

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

JOSE LUIS RODRIGUEZ,	§	
Plaintiff,	§	
v.	§	
	§	No. EP-11-CV-0389
COUNTY OF EL PASO, TEXAS,	§	
Defendant.	§	
	§	

PLAINTIFF’S FIRST AMENDED COMPLAINT

Plaintiff Jose Luis Rodriguez complains of Defendant County of El Paso for its failure to reasonably accommodate his disability and, in support thereof, states as follows:

STATEMENT OF CLAIMS

1. Plaintiff Jose Luis Rodriguez, a deaf man, files this petition against Defendant County of El Paso because it failed and refused to reasonably accommodate him by not making its services accessible to individuals with hearing disabilities. These failures constitute discrimination against him and those like him in violation of Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §12131 *et seq.* (“ADA”), Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794 (“Section 504”), and Chapter 121 of the Texas Human Resources Code, TEX. HUM. RES. CODE §121.001, *et seq.* (“Chapter 121”). Mr. Rodriguez seeks injunctive and declaratory relief, actual damages, attorneys’ fees, litigation expenses, and costs as redress from Defendant County of El Paso for their unlawful discrimination based on his disability.

2. Almost twenty years after the passage of the ADA, Defendant discriminates against people with disabilities by failing to provide access to its services, programs, and activities. Defendant provides inadequate accommodations for prisoners and holds illegal barriers

preventing Plaintiff and others with hearing disabilities to communicate with and understand others.

JURISDICTION AND VENUE

3. This action is brought pursuant to 28 U.S.C. § 1331. The events which gave rise to this lawsuit occurred within this District making venue proper pursuant to 28 U.S.C. § 1391.

PARTIES

4. Plaintiff, Jose Luis Rodriguez, is a resident of Texas and resides in El Paso. Mr. Rodriguez has both a hearing and speech disability. Mr. Rodriguez' primary language is American Sign Language (ASL). Mr. Rodriguez is unable to lip-read and uses ASL in order to communicate. Mr. Rodriguez uses videophones to communicate telephonically. Mr. Rodriguez' hearing disability substantially limits one or more of his major life activities. Therefore, Mr. Rodriguez is a person with a "handicap" as defined by Section 504, a qualified "person with a disability" as defined under the ADA, and a "person with a disability" as defined by Chapter 121.

5. Defendant County of El Paso is a political subdivision of the State of Texas and is responsible for providing and maintaining accessibility to County services, programs, and activities including, but not limited to, the El Paso County Detention Facility (Downtown Detention Facility) and the County Annex Jail (Annex Jail). Defendant is a public entity within the meaning of Title II of the ADA, and a recipient of federal funding within the meaning of Section 504. Defendant County of El Paso has control over and operation of the Downtown Detention Facility and the Annex Jail, and is responsible for all their elements. The Downtown Detention Facility and the Annex Jail are considered "public entit[ies]" within the meaning of Section 504. 29 U.S.C. §794(b)(1). Defendant El Paso County is responsible for ensuring that,

at all times, the Police and Sheriff's Departments of the Downtown Detention Facility and of the Annex Jail meet the requirements of Section 504, the ADA, and Chapter 121, in compliance with federal and state law. El Paso County may be served with process by serving County Judge Veronica Escobar at the Office of the County Judge, 500 East San Antonio, Suite 301, El Paso, Texas 79901.

STATEMENT OF FACTS

6. Mr. Rodriguez is a forty-nine year old deaf man. He relies on American Sign Language, with little to no ability to lip-read in order to communicate. His writing skills are poor to fair, and his general comprehension of the English language is weak. In spite of his disability, through much effort and study, Mr. Rodriguez learned to speak sign language while attending public school in El Paso. Mr. Rodriguez does not speak or read Spanish at a functional level.

7. Mr. Rodriguez grew up to become a participatory and functioning member of society. He graduated from high school, and now spends his time drawing, bike riding, watching sports on television, and spending time with friends.

8. On or about March 9, 2011 in the evening, Mr. Rodriguez was approached by two sheriff officers at his home at 3120 Findley Avenue, El Paso, TX 79905. The officers came to the door, while Mr. Rodriguez' roommate, Mr. Frank Chavez, was also home. The officers told Mr. Chavez that they were there to arrest Mr. Rodriguez and mentioned something about "hot checks." They said that they were just going to take Mr. Rodriguez downtown so he could pay back a debt and fill out the paper work necessary, and that they would bring him right back.

9. Mr. Chavez told the officers that Mr. Rodriguez was deaf. Mr. Chavez tried to relay the officers' message to Mr. Rodriguez but, because there was no interpreter present, Mr.

Rodriguez did not understand entirely what was going on. Mr. Chavez is not a certified American Sign Language interpreter and he is unable to completely communicate with Mr. Rodriguez.

10. Before being detained, Mr. Rodriguez made three or four emergency requests for an interpreter on paper. The officers ignored his requests.

11. The officers did not present any papers to Mr. Rodriguez or to Mr. Chavez, and they did not write down Mr. Rodriguez' *Miranda* rights.

12. The two officers took Mr. Rodriguez to the Downtown Detention Facility located at 601 East Overland Street, El Paso, Texas. He again requested an interpreter by motioning to the officers and by writing notes on pieces of paper.

13. The officers never provided Mr. Rodriguez with interpreters or auxiliary aids while he was at the Downtown Detention Facility. He also was never given an orientation of the jail and was never provided with inmate rules and/or policies at the Downtown Detention Facility.

14. On information and belief, Mr. Rodriguez met with a nurse when he was booked at the Downtown Detention Facility. He wrote down the medications that he is accustomed to taking for his thyroid condition and for his HIV.

15. While at the Downtown Detention Facility, Mr. Rodriguez had great difficulty communicating with the officers. Nonetheless, through hand gestures and small written notes, he believes that several officers told him that bail was set and that if he paid he could go home. Mr. Rodriguez did not understand the officers as they discussed the amount required for bail but believes the officers stated an amount in the hundreds of dollars. Mr. Rodriguez attempted to tell the officers that he was able and willing to post bail immediately. The officers ignored him.

16. Afterwards, Mr. Rodriguez was handcuffed and put in a cell. He wrote a note to the officers asking them if they could call his roommate, Mr. Chavez. Mr. Rodriguez gave them Mr. Chavez' telephone number but he does not know if the officers tried to contact him. Mr. Chavez never heard from any County agents at any point after they arrested Mr. Rodriguez on March 9th.

17. Mr. Rodriguez spent approximately three hours in the Downtown Detention Facility; repeatedly writing down requests for an interpreter. At no point on March 9th, did Defendant or its agents provide Mr. Rodriguez with any auxiliary aids or interpreters to help him understand the charges against him or why he was being detained.

18. Mr. Rodriguez was then removed from the Downtown Detention Facility by two officers and placed in a car. As they departed the facility, Mr. Rodriguez attempted to ask the officers where they were taking him. He did not receive an answer which he could understand. Mr. Rodriguez noticed, however, that the car was headed on I-10 West toward New Mexico. Mr. Rodriguez again wrote a note to the officers stating he needed an interpreter. The officers crudely motioned to him, "don't worry."

19. At around 9 or 10 pm on March 9, 2011, the car containing Mr. Rodriguez and the officers arrived at a Diamond Shamrock store located near the Texas-New Mexico border. A woman, whom the detention officers described to Mr. Rodriguez as a "judge," approached the car. On information and belief, this encounter constituted an arraignment. Mr. Rodriguez did not know that at the time.

20. The judge asked Mr. Rodriguez if he was a U.S. citizen. He replied "yes," and gave his full name. Mr. Rodriguez attempted, through hand signals, to ask her for an interpreter, but his request was again ignored. Mr. Rodriguez was not informed by the judge nor did he

understand what the woman was telling him. Mr. Rodriguez stated that after this, he was driven back and forth, very confused, and was later returned to the Downtown Detention Facility.

21. On or about March 10, 2011, the officers drove Mr. Rodriguez to the Annex Jail on 12501 Montana Avenue, where he stayed for 11 days. He still did not fully understand why he had been arrested and taken to jail or how to resolve the situation. The jail personnel, again, did not give Mr. Rodriguez an orientation, and there was no interpreter present to explain the Annex Jail policies.

22. While Mr. Rodriguez was at the Annex Jail, he wrote notes saying "I am deaf," and "I need interpreting language." All requests for an interpreter were ignored, despite the fact that Mr. Rodriguez provided the officers with telephone numbers where an interpreter could be reached.

23. The officers at the Annex Jail refused to provide Mr. Rodriguez with an interpreter. Instead, he was only able to minimally communicate with the officers and other inmates at the jail by writing short and stilted notes. Given the limitations on his ability to read and write, and the curtness of these notes, Mr. Rodriguez was often unable to grasp what was going on, or to understand the length and complete terms of his detention. Mr. Rodriguez was thus confused and humiliated while he spent time in the County's prison facilities.

24. After spending three days at the Annex Jail, Mr. Rodriguez still had no access to the medications that he had originally requested at the Downtown Detention Facility. He motioned to the officers at the Annex Jail that he still needed his medicine. It wasn't until on or about March 13, 2011 that Mr. Rodriguez was provided with the medications he had requested.

25. Throughout Mr. Rodriguez' time at the Annex Jail, Mr. Rodriguez did not have access to services regularly provided to other inmates.

26. Although non-deaf inmates had access to watch a television that was located in a common area of the Annex Jail, the television was far from Mr. Rodriguez' cell and lacked closed captioning.

27. On or about March 14, 2011, the officers at the Annex Jail woke Mr. Rodriguez in the early morning and herded him into a room with several other inmates. On information and belief, the room was a courtroom situated in the Annex Facility. Mr. Rodriguez requested by motioning that he needed an interpreter. Mr. Rodriguez was ignored by the County officials.

28. In the courtroom, an official was busy interviewing several other non-deaf inmates. Also a television broadcast another courtroom on its screen. The television did not have closed captioning. When it was Mr. Rodriguez' turn for an interview, Mr. Rodriguez asked again for an interpreter. His requests were ignored. He then asked if the officers could remove his handcuffs, so that he would have an easier time communicating with them by writing notes. The officers denied this request. Without further explanation, the officers took Mr. Rodriguez back to his cell.

29. Unlike non-deaf inmates, Mr. Rodriguez was not interviewed at the courtroom. Though Mr. Rodriguez had a basic understanding of the charges against him, he was not provided with an interpreter, and thus continued to lack a complete understanding of the terms and length of his detention at the Annex Jail.

30. On or about March 15th, several officers herded Mr. Rodriguez out of his cell. Upon information and belief, the officers were communicating with other officers to determine the whereabouts of the office with the TTY/TDD phone. Mr. Rodriguez was handcuffed throughout this process. After finally finding the room, the officers gave Mr. Rodriguez an old TTY/TTD telephone so that he could talk to someone who was already on the line. Mr.

Rodriguez did not know who had called him, so he wrote a note asking who it was. The officers told Mr. Rodriguez through short notes that it was an attorney named “Mr. Lara.” They did not disclose what this meant, and how or why they contacted Mr. Lara when Mr. Rodriguez had originally asked for an interpreter.

31. The officers did not appear to know how to use the telephone.

32. Mr. Rodriguez then tried to re-dial Mr. Lara’s number through the TTY/TDD relay service. He was connected to someone for no longer than five minutes. Upon information and belief, the person on the other line had a list of the inmates’ names, and the date that they would be released. Mr. Rodriguez believes that the person told Mr. Rodriguez that he should be released by the following day, on March 16th. Before Mr. Rodriguez was finished speaking with the person on the line, an officer named Mr. Escamilla hung up the phone. The officers then took Mr. Rodriguez back to his cell.

33. After March 16, 2011 had passed, Mr. Rodriguez was confused as to why he still had not been released. So, on or around March 18, 2011, Mr. Rodriguez wrote to the officers and motioned to them that he needed to use the TTY/TDD phone. The officers complied with Mr. Rodriguez’ request and walked him to the office where the TTY/TDD phone was located. Mr. Rodriguez tried to call Mr. Lara again to understand why he had not yet been released. A secretary who answered the call told Mr. Rodriguez that Mr. Lara was on vacation. Before Mr. Rodriguez could ask more questions pertaining to his release date, the officers hung up the phone.

34. Whenever Mr. Rodriguez used the TTY/TDD phone, the officers hovered over him with angry faces, giving him only a limited amount of time to use the TTY/TDD phone.

35. When Mr. Rodriguez used the TTY/TDD, the officers hung up the phone before Mr. Rodriguez finished his conversations. He tried to use his hands to motion to the officers that it takes a longer amount of time for a person with a hearing disability to use a TTY/TDD phone than it would take a non-deaf person to use a regular phone. They apparently did not understand how the TTY/TDD phone and/or the relay service operated.

36. Mr. Rodriguez was handcuffed every time the officers escorted him out of his cell. This made it almost impossible for Mr. Rodriguez to communicate with the officers.

37. Mr. Rodriguez had an "intercom" system in his cell that he could press when he wanted to ask the officers for a phone and/or interpreter. However, unlike non-deaf inmates who could hear the messages being made to them over the intercom system, Mr. Rodriguez did not hear these messages, and thus was not informed of the messages and/or events because of his hearing impairment.

38. Mr. Rodriguez became frustrated due to the lack of understanding of his situation, why he was still incarcerated, and what he could do to get out.

39. On March 21, 2011, officers woke Mr. Rodriguez and indicated that they wanted to talk to him. They wrote Mr. Rodriguez a very brief note stating that they were going to go to court. Mr. Rodriguez, again, wrote on a note that he needed an interpreter. When Mr. Rodriguez arrived at the El Paso County Courthouse, no interpreter was present. He then wrote a note, asking to speak with attorney Mr. Lara, but nobody knew who that was.

40. After waiting in the court until the afternoon, Mr. Rodriguez finally had a hearing with Judge Julie Gonzales. Mr. Rodriguez did not understand what happened in this court hearing because the County failed to provide him with an interpreter. Mr. Rodriguez was released from custody that afternoon.

41. El Paso County officers refused to comply with Mr. Rodriguez' requests for accommodation and failed to provide him with a qualified interpreter anytime before, during, or after his arrest.

42. From his arrest to the time of his release, Mr. Rodriguez never fully understood the terms of his arrest or detention due to his inability to communicate with Defendant's officers. The officers failed to provide Mr. Rodriguez with an interpreter and/or other sufficient means of communication.

43. Mr. Rodriguez was deprived of important information during his long detention. The actions and inactions of Defendant County and its agents left Mr. Rodriguez with limited understanding of his situation and no ability to accurately ask questions or receive information from those holding him in custody.

44. The accommodations that Mr. Rodriguez repeatedly requested were reasonable.

45. As a result of Defendant's discriminatory conduct, Mr. Rodriguez sustained damages, including mental anguish, loss of self-esteem, emotional distress, and continued feelings of isolation and segregation. His inability to trust the police and courts to serve and protect him in the same manner that they protect and serve persons without disabilities persists.

46. Defendant's conduct harmed Mr. Rodriguez by excluding him from the services, programs and activities at the Downtown Detention Facility and at the Annex Jail, and by preventing him from communicating with officers during his arrest. El Paso County failed to provide videophone devices, interpreters, or access to closed captioning while Mr. Rodriguez was in custody and during his court appearance. Defendant's conduct limited Mr. Rodriguez' ability to arrange for his release and assert his rights in the criminal process initiated against him.

El Paso County is therefore in violation of the ADA, the Rehabilitation Act, and Chapter 121 for failure to reasonably accommodate Mr. Rodriguez.

CAUSES OF ACTION

I. VIOLATION OF TITLE II OF THE ADA

47. Paragraphs 8-46 are incorporated herein by reference as though fully set forth.

48. Title II of the ADA, governing state and local governmental entities, protects persons from discrimination on the basis of disability by public entities. 42 U.S.C. §§ 12131-12134; 28 C.F.R. Part 35 § 35.101 *et seq.*

49. Title II provides that “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

50. The ADA requires public entities to provide “appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” 28 CFR 35.160(b)(1). Auxiliary aids and services include qualified interpreters, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons, videotext displays, and “other effective methods of making aurally delivered materials available to individuals with hearing impairments.” *Id.* § 35.104(1). The ADA expressly provides that discrimination against a disabled person occurs when an entity fails to “take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services.” 42 U.S.C. § 12182(b)(2)(A)(iii).

51. Defendant is a public entity as defined by 42 U.S.C. § 12131 because it is a political subdivision of the State of Texas.

52. The Justice of the Peace, judges in the County, County Sheriff activities, Downtown Detention Facility, and the Annex Jail are services, programs, and activities provided by Defendant. Defendant has to make the services, programs and activities and their elements accessible. 28 C.F.R. § 35.150.

53. Mr. Rodriguez lives with a physical impairment that substantially limits major life activities. Therefore, he is a qualified individual with a disability as defined by 42 U.S.C. § 12102.

54. Mr. Rodriguez is eligible for receipt of services from the Defendant under the ADA. 42 U.S.C. §12131(2).

55. The officers who arrested Mr. Rodriguez, agents of the County of El Paso, knew that Mr. Rodriguez was deaf because Mr. Chavez and Mr. Rodriguez both repeatedly informed them of his disability and of his inability to comprehend them. The officers at the Downtown Detention Facility and the Annex Jail knew that Mr. Rodriguez was deaf because of the notes he repeatedly wrote to them declaring his need for an interpreter.

56. The judge who presided over Mr. Rodriguez' arraignment knew that Mr. Rodriguez had a disability. Nonetheless, she did not provide him with reasonable accommodations during his arraignment and subjected him to discrimination in the provision of services, programs, and activities on the basis of his disability.

57. Defendant did not provide Mr. Rodriguez with reasonable accommodations at either the Downtown Detention Facility or Annex Jail and subjected him to discrimination in the provision of its services, programs, and activities on the basis of his disability. The officers

ignored his requests for an interpreter, preferring instead to communicate by passing short notes that did not allow Mr. Rodriguez to understand the terms of his arrest and detention.

58. El Paso County's refusal to make accommodations for hearing-impaired individuals denies Plaintiff and others the opportunity to communicate because of their disability. Therefore, El Paso County discriminates against Plaintiff as defined by 42 U.S.C. § 12132.

59. As a result of Defendant's intentional discrimination, Plaintiff suffered compensatory damages.

60. For these reasons, Plaintiff is entitled to relief under the ADA.

II. VIOLATION OF SECTION 504 OF THE REHABILITATION ACT

61. Paragraphs 8-46 are incorporated herein by reference as though fully set forth.

62. Section 504 of the Rehabilitation Act protects qualified individuals with disabilities from discrimination by all entities receiving federal funds. 29 U.S.C. § 749.

63. Plaintiff is a "qualified individual with a disability" because he has a hearing impairment that substantially limits major life activities.

64. "Discrimination" is defined as "denial of participation" in the benefits of a particular program receiving federal funds. 28 C.F.R. § 35.130(b)(1)(i).

65. The County is a "recipient of federal funding" under Section 504.

66. Because the County is recipient of federal funding as defined by Section 504, it is required to make its activities, programs, and services readily accessible to individuals with disabilities.

67. The County discriminated against Plaintiff by denying him access to the goods and services offered at the Downtown Detention Facility and at the Annex Jail as described herein.

68. Therefore, Plaintiff is entitled to relief under Section 504.

III. VIOLATION OF CHAPTER 121 OF THE TEXAS HUMAN RESOURCES CODE

69. Paragraphs 8-46 are incorporated herein by reference as though fully set forth.

70. Chapter 121 of the Texas Human Resources Code provides that “[p]ersons with disabilities have the same right as the able-bodied to the full use and enjoyment of any public facility in the state.” Tex. Hum. Res. Code § 121.003(a). The law prohibits entities such as El Paso County from failing to “make reasonable accommodations in policies, practices, and procedures.” *Id.* § 121.003(d)(2). Chapter 121 further provides that a person may seek a civil remedy in a court of competent jurisdiction if she has been denied access to any public facility or service or an entity has failed to make reasonable accommodations. *Id.* § 121.003 – 121.004.

71. Under Chapter 121, “discrimination” includes a failure to (1) make reasonable accommodations in policies, practices, and procedures; or (2) provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility. *Id.* § 121.003(d)(2)-(3).

72. Defendant failed to provide auxiliary aids and services necessary to accommodate Mr. Rodriguez’ disabilities.

73. For the reasons described above, Defendant failed to make reasonable accommodations for Mr. Rodriguez. By denying Mr. Rodriguez access to the services of the sheriff’s department, detention facilities, and the courts in the same manner as non-disabled persons, the Defendant violated his rights pursuant to Chapter 121.

74. Chapter 121 provides for a penalty of at least \$100 to an aggrieved party for each violation of the law, for which Defendant is liable to Mr. Rodriguez as a result of the allegations herein. *Id.* § 121.004(b).

RELIEF REQUESTED

DECLARATORY RELIEF

75. This suit involves an actual controversy regarding Plaintiff's rights to the goods and services within Defendant's facilities, and Defendant's obligations to make its services, programs, activities, and facilities accessible to people with disabilities. The dispute is within the Court's jurisdiction. The Court may declare the rights of the Plaintiff under the laws of the United States and Texas, and grant such relief as necessary and proper under 28 U.S.C. §§ 2201-2202 and Tex. Civ. Prac. & Rem. Code §§ 37.001 *et seq.*

76. The County of El Paso has unlawfully excluded Plaintiff from participation in the benefits and services provided at the Downtown Detention Facility and at the Annex Jail. Therefore, Mr. Rodriguez is entitled to declaratory judgment concerning Defendant's violations of Section 504, the ADA, and Chapter 121, as set forth above, and further specifying Mr. Rodriguez' rights under these laws.

INJUNCTIVE RELIEF

77. As a proximate result of Defendant's practices, policies and procedures, Mr. Rodriguez has suffered irreparable injury due to denials of his statutory rights. Unless injunctive relief is granted, Mr. Rodriguez and similarly situated individuals with disabilities may continue to experience unlawful discrimination because of Defendant El Paso County's failure and refusal to comply with Section 504, the ADA, and Chapter 121.

78. Defendant fails to make its facilities accessible to individuals with hearing impairments. By choosing not to comply with federal and state accessibility laws, the Defendant has willfully discriminated against Plaintiff.

79. Defendant's denial of Plaintiff's rights has prevented Plaintiff from accessing the services at El Paso County court hearings, the Downtown Detention Facility, and at the Annex

Jail. Defendant refuses to make its facilities compliant with the law. Defendant's deprivation of Plaintiff's rights cannot be remedied solely by the monetary damages allowed under Chapter 121.

80. Furthermore, Plaintiff is entitled to injunctive relief pursuant to 42 U.S.C. § 12133. As such, injunctive relief is necessary to order Defendant to immediately remedy the Downtown Detention Facility and the Annex Jail, making all services and facilities fully accessible for Plaintiff, and others with hearing impairments.

COMPENSATORY RELIEF

81. Mr. Rodriguez is entitled to damages in an amount of no less than \$100 for each statutory violation pursuant to Chapter 121.004(b). There is no statutory limit to these damages.

82. Mr. Rodriguez seeks compensatory damages for physical injuries, mental anguish, emotional distress, pain, and suffering caused by El Paso County, violations of Section 504, the ADA and Chapter 121.

ATTORNEYS' FEES AND COSTS

64. To enforce his rights under the Rehabilitation Act and the ADA, Mr. Rodriguez had to retain counsel and, thus, is entitled to and seeks an award of his attorneys' fees, costs, and expenses pursuant to the ADA, Section 504, and the Texas Declaratory Judgments Act.

JURY DEMAND

65. Plaintiff demands a jury on all issues so triable.

PRAYER FOR RELIEF

THEREFORE, Plaintiff respectfully prays that this Court:

- A. Issue a permanent injunction requiring Defendant El Paso County, and its agents, servants, and employees, and all persons in active concert with them, to act in the following manner:

- (1) to provide certified, independent ASL interpreters and/or any auxiliary aids, including videophones, necessary as reasonable accommodations for the deaf and hard of hearing, to be provided before, during and after any deaf or hard of hearing person is arrested or detained by the El Paso County Sheriff's Department;
 - (2) to make all modifications, including modifications to training, implementation and enforcement, to Defendants' policies, procedures and services within ninety (90) days that correct the problems complained of herein and that are necessary to ensure complete access to meaningful communication between the police and people who are deaf and hard of hearing; and
 - (3) to not discriminate against persons who have hearing disabilities, and to comply fully with Section 504, the ADA, and Chapter 121;
- B. Enter a declaratory judgment that Defendant El Paso County's practices, policies, and procedures in the past have prevented, and continue to prevent, Mr. Rodriguez and like persons from accessing Defendants' facilities and services because of their disabilities, in violation of Section 504, the ADA, and Chapter 121; Specifically, Mr. Rodriguez seeks a declaration from the Court that the failures of Defendant described in the above paragraphs have subjected Mr. Rodriguez to discrimination in violation of Section 504, the ADA, and Chapter 121;
- C. Find that Mr. Rodriguez is the prevailing party and order Defendant to pay attorneys' fees, costs, and expenses;
- E. Order damages of at least \$100 for each violation of Chapter 121 pursuant to the ADA, Section 504, and Chapter 121;
- F. Order damages in the amount that the trier of fact deems appropriate for the mental and emotional injuries Mr. Rodriguez sustained due to Defendant El Paso County's actions in violation of Section 504, the ADA, and Chapter 121; and
- G. Grant Mr. Rodriguez such other and further relief, at law or in equity, to which he may be, and is, justly entitled.

Dated: January 12, 2012

Respectfully submitted,

/s/ Christopher Benoit

Christopher Benoit

Texas State Bar No. 24068653

Wayne Krause

Texas State Bar No. 24032644

Joseph Berra

Texas State Bar No. 24027144

James C. Harrington
Texas State Bar No. 09048500
Amin Alehashem
Texas State Bar No. 24073832
Pro hac vice

PASO DEL NORTE CIVIL RIGHTS PROJECT
1317 Rio Grande
El Paso, Texas 79902
915-532-3799 (phone)
915-532-8892 (fax)

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of January, 2012, a true and correct copy of this document was filed via the CM/ECF system and thereby served upon Defendant via its counsel of record, Ian Kaplan, El Paso County Attorney, 500 East San Antonio, Room 503, El Paso, Texas 79901.

/s/ Christopher Benoit
Christopher Benoit