

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF
MASSACHUSETTS, *et al.*,

Plaintiffs

v.

CARDTRONICS, INC., *et al.*,

Defendants

CIVIL ACTION NO. 03-11206-NMG

PLAINTIFFS' MOTION FOR CONTEMPT

Plaintiffs Commonwealth of Massachusetts, National Federation of the Blind, Inc. ("NFB"), Adrienne Asch, Jennifer Bose, Norma Crosby, Dwight Sayer, Robert Crowley, Jr., Raymond Wayne, Terri Uttermohlen, and Bryan Bashin move for an order holding Defendants Cardtronics, LP, and Cardtronics, Inc. (collectively "Cardtronics") in contempt for violating the Remediation Plan approved by the Court on November 3, 2010. The Remediation Plan set forth ten requirements that must be satisfied in order for Cardtronics to make its ATMs accessible to blind users. Cardtronics has failed to meet all but one of these requirements and, therefore, Plaintiffs request that the Court hold Cardtronics in contempt and enter the sanctions and other relief outlined below. The grounds for Plaintiffs' motion are set forth more fully in the Memorandum in Support of Plaintiffs' Motion for Contempt, filed herewith.

WHEREFORE, Plaintiffs request that the Court:

- (1) Declare that Cardtronics is in contempt of this Court's November 3, 2010 Order;

- (2) Order that Cardtronics pay \$100 per month for each Cardtronics-owned ATM that remains active and fails to meet the definition of “voice-guided” under the Court’s November 3, 2010 Order;
- (3) Order that Cardtronics pay \$100 per month for each merchant-owned ATM that Cardtronics counts towards the 90% transaction requirement of ¶ 4 of the Court’s November 3, 2010 Order, and that remains active and fails to meet the definition of “voice-guided” under the Order;
- (4) Order that Cardtronics pay to NFB and/or the Commonwealth \$250.00 for each test conducted under the Court’s November 3, 2010 Order and to extend the testing period through December 31, 2012;
- (5) Order that Cardtronics continue to submit monthly compliance reports through June 2013; and
- (6) Award the NFB the reasonable attorneys’ fees and costs incurred as a result of Cardtronics’ contumacious conduct and in bringing this contempt motion.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel for the plaintiffs hereby certify that they have conferred with counsel for the defendants in a good faith attempt to resolve or narrow the issues raised in this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Plaintiffs believe oral argument will assist the Court with the disposition of the issues raised in this motion.

Respectfully submitted,

NFB AND THE INDIVIDUAL PLAINTIFFS,
By their Attorneys,

/s/ Christine M. Netski

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DATED: July 29, 2011

CERTIFICATE OF SERVICE

I, Christine M. Netski, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Christine M. Netski

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