

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL ASSOCIATION OF THE DEAF  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910,

CARLTON STRAIL  
c/o National Association of the Deaf  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910

GRAHAM FORSEY  
c/o National Association of the Deaf  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910

DEBRA FLEETWOOD  
c/o National Association of the Deaf  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910,

JOHN RIVERA, JR.  
c/o National Association of the Deaf  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910,

COREY AXELROD  
c/o National Association of the Deaf  
8630 Fenton Street, Suite 820  
Silver Spring, MD 20910,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States,  
1600 Pennsylvania Avenue NW  
Washington, DC 20500,

EXECUTIVE OFFICE OF THE PRESIDENT  
1600 Pennsylvania Avenue NW  
Washington, DC 20500,

Civil Action No. 20-cv-2107

THE WHITE HOUSE OFFICE  
1600 Pennsylvania Avenue NW  
Washington, DC 20500,

OFFICE OF THE VICE PRESIDENT  
1600 Pennsylvania Avenue NW  
Washington, DC 20500,

KAYLEIGH MCENANY,  
in her official capacity as Press Secretary  
to the President of the United States,  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500;

*Defendants.*

### **COMPLAINT**

1. This is an action to ensure that hundreds of thousands of deaf and hard of hearing (“DHH”) Americans have access to critical, potentially life-saving information conveyed by our nation’s political and public health leaders during the COVID-19 pandemic.

2. All 50 states’ governors have provided in-frame American Sign Language (“ASL”) interpretation during public briefings regarding the pandemic, and all but a small handful continue to do so consistently. So have many mayors of America’s largest cities. Leaders from around the world have also provided sign language interpretation for public briefings during the pandemic. This is done in recognition of the importance of meaningful access to up-to-date information regarding the crisis for DHH people.

3. President Trump, however, does not. He now stands alone in holding televised briefings regarding the COVID-19 pandemic without ever having provided any ASL interpretation. This means that not only are DHH Americans being denied the opportunity to understand any communication from the President of the United States during this critical time,

they are also being denied the opportunity to access information, analysis, and updates from Dr. Anthony Fauci and Dr. Deborah Birx—two renowned public health experts.

4. With COVID-19 cases spiking in many states across the country, it is more important than ever that all Americans have access to up to date, public health information in the coming months.

5. Various organizations and entities, including the National Association for the Deaf (“NAD”), have requested that the White House provide ASL interpretation during its public COVID-19 related briefings. *See* Ex. C. Additionally, 34 United States Senators have requested the same. *See* Ex. A, Letter to Vice President Mike Pence, the White House (Mar. 12, 2020). The White House has ignored these requests and continues to conduct briefings without any ASL interpretation.

6. The White House’s failure to provide ASL interpreters during COVID-19 related briefings, including press briefings, is against the law. Federal law unequivocally prohibits discrimination against individuals with disabilities, which includes failing to provide meaningful access to public benefits, programs, or services. As the U.S. District Court for the Southern District of New York recently held, government officials are required to provide in-frame ASL interpreters during public briefings regarding the COVID-19 pandemic. *See Martinez v. Cuomo*, No. 20-CV-3338 (VEC), 2020 WL 2393285, at \*5–7 (S.D.N.Y. May 12, 2020). As the court explained, “[w]ithout immediate implementation of an in-frame ASL interpreter, Plaintiffs and other similarly situated deaf New Yorkers will continue to be denied timely access to critical information, leaving them less able to comply with current orders and advice, less able to prepare for the future, and more anxious about current conditions and the future.” *Id.* at \*6.

7. Plaintiffs therefore bring this action to vindicate their right to meaningful access to the information conveyed at public White House briefings regarding the COVID-19 pandemic.

### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this action arises under federal law.

9. Declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201, 2202.

10. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (e). Defendants reside in the District of Columbia. Further, a substantial part of Defendants' unlawful acts giving rise to their claims occurred in this district.

### **PARTIES**

11. Plaintiff the National Association of the Deaf (NAD) is the nation's premier civil rights organization of, by, and for deaf and hard of hearing individuals in the United States. Established in 1880 by deaf and hard of hearing leaders, the NAD is dedicated to its mission of preserving, protecting, and promoting the civil, human, and linguistic rights for 48 million deaf and hard of hearing people in this country. The NAD has associational standing to sue on behalf of its deaf and hard of hearing members because (i) the NAD's members have standing to sue in their own right, (ii) advocating on behalf of its members on this issue is germane to the NAD's mission of advocating for its members' civil, human, and linguistic rights, and (iii) none of the NAD's members is required to participate in this action because the NAD is seeking declaratory and injunctive relief and not an individualized remedy for its members.

12. Plaintiff Carlton Strail is a 92-year-old deaf resident of Syracuse, New York. Mr. Strail is fluent in ASL, and it is his preferred and primary language. Mr. Strail never attended

college and has difficulty understanding rapid and unreliable live captioning on television, especially when the content is complex such as when there is information about a health pandemic. Mr. Strail, who is retired, does not own a computer and receives news from television. Mr. Strail watched a number of the White House briefings during March and April of 2020, and saw the briefings again in July of 2020, but he cannot understand them because there is no ASL interpreter during the briefings. Mr. Strail wants to understand the White House briefings because he wants information on how to stay safe during the coronavirus pandemic, as well as how to take care of family, friends, and loved ones. He also wants information about other pandemic-related issues, such as the progress in developing a potential vaccine and the impact of the pandemic on the economy and country as a whole.

13. Plaintiff Graham Forsey is a 27-year-old deaf resident of Washington, D.C. He is a graduate of the Ernest C. Drury School for the Deaf in Milton, Canada. ASL is Mr. Forsey's preferred and primary language. Mr. Forsey watched a number of the White House briefings during March and April of 2020, and saw the briefings again in July of 2020, but he cannot understand them because there is no ASL interpreter during the briefings. Mr. Forsey has attempted to understand the White House briefings on television, on the internet, and on social media, but is often unable to do so because there is no ASL interpreter and the captioning is often inaccurate on television or not available on the internet or social media. Mr. Forsey wants to understand the White House briefings because he wants information on how to stay safe during the coronavirus pandemic, as well as how to take care of family, friends, and loved ones. He also wants information about other pandemic-related issues, such as the progress in developing a potential vaccine and the impact of the pandemic on the economy and country as a whole. In addition, Mr. Forsey is President of the District of Columbia Association of the Deaf,

but is unable to answer questions from members of the association about the White House briefings because he does not have access to the information himself.

14. Plaintiff Debra Fleetwood is a 68-year-old deaf resident of Plainfield, New Jersey. Growing up, Ms. Fleetwood attended the New Jersey School for the Deaf. Ms. Fleetwood is fluent in ASL, and it is her preferred and primary language. Ms. Fleetwood never attended college and is not able to understand captioning on television when the content is complex such as when there is information about a health pandemic. Ms. Fleetwood, who is retired, gets most of her news information from television. Ms. Fleetwood watched a number of the White House briefings during March and April of 2020, and saw the briefings again in July of 2020, but she cannot understand them because there is no ASL interpreter during any of those briefings. Ms. Fleetwood wants to understand the White House briefings because she wants information on how to stay safe during the coronavirus pandemic, as well as how to take care of family, friends, and loved ones. She also wants information about other pandemic-related issues, such as the progress in developing a potential vaccine and the impact of the pandemic on the economy and country as a whole.

15. Plaintiff John Rivera, Jr. is a 66-year-old deaf resident of Old Bridge, New Jersey. Growing up, Mr. Rivera attended Public School 47, a deaf school in New York City. Mr. Rivera is fluent in ASL, and it is his preferred and primary language. Mr. Rivera has an Associate of Applied Science (A.A.S.) degree from the National Technical Institute of the Deaf (NTID) in Data Processing and has been employed in data processing since 1982. Mr. Rivera, who gets most of his news information from television, is not able to understand captioning on television when the content is complex such as when there is information about a health pandemic. Mr. Rivera watched a number of the White House's briefings during March and April of 2020, and

saw the briefings again in July of 2020, but he cannot understand them because there is no ASL interpreter during any of those briefings. Mr. Rivera wants to understand the White House briefings because he wants information on how to stay safe during the coronavirus pandemic, as well as how to take care of family, friends, and loved ones. He also wants information about other pandemic-related issues, such as the progress in developing a potential vaccine and the impact of the pandemic on the economy and country as a whole.

16. Plaintiff Corey Axelrod is a 34-year-old deaf resident of Arlington Heights, Illinois. A fourth-generation deaf person, Mr. Axelrod's first language is ASL, and it is his preferred and primary language. Mr. Axelrod watched a number of the White House briefings during March and April of 2020, and saw the briefings again in July of 2020, but he cannot understand them because there is no ASL interpreter during any of those briefings. Mr. Axelrod has attempted to understand the White House briefings on television, on the Internet, and on social media, but is often unable to do so because there is no ASL interpreter and the captioning is often delayed and inaccurate on television or not available on the Internet or social media. Mr. Axelrod wants to understand the White House briefings because he wants information on how to stay safe during the coronavirus pandemic, as well as how to take care of family, friends, and loved ones. He also wants information about other pandemic-related issues, such as the progress in developing a potential vaccine and the impact of the pandemic on the economy and country as a whole. In addition, Mr. Axelrod is President of the Illinois Association of the Deaf, but is unable to answer questions from members of the association about the White House briefings because he does not have access to the information himself.

17. Defendant Donald J. Trump is the President of the United States. He is sued in his official capacity.

18. Defendant the Executive Office of the President (EOP) “provide[s] the President with the support needed to govern effectively” and has responsibility for, among other things, “communicating the President’s message to the American people.” The Administration, <https://www.whitehouse.gov/the-trump-administration>.

19. Defendant the White House Office is an agency within the EOP and has responsibility for, among other things, the White House’s press briefings.

20. Defendant Office of the Vice President is an agency within the EOP that supports Vice President Mike Pence in his executive and legislative duties. Vice President Pence is the Chair of the White House Coronavirus Task Force and has held public briefings concerning the COVID-19 pandemic.

21. Defendant Kayleigh McEnany is Press Secretary to the President of the United States. She is sued in her official capacity. As Press Secretary, Ms. McEnany holds regular press briefings, including briefings concerning the COVID-19 pandemic.

## **FACTUAL ALLEGATIONS**

### **Deafness and American Sign Language**

22. There are at least 48 million DHH persons in the United States.<sup>1</sup> For many of these DHH individuals, ASL is their primary language, and for many such persons, English is, at best, a second language. Indeed, many DHH persons know virtually no English.

23. Most DHH Americans who use ASL require qualified ASL interpreters to communicate with hearing persons who can only communicate in a spoken language such as English.

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<sup>1</sup> Here, Plaintiffs use the term DHH to refer to individuals with hearing levels or hearing loss that qualify as disabilities under the Rehabilitation Act. Plaintiffs use the term “Deaf” to refer to individuals who self-identify as culturally deaf.

24. ASL is a complete and complex language distinct from English, with its own vocabulary and rules for grammar and syntax—it is not simply English in hand signals. ASL has no written component. For several reasons, including early language deprivation, many deaf people have a very limited ability to read and write in English.

25. Written English is not an effective means of communication for the many deaf individuals who have limited English capabilities, particularly for complex and important topics such as COVID-19 and related issues of public health.

**The White House’s Failure to Provide ASL Interpreters For COVID-19 Briefings**

26. Beginning in March 2020, the White House began holding regular, televised briefings regarding the COVID-19 outbreak. To date, the White House has conducted more than 50 televised COVID-19 briefings. The White House Office, and in particular the Press Secretary, is responsible for the public communications of the White House, including the White House’s COVID-19 related public briefings. *See* John P. Burke, *Administration of the White House*, Miller Ctr. of Pub. Affairs, Univ. of Va., <https://tinyurl.com/ydy5cq52> (Nov. 27, 2010).

27. Defendants’ COVID-19 briefings have at times involved only President Trump, President Trump along with members of the White House Coronavirus Task Force, and Vice President Pence without President Trump. Further, such COVID-19 briefings have sometimes been held at venues other than the White House itself, including at the U.S. Department of Health and Human Services, but they have always been organized and conducted by Defendants.

28. All of the major news networks have broadcasted the White House briefings to a live national audience.

29. The briefings have addressed critical issues regarding the health crisis, including the number of confirmed COVID-19 cases, the availability of testing, information about social

distancing and other personal safety measures, the coordination of local, state, and federal emergency response systems, and other information about how Americans can stay safe and help limit the spread of the virus.

30. The briefings have also at times featured government officials from the White House Coronavirus Task Force, including public health experts Dr. Anthony Fauci, the director of the National Institute of Allergy and Disease, and Dr. Deborah Birx, the coordinator of the United States Government Activities to Combat HIV/AIDS. For example, on June 26, 2020, the White House Coronavirus Task Force held a televised briefing in response to the recent increase in coronavirus cases across the United States. During the briefing, the Task Force members delivered important information to the American public. After Dr. Birx “unpack[ed] the specific outbreaks in Texas, Florida, Arizona, and California,” Vice President Pence spoke, “about what every American can do to play their part in reducing the spread and the impacts of the coronavirus pandemic.” In addition, Dr. Fauci implored young Americans to recognize that they are “part of a process” and have a “societal responsibility” to comply with social distancing requirements, in light of the alarming number of growing cases. But hundreds of thousands of DHH Americans were unable to receive this important information due to the lack of ASL interpreters.

31. On July 20, 2020, President Trump announced plans to revive his administration’s COVID-19 briefings. Since then, the President has given regular briefings at the White House, providing updates on COVID-19 economic relief packages, vaccine development, and outbreaks across the country. On several occasions he has asked Americans to wear masks and socially distance. Although health experts are not present at the briefings, President Trump has stated that he is relaying information from both Dr. Birx and Dr. Fauci to the public.

32. All 50 states' Governors have provided televised COVID-19 briefings with in-frame ASL interpretation, and all but a small handful continue to do so consistently.

33. Mayors from some of America's largest cities have also provided televised COVID-19 briefings, and have likewise provided in-frame ASL interpretation for those briefings.

34. Many of these leaders have provided in-frame ASL interpretation during these briefings by using teams of hearing interpreters and Certified Deaf Interpreters ("CDIs") who are themselves deaf or hard of hearing and have specialized training and skill in communicating complex concepts to other DHH persons.

35. Many other countries, including Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Columbia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Italy, Jamaica, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Poland, Portugal, Romania, Samoa, Saudi Arabia, Slovakia, Slovenia, Solomon Islands, South Korea, Spain, Sweden, Switzerland, Taiwan, Thailand, Trinidad and Tobago, and Uruguay also have used on-screen native sign language interpreters during televised COVID-19 news conferences with top public officials.

36. In the past, U.S. federal agencies, including the Federal Emergency Management Agency (FEMA) before and in the aftermath of Hurricanes Irma and Harvey, have used onscreen ASL interpreters during televised briefings.

37. Providing ASL interpretation for public briefings is not unduly expensive or burdensome.

38. On March 12, 2020, 34 United States Senators wrote to Vice President Mike Pence, copying Dr. Birx, urging the Administration to ensure that all Americans, including those with disabilities have meaningful access to information about COVID-19. *See* Ex. A. In that letter, the Senators stated that “the President and his Cabinet officials can be models of accessibility by having American Sign Language (ASL) interpreters at every news conference about COVID-19,” noting that it “guarantees that members of the deaf and hard of hearing community are able to receive information in real time.” *Id.* On information and belief, the White House did not respond to this letter.

39. On March 18, 2020, the National Council on Disability, a federal agency, requested that President Trump and the White House provide in-frame ASL interpretation of all his COVID-19 briefings. *See* Ex. B. The White House did not respond to this letter.

40. That same day, the NAD also wrote to Stephanie Grisham, the White House Director of Communications, requesting that President Trump and the White House provide in-frame ASL interpretation of all his COVID-19 briefings. *See* Ex. C, Letter from Howard Rosenblum, Chief Executive Officer, NAD, to Stephanie Grisham, Director of Communications, The White House (Mar. 18, 2020). The White House did not respond to this letter.

41. On March 27, 2020, the Linguistic Society of America (LSA)—an organization founded in 1924 to advance the scientific study of language—sent a letter to the White House Press Staff, requesting that all White House press briefings addressing COVID-19 include an ASL interpreter who is visible to any viewer. *See* LINGUISTIC SOCIETY OF AMERICA, <https://www.linguisticsociety.org/about> (last visited Aug. 2, 2020). The LSA explained that “solely relying on closed-captioning is not an option for all ASL users, and that a certified sign language interpreter (who must remain visible during the entirety of each briefing) is

necessary. . . . This is not only the right thing to do but is also required by federal law, pursuant to the Americans with Disabilities Act and the Rehabilitation Act of 1973.” Ex. D.

42. On April 21, 2020, Senators Sherrod Brown and Robert P. Casey, Jr., as well as Congresswoman Donna Shalala, wrote to Vice President Pence, copying Dr. Birx, “to request that the White House Coronavirus Task Force use qualified, fully-visible American Sign Language (ASL) interpreters during public briefings on the coronavirus.” *See* Ex. E. On information and belief, the White House did not respond to this letter.

43. While the TV network broadcasters, pursuant to FCC mandate, provide closed captioning for their televised broadcasts of White House briefings, closed captioning is done in written English, which is inaccessible to deaf individuals who are fluent only in ASL.

44. Tone is also often lost in written captions. By contrast, an interpreter is able to convey tone and context of a message through facial expressions, sign choice, and demeanor.

45. Further, the provision of live closed captioning frequently contains errors and omissions that make it difficult or impossible for DHH individuals to understand the information being provided in the briefings, particularly if they are not fluent in English.

46. The NAD has received numerous complaints from DHH citizens who are unable to understand President Trumps’ briefings due to the lack of in-frame televised ASL interpretation.<sup>2</sup>

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<sup>2</sup> “In frame” ASL interpretation refers to simultaneous sign language interpreting where the sign language interpreter is visible on screen beside the speaker. This may be accomplished by placing the interpreter physically near the speaker, or by superimposing a live video feed of the interpreter into a frame that appears alongside the speaker, with the frame sized appropriately to allow DHH viewers to see and understand the interpretation. Under either approach, the in frame, on screen interpreter would be visible on televised broadcast and on streamed mobile devices.

47. While the number of COVID-19 cases are currently declining in some of the early hardest hit states such as New York and New Jersey, 32 states reported record increases in COVID-19 cases in July. By late July, the number of COVID-19 cases nationwide surged past four and a half million.

48. All estimates show that the virus will continue to affect the country throughout the remainder of 2020, and possibly beyond. Thus, it remains as important as ever that all Americans have access to timely information from the White House.

#### **COUNT ONE**

#### **Violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Declaratory and Injunctive Relief against Defendants EOP, the White House Office, and the Office of the Vice President)**

49. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

50. Section 504 of the Rehabilitation Act provides in pertinent part that “no otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any . . . program or activity conducted by any Executive agency . . . .” 29 U.S.C. § 794(a).

51. Defendants EOP, The White House Office, and Office of the Vice President are “Executive agencies” within the meaning of 29 U.S.C. § 794(a). *See* 29 U.S.C. § 794(a) (directing heads of agencies to promulgate regulations necessary to carry out the Rehabilitation Act); Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs, 53 Fed. Reg. 25,872, 25,872 (July 8, 1988) (final rule requiring Federal Executive Agencies, including the Executive Office of the President, to operate all programs and services to

ensure nondiscrimination against qualified individuals with disabilities); 3 C.F.R. Part 102 (codifying regulations); 7 Op. O.L.C. 110, 110, 114 (1983) (“The term ‘Executive agency’ as used in [§] 504 must be construed broadly to include all government entities which are not within either the legislative or judicial branches.”); *see also* 29 U.S.C. § 794(a); 3 C.F.R. § 102.103 (defining White House Office and Office of the Vice President as “agenc[ies]” for purposes of EOP regulations implementing Rehabilitation Act).

52. Public briefings conducted by the Executive Office of the President, the White House Office, and the Office of the Vice President are all federally conducted programs or activities subject to Section 504 of the Rehabilitation Act.

53. A disability is defined as “a physical or mental impairment that substantially limits one or more major life activities of such individual.” 29 U.S.C. § 705(9)(B) (citing 42 U.S.C. § 12102(1)(A)).

54. Deafness is a disability pursuant to 29 U.S.C. § 705(21)(A)(iii), and is a physical impairment that substantially limits the major life activities of hearing.

55. Plaintiffs, who are deaf, are qualified individuals with a disability within the meaning of Section 504.

56. Defendants’ practice of denying access to ASL interpretation violates Section 504 by authorizing, or failing to forbid, actions that:

- a. Exclude from participation in, deny the benefits of, or otherwise subject individuals to discrimination under a program or activity conducted by an Executive Agency on the basis of disability (or “handicap”). 29 U.S.C. § 794(a); 3 C.F.R. § 102.130(a); § 103.149.

- b. Deny qualified individuals with disabilities (or “handicaps”) the opportunity to participate in or benefit from the aid, benefit, or service. 3 C.F.R. § 103.130(b)(1)(i); § 103.149.
- c. Afford qualified individuals with disabilities (or “handicaps”) an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others. *Id.* § 103.130(b)(1)(ii).
- d. Provide a qualified individual with disabilities (or “handicaps”) with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level achievement as that provided to others. *Id.* § 103.130(b)(1)(iii).
- e. Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with disabilities (or “handicaps”) than is provided to others, where such action is not necessary to provide qualified individuals with disabilities (or “handicaps”) with aid, benefits, or services that are as effective as those provide to others. *Id.* § 103.130(b)(1)(iv).
- f. Otherwise limit a qualified individual with disabilities (or “handicaps”) in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service. *Id.* § 103.130(b)(1)(vi); § 103.149.

57. Defendants’ practice of denying ASL interpretation further violates Section 504 by failing to comport with its own Communications requirements pursuant to 3 CFR § 102.160 to:

- a. take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public. 3 CFR § 102.160(a).
- b. furnish appropriate auxiliary aids where necessary to afford an individual with disabilities (or “handicaps”) an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency. 3 CFR § 102.160(a)(1).
- c. in determining what type of auxiliary aid is necessary, give primary consideration to the requests of the individual with disabilities (or “handicaps”). 3 CFR § 102.160(a)(1)(i).

58. As a result of Defendants’ acts and omissions, NAD’s members and the Individual Plaintiffs are excluded from participation in, denied the opportunity to participate in or benefit from, and denied the full benefits of the White House’s briefings.

**COUNT TWO**  
**Mandamus Relief**  
**(Declaratory and Injunctive Relief against all Defendants)**

59. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

60. The Rehabilitation Act provides Plaintiffs with a clear right to relief—namely, to not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by any Executive agency solely by reason of disability.

61. Defendants have a clear duty to act—namely, to provide Plaintiffs with meaningful access to the public benefits, programs, and services that they administer. As it

relates to White House's COVID-19 briefings, this duty entails an obligation to provide live televised in-frame ASL interpretation. This duty is ministerial in nature.

62. By failing to provide in-frame ASL interpretation, Defendants have violated their duties to Plaintiffs under the Rehabilitation Act.

63. Thus, if the Court concludes that the Rehabilitation Act and First Amendment do not provide an adequate remedy to Plaintiffs, then there would be no other adequate remedy available to Plaintiffs, and Plaintiffs would be entitled to relief in the form of a writ of mandamus ordering Defendants to comply with the statutory duties imposed by the Rehabilitation Act.

**COUNT THREE**  
**Violation of the First Amendment of the U.S. Constitution**  
**(Declaratory and Injunctive Relief against all Defendants)**

64. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

65. The First Amendment to the U.S. Constitution guarantees, among other things, “the freedom of speech.”

66. The Supreme Court has held that the protection afforded by the First Amendment “is to the communication, to its source and to its recipients both.” *Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 756 (1976). Thus, where one enjoys a right to speak, others hold a “reciprocal right to receive” that speech, which “may be asserted” in court. *Id.* at 757.

67. Defendants' refusal to provide in-frame ASL interpretation prevents Plaintiffs from accessing the communications provided by their elected representatives.

68. Denying this access serves no legitimate or compelling need and is not rationally related or narrowly tailored to serve any government interest.

69. Providing such access would not impose an undue financial or administrative burden on Defendants.

70. Accordingly, Defendants' refusal to provide in-frame ASL interpretation violates the First Amendment.

**COUNT FOUR**  
**Nonstatutory Review**  
**(Declaratory and Injunctive Relief against All Defendants)**

71. Plaintiffs incorporate by reference each and every allegation contained in the foregoing paragraphs as if specifically alleged herein.

72. By failing to provide in-frame ASL interpretation, Defendants have violated their duties to Plaintiffs under the Rehabilitation Act and acted ultra vires.

73. Thus, if the Court concludes that the Rehabilitation Act and First Amendment does not provide an adequate remedy to Plaintiffs, the Court should award relief under the doctrine of nonstatutory review.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs requests that judgment be entered against Defendants and that the Court grant the following:

- a. Preliminary and thereafter permanent injunctive relief requiring Defendants to immediately begin providing live televised in-frame ASL interpretation at all public briefings conducted by any Defendant that address issues concerning COVID-19, including all such briefings involving President Trump, Vice President Pence, Press Secretary McEnany, or any members of the White House Coronavirus Task Force;
- b. Declaratory relief that Defendants have violated the Rehabilitation Act by failing to provide live televised in-frame ASL interpretation at all public briefings conducted by

Defendants that have addressed issues concerning COVID-19, including all such briefings involving President Trump, Vice President Pence, Press Secretary McEnany, or any members of the White House Coronavirus Task Force;;

- c. Declaratory relief that Defendants have violated the First Amendment by failing to provide live televised in-frame ASL interpretation at all public briefings conducted by Defendants that have addressed issues concerning COVID-19, including all such briefings involving President Trump, Vice President Pence, Press Secretary McEnany, or any members of the White House Coronavirus Task Force;
- d. Order all Defendants, in the form of mandamus relief and/or under the doctrine of nonstatutory review, to provide live televised in-frame ASL interpretation at all public briefings conducted by Defendants that address issues concerning COVID-19, including all such briefings involving President Trump, Vice President Pence, Press Secretary McEnany, or any members of the White House Coronavirus Task Force;
- e. Retain jurisdiction over this action to ensure Defendants' compliance with the mandates of Section 504 of the Rehabilitation Act and the First Amendment;
- f. Award Plaintiffs reasonable attorneys' fees and costs; and
- g. Award such other relief as this Court deems just.

Dated: August 3, 2020

/s/ Ian S. Hoffman

Ian S. Hoffman (D.C. Bar No. 983419)

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*\*\*pro hac vice motion pending*

*Counsel for Plaintiffs*

# **Exhibit A**

# United States Senate

WASHINGTON, DC 20510

March 12, 2020

The Honorable Mike Pence  
Vice President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Vice President Pence:

We write to urge the Administration to ensure all Americans, including older adults, individuals with disabilities and those with limited English proficiency (LEP), have access to accurate, up-to-date and clear information about the 2019 novel coronavirus (COVID-19). In order to slow the spread of the virus and provide state and local health departments the time to prepare and respond to the outbreak, all people need the best possible and most current information. We strongly urge all departments and agencies to require that announcements (live televised, videotaped and posted to the internet), documents, press releases, guidance and all other forms of communication regarding COVID-19 are created and distributed in an accessible format and manner.

Working to ensure all communities in America have access to COVID-19 information starts at the top. For example, the President and his Cabinet officials can be models of accessibility by having American Sign Language (ASL) interpreters at every news conference about COVID-19. This type of action not only guarantees that members of the deaf and hard of hearing community are able to receive information in real time, but it also highlights the importance of tailoring communication modes to meet the needs of all communities. Similarly, according to the U.S. Census Bureau, there are over 25.6 million individuals who speak English less than “very well”.<sup>1</sup> It is critical to keep people with LEP well informed, especially in times of a public health crisis.

In order to understand what actions the federal government is taking, or planning to take, to ensure accessibility to information about COVID-19:

1. During public health emergencies, updated information is often available on government websites, which many seniors may not use or be able to access. What efforts have you taken to ensure that seniors regularly receive the most up-to-date information about the outbreak?
2. In what ways are you making information on government websites accessible to all populations? Specifically, how are you working to:

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<sup>1</sup> United States Census Bureau, “Selected Social Characteristics in the United States” *American Community Survey* <https://data.census.gov/cedsci/table?q=dp02&tid=ACSDP1Y2018.DP02&vintage=2018>.

- a. Ensure all information posted on government websites about COVID-19 is screen readable?
  - b. Include audio descriptions and alt-text of photographs, charts, tables and other graphics?
  - c. Guarantee all information can be accessed using a keyboard instead of a mouse?
  - d. Ensure information is available and regularly updated in languages other than English?
3. The President and agency officials have held news conferences to update the public on the Administration's efforts to combat the outbreak and provide safety recommendations. To what extent are you working to ensure that all future press conferences and public live or videotaped statements include an American Sign Language interpreter and CART (communication access real-time translation) services?
4. How will you ensure that published materials are understandable by individuals with intellectual disabilities? Do you plan to produce plain language announcements and guidance, made available at the same time as source documents?
5. Will you continue to fund resources for the distribution of information in languages other than English, specifically in languages spoken in each geographic region around the country?
6. Have you consulted or do you plan to consult with stakeholders from disability, senior and LEP communities on how best to disseminate COVID-19 information and guidance to these populations? If such discussions have already occurred, how have your communications and outreach efforts changed in response to their recommendations?
7. As you advise states on their responsibilities in the midst of this outbreak, are you offering them suggested practices to adequately communicate with seniors, individuals with disabilities and LEP individuals? If so, please share those instructions.

Please respond to the following questions no later than April 3, 2020. We look forward to your response detailing how the federal government plans to make information available to these communities and to your immediate action on any further action needed to make this request a reality.

Sincerely,



Robert P. Casey, Jr.  
United States Senator



Jack Reed  
United States Senator



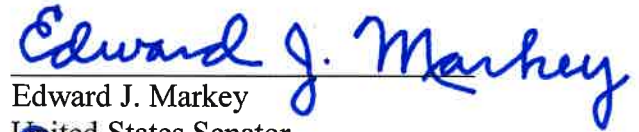
Sherrod Brown  
United States Senator



Tammy Baldwin  
United States Senator



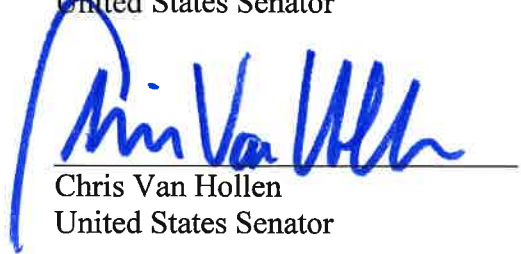
Sheldon Whitehouse  
United States Senator



Edward J. Markey  
United States Senator



Catherine Cortez Masto  
United States Senator



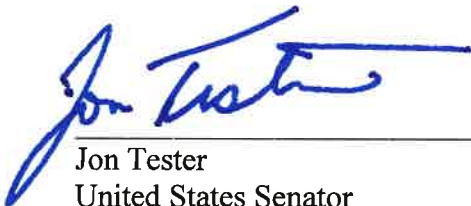
Chris Van Hollen  
United States Senator



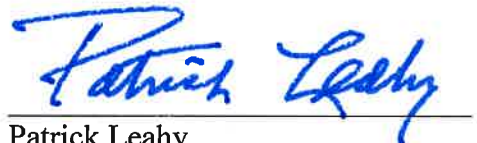
Bernard Sanders  
United States Senator



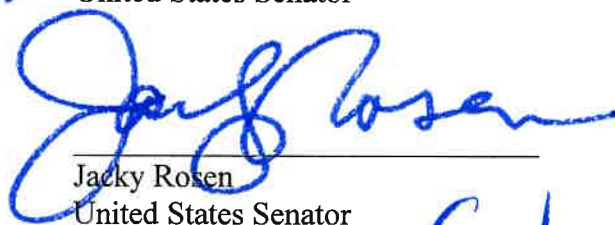
Richard Blumenthal  
United States Senator



Jon Tester  
United States Senator



Patrick Leahy  
United States Senator



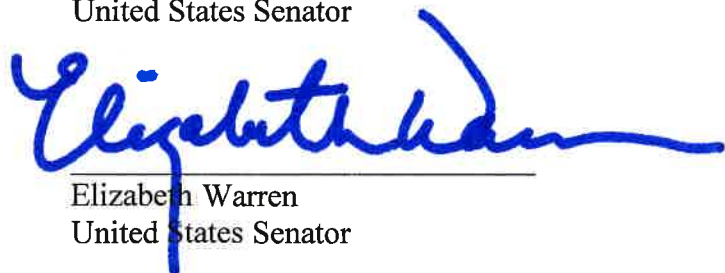
Jacky Rosen  
United States Senator



Kirsten Gillibrand  
United States Senator



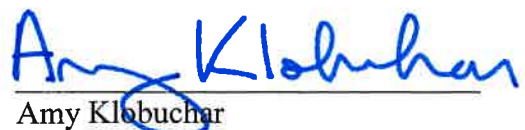
Tina Smith  
United States Senator



Elizabeth Warren  
United States Senator



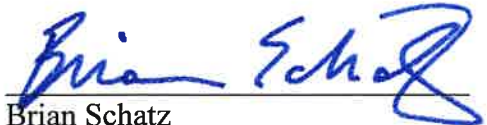
Tim Kaine  
United States Senator



Amy Klobuchar  
United States Senator



Jeffrey A. Merkley  
United States Senator



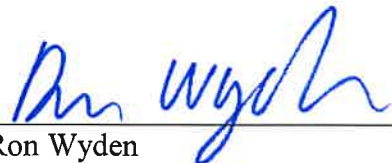
Brian Schatz  
United States Senator



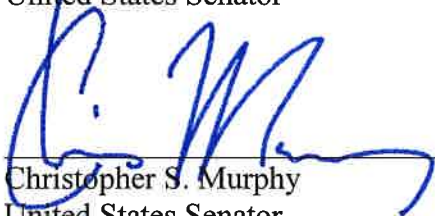
Gary C. Peters  
United States Senator



Cory A. Booker  
United States Senator



Ron Wyden  
United States Senator



Christopher S. Murphy  
United States Senator



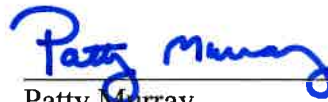
Kamala D. Harris  
United States Senator



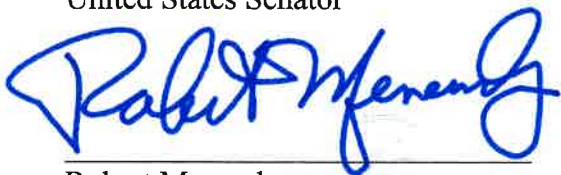
Margaret Wood Hassan  
United States Senator



Debbie Stabenow  
United States Senator



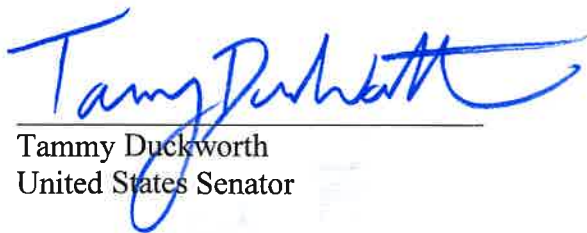
Patty Murray  
United States Senator



Robert Menendez  
United States Senator



Thomas R. Carper  
United States Senator



Tammy Duckworth  
United States Senator



Mark R. Warner  
United States Senator

A handwritten signature in blue ink, reading "Chris Coons", written over a horizontal line.

Christopher A. Coons  
United States Senator

A handwritten signature in blue ink, reading "Dick Durbin", written over a horizontal line.

Richard J. Durbin  
United States Senator

cc:

Dr. Deborah L. Birx  
Coronavirus Response Coordinator  
White House Coronavirus Task Force

# **Exhibit B**



# National Council on Disability

*An independent federal agency committed to  
disability policy leadership since 1978*

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## NCD letter to White House regarding Taskforce interpreters

March 18, 2020

Stephanie Grisham

Director of Communications  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Ms. Grisham,

I write to you today on behalf of the National Council on Disability (NCD), an independent federal agency charged with providing advice and recommendations regarding disability policy to the President, Congress, and other federal agencies, to request that the White House Coronavirus Taskforce use sign language interpreters during its public briefings. Millions of people in the US who are Deaf or hard of hearing use American Sign Language to obtain the vital information the Taskforce provides.<sup>[1]</sup>

These are no doubt challenging times and while some considerations might be easily overlooked, rest assured that the National Council on Disability is ready and willing to fulfill its duty to the President and Congress by highlighting the needs and concerns of the disability community as our government responds to the public health crisis at hand. There is no doubt that the Coronavirus brings with it significant added concerns for people with disabilities.

Please feel free to contact me should you have any questions or concerns regarding this, or any other matter related to disability policy and law. If a member of your team would like to discuss this with a member of my team please have them contact Lisa Grubb, Executive Director and CEO at [lgrubb@ncd.gov](mailto:lgrubb@ncd.gov).

Sincerely,

Neil Romano  
Chairman

CC: Alex Azar, Secretary of Health and Human Services, and Chairman of the President's Task Force on the Novel Coronavirus

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[1] The Americans with Disabilities Act, 42 U.S.C. § 12101 (1990); The Rehabilitation Act, 29 U.S.C. § 701 (1973).

## NCD Policy Areas

CRPD

Civil Rights

Cultural Diversity

Education

Emergency Management

Employment

Financial Assistance & Incentives

Health Care

Housing

International

Long Term Services & Support

Technology

Transportation

Youth Perspectives

## Contact Us

If you have a question or comment, please let us know.

202-272-2004 (voice)

202-272-2022 (Fax)

[Email NCD](#)

[Language Access Needs?](#)

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**National Council on Disability** 1331 F Street, NW, Suite 850 Washington, DC 20004

# **Exhibit C**



The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Ms. Grisham:

With thanks to the National Council on Disability for their letter today on this issue, the National Association of the Deaf (NAD) also asks that the White House implement immediate action to ensure that all public briefings regarding the coronavirus pandemic by President Donald Trump or the White House Coronavirus Taskforce is fully accessible to all deaf and hard of hearing people in the United States. For this to happen, every such public briefing must have a qualified American Sign Language (ASL) interpreter present and visible on the screen of the broadcast.

From the first White House press conference on this coronavirus, the NAD has received daily complaints from deaf and hard of hearing citizens across the country asking why their President is not ensuring they are getting the same access to emergency information as everyone else. We have been directing their complaints to your office, and join in their concern for the lack of information for our community. Nearly all 50 states' Governors have had qualified ASL interpreters next to them at their coronavirus public briefings, and we ask the same for the White House.

Further, we ask that you direct the Department of Health and Human Services, as well as their Centers for Disease Control to immediately make all information relating to coronavirus on their websites available in ASL. We have been asking them to create such videos with ASL content for at least two weeks and have yet to see any such videos. Your assistance in this matter is appreciated.

Should you require assistance in securing appropriately qualified ASL interpreters for the White House public briefings, please do not hesitate to contact us at [nad.info@nad.org](mailto:nad.info@nad.org)

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Rosenblum', with a stylized flourish at the end.

Howard A. Rosenblum  
NAD Chief Executive Officer

CC: Alex Azar – Secretary, Health and Human Services; Chairman, the President's Task Force on the Novel Coronavirus  
Neil Romano – Chairman, National Council on Disability

# **Exhibit D**



March 27, 2020

The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear White House Press Staff:

It has come to the attention of the Linguistic Society of America (LSA), that the requirements of equal language accessibility for all deaf and hard of hearing viewers, during crucial COVID-19 press briefings, are failing to be met. There is a large population of Americans that rely on American Sign Language (ASL) as their primary mode of communication. Please note that solely relying on closed-captioning is not an option for all ASL users, and that a certified sign language interpreter (who must remain visible during the entirety of each briefing) is necessary. Failing to provide this method of communication leaves many deaf and hard of hearing Americans vulnerable due to the inevitability of a communication breakdown.

Please review [best practices](#) for effective communication at emergency press briefings. Information shared about this serious disease outbreak must be made accessible at the time of the release, not afterwards. Failing to make this information available in ASL means that deaf people are not getting the same important information about health and safety.

We are requesting that The White House staff provide a certified and qualified sign language interpreter for ALL news and announcements involving COVID-19 messaging. This is not only the right thing to do but is also required by federal law, pursuant to the Americans with Disabilities Act and the Rehabilitation Act of 1973.

Like everyone else, the deaf community is concerned about this outbreak but is often the last to know about vital updates, due to lack of equal and rightful communication access.

Sincerely,

A handwritten signature in cursive script that reads 'Alyson Reed'.

Alyson Reed  
Executive Director

CC: SUBMIT@NAD.ORG

# **Exhibit E**

# Congress of the United States

## Washington, DC 20510

April 21, 2020

The Honorable Mike Pence  
Vice President of the United States  
White House Coronavirus Task Force  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Vice President Pence:

We write to request that the White House Coronavirus Task Force use qualified, fully-visible American Sign Language (ASL) interpreters during public briefings on the coronavirus.

Deaf and hard of hearing Americans across the country have expressed their frustration about inaccessible information due to the lack of interpreters on screen. They are not receiving access to public health information from Task Force briefings as they broadcast live. Closed captioning is accessible to many deaf and hard of hearing people, but many other deaf or hard of hearing people use ASL as their primary language and it is a language of its own distinct from English. Many of them are not able to understand anything released by the White House. During this public health crisis, if any group is at risk, we are all at risk.

The National Council on Disability, the independent federal agency tasked with making recommendations on federal disability policy, and many organizations and advocacy groups, including the National Association of the Deaf, have also called upon the White House to include ASL interpreters at daily briefings. While all 50 Governors across the country include ASL interpreters during their coronavirus briefings, the White House has yet to incorporate this important accessibility in their coronavirus updates during this public health crisis.

Over a month ago, on March 12, 34 Senators sent you a letter (attached) and asked you and the Task Force to ensure that American Sign Language interpreters are available during all public briefings and communications. The Senators have not received a response from you or the Task Force, and ASL interpreters have not been present at the briefings.

The coronavirus poses increased threats and barriers to individuals with disabilities – receiving vital public health information from the federal government should not be one of them. We must

ensure that every group has equal access to public health information to help our communities across the country prevent any further spread of this virus.

We look forward to your response.

Sincerely,

/s/Sherrod Brown

---

Sherrod Brown  
United States Senator

/s/Bob Casey

---

Robert P. Casey Jr.  
United States Senator

/s/Donna Shalala

---

Donna Shalala  
United States Representative

cc:

Dr. Deborah L. Birx  
Coronavirus Response Coordinator  
White House Coronavirus Task Force

## CIVIL COVER SHEET

JS-44 (Rev. 6/17 DC)

|                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>I. (a) PLAINTIFFS</b><br>National Association of the Deaf; Graham Forsey; Carlton Strail; Debra Fleetwood; John Rivera, Jr.; Corey Axelrod<br><br>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____<br>(EXCEPT IN U.S. PLAINTIFF CASES)                                            | <b>DEFENDANTS</b><br>Donald J. Trump, in his official capacity as President of the United States; Executive Office of the President; The White House Office; Office of the Vice President; Kayleigh McEnany, in her official capacity as Press Secretary to the President of the United States.<br><br>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u><br>(IN U.S. PLAINTIFF CASES ONLY)<br><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small> |
| (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)<br>Ian S. Hoffman, Nora Ellingsen, ARNOLD & PORTER KAYE SCHOLER LLP, 601 Massachusetts Avenue NW, Washington, DC, 20001<br><br>Marc Charmatz, NAD LAW AND ADVOCACY CENTER, 8630 Fenton Street, Suite 820, Silver Spring, MD, 20910 | ATTORNEYS (IF KNOWN)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| <b>II. BASIS OF JURISDICTION</b><br>(PLACE AN x IN ONE BOX ONLY) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="radio"/> 1 U.S. Government Plaintiff         </div> <div style="width: 48%;"> <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)         </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="radio"/> 2 U.S. Government Defendant         </div> <div style="width: 48%;"> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)         </div> </div> | <b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table> |                         | PTF                                                           | DFT                     |                         | PTF | DFT | Citizen of this State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State | <input type="radio"/> 4 | <input type="radio"/> 4 | Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 | Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 |
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| Citizen of this State                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="radio"/> 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="radio"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="radio"/> 4 | <input type="radio"/> 4 |     |     |                       |                         |                         |                                                           |                         |                         |                          |                         |                         |                                                               |                         |                         |                                         |                         |                         |                |                         |                         |
| Citizen of Another State                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="radio"/> 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="radio"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="radio"/> 5 | <input type="radio"/> 5 |     |     |                       |                         |                         |                                                           |                         |                         |                          |                         |                         |                                                               |                         |                         |                                         |                         |                         |                |                         |                         |
| Citizen or Subject of a Foreign Country                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="radio"/> 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="radio"/> 3 | Foreign Nation                                                | <input type="radio"/> 6 | <input type="radio"/> 6 |     |     |                       |                         |                         |                                                           |                         |                         |                          |                         |                         |                                                               |                         |                         |                                         |                         |                         |                |                         |                         |

## IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

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| <input type="radio"/> <b>A. Antitrust</b><br><br><input type="checkbox"/> 410 Antitrust | <input type="radio"/> <b>B. Personal Injury/Malpractice</b><br><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Medical Malpractice<br><input type="checkbox"/> 365 Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Product Liability | <input type="radio"/> <b>C. Administrative Agency Review</b><br><br><input type="checkbox"/> 151 Medicare Act<br><br><u>Social Security</u><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><u>Other Statutes</u><br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved) | <input checked="" type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b><br><br>Any nature of suit from any category may be selected for this category of case assignment.<br><br>*(If Antitrust, then A governs)* |
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| <u>Real Property</u><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent, Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property<br><br><u>Personal Property</u><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <u>Bankruptcy</u><br><input type="checkbox"/> 422 Appeal 27 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><br><u>Prisoner Petitions</u><br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Conditions<br><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement<br><br><u>Property Rights</u><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark | <u>Federal Tax Suits</u><br><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)<br><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609<br><br><u>Forfeiture/Penalty</u><br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><br><u>Other Statutes</u><br><input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 430 Banks & Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions<br><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Satellite TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes<br><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="radio"/> <b>G. Habeas Corpus/ 2255</b><br><br><input type="checkbox"/> 530 Habeas Corpus – General<br><input type="checkbox"/> 510 Motion/Vacate Sentence<br><input type="checkbox"/> 463 Habeas Corpus – Alien Detainee                                                                                                                                                                              | <input type="radio"/> <b>H. Employment Discrimination</b><br><br><input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)<br><br>*(If pro se, select this deck)*                                                                                                                                                                            | <input type="radio"/> <b>I. FOIA/Privacy Act</b><br><br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)<br><br>*(If pro se, select this deck)*                                                                                                                                                                                                                                                                                                                                                                         | <input type="radio"/> <b>J. Student Loan</b><br><br><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans) |
| <input type="radio"/> <b>K. Labor/ERISA (non-employment)</b><br><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 740 Labor Railway Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="radio"/> <b>L. Other Civil Rights (non-employment)</b><br><br><input type="checkbox"/> 441 Voting (if not Voting Rights Act)<br><input type="checkbox"/> 443 Housing/Accommodations<br><input checked="" type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 445 Americans w/Disabilities – Employment<br><input type="checkbox"/> 446 Americans w/Disabilities – Other<br><input type="checkbox"/> 448 Education | <input type="radio"/> <b>M. Contract</b><br><br><input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholder's Suits<br><input type="checkbox"/> 190 Other Contracts<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <input type="radio"/> <b>N. Three-Judge Court</b><br><br><input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)       |

**V. ORIGIN**  
☒ 1 Original Proceeding  
 ☐ 2 Removed from State Court  
 ☐ 3 Remanded from Appellate Court  
 ☐ 4 Reinstated or Reopened  
 ☐ 5 Transferred from another district (specify)  
 ☐ 6 Multi-district Litigation  
 ☐ 7 Appeal to District Judge from Mag. Judge  
 ☐ 8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 29 U.S.C. §794 (and others) based on failure to provide ASL interpretation for deaf viewers of televised COVID-19 briefings

|                                     |                                                                            |                                                                     |                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>VII. REQUESTED IN COMPLAINT</b>  | CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/> | DEMAND \$ _____                                                     | JURY DEMAND: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |
| <b>VIII. RELATED CASE(S) IF ANY</b> | (See instruction)                                                          | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | If yes, please complete related case form                                        |

|                |                                                     |
|----------------|-----------------------------------------------------|
| DATE: 8/3/2020 | SIGNATURE OF ATTORNEY OF RECORD: /s/ Ian S. Hoffman |
|----------------|-----------------------------------------------------|

**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

## District of Columbia

Civil Action No. 20-cv-2107

Signature of Clerk or Deputy Clerk

Civil Action No. 20-cv-2107

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**

Signature of Clerk or Deputy Clerk

Civil Action No. 20-cv-2107

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**

AO 440 (Rev. 06/12; DC 3/15) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

District of Columbia

NATIONAL ASSOCIATION OF THE DEAF, BERTHA  
LEWIS, CARLTON STRAIL, DEBRA FLEETWOOD,  
JOHN RIVERA, JR., and COREY AXELROD

*Plaintiff(s)*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, et al.,

*Defendant(s)*

Civil Action No. 20-cv-2107

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* The White House Office,  
1600 Pennsylvania Avenue NW,  
Washington, DC 20500

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Ian S. Hoffman  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Avenue NW  
Washington, DC 20001

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. 20-cv-2107

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

’ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

’ I left the summons at the individual’s residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_ , a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_ , and mailed a copy to the individual’s last known address; or

’ I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

’ I returned the summons unexecuted because \_\_\_\_\_ ; or

’ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server’s signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server’s address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

## District of Columbia

Civil Action No. 20-cv-2107

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*Signature of Clerk or Deputy Clerk*

Civil Action No. 20-cv-2107

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

Print

Save As...

Reset

## District of Columbia

Civil Action No. 20-cv-2107

To: *(Defendant's name and address)* Kayleigh McEnany, in her official capacity as Press Secretary to the President of the United States  
1600 Pennsylvania Avenue NW,  
Washington, DC 20500

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Ian S. Hoffman

*Signature of Clerk or Deputy Clerk*

Civil Action No. 20-cv-2107

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Print**

**Save As...**

**Reset**