

Because of his visual impairment, Mr. Medina requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Lopez's Disability

Plaintiff Lopez has been diagnosed with Best's Disease, a degenerative condition, affecting both eyes.

Plaintiff Lopez is legally blind.

Because of his visual impairment, Mr. Lopez requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Loet's Disability

Plaintiff Loet has been diagnosed with pigmatosa, affecting both eyes.

Plaintiff Loet also suffers from photophobia.

Plaintiff Loet is legally blind.

Because of his visual impairment, Mr. Loet requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Segrene's Disability

Plaintiff Segrene has been diagnosed with glaucoma, a degenerative condition affecting both eyes, and a cornea adema of the left eye.

Plaintiff Segrene is legally blind.

Because of his visual impairment, Mr. Segrene requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Ford's Disability

Plaintiff Ford has one eye that is affected by a cataract and he has no vision as a result of an head injury.

Plaintiff Ford is blind.

Because of his visually and mental impairments, Mr. Ford requires substantial assistance with mobility and other basic needs.

Mr. Curran's Disability

Plaintiff Curran has been diagnosed with retinitis pigmentosa and immaculate degeneration, affecting both eyes.

Plaintiff Curran is legally blind.

Because of his visual impairment, Mr. Curran requires substantial assistance with mobility and all other basic needs, including reading and writing.

Mr. Colantuono's Disability

Plaintiff Colantuono has been diagnosed with immaculate degeneration, the results of diabetic complications, affecting both eyes.

Plaintiff Colantuono is legally blind.

Because of his visual impairment, Mr. Colantuono requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Reid's Disability

Plaintiff Reid has been diagnosed with a detached retina of the right eye and a cataract affecting the left eye.

Plaintiff Reid is legally blind.

Because of his visual impairment, Mr. Reid requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Soto's Disability

Upon information and belief, Plaintiff Soto has been diagnosed with glaucoma, affecting both eyes.

Plaintiff Soto also suffers from diabetes, a degenerative condition, which, inter alia, affects his vision.

Plaintiff is legally blind.

Because of his visual impairment, Mr. Soto requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Jones's Disability

Plaintiff Jones has been diagnosed with diabetes, a degenerative condition, which, inter alia, affects his vision in both eyes.

Plaintiff Jones is legally blind.

Because of his visual impairment, Mr. Jones requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Smith's Disability

Plaintiff Smith has been diagnosed with myopia, a degenerative condition, affecting both eyes.

Plaintiff Smith is visually impaired.

Because of his visual impairment, Mr. Smith requires accommodating aids and devices to read and write.

Mr. Rawls's Disability

Plaintiff Rawl's has been diagnosed with retina detachment, a degenerative condition, affecting both eyes.

Plaintiff Rawls is legally blind.

Because of his visual impairment, Mr. Rawls requires substantial assistance with mobility and other basic needs, including reading and writing.

Mr. Davis's Disability

Plaintiff Davis only has one eye and has been diagnosed with advanced keratoconus, a degenerative condition affecting the left eye.

Plaintiff Davis is visually impaired.

Because of his visual impairment, Mr. Davis requires accommodating aids and devices to function, including to read and write.

Mr. Morrishaw's Disability

Plaintiff Morrishaw has been diagnosed with advanced keratoconus and glaucoma, degenerative conditions, affecting both eyes.

Plaintiff Morrishaw is visually impaired.

Because of his visual impairment, Mr. Morrishaw requires accommodating aids

and devices to function, including to read and write.

The Plaintiffs are all qualified individuals with a disability, which substantially limits one or more of their major life activities, and that is with corrective measures.

The Plaintiffs are all qualified individuals who, with or without the assistance of reasonable accommodations, meet the essential eligibility requirements for the receipt of services or the participation in programs or activities complained of herein.

The Plaintiffs were and are excluded from participation in and/or denied the benefits of the services, programs, and activities offer by Defendants and were and are discriminated against because of their disabilities.

The exclusion and denial of services and benefits and the discrimination complained of herein was because of the Plaintiffs' disabilities.

The New York State Department of Correctional Services, the New York State Office of Mental Health, and the New York State Division of Parole are public entities, and, upon information and belief, each receives federal financial assistance.

The Defendants have violated Section 504 of the Rehabilitation Act, a statute that has been law for thirty-seven years.

The Defendants have violated Title II of the American's with Disabilities Act, a statute that has been law for twenty years.

The modifications that have been requested from the Defendants and are sought herein by Plaintiffs are reasonable

and would not fundamentally alter the nature of the Defendants' services, programs, or activities.

The modifications, devices and aids that have been requested from the Defendants and are sought herein by the Plaintiffs are reasonable and would not cause an undue financial or administrative burden on the Defendants.

Statement of Facts

DENIED REASONABLE ACCOMMODATIONS

When Defendants DOCS, Wright, Koeningsman, Buther, Raymond, Walsh, Malin, Lilley and Sidorwicz transfer the Plaintiffs from one facility to another, the devices and aids provided to the Plaintiffs do not accompany them as mandated by DOCS Directive 2612 (X)(D).

When transporting the Plaintiffs for trips out of the facility the blind Plaintiffs who require a mobility assistant are not accompanied by a mobility assistant. The transporting correction officers are not trained to be surrogate guides. The transporting officer refuse to let the Plaintiffs hold on to them as is required of a mobility assistant. Similarly, the Plaintiffs hands and legs are mechanically restrained thus an assistant or guidance cane cannot be used nor the plaintiffs hands to ambulate. Also factor in that the transportation vehicles do not possess seatbelts. This presents a hazard to the plaintiffs' safety and well being, as an injury is likely to occur. The means of transporting the Plaintiffs who are blind deprives them any and all use of prescribed accommodations.

The Plaintiffs have refused to go on medical trips because of the Defendants

policy that no mobility assistant or other accommodation is permitted to accompany them. The Plaintiffs have been disciplined for refusing to attend these outside medical trips based on a contract they signed. However, the Plaintiffs could not read the contract nor was the contract read to them by a medical provider. The Defendants sometimes say that the inmate-mobility assistant should have read the contract. This violates the Plaintiffs' medical privacy.

The Defendant DOCS's Sullivan Correctional Facility does not have color contrast in its hallways nor in the SDU. The Plaintiffs have difficulty navigating and enter the wrong areas because they have no color contrast to navigate with or to recognize destinations.

The accommodating aids and devices provided to the Plaintiffs by Defendants Cohen, Malin, Chenel, Perlman, Buther,

and Raymond are generalized and are not tailored to the specific needs of each Plaintiff. Each Plaintiff has a distinct eye ailment with distinct and individual limitations and needs. The devices provided by Defendants DOCS, Perlman, Buther, Raymond, Cohen, Malin, Chenel, and Villegas are inadequate to address the Plaintiffs' individual needs.

When the Defendants issue accommodating devices and aids to the Plaintiffs, there is no consideration to each of the Plaintiffs' particular condition and individual needs. Some hand held magnifiers provide to the Plaintiffs by Defendants DOCS, Buther, Raymond, Cohen, Malin, Chenel and Walsh literally make the Plaintiffs' ailments worse and/or causes discomfort, irritation, vertigo and pain. The hand held magnifiers are not intended for prolong reading.

When Defendants Malin, Cohen, Walsh, Sidorowicz and Chenel are deciding Reasonable Accommodation requests submitted by the Plaintiffs, these Defendants rely on old medical records and fail to consider that most of the Plaintiffs have degenerative conditions which constantly change.

The Defendants deny the Plaintiffs accommodations of the Plaintiffs choice.

When the Plaintiffs are deemed visually impaired or blind, it is required that an assessment follow to determine the precise vision limitation and accommodations for the Plaintiffs' individual needs. This assessment is conducted at the DOCS Eastern Correctional Facility, and is intended to address the Plaintiffs' vocational skills, functional ability, academic level and medical. This assessment is to ensure that the Plaintiffs' individual needs

are recorded and attended to so as to provide accommodations tailored to the Plaintiffs' individual needs and afford meaningful participation in all programs, services and activities.

Similarly, male inmates who Defendants determine to be visually impaired or blind are suppose to be transferred to the Eastern Correctional Facility for a needs assessment. Notwithstanding, the Plaintiffs have not been transferred to Eastern for this assessment nor have the Plaintiffs had access to Eastern Staff. The Plaintiffs Maximum security A status or disciplinary record is the reason the Plaintiffs are denied access to Eastern for assessment, but this is a cursory reason, being that the Plaintiffs are sent to Maximum B and Medium A security prisons for medical assessment and treatment. Females who are determined to be visually impaired or blind are provided with a Maximum A prison

which affords the Assessment Program and provides access to a rehabilitative counselor and instructor for the blind. The Plaintiffs have been and are being discriminated against based on their gender.

The majority, if not all, of the security and civilian staff at Sullivan, OMH, and DOP have no training nor are they familiar with the particular needs or the limitations of the Plaintiffs'. This in essence denies the Plaintiffs equal treatment and reasonable accommodations, and creates an unsympathetic perception by the Defendants and their employees towards the Plaintiffs.

When the Plaintiffs are taken to the Special Housing Unit ("SHU"), also known as "the hole", "the box", "solitary confinement", they are handcuffed behind their back and denied use of his mobility

guide and guidance cane. The correction officers who are posted in the SHU are not trained in handling or accommodating the visually impaired or blind.

When in medical or disciplinary Keep lock status, or held in the Special Housing Unit (aka administrative, segregated, or punitive confinement), or housed in the infirmary, the Plaintiffs are denied all access to needed accommodating aids and devices, which includes communicative aids and the law library materials in large print or on audiocassette that they had access to prior to being placed in keep lock or the SHU. The blind who use a mobility guide and/or guidance cane to ambulate are denied use of both a guide and cane. Contrary to the Defendants reasons for denying the Plaintiffs needed accommodations, under the same circumstances the hard of hearing and deaf are provided with all their accommodations.

The Plaintiffs use a mobility guide and the deaf use a sign language interpreter, however, when in keep lock or SHU the blind Plaintiffs are denied their mobility guides while the deaf are provided with their interpreters.

When in medical or disciplinary Keep lock status, or held in the Special Housing Unit (aka administrative, segregated, or punitive confinement), or housed in the infirmary, the Plaintiffs are denied all access to and the services of Sullivan's Law Library.

Defendants DOCS, Walsh, Malin, Buther, Raymond, Chenel, Cohen, and Villegas have denied the Plaintiffs equal and meaningful access to the Sullivan's law library. The newly installed terminals used in lieu of books are not equipped with an enlargement function compatible to the needs of all the Plaintiffs. To access the

enlargement function is a laborious feat being that the icons are too small for the Plaintiffs to see, there is no person assigned to help nor are the Plaintiffs instructed how to use the terminals.

There is only one PC computer in the law library for the use by the Plaintiffs. If there is more than one Plaintiff in the law library at a given time the other Plaintiff is unable to utilize the library. This hinders and/or denies the Plaintiffs access to the courts.

The Plaintiffs who author legal documents with a 20/20 pen are not able to make copies of those documents using carbon paper and Defendants Cohen, Malin, Chenel, and Villegashave refused to adhere to the Defendant DOCS policy of providing free copies to the Plaintiffs who author legal documents with a 20/20 pen. This

hinders and/or denies the Plaintiffs access to the courts.

The fire regulations limit the number of persons to twenty-four that can be in the law library at one time. If twenty-four nondisabled inmates submit callouts before a Plaintiff, Defendant Villegas does not place the Plaintiffs on the law library list and thus the sensorial disabled section of the law library and accommodating equipment is not used.

The law library is closed during the evenings and most of Sullivan's inmate population programs during the morning and afternoon hours which results in a large number of nondisabled inmates, sensorial disabled inmates and the Plaintiffs vying to gain access to the law library on Saturday and Sunday. As a result of this, either many of the Plaintiffs are not placed on the call out or there are too many of the sensorial

disabled and the Plaintiffs competing to use the same equipment at the same time during a limited period. This hinders and/or denies the Plaintiffs from accessing the courts.

The Sullivan Correctional Facility's law library, by way of Defendants Malin, Perlman, Chenel, Walsh and Villegas's disregard and indifference including their discriminatory practices and/or stereotypical beliefs towards the Plaintiffs, have denied and currently deny the Plaintiffs an sufficient amount of devices for the needs of each Plaintiff and the equipment that is provided is itself inadequate. This hinders and/or denies the Plaintiffs from accessing the courts.

The Plaintiffs are hindered and/or excluded from accessing the law library because the form for services is too small for the Plaintiffs to read. This hinders and/or