

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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CLERK

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DEANNA L. JONES,

Plaintiff,

v.

NATIONAL CONFERENCE OF BAR
EXAMINERS AND ACT, INC.,

Defendants.

Civil Action

Docket No. 5:11-CV-174

COMPLAINT

INTRODUCTION

1. Plaintiff Deanna L. Jones brings this action against the National Conference of Bar Examiners ("NCBE"), which owns, develops and offers the Multistate Professional Responsibility Examination ("MPRE"), and ACT, Inc. ("ACT"), which administers the MPRE under contract with NCBE. Plaintiff brings this action for violations of the Americans with Disabilities Act of 1990, as amended ("ADA"), 42 U.S.C. § 12101, *et seq.*

2. NCBE contracts with ACT to administer the MPRE three times annually, as well as to evaluate requests for accommodations on the test. The Vermont Board of Bar Examiners, along with all but two other states, requires applicants for admission to the bar to successfully pass the MPRE.

3. Ms. Jones is a legally blind and learning-disabled law school student who has registered to take the MPRE in August 2011. To accommodate her disability, Ms. Jones timely asked ACT to allow her to take the MPRE on a computer equipped with Kurzweil 3000 ("K3000") and ZoomText screen access software. Screen access software programs,

also called “screen readers,” magnify and/or vocalize text, offer a variety of features that allow easy navigation within a text, and enable the speed, volume and timbre of vocalization to be controlled by the user for maximum comprehension and retentive effect. For blind individuals who have not mastered Braille, screen access software is the principal method for gaining access to textual information. Ms. Jones uses these auxiliary aids in combination as her primary reading method. She has taken all her law school exams, and completed all her law school reading assignments, using K3000 and ZoomText in combination.

4. On or about June 17, 2011, Ms. Jones applied to take the August 2011 administration of the MPRE and requested that ACT and NCBE accommodate her blindness and learning disability by permitting her to use K3000 and ZoomText screen access software on the test. NCBE typically refuses to make the MPRE available in a format that can be used with screen access software absent a court order.

5. On June 29, 2011, ACT, Inc. advised Ms. Jones it will not allow her to take the MPRE on a computer equipped with K3000 and ZoomText for the August 2011 administration. It further denied her requests for a talking clock and for scrap paper.

6. Defendants’ refusal to allow Ms. Jones her requested accommodations violates her rights under the ADA and threatens her with irreparable harm to her career, to her professional development, and to her right to take the MPRE without being subjected to unlawful discrimination and the stigma and humiliation that result from such discrimination. Without injunctive relief from the Court, Ms. Jones could only take the MPRE at a competitive disadvantage to her peers that would unlawfully burden her attempt to obtain her license to practice law. Ms. Jones has no adequate remedy at law.

7. Ms. Jones seeks declaratory and injunctive relief to compel Defendants to

provide the MPRE in a format that allows her to use her primary reading method, to wit, in electronic format on a computer equipped with K3000 and ZoomText screen access software. Provision of the exam in this format is necessary to best ensure that Ms. Jones' results on the MPRE will accurately reflect her knowledge and understanding of established standards related to a lawyer's professional conduct rather than reflect her sensory disability. The alternative accommodations that Defendants routinely offer, such as an audio CD or a human reader, are insufficient in that they would deny Ms. Jones the opportunity to compete on an equal basis.

JURISDICTION

8. This is an action for declaratory and injunctive relief brought pursuant to the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.

9. This Court has jurisdiction to issue injunctive relief and a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

VENUE

10. Pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(c), venue is proper in the District in which this Complaint is filed because Defendants' discriminatory conduct is taking place within Vermont and because the events and omissions giving rise to this claim have occurred and are occurring within Vermont.

PARTIES

11. Plaintiff Deanna L. Jones, a resident of Middlesex, Vermont, is a student in the J.D. program at Vermont Law School who will begin her fourth and final year in the program this fall. Like many of her peers, Ms. Jones has planned to take the MPRE in August 2011,

which will allow her to prepare for the exam without neglecting her school work during the semester or her preparation for the full bar exam in summer 2012. Ms. Jones has been legally blind since she was five years old. Her blindness is caused by atypical retinitis pigmentosa with macular degeneration. This condition causes a degeneration of central vision, coupled with the loss of peripheral vision and night vision, and will eventually result in total blindness. Ms. Jones has also been diagnosed with a learning disability that significantly compromises the rate at which she reads and writes. She faces irreparable harm because Defendants will not administer the MPRE in a manner that will ensure that the results accurately reflect her aptitude and achievement level rather than her disability. Passing the MPRE is a requirement to secure a license to practice law in Vermont for anyone who, like Ms. Jones, is not licensed elsewhere.

12. Defendant National Conference of Bar Examiners is a multimillion-dollar corporation that owns, develops and controls various tests relating to the licensing of law school students and graduates seeking admission to the bar. Its mission includes assisting bar admission authorities by providing standardized examinations for the testing of applicants for admission to the practice of law. NCBE is headquartered in Madison, Wisconsin, but offers the MPRE in most jurisdictions, including Vermont. NCBE determines the formats (print, Braille, electronic document, etc.) in which the MPRE is offered and the accommodations that are available to examinees with disabilities. NCBE currently offers two examinations in electronic format to examinees with disabilities, the Multistate Performance Test and the Multistate Essay Examination, but it will not provide the MPRE in an electronic format absent a court order.

13. Defendant ACT, Inc. is a large organization that provides a broad array of

assessment, research, information, and program management services in the area of education — particularly standard testing. ACT is headquartered in Iowa City, Iowa, but operates its programs and, under contract with NCBE, assists in administering the MPRE in nearly every state, including Vermont.

FACTUAL ALLEGATIONS

14. Plaintiff Deanna L. Jones has been legally blind since she was five years old. She is blind as a result of atypical retinitis pigmentosa with macular degeneration. Because of this condition, Ms. Jones cannot read standard print. She retains some residual vision, which enables her to see greatly magnified text, but cannot read enlarged text for a sustained period without suffering motion sickness and eye fatigue.

15. In 2000, Ms. Jones first had a learning evaluation, which led her clinician to conclude that she has a learning disability. This diagnosis was confirmed in March 2011. Due to her learning disability, Ms. Jones has information processing weaknesses specific to visual processing speed and auditory attention and memory systems as well as weaknesses in phonological decoding/encoding, grammar, and some aspects of higher level verbal reasoning. In combination, the characteristics of her learning disability significantly compromise her listening comprehension and reading comprehension, as well as the rate at which she reads and writes.

16. Since 2003, Ms. Jones has used the screen access software Kurzweil 3000 and ZoomText in combination to perform all academic and complex reading tasks. She developed this primary reading method in consultation with an assistive technology specialist, on the recommendation of her clinicians. K3000 reads aloud the text of an electronic document while highlighting the word and paragraph of text being read. While K3000 vocalizes the

text, Ms. Jones uses ZoomText to magnify the text display onscreen to understand organizational elements, locate specific phrases or words she needs to repeat, and to place the text in a visual context. This reading method enables Ms. Jones to read fluently, independently and with automaticity, much as a sighted person reads print.

17. Ms. Jones completed one year of undergraduate education at Kutztown University in Kutztown, Pennsylvania. But she left this program in 1986 because her then-undiagnosed auditory memory deficiency, coupled with her blindness, made reading and retaining printed text too difficult to keep up in an academic program.

18. In 2003, after Ms. Jones was armed with assistive technology that made printed text accessible to her, Ms. Jones began her undergraduate studies at Vermont College of Union Institute & University. In college, Ms. Jones used her primary reading method, K3000 together with ZoomText, to complete all reading assignment and papers required by the curriculum. The program did not require students to take examinations. Ms. Jones obtained her Bachelor of Arts degree in April 2007.

19. In 2008, Ms. Jones entered Vermont Law School. At Vermont Law School, Ms. Jones uses her primary reading method, K3000 and ZoomText, to take all examinations and complete all reading assignments. She is also permitted to take timed examinations with triple time and breaks every four hours. To date, Ms. Jones has completed 63 out of the required 87 semester hours, has a cumulative grade point average of 3.208, and is on schedule to graduate in May 2012.

20. Ms. Jones' rudimentary ability to read Braille materials falls far short of the Braille skills necessary to read complex legal materials, much less take an examination that tests her legal knowledge. She has also never used an audio CD to take an examination. Ms.

Jones' experience with a human reader on the LSAT established that a human reader provides her with a reading facility substantially inferior to that which she can achieve with K3000 and ZoomText.

21. Using a human reader or audio CD to read the complex passages of text that comprise the MPRE would significantly decrease Ms. Jones' ability to read and comprehend that material. Those accommodations would not have the visual input that she requires to comprehend complex material and would not provide her with the automaticity, independent ability to navigate a document, controlled reading speed, visual context, and reading fluency that she relies upon when using K3000 and ZoomText.

22. On or about June 17, 2011, Ms. Jones timely submitted to ACT, Inc. a request for accommodations for the August 2011 administration of the MPRE. Among other accommodations, Ms. Jones requested the use of a computer equipped with K3000 and ZoomText screen access software to take the MPRE. Ms. Jones submitted all required documentation supporting her need for these accommodations.

23. On or about June 17, 2011, counsel for Ms. Jones, knowing that NCBE does not authorize ACT, Inc. to make the MPRE available in an electronic format, inquired of counsel for NCBE whether it would undertake an individualized inquiry regarding the suitability of the accommodations requested by Ms. Jones, or whether NCBE planned to deny Ms. Jones' requested accommodations for the MPRE, following its established practice of denying requests to take the test with screen access software. On June 20, counsel for NCBE responded, and would not agree that NCBE would undertake an individualized inquiry as to Ms. Jones' accommodations request. Instead, NCBE's counsel indicated that ACT would handle Ms. Jones' request for accommodations. On June 27, 2011, counsel for Ms. Jones

inquired of counsel for NCBE whether NCBE would authorize ACT, Inc. to make available the accommodations Ms. Jones has requested. Counsel for NCBE replied that NCBE would not involve itself in ACT, Inc.'s response to Ms. Jones' request for accommodations.

24. On June 29, 2011, ACT, Inc. denied Ms. Jones' request to take the MPRE on a computer equipped with K3000 and ZoomText and suggested that she consider unspecified alternative accommodations. Ms. Jones promptly replied, explaining that the alternatives that ACT, Inc. routinely offers – Braille, magnified print, CCTV, human reader and audio CD – would not adequately address her disabilities, but that if ACT, Inc. was proposing any other accommodations to respond before the close of business on June 30, 2011.

25. Ms. Jones is and will continue to be significantly harmed by NCBE's and ACT Inc.'s refusal to offer her the MPRE so as to best ensure that the test results reflect that which the test is designed to measure rather than Ms. Jones' visual impairment and learning disability.

FIRST CAUSE OF ACTION

VIOLATION OF THE ADA

Plaintiff re-alleges and incorporates herein all previously alleged paragraphs of the complaint.

26. The term "disability" includes, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual. 42 U.S.C. §12102(2)(A). Plaintiff Deanna L. Jones is an individual with a disability within the meaning of 42 U.S.C. § 12102(2) and 28 C.F.R. §§ 35.104 and 36.104.

27. The ADA prohibits discrimination by private entities, including those that offer professional licensing examinations, such as NCBE and ACT, Inc.

28. The ADA requires private entities that offer standardized examinations “related to . . . applications, licensing, certification, or credentialing for . . . postsecondary education [or] professional . . . purposes” to do so in a “place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.” 42 U.S.C. § 12189; 28 C.F.R. §36.309(a). NCBE and ACT are such entities and the MPRE is such an examination.

29. The regulation implementing this section of the ADA provides, *inter alia*, that a private entity that offers such examinations

must assure that . . . [t]he examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual’s aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual’s impaired sensory, manual, or speaking skills

28 C.F.R. § 36.309(b)(1)(i).

30. The ADA regulations covering examinations such as the MPRE require, *inter alia*, “adaptation of the manner in which the examination is given.” 28 C.F.R. § 36.309(b)(2). The entity offering the examination must, among other things, “provide appropriate auxiliary aids” unless the entity “can demonstrate that offering a particular auxiliary aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden.” 28 C.F.R. § 36.309(b)(3).

31. Unless Ms. Jones takes the MPRE in an electronic format with Kurzweil 3000 and ZoomText screen access software, her results will not accurately reflect what the examination purports to measure, but will instead reflect her impaired sensory and processing skills.

32. Defendants' conduct constitutes an ongoing and continuous violation of the ADA and its supporting regulations. Unless restrained from doing so, NCBE and ACT will continue to violate the ADA. Unless enjoined, Defendants' conduct will continue to inflict injuries for which Plaintiff has no adequate remedy at law.

33. Unless the requested relief is granted, Ms. Jones will suffer irreparable harm in that she will be discriminated against and denied equal access to the MPRE, and be unlawfully burdened in seeking admission to the legal profession in Vermont.

34. The ADA authorizes injunctive relief as appropriate to remedy acts of discrimination against persons with disabilities. 42 U.S.C. § 12188(a)(1).

35. Ms. Jones is entitled to injunctive relief, as well as reasonable attorney's fees and costs.

WHEREFORE, Plaintiff request relief as set forth below.

RELIEF REQUESTED

Plaintiff prays for judgment as follows:

1. A declaration that Ms. Jones is entitled to take the MPRE using a computer equipped with screen access software and that Defendants, by denying this accommodation, offer and administer the MPRE in a manner that discriminates against Ms. Jones as a person with a disability;

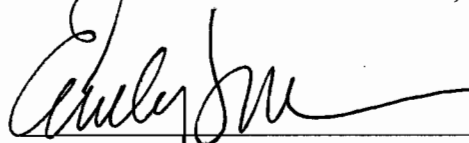
2. Preliminary and final injunctive relief requiring Defendants to provide Ms. Jones the opportunity to take the August 2011 administration of the MPRE in an electronic format on a computer equipped with Kurzweil 3000 and ZoomText screen access software, as she has requested and to which she is entitled;

3. An award of Plaintiff's reasonable attorneys' fees and costs; and

4. Such other and further relief as the Court deems just and proper.

Dated at Middlebury, Vermont, this 14 day of July, 2011.

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JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service 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. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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| <p>I. (a) PLAINTIFFS Deanna L. Jones</p> <p>(b) County of Residence of First Listed Plaintiff <u>Middlesex</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) <u>802-388-6356</u> Emily J. Joselson, Esq. & Michele B. Patton, Esq., Langrock Sperry & Wool, LLP, P.O. Drawer 351, Middlebury, VT 05753-0351</p> | <p>DEFENDANTS National Conference of Bar Examiners and ACT, Inc.</p> <p>County of Residence of First Listed Defendant <u>Dane Cnty., Wisconsin</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known) <u>202-662-4513</u> Robert A. Burgoyne, Esq., Fulbright & Jaworski LLP, Atty. for NCBE, 801 Pennsylvania Avenue, NW, Washington, DC 20004</p> |
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| <p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
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| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | | | | |
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| CONTRACT | TORTS | PERSONAL INJURY | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | | | |
| <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | | | |

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Sec. 12101 et seq.

Brief description of cause:
violation of 42 USC Sec. 12101 et seq. for discrimination in testing accommodations

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 7/1/11 SIGNATURE OF ATTORNEY OF RECORD Emily Joselson

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT 350.00 APPLYING IFP _____ JUDGE CR MAG. JUDGE _____

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