.

FACTS-KEVIN ADAMS

168. Plaintiff Kevin Adams is deaf.

169. At all times relevant to the facts of this Complaint, Defendant knew Mr. Adams was deaf and that he needed a qualified ASL interpreter and other auxiliary aids and services for effective communication.

170. Mr. Adams is currently an inmate at MCF - Faribault.

171. Mr. Adams has been held in the MCF prison system since February 12, 2015. Mr. Adams was housed at MCF - Stillwater after going through the intake process at MCF - Saint Cloud. He was transferred to MCF - Faribault on February 23, 2017.

Unequal Access To And Benefit From Telephone Services

172. Defendant provides telephones that inmates at MCF - Stillwater and MCF -Faribault may use to call friends, family, loved ones and other people outside of the correctional facility while the inmates are incarcerated.

173. Mr. Adams cannot use the telephones Defendant provides other inmates because he is deaf.

174. Mr. Adams did not have access to an effective telecommunication device from the time he entered the prison system in February 2015 until November 2017.

175. During the two and one-half year period when Mr. Adams did not have access to an effective telecommunication device, he wanted to use an accessible telecommunications device to call his friends, family, loved ones, and other people outside the

MCF prison.

176. During the two and one-half year period when Mr. Adams did not have access to an effective telecommunication device, he made many complaints to Defendant's staff and officials concerning his inability to use the telephone system and his lack of access to an effective telecommunication device, such as a video telecommunication device.

177. In response to Mr. Adams' requests, Defendant only offered Mr. Adams access to a TTY, which is not an effective communication device, until November 2017. Defendant did not provide a video communication device as he requested until November 2017.

178. The TTY device is an outmoded method of communication that does not provide effective communication.

179. The TTY is not an effective communication device for Mr. Adams because it requires a higher level of English language skill than Mr. Adams has to be able to communicate effectively. Mr. Adams cannot communicate using ASL when he has to use a TTY.

180. Mr. Adams tried on numerous occasions to explain to Defendant's staff that he needed access to a videophone because he could not contact his family and friends using a TTY because they do not have access to a TTY.

Defendant Applies More Restrictive Rules And Procedures For Using Telecommunication Devices To Inmates Who Are Deaf

181. Since November 2017, Defendant has provided Mr. Adams with access to a videophone. However, Defendant applies different and more restrictive rules to Mr. Adams when he is using the videophone compared to the rules Defendant applies to other inmates using the phone, including requiring Mr. Adams to ask permission of guards to access the video phone.

182. Additionally, guards frequently tell Mr. Adams that they do not have time to arrange video calls, resulting in lengthy delays for him when making calls, and guards do not make the video phone available to Mr. Adams during times when other inmates are allowed to use the phone.

183. As a result of Defendant's actions, and its failures to act, concerning its telecommunication system, Mr. Adams suffered mental and emotional harm.

Unequal Access To Confidential Telephone Calls With Attorneys

184. During the time Mr. Adams was held in Minnesota state prisons, he was represented by one or more attorneys in various legal matters.

185. On several occasions since his incarceration began, Mr. Adams wished to be able to speak to his attorneys confidentially and by telephone.

186. Until Defendant recently provided a video communication device Mr. Adams could use, Mr. Adams could not effectively communicate by telephone with his attorney.

187. Mr. Adams could not effectively communicate with his attorney using a TTY because he does not have sufficient English Language skills to be able to fully and accurately communicate his questions and his thoughts and ideas, and he cannot fully and adequately understand written messages from his attorney using written English.

188. As a result of Defendant's actions, and its failures to act, concerning access to confidential attorney calls, Mr. Adams suffered mental and emotional harm.

Unequal Access To Daily Announcements

189. Defendant provides information to inmates at MCF - Stillwater and MCF -Faribault by making oral announcements over an intercom/public address system. These announcements include such things as announcements notifying inmates of various events, such as meal times, recreation times, medication times, inmate counts, lockdowns and other programs and events.

190. Mr. Adams cannot hear and understand announcements made by Defendant's staff using the intercom system.

191. Defendant has provided Mr. Adams with a pager as an auxiliary aid to accommodate his inability to hear announcements made over the intercom system.

192. Defendant's staff, however, regularly forgets to page Mr. Adams concerning the announcements it makes to other inmates using the intercom system.

193. Defendant's regular failure to consistently page Mr. Adams has caused him to miss meal times, recreation times, medication times, inmate counts, lockdowns and other programs and events.

194. Mr. Adams has made repeated requests for prison staff to fix and solve the problems that he is having with the pager. However, Mr. Adams continues to regularly miss activities because prison staff do not page him.

195. As a result of Defendant's actions, and its failures to act, concerning access to its system for communicating announcements, Mr. Adams suffered mental and emotional harm.

FACTS - MICHAEL SHERMAN

196. Plaintiff Michael Sherman is deaf.

197. Defendant has known since Mr. Sherman first entered the Minnesota state prison system that Mr. Sherman is deaf.

198. Mr. Sherman has been held in Defendant's prisons since October 5, 2011.

199. Mr. Sherman is currently an inmate held in MCF - Faribault.

200. Prior to being held in MCF - Faribault, Mr. Sherman was held in MCF - Stillwater, MCF - Lino Lakes and MCF - St. Cloud.

Unequal Access To And Benefit From Telephone Services

201. Mr. Sherman did not have access to an effective telecommunication device from the time he entered the Minnesota state prison system until approximately December 2017.

202. Until sometime in December 2017, Mr. Sherman was not able to communicate with family and friends using his primary language (ASL) while he was an inmate in the Minnesota state prison system.

203. Prior to December 2017, the only auxiliary aid Defendant provided for Mr. Sherman to make telecommunication calls was a TTY device.

204. The TTY devices Defendant provided to Mr. Sherman were not effective or adequate communication devices. They were often broken and did not allow him to make any calls. When the TTY devices were not broken, they regularly produced garbled messages.

205. Mr. Sherman made many complaints to Defendant's staff and officials concerning his lack of access to an effective

telecommunications device and the problems with the TTY.

206. As a result of Defendant's actions, and its failures to act, concerning its telecommunication system, Mr. Sherman suffered, and continues to suffer, mental and emotional harm.

Defendant Applies More Restrictive Rules And Procedures For Using Telecommunication Devices To Inmates Who Are Deaf

207. Since December 2017, when a video communication device was made available to Mr. Sherman, he has been subjected to greater restrictions than Defendant applied to inmates who are not deaf and who use the standard telephone.

208. As a result of Defendant's actions, and its failures to act, concerning its restrictive rules and procedures for using the telecommunications system, Mr. Sherman suffered, and continues to suffer, mental and emotional harm.

No Access To Confidential Telecommunication Calls with Attorney

209. During the time Mr. Sherman was held in Minnesota state prisons, he was represented by one or more attorneys in various legal matters.

210. On several occasions since his incarceration began, Mr. Sherman wished to speak to his attorneys confidentially and by telephone.

211. Until Defendant recently provided a video communication device at MCF - Faribault, Mr. Sherman could not effectively communicate confidentially with his attorney by telephone.

212. Mr. Sherman could not effectively communicate with his attorney using a TTY because he does not have sufficient English Language skills to be able to fully and accurately communicate his questions and his thoughts and ideas, and he cannot fully and adequately understand written messages from his attorney using written English.

213. As a result of Defendant's actions, and its failures to act, concerning access to confidential attorney calls, Mr. Sherman suffered, and continues to suffer, mental and emotional harm.

Failure To Provide Auxiliary Aids For Daily Announcements

214. Defendant provides information to inmates at MCF - Faribault by making oral announcements over a public address (PA) system. These announcements include such topics as announcements notifying inmates of various events, including meal times, recreation times, medication times, inmate counts, lockdowns and other programs and events.

215. Mr. Sherman cannot hear and understand announcements made by Defendant's staff using the PA system.

216. Defendant has not provided Mr. Sherman with adequate and effective auxiliary aids to accommodate his inability to hear announcements made over the intercom system and allow him effective access to daily announcements made using the prison's PA system.

217. At one time, Defendant provided a pager unit to alert Mr. Sherman to PA announcements. However, the pager system often did not function correctly.

218. Defendant's staff regularly forgot to page Mr. Sherman concerning the announcements it makes to other inmates using the intercom system.

219. Defendant's regular failure to consistently page Mr. Sherman has caused him to miss meal times, recreation times, medication times, inmate counts, lockdowns and other programs and events.

220. Mr. Sherman made repeated requests for prison staff to fix and solve the problems that he is having with the pager. However, Mr. Sherman continues to regularly miss activities because prison staff do not page him.

221. As a result of Defendant's actions, and its failures to act, concerning its system for communicating announcements, Mr. Sherman suffered, and continues to suffer, mental and emotional harm.

Denial Of Equal Access To And Benefit From Programs

222. The Defendant provides various educational programs at MCF - Faribault.

223. Mr. Sherman wanted to register for and participate in several of the Defendant's educational programs.

224. Throughout his incarceration in Minnesota state prisons, Mr. Sherman repeatedly asked Defendant's staff on several occasions for a qualified ASL interpreter for activities, programs, and services offered by Defendant that he wanted to attend. An ASL interpreter was necessary for Mr. Sherman to effectively communicate during such activities, programs, and services.

225. Despite Mr. Sherman's repeated requests for a qualified ASL interpreter, Defendant did not regularly provide one for Mr. Sherman for the activities, programs, and services Mr. Sherman wanted to take.

226. As a result of Defendant's refusal to provide an ASL interpreter, Mr. Sherman could not participate in some of those programs at all and was not able to fully and equally participate in other programs.

227. As a result of Defendant's actions, and its failures to act, concerning its educational programs, Plaintiff Sherman suffered mental and emotional harm.

Denial Of Equal Access To and Benefit from J-Pay Tablet Programs

228. The Defendant provides JPay Tablets containing educational, recreational and entertainment programs for inmates at MCF - Faribault.

229. The program materials on the J-Pay Tablets contain spoken materials but are not captioned.

230. Mr. Sherman cannot hear the spoken material on the J-Pay Tablets because he is deaf.

231. Mr. Sherman does not have access to the educational, recreational and entertainment programs on the J-Pay Tablets, because the programs are not captioned.

232. Mr. Sherman does not currently have a J-Pay Tablet because he cannot fully enjoy all the benefits and programming of the J-Pay Tablet. Mr. Sherman would purchase and use, a J-Pay Tablet, if its programs were captioned.

233. As a result of Defendant's actions, and its failures to act, concerning access to programs on the JPay units, Mr. Sherman suffered, and continues to suffer, mental and emotional harm.

FACTS - TIFFANY GAGNER

234. Plaintiff Tiffany Gagner is a woman who is deaf.

235. Ms. Gagner is the fiancé of Brian Rinkel.

236. Ms. Gagner wishes to have person-to-person telephone calls with Brian Rinkel using their primary language, ASL.

237. Between the time Mr. Rinkel first entered the Minnesota state prison system, and approximately January 2018, when Defendant finally made a video communication device available for Mr. Rinkel, Ms. Gagner was not able to effectively communicate with Rinkel by telephone.

238. As a result of Defendant's actions, Ms. Gagner suffered mental and emotional harm.

FIRST CAUSE OF ACTION

VIOLATIONS OF MINNESOTA HUMAN RIGHTS ACT

239. Plaintiffs re-allege the contents of Paragraphs 1 through 238 of this Complaint and incorporate their contents into this Cause of Action by reference.

240. Plaintiff Brian Rinkel is a person with a disability as that term is used by the Minnesota Human Rights Act (Minn. Stat § 363A.12).

241. Plaintiff Eric Jaeger is a person with a disability as that term is used by the Minnesota Human Rights Act (Minn. Stat § 363A.12).

242. Plaintiff Kevin Adams is a person with a disability as that term is used by the Minnesota Human Rights Act (Minn. Stat § 363A.12).

243. Plaintiff Michael Sherman is a person with a disability as that term is used by the Minnesota Human Rights Act (Minn. Stat § 363A.12).

244. Plaintiff Tiffany Gagner is a person with a disability as that term is used by the Minnesota Human Rights Act (Minn. Stat § 363A.12).

245. Defendant Minnesota Department of Corrections is an agency of the State of Minnesota.

246. Defendant Minnesota Department of Corrections is responsible for operating, managing and supervising state prisons in Minnesota, including the prisons where the Inmate Plaintiffs have been, and some continue to be, incarcerated.

247. Defendant Minnesota Department of Corrections is a public entity covered by the Minnesota Human Rights Act (Minn. Stat § 363A.12).

248. The actions of Defendant described in this Complaint violated and continue to violate, the prohibition against discrimination contained in the Minnesota Human Rights Act (Minn. Stat § 363A.12).

249. The actions, omissions, policies and practices of the Defendant discriminated against the Plaintiffs, and each of them, on the basis of disability and denied them the equal benefit of the services, programs and activities Defendant provides to inmates in Minnesota prisons, in violation of the Minnesota Human Rights Act, Minn. Stat. § 363A.12.

250. Defendant's actions, omissions, policies and practices have subjected Plaintiffs, and each of them, to illegal discrimination by reason of their disability in violation of Minn. Stat. § 363A.12.

251. As a result of Defendant's actions, omissions, policies and practices, and their violations of the Minnesota Human Rights Act described in this Complaint, Plaintiffs suffered the harm described in this Complaint.

RELIEF REQUESTED

DECLARATORY RELIEF - ALL PLAINTIFFS

252. Issue a declaratory judgment that Defendant's actions described in this Complaint violated the Minnesota Human Rights Act (Minn. Stat § 363A.12) and specifically declaring that the following actions of the Defendant violated the Minnesota Human Rights Act:

- a. Failing to provide an effective video communication system for Plaintiffs;
- b. Failing to provide a confidential video communication system that would allow the Inmate Plaintiffs to communicate with attorneys;
- c. Applying different and more restrictive rules and procedures to deaf inmates who want to make video communication calls;
- d. Failing to provide equal access to and benefit from prison educational programs;
- e. Failing to provide captioned programs on the JPay system; and
- f. Failing to provide effective auxiliary aids that will allow Plaintiffs access to the oral announcements on the prison PA system.

PERMANENT INJUNCTIVE RELIEF - ALL PLAINTIFFS

253. Order Defendant to provide Plaintiffs Brian Rinkel, Michael Sherman and Kevin Adams access to video communications devices that will allow them to effectively communicate with friends, family and other people who are not in the prison facility, on the same basis and subject to the same restrictions as Defendant provides access to telephones for inmates who are hearing.

254. Order Defendant to train all prison staff concerning the operation of the video communication devices and supporting video communication software used with the video communication devices.

255. Order Defendant to provide qualified interpreters who have minimum ASL interpreting certification for communications with Plaintiffs Brian Rinkel, Michael Sherman and Kevin Adams that are significant, lengthy and/or complex.

256. Order Defendant to provide Plaintiffs Brian Rinkel, Michael Sherman and Kevin Adams with equal access to and benefits from all educational, counselling, rehabilitation and other types of programs that Defendant provides to inmates who are hearing, by providing qualified interpreters for communication of all aspects of the program.

257. Order Defendant to conduct communication needs assessments/evaluations of the Plaintiffs and of all inmates who are deaf, hard of hearing or deafblind and develop and implement effective plans for providing auxiliary aids and services that will ensure effective communication between Defendant's staff and Plaintiffs and other inmates who are deaf, and that will provide Plaintiffs and other inmates who are deaf full and equal access to and benefit from Defendant's programs and services.

258. Order Defendant to caption all educational and entertainment programs on the JPay Tablets it provides to inmates and to contract only with vendors who provide fully captioned and accessible programs for the JPay Tablets.

259. Order Defendant to take all other actions necessary to ensure its compliance with the requirements of the Minnesota

Human Rights Act, and to ensure it provides inmates who are deaf with full and equal access to and benefit from its services and programs.

RINKEL RELIEF

260. Award compensatory damages in an amount in excess of Fifty-Thousand Dollars (\$50,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4, the ADA, and the Federal Rehabilitation Act;

261. Award punitive damages in the amount of Twenty-Five Thousand Dollars (\$25,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

262. Award treble damages, pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

263. Order Defendant to pay a civil penalty pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

264. Award Plaintiff Rinkel statutory attorneys' fees and expenses pursuant to Minn. Stat. § 363A.33, Subd. 7, the ADA, and the Federal Rehabilitation Act; and

265. Award Plaintiff Rinkel such other and further relief as the Court may deem reasonable and just.

JAEGER RELIEF

266. Award compensatory damages in an amount in excess of Fifty-Thousand Dollars (\$50,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4, the ADA, and the Federal Rehabilitation Act;

267. Award punitive damages in the amount of Twenty-Five Thousand Dollars (\$25,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

268. Award treble damages, pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

269. Order Defendant to pay a civil penalty pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

270. Award Plaintiff Jaeger statutory attorneys' fees and expenses pursuant to Minn. Stat. § 363A.33, Subd. 7, the ADA, and the Federal Rehabilitation Act; and

271. Award Plaintiff Jaeger such other and further relief as the Court may deem reasonable and just.

SHERMAN RELIEF

272. Award compensatory damages in an amount in excess of Fifty-Thousand Dollars (\$50,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4, the ADA, and the Federal Rehabilitation Act;

273. Award punitive damages in the amount of Twenty-Five Thousand Dollars (\$25,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

274. Award treble damages, pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

275. Order Defendant to pay a civil penalty pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

276. Award Plaintiff Sherman statutory attorneys' fees and expenses pursuant to Minn. Stat. § 363A.33, Subd. 7, the ADA,

and the Federal Rehabilitation Act; and

277. Award Plaintiff Sherman such other and further relief as the Court may deem reasonable and just.

ADAMS RELIEF

278. Award compensatory damages in an amount in excess of Fifty-Thousand Dollars (\$50,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4, the ADA, and the Federal Rehabilitation Act;

279. Award punitive damages in the amount of Twenty-Five Thousand Dollars (\$25,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

280. Award treble damages, pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

281. Order Defendant to pay a civil penalty pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

282. Award Plaintiff Adams statutory attorneys' fees and expenses pursuant to Minn. Stat. § 363A.33, Subd. 7, the ADA, and the Federal Rehabilitation Act; and

283. Award Plaintiff Adams such other and further relief as the Court may deem reasonable and just.

GAGNER RELIEF

284. Award compensatory damages in an amount in excess of Fifty-Thousand Dollars (\$50,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4, the ADA, and the Federal Rehabilitation Act;

285. Award punitive damages in the amount of Twenty-Five Thousand Dollars (\$25,000.00), pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

286. Award treble damages, pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

287. Order Defendant to pay a civil penalty pursuant to Minn. Stat. § 363A.33, Subd. 6, and Minn. Stat. § 363A.29, Subd. 4;

288. Award Plaintiff Gagner statutory attorneys' fees and expenses pursuant to Minn. Stat. § 363A.33, Subd. 7, the ADA, and the Federal Rehabilitation Act; and

289. Award Plaintiff Gagner such other and further relief as the Court may deem reasonable and just.

Respectfully submitted,

MID-MINNESOTA LEGAL AID MINNESOTA DISABILITY LAW CENTER

Dated: *February 26, 2018*

By: *s/Roderick J. Macpherson III*

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Footnotes

¹ Throughout this Complaint, Plaintiffs will refer to Defendant's prisons using the format Defendant uses. For example, the state prison at Lino Lakes is referred to MCF - Lino Lakes. "MCF" stands for Minnesota Correctional Facility.

