

HONORABLE BARBARA J. ROTHSTEIN
HONORABLE PHILIP K. SWEIGERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEAN G. DUFFY, et al.,	)	
	)	
Plaintiffs,	)	No. C92-1596R
	)	
vs.	)	NOTICE TO DEAF AND HEARING
	)	IMPAIRED PRISONERS REGARDING
CHASE RIVELAND, et al.,	)	PROPOSED SETTLEMENT OF CLASS
	)	ACTION
Defendants.	)	
_____	)	

I. THE LAWSUIT AND THIS NOTICE

This lawsuit was originally filed in 1992. It challenges the Department of Corrections' alleged failure to provide qualified sign language interpreters and other special aids and services required by deaf and hearing impaired prisoners.

The Court has provisionally approved a settlement of this lawsuit. The lawsuit would be settled as a class action. The class would include all inmates incarcerated in Washington State Department of Corrections (DOC) facilities now or in the future who are deaf or whose hearing impairment, without assistive aids or devices, substantially limits a major life activity. Therefore, if you are deaf or have a substantial hearing impairment, you are a

1 member of the class, and the proposed settlement would affect your rights.

2 II. PROPOSED SETTLEMENT AND OPPORTUNITY TO OBJECT

3 A. Summary of the Proposed Settlement

4 The Court has provisionally approved a proposed settlement of this case which would
5 result in the lawsuit being dismissed. Under the proposed settlement, DOC would agree to
6 implement and enforce a policy on "Disabled Offenders." This policy would provide deaf
7 and substantially hearing impaired prisoners with the right to qualified sign language
8 interpreters, TTY telephones, and other assistive aids and services, when needed to gain
9 access to prison programs and services such as disciplinary hearings, medical care,
10 classification reviews, treatment programs, and education. In exchange for DOC's
11 agreement to implement and enforce this policy, the lawsuit would be dismissed.

12 B. Opportunity for Class Members to Object

13 Any class member (as defined above) may object to the proposed settlement by
14 mailing written objections to Clerk of the Court, United States District Court, 1010 Fifth
15 Avenue, Room 215, Seattle, WA 98104. Any objections must be mailed by August 1,
16 1998, and should include the heading "Duffy v. Riveland, No. C92-1596R." After
17 reviewing any objections filed, the Court will decide whether to accept the proposed
18 settlement.

19 You may see a complete copy of the settlement agreement, including the proposed
20 DOC policy on disabled offenders, as well as the plaintiffs' complaint and the defendants'
21 answer in this lawsuit by visiting the law library in your institution. If you are unable to
22 visit the law library, you can request copies of these materials through normal channels, and
23 they will be provided to you. If you request the materials but they are not provided to you,
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1 contact one of plaintiffs' counsel listed below.

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3 C. Plaintiffs' counsel

4 David C. Fathi
5 Jeff B. Crollard
6 Columbia Legal Services
7 Institutions Project
8 101 Yesler Way, Suite 301
9 Seattle, WA 98104

Leonard J. Feldman
Felix Gavi Luna
Heller, Ehrman, White & McAuliffe
701 5th Ave., #6100
Seattle, WA 98104-7098

10 You may direct any questions to plaintiffs' counsel listed above.

11 DATED this ____ day of _____, 1998.

12 _____
13 BARBARA J. ROTHSTEIN
14 UNITED STATES DISTRICT JUDGE
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