

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

ANSWER

Defendants Georgia Department of Community Supervision and Michael Nail
answer the complaint as follows:

FIRST DEFENSE

The complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Some or all of Plaintiffs' claims may be barred by laches.

THIRD DEFENSE

Some or all of Plaintiffs' claims may be barred by waiver and/or estoppel.

FOURTH DEFENSE

Plaintiffs' claims are barred by sovereign immunity under the Eleventh
Amendment to the U.S. Constitution.

FIFTH DEFENSE

Some or all of Plaintiffs' claims are moot. As a result, this Court lacks jurisdiction.

SIXTH DEFENSE

If Plaintiffs' complaint is construed to plead any claims against Defendant Nail for damages, they are barred by qualified immunity.

SEVENTH DEFENSE

Some or all Plaintiffs' claims are barred by applicable statutes of limitations.

EIGHTH DEFENSE

If Plaintiffs' complaint is construed to plead any state law claims against Defendant Nail, they are barred by his governmental or official immunity.

NINTH DEFENSE

Defendants respond as follows to the numbered paragraphs of the amended complaint:

1. Defendants deny paragraph 1.
2. Defendants admit that each Plaintiff claims some hearing loss and all are on probation or parole, under the supervision of the Georgia Department of Community Supervision (DCS). Defendants admit that Michael Nail is the Commissioner of DCS. Defendants deny all other allegations of paragraph 2.

3. Defendants are without sufficient knowledge or information to form a belief as to the truth of the statements by Plaintiffs regarding their preferred languages, the nature of American Sign Language (ASL), English capabilities of deaf persons, and other representations regarding written documents. Defendants deny all other allegations of paragraph 3.
4. Defendants deny paragraph 4.
5. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 5.
6. Defendants admit that persons on probation and parole are required to comply with the conditions of their supervision. Defendants deny all other allegations of paragraph 6.
7. Defendants deny paragraph 7.
8. Defendants deny paragraph 8.
9. Defendants admit that persons on probation and parole are required to comply with the conditions of their supervision. Defendants deny all other allegations of paragraph 9.
10. Defendants admit that persons on probation and parole are required to comply with the conditions of their supervision. Defendants deny all other allegations of paragraph 10.

11. Defendants deny paragraph 11.
12. Defendants deny paragraph 12.
13. Defendants deny paragraph 13.
14. Defendants deny paragraph 14.
15. Defendants admit the nature of Plaintiffs' claims but deny that Plaintiffs are entitled to the relief they seek. Defendants deny all other allegations of paragraph 15.
16. Defendants admit paragraph 16.
17. Defendants admit paragraph 17.
18. Defendants admit paragraph 18.
19. Defendants deny Plaintiffs' allegation regarding cultural deafness. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 19.
20. Defendants admit that ASL is a language used by some persons with hearing loss. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 20.
21. Defendants deny paragraph 21.
22. Defendants deny paragraph 22.
23. Defendants admit that Cobb is subject to DCS supervision and has served a prison sentence. Defendants deny that Cobb requires a team of interpreters

and that he has experienced violations of law. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 23.

24. Defendants admit that Herrera is subject to DCS supervision and has served a prison sentence. Defendants deny that Herrera requires a team of interpreters and that he has experienced violations of law. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 24.

25. Defendants admit that Coen is subject to DCS supervision and has served a prison sentence. Defendants deny that Coen has experienced violations of law. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 25.

26. Defendants admit that Nettles is subject to DCS supervision and has served a prison sentence. Defendants deny that Nettles has experienced violations of law. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 26.

27. Defendants admit that Wilson is subject to DCS supervision and has served a prison sentence. Defendants deny that Wilson has experienced violations of law. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 27.

28. Defendants admit that Woody is subject to DCS supervision and has served a prison sentence. Defendants deny that Woody has experienced violations of law. Defendants are without sufficient knowledge or information to form a belief as to the truth of all other allegations of paragraph 27.
29. Defendants admit that DCS is an agency of the State of Georgia and supervises persons on probation and parole in Georgia. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 29.
30. Defendants admit that Nail is Commissioner of DCS. Defendants admit that he is required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 30.
31. Defendants deny that DCS supervises all aspects of the Georgia Sex Offenders Registry. Defendants admit all other allegations of paragraph 31.
32. Defendants admit that offenders on probation and parole are required to comply with reporting requirements. Defendants admit that sex offenders are required to comply with reporting requirements. Defendants deny all other allegations of paragraph 32.
33. Defendants admit that effective communication is necessary. Defendants deny

all other allegations of paragraph 33.

34. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 34.
35. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 35.
36. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 36.
37. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 37.
38. Defendants deny paragraph 38.
39. Defendants deny paragraph 39.
40. Defendants admit that persons with hearing loss have a variety of communication needs. Defendants deny all other allegations of paragraph 40.
41. Defendants deny paragraph 41.
42. Defendants deny paragraph 42.
43. Defendants deny paragraph 43.

44. Defendants admit that persons with hearing loss have a variety of communication needs. Defendants deny all other allegations of paragraph 44.
45. Defendants deny paragraph 45.
46. Defendants admit that Woody is required to comply with the conditions of his supervision. Defendants deny all other allegations of paragraph 46.
47. Defendants deny paragraph 47.
48. Defendants admit that Video Relay Service (VRS) has been used several times to assist in effective communications with Woody. Defendants deny all other allegations of paragraph 48.
49. Defendants admit that DCS has provided Woody with an ASL interpreter at meetings. Defendants deny all other allegations of paragraph 49.
50. Defendants deny paragraph 50.
51. Defendants deny paragraph 51.
52. Defendants deny paragraph 52.
53. Defendants admit that DCS has provided Cobb with a hearing interpreter. Defendants deny all other allegations of paragraph 53.
54. Defendants deny paragraph 54.
55. Defendants deny paragraph 55.
56. Defendants deny paragraph 56.
57. Defendants deny paragraph 57.

58. Defendants admit that Plaintiffs seek class action status. Defendants deny that Plaintiffs are entitled to that status.
59. Defendants admit that Plaintiffs seek class action status. Defendants deny that Plaintiffs are entitled to that status.
60. Defendants admit that Plaintiffs seek class action status. Defendants deny that Plaintiffs are entitled to that status.
61. Defendants deny paragraph 61.
62. Defendants deny paragraph 62.
63. Defendants reassert their responses to the previous paragraphs of the complaint.
64. Defendants show the Court that the provisions of the ADA speak for themselves. Defendants deny all other allegations of paragraph 64.
65. Defendants admit that each Plaintiff has some hearing loss. Defendants deny all other allegations of paragraph 65.
66. Defendants admit paragraph 66.
67. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws. Defendants deny all other allegations of paragraph 67.
68. Defendants admit that they are required to comply with the Americans with Disabilities Act (ADA), the Rehabilitation Act, and other applicable laws.

Defendants deny all other allegations of paragraph 68.

69. Defendants deny paragraph 69.

70. Defendants deny paragraph 70.

71. Defendants deny paragraph 71.

72. Defendants reassert their responses to the previous paragraphs of the complaint.

73. Defendants show the Court that the provisions of the Rehabilitation Act speak for themselves. Defendants deny all other allegations of paragraph 64.

74. Defendants admit that each Plaintiff has some hearing loss. Defendants are without sufficient knowledge or information to form as to the belief of all other allegations of paragraph 74.

75. Defendants admit paragraph 75.

76. Defendants admit paragraph 76.

77. Defendants show the Court that the provisions of the Rehabilitation Act speak for themselves. Defendants deny all other allegations of paragraph 77.

78. Defendants show the Court that the provisions of the Rehabilitation Act speak for themselves. Defendants deny all other allegations of paragraph 78.

79. Defendants deny paragraph 79.

80. Defendants deny paragraph 80.

81. Defendants admit that Plaintiffs seek class action status. Defendants deny that

Plaintiffs are entitled to that status.

82. Defendants reassert their responses to the previous paragraphs of the complaint.
83. Defendants show the Court that the provisions of the law speak for themselves. Defendants deny all other allegations of paragraph 83.
84. Defendants show the Court that the provisions of the law speak for themselves. Defendants deny all other allegations of paragraph 84.
85. Defendants deny paragraph 85.
86. Defendants deny paragraph 86.
87. Defendants deny paragraph 87.
88. Defendants deny paragraph 88.
89. Defendants deny paragraph 89.
90. Defendants deny paragraph 90.
91. Defendants admit that Plaintiffs seek class action status. Defendants deny that Plaintiffs are entitled to that status.
92. All allegations of the complaint not specifically referred to are denied.
93. Defendants deny that Plaintiffs are entitled to any of the relief they seek.

WHEREFORE, Defendants demand that the complaint be dismissed, judgment be entered in Defendants' favor, all costs be cast upon Plaintiffs, and that

Defendants have such other and further relief as the Court deems appropriate.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing ANSWER with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record, including the following:

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This 29th day of August, 2019.

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